

By Senator Brandes

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1                   A bill to be entitled  
2           An act relating to motor vehicle insurance; providing  
3           for future repeal of ss. 627.730, 627.731, 627.7311,  
4           627.732, 627.733, 627.734, 627.736, 627.737, 627.739,  
5           627.7401, 627.7403, and 627.7405, F.S., which compose  
6           the Florida Motor Vehicle No-Fault Law, ss. 15 and 16  
7           of chapter 2012-197, Laws of Florida, which require  
8           the Office of Insurance Regulation to contract for a  
9           study and perform a data call relating to certain  
10          changes made to the no-fault law, and s. 627.7407,  
11          F.S., relating to application of the no-fault law;  
12          authorizing insurers to provide for termination of  
13          motor vehicle insurance policies issued or renewed on  
14          or after a specified date as a result of the repeal of  
15          sections by this act; amending s. 318.18, F.S.;  
16          deleting a provision that provides for dismissal of a  
17          certain traffic violation under certain circumstances;  
18          amending s. 320.27, F.S.; deleting a requirement for  
19          specified personal injury protection coverage for a  
20          motor vehicle dealer license applicant; conforming a  
21          provision to changes made by the act; amending s.  
22          320.771, F.S.; deleting a requirement for specified  
23          personal injury protection coverage for a recreational  
24          vehicle dealer license applicant; amending s. 324.021,  
25          F.S.; revising the definition of the term "motor  
26          vehicle"; deleting a provision relating to the limits  
27          of liability on commercial motor vehicles; amending s.  
28          324.032, F.S.; removing certain owners or lessees of  
29          for-hire passenger transportation vehicles from a  
30          financial responsibility provision; amending s.  
31          324.171, F.S.; deleting a requirement for personal  
32          injury protection coverage on a certain self-insurance

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33 certificate; amending s. 400.9905, F.S.; revising the  
34 definition of the term "clinic" to delete a  
35 requirement related to the reporting of certain  
36 information relating to personal injury protection  
37 coverage on an application for a certain exemption, to  
38 delete a provision authorizing denial or revocation of  
39 such an exemption on certain grounds, and to delete a  
40 provision relating to reimbursement under the no-fault  
41 law; amending s. 400.991, F.S.; revising an insurance  
42 fraud notice to conform to amendments made to s.  
43 626.989, F.S., by the act; amending s. 456.057, F.S.;  
44 deleting certain persons or entities practicing under  
45 the no-fault law from a list of persons or entities  
46 excluded from certain patient records provisions;  
47 amending s. 456.072, F.S.; deleting certain grounds  
48 for discipline relating to actions under the no-fault  
49 law; amending s. 626.9541, F.S.; deleting a certain  
50 practice under the no-fault law from a list of unfair  
51 claim settlement practices; deleting a provision  
52 authorizing the Office of Insurance Regulation to  
53 order the insurer to pay restitution for such  
54 practice; conforming a provision to changes made by  
55 the act; amending s. 626.989, F.S.; revising the  
56 actions that constitute commission of a fraudulent  
57 insurance act; amending s. 627.727, F.S.; deleting an  
58 exception from an exclusion from legal liability of an  
59 uninsured motorist coverage insurer for certain tort  
60 damages; conforming a provision to changes made by the  
61 act; amending s. 627.7275, F.S.; requiring certain

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62 motor vehicle insurance policies to provide certain  
63 property damage liability and bodily injury liability  
64 coverage, rather than only such policies providing  
65 personal injury protection; revising certain coverage  
66 that insurers must make available subject to certain  
67 conditions; conforming a provision to changes made by  
68 the act; amending s. 627.8405, F.S.; excluding premium  
69 financing by certain insurance agents or insurance  
70 companies from certain prohibitions; deleting a  
71 requirement for the Financial Services Commission to  
72 adopt certain rules; conforming a provision to changes  
73 made by the act; amending s. 628.909, F.S.; revising  
74 applicability to remove provisions of the no-fault law  
75 under certain circumstances; amending s. 817.234,  
76 F.S.; expanding the scope of certain criminal acts  
77 related to false and fraudulent insurance claims by  
78 removing limitations to such acts under the no-fault  
79 law; revising sanctions for a licensed health care  
80 practitioner who is found guilty of insurance fraud  
81 for a certain act; amending ss. 316.646, 320.02,  
82 320.0609, 322.251, 322.34, 324.0221, 409.901, 409.910,  
83 627.06501, 627.0652, 627.0653, 627.4132, 627.7263,  
84 627.728, 627.7295, 627.915, 705.184, and 713.78, F.S.;  
85 deleting references to certain requirements, benefits,  
86 and other provisions under the no-fault law;  
87 conforming provisions to changes made by the act;  
88 making technical changes; providing effective dates.

89  
90 Be It Enacted by the Legislature of the State of Florida:

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Section 1. Effective January 1, 2020, sections 627.730, 627.731, 627.7311, 627.732, 627.733, 627.734, 627.736, 627.737, 627.739, 627.7401, 627.7403, and 627.7405, Florida Statutes, which compose the Florida Motor Vehicle No-Fault Law, sections 15 and 16 of chapter 2012-197, Laws of Florida, and section 627.7407, Florida Statutes, are repealed.

Section 2. Effective January 2, 2019, in all motor vehicle insurance policies issued or renewed on or after January 2, 2019, insurers may provide that such policies may terminate on or after January 1, 2020 as a result of the repeal of the sections specified in section 1 of this act.

Section 3. Effective January 1, 2020, paragraph (b) of subsection (2) of section 318.18, Florida Statutes, is amended to read:

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

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

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

1. If a person who is cited for a violation of s. 320.0605 or s. 320.07 can show proof of having a valid registration at the time of arrest, the clerk of the court may dismiss the case and may assess a dismissal fee of up to \$10. A person who finds it impossible or impractical to obtain a valid registration

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120 certificate must submit an affidavit detailing the reasons for  
121 the impossibility or impracticality. The reasons may include,  
122 but are not limited to, the fact that the vehicle was sold,  
123 stolen, or destroyed; that the state in which the vehicle is  
124 registered does not issue a certificate of registration; or that  
125 the vehicle is owned by another person.

126 2. If a person who is cited for a violation of s. 322.03,  
127 s. 322.065, or s. 322.15 can show a driver license issued to him  
128 or her and valid at the time of arrest, the clerk of the court  
129 may dismiss the case and may assess a dismissal fee of up to  
130 \$10.

131 ~~3. If a person who is cited for a violation of s. 316.646~~  
132 ~~can show proof of security as required by s. 627.733, issued to~~  
133 ~~the person and valid at the time of arrest, the clerk of the~~  
134 ~~court may dismiss the case and may assess a dismissal fee of up~~  
135 ~~to \$10. A person who finds it impossible or impractical to~~  
136 ~~obtain proof of security must submit an affidavit detailing the~~  
137 ~~reasons for the impracticality. The reasons may include, but are~~  
138 ~~not limited to, the fact that the vehicle has since been sold,~~  
139 ~~stolen, or destroyed; that the owner or registrant of the~~  
140 ~~vehicle is not required by s. 627.733 to maintain personal~~  
141 ~~injury protection insurance; or that the vehicle is owned by~~  
142 ~~another person.~~

143 Section 4. Effective January 1, 2020, subsection (3) of  
144 section 320.27, Florida Statutes, is amended to read:

145 320.27 Motor vehicle dealers.—

146 (3) APPLICATION AND FEE.—The application for the license  
147 shall be in such form as may be prescribed by the department and  
148 shall be subject to such rules with respect thereto as may be so

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149 prescribed by it. Such application shall be verified by oath or  
150 affirmation and shall contain a full statement of the name and  
151 birth date of the person or persons applying therefor; the name  
152 of the firm or copartnership, with the names and places of  
153 residence of all members thereof, if such applicant is a firm or  
154 copartnership; the names and places of residence of the  
155 principal officers, if the applicant is a body corporate or  
156 other artificial body; the name of the state under whose laws  
157 the corporation is organized; the present and former place or  
158 places of residence of the applicant; and prior business in  
159 which the applicant has been engaged and the location thereof.  
160 Such application shall describe the exact location of the place  
161 of business and shall state whether the place of business is  
162 owned by the applicant and when acquired, or, if leased, a true  
163 copy of the lease shall be attached to the application. The  
164 applicant shall certify that the location provides an adequately  
165 equipped office and is not a residence; that the location  
166 affords sufficient unoccupied space upon and within which  
167 adequately to store all motor vehicles offered and displayed for  
168 sale; and that the location is a suitable place where the  
169 applicant can in good faith carry on such business and keep and  
170 maintain books, records, and files necessary to conduct such  
171 business, which shall be available at all reasonable hours to  
172 inspection by the department or any of its inspectors or other  
173 employees. The applicant shall certify that the business of a  
174 motor vehicle dealer is the principal business which shall be  
175 conducted at that location. The application shall contain a  
176 statement that the applicant is either franchised by a  
177 manufacturer of motor vehicles, in which case the name of each

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178 motor vehicle that the applicant is franchised to sell shall be  
179 included, or an independent (nonfranchised) motor vehicle  
180 dealer. The application shall contain other relevant information  
181 as may be required by the department, including evidence that  
182 the applicant is insured under a garage liability insurance  
183 policy or a general liability insurance policy coupled with a  
184 business automobile policy, which shall include, at a minimum,  
185 \$25,000 combined single-limit liability coverage including  
186 bodily injury and property damage protection ~~and \$10,000~~  
187 ~~personal injury protection~~. However, a salvage motor vehicle  
188 dealer as defined in subparagraph (1)(c)5. is exempt from the  
189 requirements for garage liability insurance ~~and personal injury~~  
190 ~~protection insurance~~ on those vehicles that cannot be legally  
191 operated on roads, highways, or streets in this state. Franchise  
192 dealers must submit a garage liability insurance policy, and all  
193 other dealers must submit a garage liability insurance policy or  
194 a general liability insurance policy coupled with a business  
195 automobile policy. Such policy shall be for the license period,  
196 and evidence of a new or continued policy shall be delivered to  
197 the department at the beginning of each license period. Upon  
198 making initial application, the applicant shall pay to the  
199 department a fee of \$300 in addition to any other fees required  
200 by law. Applicants may choose to extend the licensure period for  
201 1 additional year for a total of 2 years. An initial applicant  
202 shall pay to the department a fee of \$300 for the first year and  
203 \$75 for the second year, in addition to any other fees required  
204 by law. An applicant for renewal shall pay to the department \$75  
205 for a 1-year renewal or \$150 for a 2-year renewal, in addition  
206 to any other fees required by law. Upon making an application

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207 for a change of location, the person shall pay a fee of \$50 in  
208 addition to any other fees now required by law. The department  
209 shall, in the case of every application for initial licensure,  
210 verify whether certain facts set forth in the application are  
211 true. Each applicant, general partner in the case of a  
212 partnership, or corporate officer and director in the case of a  
213 corporate applicant, must file a set of fingerprints with the  
214 department for the purpose of determining any prior criminal  
215 record or any outstanding warrants. The department shall submit  
216 the fingerprints to the Department of Law Enforcement for state  
217 processing and forwarding to the Federal Bureau of Investigation  
218 for federal processing. The actual cost of state and federal  
219 processing shall be borne by the applicant and is in addition to  
220 the fee for licensure. The department may issue a license to an  
221 applicant pending the results of the fingerprint investigation,  
222 which license is fully revocable if the department subsequently  
223 determines that any facts set forth in the application are not  
224 true or correctly represented.

225 Section 5. Effective January 1, 2020, paragraph (j) of  
226 subsection (3) of section 320.771, Florida Statutes, is amended  
227 to read:

228 320.771 License required of recreational vehicle dealers.—

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

233 (j) A statement that the applicant is insured under a  
234 garage liability insurance policy, which shall include, at a  
235 minimum, \$25,000 combined single-limit liability coverage,



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236 including bodily injury and property damage protection, ~~and~~  
237 ~~\$10,000 personal injury protection,~~ if the applicant is to be  
238 licensed as a dealer in, or intends to sell, recreational  
239 vehicles.

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241 The department shall, if it deems necessary, cause an  
242 investigation to be made to ascertain if the facts set forth in  
243 the application are true and shall not issue a license to the  
244 applicant until it is satisfied that the facts set forth in the  
245 application are true.

246 Section 6. Effective January 1, 2020, subsection (1) and  
247 paragraph (c) of subsection (9) of section 324.021, Florida  
248 Statutes, are amended to read:

249 324.021 Definitions; minimum insurance required.—The  
250 following words and phrases when used in this chapter shall, for  
251 the purpose of this chapter, have the meanings respectively  
252 ascribed to them in this section, except in those instances  
253 where the context clearly indicates a different meaning:

254 (1) MOTOR VEHICLE.—Every self-propelled vehicle which is  
255 designed and required to be licensed for use upon a highway,  
256 including trailers and semitrailers designed for use with such  
257 vehicles, except traction engines, road rollers, farm tractors,  
258 power shovels, and well drillers, and every vehicle which is  
259 propelled by electric power obtained from overhead wires but not  
260 operated upon rails, but not including any bicycle or moped.  
261 ~~However, the term "motor vehicle" shall not include any motor~~  
262 ~~vehicle as defined in s. 627.732(3) when the owner of such~~  
263 ~~vehicle has complied with the requirements of ss. 627.730-~~  
264 ~~627.7405, inclusive, unless the provisions of s. 324.051 apply;~~

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265 ~~and, in such case, the applicable proof of insurance provisions~~  
266 ~~of s. 320.02 apply.~~

267 (9) OWNER; OWNER/LESSOR.—

268 (c) *Application*.—

269 ~~1.~~ The limits on liability in subparagraphs (b)2. and 3. do  
270 not apply to an owner of motor vehicles that are used for  
271 commercial activity in the owner's ordinary course of business,  
272 other than a rental company that rents or leases motor vehicles.  
273 For purposes of this paragraph, the term "rental company"  
274 includes only an entity that is engaged in the business of  
275 renting or leasing motor vehicles to the general public and that  
276 rents or leases a majority of its motor vehicles to persons with  
277 no direct or indirect affiliation with the rental company. The  
278 term also includes a motor vehicle dealer that provides  
279 temporary replacement vehicles to its customers for up to 10  
280 days. The term "rental company" also includes:

281 ~~1.a.~~ A related rental or leasing company that is a  
282 subsidiary of the same parent company as that of the renting or  
283 leasing company that rented or leased the vehicle.

284 ~~2.b.~~ The holder of a motor vehicle title or an equity  
285 interest in a motor vehicle title if the title or equity  
286 interest is held pursuant to or to facilitate an asset-backed  
287 securitization of a fleet of motor vehicles used solely in the  
288 business of renting or leasing motor vehicles to the general  
289 public and under the dominion and control of a rental company,  
290 as described in this paragraph ~~subparagraph~~, in the operation of  
291 such rental company's business.

292 ~~2. Furthermore, with respect to commercial motor vehicles~~  
293 ~~as defined in s. 627.732, the limits on liability in~~

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294 ~~subparagraphs (b)2. and 3. do not apply if, at the time of the~~  
295 ~~incident, the commercial motor vehicle is being used in the~~  
296 ~~transportation of materials found to be hazardous for the~~  
297 ~~purposes of the Hazardous Materials Transportation Authorization~~  
298 ~~Act of 1994, as amended, 49 U.S.C. ss. 5101 et seq., and that is~~  
299 ~~required pursuant to such act to carry placards warning others~~  
300 ~~of the hazardous cargo, unless at the time of lease or rental~~  
301 ~~either:~~

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

306 ~~b. The lessee or other operator of the commercial motor~~  
307 ~~vehicle has in effect insurance with limits of at least~~  
308 ~~\$5,000,000 combined property damage and bodily injury liability.~~

309 Section 7. Effective January 1, 2020, subsection (1) of  
310 section 324.032, Florida Statutes, is amended to read:

311 324.032 Manner of proving financial responsibility; for-  
312 hire passenger transportation vehicles.—Notwithstanding the  
313 provisions of s. 324.031:

314 (1) (a) A person ~~who is either the owner or a lessee~~  
315 ~~required to maintain insurance under s. 627.733(1)(b) and who~~  
316 operates one or more taxicabs, limousines, jitneys, or any other  
317 for-hire passenger transportation vehicles may prove financial  
318 responsibility by furnishing satisfactory evidence of holding a  
319 motor vehicle liability policy, but with minimum limits of  
320 \$125,000/250,000/50,000.

321 (b) A person who is either the owner or a lessee required  
322 to maintain insurance under s. 324.021(9)(b) and who operates

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323 limousines, jitneys, or any other for-hire passenger vehicles,  
324 other than taxicabs, may prove financial responsibility by  
325 furnishing satisfactory evidence of holding a motor vehicle  
326 liability policy as defined in s. 324.031.

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328 Upon request by the department, the applicant must provide the  
329 department at the applicant's principal place of business in  
330 this state access to the applicant's underlying financial  
331 information and financial statements that provide the basis of  
332 the certified public accountant's certification. The applicant  
333 shall reimburse the requesting department for all reasonable  
334 costs incurred by it in reviewing the supporting information.  
335 The maximum amount of self-insurance permissible under this  
336 subsection is \$300,000 and must be stated on a per-occurrence  
337 basis, and the applicant shall maintain adequate excess  
338 insurance issued by an authorized or eligible insurer licensed  
339 or approved by the Office of Insurance Regulation. All risks  
340 self-insured shall remain with the owner or lessee providing it,  
341 and the risks are not transferable to any other person, unless a  
342 policy complying with subsection (1) is obtained.

343 Section 8. Effective January 1, 2020, subsection (2) of  
344 section 324.171, Florida Statutes, is amended to read:

345 324.171 Self-insurer.—

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

350 Section 9. Effective January 1, 2020, subsection (4) of  
351 section 400.9905, Florida Statutes, is amended to read:

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352 400.9905 Definitions.—

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

359 (a) Entities licensed or registered by the state under  
360 chapter 395; entities licensed or registered by the state and  
361 providing only health care services within the scope of services  
362 authorized under their respective licenses under ss. 383.30-  
363 383.335, chapter 390, chapter 394, chapter 397, this chapter  
364 except part X, chapter 429, chapter 463, chapter 465, chapter  
365 466, chapter 478, part I of chapter 483, chapter 484, or chapter  
366 651; end-stage renal disease providers authorized under 42  
367 C.F.R. part 405, subpart U; providers certified under 42 C.F.R.  
368 part 485, subpart B or subpart H; or any entity that provides  
369 neonatal or pediatric hospital-based health care services or  
370 other health care services by licensed practitioners solely  
371 within a hospital licensed under chapter 395.

372 (b) Entities that own, directly or indirectly, entities  
373 licensed or registered by the state pursuant to chapter 395;  
374 entities that own, directly or indirectly, entities licensed or  
375 registered by the state and providing only health care services  
376 within the scope of services authorized pursuant to their  
377 respective licenses under ss. 383.30-383.335, chapter 390,  
378 chapter 394, chapter 397, this chapter except part X, chapter  
379 429, chapter 463, chapter 465, chapter 466, chapter 478, part I  
380 of chapter 483, chapter 484, or chapter 651; end-stage renal

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381 disease providers authorized under 42 C.F.R. part 405, subpart  
382 U; providers certified under 42 C.F.R. part 485, subpart B or  
383 subpart H; or any entity that provides neonatal or pediatric  
384 hospital-based health care services by licensed practitioners  
385 solely within a hospital licensed under chapter 395.

386 (c) Entities that are owned, directly or indirectly, by an  
387 entity licensed or registered by the state pursuant to chapter  
388 395; entities that are owned, directly or indirectly, by an  
389 entity licensed or registered by the state and providing only  
390 health care services within the scope of services authorized  
391 pursuant to their respective licenses under ss. 383.30-383.335,  
392 chapter 390, chapter 394, chapter 397, this chapter except part  
393 X, chapter 429, chapter 463, chapter 465, chapter 466, chapter  
394 478, part I of chapter 483, chapter 484, or chapter 651; end-  
395 stage renal disease providers authorized under 42 C.F.R. part  
396 405, subpart U; providers certified under 42 C.F.R. part 485,  
397 subpart B or subpart H; or any entity that provides neonatal or  
398 pediatric hospital-based health care services by licensed  
399 practitioners solely within a hospital under chapter 395.

400 (d) Entities that are under common ownership, directly or  
401 indirectly, with an entity licensed or registered by the state  
402 pursuant to chapter 395; entities that are under common  
403 ownership, directly or indirectly, with an entity licensed or  
404 registered by the state and providing only health care services  
405 within the scope of services authorized pursuant to their  
406 respective licenses under ss. 383.30-383.335, chapter 390,  
407 chapter 394, chapter 397, this chapter except part X, chapter  
408 429, chapter 463, chapter 465, chapter 466, chapter 478, part I  
409 of chapter 483, chapter 484, or chapter 651; end-stage renal

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410 disease providers authorized under 42 C.F.R. part 405, subpart  
411 U; providers certified under 42 C.F.R. part 485, subpart B or  
412 subpart H; or any entity that provides neonatal or pediatric  
413 hospital-based health care services by licensed practitioners  
414 solely within a hospital licensed under chapter 395.

415 (e) An entity that is exempt from federal taxation under 26  
416 U.S.C. s. 501(c)(3) or (4), an employee stock ownership plan  
417 under 26 U.S.C. s. 409 that has a board of trustees at least  
418 two-thirds of which are Florida-licensed health care  
419 practitioners and provides only physical therapy services under  
420 physician orders, any community college or university clinic,  
421 and any entity owned or operated by the federal or state  
422 government, including agencies, subdivisions, or municipalities  
423 thereof.

424 (f) A sole proprietorship, group practice, partnership, or  
425 corporation that provides health care services by physicians  
426 covered by s. 627.419, that is directly supervised by one or  
427 more of such physicians, and that is wholly owned by one or more  
428 of those physicians or by a physician and the spouse, parent,  
429 child, or sibling of that physician.

430 (g) A sole proprietorship, group practice, partnership, or  
431 corporation that provides health care services by licensed  
432 health care practitioners under chapter 457, chapter 458,  
433 chapter 459, chapter 460, chapter 461, chapter 462, chapter 463,  
434 chapter 466, chapter 467, chapter 480, chapter 484, chapter 486,  
435 chapter 490, chapter 491, or part I, part III, part X, part  
436 XIII, or part XIV of chapter 468, or s. 464.012, and that is  
437 wholly owned by one or more licensed health care practitioners,  
438 or the licensed health care practitioners set forth in this

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439 paragraph and the spouse, parent, child, or sibling of a  
440 licensed health care practitioner if one of the owners who is a  
441 licensed health care practitioner is supervising the business  
442 activities and is legally responsible for the entity's  
443 compliance with all federal and state laws. However, a health  
444 care practitioner may not supervise services beyond the scope of  
445 the practitioner's license, except that, for the purposes of  
446 this part, a clinic owned by a licensee in s. 456.053(3)(b)  
447 which provides only services authorized pursuant to s.  
448 456.053(3)(b) may be supervised by a licensee specified in s.  
449 456.053(3)(b).

450 (h) Clinical facilities affiliated with an accredited  
451 medical school at which training is provided for medical  
452 students, residents, or fellows.

453 (i) Entities that provide only oncology or radiation  
454 therapy services by physicians licensed under chapter 458 or  
455 chapter 459 or entities that provide oncology or radiation  
456 therapy services by physicians licensed under chapter 458 or  
457 chapter 459 which are owned by a corporation whose shares are  
458 publicly traded on a recognized stock exchange.

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

462 (k) Entities that provide licensed practitioners to staff  
463 emergency departments or to deliver anesthesia services in  
464 facilities licensed under chapter 395 and that derive at least  
465 90 percent of their gross annual revenues from the provision of  
466 such services. Entities claiming an exemption from licensure  
467 under this paragraph must provide documentation demonstrating



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468 compliance.

469 (l) Orthotic, prosthetic, pediatric cardiology, or  
470 perinatology clinical facilities or anesthesia clinical  
471 facilities that are not otherwise exempt under paragraph (a) or  
472 paragraph (k) and that are a publicly traded corporation or are  
473 wholly owned, directly or indirectly, by a publicly traded  
474 corporation. As used in this paragraph, a publicly traded  
475 corporation is a corporation that issues securities traded on an  
476 exchange registered with the United States Securities and  
477 Exchange Commission as a national securities exchange.

478 (m) Entities that are owned by a corporation that has \$250  
479 million or more in total annual sales of health care services  
480 provided by licensed health care practitioners where one or more  
481 of the persons responsible for the operations of the entity is a  
482 health care practitioner who is licensed in this state and who  
483 is responsible for supervising the business activities of the  
484 entity and is responsible for the entity's compliance with state  
485 law for purposes of this part.

486 (n) Entities that employ 50 or more licensed health care  
487 practitioners licensed under chapter 458 or chapter 459 where  
488 the billing for medical services is under a single tax  
489 identification number. The application for exemption under this  
490 subsection shall contain information that includes: the name,  
491 residence, and business address and phone number of the entity  
492 that owns the practice; a complete list of the names and contact  
493 information of all the officers and directors of the  
494 corporation; the name, residence address, business address, and  
495 medical license number of each licensed Florida health care  
496 practitioner employed by the entity; the corporate tax

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497 identification number of the entity seeking an exemption; and a  
 498 listing of health care services to be provided by the entity at  
 499 the health care clinics owned or operated by the entity ~~and a~~  
 500 ~~certified statement prepared by an independent certified public~~  
 501 ~~accountant which states that the entity and the health care~~  
 502 ~~clinics owned or operated by the entity have not received~~  
 503 ~~payment for health care services under personal injury~~  
 504 ~~protection insurance coverage for the preceding year. If the~~  
 505 ~~agency determines that an entity which is exempt under this~~  
 506 ~~subsection has received payments for medical services under~~  
 507 ~~personal injury protection insurance coverage, the agency may~~  
 508 ~~deny or revoke the exemption from licensure under this~~  
 509 ~~subsection.~~

510  
 511 ~~Notwithstanding this subsection, an entity shall be deemed a~~  
 512 ~~clinic and must be licensed under this part in order to receive~~  
 513 ~~reimbursement under the Florida Motor Vehicle No-Fault Law, ss.~~  
 514 ~~627.730-627.7405, unless exempted under s. 627.736(5)(h).~~

515 Section 10. Effective January 1, 2020, subsection (6) of  
 516 section 400.991, Florida Statutes, is amended to read:

517 400.991 License requirements; background screenings;  
 518 prohibitions.-

519 (6) All agency forms for licensure application or exemption  
 520 from licensure under this part must contain the following  
 521 statement:

522  
 523 INSURANCE FRAUD NOTICE.-A person who knowingly submits  
 524 a false, misleading, or fraudulent application or  
 525 other document when applying for licensure as a health

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526 care clinic, seeking an exemption from licensure as a  
 527 health care clinic, or demonstrating compliance with  
 528 part X of chapter 400, Florida Statutes, with the  
 529 intent to use the license, exemption from licensure,  
 530 or demonstration of compliance to provide services ~~or~~  
 531 ~~seek reimbursement under the Florida Motor Vehicle No-~~  
 532 ~~Fault Law, commits a fraudulent insurance act, as~~  
 533 ~~defined in s. 626.989, Florida Statutes. A person who~~  
 534 ~~presents a claim for personal injury protection~~  
 535 ~~benefits knowing that the payee knowingly submitted~~  
 536 ~~such health care clinic application or document,~~  
 537 ~~commits insurance fraud, as defined in s. 817.234,~~  
 538 ~~Florida Statutes.~~

539 Section 11. Effective January 1, 2020, paragraph (k) of  
 540 subsection (2) of section 456.057, Florida Statutes, is amended  
 541 to read:

542 456.057 Ownership and control of patient records; report or  
 543 copies of records to be furnished; disclosure of information.—

544 (2) As used in this section, the terms "records owner,"  
 545 "health care practitioner," and "health care practitioner's  
 546 employer" do not include any of the following persons or  
 547 entities; furthermore, the following persons or entities are not  
 548 authorized to acquire or own medical records, but are authorized  
 549 under the confidentiality and disclosure requirements of this  
 550 section to maintain those documents required by the part or  
 551 chapter under which they are licensed or regulated:

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

553 Section 12. Effective January 1, 2020, present paragraphs  
 554 (gg) through (oo) of subsection (1) of section 456.072, Florida

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555 Statutes, are redesignated as paragraphs (ee) through (mm),  
 556 respectively, and present paragraphs (ee) and (ff) of that  
 557 subsection are amended, to read:

558 456.072 Grounds for discipline; penalties; enforcement.—

559 (1) The following acts shall constitute grounds for which  
 560 the disciplinary actions specified in subsection (2) may be  
 561 taken:

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

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

570 Section 13. Effective January 1, 2020, paragraphs (i) and  
 571 (o) of subsection (1) of section 626.9541, Florida Statutes, are  
 572 amended to read:

573 626.9541 Unfair methods of competition and unfair or  
 574 deceptive acts or practices defined.—

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

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

579 1. Attempting to settle claims on the basis of an  
 580 application, when serving as a binder or intended to become a  
 581 part of the policy, or any other material document which was  
 582 altered without notice to, or knowledge or consent of, the  
 583 insured.‡

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584           2. A material misrepresentation made to an insured or any  
585 other person having an interest in the proceeds payable under  
586 such contract or policy, for the purpose and with the intent of  
587 effecting settlement of such claims, loss, or damage under such  
588 contract or policy on less favorable terms than those provided  
589 in, and contemplated by, such contract or policy.~~;~~or

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

592           a. Failing to adopt and implement standards for the proper  
593 investigation of claims;

594           b. Misrepresenting pertinent facts or insurance policy  
595 provisions relating to coverages at issue;

596           c. Failing to acknowledge and act promptly upon  
597 communications with respect to claims;

598           d. Denying claims without conducting reasonable  
599 investigations based upon available information;

600           e. Failing to affirm or deny full or partial coverage of  
601 claims, and, as to partial coverage, the dollar amount or extent  
602 of coverage, or failing to provide a written statement that the  
603 claim is being investigated, upon the written request of the  
604 insured within 30 days after proof-of-loss statements have been  
605 completed;

606           f. Failing to promptly provide a reasonable explanation in  
607 writing to the insured of the basis in the insurance policy, in  
608 relation to the facts or applicable law, for denial of a claim  
609 or for the offer of a compromise settlement;

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

612           h. Failing to clearly explain the nature of the requested

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613 information and the reasons why such information is necessary.

614 ~~i. Failing to pay personal injury protection insurance~~  
615 ~~claims within the time periods required by s. 627.736(4)(b). The~~  
616 ~~office may order the insurer to pay restitution to a~~  
617 ~~policyholder, medical provider, or other claimant, including~~  
618 ~~interest at a rate consistent with the amount set forth in s.~~  
619 ~~55.03(1), for the time period within which an insurer fails to~~  
620 ~~pay claims as required by law. Restitution is in addition to any~~  
621 ~~other penalties allowed by law, including, but not limited to,~~  
622 ~~the suspension of the insurer's certificate of authority.~~

623 4. Failing to pay undisputed amounts of partial or full  
624 benefits owed under first-party property insurance policies  
625 within 90 days after an insurer receives notice of a residential  
626 property insurance claim, determines the amounts of partial or  
627 full benefits, and agrees to coverage, unless payment of the  
628 undisputed benefits is prevented by an act of God, prevented by  
629 the impossibility of performance, or due to actions by the  
630 insured or claimant that constitute fraud, lack of cooperation,  
631 or intentional misrepresentation regarding the claim for which  
632 benefits are owed.

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

635 1. Knowingly collecting any sum as a premium or charge for  
636 insurance, which is not then provided, or is not in due course  
637 to be provided, subject to acceptance of the risk by the  
638 insurer, by an insurance policy issued by an insurer as  
639 permitted by this code.

640 2. Knowingly collecting as a premium or charge for  
641 insurance any sum in excess of or less than the premium or

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642 charge applicable to such insurance, in accordance with the  
643 applicable classifications and rates as filed with and approved  
644 by the office, and as specified in the policy; or, in cases when  
645 classifications, premiums, or rates are not required by this  
646 code to be so filed and approved, premiums and charges collected  
647 from a Florida resident in excess of or less than those  
648 specified in the policy and as fixed by the insurer.

649 Notwithstanding any other provision of law, this provision shall  
650 not be deemed to prohibit the charging and collection, by  
651 surplus lines agents licensed under part VIII of this chapter,  
652 of the amount of applicable state and federal taxes, or fees as  
653 authorized by s. 626.916(4), in addition to the premium required  
654 by the insurer or the charging and collection, by licensed  
655 agents, of the exact amount of any discount or other such fee  
656 charged by a credit card facility in connection with the use of  
657 a credit card, as authorized by subparagraph (q)3., in addition  
658 to the premium required by the insurer. This subparagraph shall  
659 not be construed to prohibit collection of a premium for a  
660 universal life or a variable or indeterminate value insurance  
661 policy made in accordance with the terms of the contract.

662 3.a. Imposing or requesting an additional premium for a  
663 policy of motor vehicle liability, ~~personal injury protection,~~  
664 medical payment, or collision insurance or any combination  
665 thereof or refusing to renew the policy solely because the  
666 insured was involved in a motor vehicle accident unless the  
667 insurer's file contains information from which the insurer in  
668 good faith determines that the insured was substantially at  
669 fault in the accident.

670 b. An insurer which imposes and collects such a surcharge

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671 or which refuses to renew such policy shall, in conjunction with  
672 the notice of premium due or notice of nonrenewal, notify the  
673 named insured that he or she is entitled to reimbursement of  
674 such amount or renewal of the policy under the conditions listed  
675 below and will subsequently reimburse him or her or renew the  
676 policy, if the named insured demonstrates that the operator  
677 involved in the accident was:

678 (I) Lawfully parked;

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

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

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

687 (V) Not convicted of a moving traffic violation in  
688 connection with the accident, but the operator of the other  
689 automobile involved in such accident was convicted of a moving  
690 traffic violation;

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

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

695 (VIII) Not at fault as evidenced by a written statement  
696 from the insured establishing facts demonstrating lack of fault  
697 which are not rebutted by information in the insurer's file from  
698 which the insurer in good faith determines that the insured was  
699 substantially at fault.



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700 c. In addition to the other provisions of this  
701 subparagraph, an insurer may not fail to renew a policy if the  
702 insured has had only one accident in which he or she was at  
703 fault within the current 3-year period. However, an insurer may  
704 nonrenew a policy for reasons other than accidents in accordance  
705 with s. 627.728. This subparagraph does not prohibit nonrenewal  
706 of a policy under which the insured has had three or more  
707 accidents, regardless of fault, during the most recent 3-year  
708 period.

709 4. Imposing or requesting an additional premium for, or  
710 refusing to renew, a policy for motor vehicle insurance solely  
711 because the insured committed a noncriminal traffic infraction  
712 as described in s. 318.14 unless the infraction is:

713 a. A second infraction committed within an 18-month period,  
714 or a third or subsequent infraction committed within a 36-month  
715 period.

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

719 5. Upon the request of the insured, the insurer and  
720 licensed agent shall supply to the insured the complete proof of  
721 fault or other criteria which justifies the additional charge or  
722 cancellation.

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

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729           7. No insurer may cancel or otherwise terminate any  
730 insurance contract or coverage, or require execution of a  
731 consent to rate endorsement, during the stated policy term for  
732 the purpose of offering to issue, or issuing, a similar or  
733 identical contract or coverage to the same insured with the same  
734 exposure at a higher premium rate or continuing an existing  
735 contract or coverage with the same exposure at an increased  
736 premium.

737           8. No insurer may issue a nonrenewal notice on any  
738 insurance contract or coverage, or require execution of a  
739 consent to rate endorsement, for the purpose of offering to  
740 issue, or issuing, a similar or identical contract or coverage  
741 to the same insured at a higher premium rate or continuing an  
742 existing contract or coverage at an increased premium without  
743 meeting any applicable notice requirements.

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

747           10. Imposing or requesting an additional premium for motor  
748 vehicle comprehensive or uninsured motorist coverage solely  
749 because the insured was involved in a motor vehicle accident or  
750 was convicted of a moving traffic violation.

751           11. No insurer shall cancel or issue a nonrenewal notice on  
752 any insurance policy or contract without complying with any  
753 applicable cancellation or nonrenewal provision required under  
754 the Florida Insurance Code.

755           12. No insurer shall impose or request an additional  
756 premium, cancel a policy, or issue a nonrenewal notice on any  
757 insurance policy or contract because of any traffic infraction

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758 when adjudication has been withheld and no points have been  
759 assessed pursuant to s. 318.14(9) and (10). However, this  
760 subparagraph does not apply to traffic infractions involving  
761 accidents in which the insurer has incurred a loss due to the  
762 fault of the insured.

763 Section 14. Effective January 1, 2020, paragraph (a) of  
764 subsection (1) of section 626.989, Florida Statutes, is amended  
765 to read:

766 626.989 Investigation by department or Division of  
767 Investigative and Forensic Services; compliance; immunity;  
768 confidential information; reports to division; division  
769 investigator's power of arrest.—

770 (1) For the purposes of this section:

771 (a) A person commits a "fraudulent insurance act" if the  
772 person:

773 1. Knowingly and with intent to defraud presents, causes to  
774 be presented, or prepares with knowledge or belief that it will  
775 be presented, to or by an insurer, self-insurer, self-insurance  
776 fund, servicing corporation, purported insurer, broker, or any  
777 agent thereof, any written statement as part of, or in support  
778 of, an application for the issuance of, or the rating of, any  
779 insurance policy, or a claim for payment or other benefit  
780 pursuant to any insurance policy, which the person knows to  
781 contain materially false information concerning any fact  
782 material thereto or if the person conceals, for the purpose of  
783 misleading another, information concerning any fact material  
784 thereto.

785 2. Knowingly submits÷

786 ~~a.~~ a false, misleading, or fraudulent application or other

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787 document when applying for licensure as a health care clinic,  
788 seeking an exemption from licensure as a health care clinic, or  
789 demonstrating compliance with part X of chapter 400 with an  
790 intent to use the license, exemption from licensure, or  
791 demonstration of compliance to provide services ~~or seek~~  
792 ~~reimbursement under the Florida Motor Vehicle No-Fault Law.~~

793 ~~b. A claim for payment or other benefit pursuant to a~~  
794 ~~personal injury protection insurance policy under the Florida~~  
795 ~~Motor Vehicle No-Fault Law if the person knows that the payee~~  
796 ~~knowingly submitted a false, misleading, or fraudulent~~  
797 ~~application or other document when applying for licensure as a~~  
798 ~~health care clinic, seeking an exemption from licensure as a~~  
799 ~~health care clinic, or demonstrating compliance with part X of~~  
800 ~~chapter 400.~~

801 Section 15. Effective January 1, 2020, subsections (1) and  
802 (7) of section 627.727, Florida Statutes, are amended to read:

803 627.727 Motor vehicle insurance; uninsured and underinsured  
804 vehicle coverage; insolvent insurer protection.—

805 (1) No motor vehicle liability insurance policy which  
806 provides bodily injury liability coverage shall be delivered or  
807 issued for delivery in this state with respect to any  
808 specifically insured or identified motor vehicle registered or  
809 principally garaged in this state unless uninsured motor vehicle  
810 coverage is provided therein or supplemental thereto for the  
811 protection of persons insured thereunder who are legally  
812 entitled to recover damages from owners or operators of  
813 uninsured motor vehicles because of bodily injury, sickness, or  
814 disease, including death, resulting therefrom. However, the  
815 coverage required under this section is not applicable when, or

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816 to the extent that, an insured named in the policy makes a  
817 written rejection of the coverage on behalf of all insureds  
818 under the policy. When a motor vehicle is leased for a period of  
819 1 year or longer and the lessor of such vehicle, by the terms of  
820 the lease contract, provides liability coverage on the leased  
821 vehicle, the lessee of such vehicle shall have the sole  
822 privilege to reject uninsured motorist coverage or to select  
823 lower limits than the bodily injury liability limits, regardless  
824 of whether the lessor is qualified as a self-insurer pursuant to  
825 s. 324.171. Unless an insured, or lessee having the privilege of  
826 rejecting uninsured motorist coverage, requests such coverage or  
827 requests higher uninsured motorist limits in writing, the  
828 coverage or such higher uninsured motorist limits need not be  
829 provided in or supplemental to any other policy which renews,  
830 extends, changes, supersedes, or replaces an existing policy  
831 with the same bodily injury liability limits when an insured or  
832 lessee had rejected the coverage. When an insured or lessee has  
833 initially selected limits of uninsured motorist coverage lower  
834 than her or his bodily injury liability limits, higher limits of  
835 uninsured motorist coverage need not be provided in or  
836 supplemental to any other policy which renews, extends, changes,  
837 supersedes, or replaces an existing policy with the same bodily  
838 injury liability limits unless an insured requests higher  
839 uninsured motorist coverage in writing. The rejection or  
840 selection of lower limits shall be made on a form approved by  
841 the office. The form shall fully advise the applicant of the  
842 nature of the coverage and shall state that the coverage is  
843 equal to bodily injury liability limits unless lower limits are  
844 requested or the coverage is rejected. The heading of the form

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845 shall be in 12-point bold type and shall state: "You are  
846 electing not to purchase certain valuable coverage which  
847 protects you and your family or you are purchasing uninsured  
848 motorist limits less than your bodily injury liability limits  
849 when you sign this form. Please read carefully." If this form is  
850 signed by a named insured, it will be conclusively presumed that  
851 there was an informed, knowing rejection of coverage or election  
852 of lower limits on behalf of all insureds. The insurer shall  
853 notify the named insured at least annually of her or his options  
854 as to the coverage required by this section. Such notice shall  
855 be part of, and attached to, the notice of premium, shall  
856 provide for a means to allow the insured to request such  
857 coverage, and shall be given in a manner approved by the office.  
858 Receipt of this notice does not constitute an affirmative waiver  
859 of the insured's right to uninsured motorist coverage where the  
860 insured has not signed a selection or rejection form. The  
861 coverage described under this section shall be over and above,  
862 but shall not duplicate, the benefits available to an insured  
863 under any workers' compensation law, ~~personal injury protection~~  
864 ~~benefits~~, disability benefits law, or similar law; under any  
865 automobile medical expense coverage; under any motor vehicle  
866 liability insurance coverage; or from the owner or operator of  
867 the uninsured motor vehicle or any other person or organization  
868 jointly or severally liable together with such owner or operator  
869 for the accident; and such coverage shall cover the difference,  
870 if any, between the sum of such benefits and the damages  
871 sustained, up to the maximum amount of such coverage provided  
872 under this section. The amount of coverage available under this  
873 section shall not be reduced by a setoff against any coverage,

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874 including liability insurance. Such coverage shall not inure  
875 directly or indirectly to the benefit of any workers'  
876 compensation or disability benefits carrier or any person or  
877 organization qualifying as a self-insurer under any workers'  
878 compensation or disability benefits law or similar law.

879 (7) The legal liability of an uninsured motorist coverage  
880 insurer does not include damages in tort for pain, suffering,  
881 mental anguish, and inconvenience ~~unless the injury or disease~~  
882 ~~is described in one or more of paragraphs (a) (d) of s.~~  
883 ~~627.737(2).~~

884 Section 16. Effective January 1, 2020, section 627.7275,  
885 Florida Statutes, is amended to read:

886 627.7275 Motor vehicle liability.—

887 (1) A motor vehicle insurance policy ~~providing personal~~  
888 ~~injury protection as set forth in s. 627.736~~ may not be  
889 delivered or issued for delivery in this state for a with  
890 ~~respect to any~~ specifically insured or identified motor vehicle  
891 registered or principally garaged in this state must provide  
892 ~~unless the policy also provides~~ coverage for property damage  
893 liability and bodily injury liability as required under ~~by~~ s.  
894 324.022.

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

898 1. Coverage under policies as described in subsection (1)  
899 to an applicant for private passenger motor vehicle insurance  
900 coverage who is seeking the coverage in order to reinstate the  
901 applicant's driving privileges in this state if the driving  
902 privileges were revoked or suspended pursuant to s. 316.646 or

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903 s. 324.0221 due to the failure of the applicant to maintain  
904 required security.

905 2. Coverage under policies as described in subsection (1),  
906 which also provides bodily injury liability coverage and  
907 property damage liability coverage ~~for bodily injury, death, and~~  
908 ~~property damage arising out of the ownership, maintenance, or~~  
909 ~~use of the motor vehicle~~ in an amount not less than the limits  
910 described in s. 324.021(7) and conforms to the requirements of  
911 s. 324.151, to an applicant for private passenger motor vehicle  
912 insurance coverage who is seeking the coverage in order to  
913 reinstate the applicant's driving privileges in this state after  
914 such privileges were revoked or suspended under s. 316.193 or s.  
915 322.26(2) for driving under the influence.

916 (b) The policies described in paragraph (a) shall be issued  
917 for at least 6 months and, as to the minimum coverages required  
918 under this section, may not be canceled by the insured for any  
919 reason or by the insurer after 60 days, during which period the  
920 insurer is completing the underwriting of the policy. After the  
921 insurer has completed underwriting the policy, the insurer shall  
922 notify the Department of Highway Safety and Motor Vehicles that  
923 the policy is in full force and effect and is not cancelable for  
924 the remainder of the policy period. A premium shall be collected  
925 and the coverage is in effect for the 60-day period during which  
926 the insurer is completing the underwriting of the policy whether  
927 or not the person's driver license, motor vehicle tag, and motor  
928 vehicle registration are in effect. Once the noncancelable  
929 provisions of the policy become effective, the coverages for  
930 bodily injury and ~~property damage, and personal injury~~  
931 ~~protection~~ may not be reduced below the minimum limits required



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932 under s. 324.021 or s. 324.023 during the policy period.

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

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

940 (e) This subsection does not require an insurer to offer a  
941 policy of insurance to an applicant if such offer would be  
942 inconsistent with the insurer's underwriting guidelines and  
943 procedures.

944 Section 17. Effective January 1, 2020, section 627.8405,  
945 Florida Statutes, is amended to read:

946 627.8405 Prohibited acts; financing companies.—No premium  
947 finance company shall, in a premium finance agreement or other  
948 agreement, finance the cost of or otherwise provide for the  
949 collection or remittance of dues, assessments, fees, or other  
950 periodic payments of money for the cost of:

951 (1) A membership in an automobile club. The term  
952 "automobile club" means a legal entity which, in consideration  
953 of dues, assessments, or periodic payments of money, promises  
954 its members or subscribers to assist them in matters relating to  
955 the ownership, operation, use, or maintenance of a motor  
956 vehicle; however, this definition of "automobile club" does not  
957 include persons, associations, or corporations which are  
958 organized and operated solely for the purpose of conducting,  
959 sponsoring, or sanctioning motor vehicle races, exhibitions, or  
960 contests upon racetracks, or upon racecourses established and

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961 marked as such for the duration of such particular events. The  
962 words "motor vehicle" used herein have the same meaning as  
963 defined in chapter 320.

964 (2) An accidental death and dismemberment policy sold in  
965 combination with a ~~personal injury protection and~~ property  
966 damage only policy.

967 (3) Any product not regulated under the provisions of this  
968 insurance code.

969

970 ~~This section also applies to premium financing by any insurance~~  
971 ~~agent or insurance company under part XVI. The commission shall~~  
972 ~~adopt rules to assure disclosure, at the time of sale, of~~  
973 ~~coverages financed with personal injury protection and shall~~  
974 ~~prescribe the form of such disclosure.~~

975 Section 18. Effective January 1, 2020, present paragraph  
976 (e) of subsection (2) of section 628.909, Florida Statutes, is  
977 redesignated as paragraph (d), present paragraph (d) of that  
978 subsection is amended, present paragraph (e) of subsection (3)  
979 of that section is redesignated as paragraph (d), and present  
980 paragraph (d) of that subsection is amended, to read:

981 628.909 Applicability of other laws.—

982 (2) The following provisions of the Florida Insurance Code  
983 apply to captive insurance companies who are not industrial  
984 insured captive insurance companies to the extent that such  
985 provisions are not inconsistent with this part:

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

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

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990 the extent that such provisions are not inconsistent with this  
991 part:

992 ~~(d) Sections 627.730-627.7405 when no-fault coverage is~~  
993 ~~provided.~~

994 Section 19. Effective January 1, 2020, paragraph (a) of  
995 subsection (1), paragraph (c) of subsection (7), paragraphs (a),  
996 (b), and (c) of subsection (8), and subsections (9) and (10) of  
997 section 817.234, Florida Statutes, are amended to read:

998 817.234 False and fraudulent insurance claims.—

999 (1) (a) A person commits insurance fraud punishable as  
1000 provided in subsection (11) if that person, with the intent to  
1001 injure, defraud, or deceive any insurer:

1002 1. Presents or causes to be presented any written or oral  
1003 statement as part of, or in support of, a claim for payment or  
1004 other benefit pursuant to an insurance policy or a health  
1005 maintenance organization subscriber or provider contract,  
1006 knowing that such statement contains any false, incomplete, or  
1007 misleading information concerning any fact or thing material to  
1008 such claim;

1009 2. Prepares or makes any written or oral statement that is  
1010 intended to be presented to any insurer in connection with, or  
1011 in support of, any claim for payment or other benefit pursuant  
1012 to an insurance policy or a health maintenance organization  
1013 subscriber or provider contract, knowing that such statement  
1014 contains any false, incomplete, or misleading information  
1015 concerning any fact or thing material to such claim;

1016 3.a. Knowingly presents, causes to be presented, or  
1017 prepares or makes with knowledge or belief that it will be  
1018 presented to any insurer, purported insurer, servicing

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1019 corporation, insurance broker, or insurance agent, or any  
1020 employee or agent thereof, any false, incomplete, or misleading  
1021 information or written or oral statement as part of, or in  
1022 support of, an application for the issuance of, or the rating  
1023 of, any insurance policy, or a health maintenance organization  
1024 subscriber or provider contract; or

1025 b. Knowingly conceals information concerning any fact  
1026 material to such application; or

1027 4. Knowingly presents, causes to be presented, or prepares  
1028 or makes with knowledge or belief that it will be presented to  
1029 any insurer a claim for payment or other benefit under a motor  
1030 vehicle ~~personal injury protection~~ insurance policy if the  
1031 person knows that the payee knowingly submitted a false,  
1032 misleading, or fraudulent application or other document when  
1033 applying for licensure as a health care clinic, seeking an  
1034 exemption from licensure as a health care clinic, or  
1035 demonstrating compliance with part X of chapter 400.

1036 (7)

1037 (c) An insurer, or any person acting at the direction of or  
1038 on behalf of an insurer, may not change an opinion in a mental  
1039 or physical report ~~prepared under s. 627.736(7)~~ or direct the  
1040 physician preparing the report to change such opinion; however,  
1041 this provision does not preclude the insurer from calling to the  
1042 attention of the physician errors of fact in the report based  
1043 upon information in the claim file. Any person who violates this  
1044 paragraph commits a felony of the third degree, punishable as  
1045 provided in s. 775.082, s. 775.083, or s. 775.084.

1046 (8) (a) It is unlawful for any person intending to defraud  
1047 any other person to solicit or cause to be solicited any

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1048 business from a person involved in a motor vehicle accident for  
1049 the purpose of making, adjusting, or settling motor vehicle tort  
1050 claims ~~or claims for personal injury protection benefits~~  
1051 ~~required by s. 627.736~~. Any person who violates the provisions  
1052 of this paragraph commits a felony of the second degree,  
1053 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.  
1054 A person who is convicted of a violation of this subsection  
1055 shall be sentenced to a minimum term of imprisonment of 2 years.

1056 (b) A person may not solicit or cause to be solicited any  
1057 business from a person involved in a motor vehicle accident by  
1058 any means of communication other than advertising directed to  
1059 the public for the purpose of making motor vehicle tort claims  
1060 ~~or claims for personal injury protection benefits required by s.~~  
1061 ~~627.736~~, within 60 days after the occurrence of the motor  
1062 vehicle accident. Any person who violates this paragraph commits  
1063 a felony of the third degree, punishable as provided in s.  
1064 775.082, s. 775.083, or s. 775.084.

1065 (c) A lawyer, health care practitioner as defined in s.  
1066 456.001, or owner or medical director of a clinic required to be  
1067 licensed pursuant to s. 400.9905 may not, at any time after 60  
1068 days have elapsed from the occurrence of a motor vehicle  
1069 accident, solicit or cause to be solicited any business from a  
1070 person involved in a motor vehicle accident by means of in  
1071 person or telephone contact at the person's residence, for the  
1072 purpose of making motor vehicle tort claims ~~or claims for~~  
1073 ~~personal injury protection benefits required by s. 627.736~~. Any  
1074 person who violates this paragraph commits a felony of the third  
1075 degree, punishable as provided in s. 775.082, s. 775.083, or s.  
1076 775.084.

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1077 (9) A person may not organize, plan, or knowingly  
1078 participate in an intentional motor vehicle crash or a scheme to  
1079 create documentation of a motor vehicle crash that did not occur  
1080 for the purpose of making motor vehicle tort claims ~~or claims~~  
1081 ~~for personal injury protection benefits as required by s.~~  
1082 ~~627.736~~. Any person who violates this subsection commits a  
1083 felony of the second degree, punishable as provided in s.  
1084 775.082, s. 775.083, or s. 775.084. A person who is convicted of  
1085 a violation of this subsection shall be sentenced to a minimum  
1086 term of imprisonment of 2 years.

1087 (10) A licensed health care practitioner who is found  
1088 guilty of insurance fraud under this section for an act relating  
1089 to a motor vehicle ~~personal injury protection~~ insurance policy  
1090 loses his or her license to practice for 5 years and may not  
1091 receive reimbursement for bodily ~~personal~~ injury liability  
1092 ~~protection~~ benefits for 10 years.

1093 Section 20. Effective January 1, 2020, subsection (1) of  
1094 section 316.646, Florida Statutes, is amended to read:

1095 316.646 Security required; proof of security and display  
1096 thereof.-

1097 (1) Any person required by s. 324.022 to maintain property  
1098 damage liability security ~~or~~ required by s. 324.023 to maintain  
1099 liability security for bodily injury or death, ~~or required by s.~~  
1100 ~~627.733 to maintain personal injury protection security~~ on a  
1101 motor vehicle shall have in his or her immediate possession at  
1102 all times while operating such motor vehicle proper proof of  
1103 maintenance of the required security.

1104 (a) Such proof shall be in a uniform paper or electronic  
1105 format, as prescribed by the department, a valid insurance

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1106 policy, an insurance policy binder, a certificate of insurance,  
1107 or such other proof as may be prescribed by the department.

1108 (b)1. The act of presenting to a law enforcement officer an  
1109 electronic device displaying proof of insurance in an electronic  
1110 format does not constitute consent for the officer to access any  
1111 information on the device other than the displayed proof of  
1112 insurance.

1113 2. The person who presents the device to the officer  
1114 assumes the liability for any resulting damage to the device.

1115 Section 21. Effective January 1, 2020, paragraphs (a) and  
1116 (d) of subsection (5) of section 320.02, Florida Statutes, are  
1117 amended to read:

1118 320.02 Registration required; application for registration;  
1119 forms.—

1120 (5) (a) Proof that ~~personal injury protection benefits have~~  
1121 ~~been purchased if required under s. 627.733,~~ that property  
1122 damage liability coverage has been purchased as required under  
1123 s. 324.022, that bodily injury or death coverage has been  
1124 purchased if required under s. 324.023, and that combined bodily  
1125 liability insurance and property damage liability insurance have  
1126 been purchased if required under s. 627.7415 shall be provided  
1127 in the manner prescribed by law by the applicant at the time of  
1128 application for registration of any motor vehicle that is  
1129 subject to such requirements. The issuing agent shall refuse to  
1130 issue registration if such proof of purchase is not provided.  
1131 Insurers shall furnish uniform proof-of-purchase cards in a  
1132 paper or electronic format in a form prescribed by the  
1133 department and include the name of the insured's insurance  
1134 company, the coverage identification number, and the make, year,

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1135 and vehicle identification number of the vehicle insured. The  
 1136 card must contain a statement notifying the applicant of the  
 1137 penalty specified under s. 316.646(4). The card or insurance  
 1138 policy, insurance policy binder, or certificate of insurance or  
 1139 a photocopy of any of these; an affidavit containing the name of  
 1140 the insured's insurance company, the insured's policy number,  
 1141 and the make and year of the vehicle insured; or such other  
 1142 proof as may be prescribed by the department shall constitute  
 1143 sufficient proof of purchase. If an affidavit is provided as  
 1144 proof, it must be in substantially the following form:

1145  
 1146 Under penalty of perjury, I ... (Name of insured)... do hereby  
 1147 certify that I have ... (~~Personal Injury Protection~~, Property  
 1148 Damage Liability, and, if required, Bodily Injury Liability)...  
 1149 Insurance currently in effect with ... (Name of insurance  
 1150 company)... under ... (policy number)... covering ... (make, year,  
 1151 and vehicle identification number of vehicle)... ... (Signature  
 1152 of Insured)...

1153  
 1154 Such affidavit must include the following warning:

1155  
 1156 WARNING: GIVING FALSE INFORMATION IN ORDER TO OBTAIN A VEHICLE  
 1157 REGISTRATION CERTIFICATE IS A CRIMINAL OFFENSE UNDER FLORIDA  
 1158 LAW. ANYONE GIVING FALSE INFORMATION ON THIS AFFIDAVIT IS  
 1159 SUBJECT TO PROSECUTION.

1160  
 1161 If an application is made through a licensed motor vehicle  
 1162 dealer as required under s. 319.23, the original or a  
 1163 photostatic copy of such card, insurance policy, insurance



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1164 policy binder, or certificate of insurance or the original  
1165 affidavit from the insured shall be forwarded by the dealer to  
1166 the tax collector of the county or the Department of Highway  
1167 Safety and Motor Vehicles for processing. By executing the  
1168 aforesaid affidavit, no licensed motor vehicle dealer will be  
1169 liable in damages for any inadequacy, insufficiency, or  
1170 falsification of any statement contained therein. A card must  
1171 also indicate the existence of any bodily injury liability  
1172 insurance voluntarily purchased.

1173 (d) The verifying of ~~proof of personal injury protection~~  
1174 ~~insurance~~, proof of property damage liability insurance, proof  
1175 of combined bodily liability insurance and property damage  
1176 liability insurance, or proof of financial responsibility  
1177 insurance and the issuance or failure to issue the motor vehicle  
1178 registration under ~~the provisions of~~ this chapter may not be  
1179 construed in any court as a warranty of the reliability or  
1180 accuracy of the evidence of such proof. Neither the department  
1181 nor any tax collector is liable in damages for any inadequacy,  
1182 insufficiency, falsification, or unauthorized modification of  
1183 any item of the ~~proof of personal injury protection insurance~~,  
1184 proof of property damage liability insurance, proof of combined  
1185 bodily liability insurance and property damage liability  
1186 insurance, or proof of financial responsibility insurance prior  
1187 to, during, or subsequent to the verification of the proof. The  
1188 issuance of a motor vehicle registration does not constitute  
1189 prima facie evidence or a presumption of insurance coverage.

1190 Section 22. Effective January 1, 2020, paragraph (b) of  
1191 subsection (1) of section 320.0609, Florida Statutes, is amended  
1192 to read:

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1193 320.0609 Transfer and exchange of registration license  
1194 plates; transfer fee.—

1195 (1)

1196 (b) The transfer of a license plate from a vehicle disposed  
1197 of to a newly acquired vehicle does not constitute a new  
1198 registration. The application for transfer shall be accepted  
1199 without requiring proof of ~~personal injury protection or~~  
1200 liability insurance.

1201 Section 23. Effective January 1, 2020, subsections (1) and  
1202 (2) of section 322.251, Florida Statutes, are amended to read:

1203 322.251 Notice of cancellation, suspension, revocation, or  
1204 disqualification of license.—

1205 (1) All orders of cancellation, suspension, revocation, or  
1206 disqualification issued under ~~the provisions of~~ this chapter,  
1207 chapter 318, or chapter 324, ~~or ss. 627.732-627.734~~ shall be  
1208 given either by personal delivery thereof to the licensee whose  
1209 license is being canceled, suspended, revoked, or disqualified  
1210 or by deposit in the United States mail in an envelope, first  
1211 class, postage prepaid, addressed to the licensee at his or her  
1212 last known mailing address furnished to the department. Such  
1213 mailing by the department constitutes notification, and any  
1214 failure by the person to receive the mailed order will not  
1215 affect or stay the effective date or term of the cancellation,  
1216 suspension, revocation, or disqualification of the licensee's  
1217 driving privilege.

1218 (2) The giving of notice and an order of cancellation,  
1219 suspension, revocation, or disqualification by mail is complete  
1220 upon expiration of 20 days after deposit in the United States  
1221 mail for all notices except those issued under chapter 324 ~~or~~

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1222 ~~ss. 627.732-627.734~~, which are complete 15 days after deposit in  
1223 the United States mail. Proof of the giving of notice and an  
1224 order of cancellation, suspension, revocation, or  
1225 disqualification in either manner shall be made by entry in the  
1226 records of the department that such notice was given. The entry  
1227 is admissible in the courts of this state and constitutes  
1228 sufficient proof that such notice was given.

1229 Section 24. Effective January 1, 2020, paragraph (a) of  
1230 subsection (8) of section 322.34, Florida Statutes, is amended  
1231 to read:

1232 322.34 Driving while license suspended, revoked, canceled,  
1233 or disqualified.—

1234 (8) (a) Upon the arrest of a person for the offense of  
1235 driving while the person's driver license or driving privilege  
1236 is suspended or revoked, the arresting officer shall determine:

1237 1. Whether the person's driver license is suspended or  
1238 revoked.

1239 2. Whether the person's driver license has remained  
1240 suspended or revoked since a conviction for the offense of  
1241 driving with a suspended or revoked license.

1242 3. Whether the suspension or revocation was made under s.  
1243 316.646 ~~or s. 627.733~~, relating to failure to maintain required  
1244 security, or under s. 322.264, relating to habitual traffic  
1245 offenders.

1246 4. Whether the driver is the registered owner or coowner of  
1247 the vehicle.

1248 Section 25. Effective January 1, 2020, subsections (1) and  
1249 (2) of section 324.0221, Florida Statutes, are amended to read:

1250 324.0221 Reports by insurers to the department; suspension

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1251 of driver license and vehicle registrations; reinstatement.—

1252 (1) (a) Each insurer that has issued a policy providing  
1253 ~~personal injury protection coverage or~~ property damage liability  
1254 coverage shall report the cancellation or nonrenewal thereof to  
1255 the department within 10 days after the processing date or  
1256 effective date of each cancellation or nonrenewal. Upon the  
1257 issuance of a policy providing ~~personal injury protection~~  
1258 ~~coverage or~~ property damage liability coverage to a named  
1259 insured not previously insured by the insurer during that  
1260 calendar year, the insurer shall report the issuance of the new  
1261 policy to the department within 10 days. The report shall be in  
1262 the form and format and contain any information required by the  
1263 department and must be provided in a format that is compatible  
1264 with the data processing capabilities of the department. Failure  
1265 by an insurer to file proper reports with the department as  
1266 required by this subsection constitutes a violation of the  
1267 Florida Insurance Code. These records shall be used by the  
1268 department only for enforcement and regulatory purposes,  
1269 including the generation by the department of data regarding  
1270 compliance by owners of motor vehicles with the requirements for  
1271 financial responsibility coverage.

1272 (b) With respect to an insurance policy providing ~~personal~~  
1273 ~~injury protection coverage or~~ property damage liability  
1274 coverage, each insurer shall notify the named insured, or the  
1275 first-named insured in the case of a commercial fleet policy, in  
1276 writing that any cancellation or nonrenewal of the policy will  
1277 be reported by the insurer to the department. The notice must  
1278 also inform the named insured that failure to maintain ~~personal~~  
1279 ~~injury protection coverage and~~ property damage liability

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1280 coverage on a motor vehicle when required by law may result in  
 1281 the loss of registration and driving privileges in this state  
 1282 and inform the named insured of the amount of the reinstatement  
 1283 fees required by this section. This notice is for informational  
 1284 purposes only, and an insurer is not civilly liable for failing  
 1285 to provide this notice.

1286 (2) The department shall suspend, after due notice and an  
 1287 opportunity to be heard, the registration and driver license of  
 1288 any owner or registrant of a motor vehicle with respect to which  
 1289 security is required under s. 324.022 ~~ss. 324.022 and 627.733~~  
 1290 upon:

1291 (a) The department's records showing that the owner or  
 1292 registrant of such motor vehicle did not have in full force and  
 1293 effect when required security that complies with the  
 1294 requirements of s. 324.022 ~~ss. 324.022 and 627.733~~; or

1295 (b) Notification by the insurer to the department, in a  
 1296 form approved by the department, of cancellation or termination  
 1297 of the required security.

1298 Section 26. Effective January 1, 2020, subsection (28) of  
 1299 section 409.901, Florida Statutes, is amended to read:

1300 409.901 Definitions; ss. 409.901-409.920.—As used in ss.  
 1301 409.901-409.920, except as otherwise specifically provided, the  
 1302 term:

1303 (28) "Third-party benefit" means any benefit that is or may  
 1304 be available at any time through contract, court award,  
 1305 judgment, settlement, agreement, or any arrangement between a  
 1306 third party and any person or entity, including, without  
 1307 limitation, a Medicaid recipient, a provider, another third  
 1308 party, an insurer, or the agency, for any Medicaid-covered

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1309 injury, illness, goods, or services, including costs of medical  
1310 services related thereto, for personal injury or for death of  
1311 the recipient, but specifically excluding policies of life  
1312 insurance on the recipient, unless available under terms of the  
1313 policy to pay medical expenses prior to death. The term  
1314 includes, without limitation, collateral, as defined in this  
1315 section, health insurance, any benefit under a health  
1316 maintenance organization, a preferred provider arrangement, a  
1317 prepaid health clinic, liability insurance, uninsured motorist  
1318 insurance ~~or personal injury protection coverage~~, medical  
1319 benefits under workers' compensation, and any obligation under  
1320 law or equity to provide medical support.

1321 Section 27. Effective January 1, 2020, paragraph (f) of  
1322 subsection (11) of section 409.910, Florida Statutes, is amended  
1323 to read:

1324 409.910 Responsibility for payments on behalf of Medicaid-  
1325 eligible persons when other parties are liable.-

1326 (11) The agency may, as a matter of right, in order to  
1327 enforce its rights under this section, institute, intervene in,  
1328 or join any legal or administrative proceeding in its own name  
1329 in one or more of the following capacities: individually, as  
1330 subrogee of the recipient, as assignee of the recipient, or as  
1331 lienholder of the collateral.

1332 (f) Notwithstanding any provision in this section to the  
1333 contrary, in the event of an action in tort against a third  
1334 party in which the recipient or his or her legal representative  
1335 is a party which results in a judgment, award, or settlement  
1336 from a third party, the amount recovered shall be distributed as  
1337 follows:

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1338 1. After attorney's fees and taxable costs as defined by  
1339 the Florida Rules of Civil Procedure, one-half of the remaining  
1340 recovery shall be paid to the agency up to the total amount of  
1341 medical assistance provided by Medicaid.

1342 2. The remaining amount of the recovery shall be paid to  
1343 the recipient.

1344 3. For purposes of calculating the agency's recovery of  
1345 medical assistance benefits paid, the fee for services of an  
1346 attorney retained by the recipient or his or her legal  
1347 representative shall be calculated at 25 percent of the  
1348 judgment, award, or settlement.

1349 4. Notwithstanding any provision of this section to the  
1350 contrary, the agency shall be entitled to all medical coverage  
1351 benefits up to the total amount of medical assistance provided  
1352 by Medicaid. For purposes of this paragraph, "medical coverage"  
1353 means any benefits under health insurance, a health maintenance  
1354 organization, a preferred provider arrangement, or a prepaid  
1355 health clinic, and the portion of benefits designated for  
1356 medical payments under coverage for workers' compensation,  
1357 ~~personal injury protection,~~ and casualty.

1358 Section 28. Effective January 1, 2020, subsection (1) of  
1359 section 627.06501, Florida Statutes, is amended to read:

1360 627.06501 Insurance discounts for certain persons  
1361 completing driver improvement course.—

1362 (1) Any rate, rating schedule, or rating manual for the  
1363 liability, ~~personal injury protection,~~ and collision coverages  
1364 of a motor vehicle insurance policy filed with the office may  
1365 provide for an appropriate reduction in premium charges as to  
1366 such coverages when the principal operator on the covered

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1367 vehicle has successfully completed a driver improvement course  
1368 approved and certified by the Department of Highway Safety and  
1369 Motor Vehicles which is effective in reducing crash or violation  
1370 rates, or both, as determined pursuant to s. 318.1451 ~~s.~~  
1371 ~~318.1451(5)~~. Any discount, not to exceed 10 percent, used by an  
1372 insurer is presumed to be appropriate unless credible data  
1373 demonstrates otherwise.

1374 Section 29. Effective January 1, 2020, subsection (1) of  
1375 section 627.0652, Florida Statutes, is amended to read:

1376 627.0652 Insurance discounts for certain persons completing  
1377 safety course.—

1378 (1) Any rates, rating schedules, or rating manuals for the  
1379 liability, ~~personal injury protection~~, and collision coverages  
1380 of a motor vehicle insurance policy filed with the office shall  
1381 provide for an appropriate reduction in premium charges as to  
1382 such coverages when the principal operator on the covered  
1383 vehicle is an insured 55 years of age or older who has  
1384 successfully completed a motor vehicle accident prevention  
1385 course approved by the Department of Highway Safety and Motor  
1386 Vehicles. Any discount used by an insurer is presumed to be  
1387 appropriate unless credible data demonstrates otherwise.

1388 Section 30. Effective January 1, 2020, subsections (1),  
1389 (3), and (6) of section 627.0653, Florida Statutes, are amended  
1390 to read:

1391 627.0653 Insurance discounts for specified motor vehicle  
1392 equipment.—

1393 (1) Any rates, rating schedules, or rating manuals for the  
1394 liability, ~~personal injury protection~~, and collision coverages  
1395 of a motor vehicle insurance policy filed with the office shall



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1396 provide a premium discount if the insured vehicle is equipped  
1397 with factory-installed, four-wheel antilock brakes.

1398 (3) Any rates, rating schedules, or rating manuals for  
1399 ~~personal injury protection coverage~~ and medical payments  
1400 coverage, if offered, of a motor vehicle insurance policy filed  
1401 with the office shall provide a premium discount if the insured  
1402 vehicle is equipped with one or more air bags which are factory  
1403 installed.

1404 (6) The Office of Insurance Regulation may approve a  
1405 premium discount to any rates, rating schedules, or rating  
1406 manuals for the liability, ~~personal injury protection,~~ and  
1407 collision coverages of a motor vehicle insurance policy filed  
1408 with the office if the insured vehicle is equipped with  
1409 autonomous driving technology or electronic vehicle collision  
1410 avoidance technology that is factory installed or a retrofitted  
1411 system and that complies with National Highway Traffic Safety  
1412 Administration standards.

1413 Section 31. Effective January 1, 2020, section 627.4132,  
1414 Florida Statutes, is amended to read:

1415 627.4132 Stacking of coverages prohibited.—If an insured or  
1416 named insured is protected by any type of motor vehicle  
1417 insurance policy for liability, ~~personal injury protection,~~ or  
1418 other coverage, the policy shall provide that the insured or  
1419 named insured is protected only to the extent of the coverage  
1420 she or he has on the vehicle involved in the accident. However,  
1421 if none of the insured's or named insured's vehicles is involved  
1422 in the accident, coverage is available only to the extent of  
1423 coverage on any one of the vehicles with applicable coverage.  
1424 Coverage on any other vehicles shall not be added to or stacked

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1425 upon that coverage. This section does not apply:

1426 (1) To uninsured motorist coverage which is separately  
1427 governed by s. 627.727.

1428 (2) To reduce the coverage available by reason of insurance  
1429 policies insuring different named insureds.

1430 Section 32. Effective January 1, 2020, section 627.7263,  
1431 Florida Statutes, is amended to read:

1432 627.7263 Rental and leasing driver's insurance to be  
1433 primary; exception.—

1434 (1) The valid and collectible liability insurance ~~or~~  
1435 ~~personal injury protection insurance~~ providing coverage for the  
1436 lessor of a motor vehicle for rent or lease is primary unless  
1437 otherwise stated in at least 10-point type on the face of the  
1438 rental or lease agreement. Such insurance is primary for the  
1439 limits of liability and ~~personal injury protection coverage~~ as  
1440 required by s. 324.021(7) ~~ss. 324.021(7) and 627.736~~.

1441 (2) If the lessee's coverage is to be primary, the rental  
1442 or lease agreement must contain the following language, in at  
1443 least 10-point type:

1444  
1445 "The valid and collectible liability insurance ~~and~~  
1446 ~~personal injury protection insurance~~ of any authorized  
1447 rental or leasing driver is primary for the limits of  
1448 liability and ~~personal injury protection coverage~~  
1449 required by s. 324.021(7) ~~ss. 324.021(7) and 627.736~~,  
1450 Florida Statutes."

1451 Section 33. Effective January 1, 2020, paragraph (a) of  
1452 subsection (1) of section 627.728, Florida Statutes, is amended  
1453 to read:

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1454 627.728 Cancellations; nonrenewals.—

1455 (1) As used in this section, the term:

1456 (a) "Policy" means the bodily injury and property damage  
1457 liability, ~~personal injury protection~~, medical payments,  
1458 comprehensive, collision, and uninsured motorist coverage  
1459 portions of a policy of motor vehicle insurance delivered or  
1460 issued for delivery in this state:

1461 1. Insuring a natural person as named insured or one or  
1462 more related individuals resident of the same household; and

1463 2. Insuring only a motor vehicle of the private passenger  
1464 type or station wagon type which is not used as a public or  
1465 livery conveyance for passengers or rented to others; or  
1466 insuring any other four-wheel motor vehicle having a load  
1467 capacity of 1,500 pounds or less which is not used in the  
1468 occupation, profession, or business of the insured other than  
1469 farming; other than any policy issued under an automobile  
1470 insurance assigned risk plan or covering garage, automobile  
1471 sales agency, repair shop, service station, or public parking  
1472 place operation hazards.

1473

1474 The term "policy" does not include a binder as defined in s.  
1475 627.420 unless the duration of the binder period exceeds 60  
1476 days.

1477 Section 34. Effective January 1, 2020, subsection (1),  
1478 paragraph (a) of subsection (5), and subsections (6) and (7) of  
1479 section 627.7295, Florida Statutes, are amended to read:

1480 627.7295 Motor vehicle insurance contracts.—

1481 (1) As used in this section, the term:

1482 (a) "Policy" means a motor vehicle insurance policy that

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1483 provides ~~personal injury protection coverage,~~ property damage  
1484 liability coverage, ~~or both.~~

1485 (b) "Binder" means a binder that provides motor vehicle  
1486 ~~personal injury protection and~~ property damage liability  
1487 coverage.

1488 (5) (a) A licensed general lines agent may charge a per-  
1489 policy fee not to exceed \$10 to cover the administrative costs  
1490 of the agent associated with selling the motor vehicle insurance  
1491 policy if the policy covers only ~~personal injury protection~~  
1492 ~~coverage as provided by s. 627.736 and~~ property damage liability  
1493 coverage as provided by s. 627.7275 and if no other insurance is  
1494 sold or issued in conjunction with or collateral to the policy.  
1495 The fee is not considered part of the premium.

1496 (6) If a motor vehicle owner's driver license, license  
1497 plate, and registration have previously been suspended pursuant  
1498 to s. 316.646 ~~or s. 627.733,~~ an insurer may cancel a new policy  
1499 only as provided in s. 627.7275.

1500 (7) A policy of private passenger motor vehicle insurance  
1501 or a binder for such a policy may be initially issued in this  
1502 state only if, before the effective date of such binder or  
1503 policy, the insurer or agent has collected from the insured an  
1504 amount equal to 2 months' premium. An insurer, agent, or premium  
1505 finance company may not, directly or indirectly, take any action  
1506 resulting in the insured having paid from the insured's own  
1507 funds an amount less than the 2 months' premium required by this  
1508 subsection. This subsection applies without regard to whether  
1509 the premium is financed by a premium finance company or is paid  
1510 pursuant to a periodic payment plan of an insurer or an  
1511 insurance agent. This subsection does not apply if an insured or

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1512 member of the insured's family is renewing or replacing a policy  
1513 or a binder for such policy written by the same insurer or a  
1514 member of the same insurer group. This subsection does not apply  
1515 to an insurer that issues private passenger motor vehicle  
1516 coverage primarily to active duty or former military personnel  
1517 or their dependents. This subsection does not apply if all  
1518 policy payments are paid pursuant to a payroll deduction plan,  
1519 an automatic electronic funds transfer payment plan from the  
1520 policyholder, or a recurring credit card or debit card agreement  
1521 with the insurer. This subsection and subsection (4) do not  
1522 apply if all policy payments to an insurer are paid pursuant to  
1523 an automatic electronic funds transfer payment plan from an  
1524 agent, a managing general agent, or a premium finance company  
1525 and if the policy includes, at a minimum, ~~personal injury~~  
1526 ~~protection pursuant to ss. 627.730-627.7405;~~ motor vehicle  
1527 property damage liability pursuant to s. 627.7275; and bodily  
1528 injury liability in at least the amount of \$10,000 because of  
1529 bodily injury to, or death of, one person in any one accident  
1530 and in the amount of \$20,000 because of bodily injury to, or  
1531 death of, two or more persons in any one accident. This  
1532 subsection and subsection (4) do not apply if an insured has had  
1533 a policy in effect for at least 6 months, the insured's agent is  
1534 terminated by the insurer that issued the policy, and the  
1535 insured obtains coverage on the policy's renewal date with a new  
1536 company through the terminated agent.

1537 Section 35. Effective January 1, 2020, subsection (1) of  
1538 section 627.915, Florida Statutes, is amended to read:

1539 627.915 Insurer experience reporting.—

1540 (1) Each insurer transacting private passenger automobile

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1541 insurance in this state shall report certain information  
1542 annually to the office. The information will be due on or before  
1543 July 1 of each year. The information shall be divided into the  
1544 following categories: bodily injury liability; property damage  
1545 liability; uninsured motorist; ~~personal injury protection~~  
1546 ~~benefits~~; medical payments; comprehensive and collision. The  
1547 information given shall be on direct insurance writings in the  
1548 state alone and shall represent total limits data. The  
1549 information set forth in paragraphs (a)-(f) is applicable to  
1550 voluntary private passenger and Joint Underwriting Association  
1551 private passenger writings and shall be reported for each of the  
1552 latest 3 calendar-accident years, with an evaluation date of  
1553 March 31 of the current year. The information set forth in  
1554 paragraphs (g)-(j) is applicable to voluntary private passenger  
1555 writings and shall be reported on a calendar-accident year basis  
1556 ultimately seven times at seven different stages of development.

1557 (a) Premiums earned for the latest 3 calendar-accident  
1558 years.

1559 (b) Loss development factors and the historic development  
1560 of those factors.

1561 (c) Policyholder dividends incurred.

1562 (d) Expenses for other acquisition and general expense.

1563 (e) Expenses for agents' commissions and taxes, licenses,  
1564 and fees.

1565 (f) Profit and contingency factors as utilized in the  
1566 insurer's automobile rate filings for the applicable years.

1567 (g) Losses paid.

1568 (h) Losses unpaid.

1569 (i) Loss adjustment expenses paid.

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1570 (j) Loss adjustment expenses unpaid.

1571 Section 36. Effective January 1, 2020, subsections (2) and

1572 (6) and paragraphs (a), (c), and (d) of subsection (7) of

1573 section 705.184, Florida Statutes, are amended to read:

1574 705.184 Derelict or abandoned motor vehicles on the

1575 premises of public-use airports.—

1576 (2) The airport director or the director's designee shall

1577 contact the Department of Highway Safety and Motor Vehicles to

1578 notify that department that the airport has possession of the

1579 abandoned or derelict motor vehicle and to determine the name

1580 and address of the owner of the motor vehicle, the insurance

1581 company insuring the motor vehicle, ~~notwithstanding the~~

1582 ~~provisions of s. 627.736,~~ and any person who has filed a lien on

1583 the motor vehicle. Within 7 business days after receipt of the

1584 information, the director or the director's designee shall send

1585 notice by certified mail, return receipt requested, to the owner

1586 of the motor vehicle, the insurance company insuring the motor

1587 vehicle, ~~notwithstanding the provisions of s. 627.736,~~ and all

1588 persons of record claiming a lien against the motor vehicle. The

1589 notice shall state the fact of possession of the motor vehicle,

1590 that charges for reasonable towing, storage, and parking fees,

1591 if any, have accrued and the amount thereof, that a lien as

1592 provided in subsection (6) will be claimed, that the lien is

1593 subject to enforcement pursuant to law, that the owner or

1594 lienholder, if any, has the right to a hearing as set forth in

1595 subsection (4), and that any motor vehicle which, at the end of

1596 30 calendar days after receipt of the notice, has not been

1597 removed from the airport upon payment in full of all accrued

1598 charges for reasonable towing, storage, and parking fees, if

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1599 any, may be disposed of as provided in s. 705.182(2) (a), (b),  
1600 (d), or (e), including, but not limited to, the motor vehicle  
1601 being sold free of all prior liens after 35 calendar days after  
1602 the time the motor vehicle is stored if any prior liens on the  
1603 motor vehicle are more than 5 years of age or after 50 calendar  
1604 days after the time the motor vehicle is stored if any prior  
1605 liens on the motor vehicle are 5 years of age or less.

1606 (6) The airport pursuant to this section or, if used, a  
1607 licensed independent wrecker company pursuant to s. 713.78 shall  
1608 have a lien on an abandoned or derelict motor vehicle for all  
1609 reasonable towing, storage, and accrued parking fees, if any,  
1610 except that no storage fee shall be charged if the motor vehicle  
1611 is stored less than 6 hours. As a prerequisite to perfecting a  
1612 lien under this section, the airport director or the director's  
1613 designee must serve a notice in accordance with subsection (2)  
1614 on the owner of the motor vehicle, the insurance company  
1615 insuring the motor vehicle, ~~notwithstanding the provisions of s.~~  
1616 ~~627.736,~~ and all persons of record claiming a lien against the  
1617 motor vehicle. If attempts to notify the owner, the insurance  
1618 company insuring the motor vehicle, ~~notwithstanding the~~  
1619 ~~provisions of s. 627.736,~~ or lienholders are not successful, the  
1620 requirement of notice by mail shall be considered met. Serving  
1621 of the notice does not dispense with recording the claim of  
1622 lien.

1623 (7) (a) For the purpose of perfecting its lien under this  
1624 section, the airport shall record a claim of lien which shall  
1625 state:

- 1626 1. The name and address of the airport.
- 1627 2. The name of the owner of the motor vehicle, the



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1628 insurance company insuring the motor vehicle, ~~notwithstanding~~  
1629 ~~the provisions of s. 627.736,~~ and all persons of record claiming  
1630 a lien against the motor vehicle.

1631 3. The costs incurred from reasonable towing, storage, and  
1632 parking fees, if any.

1633 4. A description of the motor vehicle sufficient for  
1634 identification.

1635 (c) The claim of lien shall be sufficient if it is in  
1636 substantially the following form:

1637

CLAIM OF LIEN

1638 State of .....

1639 County of .....

1640 Before me, the undersigned notary public, personally appeared  
1641 ....., who was duly sworn and says that he/she is the  
1642 ..... of ....., whose address is.....; and that the  
1643 following described motor vehicle:

1644 ...(Description of motor vehicle)...

1645 owned by ....., whose address is ....., has accrued  
1646 \$..... in fees for a reasonable tow, for storage, and for  
1647 parking, if applicable; that the lienor served its notice to the  
1648 owner, the insurance company insuring the motor vehicle  
1649 ~~notwithstanding the provisions of s. 627.736, Florida Statutes,~~  
1650 and all persons of record claiming a lien against the motor  
1651 vehicle on ....., ...(year)...., by.....

1652 ...(Signature)...

1653 Sworn to (or affirmed) and subscribed before me this .... day of  
1654 ....., ...(year)...., by ...(name of person making statement)....

1655 ...(Signature of Notary Public).....(Print, Type, or Stamp

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1657 Commissioned name of Notary Public)...  
1658 Personally Known....OR Produced....as identification.

1659  
1660 However, the negligent inclusion or omission of any information  
1661 in this claim of lien which does not prejudice the owner does  
1662 not constitute a default that operates to defeat an otherwise  
1663 valid lien.

1664 (d) The claim of lien shall be served on the owner of the  
1665 motor vehicle, the insurance company insuring the motor vehicle,  
1666 ~~notwithstanding the provisions of s. 627.736,~~ and all persons of  
1667 record claiming a lien against the motor vehicle. If attempts to  
1668 notify the owner, the insurance company insuring the motor  
1669 vehicle ~~notwithstanding the provisions of s. 627.736,~~ or  
1670 lienholders are not successful, the requirement of notice by  
1671 mail shall be considered met. The claim of lien shall be so  
1672 served before recordation.

1673 Section 37. Effective January 1, 2020, paragraphs (a), (b),  
1674 and (c) of subsection (4) of section 713.78, Florida Statutes,  
1675 are amended to read:

1676 713.78 Liens for recovering, towing, or storing vehicles  
1677 and vessels.-

1678 (4) (a) Any person regularly engaged in the business of  
1679 recovering, towing, or storing vehicles or vessels who comes  
1680 into possession of a vehicle or vessel pursuant to subsection  
1681 (2), and who claims a lien for recovery, towing, or storage  
1682 services, shall give notice to the registered owner, the  
1683 insurance company insuring the vehicle ~~notwithstanding the~~  
1684 ~~provisions of s. 627.736,~~ and to all persons claiming a lien  
1685 thereon, as disclosed by the records in the Department of

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1686 Highway Safety and Motor Vehicles or as disclosed by the records  
1687 of any corresponding agency in any other state in which the  
1688 vehicle is identified through a records check of the National  
1689 Motor Vehicle Title Information System or an equivalent  
1690 commercially available system as being titled or registered.

1691 (b) Whenever any law enforcement agency authorizes the  
1692 removal of a vehicle or vessel or whenever any towing service,  
1693 garage, repair shop, or automotive service, storage, or parking  
1694 place notifies the law enforcement agency of possession of a  
1695 vehicle or vessel pursuant to s. 715.07(2)(a)2., the law  
1696 enforcement agency of the jurisdiction where the vehicle or  
1697 vessel is stored shall contact the Department of Highway Safety  
1698 and Motor Vehicles, or the appropriate agency of the state of  
1699 registration, if known, within 24 hours through the medium of  
1700 electronic communications, giving the full description of the  
1701 vehicle or vessel. Upon receipt of the full description of the  
1702 vehicle or vessel, the department shall search its files to  
1703 determine the owner's name, the insurance company insuring the  
1704 vehicle or vessel, and whether any person has filed a lien upon  
1705 the vehicle or vessel as provided in s. 319.27(2) and (3) and  
1706 notify the applicable law enforcement agency within 72 hours.  
1707 The person in charge of the towing service, garage, repair shop,  
1708 or automotive service, storage, or parking place shall obtain  
1709 such information from the applicable law enforcement agency  
1710 within 5 days after the date of storage and shall give notice  
1711 pursuant to paragraph (a). The department may release the  
1712 insurance company information to the requestor ~~notwithstanding~~  
1713 ~~the provisions of s. 627.736.~~

1714 (c) Notice by certified mail shall be sent within 7

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1715 business days after the date of storage of the vehicle or vessel  
1716 to the registered owner, the insurance company insuring the  
1717 vehicle ~~notwithstanding the provisions of s. 627.736~~, and all  
1718 persons of record claiming a lien against the vehicle or vessel.  
1719 It shall state the fact of possession of the vehicle or vessel,  
1720 that a lien as provided in subsection (2) is claimed, that  
1721 charges have accrued and the amount thereof, that the lien is  
1722 subject to enforcement pursuant to law, and that the owner or  
1723 lienholder, if any, has the right to a hearing as set forth in  
1724 subsection (5), and that any vehicle or vessel which remains  
1725 unclaimed, or for which the charges for recovery, towing, or  
1726 storage services remain unpaid, may be sold free of all prior  
1727 liens after 35 days if the vehicle or vessel is more than 3  
1728 years of age or after 50 days if the vehicle or vessel is 3  
1729 years of age or less.

1730 Section 38. Except as otherwise expressly provided in this  
1731 act, this act shall take effect January 2, 2019.