

By Senator Brandes

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1 A bill to be entitled
2 An act relating to motor vehicle insurance; amending
3 s. 627.736, F.S.; providing that an insurer's payment
4 for medical services pursuant to a specified schedule
5 of maximum charges is deemed to be reasonable;
6 authorizing certain coding policies and payment
7 methodologies for such payments; deleting a
8 requirement that a certain fee schedule or payment
9 limitation not be less than a specified amount;
10 specifying that certain attorney fee provisions apply
11 to disputes involving an insurer and a noncorporate
12 assignee; prohibiting a health care provider from
13 recovering attorney fees under the Florida Motor
14 Vehicle No-Fault Law ("no-fault law") under certain
15 circumstances; creating s. 627.747, F.S.; providing
16 that certain provisions of the Florida Insurance Code
17 do not prohibit an insurer of private passenger motor
18 vehicle policies from excluding all coverage for
19 certain household members if specified conditions are
20 met; providing for future repeal of ss. 627.730,
21 627.731, 627.7311, 627.732, 627.733, 627.734, 627.736,
22 627.737, 627.739, 627.7401, 627.7403, and 627.7405,
23 F.S., which compose the no-fault law, ss. 15 and 16 of
24 chapter 2012-197, Laws of Florida, requiring the
25 Office of Insurance Regulation to contract for a study
26 and perform a data call relating to changes made to
27 the no-fault law in 2012, and s. 627.7407, F.S.,
28 relating to application of the no-fault law;
29 authorizing insurers to specify a termination date for
30 motor vehicle insurance policies issued or renewed on
31 or after a specified date; amending s. 318.18, F.S.;
32 deleting a provision that provides for dismissal of a

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33 certain traffic violation under certain circumstances;
34 conforming provisions to changes made by the act;
35 amending s. 324.021, F.S.; redefining the term "motor
36 vehicle"; redefining the term "rental company" to
37 delete a provision providing that certain limits on
38 liability do not apply to a commercial motor vehicle
39 under certain circumstances; amending s. 324.032,
40 F.S.; deleting a certain owner or lessee required to
41 maintain specified insurance under the no-fault law
42 from a provision authorizing means of proving
43 financial responsibility; amending s. 324.171, F.S.;
44 deleting personal injury protection coverage under the
45 no-fault law from coverage required on a certain self-
46 insurance certificate; amending s. 400.9905, F.S.;
47 redefining the term "clinic" to delete a provision
48 relating to reimbursement under the no-fault law;
49 amending s. 456.057, F.S.; deleting persons practicing
50 under a provision of the no-fault law from a list of
51 persons excluded from certain terms; amending s.
52 456.072, F.S.; deleting certain grounds for discipline
53 which relate to actions under no-fault law provisions;
54 amending s. 626.9541, F.S.; deleting from a list of
55 unfair claim settlement practices a certain practice
56 under the no-fault law; deleting a provision
57 authorizing the office to order the insurer to pay
58 restitution for such practice; amending s. 627.727,
59 F.S.; deleting a condition under which the legal
60 liability of an uninsured motorist coverage insurer
61 does include certain damages; amending s. 628.909,

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62 F.S.; revising applicability to remove provisions of
63 the no-fault law under certain circumstances; amending
64 ss. 316.646, 320.02, 322.251, 322.34, 324.0221,
65 627.7263, 627.7275, 627.7295, 705.184, 713.78, and
66 817.234, F.S.; deleting references to certain
67 requirements, benefits, and other provisions under the
68 no-fault law; conforming provisions to changes made by
69 the act; providing effective dates.

70

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

72

73 Section 1. Paragraph (a) of subsection (5) and subsection
74 (8) of section 627.736, Florida Statutes, are amended to read:

75 627.736 Required personal injury protection benefits;
76 exclusions; priority; claims.—

77 (5) CHARGES FOR TREATMENT OF INJURED PERSONS.—

78 (a) A physician, hospital, clinic, or other person or
79 institution lawfully rendering treatment to an injured person
80 for a bodily injury covered by personal injury protection
81 insurance may charge the insurer and injured party only a
82 reasonable amount pursuant to this section for the services and
83 supplies rendered, and the insurer providing such coverage may
84 pay for such charges directly to such person or institution
85 lawfully rendering such treatment if the insured receiving such
86 treatment, or his or her guardian, has countersigned the
87 properly completed invoice, bill, or claim form approved by the
88 office upon which such charges are to be paid ~~for~~ as having
89 actually been rendered, to the best knowledge of the insured or
90 his or her guardian. However, such a charge may not exceed the

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91 amount the person or institution customarily charges for like
92 services or supplies. In determining whether a charge for a
93 particular service, treatment, or otherwise is reasonable,
94 consideration may be given to evidence of usual and customary
95 charges and payments accepted by the provider involved in the
96 dispute, reimbursement levels in the community and various
97 federal and state medical fee schedules applicable to motor
98 vehicle and other insurance coverages, and other information
99 relevant to the reasonableness of the reimbursement for the
100 service, treatment, or supply. A payment for medical services
101 made by an insurer pursuant to the schedule of maximum charges
102 set forth in subparagraph 1. is deemed to be payment of a
103 reasonable amount for such services pursuant to paragraph
104 (1)(a). Such payments may include the application of Medicare
105 coding policies and payment methodologies of the federal Centers
106 for Medicare and Medicaid Services, including applicable
107 modifiers, if the coding policy or payment methodology does not
108 constitute a utilization limit.

109 1. The insurer may limit reimbursement to 80 percent of the
110 following schedule of maximum charges:

111 a. For emergency transport and treatment by providers
112 licensed under chapter 401, 200 percent of Medicare.

113 b. For emergency services and care provided by a hospital
114 licensed under chapter 395, 75 percent of the hospital's usual
115 and customary charges.

116 c. For emergency services and care as defined by s. 395.002
117 provided in a facility licensed under chapter 395 rendered by a
118 physician or dentist, and related hospital inpatient services
119 rendered by a physician or dentist, the usual and customary

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120 charges in the community.

121 d. For hospital inpatient services, other than emergency
122 services and care, 200 percent of the Medicare Part A
123 prospective payment applicable to the specific hospital
124 providing the inpatient services.

125 e. For hospital outpatient services, other than emergency
126 services and care, 200 percent of the Medicare Part A Ambulatory
127 Payment Classification for the specific hospital providing the
128 outpatient services.

129 f. For all other medical services, supplies, and care, 200
130 percent of the allowable amount under:

131 (I) The participating physicians fee schedule of Medicare
132 Part B, except as provided in sub-sub-subparagraphs (II) and
133 (III).

134 (II) Medicare Part B, in the case of services, supplies,
135 and care provided by ambulatory surgical centers and clinical
136 laboratories.

137 (III) The Durable Medical Equipment Prosthetics/Orthotics
138 and Supplies fee schedule of Medicare Part B, in the case of
139 durable medical equipment.

140

141 However, if such services, supplies, or care is not reimbursable
142 under Medicare Part B, as provided in this sub-subparagraph, the
143 insurer may limit reimbursement to 80 percent of the maximum
144 reimbursable allowance under workers' compensation, as
145 determined under s. 440.13 and rules adopted thereunder which
146 are in effect at the time such services, supplies, or care is
147 provided. Services, supplies, or care that is not reimbursable
148 under Medicare or workers' compensation is not required to be

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149 reimbursed by the insurer.

150 2. For purposes of subparagraph 1., the applicable fee
151 schedule or payment limitation under Medicare is the fee
152 schedule or payment limitation in effect on March 1 of the
153 service year in which the services, supplies, or care is
154 rendered and for the area in which such services, supplies, or
155 care is rendered, and the applicable fee schedule or payment
156 limitation applies to services, supplies, or care rendered
157 during that service year, notwithstanding any subsequent change
158 made to the fee schedule or payment limitation, ~~except that it~~
159 ~~may not be less than the allowable amount under the applicable~~
160 ~~schedule of Medicare Part B for 2007 for medical services,~~
161 ~~supplies, and care subject to Medicare Part B.~~ For purposes of
162 this subparagraph, the term "service year" means the period from
163 March 1 through the end of February of the following year.

164 3. Subparagraph 1. does not allow the insurer to apply any
165 limitation on the number of treatments or other utilization
166 limits that apply under Medicare or workers' compensation. An
167 insurer that applies the allowable payment limitations of
168 subparagraph 1. must reimburse a provider who lawfully provided
169 care or treatment under the scope of his or her license,
170 regardless of whether such provider is entitled to reimbursement
171 under Medicare due to restrictions or limitations on the types
172 or discipline of health care providers who may be reimbursed for
173 particular procedures or procedure codes. However, subparagraph
174 1. does not prohibit an insurer from using the Medicare coding
175 policies and payment methodologies of the federal Centers for
176 Medicare and Medicaid Services, including applicable modifiers,
177 to determine the appropriate amount of reimbursement for medical

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178 services, supplies, or care if the coding policy or payment
179 methodology does not constitute a utilization limit.

180 4. If an insurer limits payment as authorized by
181 subparagraph 1., the person providing such services, supplies,
182 or care may not bill or attempt to collect from the insured any
183 amount in excess of such limits, except for amounts that are not
184 covered by the insured's personal injury protection coverage due
185 to the coinsurance amount or maximum policy limits.

186 5. An insurer may limit payment as authorized by this
187 paragraph only if the insurance policy includes a notice at the
188 time of issuance or renewal that the insurer may limit payment
189 pursuant to the schedule of charges specified in this paragraph.
190 A policy form approved by the office satisfies this requirement.
191 If a provider submits a charge for an amount less than the
192 amount allowed under subparagraph 1., the insurer may pay the
193 amount of the charge submitted.

194 (8) APPLICABILITY OF PROVISION REGULATING ATTORNEY FEES.—

195 (a) With respect to any dispute under ~~the provisions of~~ ss.
196 627.730-627.7405 between the insured and the insurer, or between
197 a noncorporate ~~an~~ assignee of an insured's rights and the
198 insurer, ~~the provisions of~~ ss. 627.428 and 768.79 apply, except
199 as provided in subsections (10) and (15), and except that any
200 attorney fees recovered must:

201 1.(a) Comply with prevailing professional standards;

202 2.(b) Not overstate or inflate the number of hours
203 reasonably necessary for a case of comparable skill or
204 complexity; and

205 3.(c) Represent legal services that are reasonable and
206 necessary to achieve the result obtained.

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207 **(b)** Upon request by either party, a judge must make written
208 findings, substantiated by evidence presented at trial or any
209 associated hearings ~~associated therewith~~, that any award of
210 attorney fees complies with this subsection. Notwithstanding s.
211 627.428:⁷

212 **1.** Attorney fees recovered under ss. 627.730-627.7405 must
213 be calculated without regard to a contingency risk multiplier.

214 **2.** A health care provider may not recover attorney fees
215 under ss. 627.730-627.7405 if an insurer has paid the provider's
216 bills pursuant to the schedule of maximum charges set forth in
217 paragraph (5) (a), including the application of Medicare coding
218 policies and payment methodologies of the federal Centers for
219 Medicare and Medicaid Services and applicable modifiers, if the
220 coding policy or payment methodology does not constitute a
221 utilization limit.

222 Section 2. Section 627.747, Florida Statutes, is created to
223 read:

224 627.747 Named driver exclusion.—Sections 320.02, 324.022,
225 and 627.727 do not prohibit an insurer that issues an insurance
226 policy on a private passenger motor vehicle from excluding all
227 coverage under the policy for certain members of the household,
228 if the insurer identifies the excluded household member by name
229 and the named insured consents in writing to the exclusion.

230 Section 3. (1) Effective January 1, 2019, sections 627.730,
231 627.731, 627.7311, 627.732, 627.733, 627.734, 627.736, 627.737,
232 627.739, 627.7401, 627.7403, and 627.7405, Florida Statutes,
233 which compose the Florida Motor Vehicle No-Fault Law, sections
234 15 and 16 of chapter 2012-197, Laws of Florida, and section
235 627.7407, Florida Statutes, are repealed.

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236 (2) In all motor vehicle insurance policies issued or
237 renewed after January 1, 2018, insurers may provide that such
238 policies may terminate on or after January 1, 2019, as provided
239 in subsection (1).

240 Section 4. Effective January 1, 2019, paragraph (b) of
241 subsection (2) of section 318.18, Florida Statutes, is amended
242 to read:

243 318.18 Amount of penalties.—The penalties required for a
244 noncriminal disposition pursuant to s. 318.14 or a criminal
245 offense listed in s. 318.17 are as follows:

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

248 (b) For all violations of ss. 320.0605, 320.07(1), 322.065,
249 and 322.15(1). Any person who is cited for a violation of s.
250 320.07(1) shall be charged a delinquent fee pursuant to s.
251 320.07(4).

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

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

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265 or her and valid at the time of arrest, the clerk of the court
266 may dismiss the case and may assess a dismissal fee of up to
267 \$10.

268 ~~3. If a person who is cited for a violation of s. 316.646~~
269 ~~can show proof of security as required by s. 627.733, issued to~~
270 ~~the person and valid at the time of arrest, the clerk of the~~
271 ~~court may dismiss the case and may assess a dismissal fee of up~~
272 ~~to \$10. A person who finds it impossible or impractical to~~
273 ~~obtain proof of security must submit an affidavit detailing the~~
274 ~~reasons for the impracticality. The reasons may include, but are~~
275 ~~not limited to, the fact that the vehicle has since been sold,~~
276 ~~stolen, or destroyed; that the owner or registrant of the~~
277 ~~vehicle is not required by s. 627.733 to maintain personal~~
278 ~~injury protection insurance; or that the vehicle is owned by~~
279 ~~another person.~~

280 Section 5. Effective January 1, 2019, subsection (1) and
281 paragraph (c) of subsection (9) of section 324.021, Florida
282 Statutes, are amended to read:

283 324.021 Definitions; minimum insurance required.—The
284 following words and phrases when used in this chapter shall, for
285 the purpose of this chapter, have the meanings respectively
286 ascribed to them in this section, except in those instances
287 where the context clearly indicates a different meaning:

288 (1) MOTOR VEHICLE.—Every self-propelled vehicle which is
289 designed and required to be licensed for use upon a highway,
290 including trailers and semitrailers designed for use with such
291 vehicles, except traction engines, road rollers, farm tractors,
292 power shovels, and well drillers, and every vehicle which is
293 propelled by electric power obtained from overhead wires but not

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294 operated upon rails, but not including any bicycle or moped.
295 ~~However, the term "motor vehicle" shall not include any motor~~
296 ~~vehicle as defined in s. 627.732(3) when the owner of such~~
297 ~~vehicle has complied with the requirements of ss. 627.730-~~
298 ~~627.7405, inclusive, unless the provisions of s. 324.051 apply;~~
299 ~~and, in such case, the applicable proof of insurance provisions~~
300 ~~of s. 320.02 apply.~~

301 (9) OWNER; OWNER/LESSOR.-

302 (c) *Application*.-

303 ~~1.~~ The limits on liability in subparagraphs (b)2. and 3. do
304 not apply to an owner of motor vehicles that are used for
305 commercial activity in the owner's ordinary course of business,
306 other than a rental company that rents or leases motor vehicles.
307 For purposes of this paragraph, the term "rental company"
308 includes only an entity that is engaged in the business of
309 renting or leasing motor vehicles to the general public and that
310 rents or leases a majority of its motor vehicles to persons with
311 no direct or indirect affiliation with the rental company. The
312 term also includes a motor vehicle dealer that provides
313 temporary replacement vehicles to its customers for up to 10
314 days. The term "rental company" also includes:

315 ~~1.a.~~ A related rental or leasing company that is a
316 subsidiary of the same parent company as that of the renting or
317 leasing company that rented or leased the vehicle.

318 ~~2.b.~~ The holder of a motor vehicle title or an equity
319 interest in a motor vehicle title if the title or equity
320 interest is held pursuant to or to facilitate an asset-backed
321 securitization of a fleet of motor vehicles used solely in the
322 business of renting or leasing motor vehicles to the general

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323 public and under the dominion and control of a rental company,
324 as described in this subparagraph, in the operation of such
325 rental company's business.

326 ~~2. Furthermore, with respect to commercial motor vehicles~~
327 ~~as defined in s. 627.732, the limits on liability in~~
328 ~~subparagraphs (b)2. and 3. do not apply if, at the time of the~~
329 ~~incident, the commercial motor vehicle is being used in the~~
330 ~~transportation of materials found to be hazardous for the~~
331 ~~purposes of the Hazardous Materials Transportation Authorization~~
332 ~~Act of 1994, as amended, 49 U.S.C. ss. 5101 et seq., and that is~~
333 ~~required pursuant to such act to carry placards warning others~~
334 ~~of the hazardous cargo, unless at the time of lease or rental~~
335 ~~either:~~

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

340 ~~b. The lessee or other operator of the commercial motor~~
341 ~~vehicle has in effect insurance with limits of at least~~
342 ~~\$5,000,000 combined property damage and bodily injury liability.~~

343 Section 6. Effective January 1, 2019, subsection (1) of
344 section 324.032, Florida Statutes, is amended to read:

345 324.032 Manner of proving financial responsibility; for-
346 hire passenger transportation vehicles.—Notwithstanding the
347 provisions of s. 324.031:

348 (1) (a) A person ~~who is either the owner or a lessee~~
349 ~~required to maintain insurance under s. 627.733(1) (b) and who~~
350 operates one or more taxicabs, limousines, jitneys, or any other
351 for-hire passenger transportation vehicles may prove financial

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352 responsibility by furnishing satisfactory evidence of holding a
353 motor vehicle liability policy, but with minimum limits of
354 \$125,000/250,000/50,000.

355 (b) A person who is either the owner or a lessee required
356 to maintain insurance under s. 324.021(9)(b) and who operates
357 limousines, jitneys, or any other for-hire passenger vehicles,
358 other than taxicabs, may prove financial responsibility by
359 furnishing satisfactory evidence of holding a motor vehicle
360 liability policy as defined in s. 324.031.

361
362 Upon request by the department, the applicant must provide the
363 department at the applicant's principal place of business in
364 this state access to the applicant's underlying financial
365 information and financial statements that provide the basis of
366 the certified public accountant's certification. The applicant
367 shall reimburse the requesting department for all reasonable
368 costs incurred by it in reviewing the supporting information.
369 The maximum amount of self-insurance permissible under this
370 subsection is \$300,000 and must be stated on a per-occurrence
371 basis, and the applicant shall maintain adequate excess
372 insurance issued by an authorized or eligible insurer licensed
373 or approved by the Office of Insurance Regulation. All risks
374 self-insured shall remain with the owner or lessee providing it,
375 and the risks are not transferable to any other person, unless a
376 policy complying with subsection (1) is obtained.

377 Section 7. Effective January 1, 2019, subsection (2) of
378 section 324.171, Florida Statutes, is amended to read:

379 324.171 Self-insurer.—

380 (2) The self-insurance certificate shall provide limits of

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381 liability insurance in the amounts specified under s. 324.021(7)
382 or s. 627.7415 ~~and shall provide personal injury protection~~
383 ~~coverage under s. 627.733(3)(b).~~

384 Section 8. Effective January 1, 2019, subsection (4) of
385 section 400.9905, Florida Statutes, is amended to read:

386 400.9905 Definitions.—

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

393 (a) Entities licensed or registered by the state under
394 chapter 395; entities licensed or registered by the state and
395 providing only health care services within the scope of services
396 authorized under their respective licenses under ss. 383.30-
397 383.335, chapter 390, chapter 394, chapter 397, this chapter
398 except part X, chapter 429, chapter 463, chapter 465, chapter
399 466, chapter 478, part I of chapter 483, chapter 484, or chapter
400 651; end-stage renal disease providers authorized under 42
401 C.F.R. part 405, subpart U; providers certified under 42 C.F.R.
402 part 485, subpart B or subpart H; or any entity that provides
403 neonatal or pediatric hospital-based health care services or
404 other health care services by licensed practitioners solely
405 within a hospital licensed under chapter 395.

406 (b) Entities that own, directly or indirectly, entities
407 licensed or registered by the state pursuant to chapter 395;
408 entities that own, directly or indirectly, entities licensed or
409 registered by the state and providing only health care services

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410 within the scope of services authorized pursuant to their
411 respective licenses under ss. 383.30-383.335, chapter 390,
412 chapter 394, chapter 397, this chapter except part X, chapter
413 429, chapter 463, chapter 465, chapter 466, chapter 478, part I
414 of chapter 483, chapter 484, or chapter 651; end-stage renal
415 disease providers authorized under 42 C.F.R. part 405, subpart
416 U; providers certified under 42 C.F.R. part 485, subpart B or
417 subpart H; or any entity that provides neonatal or pediatric
418 hospital-based health care services by licensed practitioners
419 solely within a hospital licensed under chapter 395.

420 (c) Entities that are owned, directly or indirectly, by an
421 entity licensed or registered by the state pursuant to chapter
422 395; entities that are owned, directly or indirectly, by an
423 entity licensed or registered by the state and providing only
424 health care services within the scope of services authorized
425 pursuant to their respective licenses under ss. 383.30-383.335,
426 chapter 390, chapter 394, chapter 397, this chapter except part
427 X, chapter 429, chapter 463, chapter 465, chapter 466, chapter
428 478, part I of chapter 483, chapter 484, or chapter 651; end-
429 stage renal disease providers authorized under 42 C.F.R. part
430 405, subpart U; providers certified under 42 C.F.R. part 485,
431 subpart B or subpart H; or any entity that provides neonatal or
432 pediatric hospital-based health care services by licensed
433 practitioners solely within a hospital under chapter 395.

434 (d) Entities that are under common ownership, directly or
435 indirectly, with an entity licensed or registered by the state
436 pursuant to chapter 395; entities that are under common
437 ownership, directly or indirectly, with an entity licensed or
438 registered by the state and providing only health care services

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439 within the scope of services authorized pursuant to their
440 respective licenses under ss. 383.30-383.335, chapter 390,
441 chapter 394, chapter 397, this chapter except part X, chapter
442 429, chapter 463, chapter 465, chapter 466, chapter 478, part I
443 of chapter 483, chapter 484, or chapter 651; end-stage renal
444 disease providers authorized under 42 C.F.R. part 405, subpart
445 U; providers certified under 42 C.F.R. part 485, subpart B or
446 subpart H; or any entity that provides neonatal or pediatric
447 hospital-based health care services by licensed practitioners
448 solely within a hospital licensed under chapter 395.

449 (e) An entity that is exempt from federal taxation under 26
450 U.S.C. s. 501(c)(3) or (4), an employee stock ownership plan
451 under 26 U.S.C. s. 409 that has a board of trustees at least
452 two-thirds of which are Florida-licensed health care
453 practitioners and provides only physical therapy services under
454 physician orders, any community college or university clinic,
455 and any entity owned or operated by the federal or state
456 government, including agencies, subdivisions, or municipalities
457 thereof.

458 (f) A sole proprietorship, group practice, partnership, or
459 corporation that provides health care services by physicians
460 covered by s. 627.419, that is directly supervised by one or
461 more of such physicians, and that is wholly owned by one or more
462 of those physicians or by a physician and the spouse, parent,
463 child, or sibling of that physician.

464 (g) A sole proprietorship, group practice, partnership, or
465 corporation that provides health care services by licensed
466 health care practitioners under chapter 457, chapter 458,
467 chapter 459, chapter 460, chapter 461, chapter 462, chapter 463,

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468 chapter 466, chapter 467, chapter 480, chapter 484, chapter 486,
469 chapter 490, chapter 491, or part I, part III, part X, part
470 XIII, or part XIV of chapter 468, or s. 464.012, and that is
471 wholly owned by one or more licensed health care practitioners,
472 or the licensed health care practitioners set forth in this
473 paragraph and the spouse, parent, child, or sibling of a
474 licensed health care practitioner if one of the owners who is a
475 licensed health care practitioner is supervising the business
476 activities and is legally responsible for the entity's
477 compliance with all federal and state laws. However, a health
478 care practitioner may not supervise services beyond the scope of
479 the practitioner's license, except that, for the purposes of
480 this part, a clinic owned by a licensee in s. 456.053(3)(b)
481 which provides only services authorized pursuant to s.
482 456.053(3)(b) may be supervised by a licensee specified in s.
483 456.053(3)(b).

484 (h) Clinical facilities affiliated with an accredited
485 medical school at which training is provided for medical
486 students, residents, or fellows.

487 (i) Entities that provide only oncology or radiation
488 therapy services by physicians licensed under chapter 458 or
489 chapter 459 or entities that provide oncology or radiation
490 therapy services by physicians licensed under chapter 458 or
491 chapter 459 which are owned by a corporation whose shares are
492 publicly traded on a recognized stock exchange.

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

496 (k) Entities that provide licensed practitioners to staff

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497 emergency departments or to deliver anesthesia services in
498 facilities licensed under chapter 395 and that derive at least
499 90 percent of their gross annual revenues from the provision of
500 such services. Entities claiming an exemption from licensure
501 under this paragraph must provide documentation demonstrating
502 compliance.

503 (l) Orthotic, prosthetic, pediatric cardiology, or
504 perinatology clinical facilities or anesthesia clinical
505 facilities that are not otherwise exempt under paragraph (a) or
506 paragraph (k) and that are a publicly traded corporation or are
507 wholly owned, directly or indirectly, by a publicly traded
508 corporation. As used in this paragraph, a publicly traded
509 corporation is a corporation that issues securities traded on an
510 exchange registered with the United States Securities and
511 Exchange Commission as a national securities exchange.

512 (m) Entities that are owned by a corporation that has \$250
513 million or more in total annual sales of health care services
514 provided by licensed health care practitioners where one or more
515 of the persons responsible for the operations of the entity is a
516 health care practitioner who is licensed in this state and who
517 is responsible for supervising the business activities of the
518 entity and is responsible for the entity's compliance with state
519 law for purposes of this part.

520 (n) Entities that employ 50 or more licensed health care
521 practitioners licensed under chapter 458 or chapter 459 where
522 the billing for medical services is under a single tax
523 identification number. The application for exemption under this
524 subsection shall contain information that includes: the name,
525 residence, and business address and phone number of the entity

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526 that owns the practice; a complete list of the names and contact
 527 information of all the officers and directors of the
 528 corporation; the name, residence address, business address, and
 529 medical license number of each licensed Florida health care
 530 practitioner employed by the entity; the corporate tax
 531 identification number of the entity seeking an exemption; a
 532 listing of health care services to be provided by the entity at
 533 the health care clinics owned or operated by the entity and a
 534 certified statement prepared by an independent certified public
 535 accountant which states that the entity and the health care
 536 clinics owned or operated by the entity have not received
 537 payment for health care services under personal injury
 538 protection insurance coverage for the preceding year. If the
 539 agency determines that an entity which is exempt under this
 540 subsection has received payments for medical services under
 541 personal injury protection insurance coverage, the agency may
 542 deny or revoke the exemption from licensure under this
 543 subsection.

544
 545 ~~Notwithstanding this subsection, an entity shall be deemed a~~
 546 ~~clinic and must be licensed under this part in order to receive~~
 547 ~~reimbursement under the Florida Motor Vehicle No-Fault Law, ss.~~
 548 ~~627.730-627.7405, unless exempted under s. 627.736(5)(h).~~

549 Section 9. Effective January 1, 2019, paragraph (k) of
 550 subsection (2) of section 456.057, Florida Statutes, is amended
 551 to read:

552 456.057 Ownership and control of patient records; report or
 553 copies of records to be furnished; disclosure of information.-

554 (2) As used in this section, the terms "records owner,"

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555 "health care practitioner," and "health care practitioner's
556 employer" do not include any of the following persons or
557 entities; furthermore, the following persons or entities are not
558 authorized to acquire or own medical records, but are authorized
559 under the confidentiality and disclosure requirements of this
560 section to maintain those documents required by the part or
561 chapter under which they are licensed or regulated:

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

563 Section 10. Effective January 1, 2019, present paragraphs
564 (gg) through (nn) of subsection (1) of section 456.072, Florida
565 Statutes, are redesignated as paragraphs (ee) through (ll),
566 respectively, and present paragraphs (ee) and (ff) of that
567 subsection are amended, to read:

568 456.072 Grounds for discipline; penalties; enforcement.—

569 (1) The following acts shall constitute grounds for which
570 the disciplinary actions specified in subsection (2) may be
571 taken:

572 ~~(ee) With respect to making a personal injury protection
573 claim as required by s. 627.736, intentionally submitting a
574 claim, statement, or bill that has been "upcoded" as defined in
575 s. 627.732.~~

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

580 Section 11. Effective January 1, 2019, paragraph (i) of
581 subsection (1) of section 626.9541, Florida Statutes, is amended
582 to read:

583 626.9541 Unfair methods of competition and unfair or

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584 deceptive acts or practices defined.—

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

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

589 1. Attempting to settle claims on the basis of an
590 application, when serving as a binder or intended to become a
591 part of the policy, or any other material document which was
592 altered without notice to, or knowledge or consent of, the
593 insured.†

594 2. A material misrepresentation made to an insured or any
595 other person having an interest in the proceeds payable under
596 such contract or policy, for the purpose and with the intent of
597 effecting settlement of such claims, loss, or damage under such
598 contract or policy on less favorable terms than those provided
599 in, and contemplated by, such contract or policy.†~~—or~~

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

602 a. Failing to adopt and implement standards for the proper
603 investigation of claims;

604 b. Misrepresenting pertinent facts or insurance policy
605 provisions relating to coverages at issue;

606 c. Failing to acknowledge and act promptly upon
607 communications with respect to claims;

608 d. Denying claims without conducting reasonable
609 investigations based upon available information;

610 e. Failing to affirm or deny full or partial coverage of
611 claims, and, as to partial coverage, the dollar amount or extent
612 of coverage, or failing to provide a written statement that the

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613 claim is being investigated, upon the written request of the
614 insured within 30 days after proof-of-loss statements have been
615 completed;

616 f. Failing to promptly provide a reasonable explanation in
617 writing to the insured of the basis in the insurance policy, in
618 relation to the facts or applicable law, for denial of a claim
619 or for the offer of a compromise settlement;

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

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

624 ~~i. Failing to pay personal injury protection insurance~~
625 ~~claims within the time periods required by s. 627.736(4)(b). The~~
626 ~~office may order the insurer to pay restitution to a~~
627 ~~policyholder, medical provider, or other claimant, including~~
628 ~~interest at a rate consistent with the amount set forth in s.~~
629 ~~55.03(1), for the time period within which an insurer fails to~~
630 ~~pay claims as required by law. Restitution is in addition to any~~
631 ~~other penalties allowed by law, including, but not limited to,~~
632 ~~the suspension of the insurer's certificate of authority.~~

633 4. Failing to pay undisputed amounts of partial or full
634 benefits owed under first-party property insurance policies
635 within 90 days after an insurer receives notice of a residential
636 property insurance claim, determines the amounts of partial or
637 full benefits, and agrees to coverage, unless payment of the
638 undisputed benefits is prevented by an act of God, prevented by
639 the impossibility of performance, or due to actions by the
640 insured or claimant that constitute fraud, lack of cooperation,
641 or intentional misrepresentation regarding the claim for which

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642 benefits are owed.

643 Section 12. Effective January 1, 2019, subsection (7) of
644 section 627.727, Florida Statutes, is amended to read:

645 627.727 Motor vehicle insurance; uninsured and underinsured
646 vehicle coverage; insolvent insurer protection.—

647 (7) The legal liability of an uninsured motorist coverage
648 insurer does not include damages in tort for pain, suffering,
649 mental anguish, and inconvenience ~~unless the injury or disease~~
650 ~~is described in one or more of paragraphs (a) (d) of s.~~
651 ~~627.737(2).~~

652 Section 13. Effective January 1, 2019, present paragraph
653 (e) of subsection (2) of section 628.909, Florida Statutes, is
654 redesignated as paragraph (d), present paragraph (d) of that
655 subsection is amended, present paragraph (e) of subsection (3)
656 of that section is redesignated as paragraph (d), and present
657 paragraph (d) of that subsection is amended, to read:

658 628.909 Applicability of other laws.—

659 (2) The following provisions of the Florida Insurance Code
660 apply to captive insurance companies who are not industrial
661 insured captive insurance companies to the extent that such
662 provisions are not inconsistent with this part:

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

665 (3) The following provisions of the Florida Insurance Code
666 shall apply to industrial insured captive insurance companies to
667 the extent that such provisions are not inconsistent with this
668 part:

669 ~~(d) Sections 627.730-627.7405 when no-fault coverage is~~
670 ~~provided.~~

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671 Section 14. Effective January 1, 2019, subsection (1) of
672 section 316.646, Florida Statutes, is amended to read:

673 316.646 Security required; proof of security and display
674 thereof.—

675 (1) Any person required by s. 324.022 to maintain property
676 damage liability security or, required by s. 324.023 to maintain
677 liability security for bodily injury or death, ~~or required by s.~~
678 ~~627.733 to maintain personal injury protection security~~ on a
679 motor vehicle shall have in his or her immediate possession at
680 all times while operating such motor vehicle proper proof of
681 maintenance of the required security.

682 (a) Such proof shall be in a uniform paper or electronic
683 format, as prescribed by the department, a valid insurance
684 policy, an insurance policy binder, a certificate of insurance,
685 or such other proof as may be prescribed by the department.

686 (b)1. The act of presenting to a law enforcement officer an
687 electronic device displaying proof of insurance in an electronic
688 format does not constitute consent for the officer to access any
689 information on the device other than the displayed proof of
690 insurance.

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

693 Section 15. Effective January 1, 2019, paragraphs (a) and
694 (d) of subsection (5) of section 320.02, Florida Statutes, are
695 amended to read:

696 320.02 Registration required; application for registration;
697 forms.—

698 (5) (a) Proof that ~~personal injury protection benefits have~~
699 ~~been purchased if required under s. 627.733,~~ that property

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700 damage liability coverage has been purchased as required under
701 s. 324.022, that bodily injury or death coverage has been
702 purchased if required under s. 324.023, and that combined bodily
703 liability insurance and property damage liability insurance have
704 been purchased if required under s. 627.7415 shall be provided
705 in the manner prescribed by law by the applicant at the time of
706 application for registration of any motor vehicle that is
707 subject to such requirements. The issuing agent shall refuse to
708 issue registration if such proof of purchase is not provided.
709 Insurers shall furnish uniform proof-of-purchase cards in a
710 paper or electronic format in a form prescribed by the
711 department and include the name of the insured's insurance
712 company, the coverage identification number, and the make, year,
713 and vehicle identification number of the vehicle insured. The
714 card must contain a statement notifying the applicant of the
715 penalty specified under s. 316.646(4). The card or insurance
716 policy, insurance policy binder, or certificate of insurance or
717 a photocopy of any of these; an affidavit containing the name of
718 the insured's insurance company, the insured's policy number,
719 and the make and year of the vehicle insured; or such other
720 proof as may be prescribed by the department shall constitute
721 sufficient proof of purchase. If an affidavit is provided as
722 proof, it must be in substantially the following form:

723
724 Under penalty of perjury, I ... (Name of insured) ... do hereby
725 certify that I have ... ~~(Personal Injury Protection,~~ Property
726 Damage Liability, and, if required, Bodily Injury Liability) ...
727 Insurance currently in effect with ... (Name of insurance
728 company) ... under ... (policy number) ... covering ... (make, year,

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729 and vehicle identification number of vehicle).... ...(Signature
730 of Insured)...

731

732 Such affidavit must include the following warning:

733

734 WARNING: GIVING FALSE INFORMATION IN ORDER TO OBTAIN A VEHICLE
735 REGISTRATION CERTIFICATE IS A CRIMINAL OFFENSE UNDER FLORIDA
736 LAW. ANYONE GIVING FALSE INFORMATION ON THIS AFFIDAVIT IS
737 SUBJECT TO PROSECUTION.

738

739 If an application is made through a licensed motor vehicle
740 dealer as required under s. 319.23, the original or a
741 photostatic copy of such card, insurance policy, insurance
742 policy binder, or certificate of insurance or the original
743 affidavit from the insured shall be forwarded by the dealer to
744 the tax collector of the county or the Department of Highway
745 Safety and Motor Vehicles for processing. By executing the
746 aforesaid affidavit, no licensed motor vehicle dealer will be
747 liable in damages for any inadequacy, insufficiency, or
748 falsification of any statement contained therein. A card must
749 also indicate the existence of any bodily injury liability
750 insurance voluntarily purchased.

751 (d) The verifying of ~~proof of personal injury protection~~
752 ~~insurance~~, proof of property damage liability insurance, proof
753 of combined bodily liability insurance and property damage
754 liability insurance, or proof of financial responsibility
755 insurance and the issuance or failure to issue the motor vehicle
756 registration under the provisions of this chapter may not be
757 construed in any court as a warranty of the reliability or

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758 accuracy of the evidence of such proof. Neither the department
759 nor any tax collector is liable in damages for any inadequacy,
760 insufficiency, falsification, or unauthorized modification of
761 any item of the ~~proof of personal injury protection insurance,~~
762 proof of property damage liability insurance, proof of combined
763 bodily liability insurance and property damage liability
764 insurance, or proof of financial responsibility insurance prior
765 to, during, or subsequent to the verification of the proof. The
766 issuance of a motor vehicle registration does not constitute
767 prima facie evidence or a presumption of insurance coverage.

768 Section 16. Effective January 1, 2019, subsections (1) and
769 (2) of section 322.251, Florida Statutes, are amended to read:

770 322.251 Notice of cancellation, suspension, revocation, or
771 disqualification of license.-

772 (1) All orders of cancellation, suspension, revocation, or
773 disqualification issued under the provisions of this chapter,
774 chapter 318, or chapter 324, ~~or ss. 627.732-627.734~~ shall be
775 given either by personal delivery thereof to the licensee whose
776 license is being canceled, suspended, revoked, or disqualified
777 or by deposit in the United States mail in an envelope, first
778 class, postage prepaid, addressed to the licensee at his or her
779 last known mailing address furnished to the department. Such
780 mailing by the department constitutes notification, and any
781 failure by the person to receive the mailed order will not
782 affect or stay the effective date or term of the cancellation,
783 suspension, revocation, or disqualification of the licensee's
784 driving privilege.

785 (2) The giving of notice and an order of cancellation,
786 suspension, revocation, or disqualification by mail is complete

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787 upon expiration of 20 days after deposit in the United States
788 mail for all notices except those issued under chapter 324 ~~or~~
789 ~~ss. 627.732-627.734~~, which are complete 15 days after deposit in
790 the United States mail. Proof of the giving of notice and an
791 order of cancellation, suspension, revocation, or
792 disqualification in either manner shall be made by entry in the
793 records of the department that such notice was given. The entry
794 is admissible in the courts of this state and constitutes
795 sufficient proof that such notice was given.

796 Section 17. Effective January 1, 2019, paragraph (a) of
797 subsection (8) of section 322.34, Florida Statutes, is amended
798 to read:

799 322.34 Driving while license suspended, revoked, canceled,
800 or disqualified.—

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

804 1. Whether the person's driver license is suspended or
805 revoked.

806 2. Whether the person's driver license has remained
807 suspended or revoked since a conviction for the offense of
808 driving with a suspended or revoked license.

809 3. Whether the suspension or revocation was made under s.
810 316.646 ~~or s. 627.733~~, relating to failure to maintain required
811 security, or under s. 322.264, relating to habitual traffic
812 offenders.

813 4. Whether the driver is the registered owner or coowner of
814 the vehicle.

815 Section 18. Effective January 1, 2019, subsection (2) of

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816 section 324.0221, Florida Statutes, is amended to read:

817 324.0221 Reports by insurers to the department; suspension
818 of driver license and vehicle registrations; reinstatement.—

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

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

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

831 Section 19. Effective January 1, 2019, section 627.7263,
832 Florida Statutes, is amended to read:

833 627.7263 Rental and leasing driver's insurance to be
834 primary; exception.—

835 (1) The valid and collectible liability insurance or
836 personal injury protection insurance providing coverage for the
837 lessor of a motor vehicle for rent or lease is primary unless
838 otherwise stated in at least 10-point type on the face of the
839 rental or lease agreement. Such insurance is primary for the
840 limits of liability and personal injury protection coverage as
841 required by s. 324.021(7) ~~ss. 324.021(7) and 627.736~~.

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

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"The valid and collectible liability insurance and personal injury protection insurance of any authorized rental or leasing driver is primary for the limits of liability and personal injury protection coverage required by s. 324.021(7) ~~ss. 324.021(7) and 627.736~~, Florida Statutes."

Section 20. Effective January 1, 2019, section 627.7275, Florida Statutes, is amended to read:

627.7275 Motor vehicle liability.—

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

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

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

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874 2. Coverage under policies as described in subsection (1),
875 which also provides bodily injury liability coverage and
876 property damage liability coverage ~~for bodily injury, death, and~~
877 ~~property damage arising out of the ownership, maintenance, or~~
878 ~~use of the motor vehicle~~ in an amount not less than the limits
879 described in s. 324.021(7) and conforms to the requirements of
880 s. 324.151, to an applicant for private passenger motor vehicle
881 insurance coverage who is seeking the coverage in order to
882 reinstate the applicant's driving privileges in this state after
883 such privileges were revoked or suspended under s. 316.193 or s.
884 322.26(2) for driving under the influence.

885 (b) The policies described in paragraph (a) shall be issued
886 for at least 6 months and, as to the minimum coverages required
887 under this section, may not be canceled by the insured for any
888 reason or by the insurer after 60 days, during which period the
889 insurer is completing the underwriting of the policy. After the
890 insurer has completed underwriting the policy, the insurer shall
891 notify the Department of Highway Safety and Motor Vehicles that
892 the policy is in full force and effect and is not cancelable for
893 the remainder of the policy period. A premium shall be collected
894 and the coverage is in effect for the 60-day period during which
895 the insurer is completing the underwriting of the policy whether
896 or not the person's driver license, motor vehicle tag, and motor
897 vehicle registration are in effect. Once the noncancelable
898 provisions of the policy become effective, the coverages for
899 bodily injury and ~~property damage, and personal injury~~
900 ~~protection~~ may not be reduced below the minimum limits required
901 under s. 324.021 or s. 324.023 during the policy period.

902 (c) This subsection controls to the extent of any conflict

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903 with any other section.

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

909 (e) This subsection does not require an insurer to offer a
910 policy of insurance to an applicant if such offer would be
911 inconsistent with the insurer's underwriting guidelines and
912 procedures.

913 Section 21. Effective January 1, 2019, paragraph (a) of
914 subsection (5) and subsections (6) and (7) of section 627.7295,
915 Florida Statutes, are amended to read:

916 627.7295 Motor vehicle insurance contracts.-

917 (5) (a) A licensed general lines agent may charge a per-
918 policy fee not to exceed \$10 to cover the administrative costs
919 of the agent associated with selling the motor vehicle insurance
920 policy if the policy covers only ~~personal injury protection~~
921 ~~coverage as provided by s. 627.736~~ and property damage liability
922 coverage as provided by s. 627.7275 and if no other insurance is
923 sold or issued in conjunction with or collateral to the policy.
924 The fee is not considered part of the premium.

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

929 (7) A policy of private passenger motor vehicle insurance
930 or a binder for such a policy may be initially issued in this
931 state only if, before the effective date of such binder or

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932 policy, the insurer or agent has collected from the insured an
933 amount equal to 2 months' premium. An insurer, agent, or premium
934 finance company may not, directly or indirectly, take any action
935 resulting in the insured having paid from the insured's own
936 funds an amount less than the 2 months' premium required by this
937 subsection. This subsection applies without regard to whether
938 the premium is financed by a premium finance company or is paid
939 pursuant to a periodic payment plan of an insurer or an
940 insurance agent. This subsection does not apply if an insured or
941 member of the insured's family is renewing or replacing a policy
942 or a binder for such policy written by the same insurer or a
943 member of the same insurer group. This subsection does not apply
944 to an insurer that issues private passenger motor vehicle
945 coverage primarily to active duty or former military personnel
946 or their dependents. This subsection does not apply if all
947 policy payments are paid pursuant to a payroll deduction plan or
948 an automatic electronic funds transfer payment plan from the
949 policyholder. This subsection and subsection (4) do not apply if
950 all policy payments to an insurer are paid pursuant to an
951 automatic electronic funds transfer payment plan from an agent,
952 a managing general agent, or a premium finance company and if
953 the policy includes, at a minimum, ~~personal injury protection~~
954 ~~pursuant to ss. 627.730-627.7405~~, motor vehicle property damage
955 liability pursuant to s. 627.7275~~7~~, and bodily injury liability
956 in at least the amount of \$10,000 because of bodily injury to,
957 or death of, one person in any one accident and in the amount of
958 \$20,000 because of bodily injury to, or death of, two or more
959 persons in any one accident. This subsection and subsection (4)
960 do not apply if an insured has had a policy in effect for at

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961 least 6 months, the insured's agent is terminated by the insurer
962 that issued the policy, and the insured obtains coverage on the
963 policy's renewal date with a new company through the terminated
964 agent.

965 Section 22. Effective January 1, 2019, subsections (2) and
966 (6) and paragraphs (a), (c), and (d) of subsection (7) of
967 section 705.184, Florida Statutes, are amended to read:

968 705.184 Derelict or abandoned motor vehicles on the
969 premises of public-use airports.—

970 (2) The airport director or the director's designee shall
971 contact the Department of Highway Safety and Motor Vehicles to
972 notify that department that the airport has possession of the
973 abandoned or derelict motor vehicle and to determine the name
974 and address of the owner of the motor vehicle, the insurance
975 company insuring the motor vehicle, ~~notwithstanding the~~
976 ~~provisions of s. 627.736,~~ and any person who has filed a lien on
977 the motor vehicle. Within 7 business days after receipt of the
978 information, the director or the director's designee shall send
979 notice by certified mail, return receipt requested, to the owner
980 of the motor vehicle, the insurance company insuring the motor
981 vehicle, ~~notwithstanding the provisions of s. 627.736,~~ and all
982 persons of record claiming a lien against the motor vehicle. The
983 notice shall state the fact of possession of the motor vehicle,
984 that charges for reasonable towing, storage, and parking fees,
985 if any, have accrued and the amount thereof, that a lien as
986 provided in subsection (6) will be claimed, that the lien is
987 subject to enforcement pursuant to law, that the owner or
988 lienholder, if any, has the right to a hearing as set forth in
989 subsection (4), and that any motor vehicle which, at the end of

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990 30 calendar days after receipt of the notice, has not been
991 removed from the airport upon payment in full of all accrued
992 charges for reasonable towing, storage, and parking fees, if
993 any, may be disposed of as provided in s. 705.182(2)(a), (b),
994 (d), or (e), including, but not limited to, the motor vehicle
995 being sold free of all prior liens after 35 calendar days after
996 the time the motor vehicle is stored if any prior liens on the
997 motor vehicle are more than 5 years of age or after 50 calendar
998 days after the time the motor vehicle is stored if any prior
999 liens on the motor vehicle are 5 years of age or less.

1000 (6) The airport pursuant to this section or, if used, a
1001 licensed independent wrecker company pursuant to s. 713.78 shall
1002 have a lien on an abandoned or derelict motor vehicle for all
1003 reasonable towing, storage, and accrued parking fees, if any,
1004 except that no storage fee shall be charged if the motor vehicle
1005 is stored less than 6 hours. As a prerequisite to perfecting a
1006 lien under this section, the airport director or the director's
1007 designee must serve a notice in accordance with subsection (2)
1008 on the owner of the motor vehicle, the insurance company
1009 insuring the motor vehicle, ~~notwithstanding the provisions of s.~~
1010 ~~627.736,~~ and all persons of record claiming a lien against the
1011 motor vehicle. If attempts to notify the owner, the insurance
1012 company insuring the motor vehicle, ~~notwithstanding the~~
1013 ~~provisions of s. 627.736,~~ or lienholders are not successful, the
1014 requirement of notice by mail shall be considered met. Serving
1015 of the notice does not dispense with recording the claim of
1016 lien.

1017 (7)(a) For the purpose of perfecting its lien under this
1018 section, the airport shall record a claim of lien which shall

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1019 state:

1020 1. The name and address of the airport.

1021 2. The name of the owner of the motor vehicle, the
1022 insurance company insuring the motor vehicle, ~~notwithstanding~~
1023 ~~the provisions of s. 627.736,~~ and all persons of record claiming
1024 a lien against the motor vehicle.

1025 3. The costs incurred from reasonable towing, storage, and
1026 parking fees, if any.

1027 4. A description of the motor vehicle sufficient for
1028 identification.

1029 (c) The claim of lien shall be sufficient if it is in
1030 substantially the following form:

1031

CLAIM OF LIEN

1032 State of

1033 County of

1034 Before me, the undersigned notary public, personally appeared
1035, who was duly sworn and says that he/she is the
1036 of, whose address is.....; and that the
1037 following described motor vehicle:
1038

1039 ...(Description of motor vehicle)...

1040 owned by, whose address is, has accrued
1041 \$..... in fees for a reasonable tow, for storage, and for
1042 parking, if applicable; that the lienor served its notice to the
1043 owner, the insurance company insuring the motor vehicle
1044 ~~notwithstanding the provisions of s. 627.736, Florida Statutes,~~
1045 and all persons of record claiming a lien against the motor
1046 vehicle on, ...(year)...., by.....

1047 ...(Signature)...

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1048 Sworn to (or affirmed) and subscribed before me this day of
 1049, ...(year)..., by ...(name of person making statement)....
 1050 ...(Signature of Notary Public).....(Print, Type, or Stamp
 1051 Commissioned name of Notary Public)...
 1052 Personally Known....OR Produced....as identification.

1053
 1054 However, the negligent inclusion or omission of any information
 1055 in this claim of lien which does not prejudice the owner does
 1056 not constitute a default that operates to defeat an otherwise
 1057 valid lien.

1058 (d) The claim of lien shall be served on the owner of the
 1059 motor vehicle, the insurance company insuring the motor vehicle,
 1060 ~~notwithstanding the provisions of s. 627.736,~~ and all persons of
 1061 record claiming a lien against the motor vehicle. If attempts to
 1062 notify the owner, the insurance company insuring the motor
 1063 vehicle ~~notwithstanding the provisions of s. 627.736,~~ or
 1064 lienholders are not successful, the requirement of notice by
 1065 mail shall be considered met. The claim of lien shall be so
 1066 served before recordation.

1067 Section 23. Effective July 1, 2019, paragraphs (a), (b),
 1068 and (c) of subsection (4) of section 713.78, Florida Statutes,
 1069 are amended to read:

1070 713.78 Liens for recovering, towing, or storing vehicles
 1071 and vessels.-

1072 (4) (a) Any person regularly engaged in the business of
 1073 recovering, towing, or storing vehicles or vessels who comes
 1074 into possession of a vehicle or vessel pursuant to subsection
 1075 (2), and who claims a lien for recovery, towing, or storage
 1076 services, shall give notice to the registered owner, the

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1077 insurance company insuring the vehicle ~~notwithstanding the~~
1078 ~~provisions of s. 627.736~~, and to all persons claiming a lien
1079 thereon, as disclosed by the records in the Department of
1080 Highway Safety and Motor Vehicles or as disclosed by the records
1081 of any corresponding agency in any other state in which the
1082 vehicle is identified through a records check of the National
1083 Motor Vehicle Title Information System or an equivalent
1084 commercially available system as being titled or registered.

1085 (b) Whenever any law enforcement agency authorizes the
1086 removal of a vehicle or vessel or whenever any towing service,
1087 garage, repair shop, or automotive service, storage, or parking
1088 place notifies the law enforcement agency of possession of a
1089 vehicle or vessel pursuant to s. 715.07(2)(a)2., the law
1090 enforcement agency of the jurisdiction where the vehicle or
1091 vessel is stored shall contact the Department of Highway Safety
1092 and Motor Vehicles, or the appropriate agency of the state of
1093 registration, if known, within 24 hours through the medium of
1094 electronic communications, giving the full description of the
1095 vehicle or vessel. Upon receipt of the full description of the
1096 vehicle or vessel, the department shall search its files to
1097 determine the owner's name, the insurance company insuring the
1098 vehicle or vessel, and whether any person has filed a lien upon
1099 the vehicle or vessel as provided in s. 319.27(2) and (3) and
1100 notify the applicable law enforcement agency within 72 hours.
1101 The person in charge of the towing service, garage, repair shop,
1102 or automotive service, storage, or parking place shall obtain
1103 such information from the applicable law enforcement agency
1104 within 5 days after the date of storage and shall give notice
1105 pursuant to paragraph (a). The department may release the

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1106 insurance company information to the requestor ~~notwithstanding~~
1107 ~~the provisions of s. 627.736.~~

1108 (c) Notice by certified mail shall be sent within 7
1109 business days after the date of storage of the vehicle or vessel
1110 to the registered owner, the insurance company insuring the
1111 vehicle ~~notwithstanding the provisions of s. 627.736~~, and all
1112 persons of record claiming a lien against the vehicle or vessel.
1113 It shall state the fact of possession of the vehicle or vessel,
1114 that a lien as provided in subsection (2) is claimed, that
1115 charges have accrued and the amount thereof, that the lien is
1116 subject to enforcement pursuant to law, and that the owner or
1117 lienholder, if any, has the right to a hearing as set forth in
1118 subsection (5), and that any vehicle or vessel which remains
1119 unclaimed, or for which the charges for recovery, towing, or
1120 storage services remain unpaid, may be sold free of all prior
1121 liens after 35 days if the vehicle or vessel is more than 3
1122 years of age or after 50 days if the vehicle or vessel is 3
1123 years of age or less.

1124 Section 24. Effective July 1, 2019, paragraph (a) of
1125 subsection (1), paragraph (c) of subsection (7), paragraphs (a),
1126 (b), and (c) of subsection (8), and subsections (9) and (10) of
1127 section 817.234, Florida Statutes, are amended to read:

1128 817.234 False and fraudulent insurance claims.—

1129 (1) (a) A person commits insurance fraud punishable as
1130 provided in subsection (11) if that person, with the intent to
1131 injure, defraud, or deceive any insurer:

1132 1. Presents or causes to be presented any written or oral
1133 statement as part of, or in support of, a claim for payment or
1134 other benefit pursuant to an insurance policy or a health

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1135 maintenance organization subscriber or provider contract,
1136 knowing that such statement contains any false, incomplete, or
1137 misleading information concerning any fact or thing material to
1138 such claim;

1139 2. Prepares or makes any written or oral statement that is
1140 intended to be presented to any insurer in connection with, or
1141 in support of, any claim for payment or other benefit pursuant
1142 to an insurance policy or a health maintenance organization
1143 subscriber or provider contract, knowing that such statement
1144 contains any false, incomplete, or misleading information
1145 concerning any fact or thing material to such claim;

1146 3.a. Knowingly presents, causes to be presented, or
1147 prepares or makes with knowledge or belief that it will be
1148 presented to any insurer, purported insurer, servicing
1149 corporation, insurance broker, or insurance agent, or any
1150 employee or agent thereof, any false, incomplete, or misleading
1151 information or written or oral statement as part of, or in
1152 support of, an application for the issuance of, or the rating
1153 of, any insurance policy, or a health maintenance organization
1154 subscriber or provider contract; or

1155 b. Knowingly conceals information concerning any fact
1156 material to such application; or

1157 4. Knowingly presents, causes to be presented, or prepares
1158 or makes with knowledge or belief that it will be presented to
1159 any insurer a claim for payment or other benefit under a motor
1160 vehicle ~~personal injury protection~~ insurance policy if the
1161 person knows that the payee knowingly submitted a false,
1162 misleading, or fraudulent application or other document when
1163 applying for licensure as a health care clinic, seeking an

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1164 exemption from licensure as a health care clinic, or
1165 demonstrating compliance with part X of chapter 400.

1166 (7)

1167 (c) An insurer, or any person acting at the direction of or
1168 on behalf of an insurer, may not change an opinion in a mental
1169 or physical report prepared under ~~s. 627.736(7)~~ or direct the
1170 physician preparing the report to change such opinion; however,
1171 this provision does not preclude the insurer from calling to the
1172 attention of the physician errors of fact in the report based
1173 upon information in the claim file. Any person who violates this
1174 paragraph commits a felony of the third degree, punishable as
1175 provided in s. 775.082, s. 775.083, or s. 775.084.

1176 (8) (a) It is unlawful for any person intending to defraud
1177 any other person to solicit or cause to be solicited any
1178 business from a person involved in a motor vehicle accident for
1179 the purpose of making, adjusting, or settling motor vehicle tort
1180 claims ~~or claims for personal injury protection benefits~~
1181 ~~required by s. 627.736~~. Any person who violates the provisions
1182 of this paragraph commits a felony of the second degree,
1183 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.
1184 A person who is convicted of a violation of this subsection
1185 shall be sentenced to a minimum term of imprisonment of 2 years.

1186 (b) A person may not solicit or cause to be solicited any
1187 business from a person involved in a motor vehicle accident by
1188 any means of communication other than advertising directed to
1189 the public for the purpose of making motor vehicle tort claims
1190 ~~or claims for personal injury protection benefits required by s.~~
1191 ~~627.736~~, within 60 days after the occurrence of the motor
1192 vehicle accident. Any person who violates this paragraph commits

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1193 a felony of the third degree, punishable as provided in s.
1194 775.082, s. 775.083, or s. 775.084.

1195 (c) A lawyer, health care practitioner as defined in s.
1196 456.001, or owner or medical director of a clinic required to be
1197 licensed pursuant to s. 400.9905 may not, at any time after 60
1198 days have elapsed from the occurrence of a motor vehicle
1199 accident, solicit or cause to be solicited any business from a
1200 person involved in a motor vehicle accident by means of in
1201 person or telephone contact at the person's residence, for the
1202 purpose of making motor vehicle tort claims ~~or claims for~~
1203 ~~personal injury protection benefits required by s. 627.736~~. Any
1204 person who violates this paragraph commits a felony of the third
1205 degree, punishable as provided in s. 775.082, s. 775.083, or s.
1206 775.084.

1207 (9) A person may not organize, plan, or knowingly
1208 participate in an intentional motor vehicle crash or a scheme to
1209 create documentation of a motor vehicle crash that did not occur
1210 for the purpose of making motor vehicle tort claims ~~or claims~~
1211 ~~for personal injury protection benefits as required by s.~~
1212 ~~627.736~~. Any person who violates this subsection commits a
1213 felony of the second degree, punishable as provided in s.
1214 775.082, s. 775.083, or s. 775.084. A person who is convicted of
1215 a violation of this subsection shall be sentenced to a minimum
1216 term of imprisonment of 2 years.

1217 (10) A licensed health care practitioner who is found
1218 guilty of insurance fraud under this section for an act relating
1219 to a motor vehicle ~~personal injury protection~~ insurance policy
1220 loses his or her license to practice for 5 years and may not
1221 receive reimbursement for bodily ~~personal~~ injury liability

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1222 ~~protection~~ benefits for 10 years.

1223 Section 25. Except as otherwise expressly provided in this

1224 act, this act shall take effect upon becoming a law.