

1 A bill to be entitled

2 An act relating to motor vehicle insurance; amending  
3 s. 316.646, F.S.; requiring law enforcement officers  
4 to access certain information during traffic stops or  
5 crash investigations for certain purposes; amending s.  
6 319.30, F.S.; revising the manner in which insurance  
7 companies must forward motor vehicle or mobile home  
8 titles to the Department of Highway Safety and Motor  
9 Vehicles under certain circumstances; authorizing  
10 electronic signatures for certain purposes; amending  
11 s. 320.02, F.S.; authorizing insurance online  
12 verification for motor vehicle registration; amending  
13 s. 324.0221, F.S.; requiring insurers to transmit  
14 certain information to the department; authorizing the  
15 department to verify certain information; authorizing  
16 the department to implement a method of insurance  
17 verification; amending s. 324.151, F.S.; conforming  
18 provisions to changes made by the act; creating s.  
19 324.252, F.S.; requiring the department to establish  
20 an online verification system for motor vehicle  
21 insurance; providing system requirements; providing  
22 powers and duties of the department; providing  
23 requirements for insurers and law enforcement  
24 officers; providing immunity from liability;  
25 prohibiting the use of an online verification request

26 or response for a civil action; providing  
27 applicability; providing rulemaking authority;  
28 creating s. 324.255, F.S.; creating the Motor Vehicle  
29 Insurance Online Verification Task Force; providing  
30 duties of the task force; providing membership;  
31 providing meeting requirements; requiring the  
32 department to provide support; providing report  
33 requirements; providing the date by which the task  
34 force must complete its work and submit its final  
35 report; providing for expiration of the task force;  
36 amending s. 627.7295, F.S.; reducing the amount that  
37 must be collected from insureds before policies or  
38 binders are issued; amending ss. 627.736 and 627.7407,  
39 F.S.; conforming provisions to changes made by the  
40 act; deleting obsolete language; creating s. 627.747,  
41 F.S.; authorizing motor vehicle policies to exclude  
42 named individuals from coverage; providing exceptions;  
43 providing an effective date.

44  
45 Be It Enacted by the Legislature of the State of Florida:

46  
47 Section 1. Subsection (5) of section 316.646, Florida  
48 Statutes, is renumbered as subsection (6), and a new subsection  
49 (5) is added to that section to read:

50 316.646 Security required; proof of security and display

51 | thereof.—

52 |       (5) Upon implementation of the motor vehicle insurance  
 53 | online verification system established in s. 324.252, a law  
 54 | enforcement officer, during a traffic stop or crash  
 55 | investigation, shall access information from the online  
 56 | verification system to establish compliance with this chapter  
 57 | and chapter 324 and to verify the current validity of the policy  
 58 | described on any insurance identification card produced by the  
 59 | operator of a motor vehicle during the traffic stop or crash  
 60 | investigation.

61 |       Section 2. Paragraph (b) of subsection (3) of section  
 62 | 319.30, Florida Statutes, is amended, and paragraph (d) is added  
 63 | to that subsection, to read:

64 |       319.30 Definitions; dismantling, destruction, change of  
 65 | identity of motor vehicle or mobile home; salvage.—

66 |       (3)

67 |       (b) The owner, including persons who are self-insured, of  
 68 | a motor vehicle or mobile home that is considered to be salvage  
 69 | shall, within 72 hours after the motor vehicle or mobile home  
 70 | becomes salvage, forward the title to the motor vehicle or  
 71 | mobile home to the department for processing. However, an  
 72 | insurance company that pays money as compensation for the total  
 73 | loss of a motor vehicle or mobile home shall obtain the  
 74 | certificate of title for the motor vehicle or mobile home, make  
 75 | the required notification to the National Motor Vehicle Title

76 Information System, and, within 72 hours after receiving such  
77 certificate of title, forward such title via electronic means or  
78 the United States Postal Service to the department for  
79 processing. The owner or insurance company, as applicable, may  
80 not dispose of a vehicle or mobile home that is a total loss  
81 before it obtains a salvage certificate of title or certificate  
82 of destruction from the department. Effective July 1, 2023:

83 1. Thirty days after payment of a claim for compensation  
84 pursuant to this paragraph, the insurance company may receive a  
85 salvage certificate of title or certificate of destruction from  
86 the department if the insurance company is unable to obtain a  
87 properly assigned certificate of title from the owner or  
88 lienholder of the motor vehicle or mobile home, if the motor  
89 vehicle or mobile home does not carry an electronic lien on the  
90 title and the insurance company:

91 a. Has obtained the release of all liens on the motor  
92 vehicle or mobile home;

93 b. Has provided proof of payment of the total loss claim;  
94 and

95 c. Has provided an affidavit on letterhead signed by the  
96 insurance company or its authorized agent stating the attempts  
97 that have been made to obtain the title from the owner or  
98 lienholder and further stating that all attempts are to no  
99 avail. The affidavit must include a request that the salvage  
100 certificate of title or certificate of destruction be issued in

101 the insurance company's name due to payment of a total loss  
 102 claim to the owner or lienholder. The attempts to contact the  
 103 owner may be by written request delivered in person or by first-  
 104 class mail with a certificate of mailing to the owner's or  
 105 lienholder's last known address.

106 2. If the owner or lienholder is notified of the request  
 107 for title in person, the insurance company must provide an  
 108 affidavit attesting to the in-person request for a certificate  
 109 of title.

110 3. The request to the owner or lienholder for the  
 111 certificate of title must include a complete description of the  
 112 motor vehicle or mobile home and the statement that a total loss  
 113 claim has been paid on the motor vehicle or mobile home.

114 (d) An electronic signature that is consistent with  
 115 chapter 668 satisfies any signature required under this  
 116 subsection.

117 Section 3. Paragraph (f) is added to subsection (5) of  
 118 section 320.02, Florida Statutes, to read:

119 320.02 Registration required; application for  
 120 registration; forms.—

121 (5)

122 (f) Upon implementation of the motor vehicle insurance  
 123 online verification system established in s. 324.252, the online  
 124 verification may be used in lieu of the verification procedures  
 125 in this subsection.

126 Section 4. Paragraphs (c) and (d) are added to subsection  
127 (1) of section 324.0221, Florida Statutes, and subsection (4) is  
128 added to that section, to read:

129 324.0221 Reports by insurers to the department; suspension  
130 of driver license and vehicle registrations; reinstatement.—

131 (1)

132 (c) An insurer must transmit weekly, in a format  
133 prescribed by the department, the insurer's records of all  
134 active insurance policies, commonly known as the "book of  
135 business," to enable the department to identify uninsured motor  
136 vehicles.

137 (d) The department may verify information from an insurer  
138 as provided in s. 324.252. This paragraph does not relieve an  
139 insurer from the reporting requirements of this section.

140 (4) The department may implement by rule a method of  
141 insurance verification.

142 Section 5. Paragraph (a) of subsection (1) of section  
143 324.151, Florida Statutes, is amended to read:

144 324.151 Motor vehicle liability policies; required  
145 provisions.—

146 (1) A motor vehicle liability policy to be proof of  
147 financial responsibility under s. 324.031(1), shall be issued to  
148 owners or operators under the following provisions:

149 (a) An owner's liability insurance policy must ~~shall~~  
150 designate by explicit description or by appropriate reference

151 all motor vehicles with respect to which coverage is thereby  
152 granted and must ~~shall~~ insure the owner named therein and,  
153 except for a named driver excluded under s. 627.747, any other  
154 person as operator using such motor vehicle or motor vehicles  
155 with the express or implied permission of such owner against  
156 loss from the liability imposed by law for damage arising out of  
157 the ownership, maintenance, or use of such motor vehicle or  
158 motor vehicles within the United States or the Dominion of  
159 Canada, subject to limits, exclusive of interest and costs with  
160 respect to each such motor vehicle as is provided for under s.  
161 324.021(7). Insurers may make available, with respect to  
162 property damage liability coverage, a deductible amount not to  
163 exceed \$500. In the event of a property damage loss covered by a  
164 policy containing a property damage deductible provision, the  
165 insurer shall pay to the third-party claimant the amount of any  
166 property damage liability settlement or judgment, subject to  
167 policy limits, as if no deductible existed.

168 Section 6. Section 324.252, Florida Statutes, is created  
169 to read:

170 324.252 Insurance online verification system.—The  
171 department shall establish an online verification system for  
172 motor vehicle insurance. The goal of the system is to identify  
173 uninsured motorists and aid the department in the enforcement of  
174 financial responsibility law.

175 (1) The online verification system must:

176 (a) Be accessible through the Internet by authorized  
177 personnel of the department, the courts, law enforcement  
178 personnel, any other entities authorized by the department, and  
179 insurers authorized by the Office of Insurance Regulation to  
180 offer motor vehicle insurance.

181 (b) Send requests to insurers for verification of evidence  
182 of insurance for motor vehicles registered in this state via  
183 online services established by the insurers in compliance with  
184 the specifications and standards of the Insurance Industry  
185 Committee on Motor Vehicle Administration (IICMVA), with  
186 enhancements, additions, and modifications as required by the  
187 department. However, the enhancements, additions, and  
188 modifications may not conflict with, nullify, or add  
189 requirements that are inconsistent with the specifications or  
190 standards of the IICMVA.

191 (c) Be operational by July 1, 2022. The Motor Vehicle  
192 Insurance Online Verification Task Force established in s.  
193 324.255 must conduct a pilot program for at least 9 months to  
194 test the system before statewide use. The system may not be used  
195 in any enforcement action until successful completion of the  
196 pilot program.

197 (d) Be available 24 hours a day, except for permitted  
198 downtime for system maintenance and other work, as needed, to  
199 verify the insurance status of any vehicle registered in this  
200 state through the insurer's National Association of Insurance

201 Commissioners (NAIC) company code, in combination with other  
202 identifiers such as vehicle identification number, policy  
203 number, or other characteristics or markers as specified by the  
204 Motor Vehicle Insurance Online Verification Task Force.

205 (e) Include appropriate provisions, consistent with  
206 industry standards as specified by the Motor Vehicle Insurance  
207 Online Verification Task Force, to secure the system's data  
208 against unauthorized access.

209 (f) Include a disaster recovery plan to ensure service  
210 continuity in the event of a disaster.

211 (g) Include information that enables the department to  
212 make inquiries of evidence of insurance by using multiple data  
213 elements for greater matching accuracy, specifically the  
214 insurer's NAIC company code, in combination with other  
215 identifiers such as vehicle identification number, policy  
216 number, or other characteristics or markers as specified by the  
217 Motor Vehicle Insurance Online Verification Task Force.

218 (h) Include a self-reporting mechanism for insurers with  
219 fewer than 2,000 vehicles insured within this state or for  
220 individual entities that are self-insured.

221 (2) The department has the following powers and duties:

222 (a) Upon advance notice, the department shall allow online  
223 services established by an insurer to have reasonable downtime  
224 for system maintenance and other work, as needed. An insurer is  
225 not subject to administrative penalties or disciplinary actions

226 when its online services are not available under such  
227 circumstances or when an outage is unplanned by the insurer and  
228 is reasonably outside its control.

229 (b) Upon recommendation of the Motor Vehicle Insurance  
230 Online Verification Task Force, the department may contract with  
231 a private vendor that has personnel with extensive operational  
232 and management experience in the development, deployment, and  
233 operation of insurance online verification systems.

234 (c) The department and its private vendor, if any, shall  
235 each maintain a contact person for the insurers during the  
236 establishment, implementation, and operation of the system.

237 (d) The department shall maintain a historical record of  
238 the system data for 6 months after the date of any verification  
239 request and response.

240 (3) An insurance company authorized to issue insurance  
241 policies for motor vehicles registered in this state:

242 (a) Shall comply with the verification requirements of  
243 motor vehicle insurance for every motor vehicle insured by that  
244 company in this state as required by department rule.

245 (b) Shall maintain policyholder records in order to  
246 confirm insurance coverage for 6 months after the date of any  
247 verification request and response.

248 (c) Shall cooperate with the department in establishing,  
249 implementing, and maintaining the system.

250 (d) Is immune from civil liability for good faith efforts

251 to comply with this section. An online verification request or  
252 response may not be used as the basis of a civil action against  
253 an insurer.

254 (4) A law enforcement officer, during a traffic stop or  
255 crash investigation, shall query information from the online  
256 verification system to establish compliance with this chapter  
257 and to verify the current validity of the policy described on  
258 any insurance identification card produced by the operator of a  
259 motor vehicle during the traffic stop or crash investigation.

260 (5) This section does not apply to vehicles insured under  
261 commercial motor vehicle coverage. As used in this paragraph,  
262 the term "commercial motor vehicle coverage" means any coverage  
263 provided to an insured under a commercial coverage form and  
264 rated from a commercial manual approved by the Office of  
265 Insurance Regulation. However, insurers of such vehicles may  
266 participate in the online verification system on a voluntary  
267 basis.

268 (6) The department may adopt rules to administer this  
269 section.

270 Section 7. Section 324.255, Florida Statutes, is created  
271 to read:

272 324.255 Motor Vehicle Insurance Online Verification Task  
273 Force.—There is created the Motor Vehicle Insurance Online  
274 Verification Task Force within the department.

275 (1) The task force shall:

276 (a) Facilitate the implementation of the motor vehicle  
277 insurance online verification system established in s. 324.252,  
278 including recommending data and cybersecurity processes and  
279 protocols.

280 (b) Assist in the development of a detailed guide for  
281 insurers by providing data fields and other information  
282 necessary for compliance with the online verification system.

283 (c) Coordinate a pilot program and conduct the program for  
284 at least 9 months to test the online verification system and  
285 identify necessary changes to be implemented before statewide  
286 use.

287 (d) Issue recommendations based on periodic reviews of the  
288 online verification system.

289 (2) The task force shall consist of nine voting members  
290 and one nonvoting member.

291 (a) The nine voting members shall be appointed by July 31,  
292 2019, in the following manner:

293 1. Three representatives of the department, representing  
294 the Florida Highway Patrol, the Division of Motorist Services,  
295 and the Information Systems Administration, appointed by the  
296 executive director of the department.

297 2. One representative of the Office of Insurance  
298 Regulation, appointed by the Commissioner of Insurance.

299 3. Three representatives of the motor vehicle insurance  
300 industry, appointed by the Chief Financial Officer as follows:

301 a. One member must represent the motor vehicle insurer  
302 with the largest national market share as of December 31, 2018.

303 b. One member must represent the motor vehicle insurer  
304 with the largest Florida market share as of December 31, 2018.

305 c. One member must be selected from a list of  
306 representatives recommended by the Insurance Industry Committee  
307 on Motor Vehicle Administration.

308 4. One representative of the Department of Financial  
309 Services, appointed by the Chief Financial Officer.

310 5. One representative of the Agency for State Technology,  
311 appointed by the executive director of the agency.

312 (b) The executive director of the department, who shall be  
313 a nonvoting member, shall serve as chair of the task force.

314 (3) By September 30, 2019, the task force shall meet to  
315 establish procedures for the conduct of its business, and the  
316 voting members shall elect a vice chair at that meeting. The  
317 task force shall meet at the call of the chair, who shall  
318 prepare the agenda for each meeting with the consent of the task  
319 force. A majority of the voting members of the task force  
320 constitutes a quorum, and a quorum is necessary for the purpose  
321 of voting on any action or recommendation of the task force. All  
322 meetings shall be held in Tallahassee.

323 (4) The department shall provide the task force members  
324 with administrative and technical support. Task force members  
325 shall serve without compensation and are not entitled to

326 reimbursement for per diem or travel expenses.

327 (5) The task force shall issue a report to the department,  
328 the President of the Senate, and the Speaker of the House of  
329 Representatives no later than 6 months after the pilot program  
330 concludes. The report must evaluate the online verification  
331 system's effectiveness in identifying uninsured motorists. The  
332 task force may also make recommendations for system enhancements  
333 in the report or at any time before the task force's completion  
334 of its work.

335 (6) By July 1, 2022, the task force shall complete its  
336 work and submit its final report evaluating the online  
337 verification system's effectiveness and making recommendations  
338 for system enhancements to the department, the President of the  
339 Senate, and the Speaker of the House of Representatives. Upon  
340 submission of the report, the task force shall expire.

341 Section 8. Subsection (7) of section 627.7295, Florida  
342 Statutes, is amended to read:

343 627.7295 Motor vehicle insurance contracts.—

344 (7) A policy of private passenger motor vehicle insurance  
345 or a binder for such a policy may be initially issued in this  
346 state only if, before the effective date of such binder or  
347 policy, the insurer or agent has collected from the insured an  
348 amount equal to at least 1 month's ~~2 months'~~ premium. An  
349 insurer, agent, or premium finance company may not, directly or  
350 indirectly, take any action resulting in the insured having paid

351 from the insured's own funds an amount less than the 1 month's ~~2~~  
352 ~~months'~~ premium required by this subsection. This subsection  
353 applies without regard to whether the premium is financed by a  
354 premium finance company or is paid pursuant to a periodic  
355 payment plan of an insurer or an insurance agent. This  
356 subsection does not apply if an insured or member of the  
357 insured's family is renewing or replacing a policy or a binder  
358 for such policy written by the same insurer or a member of the  
359 same insurer group. This subsection does not apply to an insurer  
360 that issues private passenger motor vehicle coverage primarily  
361 to active duty or former military personnel or their dependents.  
362 This subsection does not apply if all policy payments are paid  
363 pursuant to a payroll deduction plan, an automatic electronic  
364 funds transfer payment plan from the policyholder, or a  
365 recurring credit card or debit card agreement with the insurer.  
366 This subsection and subsection (4) do not apply if all policy  
367 payments to an insurer are paid pursuant to an automatic  
368 electronic funds transfer payment plan from an agent, a managing  
369 general agent, or a premium finance company and if the policy  
370 includes, at a minimum, personal injury protection pursuant to  
371 ss. 627.730-627.7405; motor vehicle property damage liability  
372 pursuant to s. 627.7275; and bodily injury liability in at least  
373 the amount of \$10,000 because of bodily injury to, or death of,  
374 one person in any one accident and in the amount of \$20,000  
375 because of bodily injury to, or death of, two or more persons in

376 any one accident. This subsection and subsection (4) do not  
377 apply if an insured has had a policy in effect for at least 6  
378 months, the insured's agent is terminated by the insurer that  
379 issued the policy, and the insured obtains coverage on the  
380 policy's renewal date with a new company through the terminated  
381 agent.

382 Section 9. Subsection (1) of section 627.736, Florida  
383 Statutes, is amended to read:

384 627.736 Required personal injury protection benefits;  
385 exclusions; priority; claims.—

386 (1) REQUIRED BENEFITS.—Except for a named driver who is  
387 excluded from insurance policy coverage under s. 627.747, an  
388 insurance policy complying with the security requirements of s.  
389 627.733 must provide personal injury protection to the named  
390 insured, relatives residing in the same household, persons  
391 operating the insured motor vehicle, passengers in the motor  
392 vehicle, and other persons struck by the motor vehicle and  
393 suffering bodily injury while not an occupant of a self-  
394 propelled vehicle, subject to subsection (2) and paragraph  
395 (4) (e), to a limit of \$10,000 in medical and disability benefits  
396 and \$5,000 in death benefits resulting from bodily injury,  
397 sickness, disease, or death arising out of the ownership,  
398 maintenance, or use of a motor vehicle as follows:

399 (a) Medical benefits.—Eighty percent of all reasonable  
400 expenses for medically necessary medical, surgical, X-ray,

401 dental, and rehabilitative services, including prosthetic  
402 devices and medically necessary ambulance, hospital, and nursing  
403 services if the individual receives initial services and care  
404 pursuant to subparagraph 1. within 14 days after the motor  
405 vehicle accident. The medical benefits provide reimbursement  
406 only for:

407 1. Initial services and care that are lawfully provided,  
408 supervised, ordered, or prescribed by a physician licensed under  
409 chapter 458 or chapter 459, a dentist licensed under chapter  
410 466, or a chiropractic physician licensed under chapter 460 or  
411 that are provided in a hospital or in a facility that owns, or  
412 is wholly owned by, a hospital. Initial services and care may  
413 also be provided by a person or entity licensed under part III  
414 of chapter 401 which provides emergency transportation and  
415 treatment.

416 2. Upon referral by a provider described in subparagraph  
417 1., followup services and care consistent with the underlying  
418 medical diagnosis rendered pursuant to subparagraph 1. which may  
419 be provided, supervised, ordered, or prescribed only by a  
420 physician licensed under chapter 458 or chapter 459, a  
421 chiropractic physician licensed under chapter 460, a dentist  
422 licensed under chapter 466, or, to the extent permitted by  
423 applicable law and under the supervision of such physician,  
424 osteopathic physician, chiropractic physician, or dentist, by a  
425 physician assistant licensed under chapter 458 or chapter 459 or

426 an advanced practice registered nurse licensed under chapter  
 427 464. Followup services and care may also be provided by the  
 428 following persons or entities:

429 a. A hospital or ambulatory surgical center licensed under  
 430 chapter 395.

431 b. An entity wholly owned by one or more physicians  
 432 licensed under chapter 458 or chapter 459, chiropractic  
 433 physicians licensed under chapter 460, or dentists licensed  
 434 under chapter 466 or by such practitioners and the spouse,  
 435 parent, child, or sibling of such practitioners.

436 c. An entity that owns or is wholly owned, directly or  
 437 indirectly, by a hospital or hospitals.

438 d. A physical therapist licensed under chapter 486, based  
 439 upon a referral by a provider described in this subparagraph.

440 e. A health care clinic licensed under part X of chapter  
 441 400 which is accredited by an accrediting organization whose  
 442 standards incorporate comparable regulations required by this  
 443 state, or:

444 (I) Has a medical director licensed under chapter 458,  
 445 chapter 459, or chapter 460;

446 (II) Has been continuously licensed for more than 3 years  
 447 or is a publicly traded corporation that issues securities  
 448 traded on an exchange registered with the United States  
 449 Securities and Exchange Commission as a national securities  
 450 exchange; and

451 (III) Provides at least four of the following medical  
452 specialties:

453 (A) General medicine.

454 (B) Radiography.

455 (C) Orthopedic medicine.

456 (D) Physical medicine.

457 (E) Physical therapy.

458 (F) Physical rehabilitation.

459 (G) Prescribing or dispensing outpatient prescription  
460 medication.

461 (H) Laboratory services.

462 3. ~~Reimbursement for~~ Services and care provided in  
463 subparagraph 1. or subparagraph 2. up to \$10,000 if a physician  
464 licensed under chapter 458 or chapter 459, a dentist licensed  
465 under chapter 466, a physician assistant licensed under chapter  
466 458 or chapter 459, or an advanced practice registered nurse  
467 licensed under chapter 464 has determined that the injured  
468 person had an emergency medical condition.

469 4. ~~Reimbursement for~~ Services and care provided in  
470 subparagraph 1. or subparagraph 2. up ~~is limited~~ to \$2,500 if a  
471 provider listed in subparagraph 1. or subparagraph 2. determines  
472 that the injured person did not have an emergency medical  
473 condition.

474  
475 ~~5.~~ Medical benefits do not include massage as defined in s.

476 480.033 or acupuncture as defined in s. 457.102, regardless of  
477 the person, entity, or licensee providing massage or  
478 acupuncture, and a licensed massage therapist or licensed  
479 acupuncturist may not be reimbursed for medical benefits under  
480 this section.

481 ~~6.~~ The Financial Services Commission shall adopt by rule  
482 the form that must be used by an insurer and a health care  
483 provider specified in sub-subparagraph 2.b., sub-subparagraph  
484 2.c., or sub-subparagraph 2.e. to document that the health care  
485 provider meets the criteria of this paragraph. Such rule must  
486 include a requirement for a sworn statement or affidavit.

487 (b) Disability benefits.—Sixty percent of any loss of  
488 gross income and loss of earning capacity per individual from  
489 inability to work proximately caused by the injury sustained by  
490 the injured person, plus all expenses reasonably incurred in  
491 obtaining from others ordinary and necessary services in lieu of  
492 those that, but for the injury, the injured person would have  
493 performed without income for the benefit of his or her  
494 household. All disability benefits payable under this paragraph  
495 ~~provision~~ must be paid at least every 2 weeks.

496 (c) Death benefits.—Death benefits of \$5,000 per  
497 individual. Death benefits are in addition to the medical and  
498 disability benefits provided under the insurance policy. The  
499 insurer may pay death benefits to the executor or administrator  
500 of the deceased, to any of the deceased's relatives by blood,

501 legal adoption, or marriage, or to any person appearing to the  
502 insurer to be equitably entitled to such benefits.

503

504 Only insurers writing motor vehicle liability insurance in this  
505 state may provide the required benefits of this section, and  
506 such insurer may not require the purchase of any other motor  
507 vehicle coverage other than the purchase of property damage  
508 liability coverage as required by s. 627.7275 as a condition for  
509 providing such benefits. Insurers may not require that property  
510 damage liability insurance in an amount greater than \$10,000 be  
511 purchased in conjunction with personal injury protection. Such  
512 insurers shall make benefits and required property damage  
513 liability insurance coverage available through normal marketing  
514 channels. An insurer writing motor vehicle liability insurance  
515 in this state who fails to comply with such availability  
516 requirement as a general business practice violates part IX of  
517 chapter 626, and such violation constitutes an unfair method of  
518 competition or an unfair or deceptive act or practice involving  
519 the business of insurance. An insurer committing such violation  
520 is subject to the penalties provided under that part, as well as  
521 those provided elsewhere in the insurance code.

522 Section 10. Subsection (5) of section 627.7407, Florida  
523 Statutes, is amended, and subsection (1) of that section is  
524 republished, to read:

525 627.7407 Application of the Florida Motor Vehicle No-Fault

526 Law.—

527 (1) Any person subject to the requirements of ss. 627.730-  
 528 627.7405, the Florida Motor Vehicle No-Fault Law, as revived and  
 529 amended by this act, must maintain security for personal injury  
 530 protection as required by the Florida Motor Vehicle No-Fault  
 531 Law, as revived and amended by this act, beginning on January 1,  
 532 2008.

533 (5) ~~No later than November 15, 2007,~~ Each motor vehicle  
 534 insurer shall provide notice of the provisions of this section  
 535 to each motor vehicle insured who is subject to subsection (1).  
 536 The notice is not subject to approval by the Office of Insurance  
 537 Regulation. The notice must clearly inform the policyholder:

538 (a) That ~~beginning on January 1, 2008,~~ Florida law  
 539 requires the policyholder to maintain personal injury protection  
 540 ("PIP") insurance coverage and that this insurance pays covered  
 541 medical expenses for injuries sustained in a motor vehicle crash  
 542 by the policyholder, passengers, and relatives residing in the  
 543 policyholder's household unless excluded under s. 627.747.

544 (b) That if the policyholder does not maintain personal  
 545 injury protection coverage, the State of Florida may suspend the  
 546 policyholder's driver license and vehicle registration.

547 (c) That if the policyholder already has personal injury  
 548 protection coverage, ~~that~~ coverage will be amended ~~effective~~  
 549 ~~January 1, 2008,~~ to incorporate legally required changes without  
 550 any additional premium and ~~that~~ the policyholder is not required

551 to take any further action.

552 (d) That, if the policyholder does not currently have  
553 personal injury protection coverage, the current motor vehicle  
554 policy will be amended to incorporate the required personal  
555 injury protection coverage ~~effective January 1, 2008~~.

556 (e) The additional premium that is due, if any, and the  
557 date that it is due, ~~which may be no earlier than January 1,~~  
558 ~~2008~~.

559 (f) That if the policyholder has any questions, the name  
560 and phone number of whom they should contact.

561 Section 11. Section 627.747, Florida Statutes, is created  
562 to read:

563 627.747 Named driver exclusion.-

564 (1) A private passenger motor vehicle policy may exclude  
565 an identified individual from the following coverages while the  
566 identified individual is operating a motor vehicle if the  
567 identified individual is specifically excluded by name on the  
568 declarations page or by endorsement and if a policyholder  
569 consents in writing to such exclusion:

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

574 (b) Property damage liability coverage.

575 (c) Bodily injury liability coverage.

576        (d) Uninsured motorist coverage for any damages sustained  
 577 by the identified excluded individual, if the policyholder has  
 578 purchased such coverage.

579        (e) Any coverage the policyholder is not required by law  
 580 to purchase.

581        (2) A private passenger motor vehicle policy may not  
 582 exclude coverage when:

583        (a) The identified excluded individual is injured while  
 584 not operating a motor vehicle;

585        (b) The exclusion is unfairly discriminatory under the  
 586 Florida Insurance Code, as determined by the office; or

587        (c) The exclusion is inconsistent with the underwriting  
 588 rules filed by the insurer pursuant to s. 627.0651(13)(a).

589        Section 12. This act shall take effect July 1, 2019.