

1                   A bill to be entitled  
2           An act relating to motor vehicle insurance; amending  
3           s. 316.646, F.S.; revising security requirements for a  
4           motor vehicle owner or operator; amending s. 324.011,  
5           F.S.; providing legislative intent and purpose;  
6           creating s. 324.015, F.S.; defining the term "minimum  
7           security requirements"; excluding personal injury  
8           protection from motor vehicle insurance policies  
9           issued or renewed on or after a specified date;  
10          providing conditions for policies entered into by a  
11          specified date; requiring an insurer to permit an  
12          insured to change coverages under specified  
13          circumstances; providing notice requirements;  
14          providing that notice is subject to approval by the  
15          Office of Insurance Regulation; amending s. 324.021,  
16          F.S.; revising and providing definitions; increasing  
17          the minimum amount of motor vehicle liability coverage  
18          required; amending s. 324.022, F.S.; revising  
19          financial responsibility requirements for owners and  
20          operators of motor vehicles; conforming a cross-  
21          reference; amending s. 324.0221, F.S.; conforming  
22          provisions to changes made by the act; conforming  
23          cross-references; providing certain conditions for the  
24          suspension of a motor vehicle license or registration;  
25          amending s. 324.151, F.S.; providing definitions;

26 | revising provisions relating to certain motor vehicle  
27 | liability policies; amending s. 324.161, F.S.;  
28 | revising deposit requirements for self-insurers;  
29 | amending s. 324.171, F.S.; revising conditions under  
30 | which a person is able to obtain a certificate of  
31 | self-insurance; conforming provisions to changes made  
32 | by the act; amending s. 324.251, F.S.; revising a  
33 | short title; amending s. 627.727, F.S.; conforming  
34 | provisions to changes made by the act; revising legal  
35 | liability of an uninsured motorist coverage insurer;  
36 | repealing ss. 627.730, 627.731, 627.7311, 627.739, and  
37 | 627.7401, F.S., relating to Florida Motor Vehicle No-  
38 | Fault Law; repealing s. 627.7407, F.S., relating to  
39 | the application of the Florida Motor Vehicle No-Fault  
40 | Law; providing applicability for certain policies  
41 | issued under the Florida Motor Vehicle No-Fault Law;  
42 | amending ss. 318.18, 320.02, 320.0609, 320.27,  
43 | 320.771, 324.051, 324.091, 626.9541, 627.06501,  
44 | 627.0652, 627.0653, 627.4132, 627.7263, 627.7275,  
45 | 627.728, 627.7295, 627.736, 627.8405, 627.915, and  
46 | 628.909, F.S.; conforming provisions to changes made  
47 | by the act; providing effective dates.

48 |  
49 | Be It Enacted by the Legislature of the State of Florida:  
50 |

51 Section 1. Subsection (1) of section 316.646, Florida  
 52 Statutes, is amended to read:

53 316.646 Security required; proof of security and display  
 54 thereof.—

55 (1) A ~~Any~~ person required by s. 324.022 or s. 324.023 to  
 56 maintain bodily injury or death and property damage liability  
 57 coverage must ~~security, required by s. 324.023 to maintain~~  
 58 ~~liability security for bodily injury or death, or required by s.~~  
 59 ~~627.733 to maintain personal injury protection security on a~~  
 60 ~~motor vehicle shall~~ have in his or her immediate possession at  
 61 all times while operating such motor vehicle proper proof of  
 62 maintenance of the ~~required~~ security in the amount stated in s.  
 63 324.021(7).

64 (a) Such proof shall be in a uniform paper or electronic  
 65 format, as prescribed by the department, a valid insurance  
 66 policy, an insurance policy binder, a certificate of insurance,  
 67 or such other proof as may be prescribed by the department.

68 (b)1. The act of presenting to a law enforcement officer  
 69 an electronic device displaying proof of insurance in an  
 70 electronic format does not constitute consent for the officer to  
 71 access any information on the device other than the displayed  
 72 proof of insurance.

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

75 Section 2. Paragraph (b) of subsection (2) of section

76 | 318.18, Florida Statutes, is amended to read:

77 |       318.18 Amount of penalties.—The penalties required for a  
78 | noncriminal disposition pursuant to s. 318.14 or a criminal  
79 | offense listed in s. 318.17 are as follows:

80 |       (2) Thirty dollars for all nonmoving traffic violations  
81 | and:

82 |       (b) For all violations of ss. 320.0605, 320.07(1),  
83 | 322.065, and 322.15(1). Any person who is cited for a violation  
84 | of s. 320.07(1) shall be charged a delinquent fee pursuant to s.  
85 | 320.07(4).

86 |       1. If a person who is cited for a violation of s. 320.0605  
87 | or s. 320.07 can show proof of having a valid registration at  
88 | the time of arrest, the clerk of the court may dismiss the case  
89 | and may assess a dismissal fee of up to \$10. A person who finds  
90 | it impossible or impractical to obtain a valid registration  
91 | certificate must submit an affidavit detailing the reasons for  
92 | the impossibility or impracticality. The reasons may include,  
93 | but are not limited to, the fact that the vehicle was sold,  
94 | stolen, or destroyed; that the state in which the vehicle is  
95 | registered does not issue a certificate of registration; or that  
96 | the vehicle is owned by another person.

97 |       2. If a person who is cited for a violation of s. 322.03,  
98 | s. 322.065, or s. 322.15 can show a driver license issued to him  
99 | or her and valid at the time of arrest, the clerk of the court  
100 | may dismiss the case and may assess a dismissal fee of up to

101 \$10.

102 3. If a person who is cited for a violation of s. 316.646  
103 can show proof of security as required by s. 324.021(7) ~~627.733~~,  
104 issued to the person and valid at the time of arrest, the clerk  
105 of the court may dismiss the case and may assess a dismissal fee  
106 of up to \$10. A person who finds it impossible or impractical to  
107 obtain proof of security must submit an affidavit detailing the  
108 reasons for the impracticality. The reasons may include, but are  
109 not limited to, the fact that the vehicle has since been sold,  
110 stolen, or destroyed; ~~that the owner or registrant of the~~  
111 ~~vehicle is not required by s. 627.733 to maintain personal~~  
112 ~~injury protection insurance;~~ or that the vehicle is owned by  
113 another person.

114 Section 3. Paragraphs (a) and (d) of subsection (5) of  
115 section 320.02, Florida Statutes, are amended to read:

116 320.02 Registration required; application for  
117 registration; forms.—

118 (5) (a) Proof that liability coverage has ~~personal injury~~  
119 ~~protection benefits have~~ been purchased if required under s.  
120 324.022, s. 324.023, s. 324.032, s. 627.7415, or s. 627.742  
121 ~~627.733, that property damage liability coverage has been~~  
122 ~~purchased as required under s. 324.022, that bodily injury or~~  
123 ~~death coverage has been purchased if required under s. 324.023,~~  
124 ~~and that combined bodily liability insurance and property damage~~  
125 ~~liability insurance have been purchased if required under s.~~

126 | ~~627.7415~~ shall be provided in the manner prescribed by law by  
 127 | the applicant at the time of application for registration of any  
 128 | motor vehicle that is subject to such requirements. The issuing  
 129 | agent shall not ~~shall refuse to~~ issue registration if such proof  
 130 | of purchase is not provided. Insurers shall furnish uniform  
 131 | proof-of-purchase cards in a paper or electronic format in a  
 132 | form prescribed by the department and include the name of the  
 133 | insured's insurance company, the coverage identification number,  
 134 | and the make, year, and vehicle identification number of the  
 135 | vehicle insured. The card must contain a statement notifying the  
 136 | applicant of the penalty specified under s. 316.646(4). The card  
 137 | or insurance policy, insurance policy binder, or certificate of  
 138 | insurance or a photocopy of any of these; an affidavit  
 139 | containing the name of the insured's insurance company, the  
 140 | insured's policy number, and the make and year of the vehicle  
 141 | insured; or such other proof as may be prescribed by the  
 142 | department shall constitute sufficient proof of purchase. If an  
 143 | affidavit is provided as proof, it must be in substantially the  
 144 | following form:

145 |  
 146 | Under penalty of perjury, I ...(Name of insured)... do hereby  
 147 | certify that I have Bodily Injury Liability and...~~(Personal~~  
 148 | ~~Injury Protection,~~ Property Damage Liability coverage, and, ~~if~~  
 149 | ~~required, Bodily Injury Liability)~~... Insurance currently in  
 150 | effect with ...(Name of insurance company)... under ...(policy

151 number)... covering ...(make, year, and vehicle identification  
 152 number of vehicle).... ...(Signature of Insured)...

153

154 Such affidavit must include the following warning:

155

156 WARNING: GIVING FALSE INFORMATION IN ORDER TO OBTAIN A VEHICLE  
 157 REGISTRATION CERTIFICATE IS A CRIMINAL OFFENSE UNDER FLORIDA  
 158 LAW. ANYONE GIVING FALSE INFORMATION ON THIS AFFIDAVIT IS  
 159 SUBJECT TO PROSECUTION.

160

161 If an application is made through a licensed motor vehicle  
 162 dealer as required under s. 319.23, the original or a  
 163 photostatic copy of such card, insurance policy, insurance  
 164 policy binder, or certificate of insurance or the original  
 165 affidavit from the insured shall be forwarded by the dealer to  
 166 the tax collector of the county or the Department of Highway  
 167 Safety and Motor Vehicles for processing. By executing the  
 168 ~~aforsaid~~ affidavit, a ~~ne~~ licensed motor vehicle dealer will not  
 169 be liable in damages for any inadequacy, insufficiency, or  
 170 falsification of any statement contained therein. A card must  
 171 also indicate the existence of any bodily injury liability  
 172 insurance ~~voluntarily~~ purchased.

173 (d) The verifying of ~~proof of personal injury protection~~  
 174 ~~insurance~~, proof of property damage liability insurance, proof  
 175 of combined bodily liability insurance and property damage

176 liability insurance, or proof of financial responsibility  
177 insurance and the issuance or failure to issue the motor vehicle  
178 registration under the provisions of this chapter may not be  
179 construed in any court as a warranty of the reliability, ~~or~~  
180 accuracy of the evidence of such proof, or that the provisions  
181 of any insurance policy furnished as proof of financial  
182 responsibility comply with the laws of this state. Neither the  
183 department nor any tax collector is liable in damages for any  
184 inadequacy, insufficiency, falsification, or unauthorized  
185 modification of any item of the ~~proof of personal injury~~  
186 ~~protection insurance,~~ proof of property damage liability  
187 insurance, proof of combined bodily liability insurance and  
188 property damage liability insurance, or proof of financial  
189 responsibility insurance prior to, during, or subsequent to the  
190 verification of the proof. The issuance of a motor vehicle  
191 registration does not constitute prima facie evidence or a  
192 presumption of insurance coverage.

193 Section 4. Paragraph (b) of subsection (1) of section  
194 320.0609, Florida Statutes, is amended to read:

195 320.0609 Transfer and exchange of registration license  
196 plates; transfer fee.—

197 (1)

198 (b) The transfer of a license plate from a vehicle  
199 disposed of to a newly acquired vehicle does not constitute a  
200 new registration. The application for transfer shall be accepted



201 without requiring proof of ~~personal injury protection or~~  
202 liability insurance.

203 Section 5. Subsection (3) of section 320.27, Florida  
204 Statutes, is amended to read:

205 320.27 Motor vehicle dealers.—

206 (3) APPLICATION AND FEE.—The ~~application for the~~ license  
207 application shall be in such form as may be prescribed by the  
208 department and is ~~shall be~~ subject to such rules ~~with respect~~  
209 ~~thereto~~ as may be so prescribed by the department ~~it~~. Such  
210 application shall be verified by oath or affirmation and must  
211 ~~shall~~ contain a full statement of the name and birth date of the  
212 person or persons applying for the license ~~therefor~~; the name of  
213 the firm or copartnership, with the names and places of  
214 residence of all members ~~thereof~~, if such applicant is a firm or  
215 copartnership; the names and places of residence of the  
216 principal officers, if the applicant is a body corporate or  
217 other artificial body; the name of the state under whose laws  
218 the corporation is organized; the present and former place or  
219 places of residence of the applicant; and the prior business in  
220 which the applicant has been engaged and its ~~the~~ location  
221 ~~thereof~~. The ~~Such~~ application must ~~shall~~ describe the exact  
222 location of the place of business and must ~~shall~~ state whether  
223 the place of business is owned by the applicant and when  
224 acquired, or, if leased, a true copy of the lease shall be  
225 attached to the application. The applicant shall certify that

226 the location provides an adequately equipped office and is not a  
227 residence; that the location affords sufficient unoccupied space  
228 upon and within which adequately to store all motor vehicles  
229 offered and displayed for sale; and that the location is a  
230 suitable place where the applicant can in good faith carry on  
231 such business and keep and maintain books, records, and files  
232 necessary to conduct such business, which shall be available at  
233 all reasonable hours to inspection by the department or any of  
234 its inspectors or other employees. The applicant shall certify  
235 that the business of a motor vehicle dealer is the principal  
236 business that will ~~which shall~~ be conducted at that location.  
237 The application must ~~shall~~ contain a statement that the  
238 applicant is either franchised by a manufacturer of motor  
239 vehicles, in which case the name of each motor vehicle that the  
240 applicant is franchised to sell shall be included, or an  
241 independent (nonfranchised) motor vehicle dealer. The  
242 application must ~~shall~~ contain other relevant information as may  
243 be required by the department., ~~including~~ The applicant must  
244 furnish evidence, in a form approved by the department, that the  
245 applicant is insured under a garage liability insurance policy  
246 or a general liability insurance policy coupled with a business  
247 automobile policy, which shall include, at a minimum, \$25,000  
248 combined single-limit bodily injury and property damage  
249 liability coverage ~~including bodily injury and property damage~~  
250 ~~protection and \$10,000 personal injury protection.~~ However, a

251 salvage motor vehicle dealer as defined in subparagraph (1)(c)5.  
252 is exempt from the requirements for garage liability insurance  
253 ~~and personal injury protection insurance~~ on those vehicles that  
254 cannot be legally operated on roads, highways, or streets in  
255 this state. Franchise dealers must submit a garage liability  
256 insurance policy, and all other dealers must submit a garage  
257 liability insurance policy or a general liability insurance  
258 policy coupled with a business automobile policy. Such policy  
259 shall be for the license period, and evidence of a new or  
260 continued policy shall be delivered to the department at the  
261 beginning of each license period. Upon making initial  
262 application, the applicant shall pay to the department a fee of  
263 \$300 in addition to any other fees required by law. Applicants  
264 may choose to extend the licensure period for 1 additional year  
265 for a total of 2 years. An initial applicant shall pay to the  
266 department a fee of \$300 for the first year and \$75 for the  
267 second year, in addition to any other fees required by law. An  
268 applicant for renewal shall pay to the department \$75 for a 1-  
269 year renewal or \$150 for a 2-year renewal, in addition to any  
270 other fees required by law. Upon making an application for a  
271 change of location, the applicant must ~~person shall~~ pay a fee of  
272 \$50 in addition to any other fees now required by law. The  
273 department shall, in the case of every application for initial  
274 licensure, verify whether certain facts set forth in the  
275 application are true. Each applicant, general partner in the

276 case of a partnership, or corporate officer and director in the  
277 case of a corporate applicant, must file a set of fingerprints  
278 with the department for the purpose of determining any prior  
279 criminal record or any outstanding warrants. The department  
280 shall submit the fingerprints to the Department of Law  
281 Enforcement for state processing and forwarding to the Federal  
282 Bureau of Investigation for federal processing. The actual cost  
283 of state and federal processing shall be borne by the applicant  
284 and is in addition to the fee for licensure. The department may  
285 issue a license to an applicant pending the results of the  
286 fingerprint investigation, which license is fully revocable if  
287 the department subsequently determines that any facts set forth  
288 in the application are not true or correctly represented.

289 Section 6. Paragraph (j) of subsection (3) of section  
290 320.771, Florida Statutes, is amended to read:

291 320.771 License required of recreational vehicle dealers.—

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

296 (j) A statement that the applicant is insured under a  
297 garage liability insurance policy, which shall include, at a  
298 minimum, \$25,000 combined single-limit bodily injury and  
299 property damage liability coverage, ~~including bodily injury and~~  
300 ~~property damage protection, and \$10,000 personal injury~~

301 ~~protection,~~ if the applicant is to be licensed as a dealer in,  
 302 or intends to sell, recreational vehicles.

303  
 304 The department shall, if it deems necessary, cause an  
 305 investigation to be made to ascertain if the facts set forth in  
 306 the application are true and shall not issue a license to the  
 307 applicant until it is satisfied that the facts set forth in the  
 308 application are true.

309 Section 7. Section 324.011, Florida Statutes, is amended  
 310 to read:

311 324.011 Legislative intent and purpose ~~Purpose of~~  
 312 ~~chapter.~~—It is the intent of the Legislature ~~this chapter~~ to  
 313 ensure that the privilege of owning or operating a motor vehicle  
 314 in this state be exercised ~~recognize the existing privilege to~~  
 315 ~~own or operate a motor vehicle on the public streets and~~  
 316 ~~highways of this state when such vehicles are used~~ with due  
 317 consideration for others and their property in order, and to  
 318 promote safety and provide financial security requirements for  
 319 ~~such~~ owners and ~~or~~ operators whose responsibility it is to  
 320 recompense others for injury to person or property caused by the  
 321 operation of a motor vehicle. Therefore, this chapter generally  
 322 requires ~~it is required herein~~ that owners and operators of  
 323 motor vehicles establish, maintain, ~~the operator of a motor~~  
 324 ~~vehicle involved in a crash or convicted of certain traffic~~  
 325 ~~offenses meeting the operative provisions of s. 324.051(2)~~ shall

326 ~~respond for such damages~~ and show proof of financial ability to  
327 respond for damages arising out of the ownership, maintenance,  
328 or use of a motor vehicle in future accidents as a requisite to  
329 his or her ownership or operation of a motor vehicle in this  
330 state future exercise of such privileges.

331 Section 8. Section 324.015, Florida Statutes, is created  
332 to read:

333 324.015 Applicability; notice to policyholders.-

334 (1) As used in this section, the term "minimum security  
335 requirements" means security that enables a person to respond in  
336 damages for liability on account of accidents arising out of the  
337 ownership, maintenance, or use of a motor vehicle in the amounts  
338 required by s. 324.021(7).

339 (2) Effective January 1, 2018:

340 (a) Notwithstanding any provision of law, motor vehicle  
341 insurance policies issued or renewed on or after January 1,  
342 2018, may not include personal injury protection.

343 (b) All persons subject to s. 324.022, s. 324.032, s.  
344 627.7415, or s. 627.742, must maintain at least minimum security  
345 requirements.

346 (c) A new or renewal motor vehicle insurance policy  
347 delivered or issued for delivery in this state must provide  
348 coverage that complies with minimum security requirements.

349 (d) An existing motor vehicle insurance policy issued  
350 before January 1, 2018, that provides personal injury protection

351 and property damage liability coverage and meets the  
352 requirements of s. 324.022, on December 31, 2017, but that does  
353 not meet minimum security requirements on or after January 1,  
354 2018, is deemed to meet the security requirements of s. 324.022  
355 until such policy is renewed, nonrenewed, or canceled.

356 (3) An insurer must allow an insured who has a new or  
357 renewal policy providing personal injury protection, which  
358 becomes effective before January 1, 2018, and whose policy does  
359 not meet minimum security requirements on or after January 1,  
360 2018, to change coverages to obtain coverage providing minimum  
361 security requirements that becomes effective on or after January  
362 1, 2018. The insurer is not required to provide coverage  
363 complying with minimum security requirements in such policies if  
364 the insured does not pay the required premium by January 1,  
365 2018, or such later date as the insurer may allow. The insurer  
366 must refund any reduction in the premium. The insurer may not  
367 impose an additional fee or charge on the insured for such  
368 changes in coverage; however, the insurer may charge an  
369 additional premium that is actuarially indicated.

370 (4) By September 1, 2017, a motor vehicle insurer must  
371 provide notice of the provisions of this section to each motor  
372 vehicle policyholder who is subject to this section. The notice  
373 is subject to approval by the Office of Insurance Regulation and  
374 must clearly inform the policyholder that:

375 (a) The Florida Motor Vehicle No-Fault Law is repealed,

376 effective January 1, 2018, and that on or after that date, the  
377 insured is no longer required to maintain personal injury  
378 protection insurance coverage, that personal injury protection  
379 coverage is no longer available for purchase in this state, and  
380 that all new or renewal policies issued on or after that date do  
381 not contain such coverage.

382 (b) Effective January 1, 2018, a person subject to the  
383 financial responsibility requirements of s. 324.022 must  
384 maintain minimum security requirements that enable the person to  
385 respond in damages for liability on account of accidents arising  
386 out of the ownership, maintenance, or use of a motor vehicle in  
387 the following amounts:

388 1. Twenty-five thousand dollars for bodily injury to, or  
389 the death of, one person in any one accident and, subject to  
390 such limits for one person, in the amount of \$50,000 for bodily  
391 injury to, or the death of, two or more persons in any one  
392 accident; and

393 2. Ten thousand dollars for damage to, or destruction of,  
394 property of others in any one accident.

395 (c) Personal injury protection coverage pays covered  
396 medical expenses for injuries sustained in a motor vehicle  
397 accident by the policyholder, passengers, and relatives residing  
398 in the policyholder's household.

399 (d) Bodily injury liability coverage protects the insured,  
400 up to the coverage limits, against loss if the insured is



401 legally responsible for the death of or bodily injury to others  
402 in a motor vehicle accident.

403 (e) The policyholder may obtain underinsured motorist  
404 coverage, which provides benefits, up to the limits of such  
405 coverage, to a policyholder or other insured entitled to recover  
406 damages for bodily injury, sickness, disease, or death resulting  
407 from a motor vehicle accident with an uninsured or underinsured  
408 owner or operator of a motor vehicle.

409 (f) If the policyholder's new or renewal motor vehicle  
410 insurance policy is effective before January 1, 2018, and  
411 contains personal injury protection and property damage  
412 liability coverage as required by state law before January 1,  
413 2018, but does not meet minimum security requirements on or  
414 after January 1, 2018, the policy is deemed to meet minimum  
415 security requirements until it is renewed, nonrenewed, or  
416 canceled.

417 (g) A policyholder whose new or renewal policy becomes  
418 effective before January 1, 2018, but does not meet minimum  
419 security requirements on or after January 1, 2018, may change  
420 coverages under the policy so as to eliminate personal injury  
421 protection and to obtain coverage providing minimum security  
422 requirements, including bodily injury liability coverage, which  
423 are effective on or after January 1, 2018.

424 (h) If the policyholder has any questions, he or she  
425 should contact the name and phone number provided in the notice.

426           (5) This section shall take effect upon this act becoming  
427 law.

428           Section 9. Subsections (1) and (7) of section 324.021,  
429 Florida Statutes, are amended to read:

430           324.021 Definitions; minimum insurance required.—The  
431 following words and phrases when used in this chapter shall, for  
432 the purpose of this chapter, have the meanings respectively  
433 ascribed to them in this section, except in those instances  
434 where the context clearly indicates a different meaning:

435           (1) MOTOR VEHICLE.—Every self-propelled vehicle which is  
436 designed and required to be licensed for use upon a highway,  
437 including trailers and semitrailers designed for use with such  
438 vehicles, except traction engines, road rollers, farm tractors,  
439 power shovels, and well drillers, and every vehicle which is  
440 propelled by electric power obtained from overhead wires but not  
441 operated upon rails, but not including any bicycle or moped.  
442 ~~However, the term "motor vehicle" shall not include any motor~~  
443 ~~vehicle as defined in s. 627.732(3) when the owner of such~~  
444 ~~vehicle has complied with the requirements of ss. 627.730-~~  
445 ~~627.7405, inclusive, unless the provisions of s. 324.051 apply;~~  
446 ~~and, in such case, the applicable proof of insurance provisions~~  
447 ~~of s. 320.02 apply.~~

448           (7) PROOF OF FINANCIAL RESPONSIBILITY.—Proof ~~That proof~~ of  
449 ability to respond in damages for liability on account of  
450 accidents ~~crashes~~ arising out of the use of a motor vehicle:

451 (a) In the amount of \$25,000 for ~~\$10,000~~ because of bodily  
 452 injury to, or the death of, one person in any one accident  
 453 ~~crash~~;

454 (b) Subject to such limits for one person, in the amount  
 455 of \$50,000 for ~~\$20,000~~ because of bodily injury to, or the death  
 456 of, two or more persons in any one accident ~~crash~~;

457 (c) In the amount of \$10,000 for damage ~~because of injury~~  
 458 to, or destruction of, the property of others in any one  
 459 accident ~~crash~~; and

460 (d) For a ~~With respect to~~ commercial motor vehicles and  
 461 nonpublic sector buses, in the amounts specified in ss. 627.7415  
 462 and 627.742, respectively.

463 Section 10. Section 324.022, Florida Statutes, is amended  
 464 to read:

465 324.022 Financial responsibility requirements ~~for property~~  
 466 ~~damage~~.

467 (1)(a) Every owner ~~or operator~~ of a motor vehicle required  
 468 to be registered in this state and every operator of a motor  
 469 vehicle licensed in this state must ~~shall~~ establish and  
 470 continuously maintain the ability to respond in damages for  
 471 liability on account of accidents arising out of the ownership,  
 472 maintenance, or use of the motor vehicle in the amount of:

473 1. Twenty-five thousand dollars for bodily injury to, or  
 474 the death of, one person in any one accident;

475 2. Subject to the limits for one person, \$50,000 for

476 bodily injury to, or the death of, two or more persons in any  
477 one accident; and \$10,000 because of

478 3. Ten thousand dollars for damage to, or destruction of,  
479 property of others in any one accident ~~crash.~~

480 (b) The requirements of paragraph (a) this section may be  
481 met by one of the methods established in s. 324.031; by self-  
482 insuring as authorized by s. 768.28(16); or by maintaining a  
483 motor vehicle liability insurance an insurance policy providing  
484 coverage for property damage liability in the amount of at least  
485 \$10,000 because of damage to, or destruction of, property of  
486 others in any one accident arising out of the use of the motor  
487 vehicle. The requirements of this section may also be met by  
488 having a policy which provides coverage in the amount of at  
489 least \$60,000 \$30,000 for combined property damage liability and  
490 bodily injury liability for any one accident ~~crash~~ arising out  
491 of the use of the motor vehicle and which conforms to the  
492 requirements of s. 324.151. The policy, with respect to coverage  
493 for property damage liability, must meet the applicable  
494 requirements of s. 324.151, subject to the usual policy  
495 exclusions that have been approved in policy forms by the Office  
496 of Insurance Regulation. No insurer shall have any duty to  
497 defend uncovered claims irrespective of their joinder with  
498 covered claims.

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

500 (a) "Motor vehicle" means any self-propelled vehicle that

501 has four or more wheels and that is of a type designed and  
 502 required to be licensed for use on the highways of this state,  
 503 and any trailer or semitrailer designed for use with such  
 504 vehicle. The term does not include:

- 505 1. A mobile home.
- 506 2. A motor vehicle that is used in mass transit and  
 507 designed to transport more than five passengers, exclusive of  
 508 the operator of the motor vehicle, and that is owned by a  
 509 municipality, transit authority, or political subdivision of the  
 510 state.

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

512 4. A vehicle providing for-hire transportation that is  
 513 subject to the provisions of s. 324.031. A taxicab shall  
 514 maintain security as required under s. 324.032(1).

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

519 (3) Each nonresident owner or registrant of a motor  
 520 vehicle that, whether operated or not, has been physically  
 521 present within this state for more than 90 days during the  
 522 preceding 365 days shall maintain security as required by  
 523 subsection (1) that is in effect continuously throughout the  
 524 period the motor vehicle remains within this state.

525 (4) An ~~The~~ owner or registrant of a motor vehicle who is

526 ~~exempt from the requirements of this section if she or he is a~~  
 527 member of the United States Armed Forces and is called to or on  
 528 active duty outside the United States in an emergency situation  
 529 is exempt from this section while he or she. ~~The exemption~~  
 530 ~~provided by this subsection applies only as long as the member~~  
 531 ~~of the Armed Forces~~ is on such active duty outside the United  
 532 States and applies only while the vehicle is not operated by any  
 533 person. Upon receipt of a written request by the insured to whom  
 534 the exemption provided in this subsection applies, the insurer  
 535 shall cancel the coverages and return any unearned premium or  
 536 suspend the security required by this section. Notwithstanding  
 537 s. 324.0221(2) ~~s. 324.0221(3)~~, the department may not suspend  
 538 the registration or operator's license of an ~~any~~ owner or  
 539 registrant of a motor vehicle during the time she or he  
 540 qualifies for an exemption under this subsection. An ~~Any~~ owner  
 541 or registrant of a motor vehicle who qualifies for the ~~an~~  
 542 exemption under this subsection shall immediately notify the  
 543 department before ~~prior to~~ and at the end of the expiration of  
 544 the exemption.

545 Section 11. Subsections (1) and (2) of section 324.0221,  
 546 Florida Statutes, are amended, and subsection (4) is added to  
 547 that section, to read:

548 324.0221 Reports by insurers to the department; suspension  
 549 of driver license and vehicle registrations; reinstatement.—

550 (1) (a) Each insurer that has issued a policy providing

551 ~~personal injury protection coverage or property damage~~ liability  
552 coverage shall report the cancellation or nonrenewal thereof to  
553 the department within 10 days after the processing date or  
554 effective date of each cancellation or nonrenewal. Upon the  
555 issuance of a policy providing ~~personal injury protection~~  
556 ~~coverage or property damage~~ liability coverage to a named  
557 insured not previously insured by the insurer during that  
558 calendar year, the insurer shall report the issuance of the new  
559 policy to the department within 10 days. The report must ~~shall~~  
560 be in a ~~the~~ form prescribed by the department ~~and format~~ and  
561 contain any information required by the department and must be  
562 provided in a format that is compatible with the data processing  
563 capabilities of the department. Failure by an insurer to file  
564 proper reports with the department as required by this  
565 subsection constitutes a violation of the Florida Insurance  
566 Code. These records shall be used by the department only for  
567 enforcement and regulatory purposes, including the generation by  
568 the department of data regarding compliance by owners of motor  
569 vehicles with the requirements for financial responsibility  
570 coverage.

571 (b) With respect to an insurance policy providing ~~personal~~  
572 ~~injury protection coverage or property damage~~ liability  
573 coverage, each insurer shall notify the named insured, or the  
574 first-named insured in the case of a commercial fleet policy, in  
575 writing that any cancellation or nonrenewal of the policy will

576 | be reported by the insurer to the department. The notice must  
 577 | also inform the named insured that failure to maintain bodily  
 578 | injury liability ~~personal injury protection~~ coverage and  
 579 | property damage liability coverage on a motor vehicle when  
 580 | required by law may result in the loss of registration and  
 581 | driving privileges in this state and inform the named insured of  
 582 | the amount of the reinstatement fees required by this section.  
 583 | This notice is for informational purposes only, and an insurer  
 584 | is not civilly liable for failing to provide this notice.

585 | (2) The department shall suspend, after due notice and an  
 586 | opportunity to be heard, the registration and driver license of  
 587 | any owner or registrant of a motor vehicle with respect to which  
 588 | security is required under s. ~~ss.~~ 324.022, s. 324.032, s.  
 589 | 627.7415, or s. 627.742 and ~~627.733~~ upon:

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

594 | (b) Notification by the insurer to the department, in a  
 595 | form approved by the department, of cancellation or termination  
 596 | of the required security.

597 | (4) All suspensions of license or registration under this  
 598 | section for failure to maintain required security that occurred  
 599 | before January 1, 2018, remain in full force and effect after  
 600 | the effective date of this act.



601 Section 12. Subsection (2) of section 324.051, Florida  
602 Statutes, is amended to read:

603 324.051 Reports of crashes; suspensions of licenses and  
604 registrations.—

605 (2) (a) Thirty days after receipt of notice of any accident  
606 described in paragraph (1) (a) involving a motor vehicle within  
607 this state, the department shall suspend, after due notice and  
608 opportunity to be heard, the license of each operator and all  
609 registrations of the owner of the vehicles operated by such  
610 operator whether or not involved in such crash and, in the case  
611 of a nonresident owner or operator, shall suspend such  
612 nonresident's operating privilege in this state, unless such  
613 operator or owner shall, prior to the expiration of such 30  
614 days, be found by the department to be exempt from the operation  
615 of this chapter, based upon evidence satisfactory to the  
616 department that:

617 1. The motor vehicle was legally parked at the time of  
618 such crash.

619 2. The motor vehicle was owned by the United States  
620 Government, this state, or any political subdivision of this  
621 state or any municipality therein.

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

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

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

634           (b) This subsection shall not apply:

635           1. To such operator or owner if such operator or owner had  
636 in effect at the time of such crash or traffic conviction a  
637 motor vehicle ~~an automobile~~ liability policy with respect to all  
638 of the registered motor vehicles owned by such operator or  
639 owner.

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

645           3. To such operator or owner if the liability of such  
646 operator or owner for damages resulting from such crash is, in  
647 the judgment of the department, covered by any other form of  
648 liability insurance or bond.

649           4. To a ~~any~~ person who has obtained from the department a  
650 certificate of self-insurance, in accordance with s. 324.171, or

651 to a ~~any~~ person operating a motor vehicle for such self-insurer.

652

653 No such policy or bond shall be effective under this subsection  
654 unless it contains limits of not less than those specified in s.  
655 324.021(7).

656 Section 13. Subsection (1) of section 324.091, Florida  
657 Statutes, is amended to read:

658 324.091 Notice to department; notice to insurer.—

659 (1) Each owner and operator involved in a crash or  
660 conviction case within the purview of this chapter shall furnish  
661 evidence of a ~~automobile liability insurance~~ or motor vehicle  
662 liability insurance within 14 days after the date of the mailing  
663 of notice of crash by the department in the form and manner as  
664 it may designate. Upon receipt of evidence that a ~~an automobile~~  
665 ~~liability policy~~ or motor vehicle liability policy was in effect  
666 at the time of the crash or conviction case, the department  
667 shall forward to the insurer such information for verification  
668 in a method as determined by the department. The insurer shall  
669 respond to the department within 20 days after the notice  
670 whether or not such information is valid. If the department  
671 determines that a ~~an automobile liability policy~~ or motor  
672 vehicle liability policy was not in effect and did not provide  
673 coverage for both the owner and the operator, it shall take  
674 action as it is authorized to do under this chapter.

675 Section 14. Section 324.151, Florida Statutes, is amended

676 to read:

677 324.151 Motor vehicle liability policies; required  
678 provisions.-

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

680 (a) "Newly acquired vehicle" means a vehicle owned by a  
681 named insured or resident relative of the named insured which  
682 was acquired 30 days or less before an accident.

683 (b) "Resident relative" means a person related to a named  
684 insured by any degree by blood, marriage, or adoption, including  
685 a ward or foster child, who usually makes her or his home in the  
686 same family unit as the named insured, whether or not he or she  
687 is temporarily living elsewhere.

688 (c) "Temporary substitute vehicle" means a motor vehicle  
689 as defined in s. 320.01(1) that is not owned by the named  
690 insured which is temporarily used with the permission of the  
691 owner as a substitute for a motor vehicle designated on the  
692 policy when the vehicle designated on the policy is withdrawn  
693 from normal use because of breakdown, repair, servicing, loss,  
694 or destruction.

695 (2)~~(1)~~ A motor vehicle liability policy ~~as to be~~ proof of  
696 financial responsibility under s. 324.031(1), shall be issued to  
697 owners ~~and~~ ~~or~~ operators of motor vehicles and must contain ~~under~~  
698 the following provisions:

699 (a) A motor vehicle liability insurance policy issued to  
700 an owner of a motor vehicle registered in this state must ~~An~~

701 ~~owner's liability insurance policy shall~~ designate by explicit  
702 description or by appropriate reference all motor vehicles with  
703 respect to which coverage is thereby granted. The policy must  
704 ~~and shall~~ insure the person or persons ~~owner~~ named therein and  
705 any resident relative of a named insured ~~other person as~~  
706 ~~operator using such motor vehicle or motor vehicles with the~~  
707 ~~express or implied permission of such owner against loss from~~  
708 the liability imposed by law for damage arising out of the  
709 ownership, maintenance, or use of any such motor vehicle, except  
710 as otherwise provided in this section. The policy shall also  
711 insure any person operating an insured motor vehicle with the  
712 express or implied permission of the named insured against loss  
713 from liability imposed by law for damage arising out of the use  
714 of such vehicle. However, the insurer may exclude in its policy  
715 liability coverage for a motor vehicle not designated as an  
716 insured vehicle on the policy if such motor vehicle does not  
717 qualify as a newly acquired vehicle, does not qualify as a  
718 temporary substitute vehicle, and was owned by an insured or was  
719 furnished for an insured's regular use for more than 30  
720 consecutive days before an accident ~~or motor vehicles within the~~  
721 ~~United States or the Dominion of Canada, subject to limits,~~  
722 ~~exclusive of interest and costs with respect to each such motor~~  
723 ~~vehicle as is provided for under s. 324.021(7).~~ Insurers may  
724 make available, with respect to property damage liability  
725 coverage, a deductible amount not to exceed \$500. In the event

726 of a property damage loss covered by a policy containing a  
727 property damage deductible provision, the insurer shall pay to  
728 the third-party claimant the amount of any property damage  
729 liability settlement or judgment, subject to policy limits, as  
730 if no deductible existed.

731 (b) A motor vehicle liability insurance policy issued to a  
732 person who does not own a motor vehicle registered in this state  
733 and is not already insured under a policy described in  
734 subsection (a) must ~~An operator's motor vehicle liability policy~~  
735 ~~of insurance shall~~ insure the person or persons named in the  
736 policy therein against loss from ~~the~~ liability imposed ~~upon him~~  
737 ~~or her~~ by law for damages arising out of the use ~~by the person~~  
738 of any motor vehicle not owned by him or her, unless the vehicle  
739 was furnished for the named insured's regular use and used by  
740 the named insured for more than 30 consecutive days before an  
741 accident ~~with the same territorial limits and subject to the~~  
742 ~~same limits of liability as referred to above with respect to an~~  
743 ~~owner's policy of liability insurance.~~

744 (c) All such motor vehicle liability policies shall state  
745 the name and address of the named insured, the coverage afforded  
746 by the policy, the premium charged therefor, the policy period,  
747 the limits of liability, and shall contain an agreement or be  
748 endorsed that insurance is provided in accordance with the  
749 coverage defined in this chapter ~~as respects bodily injury and~~  
750 ~~death or property damage or both~~ and is subject to all

751 provisions of this chapter. The said policies must ~~shall~~ also  
 752 contain a provision that the satisfaction by an insured of a  
 753 judgment for such injury or damage shall not be a condition  
 754 precedent to the right or duty of the insurance carrier to make  
 755 payment on account of such injury or damage, and shall also  
 756 contain a provision that bankruptcy or insolvency of the insured  
 757 or of the insured's estate shall not relieve the insurance  
 758 carrier of any of its obligations under the said policy.  
 759 However, the policies may contain provisions excluding liability  
 760 coverage for a vehicle used outside of the United States or  
 761 Canada at the time of an accident.

762 (3)~~(2)~~ The provisions of this section shall not be  
 763 applicable to any automobile liability policy unless and until  
 764 it is furnished as proof of financial responsibility for the  
 765 future pursuant to s. 324.031, and then only from and after the  
 766 date said policy is so furnished.

767 Section 15. Section 324.161, Florida Statutes, is amended  
 768 to read:

769 324.161 Proof of financial responsibility; deposit.-  
 770 Annually, before any certificate of insurance may be issued to a  
 771 person, including any firm, partnership, association,  
 772 corporation, or other person, ~~other than a natural person,~~ proof  
 773 of a certificate of deposit of \$60,000 ~~\$30,000~~ issued and held  
 774 by a financial institution must be submitted to the department.  
 775 A power of attorney will be issued to and held by the department

776 and may be executed upon a judgment issued against such person  
777 making the deposit, for damages for ~~because of~~ bodily injury to  
778 or death of any person or for damages for ~~because of~~ injury to  
779 or destruction of property resulting from the use or operation  
780 of any motor vehicle occurring after such deposit was made.  
781 Money so deposited is ~~shall~~ not be subject to attachment or  
782 execution unless such attachment or execution shall arise out of  
783 a suit for such damages ~~as aforesaid~~.

784 Section 16. Subsections (1) and (2) of section 324.171,  
785 Florida Statutes, are amended to read:

786 324.171 Self-insurer.—

787 (1) A ~~Any~~ person may qualify as a self-insurer by  
788 obtaining a certificate of self-insurance from the department.  
789 Upon ~~which may, in its discretion and upon~~ application of such a  
790 person, the department may issue a ~~said~~ certificate of self-  
791 insurance if the applicant ~~when such person~~ has satisfied the  
792 requirements of this section ~~to qualify as a self-insurer under~~  
793 ~~this section~~:

794 (a) A private individual with private passenger vehicles  
795 must ~~shall~~ possess a net unencumbered worth of at least \$60,000  
796 ~~\$40,000~~.

797 (b) A person, including any firm, partnership,  
798 association, corporation, or other person, other than a natural  
799 person, must ~~shall~~:

800 1. Possess a net unencumbered worth of at least \$60,000



801 ~~\$40,000~~ for the first motor vehicle and \$30,000 ~~\$20,000~~ for each  
802 additional motor vehicle; or

803 2. Maintain sufficient net worth, in an amount determined  
804 by the department to be financially responsible for potential  
805 losses. The department must annually determine the minimum net  
806 worth sufficient to satisfy this section ~~as determined annually~~  
807 ~~by the department,~~ pursuant to rules adopted ~~promulgated~~ by the  
808 department, with the assistance of the Office of Insurance  
809 Regulation of the Financial Services Commission, ~~to be~~  
810 ~~financially responsible for potential losses.~~ The rules must  
811 consider any ~~shall take into consideration~~ excess insurance  
812 carried by the applicant. The department's determination shall  
813 be based upon reasonable actuarial principles considering the  
814 frequency, severity, and loss development of claims incurred by  
815 casualty insurers writing coverage on the type of motor vehicles  
816 for which a certificate of self-insurance is desired.

817 (c) The owner of a commercial motor vehicle, as defined in  
818 s. 207.002 or s. 320.01, may qualify as a self-insurer subject  
819 to the standards provided ~~for~~ in subparagraph (b)2.

820 (2) The self-insurance certificate shall provide limits of  
821 liability insurance in the amounts specified under s. 324.021(7)  
822 or s. 627.7415 and ~~shall provide personal injury protection~~  
823 ~~coverage under s. 627.733(3)(b).~~

824 Section 17. Section 324.251, Florida Statutes, is amended  
825 to read:

826           324.251 Short title.—This chapter may be cited as the  
827 "Financial Responsibility Law of 2017 ~~1955~~" and shall become  
828 effective at 12:01 a.m., January 1, 2018 ~~October 1, 1955~~.

829           Section 18. Paragraph (o) of subsection (1) of section  
830 626.9541, Florida Statutes, is amended to read:

831           626.9541 Unfair methods of competition and unfair or  
832 deceptive acts or practices defined.—

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

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

838           1. Knowingly collecting any sum as a premium or charge for  
839 insurance, which is not then provided, or is not in due course  
840 to be provided, subject to acceptance of the risk by the  
841 insurer, by an insurance policy issued by an insurer as  
842 permitted by this code.

843           2. Knowingly collecting as a premium or charge for  
844 insurance any sum in excess of or less than the premium or  
845 charge applicable to such insurance, in accordance with the  
846 applicable classifications and rates as filed with and approved  
847 by the office, and as specified in the policy; or, in cases when  
848 classifications, premiums, or rates are not required by this  
849 code to be so filed and approved, premiums and charges collected  
850 from a Florida resident in excess of or less than those

851 specified in the policy and as fixed by the insurer.  
852 Notwithstanding any other provision of law, this provision shall  
853 not be deemed to prohibit the charging and collection, by  
854 surplus lines agents licensed under part VIII of this chapter,  
855 of the amount of applicable state and federal taxes, or fees as  
856 authorized by s. 626.916(4), in addition to the premium required  
857 by the insurer or the charging and collection, by licensed  
858 agents, of the exact amount of any discount or other such fee  
859 charged by a credit card facility in connection with the use of  
860 a credit card, as authorized by subparagraph (q)3., in addition  
861 to the premium required by the insurer. This subparagraph shall  
862 not be construed to prohibit collection of a premium for a  
863 universal life or a variable or indeterminate value insurance  
864 policy made in accordance with the terms of the contract.

865 3.a. Imposing or requesting an additional premium for a  
866 policy of motor vehicle liability, ~~personal injury protection,~~  
867 medical payment, or collision insurance or any combination  
868 thereof or refusing to renew the policy solely because the  
869 insured was involved in a motor vehicle accident unless the  
870 insurer's file contains information from which the insurer in  
871 good faith determines that the insured was substantially at  
872 fault in the accident.

873 b. An insurer which imposes and collects such a surcharge  
874 or which refuses to renew such policy shall, in conjunction with  
875 the notice of premium due or notice of nonrenewal, notify the

876 | named insured that he or she is entitled to reimbursement of  
877 | such amount or renewal of the policy under the conditions listed  
878 | below and will subsequently reimburse him or her or renew the  
879 | policy, if the named insured demonstrates that the operator  
880 | involved in the accident was:

881 |       (I) Lawfully parked;

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

884 |       (III) Struck in the rear by another vehicle headed in the  
885 | same direction and was not convicted of a moving traffic  
886 | violation in connection with the accident;

887 |       (IV) Hit by a "hit-and-run" driver, if the accident was  
888 | reported to the proper authorities within 24 hours after  
889 | discovering the accident;

890 |       (V) Not convicted of a moving traffic violation in  
891 | connection with the accident, but the operator of the other  
892 | automobile involved in such accident was convicted of a moving  
893 | traffic violation;

894 |       (VI) Finally adjudicated not to be liable by a court of  
895 | competent jurisdiction;

896 |       (VII) In receipt of a traffic citation which was dismissed  
897 | or nolle prossed; or

898 |       (VIII) Not at fault as evidenced by a written statement  
899 | from the insured establishing facts demonstrating lack of fault  
900 | which are not rebutted by information in the insurer's file from

901 | which the insurer in good faith determines that the insured was  
902 | substantially at fault.

903 |       c. In addition to the other provisions of this  
904 | subparagraph, an insurer may not fail to renew a policy if the  
905 | insured has had only one accident in which he or she was at  
906 | fault within the current 3-year period. However, an insurer may  
907 | nonrenew a policy for reasons other than accidents in accordance  
908 | with s. 627.728. This subparagraph does not prohibit nonrenewal  
909 | of a policy under which the insured has had three or more  
910 | accidents, regardless of fault, during the most recent 3-year  
911 | period.

912 |       4. Imposing or requesting an additional premium for, or  
913 | refusing to renew, a policy for motor vehicle insurance solely  
914 | because the insured committed a noncriminal traffic infraction  
915 | as described in s. 318.14 unless the infraction is:

916 |       a. A second infraction committed within an 18-month  
917 | period, or a third or subsequent infraction committed within a  
918 | 36-month period.

919 |       b. A violation of s. 316.183, when such violation is a  
920 | result of exceeding the lawful speed limit by more than 15 miles  
921 | per hour.

922 |       5. Upon the request of the insured, the insurer and  
923 | licensed agent shall supply to the insured the complete proof of  
924 | fault or other criteria which justifies the additional charge or  
925 | cancellation.

926           6. No insurer shall impose or request an additional  
927 premium for motor vehicle insurance, cancel or refuse to issue a  
928 policy, or refuse to renew a policy because the insured or the  
929 applicant is a handicapped or physically disabled person, so  
930 long as such handicap or physical disability does not  
931 substantially impair such person's mechanically assisted driving  
932 ability.

933           7. No insurer may cancel or otherwise terminate any  
934 insurance contract or coverage, or require execution of a  
935 consent to rate endorsement, during the stated policy term for  
936 the purpose of offering to issue, or issuing, a similar or  
937 identical contract or coverage to the same insured with the same  
938 exposure at a higher premium rate or continuing an existing  
939 contract or coverage with the same exposure at an increased  
940 premium.

941           8. No insurer may issue a nonrenewal notice on any  
942 insurance contract or coverage, or require execution of a  
943 consent to rate endorsement, for the purpose of offering to  
944 issue, or issuing, a similar or identical contract or coverage  
945 to the same insured at a higher premium rate or continuing an  
946 existing contract or coverage at an increased premium without  
947 meeting any applicable notice requirements.

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

951           10. Imposing or requesting an additional premium for motor  
 952 vehicle comprehensive or uninsured motorist coverage solely  
 953 because the insured was involved in a motor vehicle accident or  
 954 was convicted of a moving traffic violation.

955           11. No insurer shall cancel or issue a nonrenewal notice  
 956 on any insurance policy or contract without complying with any  
 957 applicable cancellation or nonrenewal provision required under  
 958 the Florida Insurance Code.

959           12. No insurer shall impose or request an additional  
 960 premium, cancel a policy, or issue a nonrenewal notice on any  
 961 insurance policy or contract because of any traffic infraction  
 962 when adjudication has been withheld and no points have been  
 963 assessed pursuant to s. 318.14(9) and (10). However, this  
 964 subparagraph does not apply to traffic infractions involving  
 965 accidents in which the insurer has incurred a loss due to the  
 966 fault of the insured.

967           Section 19. Subsection (1) of section 627.06501, Florida  
 968 Statutes, is amended to read:

969           627.06501 Insurance discounts for certain persons  
 970 completing driver improvement course.—

971           (1) Any rate, rating schedule, or rating manual for the  
 972 liability, ~~personal injury protection,~~ and collision coverages  
 973 of a motor vehicle insurance policy filed with the office may  
 974 provide for an appropriate reduction in premium charges as to  
 975 such coverages if ~~when~~ the principal operator on the covered

976 | vehicle has successfully completed a driver improvement course  
 977 | approved and certified by the Department of Highway Safety and  
 978 | Motor Vehicles which is effective in reducing accident ~~crash~~ or  
 979 | violation rates, or both, as determined pursuant to s.  
 980 | 318.1451(5). Any discount, not to exceed 10 percent, used by an  
 981 | insurer is presumed to be appropriate unless credible data  
 982 | demonstrates otherwise.

983 |       Section 20. Subsection (1) of section 627.0652, Florida  
 984 | Statutes, is amended to read:

985 |           627.0652 Insurance discounts for certain persons  
 986 | completing safety course.—

987 |       (1) Any rates, rating schedules, or rating manuals for the  
 988 | liability, ~~personal injury protection,~~ and collision coverages  
 989 | of a motor vehicle insurance policy filed with the office must  
 990 | ~~shall~~ provide for an appropriate reduction in premium charges as  
 991 | to such coverages if ~~when~~ the principal operator on the covered  
 992 | vehicle is an insured 55 years of age or older who has  
 993 | successfully completed a motor vehicle accident prevention  
 994 | course approved by the Department of Highway Safety and Motor  
 995 | Vehicles. Any discount used by an insurer is presumed to be  
 996 | appropriate unless credible data demonstrates otherwise.

997 |       Section 21. Subsections (1), (3), and (6) of section  
 998 | 627.0653, Florida Statutes, are amended to read:

999 |           627.0653 Insurance discounts for specified motor vehicle  
 1000 | equipment.—



1001 (1) Any rates, rating schedules, or rating manuals for the  
 1002 liability, ~~personal injury protection,~~ and collision coverages  
 1003 of a motor vehicle insurance policy filed with the office shall  
 1004 provide a premium discount if the insured vehicle is equipped  
 1005 with factory-installed, four-wheel antilock brakes.

1006 (3) Any rates, rating schedules, or rating manuals for  
 1007 ~~personal injury protection coverage~~ and medical payments  
 1008 coverage, if offered, of a motor vehicle insurance policy filed  
 1009 with the office shall provide a premium discount if the insured  
 1010 vehicle is equipped with one or more air bags which are factory  
 1011 installed.

1012 (6) The Office of Insurance Regulation may approve a  
 1013 premium discount to any rates, rating schedules, or rating  
 1014 manuals for the liability, ~~personal injury protection,~~ and  
 1015 collision coverages of a motor vehicle insurance policy filed  
 1016 with the office if the insured vehicle is equipped with  
 1017 autonomous driving technology or electronic vehicle collision  
 1018 avoidance technology that is factory installed or a retrofitted  
 1019 system and that complies with National Highway Traffic Safety  
 1020 Administration standards.

1021 Section 22. Section 627.4132, Florida Statutes, is amended  
 1022 to read:

1023 627.4132 Stacking of coverages prohibited.—If an insured  
 1024 or named insured is protected by any type of motor vehicle  
 1025 insurance policy for liability, ~~personal injury protection,~~ or

1026 other coverage, the policy must ~~shall~~ provide that the insured  
 1027 or named insured is protected only to the extent of the coverage  
 1028 she or he has on the vehicle involved in the accident. However,  
 1029 if none of the insured's or named insured's vehicles are ~~is~~  
 1030 involved in the accident, coverage is available only to the  
 1031 extent of coverage on any one of the vehicles with applicable  
 1032 coverage. Coverage on any other vehicles may ~~shall~~ not be added  
 1033 to or stacked upon that coverage. This section does not apply:

1034 (1) To uninsured motorist coverage which is separately  
 1035 governed by s. 627.727.

1036 (2) To reduce the coverage available by reason of  
 1037 insurance policies insuring different named insureds.

1038 Section 23. Section 627.7263, Florida Statutes, is amended  
 1039 to read:

1040 627.7263 Rental and leasing driver's insurance to be  
 1041 primary; exception.—

1042 (1) The valid and collectible liability insurance ~~or~~  
 1043 ~~personal injury protection insurance~~ providing coverage for the  
 1044 lessor of a motor vehicle for rent or lease is primary unless  
 1045 otherwise stated in at least 10-point type on the face of the  
 1046 rental or lease agreement. Such insurance is primary for the  
 1047 limits of liability in an amount not less than the minimum  
 1048 limits described in ~~and personal injury protection coverage as~~  
 1049 ~~required by s. 324.021(7) ss. 324.021(7) and 627.736.~~

1050 (2) If the lessee's coverage is to be primary, the rental

1051 or lease agreement must contain the following language, in at  
 1052 least 10-point type:

1053  
 1054 "The valid and collectible liability insurance ~~and personal~~  
 1055 ~~injury protection insurance~~ of an any authorized rental or  
 1056 leasing driver is primary for the limits of liability in an  
 1057 amount not less than the minimum limits described in and  
 1058 ~~personal injury protection coverage required s. 324.021(7) by~~  
 1059 ~~ss. 324.021(7) and 627.736~~, Florida Statutes."

1060 Section 24. Subsections (1) and (7) of section 627.727,  
 1061 Florida Statutes, are amended to read:

1062 627.727 Motor vehicle insurance; uninsured and  
 1063 underinsured vehicle coverage; insolvent insurer protection.—

1064 (1) No motor vehicle liability insurance policy which  
 1065 provides bodily injury liability coverage shall be delivered or  
 1066 issued for delivery in this state with respect to any  
 1067 specifically insured or identified motor vehicle registered or  
 1068 principally garaged in this state unless uninsured motor vehicle  
 1069 coverage is provided therein or supplemental thereto for the  
 1070 protection of persons insured thereunder who are legally  
 1071 entitled to recover damages from owners or operators of  
 1072 uninsured motor vehicles because of bodily injury, sickness, or  
 1073 disease, including death, resulting therefrom. However, the  
 1074 coverage required under this section is not applicable if when,  
 1075 or to the extent that, an insured named in the policy makes a

1076 written rejection of the coverage on behalf of all insureds  
1077 under the policy. If ~~When~~ a motor vehicle is leased for a ~~period~~  
1078 ~~of~~ 1 year or longer and the lessor of such vehicle, by the terms  
1079 of the lease contract, provides liability coverage on the leased  
1080 vehicle, the lessee of such vehicle shall have the sole  
1081 privilege to reject uninsured motorist coverage or to select  
1082 lower limits than the bodily injury liability limits, regardless  
1083 of whether the lessor is qualified as a self-insurer pursuant to  
1084 s. 324.171. Unless an insured, or lessee having the privilege of  
1085 rejecting uninsured motorist coverage, requests such coverage or  
1086 requests higher uninsured motorist limits in writing, the  
1087 coverage or such higher uninsured motorist limits need not be  
1088 provided in or supplemental to any other policy which renews,  
1089 extends, changes, supersedes, or replaces an existing policy  
1090 with the same bodily injury liability limits when an insured or  
1091 lessee had rejected the coverage. When an insured or lessee has  
1092 initially selected limits of uninsured motorist coverage lower  
1093 than her or his bodily injury liability limits, higher limits of  
1094 uninsured motorist coverage need not be provided in or  
1095 supplemental to any other policy that ~~which~~ renews, extends,  
1096 changes, supersedes, or replaces an existing policy with the  
1097 same bodily injury liability limits unless an insured requests  
1098 higher uninsured motorist coverage in writing. The rejection or  
1099 selection of lower limits shall be made on a form approved by  
1100 the office. The form must ~~shall~~ fully advise the applicant of

1101 the nature of the coverage and must ~~shall~~ state that the  
1102 coverage is equal to bodily injury liability limits unless lower  
1103 limits are requested or the coverage is rejected. The heading of  
1104 the form shall be in 12-point bold type and shall state: "You  
1105 are electing not to purchase certain valuable coverage that  
1106 ~~which~~ protects you and your family or you are purchasing  
1107 uninsured motorist limits less than your bodily injury liability  
1108 limits when you sign this form. Please read carefully." If this  
1109 form is signed by a named insured, it will be conclusively  
1110 presumed that there was an informed, knowing rejection of  
1111 coverage or election of lower limits on behalf of all insureds.  
1112 The insurer shall notify the named insured at least annually of  
1113 her or his options as to the coverage required by this section.  
1114 Such notice must ~~shall~~ be part of, and attached to, the notice  
1115 of premium, must ~~shall~~ provide for a means to allow the insured  
1116 to request such coverage, and must ~~shall~~ be given in a manner  
1117 approved by the office. Receipt of this notice does not  
1118 constitute an affirmative waiver of the insured's right to  
1119 uninsured motorist coverage if ~~where~~ the insured has not signed  
1120 a selection or rejection form. The coverage described under this  
1121 section shall be over and above, but shall not duplicate, the  
1122 benefits available to an insured under any workers' compensation  
1123 law, ~~personal injury protection benefits~~, disability benefits  
1124 law, or similar law; under any automobile medical payments  
1125 ~~expense~~ coverage; under any motor vehicle liability insurance

1126 coverage; or from the owner or operator of the uninsured motor  
1127 vehicle or any other person or organization jointly or severally  
1128 liable together with such owner or operator for the accident;  
1129 and such coverage shall cover the difference, if any, between  
1130 the sum of such benefits and the damages sustained, up to the  
1131 maximum amount of such coverage provided under this section. The  
1132 amount of coverage available under this section may ~~shall~~ not be  
1133 reduced by a setoff against any coverage, including liability  
1134 insurance. Such coverage does ~~shall~~ not inure directly or  
1135 indirectly to the benefit of any workers' compensation or  
1136 disability benefits carrier or any person or organization  
1137 qualifying as a self-insurer under any workers' compensation or  
1138 disability benefits law or similar law.

1139 (7) (a) For uninsured and underinsured vehicle coverage  
1140 issued before January 1, 2018, the legal liability of an  
1141 uninsured motorist coverage insurer does not include damages in  
1142 tort for pain, suffering, mental anguish, and inconvenience  
1143 unless the injury or disease is described in one or more of  
1144 paragraphs (a)-(d) of s. 627.737(2).

1145 (b) For uninsured and underinsured vehicle coverage issued  
1146 on or after January 1, 2018, the legal liability of an uninsured  
1147 motorist coverage insurer includes damages in tort for pain,  
1148 suffering, disability or physical impairment, disfigurement,  
1149 mental anguish, inconvenience, and the loss of capacity for the  
1150 enjoyment of life experienced in the past and to be experienced

1151 in the future.

1152 Section 25. Subsection (1) and paragraphs (a) and (b) of  
1153 subsection (2) of section 627.7275, Florida Statutes, are  
1154 amended to read:

1155 627.7275 Motor vehicle liability.—

1156 (1) A motor vehicle insurance policy ~~providing personal~~  
1157 ~~injury protection as set forth in s. 627.736~~ may not be  
1158 delivered or issued for delivery in this state for a with  
1159 ~~respect to any~~ specifically insured or identified motor vehicle  
1160 registered or principally garaged in this state must provide  
1161 bodily injury liability coverage and ~~unless the policy also~~  
1162 ~~provides coverage for~~ property damage liability coverage as  
1163 required under ~~by~~ s. 324.022.

1164 (2) (a) Insurers writing motor vehicle insurance in this  
1165 state shall make available, subject to the insurers' usual  
1166 underwriting restrictions:

1167 1. Coverage under policies as described in subsection (1)  
1168 to an applicant for private passenger motor vehicle insurance  
1169 coverage who is seeking the coverage in order to reinstate the  
1170 applicant's driving privileges in this state if the driving  
1171 privileges were revoked or suspended pursuant to s. 316.646 or  
1172 s. 324.0221 due to the failure of the applicant to maintain  
1173 required security.

1174 2. Coverage under policies as described in subsection (1),  
1175 which also provides bodily injury liability coverage and

1176 property damage liability coverage ~~for bodily injury, death, and~~  
1177 ~~property damage arising out of the ownership, maintenance, or~~  
1178 ~~use of the motor vehicle~~ in an amount not less than the minimum  
1179 limits described in s. 324.021(7) or s. 324.023 and conforms to  
1180 the requirements of s. 324.151, to an applicant for private  
1181 passenger motor vehicle insurance coverage who is seeking the  
1182 coverage in order to reinstate the applicant's driving  
1183 privileges in this state after such privileges were revoked or  
1184 suspended under s. 316.193 or s. 322.26(2) for driving under the  
1185 influence.

1186 (b) The policies described in paragraph (a) shall be  
1187 issued for at least 6 months and, as to the minimum coverages  
1188 required under this section, may not be canceled by the insured  
1189 for any reason or by the insurer after 60 days, during which  
1190 period the insurer is completing the underwriting of the policy.  
1191 After the insurer has completed underwriting the policy, the  
1192 insurer shall notify the Department of Highway Safety and Motor  
1193 Vehicles that the policy is in full force and effect and is not  
1194 cancelable for the remainder of the policy period. A premium  
1195 shall be collected and the coverage is in effect for the 60-day  
1196 period during which the insurer is completing the underwriting  
1197 of the policy whether or not the person's driver license, motor  
1198 vehicle tag, and motor vehicle registration are in effect. Once  
1199 the noncancelable provisions of the policy become effective, the  
1200 bodily injury liability and property damage liability coverages



1201 ~~for bodily injury, property damage, and personal injury~~  
1202 ~~protection~~ may not be reduced below the minimum limits required  
1203 under s. 324.021 or s. 324.023 during the policy period.

1204 Section 26. Paragraph (a) of subsection (1) of section  
1205 627.728, Florida Statutes, is amended to read:

1206 627.728 Cancellations; nonrenewals.—

1207 (1) As used in this section, the term:

1208 (a) "Policy" means the bodily injury and property damage  
1209 liability, ~~personal injury protection~~, medical payments,  
1210 comprehensive, collision, and uninsured motorist coverage  
1211 portions of a policy of motor vehicle insurance delivered or  
1212 issued for delivery in this state:

1213 1. Insuring a natural person as named insured or one or  
1214 more related individuals who are residents ~~resident~~ of the same  
1215 household; and

1216 2. Insuring only a motor vehicle of the private passenger  
1217 type or station wagon type which is not used as a public or  
1218 livery conveyance for passengers or rented to others; or  
1219 insuring any other four-wheel motor vehicle having a load  
1220 capacity of 1,500 pounds or less which is not used in the  
1221 occupation, profession, or business of the insured other than  
1222 farming; other than any policy issued under an automobile  
1223 insurance assigned risk plan or covering garage, automobile  
1224 sales agency, repair shop, service station, or public parking  
1225 place operation hazards.

1226  
1227 The term "policy" does not include a binder as defined in s.  
1228 627.420 unless the duration of the binder period exceeds 60  
1229 days.

1230 Section 27. Subsection (1), paragraph (a) of subsection  
1231 (5), and subsection (7) of section 627.7295, Florida Statutes,  
1232 are amended to read:

1233 627.7295 Motor vehicle insurance contracts.—

1234 (1) As used in this section, the term:

1235 (a) "Policy" means a motor vehicle insurance policy that  
1236 provides bodily injury liability coverage and ~~personal injury~~  
1237 ~~protection coverage,~~ property damage liability coverage, ~~or~~  
1238 ~~both.~~

1239 (b) "Binder" means a binder that provides motor vehicle  
1240 bodily injury liability coverage ~~personal injury protection~~ and  
1241 property damage liability coverage.

1242 (5) (a) A licensed general lines agent may charge a per-  
1243 policy fee up to ~~not to exceed~~ \$10 to cover the administrative  
1244 costs of the agent associated with selling the motor vehicle  
1245 insurance policy if the policy covers only bodily injury  
1246 liability coverage ~~personal injury protection coverage as~~  
1247 ~~provided by s. 627.736~~ and property damage liability coverage as  
1248 provided by s. 627.7275 and if no other insurance is sold or  
1249 issued in conjunction with or collateral to the policy. The fee  
1250 is not ~~considered~~ part of the premium.

1251           (7) A policy of private passenger motor vehicle insurance  
1252 or a binder for such a policy may be initially issued in this  
1253 state only if, before the effective date of such binder or  
1254 policy, the insurer or agent has collected ~~from the insured an~~  
1255 ~~amount equal to~~ 2 months' premium from the insured. An insurer,  
1256 agent, or premium finance company may not, directly or  
1257 indirectly, take any action that results ~~resulting~~ in the  
1258 insured paying ~~having paid~~ from the insured's own funds an  
1259 amount less than the 2 months' premium required by this  
1260 subsection. This subsection applies without regard to whether  
1261 the premium is financed by a premium finance company or is paid  
1262 pursuant to a periodic payment plan of an insurer or an  
1263 insurance agent.

1264           (a) This subsection does not apply:

1265           1. If an insured or member of the insured's family is  
1266 renewing or replacing a policy or a binder for such policy  
1267 written by the same insurer or a member of the same insurer  
1268 group.

1269           2. ~~To This subsection does not apply to~~ an insurer that  
1270 issues private passenger motor vehicle coverage primarily to  
1271 active duty or former military personnel or their dependents.

1272           3. ~~If This subsection does not apply if~~ all policy  
1273 payments are paid pursuant to a payroll deduction plan, an  
1274 automatic electronic funds transfer payment plan from the  
1275 policyholder, or a recurring credit card or debit card agreement

1276 with the insurer.

1277 (b) This subsection and subsection (4) do not apply if:

1278 1. All policy payments to an insurer are paid pursuant to  
 1279 an automatic electronic funds transfer payment plan from an  
 1280 agent, a managing general agent, or a premium finance company  
 1281 and if the policy includes, at a minimum, bodily injury  
 1282 liability and ~~personal injury protection pursuant to ss.~~  
 1283 ~~627.730-627.7405; motor vehicle~~ property damage liability  
 1284 coverage pursuant to s. 627.7275.; ~~and bodily injury liability~~  
 1285 ~~in at least the amount of \$10,000 because of bodily injury to,~~  
 1286 ~~or death of, one person in any one accident and in the amount of~~  
 1287 ~~\$20,000 because of bodily injury to, or death of, two or more~~  
 1288 ~~persons in any one accident. This subsection and subsection (4)~~  
 1289 ~~do not apply if an~~

1290 2. An insured has had a policy in effect for at least 6  
 1291 months, the insured's agent is terminated by the insurer that  
 1292 issued the policy, and the insured obtains coverage on the  
 1293 policy's renewal date with a new company through the terminated  
 1294 agent.

1295 Section 28. Subsections (3) and (4), paragraphs (c) and  
 1296 (h) of subsection (5), paragraphs (a) and (g) of subsection (6),  
 1297 and subsections (8) and (16) of section 627.736, Florida  
 1298 Statutes, are amended to read:

1299 627.736 Required personal injury protection benefits;  
 1300 exclusions; priority; claims.—

1301 (3) INSURED'S RIGHTS TO RECOVERY OF SPECIAL DAMAGES IN  
 1302 TORT CLAIMS.—No insurer shall have a lien on any recovery in  
 1303 tort by judgment, settlement, or otherwise for personal injury  
 1304 protection benefits, whether suit has been filed or settlement  
 1305 has been reached without suit. An injured party who is entitled  
 1306 to bring suit under the provisions of ss. 627.732-627.737,  
 1307 627.7403, and 627.7405 ~~627.730-627.7405~~, or his or her legal  
 1308 representative, shall have no right to recover any damages for  
 1309 which personal injury protection benefits are paid or payable.  
 1310 The plaintiff may prove all of his or her special damages  
 1311 notwithstanding this limitation, but if special damages are  
 1312 introduced in evidence, the trier of facts, whether judge or  
 1313 jury, shall not award damages for personal injury protection  
 1314 benefits paid or payable. In all cases in which a jury is  
 1315 required to fix damages, the court shall instruct the jury that  
 1316 the plaintiff shall not recover such special damages for  
 1317 personal injury protection benefits paid or payable.

1318 (4) PAYMENT OF BENEFITS.—Benefits due from an insurer  
 1319 under ss. 627.732-627.737, 627.7403, and 627.7405 ~~627.730-~~  
 1320 ~~627.7405~~ are primary, except that benefits received under any  
 1321 workers' compensation law must be credited against the benefits  
 1322 provided by subsection (1) and are due and payable as loss  
 1323 accrues upon receipt of reasonable proof of such loss and the  
 1324 amount of expenses and loss incurred which are covered by the  
 1325 policy issued under ss. 627.732-627.737, 627.7403, and 627.7405

1326 ~~627.730-627.7405~~. If the Agency for Health Care Administration  
 1327 provides, pays, or becomes liable for medical assistance under  
 1328 the Medicaid program related to injury, sickness, disease, or  
 1329 death arising out of the ownership, maintenance, or use of a  
 1330 motor vehicle, the benefits under ss. 627.732-627.737, 627.7403,  
 1331 and 627.7405 ~~627.730-627.7405~~ are subject to the Medicaid  
 1332 program. However, within 30 days after receiving notice that the  
 1333 Medicaid program paid such benefits, the insurer shall repay the  
 1334 full amount of the benefits to the Medicaid program.

1335 (a) An insurer may require written notice to be given as  
 1336 soon as practicable after an accident involving a motor vehicle  
 1337 with respect to which the policy affords the security required  
 1338 by ss. 627.732-627.737, 627.7403, and 627.7405 ~~627.730-627.7405~~.

1339 (b) Personal injury protection insurance benefits paid  
 1340 pursuant to this section are overdue if not paid within 30 days  
 1341 after the insurer is furnished written notice of the fact of a  
 1342 covered loss and of the amount of same. However:

1343 1. If written notice of the entire claim is not furnished  
 1344 to the insurer, any partial amount supported by written notice  
 1345 is overdue if not paid within 30 days after written notice is  
 1346 furnished to the insurer. Any part or all of the remainder of  
 1347 the claim that is subsequently supported by written notice is  
 1348 overdue if not paid within 30 days after written notice is  
 1349 furnished to the insurer.

1350 2. If an insurer pays only a portion of a claim or rejects

1351 a claim, the insurer shall provide at the time of the partial  
1352 payment or rejection an itemized specification of each item that  
1353 the insurer had reduced, omitted, or declined to pay and any  
1354 information that the insurer desires the claimant to consider  
1355 related to the medical necessity of the denied treatment or to  
1356 explain the reasonableness of the reduced charge if this does  
1357 not limit the introduction of evidence at trial. The insurer  
1358 must also include the name and address of the person to whom the  
1359 claimant should respond and a claim number to be referenced in  
1360 future correspondence.

1361 3. If an insurer pays only a portion of a claim or rejects  
1362 a claim due to an alleged error in the claim, the insurer, at  
1363 the time of the partial payment or rejection, shall provide an  
1364 itemized specification or explanation of benefits due to the  
1365 specified error. Upon receiving the specification or  
1366 explanation, the person making the claim, at the person's option  
1367 and without waiving any other legal remedy for payment, has 15  
1368 days to submit a revised claim, which shall be considered a  
1369 timely submission of written notice of a claim.

1370 4. Notwithstanding the fact that written notice has been  
1371 furnished to the insurer, payment is not overdue if the insurer  
1372 has reasonable proof that the insurer is not responsible for the  
1373 payment.

1374 5. For the purpose of calculating the extent to which  
1375 benefits are overdue, payment shall be treated as being made on

1376 the date a draft or other valid instrument that is equivalent to  
1377 payment was placed in the United States mail in a properly  
1378 addressed, postpaid envelope or, if not so posted, on the date  
1379 of delivery.

1380 6. This paragraph does not preclude or limit the ability  
1381 of the insurer to assert that the claim was unrelated, was not  
1382 medically necessary, or was unreasonable or that the amount of  
1383 the charge was in excess of that permitted under, or in  
1384 violation of, subsection (5). Such assertion may be made at any  
1385 time, including after payment of the claim or after the 30-day  
1386 period for payment set forth in this paragraph.

1387 (c) Upon receiving notice of an accident that is  
1388 potentially covered by personal injury protection benefits, the  
1389 insurer must reserve \$5,000 of personal injury protection  
1390 benefits for payment to physicians licensed under chapter 458 or  
1391 chapter 459 or dentists licensed under chapter 466 who provide  
1392 emergency services and care, as defined in s. 395.002, or who  
1393 provide hospital inpatient care. The amount required to be held  
1394 in reserve may be used only to pay claims from such physicians  
1395 or dentists until 30 days after the date the insurer receives  
1396 notice of the accident. After the 30-day period, any amount of  
1397 the reserve for which the insurer has not received notice of  
1398 such claims may be used by the insurer to pay other claims. The  
1399 time periods specified in paragraph (b) for payment of personal  
1400 injury protection benefits are tolled for the period of time



1401 that an insurer is required to hold payment of a claim that is  
1402 not from such physician or dentist to the extent that the  
1403 personal injury protection benefits not held in reserve are  
1404 insufficient to pay the claim. This paragraph does not require  
1405 an insurer to establish a claim reserve for insurance accounting  
1406 purposes.

1407 (d) All overdue payments bear simple interest at the rate  
1408 established under s. 55.03 or the rate established in the  
1409 insurance contract, whichever is greater, for the quarter in  
1410 which the payment became overdue, calculated from the date the  
1411 insurer was furnished with written notice of the amount of  
1412 covered loss. Interest is due at the time payment of the overdue  
1413 claim is made.

1414 (e) The insurer of the owner of a motor vehicle shall pay  
1415 personal injury protection benefits for:

1416 1. Accidental bodily injury sustained in this state by the  
1417 owner while occupying a motor vehicle, or while not an occupant  
1418 of a self-propelled vehicle if the injury is caused by physical  
1419 contact with a motor vehicle.

1420 2. Accidental bodily injury sustained outside this state,  
1421 but within the United States of America or its territories or  
1422 possessions or Canada, by the owner while occupying the owner's  
1423 motor vehicle.

1424 3. Accidental bodily injury sustained by a relative of the  
1425 owner residing in the same household, under the circumstances

1426 described in subparagraph 1. or subparagraph 2., if the relative  
 1427 at the time of the accident is domiciled in the owner's  
 1428 household and is not the owner of a motor vehicle with respect  
 1429 to which security is required under ss. 627.732-627.737,  
 1430 627.7403, and 627.7405 ~~627.730-627.7405~~.

1431 4. Accidental bodily injury sustained in this state by any  
 1432 other person while occupying the owner's motor vehicle or, if a  
 1433 resident of this state, while not an occupant of a self-  
 1434 propelled vehicle if the injury is caused by physical contact  
 1435 with such motor vehicle, if the injured person is not:

1436 a. The owner of a motor vehicle with respect to which  
 1437 security is required under ss. 627.732-627.737, 627.7403, and  
 1438 627.7405 ~~627.730-627.7405~~; or

1439 b. Entitled to personal injury benefits from the insurer  
 1440 of the owner of such a motor vehicle.

1441 (f) If two or more insurers are liable for paying personal  
 1442 injury protection benefits for the same injury to any one  
 1443 person, the maximum payable is as specified in subsection (1),  
 1444 and the insurer paying the benefits is entitled to recover from  
 1445 each of the other insurers an equitable pro rata share of the  
 1446 benefits paid and expenses incurred in processing the claim.

1447 (g) It is a violation of the insurance code for an insurer  
 1448 to fail to timely provide benefits as required by this section  
 1449 with such frequency as to constitute a general business  
 1450 practice.

1451 (h) Benefits are not due or payable to or on the behalf of  
1452 an insured person if that person has committed, by a material  
1453 act or omission, insurance fraud relating to personal injury  
1454 protection coverage under his or her policy, if the fraud is  
1455 admitted to in a sworn statement by the insured or established  
1456 in a court of competent jurisdiction. Any insurance fraud voids  
1457 all coverage arising from the claim related to such fraud under  
1458 the personal injury protection coverage of the insured person  
1459 who committed the fraud, irrespective of whether a portion of  
1460 the insured person's claim may be legitimate, and any benefits  
1461 paid before the discovery of the fraud is recoverable by the  
1462 insurer in its entirety from the person who committed insurance  
1463 fraud. The prevailing party is entitled to its costs and  
1464 attorney fees in any action in which it prevails in an insurer's  
1465 action to enforce its right of recovery under this paragraph.

1466 (i) If an insurer has a reasonable belief that a  
1467 fraudulent insurance act, for the purposes of s. 626.989 or s.  
1468 817.234, has been committed, the insurer shall notify the  
1469 claimant, in writing, within 30 days after submission of the  
1470 claim that the claim is being investigated for suspected fraud.  
1471 Beginning at the end of the initial 30-day period, the insurer  
1472 has an additional 60 days to conduct its fraud investigation.  
1473 Notwithstanding subsection (10), no later than 90 days after the  
1474 submission of the claim, the insurer must deny the claim or pay  
1475 the claim with simple interest as provided in paragraph (d).

1476 Interest shall be assessed from the day the claim was submitted  
 1477 until the day the claim is paid. All claims denied for suspected  
 1478 fraudulent insurance acts shall be reported to the Division of  
 1479 Investigative and Forensic Services.

1480 (j) An insurer shall create and maintain for each insured  
 1481 a log of personal injury protection benefits paid by the insurer  
 1482 on behalf of the insured. If litigation is commenced, the  
 1483 insurer shall provide to the insured a copy of the log within 30  
 1484 days after receiving a request for the log from the insured.

1485 (5) CHARGES FOR TREATMENT OF INJURED PERSONS.—

1486 (c) With respect to any treatment or service, other than  
 1487 medical services billed by a hospital or other provider for  
 1488 emergency services and care as defined in s. 395.002 or  
 1489 inpatient services rendered at a hospital-owned facility, the  
 1490 statement of charges must be furnished to the insurer by the  
 1491 provider and may not include, and the insurer is not required to  
 1492 pay, charges for treatment or services rendered more than 35  
 1493 days before the postmark date or electronic transmission date of  
 1494 the statement, except for past due amounts previously billed on  
 1495 a timely basis under this paragraph, and except that, if the  
 1496 provider submits to the insurer a notice of initiation of  
 1497 treatment within 21 days after its first examination or  
 1498 treatment of the claimant, the statement may include charges for  
 1499 treatment or services rendered up to, but not more than, 75 days  
 1500 before the postmark date of the statement. The injured party is

1501 not liable for, and the provider may not bill the injured party  
1502 for, charges that are unpaid because of the provider's failure  
1503 to comply with this paragraph. Any agreement requiring the  
1504 injured person or insured to pay for such charges is  
1505 unenforceable.

1506 1. If the insured fails to furnish the provider with the  
1507 correct name and address of the insured's personal injury  
1508 protection insurer, the provider has 35 days from the date the  
1509 provider obtains the correct information to furnish the insurer  
1510 with a statement of the charges. The insurer is not required to  
1511 pay for such charges unless the provider includes with the  
1512 statement documentary evidence that was provided by the insured  
1513 during the 35-day period demonstrating that the provider  
1514 reasonably relied on erroneous information from the insured and  
1515 either:

1516 a. A denial letter from the incorrect insurer; or  
1517 b. Proof of mailing, which may include an affidavit under  
1518 penalty of perjury, reflecting timely mailing to the incorrect  
1519 address or insurer.

1520 2. For emergency services and care rendered in a hospital  
1521 emergency department or for transport and treatment rendered by  
1522 an ambulance provider licensed pursuant to part III of chapter  
1523 401, the provider is not required to furnish the statement of  
1524 charges within the time periods established by this paragraph,  
1525 and the insurer is not considered to have been furnished with

1526 notice of the amount of covered loss for purposes of paragraph  
1527 (4) (b) until it receives a statement complying with paragraph  
1528 (d), or copy thereof, which specifically identifies the place of  
1529 service to be a hospital emergency department or an ambulance in  
1530 accordance with billing standards recognized by the federal  
1531 Centers for Medicare and Medicaid Services.

1532 3. Each notice of the insured's rights ~~under s. 627.7401~~  
1533 must include the following statement in at least 12-point type:  
1534 BILLING REQUIREMENTS.—Florida law provides that with respect to  
1535 any treatment or services, other than certain hospital and  
1536 emergency services, the statement of charges furnished to the  
1537 insurer by the provider may not include, and the insurer and the  
1538 injured party are not required to pay, charges for treatment or  
1539 services rendered more than 35 days before the postmark date of  
1540 the statement, except for past due amounts previously billed on  
1541 a timely basis, and except that, if the provider submits to the  
1542 insurer a notice of initiation of treatment within 21 days after  
1543 its first examination or treatment of the claimant, the  
1544 statement may include charges for treatment or services rendered  
1545 up to, but not more than, 75 days before the postmark date of  
1546 the statement.

1547 (h) As provided in s. 400.9905, an entity excluded from  
1548 the definition of a clinic shall be deemed a clinic and must be  
1549 licensed under part X of chapter 400 in order to receive  
1550 reimbursement under ss. 627.732-627.737, 627.7403, and 627.7405

1551 ~~627.730-627.7405~~. However, this licensing requirement does not  
1552 apply to:

1553 1. An entity wholly owned by a physician licensed under  
1554 chapter 458 or chapter 459, or by the physician and the spouse,  
1555 parent, child, or sibling of the physician;

1556 2. An entity wholly owned by a dentist licensed under  
1557 chapter 466, or by the dentist and the spouse, parent, child, or  
1558 sibling of the dentist;

1559 3. An entity wholly owned by a chiropractic physician  
1560 licensed under chapter 460, or by the chiropractic physician and  
1561 the spouse, parent, child, or sibling of the chiropractic  
1562 physician;

1563 4. A hospital or ambulatory surgical center licensed under  
1564 chapter 395;

1565 5. An entity that wholly owns or is wholly owned, directly  
1566 or indirectly, by a hospital or hospitals licensed under chapter  
1567 395;

1568 6. An entity that is a clinical facility affiliated with  
1569 an accredited medical school at which training is provided for  
1570 medical students, residents, or fellows;

1571 7. An entity that is certified under 42 C.F.R. part 485,  
1572 subpart H; or

1573 8. An entity that is owned by a publicly traded  
1574 corporation, either directly or indirectly through its  
1575 subsidiaries, that has \$250 million or more in total annual

1576 sales of health care services provided by licensed health care  
1577 practitioners if one or more of the persons responsible for the  
1578 operations of the entity are health care practitioners who are  
1579 licensed in this state and who are responsible for supervising  
1580 the business activities of the entity and the entity's  
1581 compliance with state law for purposes of this section.

1582 (6) DISCOVERY OF FACTS ABOUT AN INJURED PERSON; DISPUTES.—

1583 (a) If a request is made by an insurer providing personal  
1584 injury protection benefits under ss. 627.732-627.737, 627.7403,  
1585 and 627.7405 ~~627.730-627.7405~~ against whom a claim has been  
1586 made, an employer must furnish, in a form approved by the  
1587 office, a sworn statement of the earnings, since the time of the  
1588 bodily injury and for a reasonable period before the injury, of  
1589 the person upon whose injury the claim is based.

1590 (g) An insured seeking benefits under ss. 627.732-627.737,  
1591 627.7403, and 627.7405 ~~627.730-627.7405~~, including an omnibus  
1592 insured, must comply with the terms of the policy, which  
1593 include, but are not limited to, submitting to an examination  
1594 under oath. The scope of questioning during the examination  
1595 under oath is limited to relevant information or information  
1596 that could reasonably be expected to lead to relevant  
1597 information. Compliance with this paragraph is a condition  
1598 precedent to receiving benefits. An insurer that, as a general  
1599 business practice as determined by the office, requests an  
1600 examination under oath of an insured or an omnibus insured



1601 without a reasonable basis is subject to s. 626.9541.

1602 (8) APPLICABILITY OF PROVISION REGULATING ATTORNEY FEES.—

1603 With respect to any dispute under the provisions of ss. 627.732-

1604 627.737, 627.7403, and 627.7405 ~~627.730-627.7405~~ between the

1605 insured and the insurer, or between an assignee of an insured's

1606 rights and the insurer, the provisions of ss. 627.428 and 768.79

1607 apply, except as provided in subsections (10) and (15), and

1608 except that any attorney fees recovered must:

1609 (a) Comply with prevailing professional standards;

1610 (b) Not overstate or inflate the number of hours

1611 reasonably necessary for a case of comparable skill or

1612 complexity; and

1613 (c) Represent legal services that are reasonable and

1614 necessary to achieve the result obtained.

1615

1616 Upon request by either party, a judge must make written

1617 findings, substantiated by evidence presented at trial or any

1618 hearings associated therewith, that any award of attorney fees

1619 complies with this subsection. Notwithstanding s. 627.428,

1620 attorney fees recovered under ss. 627.732-627.737, 627.7403, and

1621 627.7405 ~~627.730-627.7405~~ must be calculated without regard to a

1622 contingency risk multiplier.

1623 (16) SECURE ELECTRONIC DATA TRANSFER.—A notice,

1624 documentation, transmission, or communication of any kind

1625 required or authorized under ss. 627.732-627.737, 627.7403, and

1626 627.7405 ~~627.730-627.7405~~ may be transmitted electronically if  
 1627 it is transmitted by secure electronic data transfer that is  
 1628 consistent with state and federal privacy and security laws.

1629 Section 29. Sections 627.730, 627.731, 627.7311, 627.739,  
 1630 and 627.7401, Florida Statutes, of the "Florida Motor Vehicle  
 1631 No-Fault Law," are repealed.

1632 Section 30. Section 627.7407, Florida Statutes, is  
 1633 repealed.

1634 Section 31. Notwithstanding any other provision of law,  
 1635 sections 627.732, 627.733, 627.734, 627.736, 627.737, 627.7403,  
 1636 and 627.7405, Florida Statutes, only apply to policies issued  
 1637 under the "Florida Motor Vehicle No-Fault Law" that are in force  
 1638 on or before December 31, 2017.

1639 Section 32. Section 627.8405, Florida Statutes, is amended  
 1640 to read:

1641 627.8405 Prohibited acts; financing companies.—~~A~~ ~~Ne~~  
 1642 premium finance company ~~shall~~, in a premium finance agreement or  
 1643 other agreement, may not finance the cost of or otherwise  
 1644 provide for the collection or remittance of dues, assessments,  
 1645 fees, or other periodic payments of money for the cost of:

1646 (1) A membership in an automobile club. The term  
 1647 "automobile club" means a legal entity that ~~which~~, in  
 1648 consideration of dues, assessments, or periodic payments of  
 1649 money, promises its members or subscribers to assist them in  
 1650 matters relating to the ownership, operation, use, or

1651 maintenance of a motor vehicle; however, the term ~~this~~  
1652 ~~definition of "automobile club"~~ does not include persons,  
1653 associations, or corporations which are organized and operated  
1654 solely for the purpose of conducting, sponsoring, or sanctioning  
1655 motor vehicle races, exhibitions, or contests upon racetracks,  
1656 or upon racecourses established and marked as such for the  
1657 duration of such particular events. The term ~~words~~ "motor  
1658 vehicle" used herein have the same meaning as defined in chapter  
1659 320.

1660 (2) An accidental death and dismemberment policy sold in  
1661 combination with a policy providing only bodily injury liability  
1662 coverage ~~personal injury protection~~ and property damage  
1663 liability coverage ~~only policy~~.

1664 (3) Any product not regulated under the provisions of this  
1665 insurance code.

1666  
1667 This section also applies to premium financing by any insurance  
1668 agent or insurance company under part XVI. The commission shall  
1669 adopt rules to assure disclosure, at the time of sale, of motor  
1670 vehicle liability insurance coverages financed ~~with personal~~  
1671 ~~injury protection~~ and shall prescribe the form of such  
1672 disclosure.

1673 Section 33. Subsection (1) of section 627.915, Florida  
1674 Statutes, is amended to read:

1675 627.915 Insurer experience reporting.—

1676 (1) Each insurer transacting private passenger automobile  
 1677 insurance in this state shall report certain information  
 1678 annually to the office. The information will be due on or before  
 1679 July 1 of each year. The information shall be divided into the  
 1680 following categories: bodily injury liability; property damage  
 1681 liability; uninsured motorist; ~~personal injury protection~~  
 1682 ~~benefits~~; medical payments; and comprehensive and collision. The  
 1683 information given must ~~shall~~ be on direct insurance writings in  
 1684 the state alone and must ~~shall~~ represent total limits data. The  
 1685 information set forth in paragraphs (a)-(f) is applicable to  
 1686 voluntary private passenger and Joint Underwriting Association  
 1687 private passenger writings and shall be reported for each of the  
 1688 latest 3 calendar-accident years, with an evaluation date of  
 1689 March 31 of the current year. The information set forth in  
 1690 paragraphs (g)-(j) is applicable to voluntary private passenger  
 1691 writings and shall be reported on a calendar-accident year basis  
 1692 ultimately seven times at seven different stages of development.

1693 (a) Premiums earned for the latest 3 calendar-accident  
 1694 years.

1695 (b) Loss development factors and the historic development  
 1696 of those factors.

1697 (c) Policyholder dividends incurred.

1698 (d) Expenses for other acquisition and general expense.

1699 (e) Expenses for agents' commissions and taxes, licenses,  
 1700 and fees.

1701 (f) Profit and contingency factors as utilized in the  
 1702 insurer's automobile rate filings for the applicable years.

1703 (g) Losses paid.

1704 (h) Losses unpaid.

1705 (i) Loss adjustment expenses paid.

1706 (j) Loss adjustment expenses unpaid.

1707 Section 34. Subsections (2) and (3) of section 628.909,  
 1708 Florida Statutes, are amended to read:

1709 628.909 Applicability of other laws.—

1710 (2) The following provisions of the Florida Insurance Code  
 1711 apply to captive insurance companies who are not industrial  
 1712 insured captive insurance companies to the extent that such  
 1713 provisions are not inconsistent with this part:

1714 (a) Chapter 624, except for ss. 624.407, 624.408,  
 1715 624.4085, 624.40851, 624.4095, 624.411, 624.425, and 624.426.

1716 (b) Chapter 625, part II.

1717 (c) Chapter 626, part IX.

1718 ~~(d) Sections 627.730-627.7405, when no fault coverage is~~  
 1719 ~~provided.~~

1720 (d)(e) Chapter 628.

1721 (3) The following provisions of the Florida Insurance Code  
 1722 shall apply to industrial insured captive insurance companies to  
 1723 the extent that such provisions are not inconsistent with this  
 1724 part:

1725 (a) Chapter 624, except for ss. 624.407, 624.408,

1726 624.4085, 624.40851, 624.4095, 624.411, 624.425, 624.426, and  
 1727 624.609(1).

1728 (b) Chapter 625, part II, if the industrial insured  
 1729 captive insurance company is incorporated in this state.

1730 (c) Chapter 626, part IX.

1731 ~~(d) Sections 627.730-627.7405 when no-fault coverage is~~  
 1732 ~~provided.~~

1733 (d)(e) Chapter 628, except for ss. 628.341, 628.351, and  
 1734 628.6018.

1735 Section 35. Subsections (2) and (3) of section 628.909,  
 1736 Florida Statutes, are amended to read:

1737 628.909 Applicability of other laws.—

1738 (2) The following provisions of the Florida Insurance Code  
 1739 apply to captive insurance companies who are not industrial  
 1740 insured captive insurance companies to the extent that such  
 1741 provisions are not inconsistent with this part:

1742 (a) Chapter 624, except for ss. 624.407, 624.408,  
 1743 624.4085, 624.40851, 624.4095, 624.411, 624.425, and 624.426.

1744 (b) Chapter 625, part II.

1745 (c) Chapter 626, part IX.

1746 ~~(d) Sections 627.730-627.7405, when no-fault coverage is~~  
 1747 ~~provided.~~

1748 (d)(e) Chapter 628.

1749 (3) The following provisions of the Florida Insurance Code  
 1750 shall apply to industrial insured captive insurance companies to

1751 the extent that such provisions are not inconsistent with this  
 1752 part:

1753 (a) Chapter 624, except for ss. 624.407, 624.408,  
 1754 624.4085, 624.40851, 624.4095, 624.411, 624.425, 624.426, and  
 1755 624.609(1).

1756 (b) Chapter 625, part II, if the industrial insured  
 1757 captive insurance company is incorporated in this state.

1758 (c) Chapter 626, part IX.

1759 ~~(d) Sections 627.730-627.7405 when no-fault coverage is~~  
 1760 ~~provided.~~

1761 (d)(e) Chapter 628, except for ss. 628.341, 628.351, and  
 1762 628.6018.

1763 Section 36. Except as otherwise expressly provided in this  
 1764 act, this act shall take effect January 1, 2018.