

1                   A bill to be entitled  
2           An act relating to motor vehicle liability insurance;  
3           amending s. 324.011, F.S.; revising legislative intent  
4           with respect to financial responsibility for the  
5           damages caused by the operation of a motor vehicle;  
6           amending ss. 324.021 and 324.022, F.S.; increasing  
7           financial responsibility limits with respect to bodily  
8           injury or death; conforming provisions to changes made  
9           by the act; amending s. 324.0221, F.S.; requiring  
10          insurers to submit information to the Department of  
11          Highway Safety and Motor Vehicles and to notify  
12          insureds about bodily injury insurance rather than  
13          personal injury protection coverage; amending s.  
14          324.031, F.S.; increasing the financial responsibility  
15          limits for motor vehicle liability; amending s.  
16          324.071, F.S.; conforming provisions to changes made  
17          by the act; amending s. 324.161, F.S.; increasing the  
18          amount required for a surety bond or deposit; amending  
19          s. 324.171, F.S.; revising the required threshold  
20          limit for self-insurers; repealing s. 627.730, F.S.,  
21          providing citation to the Florida Motor Vehicle No-  
22          Fault Law; repealing s. 627.731, F.S., relating to the  
23          purpose of the No-Fault Law; repealing s. 627.7311,  
24          F.S., relating to the effect of law on personal injury  
25          protection policies; amending s. 627.732, F.S.;  
26          deleting definitions relating to the no-fault law;  
27          amending s. 627.733, F.S.; deleting security  
28          requirements with respect to no-fault coverage to

29 substitute security requirements under ch. 324, F.S.;  
30 amending s. 627.734, F.S.; conforming cross-  
31 references; renumbering and amending s. 627.7401,  
32 F.S.; applying notice requirements to bodily injury  
33 and property damage liability security instead of  
34 personal injury protection; creating s. 627.7355,  
35 F.S.; requiring all claims relating to personal injury  
36 to be brought in a single action; repealing s.  
37 627.736, F.S., relating to personal injury protection  
38 benefits; repealing s. 627.737, F.S., relating to  
39 exemption from tort liability for persons maintaining  
40 personal injury protection coverage; repealing s.  
41 627.739, F.S., relating to personal injury protection  
42 deductibles; repealing s. 627.7403, F.S., relating to  
43 the mandatory joinder of derivative claims; repealing  
44 s. 627.7405, F.S., relating to the insurers' right of  
45 reimbursement; repealing s. 627.7407, F.S., relating  
46 to the application of the No-Fault Law; repealing ss.  
47 15 and 16 of chapter 2012-197, Laws of Florida,  
48 requiring the Office of Insurance Regulation to  
49 contract for a study and perform a data call relating  
50 to changes made to the No-Fault Law in 2012; amending  
51 ss. 318.18, 320.02, 320.0609, 320.27, 320.771,  
52 322.251, 400.9905, 400.991, 400.9935, 409.901,  
53 409.910, 456.057, 456.072, 626.9541, 626.989,  
54 626.9895, 627.06501, 627.0652, 627.0653, 627.4132,  
55 627.6482, 627.7263, 627.727, 627.7275, 627.728,  
56 627.7295, 627.8405, 627.915, 628.909, 705.184, 713.78,

57 and 817.234 F.S.; conforming provisions to changes  
 58 made by the act by removing references to personal  
 59 injury protection and the Florida Motor Vehicle No-  
 60 Fault Law; making technical changes; conforming cross-  
 61 references; providing for the termination of personal  
 62 injury protection policies and the requirement for  
 63 maintaining minimum security requirements that allow a  
 64 person to respond to property damage and bodily injury  
 65 by a certain date; requiring the insurer to notify the  
 66 insured about such changes by a certain date;  
 67 providing for applicability of suspensions for failure  
 68 to maintain security; providing an effective date.

69

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

71

72 Section 1. Section 324.011, Florida Statutes, is amended  
 73 to read:

74

75 324.011 Legislative intent and purpose of chapter.—It is  
 76 the intent of this chapter that the privilege of owning and  
 77 operating a motor vehicle be exercised to recognize the existing  
 78 privilege to own or operate a motor vehicle on the public  
 79 streets and highways of this state when such vehicles are used  
 80 with due consideration for others and their property in order,  
 81 and to promote safety and provide financial security  
 82 requirements for such owners or operators whose responsibility  
 83 it is to recompense others for injury to person or property  
 84 caused by the operation of a motor vehicle. Therefore, this  
chapter requires it is required herein that the owner or

85 operator of a motor vehicle establish, maintain, involved in a  
 86 ~~crash or convicted of certain traffic offenses meeting the~~  
 87 ~~operative provisions of s. 324.051(2) shall respond for such~~  
 88 ~~damages~~ and show proof of financial ability to respond for  
 89 damages arising out of the use of a motor vehicle in future  
 90 ~~accidents~~ as a requisite to his or her ~~future~~ exercise of such  
 91 privileges.

92 Section 2. Subsections (1) and (7) of section 324.021,  
 93 Florida Statutes, are amended to read:

94 324.021 Definitions; minimum insurance required.—The  
 95 following words and phrases when used in this chapter shall, for  
 96 the purpose of this chapter, have the meanings respectively  
 97 ascribed to them in this section, except in those instances  
 98 where the context clearly indicates a different meaning:

99 (1) MOTOR VEHICLE.—A ~~Every~~ self-propelled vehicle that  
 100 ~~which~~ is designed and required to be licensed for use upon a  
 101 highway, including trailers and semitrailers designed for use  
 102 with such vehicles, except for traction engines, road rollers,  
 103 farm tractors, power shovels, and well drillers, and a ~~every~~  
 104 vehicle that ~~which~~ is propelled by electric power obtained from  
 105 overhead wires but not operated upon rails, but not including a  
 106 ~~any~~ bicycle or moped. ~~However, the term "motor vehicle" shall~~  
 107 ~~not include any motor vehicle as defined in s. 627.732(3) when~~  
 108 ~~the owner of such vehicle has complied with the requirements of~~  
 109 ~~ss. 627.730-627.7405, inclusive, unless the provisions of s.~~  
 110 ~~324.051 apply; and, in such case, the applicable proof of~~  
 111 ~~insurance provisions of s. 320.02 apply.~~

112 (7) PROOF OF FINANCIAL RESPONSIBILITY.—~~That~~ Proof of

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113 ability to respond in damages for liability on account of  
114 crashes arising out of the use of a motor vehicle:

115 (a) In the amount of \$25,000 for ~~\$10,000~~ because of bodily  
116 injury to, or the death of, one person in any one crash.†

117 (b) Subject to the ~~such~~ limits for one person under  
118 paragraph (a), in the amount of \$50,000 for ~~\$20,000~~ because of  
119 bodily injury to, or the death of, two or more persons in any  
120 one crash.†

121 (c) In the amount of \$10,000 for damage ~~because of injury~~  
122 to, or destruction of, the property of others in any one crash.†  
123 and

124 (d) With respect to commercial motor vehicles and  
125 nonpublic sector buses, in the amounts specified in ss. 627.7415  
126 and 627.742, respectively.

127 Section 3. Section 324.022, Florida Statutes, is amended  
128 to read:

129 324.022 Financial responsibility requirements ~~for property~~  
130 ~~damage.~~-

131 (1) (a) ~~The~~ ~~Every~~ owner or operator of a motor vehicle  
132 required to be registered in this state shall establish and  
133 maintain the ability to respond in damages for liability on  
134 account of accidents arising out of the use of the motor vehicle  
135 in the amount of:

136 1. Ten thousand dollars for ~~\$10,000~~ because of damage to,  
137 or destruction of, property of others in any one crash.

138 2. Twenty-five thousand dollars for bodily injury to, or  
139 the death of, one person in any one crash and, subject to such  
140 limits for one person, in the amount of \$50,000 for bodily

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141 injury to, or the death of, two or more persons in any one  
142 crash.

143 (b) The requirements of this section may be met by one of  
144 the methods established in s. 324.031; by self-insuring as  
145 authorized by s. 768.28(16); or by maintaining an insurance  
146 policy providing coverage in at least the amounts for bodily  
147 injury liability coverage and property damage coverage specified  
148 in paragraph (a) for property damage liability in the amount of  
149 at least \$10,000 because of damage to, or destruction of,  
150 property of others in any one accident arising out of the use of  
151 the motor vehicle. The requirements of this section may also be  
152 met by having a policy that ~~which~~ provides coverage in the  
153 amount of at least \$60,000 ~~\$30,000~~ for combined property damage  
154 liability and bodily injury liability for any one crash arising  
155 out of the use of the motor vehicle.

156 (c) The policy, with respect to coverage for property  
157 damage liability and bodily injury liability, must meet the  
158 applicable requirements of s. 324.151, subject to the usual  
159 policy exclusions that have been approved in policy forms by the  
160 Office of Insurance Regulation.

161 (d) ~~An~~ ~~no~~ insurer does not shall have a any duty to defend  
162 uncovered claims regardless irrespective of the insurer's their  
163 joinder with covered claims.

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

165 (a) "Motor vehicle" means a any self-propelled vehicle  
166 ~~that has four or more wheels and that is of a type~~ designed and  
167 required to be licensed for use on the highways of this state,  
168 and any trailer or semitrailer designed for use with such

169 vehicle. The term does not include:

170 1. A mobile home.

171 2. A motor vehicle that is used in mass transit and  
 172 designed to transport more than five passengers, exclusive of  
 173 the operator of the motor vehicle, and that is owned by a  
 174 municipality, transit authority, or political subdivision of the  
 175 state.

176 3. A school bus as defined in s. 1006.25.

177 4. A vehicle providing for-hire transportation that is  
 178 subject to ~~the provisions of~~ s. 324.031. The owner of a taxicab  
 179 shall maintain security as required under s. 324.032(1).

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

184 (3) Each nonresident owner or registrant of a motor  
 185 vehicle that, whether operated or not, has been physically  
 186 present within this state for more than 90 days during the  
 187 preceding 365 days shall maintain security as required by  
 188 subsection (1), which ~~that~~ is in effect continuously throughout  
 189 the period the motor vehicle remains within this state.

190 (4) An ~~The~~ owner or registrant of a motor vehicle who is  
 191 ~~exempt from the requirements of this section if she or he is a~~  
 192 member of the United States Armed Forces and is called to or on  
 193 active duty outside the United States in an emergency situation  
 194 is exempt from this section. The exemption ~~provided by this~~  
 195 ~~subsection~~ applies only as long as the member of the armed  
 196 forces is on ~~such~~ active duty outside the United States and

197 applies only while the vehicle covered by the security is not  
 198 operated by any person. Upon receipt of a written request by the  
 199 insured to whom the exemption ~~provided in this subsection~~  
 200 applies, the insurer shall cancel the coverages and return any  
 201 unearned premium or suspend the security required by this  
 202 section. Notwithstanding s. 324.0221(2) ~~324.0221(3)~~, the  
 203 department may not suspend the registration or operator's  
 204 license of an ~~any~~ owner or registrant of a motor vehicle during  
 205 the time she or he qualifies for the ~~an~~ exemption ~~under this~~  
 206 ~~subsection~~. An ~~Any~~ owner or registrant of a motor vehicle who  
 207 qualifies for the ~~an~~ exemption ~~under this subsection~~ shall  
 208 immediately notify the department before ~~prior to~~ and at the end  
 209 of the expiration of the exemption.

210 Section 4. Subsections (1) and (2) of section 324.0221,  
 211 Florida Statutes, are amended to read:

212 324.0221 Reports by insurers to the department; suspension  
 213 of driver license and vehicle registrations; reinstatement.—

214 (1) (a) Each insurer that has issued a policy providing  
 215 bodily injury liability ~~personal injury protection~~ coverage or  
 216 property damage liability coverage shall report the cancellation  
 217 or nonrenewal thereof to the department within 10 days after the  
 218 processing date or effective date of each cancellation or  
 219 nonrenewal. Upon the issuance of a policy providing bodily  
 220 injury liability ~~personal injury protection~~ coverage or property  
 221 damage liability coverage to a named insured not previously  
 222 insured by the insurer during that calendar year, the insurer  
 223 shall report the issuance of the new policy to the department  
 224 within 10 days. The report must ~~shall~~ be in the form ~~and format~~



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225 and contain any information required by the department and must  
226 be provided in a format that is compatible with the data  
227 processing capabilities of the department. Failure by an insurer  
228 to file proper reports with the department as required by this  
229 subsection constitutes a violation of the Florida Insurance  
230 Code. These records shall be used by the department only for  
231 enforcement and regulatory purposes, including the generation by  
232 the department of data regarding compliance by owners of motor  
233 vehicles with the requirements for financial responsibility  
234 coverage.

235 (b) With respect to an insurance policy providing bodily  
236 injury liability ~~personal injury protection~~ coverage or property  
237 damage liability coverage, each insurer shall notify the named  
238 insured, or the first-named insured in the case of a commercial  
239 fleet policy, in writing that any cancellation or nonrenewal of  
240 the policy will be reported by the insurer to the department.  
241 The notice must also inform the named insured that failure to  
242 maintain bodily injury liability ~~personal injury protection~~  
243 coverage and property damage liability coverage on a motor  
244 vehicle when required by law may result in the loss of  
245 registration and driving privileges in this state and inform the  
246 named insured of the amount of the reinstatement fees required  
247 by this section. This notice is for informational purposes only,  
248 and an insurer is not civilly liable for failing to provide this  
249 notice.

250 (2) The department shall suspend, after due notice and an  
251 opportunity to be heard, the registration and driver ~~driver's~~  
252 license of any owner or registrant of a motor vehicle with

253 | respect to which security is required under ss. 324.022 and  
 254 | 627.733 upon:

255 |       (a) The department's records showing that the owner or  
 256 | registrant of such motor vehicle did not have the in full force  
 257 | ~~and effect when~~ required security in full force and effect that  
 258 | ~~complies with the requirements of ss. 324.022 and 627.733;~~ or

259 |       (b) Notification by the insurer to the department, in a  
 260 | form approved by the department, of cancellation or termination  
 261 | of the required security.

262 |       Section 5. Section 324.031, Florida Statutes, is amended  
 263 | to read:

264 |       324.031 Manner of proving financial responsibility.—The  
 265 | owner or operator of a taxicab, limousine, jitney, or any other  
 266 | for-hire passenger transportation vehicle may prove financial  
 267 | responsibility by providing satisfactory evidence of holding a  
 268 | motor vehicle liability policy as defined in s. 324.021(8) or s.  
 269 | 324.151, which ~~policy~~ is issued by an insurance carrier that  
 270 | ~~which~~ is a member of the Florida Insurance Guaranty Association.  
 271 | The operator or owner of any other vehicle may prove his or her  
 272 | financial responsibility by:

273 |       (1) Furnishing satisfactory evidence of holding such a  
 274 | motor vehicle liability policy ~~as defined in ss. 324.021(8) and~~  
 275 | ~~324.151;~~

276 |       (2) Furnishing a certificate of self-insurance showing a  
 277 | deposit of cash in accordance with s. 324.161; or

278 |       (3) Furnishing a certificate of self-insurance issued by  
 279 | the department in accordance with s. 324.171.

280 |

281 Any person, including ~~a any~~ firm, partnership, association,  
 282 corporation, or other person, other than a natural person,  
 283 electing to use the method of proof specified in subsection (2)  
 284 shall furnish a certificate of deposit equal to the number of  
 285 vehicles owned times \$60,000 ~~\$30,000~~, to a maximum of \$240,000  
 286 ~~\$120,000~~; in addition, any such person, other than a natural  
 287 person, shall maintain insurance providing coverage in excess of  
 288 limits of \$25,000/50,000/10,000 ~~\$10,000/20,000/10,000~~ or \$60,000  
 289 ~~\$30,000~~ combined single limits, and such excess insurance shall  
 290 provide minimum limits of \$125,000/250,000/50,000 or \$300,000  
 291 combined single limits. These increased limits do ~~shall~~ not  
 292 affect the requirements for proving financial responsibility  
 293 under s. 324.032(1).

294 Section 6. Section 324.071, Florida Statutes, is amended  
 295 to read:

296 324.071 Reinstatement; renewal of license; reinstatement  
 297 fee.—An ~~Any~~ operator or owner whose license or registration has  
 298 been suspended pursuant to s. 324.051(2), s. 324.072, s.  
 299 324.081, or s. 324.121 may effect its reinstatement upon  
 300 compliance with ~~the provisions of~~ s. 324.051(2)(a)3. or 4., or  
 301 s. 324.081(2) and (3), as the case may be, and with one of the  
 302 provisions of s. 324.031 and upon payment to the department of a  
 303 nonrefundable reinstatement fee as specified in s. 324.0221 ~~of~~  
 304 ~~\$15~~. Only one such fee shall be paid by any one person  
 305 regardless ~~irrespective~~ of the number of licenses and  
 306 registrations to be ~~then~~ reinstated or issued to such person.  
 307 ~~All~~ Such fees shall be deposited to a department trust fund. If  
 308 ~~When~~ the reinstatement of any license or registration is

309 | effected by compliance with s. 324.051(2)(a)3. or 4., the  
 310 | department may ~~shall~~ not renew the license or registration  
 311 | within ~~a period of 3 years~~ after ~~from~~ such reinstatement, nor  
 312 | may ~~shall~~ any other license or registration be issued in the  
 313 | name of such person, unless the operator continues ~~is continuing~~  
 314 | to comply with one of the provisions of s. 324.031.

315 | Section 7. Section 324.161, Florida Statutes, is amended  
 316 | to read:

317 | 324.161 Proof of financial responsibility; deposit.-Proof  
 318 | of a certificate of deposit of \$60,000 issued and held by a  
 319 | financial institution shall be submitted annually to the  
 320 | department ~~Annually~~, before a ~~any~~ certificate of insurance may  
 321 | be issued to a person, including a ~~any~~ firm, partnership,  
 322 | association, corporation, or other person, other than a natural  
 323 | person, ~~proof of a certificate of deposit of \$30,000 issued and~~  
 324 | ~~held by a financial institution must be submitted to the~~  
 325 | ~~department~~. A power of attorney will be issued to and held by  
 326 | the department and may be executed upon a judgment issued  
 327 | against such person making the deposit, for damages for ~~because~~  
 328 | ~~of~~ bodily injury to or death of any person or for damages or  
 329 | ~~because of~~ injury to or destruction of property resulting from  
 330 | the use or operation of a ~~any~~ motor vehicle occurring after such  
 331 | deposit was made. Money so deposited is ~~shall~~ not ~~be~~ subject to  
 332 | attachment or execution unless such attachment or execution  
 333 | shall arise out of a suit for such damages ~~as aforesaid~~.

334 | Section 8. Subsections (1) and (2) of section 324.171,  
 335 | Florida Statutes, are amended to read:

336 | 324.171 Self-insurer.-

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337 (1) A ~~Any~~ person may qualify as a self-insurer by  
338 obtaining a certificate of self-insurance from the department.  
339 ~~which may, in its discretion and~~ Upon application of such a  
340 person, the department may issue a ~~said~~ certificate if the  
341 applicant of self-insurance ~~when such person~~ has satisfied the  
342 requirements of this section ~~to qualify as a self-insurer under~~  
343 ~~this section~~:

344 (a) A private individual with private passenger vehicles  
345 must ~~shall~~ possess a net unencumbered worth of at least \$60,000  
346 ~~\$40,000~~.

347 (b) A person, including any firm, partnership,  
348 association, corporation, or other person, other than a natural  
349 person, must ~~shall~~:

350 1. Possess a net unencumbered worth of at least \$60,000  
351 ~~\$40,000~~ for the first motor vehicle and \$30,000 ~~\$20,000~~ for each  
352 additional motor vehicle; or

353 2. Maintain sufficient net worth, as determined annually  
354 by the department, ~~pursuant to rules adopted promulgated~~ by the  
355 department, with the assistance of the Office of Insurance  
356 Regulation of the Financial Services Commission, to be  
357 financially responsible for potential losses. The rules must  
358 consider any ~~shall take into consideration~~ excess insurance  
359 carried by the applicant. The department's determination shall  
360 be based upon reasonable actuarial principles considering the  
361 frequency, severity, and loss development of claims incurred by  
362 casualty insurers writing coverage on the type of motor vehicles  
363 for which a certificate of self-insurance is desired.

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

365 s. 207.002 or s. 320.01, may qualify as a self-insurer subject  
 366 to the standards provided ~~for~~ in subparagraph (b)2.

367 (2) The self-insurance certificate must ~~shall~~ provide  
 368 limits of liability insurance in the amounts specified under s.  
 369 324.021(7) or s. 627.7415 and ~~shall provide personal injury~~  
 370 ~~protection coverage under s. 627.733(3)(b).~~

371 Section 9. Section 627.730, Florida Statutes, is repealed.

372 Section 10. Section 627.731, Florida Statutes, is  
 373 repealed.

374 Section 11. Section 627.7311, Florida Statutes, is  
 375 repealed.

376 Section 12. Section 627.732, Florida Statutes, is amended  
 377 to read:

378 627.732 Definitions.—As used in ss. 627.733-627.7355  
 379 ~~627.730-627.7405~~, the term:

380 (1) ~~(10)~~ "Knowingly" means that a person, with respect to  
 381 information, has actual knowledge of the information; acts in  
 382 deliberate ignorance of the truth or falsity of the information;  
 383 or acts in reckless disregard of the information, and proof of  
 384 specific intent to defraud is not required.

385 ~~(1) "Broker" means any person not possessing a license~~  
 386 ~~under chapter 395, chapter 400, chapter 429, chapter 458,~~  
 387 ~~chapter 459, chapter 460, chapter 461, or chapter 641 who~~  
 388 ~~charges or receives compensation for any use of medical~~  
 389 ~~equipment and is not the 100-percent owner or the 100-percent~~  
 390 ~~lessee of such equipment. For purposes of this section, such~~  
 391 ~~owner or lessee may be an individual, a corporation, a~~  
 392 ~~partnership, or any other entity and any of its 100-percent~~

393 ~~owned affiliates and subsidiaries. For purposes of this~~  
394 ~~subsection, the term "lessee" means a long-term lessee under a~~  
395 ~~capital or operating lease, but does not include a part-time~~  
396 ~~lessee. The term "broker" does not include a hospital or~~  
397 ~~physician management company whose medical equipment is~~  
398 ~~ancillary to the practices managed, a debt collection agency, or~~  
399 ~~an entity that has contracted with the insurer to obtain a~~  
400 ~~discounted rate for such services; nor does the term include a~~  
401 ~~management company that has contracted to provide general~~  
402 ~~management services for a licensed physician or health care~~  
403 ~~facility and whose compensation is not materially affected by~~  
404 ~~the usage or frequency of usage of medical equipment or an~~  
405 ~~entity that is 100-percent owned by one or more hospitals or~~  
406 ~~physicians. The term "broker" does not include a person or~~  
407 ~~entity that certifies, upon request of an insurer, that:~~  
408 ~~(a) It is a clinic licensed under ss. 400.990-400.995;~~  
409 ~~(b) It is a 100-percent owner of medical equipment; and~~  
410 ~~(c) The owner's only part-time lease of medical equipment~~  
411 ~~for personal injury protection patients is on a temporary basis~~  
412 ~~not to exceed 30 days in a 12-month period, and such lease is~~  
413 ~~solely for the purposes of necessary repair or maintenance of~~  
414 ~~the 100-percent-owned medical equipment or pending the arrival~~  
415 ~~and installation of the newly purchased or a replacement for the~~  
416 ~~100-percent-owned medical equipment, or for patients for whom,~~  
417 ~~because of physical size or claustrophobia, it is determined by~~  
418 ~~the medical director or clinical director to be medically~~  
419 ~~necessary that the test be performed in medical equipment that~~  
420 ~~is open-style. The leased medical equipment cannot be used by~~

421 ~~patients who are not patients of the registered clinic for~~  
422 ~~medical treatment of services. Any person or entity making a~~  
423 ~~false certification under this subsection commits insurance~~  
424 ~~fraud as defined in s. 817.234. However, the 30-day period~~  
425 ~~provided in this paragraph may be extended for an additional 60~~  
426 ~~days as applicable to magnetic resonance imaging equipment if~~  
427 ~~the owner certifies that the extension otherwise complies with~~  
428 ~~this paragraph.~~

429 ~~(2) "Medically necessary" refers to a medical service or~~  
430 ~~supply that a prudent physician would provide for the purpose of~~  
431 ~~preventing, diagnosing, or treating an illness, injury, disease,~~  
432 ~~or symptom in a manner that is:~~

433 ~~(a) In accordance with generally accepted standards of~~  
434 ~~medical practice;~~

435 ~~(b) Clinically appropriate in terms of type, frequency,~~  
436 ~~extent, site, and duration; and~~

437 ~~(c) Not primarily for the convenience of the patient,~~  
438 ~~physician, or other health care provider.~~

439 (2) ~~(3)~~ "Motor vehicle" means any self-propelled vehicle  
440 that ~~with four or more wheels which~~ is of a type both designed  
441 and required to be licensed for use on the highways of this  
442 state and any trailer or semitrailer designed for use with such  
443 vehicle and includes:

444 (a) A "private passenger motor vehicle," which is any  
445 motor vehicle which is a sedan, station wagon, or jeep-type  
446 vehicle and, if not used primarily for occupational,  
447 professional, or business purposes, a motor vehicle of the  
448 pickup, panel, van, camper, or motor home type.



449 (b) A "commercial motor vehicle," which is any motor  
450 vehicle which is not a private passenger motor vehicle.

451  
452 The term "motor vehicle" does not include a mobile home or any  
453 motor vehicle which is used in mass transit, other than public  
454 school transportation, and designed to transport more than five  
455 passengers exclusive of the operator of the motor vehicle and  
456 which is owned by a municipality, a transit authority, or a  
457 political subdivision of the state.

458 ~~(4) "Named insured" means a person, usually the owner of a~~  
459 ~~vehicle, identified in a policy by name as the insured under the~~  
460 ~~policy.~~

461 (3)~~(5)~~ "Owner" means a person who holds the legal title to  
462 a motor vehicle; or, in the event a motor vehicle is the subject  
463 of a security agreement or lease with an option to purchase with  
464 the debtor or lessee having the right to possession, then the  
465 debtor or lessee shall be deemed the owner ~~for the purposes of~~  
466 ~~ss. 627.730-627.7405.~~

467 ~~(6) "Relative residing in the same household" means a~~  
468 ~~relative of any degree by blood or by marriage who usually makes~~  
469 ~~her or his home in the same family unit, whether or not~~  
470 ~~temporarily living elsewhere.~~

471 ~~(7) "Certify" means to swear or attest to being true or~~  
472 ~~represented in writing.~~

473 ~~(8) "Immediate personal supervision," as it relates to the~~  
474 ~~performance of medical services by nonphysicians not in a~~  
475 ~~hospital, means that an individual licensed to perform the~~  
476 ~~medical service or provide the medical supplies must be present~~

477 ~~within the confines of the physical structure where the medical~~  
478 ~~services are performed or where the medical supplies are~~  
479 ~~provided such that the licensed individual can respond~~  
480 ~~immediately to any emergencies if needed.~~

481 ~~(9) "Incident," with respect to services considered as~~  
482 ~~incident to a physician's professional service, for a physician~~  
483 ~~licensed under chapter 458, chapter 459, chapter 460, or chapter~~  
484 ~~461, if not furnished in a hospital, means such services must be~~  
485 ~~an integral, even if incidental, part of a covered physician's~~  
486 ~~service.~~

487 ~~(11) "Lawful" or "lawfully" means in substantial~~  
488 ~~compliance with all relevant applicable criminal, civil, and~~  
489 ~~administrative requirements of state and federal law related to~~  
490 ~~the provision of medical services or treatment.~~

491 ~~(12) "Hospital" means a facility that, at the time~~  
492 ~~services or treatment were rendered, was licensed under chapter~~  
493 ~~395.~~

494 ~~(13) "Properly completed" means providing truthful,~~  
495 ~~substantially complete, and substantially accurate responses as~~  
496 ~~to all material elements to each applicable request for~~  
497 ~~information or statement by a means that may lawfully be~~  
498 ~~provided and that complies with this section, or as agreed by~~  
499 ~~the parties.~~

500 ~~(14) "Upcoding" means an action that submits a billing~~  
501 ~~code that would result in payment greater in amount than would~~  
502 ~~be paid using a billing code that accurately describes the~~  
503 ~~services performed. The term does not include an otherwise~~  
504 ~~lawful bill by a magnetic resonance imaging facility, which~~

505 ~~globally combines both technical and professional components, if~~  
506 ~~the amount of the global bill is not more than the components if~~  
507 ~~billed separately; however, payment of such a bill constitutes~~  
508 ~~payment in full for all components of such service.~~

509 ~~(15) "Unbundling" means an action that submits a billing~~  
510 ~~code that is properly billed under one billing code, but that~~  
511 ~~has been separated into two or more billing codes, and would~~  
512 ~~result in payment greater in amount than would be paid using one~~  
513 ~~billing code.~~

514 ~~(16) "Emergency medical condition" means a medical~~  
515 ~~condition manifesting itself by acute symptoms of sufficient~~  
516 ~~severity, which may include severe pain, such that the absence~~  
517 ~~of immediate medical attention could reasonably be expected to~~  
518 ~~result in any of the following:~~

519 ~~(a) Serious jeopardy to patient health.~~

520 ~~(b) Serious impairment to bodily functions.~~

521 ~~(c) Serious dysfunction of any bodily organ or part.~~

522 ~~(17) "Entity wholly owned" means a proprietorship, group~~  
523 ~~practice, partnership, or corporation that provides health care~~  
524 ~~services rendered by licensed health care practitioners and in~~  
525 ~~which licensed health care practitioners are the business owners~~  
526 ~~of all aspects of the business entity, including, but not~~  
527 ~~limited to, being reflected as the business owners on the title~~  
528 ~~or lease of the physical facility, filing taxes as the business~~  
529 ~~owners, being account holders on the entity's bank account,~~  
530 ~~being listed as the principals on all incorporation documents~~  
531 ~~required by this state, and having ultimate authority over all~~  
532 ~~personnel and compensation decisions relating to the entity.~~

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533 ~~However, this definition does not apply to an entity that is~~  
534 ~~wholly owned, directly or indirectly, by a hospital licensed~~  
535 ~~under chapter 395.~~

536 Section 13. Section 627.733, Florida Statutes, is amended  
537 to read:

538 627.733 Required security.—

539 (1) (a) The ~~Every~~ owner or registrant of a motor vehicle,  
540 other than a motor vehicle used as a school bus as defined in s.  
541 1006.25 or limousine, required to be registered and licensed in  
542 this state shall maintain security as required by this section  
543 ~~subsection (3)~~ in effect continuously throughout the  
544 registration or licensing period.

545 (b) Notwithstanding paragraph (a), an ~~Every~~ owner or  
546 registrant of a motor vehicle used as a taxicab shall ~~not be~~  
547 ~~governed by paragraph (1) (a) but shall~~ maintain security as  
548 required under s. 324.032(1), ~~and s. 627.737 shall not apply to~~  
549 ~~any motor vehicle used as a taxicab.~~

550 (2) A ~~Every~~ nonresident owner or registrant of a motor  
551 vehicle that ~~which~~, whether operated or not, has been physically  
552 present within this state for more than 90 days during the  
553 preceding 365 days shall ~~thereafter~~ maintain security as  
554 required by this section ~~defined by subsection (3)~~ in effect  
555 ~~continuously~~ throughout the period the ~~such~~ motor vehicle  
556 remains within this state.

557 (3) Such security must ~~shall~~ be provided:

558 (a) By an insurance policy delivered or issued for  
559 delivery in this state by an authorized or eligible motor  
560 vehicle liability insurer that ~~which~~ provides the security

561 required under s. 324.022 ~~the benefits and exemptions contained~~  
 562 ~~in ss. 627.730-627.7405.~~ A Any policy of insurance that  
 563 provides, or is represented or sold as providing, the security  
 564 required in this section is hereunder shall be deemed to provide  
 565 insurance for the payment of the required benefits; or

566 (b) By any other method authorized by s. 324.031(2) or (3)  
 567 and approved by the Department of Highway Safety and Motor  
 568 Vehicles as providing ~~affording~~ security equivalent to that  
 569 afforded by a policy of insurance or by self-insuring as  
 570 authorized by s. 768.28(16). ~~The person filing such security~~  
 571 ~~shall have all of the obligations and rights of an insurer under~~  
 572 ~~ss. 627.730-627.7405.~~

573 ~~(4) An owner of a motor vehicle with respect to which~~  
 574 ~~security is required by this section who fails to have such~~  
 575 ~~security in effect at the time of an accident shall have no~~  
 576 ~~immunity from tort liability, but shall be personally liable for~~  
 577 ~~the payment of benefits under s. 627.736. With respect to such~~  
 578 ~~benefits, such an owner shall have all of the rights and~~  
 579 ~~obligations of an insurer under ss. 627.730-627.7405.~~

580 ~~(4)(5) In addition to other persons who are not required~~  
 581 ~~to provide required security as required under this section and~~  
 582 ~~s. 324.022,~~ The owner or registrant of a motor vehicle who is  
 583 ~~exempt from such requirements if she or he is~~ a member of the  
 584 United States Armed Forces and is called to or on active duty  
 585 outside the United States in an emergency situation is exempt  
 586 from this section. The exemption ~~provided by this subsection~~  
 587 applies only as long as the member of the armed forces is on  
 588 ~~such~~ active duty outside the United States and applies only

589 while the vehicle covered by the security required by this  
 590 section and s. 324.022 is not operated by any person. Upon  
 591 receipt of a written request by the insured to whom the  
 592 exemption ~~provided in this subsection~~ applies, the insurer shall  
 593 cancel the coverages and return any unearned premium or suspend  
 594 the security required by this section and s. 324.022.  
 595 Notwithstanding s. 324.0221(2), the Department of Highway Safety  
 596 and Motor Vehicles may not suspend the registration or  
 597 operator's license of an ~~any~~ owner or registrant of a motor  
 598 vehicle during the time she or he qualifies for the ~~an~~ exemption  
 599 ~~under this subsection~~. An ~~Any~~ owner or registrant of a motor  
 600 vehicle who qualifies for the ~~an~~ exemption ~~under this subsection~~  
 601 shall immediately notify the department before ~~prior to~~ and at  
 602 the end of the expiration of the exemption.

603 Section 14. Section 627.734, Florida Statutes, is amended  
 604 to read:

605 627.734 Proof of security; security requirements;  
 606 penalties.—

607 (1) The provisions of chapter 324 that ~~which~~ pertain to  
 608 the method of giving and maintaining proof of financial  
 609 responsibility and which govern and define a motor vehicle  
 610 liability policy ~~shall~~ apply to filing and maintaining proof of  
 611 security required under s. 627.733 ~~by ss. 627.730-627.7405~~.

612 (2) A ~~Any~~ person who:

613 (a) Gives information required in a report ~~or otherwise as~~  
 614 ~~provided for in ss. 627.730-627.7405~~, knowing or having reason  
 615 to believe that such information is false;

616 (b) Forges or, without authority, signs ~~any~~ evidence of

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617 proof of security; or

618 (c) Files, or offers for filing, ~~any~~ such evidence of  
619 proof, knowing or having reason to believe that it is forged or  
620 signed without authority,

621

622 commits ~~is guilty of~~ a misdemeanor of the first degree,  
623 punishable as provided in s. 775.082 or s. 775.083.

624 Section 15. Section 627.7401, Florida Statutes, is  
625 renumbered as section 627.7341, Florida Statutes, and amended to  
626 read:

627 627.7341 ~~627.7401~~ Notification of security requirements  
628 insured's rights.—

629 (1) The commission, by rule, shall adopt a form for  
630 notifying the notification of insureds of the security required  
631 under s. 627.733 and the proof of security requirement under s.  
632 627.734 ~~their right to receive personal injury protection~~  
633 ~~benefits under the Florida Motor Vehicle No-Fault Law. The~~ Such  
634 notice must ~~shall~~ include:

635 (a) A description of the benefits provided by bodily  
636 injury liability coverage and property damage liability coverage  
637 ~~personal injury protection, including, but not limited to, the~~  
638 ~~specific types of services for which medical benefits are paid,~~  
639 ~~disability benefits, death benefits, significant exclusions from~~  
640 ~~and limitations on personal injury protection benefits, when~~  
641 ~~payments are due, how benefits are coordinated with other~~  
642 ~~insurance benefits that the insured may have, penalties and~~  
643 ~~interest that may be imposed on insurers for failure to make~~  
644 ~~timely payments of benefits, and rights of parties regarding~~

645 ~~disputes as to benefits.~~

646 (b) An advisory informing insureds that, ~~+~~

647 ~~1.~~ pursuant to s. 626.9892, the Department of Financial  
648 Services may pay rewards of up to \$25,000 to persons providing  
649 information leading to the arrest and conviction of persons  
650 committing crimes investigated by the Division of Insurance  
651 Fraud arising from violations of s. 440.105, s. 624.15, s.  
652 626.9541, s. 626.989, or s. 817.234.

653 ~~2. Pursuant to s. 627.736(5)(c)1., if the insured notifies~~  
654 ~~the insurer of a billing error, the insured may be entitled to a~~  
655 ~~certain percentage of a reduction in the amount paid by the~~  
656 ~~insured's motor vehicle insurer.~~

657 (c) A notice that solicitation of a person injured in a  
658 motor vehicle crash for purposes of filing ~~personal injury~~  
659 ~~protection or~~ tort claims could be a violation of s. 817.234, s  
660 817.505, or the rules regulating The Florida Bar and should be  
661 immediately reported to the Division of Insurance Fraud ~~if such~~  
662 ~~conduct has taken place.~~

663 (2) Each insurer issuing a policy in this state providing  
664 the security required under s. 627.733 shall ~~personal injury~~  
665 ~~protection benefits must~~ mail or deliver the notice as specified  
666 in subsection (1) to an insured within 21 days after receiving  
667 notice from the insured ~~notice~~ of an automobile accident or  
668 claim involving ~~personal injury to~~ an insured who is covered  
669 under the policy. The office may allow an insurer up to 30 days  
670 of additional time to provide the notice ~~specified in subsection~~  
671 ~~(1) not to exceed 30 days,~~ upon a showing by the insurer that an  
672 emergency justifies an extension of time.



673 (3) The notice required by this section does not alter or  
 674 modify the terms of the insurance contract or other security  
 675 requirements of this part act.

676 Section 16. Section 627.7355, Florida Statutes, is created  
 677 to read:

678 627.7355 Motor vehicle insurance claims brought in a  
 679 single action.—In an action in which the owner, registrant,  
 680 operator, or occupant of a motor vehicle, to which security has  
 681 been provided pursuant to s. 627.733, is claiming personal  
 682 injury, all claims arising out of the plaintiff's injuries,  
 683 including all derivative claims, shall be brought together,  
 684 unless good cause is shown why such claims should be brought  
 685 separately.

686 Section 17. Section 627.736, Florida Statutes, is  
 687 repealed.

688 Section 18. Section 627.737, Florida Statutes, is  
 689 repealed.

690 Section 19. Section 627.739, Florida Statutes, is  
 691 repealed.

692 Section 20. Section 627.7403, Florida Statutes, is  
 693 repealed.

694 Section 21. Section 627.7405, Florida Statutes, is  
 695 repealed.

696 Section 22. Section 627.7407, Florida Statutes, is  
 697 repealed.

698 Section 23. Sections 15 and 16 of chapter 2012-197, Laws  
 699 of Florida, are repealed.

700 Section 24. Paragraph (b) of subsection (2) of section

701 318.18, Florida Statutes, is amended to read:

702 318.18 Amount of penalties.—The penalties required for a  
 703 noncriminal disposition pursuant to s. 318.14 or a criminal  
 704 offense listed in s. 318.17 are as follows:

705 (2) Thirty dollars for all nonmoving traffic violations  
 706 and:

707 (b) For all violations of ss. 320.0605, 320.07(1),  
 708 322.065, and 322.15(1). A ~~Any~~ person who is cited for a  
 709 violation of s. 320.07(1) shall be charged a delinquent fee  
 710 pursuant to s. 320.07(4).

711 1. If a person who is cited for a violation of s. 320.0605  
 712 or s. 320.07 can show proof of having a valid registration at  
 713 the time of arrest, the clerk of the court may dismiss the case  
 714 and may assess a dismissal fee of up to \$10. A person who finds  
 715 it impossible or impractical to obtain a valid registration  
 716 certificate must submit an affidavit detailing the reasons for  
 717 the impossibility or impracticality. The reasons may include,  
 718 but are not limited to, the fact that the vehicle was sold,  
 719 stolen, or destroyed; that the state in which the vehicle is  
 720 registered does not issue a certificate of registration; or that  
 721 the vehicle is owned by another person.

722 2. If a person who is cited for a violation of s. 322.03,  
 723 s. 322.065, or s. 322.15 can show a driver ~~driver's~~ license  
 724 issued to him or her and valid at the time of arrest, the clerk  
 725 of the court may dismiss the case and may assess a dismissal fee  
 726 of up to \$10.

727 3. If a person who is cited for a violation of s. 316.646  
 728 can show proof of security as required by s. 627.733, issued to

729 the person and valid at the time of arrest, the clerk of the  
730 court may dismiss the case and may assess a dismissal fee of up  
731 to \$10. A person who finds it impossible or impractical to  
732 obtain proof of security must submit an affidavit detailing the  
733 reasons for the impracticality. The reasons may include, but are  
734 not limited to, the fact that the vehicle has since been sold,  
735 stolen, or destroyed, ~~that the owner or registrant of the~~  
736 ~~vehicle is not required by s. 627.733 to maintain personal~~  
737 ~~injury protection insurance,~~ or that the vehicle is owned by  
738 another person.

739 Section 25. Paragraphs (a) and (d) of subsection (5) of  
740 section 320.02, Florida Statutes, are amended to read:

741 320.02 Registration required; application for  
742 registration; forms.—

743 (5) (a) Proof that bodily injury liability and property  
744 damage liability coverage ~~personal injury protection~~ benefits  
745 have been purchased if required under ss. 324.022 and s.  
746 ~~627.733, that property damage liability coverage has been~~  
747 ~~purchased as required under s. 324.022,~~ that bodily injury or  
748 death coverage has been purchased if required under s. 324.023,  
749 and that combined bodily liability insurance and property damage  
750 liability insurance have been purchased if required under s.  
751 627.7415 shall be provided in the manner prescribed by law by  
752 the applicant at the time of application for registration of any  
753 motor vehicle that is subject to such requirements. The issuing  
754 agent may not ~~shall refuse to~~ issue registration if such proof  
755 of purchase is not provided. Insurers shall furnish uniform  
756 proof-of-purchase cards in a paper or electronic format in a

757 form prescribed by the department and include the name of the  
 758 insured's insurance company, the coverage identification number,  
 759 and the make, year, and vehicle identification number of the  
 760 vehicle insured. The card must contain a statement notifying the  
 761 applicant of the penalty specified under s. 316.646(4). The card  
 762 or insurance policy, insurance policy binder, or certificate of  
 763 insurance or a photocopy of any of these; an affidavit  
 764 containing the name of the insured's insurance company, the  
 765 insured's policy number, and the make and year of the vehicle  
 766 insured; or such other proof as may be prescribed by the  
 767 department constitutes ~~shall constitute~~ sufficient proof of  
 768 purchase. If an affidavit is provided as proof, it must be in  
 769 substantially the following form:

770 Under penalty of perjury, I ... (Name of insured)... do hereby  
 771 certify that I have ... (~~Personal Injury Protection~~, Property  
 772 Damage Liability, ~~and, if required,~~ Bodily Injury Liability)...  
 773 Insurance currently in effect with ... (Name of insurance  
 774 company)... under ... (policy number)... covering ... (make, year,  
 775 and vehicle identification number of vehicle).... ... (Signature  
 776 of Insured)...

777 The ~~Such~~ affidavit must include the following warning:  
 778 WARNING: GIVING FALSE INFORMATION IN ORDER TO OBTAIN A VEHICLE  
 779 REGISTRATION CERTIFICATE IS A CRIMINAL OFFENSE UNDER FLORIDA  
 780 LAW. ANYONE GIVING FALSE INFORMATION ON THIS AFFIDAVIT IS  
 781 SUBJECT TO PROSECUTION.

782 If an application is made through a licensed motor vehicle  
 783 dealer as required under s. 319.23, the original or a  
 784 photostatic copy of such card, insurance policy, insurance

785 policy binder, or certificate of insurance or the original  
 786 affidavit from the insured shall be forwarded by the dealer to  
 787 the tax collector of the county or the Department of Highway  
 788 Safety and Motor Vehicles for processing. By executing the  
 789 ~~aforsaid~~ affidavit, the ~~ne~~ licensed motor vehicle dealer will  
 790 not be liable in damages for any inadequacy, insufficiency, or  
 791 falsification of any statement contained therein. ~~A card must~~  
 792 ~~also indicate the existence of any bodily injury liability~~  
 793 ~~insurance voluntarily purchased.~~

794 (d) The verifying of proof of ~~personal injury protection~~  
 795 ~~insurance, proof of~~ property damage liability insurance, proof  
 796 of combined bodily liability insurance and property damage  
 797 liability insurance, or proof of financial responsibility  
 798 insurance and the issuance or failure to issue the motor vehicle  
 799 registration under ~~the provisions of this chapter~~ is ~~may not be~~  
 800 ~~construed in any court as~~ a warranty of the reliability or  
 801 accuracy of the evidence of such proof. Neither the department  
 802 nor a ~~any~~ tax collector is liable in damages for any inadequacy,  
 803 insufficiency, falsification, or unauthorized modification of  
 804 any item of the proof of ~~personal injury protection insurance,~~  
 805 ~~proof of~~ property damage liability insurance, proof of combined  
 806 bodily liability insurance and property damage liability  
 807 insurance, or proof of financial responsibility insurance before  
 808 ~~prior to, during, or~~ after ~~subsequent to~~ the verification of the  
 809 proof. The issuance of a motor vehicle registration does not  
 810 constitute prima facie evidence or a presumption of insurance  
 811 coverage.

812 Section 26. Paragraph (b) of subsection (1) of section

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813 320.0609, Florida Statutes, is amended to read:

814 320.0609 Transfer and exchange of registration license  
815 plates; transfer fee.—

816 (1)

817 (b) The transfer of a license plate from a vehicle  
818 disposed of to a newly acquired vehicle does not constitute a  
819 new registration. The application for transfer shall be accepted  
820 without requiring proof of ~~personal injury protection or~~  
821 liability insurance.

822 Section 27. Subsection (3) of section 320.27, Florida  
823 Statutes, is amended to read:

824 320.27 Motor vehicle dealers.—

825 (3) APPLICATION AND FEE.—The ~~application for the~~ license  
826 application shall be in such form as may be prescribed by the  
827 department and is ~~shall be~~ subject to such rules ~~with respect~~  
828 ~~thereto~~ as may be ~~so~~ prescribed by the department ~~it~~. The ~~Such~~  
829 application shall be verified by oath or affirmation and must  
830 ~~shall~~ contain a full statement of the name and birth date of the  
831 person or persons applying for the license ~~therefor~~; the name of  
832 the firm or copartnership, with the names and places of  
833 residence of all members ~~thereof~~, if such applicant is a firm or  
834 copartnership; the names and places of residence of the  
835 principal officers, if the applicant is a body corporate or  
836 other artificial body; the name of the state under whose laws  
837 the corporation is organized; the present and former place or  
838 places of residence of the applicant; and the prior business in  
839 which the applicant has been engaged and its ~~the~~ location  
840 ~~thereof~~. The ~~Such~~ application must ~~shall~~ describe the exact

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841 location of the place of business and ~~shall~~ state whether the  
842 place of business is owned by the applicant and when acquired,  
843 or, if leased, a true copy of the lease shall be attached to the  
844 application. The applicant shall certify that the location  
845 provides an adequately equipped office and is not a residence;  
846 that the location affords sufficient unoccupied space upon and  
847 within which adequately to store all motor vehicles offered and  
848 displayed for sale; and that the location is a suitable place  
849 where the applicant can in good faith carry on such business and  
850 keep and maintain books, records, and files necessary to conduct  
851 such business, which shall be available at all reasonable hours  
852 to inspection by the department or any of its inspectors or  
853 other employees. The applicant shall certify that the business  
854 of a motor vehicle dealer is the principal business that will  
855 ~~which shall~~ be conducted at that location. The application must  
856 ~~shall~~ contain a statement that the applicant is ~~either~~  
857 franchised by a manufacturer of motor vehicles, in which case  
858 the name of each motor vehicle that the applicant is franchised  
859 to sell must ~~shall~~ be included, or an independent  
860 (nonfranchised) motor vehicle dealer. The application must ~~shall~~  
861 contain other relevant information as may be required by the  
862 department, including evidence that the applicant is insured  
863 under a garage liability insurance policy or a general liability  
864 insurance policy coupled with a business automobile policy,  
865 which includes ~~shall include~~, at a minimum, \$60,000 ~~\$25,000~~  
866 combined single-limit liability coverage including bodily injury  
867 and property damage protection and ~~\$10,000 personal injury~~  
868 ~~protection~~. However, a salvage motor vehicle dealer as defined

869 | in subparagraph (1)(c)5. is exempt from the requirements for  
870 | garage liability insurance ~~and personal injury protection~~  
871 | ~~insurance~~ on those vehicles that cannot be legally operated on  
872 | roads, highways, or streets in this state. Franchise dealers  
873 | must submit a garage liability insurance policy, and all other  
874 | dealers must submit a garage liability insurance policy or a  
875 | general liability insurance policy coupled with a business  
876 | automobile policy. Such policy shall be for the license period,  
877 | and evidence of a new or continued policy shall be delivered to  
878 | the department at the beginning of each license period. Upon  
879 | making initial application, the applicant shall pay to the  
880 | department a fee of \$300 in addition to any other fees required  
881 | by law. Applicants may choose to extend the licensure period for  
882 | 1 additional year for a total of 2 years. An initial applicant  
883 | shall pay to the department a fee of \$300 for the first year and  
884 | \$75 for the second year, in addition to any other fees required  
885 | by law. An applicant for renewal shall pay to the department \$75  
886 | for a 1-year renewal or \$150 for a 2-year renewal, in addition  
887 | to any other fees required by law. Upon making an application  
888 | for a change of location, the applicant ~~person~~ shall pay a fee  
889 | of \$50 in addition to any other fees now required by law. The  
890 | department shall, in the case of every application for initial  
891 | licensure, verify whether certain facts set forth in the  
892 | application are true. Each applicant, general partner in the  
893 | case of a partnership, or corporate officer and director in the  
894 | case of a corporate applicant, must file a set of fingerprints  
895 | with the department for the purpose of determining any prior  
896 | criminal record or any outstanding warrants. The department



897 shall submit the fingerprints to the Department of Law  
 898 Enforcement for state processing and forwarding to the Federal  
 899 Bureau of Investigation for federal processing. The actual cost  
 900 of state and federal processing shall be borne by the applicant  
 901 and is in addition to the fee for licensure. The department may  
 902 issue a license to an applicant pending the results of the  
 903 fingerprint investigation, which license is fully revocable if  
 904 the department subsequently determines that any facts set forth  
 905 in the application are not true or correctly represented.

906 Section 28. Paragraph (j) of subsection (3) of section  
 907 320.771, Florida Statutes, is amended to read:

908 320.771 License required of recreational vehicle dealers.—

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

913 (j) A statement that the applicant is insured under a  
 914 garage liability insurance policy, which includes ~~shall include~~,  
 915 at a minimum, \$60,000 ~~\$25,000~~ combined single-limit liability  
 916 coverage, including bodily injury and property damage  
 917 protection, ~~and \$10,000 personal injury protection~~, if the  
 918 applicant is to be licensed as a dealer in, or intends to sell,  
 919 recreational vehicles.

920  
 921 The department shall, if it deems necessary, cause an  
 922 investigation to be made to ascertain if the facts set forth in  
 923 the application are true and shall not issue a license to the  
 924 applicant until it is satisfied that the facts set forth in the

925 application are true.

926 Section 29. Subsection (2) of section 322.251, Florida  
 927 Statutes, is amended to read:

928 322.251 Notice of cancellation, suspension, revocation, or  
 929 disqualification of license.—

930 (2) The giving of notice and an order of cancellation,  
 931 suspension, revocation, or disqualification by mail is complete  
 932 ~~upon expiration of~~ 20 days after deposit in the United States  
 933 mail for all notices except those issued under chapter 324 or  
 934 ss. 627.733-627.734 ~~627.732-627.734~~, which are complete 15 days  
 935 after deposit in the United States mail. Proof of the giving of  
 936 notice and an order of cancellation, suspension, revocation, or  
 937 disqualification in either manner shall be made by entry in the  
 938 records of the department that such notice was given. The entry  
 939 is admissible in the courts of this state and constitutes  
 940 sufficient proof that such notice was given.

941 Section 30. Present subsection (7) of section 400.9905,  
 942 Florida Statutes, is renumbered as subsection (8), subsection  
 943 (4) of that section is amended, and new subsection (7) is added  
 944 to that section, to read:

945 400.9905 Definitions.—

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

952 (a) Entities licensed or registered by the state under

953 chapter 395; entities licensed or registered by the state and  
954 providing only health care services within the scope of services  
955 authorized under their respective licenses under ss. 383.30-  
956 383.335, chapter 390, chapter 394, chapter 397, this chapter  
957 except part X, chapter 429, chapter 463, chapter 465, chapter  
958 466, chapter 478, part I of chapter 483, chapter 484, or chapter  
959 651; end-stage renal disease providers authorized under 42  
960 C.F.R. part 405, subpart U; providers certified under 42 C.F.R.  
961 part 485, subpart B or subpart H; or any entity that provides  
962 neonatal or pediatric hospital-based health care services or  
963 other health care services by licensed practitioners solely  
964 within a hospital licensed under chapter 395.

965 (b) Entities that own, directly or indirectly, entities  
966 licensed or registered by the state pursuant to chapter 395;  
967 entities that own, directly or indirectly, entities licensed or  
968 registered by the state and providing only health care services  
969 within the scope of services authorized pursuant to their  
970 respective licenses under ss. 383.30-383.335, chapter 390,  
971 chapter 394, chapter 397, this chapter except part X, chapter  
972 429, chapter 463, chapter 465, chapter 466, chapter 478, part I  
973 of chapter 483, chapter 484, or chapter 651; end-stage renal  
974 disease providers authorized under 42 C.F.R. part 405, subpart  
975 U; providers certified under 42 C.F.R. part 485, subpart B or  
976 subpart H; or any entity that provides neonatal or pediatric  
977 hospital-based health care services by licensed practitioners  
978 solely within a hospital licensed under chapter 395.

979 (c) Entities that are owned, directly or indirectly, by an  
980 entity licensed or registered by the state pursuant to chapter

981 395; entities that are owned, directly or indirectly, by an  
982 entity licensed or registered by the state and providing only  
983 health care services within the scope of services authorized  
984 pursuant to their respective licenses under ss. 383.30-383.335,  
985 chapter 390, chapter 394, chapter 397, this chapter except part  
986 X, chapter 429, chapter 463, chapter 465, chapter 466, chapter  
987 478, part I of chapter 483, chapter 484, or chapter 651; end-  
988 stage renal disease providers authorized under 42 C.F.R. part  
989 405, subpart U; providers certified under 42 C.F.R. part 485,  
990 subpart B or subpart H; or any entity that provides neonatal or  
991 pediatric hospital-based health care services by licensed  
992 practitioners solely within a hospital under chapter 395.

993 (d) Entities that are under common ownership, directly or  
994 indirectly, with an entity licensed or registered by the state  
995 pursuant to chapter 395; entities that are under common  
996 ownership, directly or indirectly, with an entity licensed or  
997 registered by the state and providing only health care services  
998 within the scope of services authorized pursuant to their  
999 respective licenses under ss. 383.30-383.335, chapter 390,  
1000 chapter 394, chapter 397, this chapter except part X, chapter  
1001 429, chapter 463, chapter 465, chapter 466, chapter 478, part I  
1002 of chapter 483, chapter 484, or chapter 651; end-stage renal  
1003 disease providers authorized under 42 C.F.R. part 405, subpart  
1004 U; providers certified under 42 C.F.R. part 485, subpart B or  
1005 subpart H; or any entity that provides neonatal or pediatric  
1006 hospital-based health care services by licensed practitioners  
1007 solely within a hospital licensed under chapter 395.

1008 (e) An entity that is exempt from federal taxation under

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1009 26 U.S.C. s. 501(c)(3) or (4), an employee stock ownership plan  
1010 under 26 U.S.C. s. 409 that has a board of trustees at least  
1011 two-thirds of which are Florida-licensed health care  
1012 practitioners and provides only physical therapy services under  
1013 physician orders, any community college or university clinic,  
1014 and any entity owned or operated by the federal or state  
1015 government, including agencies, subdivisions, or municipalities  
1016 thereof.

1017 (f) A sole proprietorship, group practice, partnership, or  
1018 corporation that provides health care services by physicians  
1019 covered by s. 627.419, that is directly supervised by one or  
1020 more of such physicians, and that is wholly owned by one or more  
1021 of those physicians or by a physician and the spouse, parent,  
1022 child, or sibling of that physician.

1023 (g) A sole proprietorship, group practice, partnership, or  
1024 corporation that provides health care services by licensed  
1025 health care practitioners under chapter 457, chapter 458,  
1026 chapter 459, chapter 460, chapter 461, chapter 462, chapter 463,  
1027 chapter 466, chapter 467, chapter 480, chapter 484, chapter 486,  
1028 chapter 490, chapter 491, or part I, part III, part X, part  
1029 XIII, or part XIV of chapter 468, or s. 464.012, and that is  
1030 wholly owned by one or more licensed health care practitioners,  
1031 or the licensed health care practitioners set forth in this  
1032 paragraph and the spouse, parent, child, or sibling of a  
1033 licensed health care practitioner if one of the owners who is a  
1034 licensed health care practitioner is supervising the business  
1035 activities and is legally responsible for the entity's  
1036 compliance with all federal and state laws. However, a health

1037 care practitioner may not supervise services beyond the scope of  
 1038 the practitioner's license, except that, for the purposes of  
 1039 this part, a clinic owned by a licensee in s. 456.053(3) (b)  
 1040 which provides only services authorized pursuant to s.  
 1041 456.053(3) (b) may be supervised by a licensee specified in s.  
 1042 456.053(3) (b) .

1043 (h) Clinical facilities affiliated with an accredited  
 1044 medical school at which training is provided for medical  
 1045 students, residents, or fellows.

1046 (i) Entities that provide only oncology or radiation  
 1047 therapy services by physicians licensed under chapter 458 or  
 1048 chapter 459 or entities that provide oncology or radiation  
 1049 therapy services by physicians licensed under chapter 458 or  
 1050 chapter 459 which are owned by a corporation whose shares are  
 1051 publicly traded on a recognized stock exchange.

1052 (j) Clinical facilities affiliated with a college of  
 1053 chiropractic accredited by the Council on Chiropractic Education  
 1054 at which training is provided for chiropractic students.

1055 (k) Entities that provide licensed practitioners to staff  
 1056 emergency departments or to deliver anesthesia services in  
 1057 facilities licensed under chapter 395 and that derive at least  
 1058 90 percent of their gross annual revenues from the provision of  
 1059 such services. Entities claiming an exemption from licensure  
 1060 under this paragraph must provide documentation demonstrating  
 1061 compliance.

1062 (l) Orthotic, prosthetic, pediatric cardiology, or  
 1063 perinatology clinical facilities or anesthesia clinical  
 1064 facilities that are not otherwise exempt under paragraph (a) or

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1065 paragraph (k) and that are a publicly traded corporation or are  
1066 wholly owned, directly or indirectly, by a publicly traded  
1067 corporation. As used in this paragraph, a publicly traded  
1068 corporation is a corporation that issues securities traded on an  
1069 exchange registered with the United States Securities and  
1070 Exchange Commission as a national securities exchange.

1071 (m) Entities that are owned by a corporation that has \$250  
1072 million or more in total annual sales of health care services  
1073 provided by licensed health care practitioners where one or more  
1074 of the persons responsible for the operations of the entity is a  
1075 health care practitioner who is licensed in this state and who  
1076 is responsible for supervising the business activities of the  
1077 entity and is responsible for the entity's compliance with state  
1078 law for purposes of this part.

1079 (n) Entities that employ 50 or more licensed health care  
1080 practitioners licensed under chapter 458 or chapter 459 where  
1081 the billing for medical services is under a single tax  
1082 identification number. The application for exemption under this  
1083 subsection must include ~~shall contain information that includes:~~  
1084 the name, residence, and business address, and telephone ~~phone~~  
1085 number of the entity that owns the practice; a complete list of  
1086 the names and contact information of all the officers and  
1087 directors of the corporation; the name, residence address,  
1088 business address, and medical license number of each licensed  
1089 Florida health care practitioner employed by the entity; the  
1090 corporate tax identification number of the entity seeking an  
1091 exemption; a list ~~listing~~ of health care services to be provided  
1092 by the entity at the health care clinics owned or operated by

1093 | the entity and a certified statement prepared by an independent  
 1094 | certified public accountant which states that the entity and the  
 1095 | health care clinics owned or operated by the entity have not  
 1096 | received payment for health care services related to a motor  
 1097 | vehicle accident injury under personal injury protection  
 1098 | ~~insurance coverage~~ for the preceding year. If the agency  
 1099 | determines that an entity that ~~which~~ is exempt under this  
 1100 | subsection has received payments for medical services related to  
 1101 | a motor vehicle accident injury under personal injury protection  
 1102 | ~~insurance coverage~~, the agency may deny or revoke the exemption  
 1103 | from licensure under this subsection.

1104 |  
 1105 | ~~Notwithstanding this subsection, an entity shall be deemed a~~  
 1106 | ~~clinic and must be licensed under this part in order to receive~~  
 1107 | ~~reimbursement under the Florida Motor Vehicle No-Fault Law, ss.~~  
 1108 | ~~627.730-627.7405, unless exempted under s. 627.736(5)(h).~~

1109 |       (7) "Motor vehicle accident injury" means accidental  
 1110 | bodily injury sustained while occupying a motor vehicle as  
 1111 | defined in s. 627.732 or, if the injured party is not an  
 1112 | occupant of a motor vehicle, an injury caused by physical  
 1113 | contact with a motor vehicle.

1114 |       Section 31. Subsection (6) of section 400.991, Florida  
 1115 | Statutes, is amended to read:

1116 |       400.991 License requirements; background screenings;  
 1117 | prohibitions.—

1118 |       (6) All agency forms for licensure application or  
 1119 | exemption from licensure under this part must contain the  
 1120 | following statement:



1121  
 1122 INSURANCE FRAUD NOTICE.—A person who knowingly submits  
 1123 a false, misleading, or fraudulent application or  
 1124 other document when applying for licensure as a health  
 1125 care clinic, seeking an exemption from licensure as a  
 1126 health care clinic, or demonstrating compliance with  
 1127 part X of chapter 400, Florida Statutes, with the  
 1128 intent to use the license, exemption from licensure,  
 1129 or demonstration of compliance to provide services or  
 1130 seek reimbursement related to a motor vehicle accident  
 1131 injury ~~under the Florida Motor Vehicle No-Fault Law,~~  
 1132 commits a fraudulent insurance act, as defined in s.  
 1133 626.989, Florida Statutes. A person who presents a  
 1134 claim for personal injury protection benefits knowing  
 1135 that the payee knowingly submitted such health care  
 1136 clinic application or document, commits insurance  
 1137 fraud, as defined in s. 817.234, Florida Statutes.

1138  
 1139 Section 32. Paragraph (g) of subsection (1) of section  
 1140 400.9935, Florida Statutes, is amended to read:

1141 400.9935 Clinic responsibilities.—

1142 (1) Each clinic shall appoint a medical director or clinic  
 1143 director who shall agree in writing to accept legal  
 1144 responsibility for the following activities on behalf of the  
 1145 clinic. The medical director or the clinic director shall:

1146 (g) Conduct systematic reviews of clinic billings to  
 1147 ensure that the billings are not fraudulent or unlawful. Upon  
 1148 discovery of an unlawful charge, the medical director or clinic

1149 director shall take immediate corrective action. If the clinic  
 1150 performs only the technical component of magnetic resonance  
 1151 imaging, static radiographs, computed tomography, or positron  
 1152 emission tomography, and provides the professional  
 1153 interpretation of such services, in a fixed facility that is  
 1154 accredited by a national accrediting organization that is  
 1155 approved by the Centers for Medicare and Medicaid Services for  
 1156 magnetic resonance imaging and advanced diagnostic imaging  
 1157 services and if, in the preceding quarter, the percentage of  
 1158 scans performed by that clinic relating to a motor vehicle  
 1159 accident injury ~~which was billed to all personal injury~~  
 1160 ~~protection insurance carriers~~ was less than 15 percent, the  
 1161 chief financial officer of the clinic may, in a written  
 1162 acknowledgment provided to the agency, assume the responsibility  
 1163 for the conduct of the systematic reviews of clinic billings to  
 1164 ensure that the billings are not fraudulent or unlawful.

1165 Section 33. Subsection (28) of section 409.901, Florida  
 1166 Statutes, is amended to read:

1167 409.901 Definitions; ss. 409.901-409.920.—As used in ss.  
 1168 409.901-409.920, except as otherwise specifically provided, the  
 1169 term:

1170 (28) "Third-party benefit" means any benefit that is or  
 1171 may be available at any time through contract, court award,  
 1172 judgment, settlement, agreement, or ~~any~~ arrangement between a  
 1173 third party and any person or entity, including, without  
 1174 limitation, a Medicaid recipient, a provider, another third  
 1175 party, an insurer, or the agency, for any Medicaid-covered  
 1176 injury, illness, goods, or services, including costs of medical

1177 services related thereto, for bodily ~~personal~~ injury or for  
 1178 death of the recipient, but specifically excluding ~~policies of~~  
 1179 life insurance policies on the recipient, unless available under  
 1180 terms of the policy to pay medical expenses before ~~prior to~~  
 1181 death. The term includes, ~~without limitation,~~ collateral, as  
 1182 defined in this section, health insurance, any benefit under a  
 1183 health maintenance organization, a preferred provider  
 1184 arrangement, a prepaid health clinic, liability insurance,  
 1185 uninsured motorist insurance ~~or personal injury protection~~  
 1186 ~~coverage,~~ medical benefits under workers' compensation, and any  
 1187 obligation under law or equity to provide medical support.

1188 Section 34. Paragraph (f) of subsection (11) of section  
 1189 409.910, Florida Statutes, is amended to read:

1190 409.910 Responsibility for payments on behalf of Medicaid-  
 1191 eligible persons when other parties are liable.-

1192 (11) The agency may, as a matter of right, in order to  
 1193 enforce its rights under this section, institute, intervene in,  
 1194 or join any legal or administrative proceeding in its own name  
 1195 in one or more of the following capacities: individually, as  
 1196 subrogee of the recipient, as assignee of the recipient, or as  
 1197 lienholder of the collateral.

1198 (f) Notwithstanding any other provision in this section ~~to~~  
 1199 ~~the contrary,~~ if ~~in the event of~~ an action in tort against a  
 1200 third party in which the recipient or his or her legal  
 1201 representative is a party ~~which~~ results in a judgment, award, or  
 1202 settlement from a third party, the amount recovered shall be  
 1203 distributed as follows:

1204 1. After attorney ~~attorney's~~ fees and taxable costs as

1205 defined by the Florida Rules of Civil Procedure, one-half of the  
 1206 remaining recovery shall be paid to the agency up to the total  
 1207 amount of medical assistance provided by Medicaid.

1208 2. The remaining amount of the recovery shall be paid to  
 1209 the recipient.

1210 3. For purposes of calculating the agency's recovery of  
 1211 medical assistance benefits paid, the fee for services of an  
 1212 attorney retained by the recipient or his or her legal  
 1213 representative shall be calculated at 25 percent of the  
 1214 judgment, award, or settlement.

1215 4. Notwithstanding any other provision of this section ~~to~~  
 1216 ~~the contrary~~, the agency is ~~shall be~~ entitled to all medical  
 1217 coverage benefits up to the total amount of medical assistance  
 1218 provided by Medicaid. For purposes of this paragraph, "medical  
 1219 coverage" means any benefits under health insurance, a health  
 1220 maintenance organization, a preferred provider arrangement, or a  
 1221 prepaid health clinic, and the portion of benefits designated  
 1222 for medical payments under coverage for workers' compensation,  
 1223 ~~personal injury protection~~, and casualty.

1224 Section 35. Paragraph (k) of subsection (2) of section  
 1225 456.057, Florida Statutes, is amended to read:

1226 456.057 Ownership and control of patient records; report  
 1227 or copies of records to be furnished; disclosure of  
 1228 information.—

1229 (2) As used in this section, the terms "records owner,"  
 1230 "health care practitioner," and "health care practitioner's  
 1231 employer" do not include any of the following persons or  
 1232 entities; furthermore, the following persons or entities are not

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1233 authorized to acquire or own medical records, but are authorized  
1234 under the confidentiality and disclosure requirements of this  
1235 section to maintain those documents required by the part or  
1236 chapter under which they are licensed or regulated:

1237 ~~(k) Persons or entities practicing under s. 627.736(7).~~

1238 Section 36. Paragraphs (gg) through (nn) of subsection (1)  
1239 of section 456.072, Florida Statutes, are redesignated as  
1240 paragraphs (ee) through (ll), respectively, and paragraphs (ee)  
1241 and (ff) of that subsection are amended, to read:

1242 456.072 Grounds for discipline; penalties; enforcement.—

1243 (1) The following acts shall constitute grounds for which  
1244 the disciplinary actions specified in subsection (2) may be  
1245 taken:

1246 ~~(cc) With respect to making a personal injury protection  
1247 claim as required by s. 627.736, intentionally submitting a  
1248 claim, statement, or bill that has been "upcoded" as defined in  
1249 s. 627.732.~~

1250 ~~(ff) With respect to making a personal injury protection  
1251 claim as required by s. 627.736, intentionally submitting a  
1252 claim, statement, or bill for payment of services that were not  
1253 rendered.~~

1254 Section 37. Paragraph (i) of subsection (1) of section  
1255 626.9541, Florida Statutes, is amended to read:

1256 626.9541 Unfair methods of competition and unfair or  
1257 deceptive acts or practices defined.—

1258 (1) UNFAIR METHODS OF COMPETITION AND UNFAIR OR DECEPTIVE  
1259 ACTS.—The following are defined as unfair methods of competition  
1260 and unfair or deceptive acts or practices:

1261 (i) *Unfair claim settlement practices.*—  
 1262 1. Attempting to settle claims on the basis of an  
 1263 application, ~~7~~ when serving as a binder or intended to become a  
 1264 part of the policy, or any other material document that ~~which~~  
 1265 was altered without notice to, or knowledge or consent of, the  
 1266 insured;  
 1267 2. A material misrepresentation made to an insured or any  
 1268 other person having an interest in the proceeds that are payable  
 1269 under a ~~such~~ contract or policy, for the purpose and with the  
 1270 intent of effecting settlement of such claims, loss, or damage  
 1271 under such contract or policy on less favorable terms than those  
 1272 provided in, and contemplated by, the ~~such~~ contract or policy;  
 1273 or  
 1274 3. Committing or performing with such frequency as to  
 1275 indicate a general business practice any of the following:  
 1276 a. Failing to adopt and implement standards for the proper  
 1277 investigation of claims;  
 1278 b. Misrepresenting pertinent facts or insurance policy  
 1279 provisions relating to coverages at issue;  
 1280 c. Failing to acknowledge and act promptly upon  
 1281 communications with respect to claims;  
 1282 d. Denying claims without conducting reasonable  
 1283 investigations based upon available information;  
 1284 e. Failing to affirm or deny full or partial coverage of  
 1285 claims, and, as to partial coverage, the dollar amount or extent  
 1286 of coverage, or failing to provide a written statement that the  
 1287 claim is being investigated, upon the written request of the  
 1288 insured, within 30 days after proof-of-loss statements have been

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1289 completed;

1290 f. Failing to promptly provide a reasonable explanation in  
1291 writing to the insured of the basis in the insurance policy, in  
1292 relation to the facts or applicable law, for denial of a claim  
1293 or for the offer of a compromise settlement;

1294 g. Failing to promptly notify the insured of any  
1295 additional information necessary for the processing of a claim;  
1296 or

1297 h. Failing to clearly explain the nature of the requested  
1298 information and the reasons why such information is necessary.

1299 ~~i. Failing to pay personal injury protection insurance  
1300 claims within the time periods required by s. 627.736(4)(b). The  
1301 office may order the insurer to pay restitution to a  
1302 policyholder, medical provider, or other claimant, including  
1303 interest at a rate consistent with the amount set forth in s.  
1304 55.03(1), for the time period within which an insurer fails to  
1305 pay claims as required by law. Restitution is in addition to any  
1306 other penalties allowed by law, including, but not limited to,  
1307 the suspension of the insurer's certificate of authority.~~

1308 4. Failing to pay undisputed amounts of partial or full  
1309 benefits owed under first-party property insurance policies  
1310 within 90 days after an insurer receives notice of a residential  
1311 property insurance claim, determines the amounts of partial or  
1312 full benefits, and agrees to coverage, unless payment of the  
1313 undisputed benefits is prevented by an act of God, prevented by  
1314 the impossibility of performance, or due to actions by the  
1315 insured or claimant that constitute fraud, lack of cooperation,  
1316 or intentional misrepresentation regarding the claim for which

1317 | benefits are owed.

1318 |       Section 38. Paragraph (a) of subsection (1) of section  
1319 | 626.989, Florida Statutes, is amended to read:

1320 |       626.989 Investigation by department or Division of  
1321 | Insurance Fraud; compliance; immunity; confidential information;  
1322 | reports to division; division investigator's power of arrest.—

1323 |       (1) For the purposes of this section:

1324 |       (a) A person commits a "fraudulent insurance act" if the  
1325 | person:

1326 |       1. Knowingly and with intent to defraud presents, causes  
1327 | to be presented, or prepares with knowledge or belief that it  
1328 | will be presented, to or by an insurer, self-insurer, self-  
1329 | insurance fund, servicing corporation, purported insurer,  
1330 | broker, or any agent thereof, any written statement as part of,  
1331 | or in support of, an application for the issuance of, or the  
1332 | rating of, any insurance policy, or a claim for payment or other  
1333 | benefit pursuant to any insurance policy, which the person knows  
1334 | to contain materially false information concerning any fact  
1335 | material thereto or if the person conceals, for the purpose of  
1336 | misleading another, information concerning any fact material  
1337 | thereto.

1338 |       2. Knowingly submits:

1339 |       a. A false, misleading, or fraudulent application or other  
1340 | document when applying for licensure as a health care clinic,  
1341 | seeking an exemption from licensure as a health care clinic, or  
1342 | demonstrating compliance with part X of chapter 400 with an  
1343 | intent to use the license, exemption from licensure, or  
1344 | demonstration of compliance to provide services or seek



1345 reimbursement relating to a motor vehicle accident ~~under the~~  
 1346 ~~Florida Motor Vehicle No-Fault Law.~~

1347 b. A claim for payment or other benefit relating to a  
 1348 motor vehicle accident ~~pursuant to a personal injury protection~~  
 1349 ~~insurance policy under the Florida Motor Vehicle No-Fault Law~~ if  
 1350 the person knows that the payee knowingly submitted a false,  
 1351 misleading, or fraudulent application or other document when  
 1352 applying for licensure as a health care clinic, seeking an  
 1353 exemption from licensure as a health care clinic, or  
 1354 demonstrating compliance with part X of chapter 400.

1355 Section 39. Paragraph (a) of subsection (4) of section  
 1356 626.9895, Florida Statutes, is amended to read:

1357 626.9895 Motor vehicle insurance fraud direct-support  
 1358 organization.—

1359 (4) BOARD OF DIRECTORS.—

1360 (a) The board of directors of the organization consists  
 1361 ~~shall consist~~ of the following 11 members:

1362 1. The Chief Financial Officer, or designee, who serves  
 1363 ~~shall serve~~ as chair.

1364 2. Two state attorneys, one ~~of whom shall be~~ appointed by  
 1365 the Chief Financial Officer and the other ~~one of whom shall be~~  
 1366 appointed by the Attorney General.

1367 3. Two representatives of motor vehicle insurers appointed  
 1368 by the Chief Financial Officer.

1369 4. Two representatives of local law enforcement agencies,  
 1370 one ~~of whom shall be~~ appointed by the Chief Financial Officer  
 1371 and the other ~~one of whom shall be~~ appointed by the Attorney  
 1372 General.

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1373 5. Two representatives of the types of health care  
1374 providers who regularly make claims for benefits related to  
1375 motor vehicle accidents ~~under ss. 627.730-627.7405~~, one ~~of whom~~  
1376 ~~shall be~~ appointed by the President of the Senate and the other  
1377 ~~one of whom shall be~~ appointed by the Speaker of the House of  
1378 Representatives. The appointees may not represent the same type  
1379 of health care provider.

1380 6. A private attorney who has experience in representing  
1381 claimants in motor vehicle tort claims, ~~actions for benefits~~  
1382 ~~under ss. 627.730-627.7405~~, who shall be appointed by the  
1383 President of the Senate.

1384 7. A private attorney who has experience in representing  
1385 insurers in motor vehicle tort claims, ~~actions for benefits~~  
1386 ~~under ss. 627.730-627.7405~~, who shall be appointed by the  
1387 Speaker of the House of Representatives.

1388 Section 40. Subsection (1) of section 627.06501, Florida  
1389 Statutes, is amended to read:

1390 627.06501 Insurance discounts for certain persons  
1391 completing driver improvement course.-

1392 (1) Any rate, rating schedule, or rating manual for the  
1393 liability, ~~personal injury protection~~, and collision coverages  
1394 of a motor vehicle insurance policy filed with the office may  
1395 provide for an appropriate reduction in premium charges as to  
1396 such coverages if ~~when~~ the principal operator on the covered  
1397 vehicle has successfully completed a driver improvement course  
1398 approved and certified by the Department of Highway Safety and  
1399 Motor Vehicles which is effective in reducing crash or violation  
1400 rates, or both, ~~as determined pursuant to s. 318.1451(5)~~. Any

1401 discount, not to exceed 10 percent, used by an insurer is  
 1402 presumed to be appropriate unless credible data demonstrates  
 1403 otherwise.

1404 Section 41. Subsection (1) of section 627.0652, Florida  
 1405 Statutes, is amended to read:

1406 627.0652 Insurance discounts for certain persons  
 1407 completing safety course.—

1408 (1) Any rates, rating schedules, or rating manuals for the  
 1409 liability, ~~personal injury protection,~~ and collision coverages  
 1410 of a motor vehicle insurance policy filed with the office must  
 1411 ~~shall~~ provide for an appropriate reduction in premium charges as  
 1412 to such coverages if ~~when~~ the principal operator on the covered  
 1413 vehicle is an insured 55 years of age or older who has  
 1414 successfully completed a motor vehicle accident prevention  
 1415 course approved by the Department of Highway Safety and Motor  
 1416 Vehicles. Any discount used by an insurer is presumed to be  
 1417 appropriate unless credible data demonstrates otherwise.

1418 Section 42. Subsections (1) and (3) of section 627.0653,  
 1419 Florida Statutes, are amended to read:

1420 627.0653 Insurance discounts for specified motor vehicle  
 1421 equipment.—

1422 (1) Any rates, rating schedules, or rating manuals for the  
 1423 liability, ~~personal injury protection,~~ and collision coverages  
 1424 of a motor vehicle insurance policy filed with the office must  
 1425 ~~shall~~ provide a premium discount if the insured vehicle is  
 1426 equipped with factory-installed, four-wheel antilock brakes.

1427 (3) Any rates, rating schedules, or rating manuals for  
 1428 ~~personal injury protection coverage and~~ medical payments

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1429 coverage, if offered, of a motor vehicle insurance policy filed  
 1430 with the office must ~~shall~~ provide a premium discount if the  
 1431 insured vehicle is equipped with one or more air bags which are  
 1432 factory installed.

1433 Section 43. Section 627.4132, Florida Statutes, is amended  
 1434 to read:

1435 627.4132 Stacking of coverages prohibited.—If an insured  
 1436 or named insured is protected by any type of motor vehicle  
 1437 insurance policy for liability, ~~personal injury protection,~~ or  
 1438 other coverage, the policy must ~~shall~~ provide that the insured  
 1439 or named insured is protected only to the extent of the coverage  
 1440 she or he has on the vehicle involved in the accident. However,  
 1441 if none of the insured's or named insured's vehicles is involved  
 1442 in the accident, coverage is available only to the extent of  
 1443 coverage on any one of the vehicles with applicable coverage.  
 1444 Coverage on any other vehicles may ~~shall~~ not be added to or  
 1445 stacked onto ~~upon~~ that coverage. This section does not apply:

1446 (1) To uninsured motorist coverage, which is separately  
 1447 governed by s. 627.727.

1448 (2) To reduce the coverage available by reason of  
 1449 insurance policies insuring different named insureds.

1450 Section 44. Subsection (6) of section 627.6482, Florida  
 1451 Statutes, is amended to read:

1452 627.6482 Definitions.—As used in ss. 627.648-627.6498, the  
 1453 term:

1454 (6) "Health insurance" means any hospital and medical  
 1455 expense incurred policy, minimum premium plan, stop-loss  
 1456 coverage, health maintenance organization contract, prepaid

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1457 health clinic contract, multiple-employer welfare arrangement  
1458 contract, or fraternal benefit society health benefits contract,  
1459 whether sold as an individual or group policy or contract. The  
1460 term does not include a ~~any~~ policy covering medical payment  
1461 coverage or bodily ~~personal~~ injury liability ~~protection~~ coverage  
1462 in a motor vehicle policy, coverage issued as a supplement to  
1463 liability insurance, or workers' compensation.

1464 Section 45. Section 627.7263, Florida Statutes, is amended  
1465 to read:

1466 627.7263 Rental and leasing driver's insurance to be  
1467 primary; exception.—

1468 (1) ~~The~~ Valid and collectible liability insurance ~~or~~  
1469 ~~personal injury protection insurance~~ providing coverage for the  
1470 lessor of a motor vehicle for rent or lease is primary unless  
1471 otherwise stated in at least 10-point type on the face of the  
1472 rental or lease agreement. Such insurance is primary for the  
1473 limits of liability required under s. 324.021(7) ~~and personal~~  
1474 ~~injury protection coverage as required by ss. 324.021(7) and~~  
1475 ~~627.736.~~

1476 (2) If the lessee's coverage is to be primary, the rental  
1477 or lease agreement must contain the following language, in at  
1478 least 10-point type:

1479  
1480 "The valid and collectible liability insurance ~~and~~  
1481 ~~personal injury protection insurance~~ of an ~~any~~  
1482 authorized rental or leasing driver is primary for the  
1483 limits of liability ~~and personal injury protection~~  
1484 coverage required under s. 324.021(7) ~~and~~

1485 ~~627.736~~, Florida Statutes."

1486 Section 46. Subsections (8) through (10) of section  
 1487 627.727, Florida Statutes, are renumbered as subsections (7)  
 1488 through (9), respectively, and subsection (1) and present  
 1489 subsection (7) of that section are amended, to read:

1490 627.727 Motor vehicle insurance; uninsured and  
 1491 underinsured vehicle coverage; insolvent insurer protection.—

1492 (1) No motor vehicle liability insurance policy which  
 1493 provides bodily injury liability coverage shall be delivered or  
 1494 issued for delivery in this state with respect to any  
 1495 specifically insured or identified motor vehicle registered or  
 1496 principally garaged in this state unless uninsured motor vehicle  
 1497 coverage is provided therein or supplemental thereto for the  
 1498 protection of persons insured thereunder who are legally  
 1499 entitled to recover damages from owners or operators of  
 1500 uninsured motor vehicles because of bodily injury, sickness, or  
 1501 disease, including death, resulting therefrom. However, the  
 1502 coverage required under this section is not applicable if ~~when~~,  
 1503 or to the extent that, an insured named in the policy makes a  
 1504 written rejection of the coverage on behalf of all insureds  
 1505 under the policy. If ~~When~~ a motor vehicle is leased for a ~~period~~  
 1506 ~~of~~ 1 year or longer and the lessor of such vehicle, by the terms  
 1507 of the lease contract, provides liability coverage on the leased  
 1508 vehicle, the lessee of such vehicle shall have the sole  
 1509 privilege to reject uninsured motorist coverage or to select  
 1510 lower limits than the bodily injury liability limits, regardless  
 1511 of whether the lessor is qualified as a self-insurer pursuant to  
 1512 s. 324.171. Unless an insured, or lessee having the privilege of

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1513 rejecting uninsured motorist coverage, requests such coverage or  
1514 requests higher uninsured motorist limits in writing, the  
1515 coverage or such higher uninsured motorist limits need not be  
1516 provided in or supplemental to any other policy that ~~which~~  
1517 renews, extends, changes, supersedes, or replaces an existing  
1518 policy with the same bodily injury liability limits if ~~when~~ an  
1519 insured or lessee had rejected the coverage. If ~~When~~ an insured  
1520 or lessee has initially selected limits of uninsured motorist  
1521 coverage lower than her or his bodily injury liability limits,  
1522 higher limits of uninsured motorist coverage need not be  
1523 provided in or supplemental to any other policy that ~~which~~  
1524 renews, extends, changes, supersedes, or replaces an existing  
1525 policy with the same bodily injury liability limits unless an  
1526 insured requests higher uninsured motorist coverage in writing.  
1527 The rejection or selection of lower limits shall be made on a  
1528 form approved by the office. The form must ~~shall~~ fully advise  
1529 the applicant of the nature of the coverage and ~~shall~~ state that  
1530 the coverage is equal to bodily injury liability limits unless  
1531 lower limits are requested or the coverage is rejected. The  
1532 heading of the form shall be in 12-point bold type and ~~shall~~  
1533 state: "You are electing not to purchase certain valuable  
1534 coverage that ~~which~~ protects you and your family or you are  
1535 purchasing uninsured motorist limits less than your bodily  
1536 injury liability limits when you sign this form. Please read  
1537 carefully." If this form is signed by a named insured, it will  
1538 be conclusively presumed that there was an informed, knowing  
1539 rejection of coverage or election of lower limits on behalf of  
1540 all insureds. The insurer shall notify the named insured at

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1541 least annually of her or his options as to the coverage required  
1542 by this section. Such notice must ~~shall~~ be part of, and attached  
1543 to, the notice of premium, must ~~shall~~ provide ~~for~~ a means to  
1544 allow the insured to request such coverage, and must ~~shall~~ be  
1545 given in a manner approved by the office. Receipt of this notice  
1546 does not constitute an affirmative waiver of the insured's right  
1547 to uninsured motorist coverage if ~~where~~ the insured has not  
1548 signed a selection or rejection form. The coverage described  
1549 under this section is ~~shall be~~ over and above, but may ~~shall~~ not  
1550 duplicate, the benefits available to an insured under any  
1551 workers' compensation law, ~~personal injury protection benefits,~~  
1552 disability benefits law, or similar law; under any automobile  
1553 medical expense coverage; under any motor vehicle liability  
1554 insurance coverage; or from the owner or operator of the  
1555 uninsured motor vehicle or any other person or organization  
1556 jointly or severally liable ~~together~~ with such owner or operator  
1557 for the accident; and such coverage must ~~shall~~ cover the  
1558 difference, if any, between the sum of such benefits and the  
1559 damages sustained, up to the maximum amount of ~~such~~ coverage  
1560 provided under this section. The amount of coverage available  
1561 under this section may ~~shall~~ not be reduced by a setoff against  
1562 any coverage, including liability insurance. Such coverage does  
1563 ~~shall~~ not inure, directly or indirectly, to the benefit of any  
1564 workers' compensation or disability benefits carrier or any  
1565 person or organization qualifying as a self-insurer under any  
1566 workers' compensation or disability benefits law or similar law.  
1567 ~~(7) The legal liability of an uninsured motorist coverage~~  
1568 ~~insurer does not include damages in tort for pain, suffering,~~



1569 ~~mental anguish, and inconvenience unless the injury or disease~~  
 1570 ~~is described in one or more of paragraphs (a) (d) of s.~~  
 1571 ~~627.737(2).~~

1572 Section 47. Subsection (1) and paragraph (a) of subsection  
 1573 (2) of section 627.7275, Florida Statutes, are amended to read:  
 1574 627.7275 Motor vehicle liability.—

1575 (1) A motor vehicle insurance policy ~~providing personal~~  
 1576 ~~injury protection as set forth in s. 627.736~~ may not be  
 1577 delivered or issued for delivery in this state for a with  
 1578 ~~respect to any~~ specifically insured or identified motor vehicle  
 1579 registered or principally garaged in this state must provide  
 1580 ~~unless the policy also provides~~ coverage for property damage  
 1581 liability and bodily injury liability as required under ~~by~~ s.  
 1582 324.022.

1583 (2) (a) Insurers writing motor vehicle insurance in this  
 1584 state shall make available, subject to the insurers' usual  
 1585 underwriting restrictions:

1586 1. Coverage under policies as described in subsection (1)  
 1587 to any applicant for private passenger motor vehicle insurance  
 1588 coverage who is seeking the coverage in order to reinstate the  
 1589 applicant's driving privileges in this state if ~~when the~~ driving  
 1590 privileges were revoked or suspended pursuant to s. 316.646 or  
 1591 s. 324.0221 due to the failure of the applicant to maintain  
 1592 required security.

1593 2. Coverage under policies as described in subsection (1),  
 1594 which also provides bodily injury liability coverage and  
 1595 property damage liability coverage ~~for bodily injury, death, and~~  
 1596 ~~property damage arising out of the ownership, maintenance, or~~

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1597 | ~~use of the motor vehicle~~ in an amount not less than the limits  
1598 | described in s. 324.021(7) and conforms to the requirements of  
1599 | s. 324.151, to any applicant for private passenger motor vehicle  
1600 | insurance coverage who is seeking the coverage in order to  
1601 | reinstate the applicant's driving privileges in this state after  
1602 | such privileges were revoked or suspended under s. 316.193 or s.  
1603 | 322.26(2) for driving under the influence.

1604 | Section 48. Paragraph (a) of subsection (1) of section  
1605 | 627.728, Florida Statutes, is amended to read:

1606 | 627.728 Cancellations; nonrenewals.—

1607 | (1) As used in this section, the term:

1608 | (a) "Policy" means ~~the~~ bodily injury and property damage  
1609 | liability, ~~personal injury protection~~, medical payments,  
1610 | comprehensive, collision, and uninsured motorist coverage  
1611 | portions of a policy of motor vehicle insurance delivered or  
1612 | issued for delivery in this state:

1613 | 1. Insuring a natural person as named insured or one or  
1614 | more related individuals who are residents ~~resident~~ of the same  
1615 | household; and

1616 | 2. Insuring only a motor vehicle of the private passenger  
1617 | type or station wagon type which is not used as a public or  
1618 | livery conveyance for passengers or rented to others; or  
1619 | insuring any other four-wheel motor vehicle having a load  
1620 | capacity of 1,500 pounds or less which is not used in the  
1621 | occupation, profession, or business of the insured other than  
1622 | farming; other than any policy issued under an automobile  
1623 | insurance assigned risk plan; insuring more than four  
1624 | automobiles; or covering garage, automobile sales agency, repair

1625 shop, service station, or public parking place operation  
 1626 hazards.

1627  
 1628 The term "policy" does not include a binder as defined in s.  
 1629 627.420 unless the duration of the binder period exceeds 60  
 1630 days.

1631 Section 49. Paragraphs (a) and (b) of subsection (1),  
 1632 paragraph (a) of subsection (5), and subsection (7) of section  
 1633 627.7295, Florida Statutes, are amended to read:

1634 627.7295 Motor vehicle insurance contracts.—

1635 (1) As used in this section, the term:

1636 (a) "Policy" means a motor vehicle insurance policy that  
 1637 provides bodily injury liability ~~personal injury protection~~  
 1638 coverage, property damage liability coverage, or both.

1639 (b) "Binder" means a binder that provides motor vehicle  
 1640 bodily injury liability ~~personal injury protection~~ and property  
 1641 damage liability coverage.

1642 (5) (a) A licensed general lines agent may charge a per-  
 1643 policy fee of up to ~~not to exceed~~ \$10 to cover the agent's  
 1644 administrative costs ~~of the agent~~ associated with selling the  
 1645 motor vehicle insurance policy if the policy covers only bodily  
 1646 injury liability ~~personal injury protection~~ coverage ~~as provided~~  
 1647 ~~by s. 627.736~~ and property damage liability coverage as provided  
 1648 by s. 627.7275 and if no other insurance is sold or issued in  
 1649 conjunction with or collateral to the policy. The fee is not  
 1650 ~~considered~~ part of the premium.

1651 (7) A policy of private passenger motor vehicle insurance  
 1652 or a binder for such a policy may be initially issued in this

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1653 state only if, before the effective date of such binder or  
1654 policy, the insurer or agent has collected ~~from the insured an~~  
1655 ~~amount equal to~~ 2 months' premium from the insured. An insurer,  
1656 agent, or premium finance company may not, directly or  
1657 indirectly, take any action that results ~~resulting~~ in the  
1658 insured paying ~~having paid~~ from the insured's own funds an  
1659 amount less than the 2 months' premium required by this  
1660 subsection. This subsection applies without regard to whether  
1661 the premium is financed by a premium finance company or is paid  
1662 pursuant to a periodic payment plan of an insurer or an  
1663 insurance agent.

1664 (a) This subsection does not apply:

1665 1. If an insured or member of the insured's family is  
1666 renewing or replacing a policy or a binder for such policy  
1667 written by the same insurer or a member of the same insurer  
1668 group; ~~This subsection does not apply~~

1669 2. To an insurer that issues private passenger motor  
1670 vehicle coverage primarily to active duty or former military  
1671 personnel or their dependents; ~~or. This subsection does not~~  
1672 ~~apply~~

1673 3. If all policy payments are paid pursuant to a payroll  
1674 deduction plan or an automatic electronic funds transfer payment  
1675 plan from the policyholder.

1676 (b) This subsection and subsection (4) do not apply if:

1677 1. All policy payments to an insurer are paid pursuant to  
1678 an automatic electronic funds transfer payment plan from an  
1679 agent, a managing general agent, or a premium finance company  
1680 and if the policy includes, at a minimum, bodily injury

1681 ~~liability and personal injury protection pursuant to ss.~~  
 1682 ~~627.730-627.7405; motor vehicle property damage liability~~  
 1683 ~~pursuant to s. 627.7275; or and bodily injury liability in at~~  
 1684 ~~least the amount of \$10,000 because of bodily injury to, or~~  
 1685 ~~death of, one person in any one accident and in the amount of~~  
 1686 ~~\$20,000 because of bodily injury to, or death of, two or more~~  
 1687 ~~persons in any one accident. This subsection and subsection (4)~~  
 1688 ~~do not apply if~~

1689 2. An insured has had a policy in effect for at least 6  
 1690 months, the insured's agent is terminated by the insurer that  
 1691 issued the policy, and the insured obtains coverage on the  
 1692 policy's renewal date with a new company through the terminated  
 1693 agent.

1694 Section 50. Section 627.8405, Florida Statutes, is amended  
 1695 to read:

1696 627.8405 Prohibited acts; financing companies.—~~A~~ No  
 1697 premium finance company ~~shall~~, in a premium finance agreement or  
 1698 other agreement, may not finance the cost of or otherwise  
 1699 provide for the collection or remittance of dues, assessments,  
 1700 fees, or other periodic payments of money for the cost of:

1701 (1) A membership in an automobile club. The term  
 1702 "automobile club" means a legal entity that ~~which~~, in  
 1703 consideration of dues, assessments, or periodic payments of  
 1704 money, promises its members or subscribers to assist them in  
 1705 matters relating to the ownership, operation, use, or  
 1706 maintenance of a motor vehicle; however, the term ~~this~~  
 1707 ~~definition of "automobile club"~~ does not include persons,  
 1708 associations, or corporations that ~~which~~ are organized and

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1709 operated solely for the purpose of conducting, sponsoring, or  
1710 sanctioning motor vehicle races, exhibitions, or contests upon  
1711 racetracks, or upon racecourses established and marked as such  
1712 for the duration of such particular events. The term ~~words~~  
1713 "motor vehicle" has ~~used herein have~~ the same meaning as  
1714 provided ~~defined~~ in chapter 320.

1715 (2) An accidental death and dismemberment policy sold in  
1716 combination with a bodily injury liability ~~personal injury~~  
1717 ~~protection~~ and property-damage-only ~~property damage-only~~ policy.

1718 (3) Any product not regulated under the provisions of this  
1719 insurance code.

1720

1721 This section also applies to premium financing by any insurance  
1722 agent or insurance company under part XVI. The commission shall  
1723 adopt rules to assure disclosure, at the time of sale, of  
1724 coverages financed with bodily injury liability coverage  
1725 ~~personal injury protection~~ and shall prescribe the form of such  
1726 disclosure.

1727 Section 51. Subsection (1) of section 627.915, Florida  
1728 Statutes, is amended to read:

1729 627.915 Insurer experience reporting.—

1730 (1) Each insurer transacting private passenger automobile  
1731 insurance in this state shall report certain information  
1732 annually to the office. The information is ~~will be~~ due on or  
1733 before July 1 of each year. The information shall be divided  
1734 into the following categories: bodily injury liability; property  
1735 damage liability; uninsured motorist; ~~personal injury protection~~  
1736 ~~benefits~~; medical payments; comprehensive and collision. The

1737 information must ~~given shall~~ be on direct insurance writings in  
 1738 the state alone and ~~shall~~ represent total limits data. The  
 1739 information set forth in paragraphs (a)-(f) is applicable to  
 1740 voluntary private passenger and Joint Underwriting Association  
 1741 private passenger writings and shall be reported for each of the  
 1742 latest 3 calendar-accident years, with an evaluation date of  
 1743 March 31 of the current year. The information set forth in  
 1744 paragraphs (g)-(j) is applicable to voluntary private passenger  
 1745 writings and shall be reported on a calendar-accident year basis  
 1746 ultimately seven times at seven different stages of development.

1747 (a) Premiums earned for the latest 3 calendar-accident  
 1748 years.

1749 (b) Loss development factors and the historic development  
 1750 of those factors.

1751 (c) Policyholder dividends incurred.

1752 (d) Expenses for other acquisition and general expense.

1753 (e) Expenses for agents' commissions and taxes, licenses,  
 1754 and fees.

1755 (f) Profit and contingency factors as utilized in the  
 1756 insurer's automobile rate filings for the applicable years.

1757 (g) Losses paid.

1758 (h) Losses unpaid.

1759 (i) Loss adjustment expenses paid.

1760 (j) Loss adjustment expenses unpaid.

1761 Section 52. Present paragraph (e) of subsection (2) of  
 1762 section 628.909, Florida Statutes, is redesignated as paragraph  
 1763 (d), present paragraph (e) of subsection (3) of that section is  
 1764 redesignated as paragraph (d), present paragraph (d) of

1765 subsection (2) is amended, and present paragraph (d) of  
 1766 subsection (3) is amended, to read:

1767       628.909 Applicability of other laws.—

1768       (2) The following provisions of the Florida Insurance Code  
 1769 apply to captive insurance companies who are not industrial  
 1770 insured captive insurance companies to the extent that such  
 1771 provisions are not inconsistent with this part:

1772       ~~(d) Sections 627.730-627.7405, when no fault coverage is~~  
 1773 ~~provided.~~

1774       (3) The following provisions of the Florida Insurance Code  
 1775 shall apply to industrial insured captive insurance companies to  
 1776 the extent that such provisions are not inconsistent with this  
 1777 part:

1778       ~~(d) Sections 627.730-627.7405 when no fault coverage is~~  
 1779 ~~provided.~~

1780       Section 53. Subsections (2), (6), and (7) of section  
 1781 705.184, Florida Statutes, are amended to read:

1782       705.184 Derelict or abandoned motor vehicles on the  
 1783 premises of public-use airports.—

1784       (2) The airport director or the director's designee shall  
 1785 contact the Department of Highway Safety and Motor Vehicles to  
 1786 notify that department that the airport has possession of the  
 1787 abandoned or derelict motor vehicle and to determine the name  
 1788 and address of the owner of the motor vehicle, the insurance  
 1789 company insuring the motor vehicle, ~~notwithstanding the~~  
 1790 ~~provisions of s. 627.736,~~ and any person who has filed a lien on  
 1791 the motor vehicle. Within 7 business days after receipt of the  
 1792 information, the director or the director's designee shall send



1793 notice by certified mail, return receipt requested, to the owner  
 1794 of the motor vehicle, the insurance company insuring the motor  
 1795 vehicle, ~~notwithstanding the provisions of s. 627.736,~~ and all  
 1796 persons of record claiming a lien against the motor vehicle. The  
 1797 notice shall state the fact of possession of the motor vehicle,  
 1798 that charges for reasonable towing, storage, and parking fees,  
 1799 if any, have accrued and the amount thereof, that a lien as  
 1800 provided in subsection (6) will be claimed, that the lien is  
 1801 subject to enforcement pursuant to law, that the owner or  
 1802 lienholder, if any, has the right to a hearing as set forth in  
 1803 subsection (4), and that any motor vehicle which, at the end of  
 1804 30 calendar days after receipt of the notice, has not been  
 1805 removed from the airport upon payment in full of all accrued  
 1806 charges for reasonable towing, storage, and parking fees, if  
 1807 any, may be disposed of as provided in s. 705.182(2)(a), (b),  
 1808 (d), or (e), including, but not limited to, the motor vehicle  
 1809 being sold free of all prior liens after 35 calendar days after  
 1810 the time the motor vehicle is stored if any prior liens on the  
 1811 motor vehicle are more than 5 years of age or after 50 calendar  
 1812 days after the time the motor vehicle is stored if any prior  
 1813 liens on the motor vehicle are 5 years of age or less.

1814 (6) The airport pursuant to this section or, if used, a  
 1815 licensed independent wrecker company pursuant to s. 713.78 shall  
 1816 have a lien on an abandoned or derelict motor vehicle for all  
 1817 reasonable towing, storage, and accrued parking fees, if any,  
 1818 except that no storage fee shall be charged if the motor vehicle  
 1819 is stored less than 6 hours. As a prerequisite to perfecting a  
 1820 lien under this section, the airport director or the director's

1821 designee must serve a notice in accordance with subsection (2)  
 1822 on the owner of the motor vehicle, the insurance company  
 1823 insuring the motor vehicle, ~~notwithstanding the provisions of s.~~  
 1824 ~~627.736,~~ and all persons of record claiming a lien against the  
 1825 motor vehicle. If attempts to notify the owner, the insurance  
 1826 company insuring the motor vehicle, ~~notwithstanding the~~  
 1827 ~~provisions of s. 627.736,~~ or lienholders are not successful, the  
 1828 requirement of notice by mail shall be considered met. Serving  
 1829 of the notice does not dispense with recording the claim of  
 1830 lien.

1831 (7) (a) For the purpose of perfecting its lien under this  
 1832 section, the airport shall record a claim of lien, which states  
 1833 ~~shall state:~~

- 1834 1. The name and address of the airport.
- 1835 2. The name of the owner of the motor vehicle, the  
 1836 insurance company insuring the motor vehicle, ~~notwithstanding~~  
 1837 ~~the provisions of s. 627.736,~~ and all persons of record claiming  
 1838 a lien against the motor vehicle.
- 1839 3. The costs incurred from reasonable towing, storage, and  
 1840 parking fees, if any.
- 1841 4. A description of the motor vehicle sufficient for  
 1842 identification.

1843 (b) The claim of lien shall be signed and sworn to or  
 1844 affirmed by the airport director or the director's designee.

1845 (c) The claim of lien is ~~shall be~~ sufficient if it is in  
 1846 substantially the following form:

1847  
 1848 CLAIM OF LIEN

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1849 State of .....

1850 County of .....

1851 Before me, the undersigned notary public, personally appeared

1852 ....., who was duly sworn and says that he/she is the

1853 ..... of ....., whose address is.....; and that the

1854 following described motor vehicle:

1855 ...(Description of motor vehicle)...

1856 owned by ....., whose address is ....., has accrued

1857 \$..... in fees for a reasonable tow, for storage, and for

1858 parking, if applicable; that the lienor served its notice to the

1859 owner, the insurance company insuring the motor vehicle

1860 ~~notwithstanding the provisions of s. 627.736, Florida Statutes,~~

1861 and all persons of record claiming a lien against the motor

1862 vehicle on ....., ...(year)...., by.....

1863 ...(Signature)...

1864 Sworn to (or affirmed) and subscribed before me this .... day of

1865 ....., ...(year)...., by ...(name of person making statement)....

1866 ...(Signature of Notary Public).....(Print, Type, or Stamp

1867 Commissioned name of Notary Public)...

1868 Personally Known...OR Produced...as identification.

1869

1870 However, the negligent inclusion or omission of any information

1871 in this claim of lien which does not prejudice the owner does

1872 not constitute a default that operates to defeat an otherwise

1873 valid lien.

1874 (d) The claim of lien shall be served on the owner of the

1875 motor vehicle, the insurance company insuring the motor vehicle,

1876 ~~notwithstanding the provisions of s. 627.736,~~ and all persons of

1877 record claiming a lien against the motor vehicle. If attempts to  
 1878 notify the owner, the insurance company insuring the motor  
 1879 vehicle ~~notwithstanding the provisions of s. 627.736~~, or  
 1880 lienholders are not successful, the requirement of notice by  
 1881 mail shall be considered met. The claim of lien shall be so  
 1882 served before recordation.

1883 (e) The claim of lien shall be recorded with the clerk of  
 1884 court in the county where the airport is located. The recording  
 1885 of the claim of lien shall be constructive notice to all persons  
 1886 of the contents and effect of such claim. The lien shall attach  
 1887 at the time of recordation and shall take priority as of that  
 1888 time.

1889 Section 54. Subsection (4) of section 713.78, Florida  
 1890 Statutes, is amended to read:

1891 713.78 Liens for recovering, towing, or storing vehicles  
 1892 and vessels.—

1893 (4) (a) Any person regularly engaged in the business of  
 1894 recovering, towing, or storing vehicles or vessels who comes  
 1895 into possession of a vehicle or vessel pursuant to subsection  
 1896 (2), and who claims a lien for recovery, towing, or storage  
 1897 services, shall give notice to the registered owner, the  
 1898 insurance company insuring the vehicle ~~notwithstanding the~~  
 1899 ~~provisions of s. 627.736~~, and ~~to~~ all persons claiming a lien  
 1900 thereon, as disclosed by the records in the Department of  
 1901 Highway Safety and Motor Vehicles or as disclosed by the records  
 1902 of any corresponding agency in any other state in which the  
 1903 vehicle is identified through a records check of the National  
 1904 Motor Vehicle Title Information System or an equivalent

1905 | commercially available system as being titled or registered.

1906 |       (b) If a ~~Whenever any~~ law enforcement agency authorizes  
 1907 | the removal of a vehicle or vessel or if a ~~whenever any~~ towing  
 1908 | service, garage, repair shop, or automotive service, storage, or  
 1909 | parking place notifies the law enforcement agency of possession  
 1910 | of a vehicle or vessel pursuant to s. 715.07(2)(a)2., the law  
 1911 | enforcement agency of the jurisdiction where the vehicle or  
 1912 | vessel is stored shall contact the Department of Highway Safety  
 1913 | and Motor Vehicles, or the appropriate agency of the state of  
 1914 | registration, if known, within 24 hours through ~~the medium of~~  
 1915 | electronic communications, giving the full description of the  
 1916 | vehicle or vessel. Upon receipt of the full description of the  
 1917 | vehicle or vessel, the department shall search its files to  
 1918 | determine the owner's name, the insurance company insuring the  
 1919 | vehicle or vessel, and whether any person has filed a lien upon  
 1920 | the vehicle or vessel as provided in s. 319.27(2) and (3) and  
 1921 | notify the applicable law enforcement agency within 72 hours.  
 1922 | The person in charge of the towing service, garage, repair shop,  
 1923 | or automotive service, storage, or parking place shall obtain  
 1924 | such information from the applicable law enforcement agency  
 1925 | within 5 days after the date of storage and shall give notice  
 1926 | pursuant to paragraph (a). The department may release the  
 1927 | insurance company information to the requestor ~~notwithstanding~~  
 1928 | ~~the provisions of s. 627.736.~~

1929 |       (c) Notice by certified mail shall be sent within 7  
 1930 | business days after the date of storage of the vehicle or vessel  
 1931 | to the registered owner, the insurance company insuring the  
 1932 | vehicle ~~notwithstanding the provisions of s. 627.736,~~ and all

1933 persons of record claiming a lien against the vehicle or vessel.  
 1934 The notice must ~~It shall~~ state the fact of possession of the  
 1935 vehicle or vessel, that a lien as provided in subsection (2) is  
 1936 claimed, that charges have accrued and the amount thereof, that  
 1937 the lien is subject to enforcement pursuant to law, ~~and~~ that the  
 1938 owner or lienholder, if any, has the right to a hearing as set  
 1939 forth in subsection (5), and that any vehicle or vessel which  
 1940 remains unclaimed, or for which the charges for recovery,  
 1941 towing, or storage services remain unpaid, may be sold free of  
 1942 all prior liens after 35 days if the vehicle or vessel is more  
 1943 than 3 years of age or after 50 days if the vehicle or vessel is  
 1944 3 years of age or less.

1945 (d) If attempts to locate the name and address of the  
 1946 owner or lienholder prove unsuccessful, the towing-storage  
 1947 operator shall, after 7 working days, excluding Saturday and  
 1948 Sunday, of the initial tow or storage, notify the public agency  
 1949 of jurisdiction where the vehicle or vessel is stored in writing  
 1950 by certified mail or acknowledged hand delivery that the towing-  
 1951 storage company has been unable to locate the name and address  
 1952 of the owner or lienholder and a physical search of the vehicle  
 1953 or vessel has disclosed no ownership information and a good  
 1954 faith effort has been made, including records checks of the  
 1955 Department of Highway Safety and Motor Vehicles database and the  
 1956 National Motor Vehicle Title Information System or an equivalent  
 1957 commercially available system. As used in ~~For purposes of~~ this  
 1958 paragraph and subsection (9), the term "good faith effort" means  
 1959 that the following checks have been performed by the company to  
 1960 establish prior state of registration and ~~for~~ title:

- 1961 1. Check of the Department of Highway Safety and Motor  
 1962 Vehicles database for the owner and any lienholder.
- 1963 2. Check of the electronic National Motor Vehicle Title  
 1964 Information System or an equivalent commercially available  
 1965 system to determine the state of registration when there is not  
 1966 a current registration record for the vehicle on file with the  
 1967 Department of Highway Safety and Motor Vehicles.
- 1968 3. Check of vehicle or vessel for any type of tag, tag  
 1969 record, temporary tag, or regular tag.
- 1970 4. Check of law enforcement report for tag number or other  
 1971 information identifying the vehicle or vessel, if the vehicle or  
 1972 vessel was towed at the request of a law enforcement officer.
- 1973 5. Check of trip sheet or tow ticket of tow truck operator  
 1974 to see if a tag was on vehicle or vessel at beginning of tow, if  
 1975 private tow.
- 1976 6. If there is no address of the owner on the impound  
 1977 report, check of law enforcement report to see if an out-of-  
 1978 state address is indicated from driver license information.
- 1979 7. Check of vehicle or vessel for inspection sticker or  
 1980 other stickers and decals that may indicate a state of possible  
 1981 registration.
- 1982 8. Check of the interior of the vehicle or vessel for any  
 1983 papers that may be in the glove box, trunk, or other areas for a  
 1984 state of registration.
- 1985 9. Check of vehicle for vehicle identification number.
- 1986 10. Check of vessel for vessel registration number.
- 1987 11. Check of vessel hull for a hull identification number,  
 1988 which should be carved, burned, stamped, embossed, or otherwise

1989 permanently affixed to the outboard side of the transom or, if  
 1990 there is no transom, to the outmost seaboard side at the end of  
 1991 the hull that bears the rudder or other steering mechanism.

1992 Section 55. Paragraph (a) of subsection (1), paragraph (c)  
 1993 of subsection (7), paragraphs (a) through (c) of subsection (8),  
 1994 and subsections (9) and (10) of section 817.234, Florida  
 1995 Statutes, are amended to read:

1996 817.234 False and fraudulent insurance claims.—

1997 (1) (a) A person commits insurance fraud punishable as  
 1998 provided in subsection (11) if that person, with the intent to  
 1999 injure, defraud, or deceive any insurer:

2000 1. Presents or causes to be presented any written or oral  
 2001 statement as part of, or in support of, a claim for payment or  
 2002 other benefit pursuant to an insurance policy or a health  
 2003 maintenance organization subscriber or provider contract,  
 2004 knowing that such statement contains ~~any~~ false, incomplete, or  
 2005 misleading information concerning any fact or thing material to  
 2006 such claim;

2007 2. Prepares or makes any written or oral statement that is  
 2008 intended to be presented to an ~~any~~ insurer in connection with,  
 2009 or in support of, any claim for payment or other benefit  
 2010 pursuant to an insurance policy or a health maintenance  
 2011 organization subscriber or provider contract, knowing that such  
 2012 statement contains ~~any~~ false, incomplete, or misleading  
 2013 information concerning any fact or thing material to such claim;

2014 3.a. Knowingly presents, causes to be presented, or  
 2015 prepares or makes with knowledge or belief that it will be  
 2016 presented to an ~~any~~ insurer, purported insurer, servicing



2017 corporation, insurance broker, or insurance agent, or ~~any~~  
 2018 employee or agent thereof, ~~any~~ false, incomplete, or misleading  
 2019 information or written or oral statement as part of, or in  
 2020 support of, an application for the issuance of, or the rating  
 2021 of, any insurance policy, or a health maintenance organization  
 2022 subscriber or provider contract; or

2023 b. Knowingly conceals information concerning any fact  
 2024 material to such application; or

2025 4. Knowingly presents, causes to be presented, or prepares  
 2026 or makes with knowledge or belief that it will be presented to  
 2027 any insurer a claim for payment or other benefit under a motor  
 2028 vehicle ~~personal injury protection~~ insurance policy if the  
 2029 person knows that the payee knowingly submitted a false,  
 2030 misleading, or fraudulent application or other document when  
 2031 applying for licensure as a health care clinic, seeking an  
 2032 exemption from licensure as a health care clinic, or  
 2033 demonstrating compliance with part X of chapter 400.

2034 (7)

2035 (c) An insurer, or any person acting at the direction of  
 2036 or on behalf of an insurer, may not change an opinion in a  
 2037 mental or physical report ~~prepared under s. 627.736(7)~~ or direct  
 2038 the physician preparing the report to change such opinion;  
 2039 however, this provision does not preclude the insurer from  
 2040 calling to the attention of the physician errors of fact in the  
 2041 report based upon information in the claim file. Any person who  
 2042 violates this paragraph commits a felony of the third degree,  
 2043 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

2044 (8) (a) It is unlawful for any person intending to defraud

2045 any other person to solicit or cause to be solicited any  
 2046 business from a person involved in a motor vehicle accident for  
 2047 the purpose of making, adjusting, or settling motor vehicle tort  
 2048 claims ~~or claims for personal injury protection benefits~~  
 2049 ~~required by s. 627.736~~. Any person who violates ~~the provisions~~  
 2050 ~~of~~ this paragraph commits a felony of the second degree,  
 2051 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.  
 2052 A person who is convicted of a violation of this subsection  
 2053 shall be sentenced to a minimum term of imprisonment of 2 years.

2054 (b) A person may not solicit or cause to be solicited any  
 2055 business from a person involved in a motor vehicle accident by  
 2056 any means of communication other than advertising directed to  
 2057 the public for the purpose of making motor vehicle tort claims  
 2058 ~~or claims for personal injury protection benefits required by s.~~  
 2059 ~~627.736~~, within 60 days after the occurrence of the motor  
 2060 vehicle accident. Any person who violates this paragraph commits  
 2061 a felony of the third degree, punishable as provided in s.  
 2062 775.082, s. 775.083, or s. 775.084.

2063 (c) A lawyer, health care practitioner as defined in s.  
 2064 456.001, or owner or medical director of a clinic required to be  
 2065 licensed pursuant to s. 400.9905 may not, at any time after 60  
 2066 days have elapsed from the occurrence of a motor vehicle  
 2067 accident, solicit or cause to be solicited any business from a  
 2068 person involved in a motor vehicle accident by means of in  
 2069 person or telephone contact at the person's residence, for the  
 2070 purpose of making motor vehicle tort claims ~~or claims for~~  
 2071 ~~personal injury protection benefits required by s. 627.736~~. Any  
 2072 person who violates this paragraph commits a felony of the third

2073 degree, punishable as provided in s. 775.082, s. 775.083, or s.  
 2074 775.084.

2075 (9) A person may not organize, plan, or knowingly  
 2076 participate in an intentional motor vehicle crash or a scheme to  
 2077 create documentation of a motor vehicle crash that did not occur  
 2078 for the purpose of making motor vehicle tort claims ~~or claims~~  
 2079 ~~for personal injury protection benefits as required by s.~~  
 2080 ~~627.736~~. Any person who violates this subsection commits a  
 2081 felony of the second degree, punishable as provided in s.  
 2082 775.082, s. 775.083, or s. 775.084. A person who is convicted of  
 2083 a violation of this subsection shall be sentenced to a minimum  
 2084 term of imprisonment of 2 years.

2085 (10) A licensed health care practitioner who is found  
 2086 guilty of insurance fraud under this section for an act relating  
 2087 to a motor vehicle ~~personal injury protection~~ insurance policy  
 2088 loses his or her license to practice for 5 years and may not  
 2089 receive reimbursement for bodily ~~personal~~ injury liability  
 2090 ~~protection~~ benefits for 10 years.

2091 Section 56. Applicability; notice to policyholders.-

2092 (1) As used in this section, the term "minimum security  
 2093 requirements" means security that enables a person to respond in  
 2094 damages for liability on account of accidents arising out of the  
 2095 use of a motor vehicle in the amount of \$10,000 for damage to,  
 2096 or destruction of, property of others in any one crash; in the  
 2097 amount of \$25,000 for bodily injury to, or the death of, one  
 2098 person in any one crash; and, subject to such limits for one  
 2099 person, in the amount of \$50,000 for bodily injury to, or the  
 2100 death of, two or more persons in any one crash.

2101           (2) Effective January 1, 2015:  
 2102           (a) Motor vehicle insurance policies issued or renewed on  
 2103 or after that date may not include personal injury protection.  
 2104           (b) Any person subject to ss. 324.022 and 627.733, Florida  
 2105 Statutes, must maintain at least minimum security requirements.  
 2106           (c) Any new or renewal motor vehicle insurance policy  
 2107 delivered or issued for delivery in this state must provide  
 2108 coverage that complies with minimum security requirements.  
 2109           (d) An existing motor vehicle insurance policy issued  
 2110 before that date that provides personal injury protection and  
 2111 property damage liability coverage that meet the requirements of  
 2112 ss. 324.022 and 627.733, Florida Statutes, on December 31, 2014,  
 2113 but that do not meet minimum security requirements on or after  
 2114 January 1, 2015, shall be deemed to meet the security  
 2115 requirements of s. 324.022 and s. 627.733, Florida Statutes,  
 2116 until such policy is renewed, nonrenewed, or canceled on or  
 2117 after January 1, 2015.  
 2118           (3) Each insurer shall allow each insured who has a new or  
 2119 renewal policy providing personal injury protection, which  
 2120 becomes effective before January 1, 2015, and whose policy does  
 2121 not meet minimum security requirements on or after January 1,  
 2122 2015, to change coverages so as to eliminate personal injury  
 2123 protection and obtain coverage providing minimum security  
 2124 requirements, which shall be effective on or after January 1,  
 2125 2015. The insurer is not required to provide coverage complying  
 2126 with minimum security requirements in such policies if the  
 2127 insured does not pay the required premium, if any, by January 1,  
 2128 2015, or such later date as the insurer may allow. Any reduction

2129 in the premium must be refunded by the insurer. The insurer may  
 2130 not impose an additional fee or charge on the insured, which  
 2131 applies solely to a change in coverage; however, the insurer may  
 2132 charge an additional required premium that is actuarially  
 2133 indicated.

2134 (4) By September 1, 2014, each motor vehicle insurer shall  
 2135 provide notice of the provisions of this section to each motor  
 2136 vehicle policyholder who is subject to this section. The notice  
 2137 is subject to approval by the Office of Insurance Regulation and  
 2138 must clearly inform the policyholder that:

2139 (a) The Florida Motor Vehicle No-Fault Law is repealed,  
 2140 effective January 1, 2015, and that on or after that date, the  
 2141 insured is no longer required to maintain personal injury  
 2142 protection insurance coverage, that personal injury protection  
 2143 coverage is no longer available for purchase in this state, and  
 2144 that all new or renewal policies issued on or after that date do  
 2145 not contain such coverage.

2146 (b) Effective January 1, 2015, a person subject to the  
 2147 financial responsibility requirements of s. 324.022, Florida  
 2148 Statutes, must maintain minimum security requirements that  
 2149 enable the person to respond in damages for liability on account  
 2150 of accidents arising out of the use of a motor vehicle in the  
 2151 amount of \$10,000 for damage to, or destruction of, property of  
 2152 others in any one crash; in the amount of \$25,000 for bodily  
 2153 injury to, or the death of, one person in any one crash; and,  
 2154 subject to such limits for one person, in the amount of \$50,000  
 2155 for bodily injury to, or the death of, two or more persons in  
 2156 any one crash.

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2157 (c) Personal injury protection insurance pays covered  
2158 medical expenses for injuries sustained in the motor vehicle  
2159 crash by the policyholder, passengers, and relatives residing in  
2160 the policyholder's household.

2161 (d) Bodily injury liability coverage protects the insured,  
2162 up to the coverage limits, against loss if the insured is  
2163 legally responsible for the death of or bodily injury to others  
2164 in a motor vehicle accident.

2165 (e) The policyholder may be able to obtain medical  
2166 payments coverage that pays covered medical expenses for  
2167 injuries sustained in a motor vehicle crash by the policyholder  
2168 and relatives residing in the policyholder's household, but that  
2169 such coverage is not required under state law.

2170 (f) Policyholders whose insurance policies do not contain  
2171 bodily injury liability coverage are without coverage that  
2172 protects against loss if the policyholder is legally responsible  
2173 for the death or bodily injury of others in a motor vehicle  
2174 accident.

2175 (g) Underinsured motorist coverage provides benefits up to  
2176 the limits of such coverage to a policyholder or other insured  
2177 under the policy who is entitled to recover damages from owners  
2178 or operators of uninsured or underinsured motor vehicles because  
2179 of bodily injury, sickness, disease, or death in a motor vehicle  
2180 accident.

2181 (h) If the policyholder's new or renewal motor vehicle  
2182 insurance policy is effective before January 1, 2015, and  
2183 contains personal injury protection and property damage  
2184 liability coverage as required by state law before January 1,

2185 2015, but does not meet minimum security requirements on or  
 2186 after January 1, 2015, the policy shall be deemed to meet  
 2187 minimum security requirements until it is renewed, nonrenewed,  
 2188 or canceled on or after January 1, 2015.

2189 (i) A policyholder whose new or renewal policy becomes  
 2190 effective before January 1, 2015, but does not meet minimum  
 2191 security requirements on or after January 1, 2015, may change  
 2192 coverages under the policy so as to eliminate personal injury  
 2193 protection and to obtain coverage providing minimum security  
 2194 requirements, including bodily injury liability coverage, which  
 2195 are effective on or after January 1, 2015.

2196 (j) If the policyholder has any questions, he or she  
 2197 should contact the name and phone number provided in the notice.

2198 (5) This section shall take effect upon this act becoming  
 2199 a law.

2200 Section 57. Application of suspensions for failure to  
 2201 maintain security; reinstatement.—All suspensions for failure to  
 2202 maintain required security as required by law in effect before  
 2203 January 1, 2015, remain in full force and effect after the  
 2204 effective date of this act. A driver may reinstate a suspended  
 2205 driver license or registration as provided under s. 324.0221,  
 2206 Florida Statutes.

2207 Section 58. This act shall take effect January 1, 2015.