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LEGISLATIVE ACTION

Senate

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House

Appropriations Subcommittee on Health and Human Services (Lee)
recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. 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 comprise the Florida Motor
Vehicle No-Fault Law, are repealed.

Section 2. Section 627.7407, Florida Statutes, is repealed.

Section 3. Subsection (1) of section 316.646, Florida



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11 Statutes, is amended to read:

12 316.646 Security required; proof of security and display
13 thereof.—

14 (1) Any person required by s. 324.022 to maintain liability
15 security for property damage, ~~liability security, required by s.~~
16 ~~324.023 to maintain liability security for~~ bodily injury, or
17 ~~death, or required by s. 627.733 to maintain personal injury~~
18 ~~protection security on a motor vehicle~~ shall have in his or her
19 immediate possession at all times while operating such motor
20 vehicle proper proof of maintenance of the ~~required~~ security
21 required under s. 324.021(7).

22 (a) Such proof must ~~shall~~ be in a uniform paper or
23 electronic format, as prescribed by the department, a valid
24 insurance policy, an insurance policy binder, a certificate of
25 insurance, or such other proof as may be prescribed by the
26 department.

27 (b)1. The act of presenting to a law enforcement officer an
28 electronic device displaying proof of insurance in an electronic
29 format does not constitute consent for the officer to access any
30 information on the device other than the displayed proof of
31 insurance.

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

34 Section 4. Paragraph (b) of subsection (2) of section
35 318.18, Florida Statutes, is amended to read:

36 318.18 Amount of penalties.—The penalties required for a
37 noncriminal disposition pursuant to s. 318.14 or a criminal
38 offense listed in s. 318.17 are as follows:

39 (2) Thirty dollars for all nonmoving traffic violations



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40 and:

41 (b) For all violations of ss. 320.0605, 320.07(1), 322.065,
42 and 322.15(1). A ~~Any~~ person who is cited for a violation of s.
43 320.07(1) shall be charged a delinquent fee pursuant to s.
44 320.07(4).

45 1. If a person who is cited for a violation of s. 320.0605
46 or s. 320.07 can show proof of having a valid registration at
47 the time of arrest, the clerk of the court may dismiss the case
48 and may assess a dismissal fee of up to \$10. A person who finds
49 it impossible or impractical to obtain a valid registration
50 certificate must submit an affidavit detailing the reasons for
51 the impossibility or impracticality. The reasons may include,
52 but are not limited to, the fact that the vehicle was sold,
53 stolen, or destroyed; that the state in which the vehicle is
54 registered does not issue a certificate of registration; or that
55 the vehicle is owned by another person.

56 2. If a person who is cited for a violation of s. 322.03,
57 s. 322.065, or s. 322.15 can show a driver license issued to him
58 or her and valid at the time of arrest, the clerk of the court
59 may dismiss the case and may assess a dismissal fee of up to
60 \$10.

61 3. If a person who is cited for a violation of s. 316.646
62 can show proof of security as required by s. 324.021(7) ~~s.~~
63 ~~627.733~~, issued to the person and valid at the time of arrest,
64 the clerk of the court may dismiss the case and may assess a
65 dismissal fee of up to \$10. A person who finds it impossible or
66 impractical to obtain proof of security must submit an affidavit
67 detailing the reasons for the impracticality. The reasons may
68 include, but are not limited to, the fact that the vehicle has



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69 since been sold, stolen, or destroyed; ~~that the owner or~~
70 ~~registrant of the vehicle is not required by s. 627.733 to~~
71 ~~maintain personal injury protection insurance;~~ or that the
72 vehicle is owned by another person.

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

75 320.02 Registration required; application for registration;
76 forms.—

77 (5) (a) Proof that bodily injury liability coverage and
78 property damage liability coverage ~~personal injury protection~~
79 ~~benefits~~ have been purchased if required under s. 324.022, s.
80 324.032, or s. 627.742, that medical payments coverage has been
81 purchased if required under s. 627.7265 ~~s. 627.733, that~~
82 ~~property damage liability coverage has been purchased as~~
83 ~~required under s. 324.022, that bodily injury liability or death~~
84 coverage has been purchased if required under s. 324.023, and
85 that combined bodily liability insurance and property damage
86 liability insurance have been purchased if required under s.
87 627.7415 must ~~shall~~ be provided in the manner prescribed by law
88 by the applicant at the time of application for registration of
89 any motor vehicle that is subject to such requirements. The
90 issuing agent may not ~~shall refuse to~~ issue registration if such
91 proof of purchase is not provided. Insurers shall furnish
92 uniform proof-of-purchase cards in a paper or electronic format
93 in a form prescribed by the department and include the name of
94 the insured's insurance company, the coverage identification
95 number, and the make, year, and vehicle identification number of
96 the vehicle insured. The card must contain a statement notifying
97 the applicant of the penalty specified under s. 316.646(4). The



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98 card or insurance policy, insurance policy binder, or
99 certificate of insurance or a photocopy of any of these; an
100 affidavit containing the name of the insured's insurance
101 company, the insured's policy number, and the make and year of
102 the vehicle insured; or such other proof as may be prescribed by
103 the department constitutes ~~shall constitute~~ sufficient proof of
104 purchase. If an affidavit is provided as proof, it must be in
105 substantially the following form:

106
107 Under penalty of perjury, I ...(Name of insured)... do hereby
108 certify that I have ...(bodily injury liability and Personal
109 ~~Injury Protection~~, property damage liability coverage, and
110 medical payments coverage, and, if required, Bodily Injury
111 Liability)... Insurance currently in effect with ...(Name of
112 insurance company)... under ...(policy number)... covering
113 ...(make, year, and vehicle identification number of
114 vehicle).... ...(Signature of Insured)...

115
116 Such affidavit must include the following warning:

117
118 WARNING: GIVING FALSE INFORMATION IN ORDER TO OBTAIN A VEHICLE
119 REGISTRATION CERTIFICATE IS A CRIMINAL OFFENSE UNDER FLORIDA
120 LAW. ANYONE GIVING FALSE INFORMATION ON THIS AFFIDAVIT IS
121 SUBJECT TO PROSECUTION.

122
123 If an application is made through a licensed motor vehicle
124 dealer as required under s. 319.23, the original or a photocopy
125 ~~photostatic copy~~ of such card, insurance policy, insurance
126 policy binder, or certificate of insurance or the original



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127 affidavit from the insured must ~~shall~~ be forwarded by the dealer
128 to the tax collector of the county or the Department of Highway
129 Safety and Motor Vehicles for processing. By executing the
130 ~~aforsaid~~ affidavit, a ~~no~~ licensed motor vehicle dealer is not
131 ~~will be~~ liable in damages for any inadequacy, insufficiency, or
132 falsification of any statement contained therein. ~~A card must~~
133 ~~also indicate the existence of any bodily injury liability~~
134 ~~insurance voluntarily purchased.~~

135 (d) The verifying of ~~proof of personal injury protection~~
136 ~~insurance, proof of property damage liability insurance, proof~~
137 ~~of combined bodily liability insurance and property damage~~
138 ~~liability insurance, or proof of financial responsibility~~
139 ~~insurance~~ and the issuance or failure to issue the motor vehicle
140 registration under ~~the provisions of~~ this chapter may not be
141 construed in any court as a warranty of the reliability or
142 accuracy of the evidence of such proof, or that the provisions
143 of any insurance policy furnished as proof of financial
144 responsibility comply with state law. ~~Neither~~ The department or
145 ~~nor~~ any tax collector is not liable in damages for any
146 inadequacy, insufficiency, falsification, or unauthorized
147 modification of any item of ~~the proof of personal injury~~
148 ~~protection insurance, proof of property damage liability~~
149 ~~insurance, proof of combined bodily liability insurance and~~
150 ~~property damage liability insurance, or proof of financial~~
151 ~~responsibility~~ before ~~insurance prior to~~, during, or subsequent
152 to the verification of the proof. The issuance of a motor
153 vehicle registration does not constitute prima facie evidence or
154 a presumption of insurance coverage.

155 Section 6. Paragraph (b) of subsection (1) of section



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156 320.0609, Florida Statutes, is amended to read:

157 320.0609 Transfer and exchange of registration license
158 plates; transfer fee.—

159 (1)

160 (b) The transfer of a license plate from a vehicle disposed
161 of to a newly acquired vehicle does not constitute a new
162 registration. The application for transfer shall be accepted
163 without requiring proof of ~~personal injury protection or~~
164 liability insurance.

165 Section 7. Paragraph (g) is added to subsection (1) of
166 section 320.27, Florida Statutes, and subsection (3) of that
167 section is amended, to read:

168 320.27 Motor vehicle dealers.—

169 (1) DEFINITIONS.—The following words, terms, and phrases
170 when used in this section have the meanings respectively
171 ascribed to them in this subsection, except where the context
172 clearly indicates a different meaning:

173 (g) "Garage liability insurance" means combined single-
174 limit liability coverage, including property damage and bodily
175 injury liability coverage, in the amount of:

176 1. Beginning January 1, 2019, and continuing through
177 December 31, 2020, at least \$50,000.

178 2. Beginning January 1, 2021, and thereafter, at least
179 \$60,000.

180 (3) APPLICATION AND FEE.—The ~~application for the license~~
181 application must ~~shall~~ be in such form as may be prescribed by
182 the department and is ~~shall be~~ subject to such rules ~~with~~
183 ~~respect thereto~~ as may be so prescribed by the department ~~it~~.
184 Such application must ~~shall~~ be verified by oath or affirmation



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185 and must ~~shall~~ contain a full statement of the name and birth
186 date of the person or persons applying for the license ~~therefor~~;
187 the name of the firm or copartnership, with the names and places
188 of residence of all members ~~thereof~~, if such applicant is a firm
189 or copartnership; the names and places of residence of the
190 principal officers, if the applicant is a body corporate or
191 other artificial body; the name of the state under whose laws
192 the corporation is organized; the present and former place or
193 places of residence of the applicant; and the prior business in
194 which the applicant has been engaged and its ~~the~~ location
195 ~~thereof~~. The ~~Such~~ application must ~~shall~~ describe the exact
196 location of the place of business and must ~~shall~~ state whether
197 the place of business is owned by the applicant and when
198 acquired, or, if leased, a true copy of the lease must ~~shall~~ be
199 attached to the application. The applicant shall certify that
200 the location provides an adequately equipped office and is not a
201 residence; that the location affords sufficient unoccupied space
202 upon and within which adequately to store all motor vehicles
203 offered and displayed for sale; and that the location is a
204 suitable place where the applicant can in good faith carry on
205 such business and keep and maintain books, records, and files
206 necessary to conduct such business, which must ~~shall~~ be
207 available at all reasonable hours to inspection by the
208 department or any of its inspectors or other employees. The
209 applicant shall certify that the business of a motor vehicle
210 dealer is the principal business that will ~~which shall~~ be
211 conducted at that location. The application must ~~shall~~ contain a
212 statement that the applicant is either franchised by a
213 manufacturer of motor vehicles, in which case the name of each



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214 motor vehicle that the applicant is franchised to sell must
215 ~~shall~~ be included, or an independent (nonfranchised) motor
216 vehicle dealer. The application must ~~shall~~ contain other
217 relevant information as may be required by the department. The
218 applicant must furnish, including evidence, in a form approved
219 by the department, that the applicant is insured under a garage
220 liability insurance policy or a general liability insurance
221 policy coupled with a business automobile policy having the
222 garage liability insurance coverage required by this subsection,
223 ~~which shall include, at a minimum, \$25,000 combined single-limit~~
224 ~~liability coverage including bodily injury and property damage~~
225 ~~protection and \$10,000 personal injury protection.~~ However, a
226 salvage motor vehicle dealer as defined in subparagraph (1)(c)5.
227 is exempt from the requirements for garage liability insurance
228 and medical payments coverage insurance ~~and personal injury~~
229 ~~protection insurance~~ on those vehicles that cannot be legally
230 operated on roads, highways, or streets in this state. Franchise
231 dealers must submit a garage liability insurance policy, and all
232 other dealers must submit a garage liability insurance policy or
233 a general liability insurance policy coupled with a business
234 automobile policy. Such policy must ~~shall~~ be for the license
235 period, and evidence of a new or continued policy must ~~shall~~ be
236 delivered to the department at the beginning of each license
237 period. Upon making an initial application, the applicant shall
238 pay to the department a fee of \$300 in addition to any other
239 fees required by law. Applicants may choose to extend the
240 licensure period for 1 additional year for a total of 2 years.
241 An initial applicant shall pay to the department a fee of \$300
242 for the first year and \$75 for the second year, in addition to



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243 any other fees required by law. An applicant for renewal shall
244 pay to the department \$75 for a 1-year renewal or \$150 for a 2-
245 year renewal, in addition to any other fees required by law.
246 Upon making an application for a change of location, the
247 applicant ~~person~~ shall pay a fee of \$50 in addition to any other
248 fees now required by law. The department shall, in the case of
249 every application for initial licensure, verify whether certain
250 facts set forth in the application are true. Each applicant,
251 general partner in the case of a partnership, or corporate
252 officer and director in the case of a corporate applicant shall~~r~~
253 ~~must~~ file a set of fingerprints with the department for the
254 purpose of determining any prior criminal record or any
255 outstanding warrants. The department shall submit the
256 fingerprints to the Department of Law Enforcement for state
257 processing and forwarding to the Federal Bureau of Investigation
258 for federal processing. The actual cost of state and federal
259 processing must ~~shall~~ be borne by the applicant and is in
260 addition to the fee for licensure. The department may issue a
261 license to an applicant pending the results of the fingerprint
262 investigation, which license is fully revocable if the
263 department subsequently determines that any facts set forth in
264 the application are not true or correctly represented.

265 Section 8. Paragraph (j) of subsection (3) of section
266 320.771, Florida Statutes, is amended to read:

267 320.771 License required of recreational vehicle dealers.-

268 (3) APPLICATION.-The application for such license shall be
269 in the form prescribed by the department and subject to such
270 rules as may be prescribed by it. The application shall be
271 verified by oath or affirmation and shall contain:



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272 (j) A statement that the applicant is insured under a
273 garage liability insurance policy in accordance with s.
274 320.27(1)(g), ~~which shall include, at a minimum, \$25,000~~
275 ~~combined single limit liability coverage, including bodily~~
276 ~~injury and property damage protection, and \$10,000 personal~~
277 ~~injury protection~~, if the applicant is to be licensed as a
278 dealer in, or intends to sell, recreational vehicles.

279

280 The department shall, if it deems necessary, cause an
281 investigation to be made to ascertain if the facts set forth in
282 the application are true and shall not issue a license to the
283 applicant until it is satisfied that the facts set forth in the
284 application are true.

285 Section 9. Subsections (1) and (2) of section 322.251,
286 Florida Statutes, are amended to read:

287 322.251 Notice of cancellation, suspension, revocation, or
288 disqualification of license.-

289 (1) All orders of cancellation, suspension, revocation, or
290 disqualification issued under ~~the provisions of~~ this chapter,
291 chapter 318, or chapter 324 must, ~~or ss. 627.732-627.734 shall~~
292 be given either by personal delivery thereof to the licensee
293 whose license is being canceled, suspended, revoked, or
294 disqualified or by deposit in the United States mail in an
295 envelope, first class, postage prepaid, addressed to the
296 licensee at his or her last known mailing address furnished to
297 the department. Such mailing by the department constitutes
298 notification, and any failure by the person to receive the
299 mailed order will not affect or stay the effective date or term
300 of the cancellation, suspension, revocation, or disqualification



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301 of the licensee's driving privilege.

302 (2) The giving of notice and an order of cancellation,
303 suspension, revocation, or disqualification by mail is complete
304 upon expiration of 20 days after deposit in the United States
305 mail for all notices except those issued under chapter 324 ~~or~~
306 ~~ss. 627.732-627.734~~, which are complete 15 days after deposit in
307 the United States mail. Proof of the giving of notice and an
308 order of cancellation, suspension, revocation, or
309 disqualification in either manner must ~~shall~~ be made by entry in
310 the records of the department that such notice was given. The
311 entry is admissible in the courts of this state and constitutes
312 sufficient proof that such notice was given.

313 Section 10. Paragraph (a) of subsection (8) of section
314 322.34, Florida Statutes, is amended to read:

315 322.34 Driving while license suspended, revoked, canceled,
316 or disqualified.—

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

320 1. Whether the person's driver license is suspended or
321 revoked.

322 2. Whether the person's driver license has remained
323 suspended or revoked since a conviction for the offense of
324 driving with a suspended or revoked license.

325 3. Whether the suspension or revocation was made under s.
326 316.646 ~~or s. 627.733~~, relating to failure to maintain required
327 security, or under s. 322.264, relating to habitual traffic
328 offenders.

329 4. Whether the driver is the registered owner or coowner of



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330 the vehicle.

331 Section 11. Section 324.011, Florida Statutes, is amended
332 to read:

333 324.011 Legislative intent and purpose of chapter.—It is
334 the Legislature's intent of this chapter to ensure that the
335 privilege of owning or operating a motor vehicle in this state
336 be exercised ~~recognize the existing privilege to own or operate~~
337 ~~a motor vehicle on the public streets and highways of this state~~
338 ~~when such vehicles are used~~ with due consideration for others'
339 safety ~~others~~ and their property, ~~and~~ to promote safety, and to
340 provide financial security requirements for ~~such~~ owners and ~~or~~
341 operators whose responsibility it is to recompense others for
342 injury to person or property caused by the operation of a motor
343 vehicle. Therefore, this chapter requires that every owner or
344 operator of a motor vehicle required to be registered in this
345 state establish, maintain, and ~~it is required herein that the~~
346 ~~operator of a motor vehicle involved in a crash or convicted of~~
347 ~~certain traffic offenses meeting the operative provisions of s.~~
348 ~~324.051(2) shall respond for such damages and show proof of~~
349 financial ability to respond for damages arising out of the
350 ownership, maintenance, or use of a motor vehicle in future
351 accidents as a requisite to owning or operating a motor vehicle
352 in this state ~~his or her future exercise of such privileges.~~

353 Section 12. Subsections (1) and (7) and paragraph (c) of
354 subsection (9) of section 324.021, Florida Statutes, are
355 amended, and subsection (12) is added to that section, to read:

356 324.021 Definitions; minimum insurance required.—The
357 following words and phrases when used in this chapter shall, for
358 the purpose of this chapter, have the meanings respectively



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359 ascribed to them in this section, except in those instances
360 where the context clearly indicates a different meaning:

361 (1) MOTOR VEHICLE.—Every self-propelled vehicle that is
362 designed and required to be licensed for use upon a highway,
363 including trailers and semitrailers designed for use with such
364 vehicles, except traction engines, road rollers, farm tractors,
365 power shovels, and well drillers, and every vehicle that is
366 propelled by electric power obtained from overhead wires but not
367 operated upon rails, but not including any personal delivery
368 device as defined in s. 316.003, bicycle, or moped. ~~However, the~~
369 ~~term "motor vehicle" does not include a motor vehicle as defined~~
370 ~~in s. 627.732(3) when the owner of such vehicle has complied~~
371 ~~with the requirements of ss. 627.730-627.7405, inclusive, unless~~
372 ~~the provisions of s. 324.051 apply; and, in such case, the~~
373 ~~applicable proof of insurance provisions of s. 320.02 apply.~~

374 (7) PROOF OF FINANCIAL RESPONSIBILITY.—~~That~~ Proof of
375 ability to respond in damages for liability on account of
376 crashes arising out of the ownership, maintenance, or use of a
377 motor vehicle:

378 (a) With respect to a motor vehicle that is not a
379 commercial motor vehicle, nonpublic sector bus, or for-hire
380 passenger transportation vehicle:

381 1. Beginning January 1, 2019, and continuing through
382 December 31, 2020, in the amount of:

383 a. Twenty thousand dollars for \$10,000 because of bodily
384 injury to, or the death of, one person in any one crash and, ~~+~~

385 ~~(b)~~ subject to such limits for one person, in the amount of
386 \$40,000 for \$20,000 because of bodily injury to, or the death
387 of, two or more persons in any one crash; and



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388 b. Ten thousand dollars for damage to, or destruction of,
389 property of others in any one crash.

390 2. Beginning January 1, 2021, and thereafter, in the amount
391 of:

392 a. Twenty-five thousand dollars for bodily injury to, or
393 the death of, one person in any one crash and, subject to such
394 limits for one person, in the amount of \$50,000 for bodily
395 injury to, or the death of, two or more persons in any one
396 crash; and

397 b. ~~(e)~~ Ten thousand dollars for damage ~~In the amount of~~
398 ~~\$10,000 because of injury to, or destruction of, property of~~
399 ~~others in any one crash.; and~~

400 (b) ~~(d)~~ With respect to commercial motor vehicles ~~and~~
401 ~~nonpublic sector buses, in the amounts specified in s. 627.7415~~
402 ~~ss. 627.7415 and 627.742, respectively.~~

403 (c) With respect to nonpublic sector buses, in the amounts
404 specified in s. 627.742.

405 (d) With respect to for-hire passenger transportation
406 vehicles, in the amounts specified in s. 324.032.

407 (9) OWNER; OWNER/LESSOR.—

408 (c) *Application.*—

409 1. The limits on liability in subparagraphs (b)2. and 3. do
410 not apply to an owner of motor vehicles that are used for
411 commercial activity in the owner's ordinary course of business,
412 other than a rental company that rents or leases motor vehicles.
413 For purposes of this paragraph, the term "rental company"
414 includes only an entity that is engaged in the business of
415 renting or leasing motor vehicles to the general public and that
416 rents or leases a majority of its motor vehicles to persons with



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417 no direct or indirect affiliation with the rental company. The
418 term also includes a motor vehicle dealer that provides
419 temporary replacement vehicles to its customers for up to 10
420 days. The term "rental company" also includes:

421 a. A related rental or leasing company that is a subsidiary
422 of the same parent company as that of the renting or leasing
423 company that rented or leased the vehicle.

424 b. The holder of a motor vehicle title or an equity
425 interest in a motor vehicle title if the title or equity
426 interest is held pursuant to or to facilitate an asset-backed
427 securitization of a fleet of motor vehicles used solely in the
428 business of renting or leasing motor vehicles to the general
429 public and under the dominion and control of a rental company,
430 as described in this subparagraph, in the operation of such
431 rental company's business.

432 2. Furthermore, with respect to commercial motor vehicles
433 as defined in s. 207.002 or s. 320.01 ~~s. 627.732~~, the limits on
434 liability in subparagraphs (b)2. and 3. do not apply if, at the
435 time of the incident, the commercial motor vehicle is being used
436 in the transportation of materials found to be hazardous for the
437 purposes of the Hazardous Materials Transportation Authorization
438 Act of 1994, as amended, 49 U.S.C. ss. 5101 et seq., and that is
439 required pursuant to such act to carry placards warning others
440 of the hazardous cargo, unless at the time of lease or rental
441 either:

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



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

450 (12) FOR-HIRE PASSENGER TRANSPORTATION VEHICLE.—Every “for-
451 hire vehicle” as defined in s. 320.01(15) which is offered or
452 used to provide transportation for persons, including taxicabs,
453 limousines, and jitneys.

454 Section 13. Section 324.022, Florida Statutes, is amended
455 to read:

456 324.022 Financial responsibility requirements ~~for property~~
457 ~~damage.—~~

458 (1) (a) Every owner or operator of a motor vehicle required
459 to be registered in this state shall establish and continuously
460 maintain the ability to respond in damages for liability on
461 account of accidents arising out of the use of the motor vehicle
462 in the amount of:

463 1. Beginning January 1, 2019, and continuing through
464 December 31, 2020:

465 a. Twenty thousand dollars for bodily injury to, or the
466 death of, one person in any one crash and, subject to such
467 limits for one person, in the amount of \$40,000 for bodily
468 injury to, or the death of, two or more persons in any one
469 crash; and

470 b. Ten thousand dollars for damage to, or destruction of,
471 property of others in any one crash.

472 2. Beginning January 1, 2021, and thereafter:

473 a. Twenty-five thousand dollars for bodily injury to, or
474 the death of, one person in any one crash and, subject to such



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475 limits for one person, in the amount of \$50,000 for bodily
476 injury to, or the death of, two or more persons in any one
477 crash; and

478 b. Ten thousand dollars for ~~\$10,000 because of damage to,~~
479 ~~or destruction of, property of others in any one crash.~~

480 (b) The requirements of paragraph (a) this section may be
481 met by one of the methods established in s. 324.031; by self-
482 insuring as authorized by s. 768.28(16); or by maintaining
483 medical payments coverage under s. 627.7265 and a motor vehicle
484 liability insurance policy that an insurance policy providing
485 coverage for property damage liability in the amount of at least
486 \$10,000 because of damage to, or destruction of, property of
487 others in any one accident arising out of the use of the motor
488 vehicle. The requirements of this section may also be met by
489 having a policy which provides combined property damage
490 liability and bodily injury liability coverage for any one crash
491 arising out of the ownership, maintenance, or use of a motor
492 vehicle which conforms to the requirements of s. 324.151 in the
493 amount of:

494 1. At least \$50,000 for every owner or operator subject to
495 the financial responsibility required in subparagraph (1)(a)1.

496 2. At least \$60,000 for every owner or operator subject to
497 the financial responsibility required in subparagraph (1)(a)2.
498 ~~\$30,000 for combined property damage liability and bodily injury~~
499 ~~liability for any one crash arising out of the use of the motor~~
500 ~~vehicle. The policy, with respect to coverage for property~~
501 ~~damage liability, must meet the applicable requirements of s.~~
502 ~~324.151, subject to the usual policy exclusions that have been~~
503 ~~approved in policy forms by the Office of Insurance Regulation.~~



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504 ~~No insurer shall have any duty to defend uncovered claims~~
505 ~~irrespective of their joinder with covered claims.~~

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

507 (a) "Motor vehicle" means any self-propelled vehicle that
508 has four or more wheels and that is of a type designed and
509 required to be licensed for use on the highways of this state,
510 and any trailer or semitrailer designed for use with such
511 vehicle. The term does not include the following:

512 1. A mobile home as defined in s. 320.01.

513 2. A motor vehicle that is used in mass transit and
514 designed to transport more than five passengers, exclusive of
515 the operator of the motor vehicle, and that is owned by a
516 municipality, transit authority, or political subdivision of the
517 state.

518 3. A school bus as defined in s. 1006.25, which shall
519 maintain security as required under s. 316.615.

520 4. A commercial motor vehicle as defined in s. 207.002 or
521 s. 320.01, which shall maintain security as required under ss.
522 324.031 and 627.7415.

523 5. A nonpublic sector bus, which shall maintain security as
524 required under ss. 324.031 and 627.742.

525 ~~6.4. A vehicle providing for-hire passenger transportation~~
526 ~~vehicle, which that is subject to the provisions of s. 324.031.~~
527 ~~A taxicab shall maintain security as required under s. 324.032~~
528 ~~s. 324.032(1).~~

529 ~~7.5. A personal delivery device as defined in s. 316.003.~~

530 (b) "Owner" means the person who holds legal title to a
531 motor vehicle or the debtor or lessee who has the right to
532 possession of a motor vehicle that is the subject of a security



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533 agreement or lease with an option to purchase.

534 (3) Each nonresident owner or registrant of a motor vehicle
535 that, whether operated or not, has been physically present
536 within this state for more than 90 days during the preceding 365
537 days shall maintain security as required by subsection (1). The
538 security must be that is in effect continuously throughout the
539 period the motor vehicle remains within this state.

540 (4) An ~~The~~ owner or registrant of a motor vehicle who is
541 ~~exempt from the requirements of this section if she or he is a~~
542 member of the United States Armed Forces and is called to or on
543 active duty outside the United States in an emergency situation
544 is exempt from this section while he or she. ~~The exemption~~
545 ~~provided by this subsection applies only as long as the member~~
546 ~~of the Armed Forces is on such active duty.~~ This exemption
547 outside the United States and applies only while the vehicle
548 covered by the security is not operated by any person. Upon
549 receipt of a written request by the insured to whom the
550 exemption provided in this subsection applies, the insurer shall
551 cancel the coverages and return any unearned premium or suspend
552 the security required by this section. Notwithstanding s.
553 324.0221(2) ~~s. 324.0221(3)~~, the department may not suspend the
554 registration or operator's license of an ~~any~~ owner or registrant
555 of a motor vehicle during the time she or he qualifies for the
556 ~~an~~ exemption under this subsection. An ~~Any~~ owner or registrant
557 of a motor vehicle who qualifies for the ~~an~~ exemption under this
558 subsection shall immediately notify the department before ~~prior~~
559 ~~to~~ and at the end of the expiration of the exemption.

560 Section 14. Subsections (1) and (2) of section 324.0221,
561 Florida Statutes, are amended to read:



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562 324.0221 Reports by insurers to the department; suspension
563 of driver license and vehicle registrations; reinstatement.—

564 (1) (a) Each insurer that has issued a policy providing
565 medical payments coverage or personal injury protection coverage
566 ~~or property damage~~ liability coverage shall report the
567 cancellation or nonrenewal thereof to the department within 10
568 days after the processing date or effective date of each
569 cancellation or nonrenewal. Upon the issuance of a policy
570 providing medical payments coverage or personal injury
571 ~~protection coverage or property damage~~ liability coverage to a
572 named insured not previously insured by the insurer during that
573 calendar year, the insurer shall report the issuance of the new
574 policy to the department within 10 days. The report must ~~shall~~
575 be in the form ~~and format~~ and contain any information required
576 by the department and must be provided in a format that is
577 compatible with the data processing capabilities of the
578 department. Failure by an insurer to file proper reports with
579 the department as required by this subsection constitutes a
580 violation of the Florida Insurance Code. These records may ~~shall~~
581 be used by the department only for enforcement and regulatory
582 purposes, including the generation by the department of data
583 regarding compliance by owners of motor vehicles with the
584 requirements for financial responsibility coverage.

585 (b) With respect to an insurance policy providing medical
586 payments coverage or personal injury protection coverage ~~or~~
587 ~~property damage~~ liability coverage, each insurer shall notify
588 the named insured, or the first-named insured in the case of a
589 commercial fleet policy, in writing that any cancellation or
590 nonrenewal of the policy will be reported by the insurer to the



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591 department. The notice must also inform the named insured that
592 failure to maintain medical payments coverage, bodily injury
593 liability ~~personal injury protection~~ coverage, and property
594 damage liability coverage on a motor vehicle when required by
595 law may result in the loss of registration and driving
596 privileges in this state and inform the named insured of the
597 amount of the reinstatement fees required by this section. This
598 notice is for informational purposes only, and an insurer is not
599 civilly liable for failing to provide this notice.

600 (2) The department shall suspend, after due notice and an
601 opportunity to be heard, the registration and driver license of
602 any owner or registrant of a motor vehicle for ~~with respect to~~
603 which security is required under s. 324.022, s. 324.032, s.
604 627.7415, or s. 627.742 ~~ss. 324.022 and 627.733~~ upon:

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

609 (b) Notification by the insurer to the department, in a
610 form approved by the department, of cancellation or termination
611 of the required security.

612 Section 15. Section 324.023, Florida Statutes, is amended
613 to read:

614 324.023 Financial responsibility for bodily injury or
615 death.—In addition to any other financial responsibility
616 required by law, every owner or operator of a motor vehicle that
617 is required to be registered in this state, or that is located
618 within this state, and who, regardless of adjudication of guilt,
619 has been found guilty of or entered a plea of guilty or nolo



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620 | contendere to a charge of driving under the influence under s.
621 | 316.193 after October 1, 2007, shall, by one of the methods
622 | established in s. 324.031(1)(a) or (b) ~~s. 324.031(1) or (2)~~,
623 | establish and maintain the ability to respond in damages for
624 | liability on account of accidents arising out of the use of a
625 | motor vehicle in the amount of \$100,000 because of bodily injury
626 | to, or death of, one person in any one crash and, subject to
627 | such limits for one person, in the amount of \$300,000 because of
628 | bodily injury to, or death of, two or more persons in any one
629 | crash and in the amount of \$50,000 because of property damage in
630 | any one crash. If the owner or operator chooses to establish and
631 | maintain such ability by furnishing a certificate of deposit
632 | pursuant to s. 324.031(1)(b) ~~s. 324.031(2)~~, such certificate of
633 | deposit must be at least \$350,000. Such higher limits must be
634 | carried for a minimum period of 3 years. If the owner or
635 | operator has not been convicted of driving under the influence
636 | or a felony traffic offense for a period of 3 years from the
637 | date of reinstatement of driving privileges for a violation of
638 | s. 316.193, the owner or operator shall be exempt from this
639 | section.

640 | Section 16. Section 324.031, Florida Statutes, is amended
641 | to read:

642 | 324.031 Manner of proving financial responsibility.-

643 | (1) ~~The owner or operator of a taxicab, limousine, jitney,~~
644 | ~~or any other for-hire passenger transportation vehicle may prove~~
645 | ~~financial responsibility by providing satisfactory evidence of~~
646 | ~~holding a motor vehicle liability policy as defined in s.~~
647 | ~~324.021(8) or s. 324.151, which policy is issued by an insurance~~
648 | ~~carrier which is a member of the Florida Insurance Guaranty~~



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649 ~~Association.~~ The operator or owner of a motor vehicle other than
650 a for-hire passenger transportation vehicle ~~any other vehicle~~
651 may prove his or her financial responsibility by:

652 (a) ~~(1)~~ Furnishing satisfactory evidence of holding a motor
653 vehicle liability policy as defined in ss. 324.021(8) and
654 324.151;

655 (b) ~~(2)~~ Furnishing a certificate of self-insurance showing a
656 deposit of cash in accordance with s. 324.161; or

657 (c) ~~(3)~~ Furnishing a certificate of self-insurance issued by
658 the department in accordance with s. 324.171.

659 (2) (a) Any person, ~~including any firm, partnership,~~
660 ~~association, corporation, or other person, other than a natural~~
661 ~~person,~~ electing to use the method of proof specified in
662 paragraph (1) (b) subsection (2) shall furnish a certificate of
663 deposit equal to the number of vehicles owned times:

664 1. Fifty thousand dollars, to a maximum of \$200,000, from
665 January 1, 2019, through December 31, 2020.

666 2. Sixty thousand dollars ~~\$30,000,~~ to a maximum of
667 \$240,000, from January 1, 2021, and thereafter. ~~\$120,000;~~

668 (b) In addition, any such person, ~~other than a natural~~
669 ~~person,~~ shall maintain insurance providing coverage conforming
670 to the requirements of s. 324.151 in excess of the amount of the
671 certificate of deposit, with limits of at least:

672 1. One hundred twenty-five thousand dollars for bodily
673 injury to, or the death of, one person in any one crash and,
674 subject to such limits for one person, in the amount of \$250,000
675 for bodily injury to, or the death of, two or more persons in
676 any one crash, and \$50,000 for damage to, or destruction of,
677 property of others in any one crash; or ~~\$10,000/20,000/10,000 or~~



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678 ~~\$30,000 combined single limits, and such excess insurance shall~~
679 ~~provide minimum limits of \$125,000/250,000/50,000 or \$300,000~~
680 ~~combined single limits. These increased limits shall not affect~~
681 ~~the requirements for proving financial responsibility under s.~~
682 ~~324.032(1).~~

683 2. Three hundred thousand dollars for combined bodily
684 injury liability and property damage liability for any one
685 crash.

686 Section 17. Section 324.032, Florida Statutes, is amended
687 to read:

688 324.032 ~~Manner of proving~~ Financial responsibility ~~for~~
689 ~~for-hire passenger transportation vehicles. Notwithstanding the~~
690 ~~provisions of s. 324.031:~~

691 (1) An owner or lessee of a for-hire passenger
692 transportation vehicle that is required to be registered in this
693 state shall establish and continuously maintain the ability to
694 respond in damages for liability on account of accidents arising
695 out of the ownership, maintenance, or use of the for-hire
696 passenger transportation vehicle, in the amount of:

697 (a) One hundred twenty-five thousand dollars for bodily
698 injury to, or the death of, one person in any one crash and,
699 subject to such limits for one person, in the amount of \$250,000
700 for bodily injury to, or the death of, two or more persons in
701 any one crash; and ~~A person who is either the owner or a lessee~~
702 ~~required to maintain insurance under s. 627.733(1)(b) and who~~
703 ~~operates one or more taxicabs, limousines, jitneys, or any other~~
704 ~~for-hire passenger transportation vehicles may prove financial~~
705 ~~responsibility by furnishing satisfactory evidence of holding a~~
706 ~~motor vehicle liability policy, but with minimum limits of~~



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707 ~~\$125,000/250,000/50,000.~~

708 (b) Fifty thousand dollars for damage to, or destruction
709 of, property of others in any one crash ~~A person who is either~~
710 ~~the owner or a lessee required to maintain insurance under s.~~
711 ~~324.021(9) (b) and who operates limousines, jitneys, or any other~~
712 ~~for-hire passenger vehicles, other than taxicabs, may prove~~
713 ~~financial responsibility by furnishing satisfactory evidence of~~
714 ~~holding a motor vehicle liability policy as defined in s.~~
715 ~~324.031.~~

716 (2) Except as provided in subsection (3), the requirements
717 of this section must be met by the owner or lessee providing
718 satisfactory evidence of holding a motor vehicle liability
719 policy conforming to the requirements of s. 324.151 which is
720 issued by an insurance carrier that is a member of the Florida
721 Insurance Guaranty Association.

722 (3) ~~(2)~~ ~~An owner or a lessee who is required to maintain~~
723 ~~insurance under s. 324.021(9) (b) and who operates at least 300~~
724 ~~taxicabs, limousines, jitneys, or any other for-hire passenger~~
725 ~~transportation vehicles may provide financial responsibility by~~
726 ~~complying with the provisions of s. 324.171, such compliance to~~
727 ~~be demonstrated by maintaining at its principal place of~~
728 ~~business an audited financial statement, prepared in accordance~~
729 ~~with generally accepted accounting principles, and providing to~~
730 ~~the department a certification issued by a certified public~~
731 ~~accountant that the applicant's net worth is at least equal to~~
732 ~~the requirements of s. 324.171 as determined by the Office of~~
733 ~~Insurance Regulation of the Financial Services Commission,~~
734 ~~including claims liabilities in an amount certified as adequate~~
735 ~~by a Fellow of the Casualty Actuarial Society.~~



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736
737 Upon request by the department, the applicant shall ~~must~~ provide
738 the department at the applicant's principal place of business in
739 this state access to the applicant's underlying financial
740 information and financial statements that provide the basis of
741 the certified public accountant's certification. The applicant
742 shall reimburse the requesting department for all reasonable
743 costs incurred by it in reviewing the supporting information.
744 The maximum amount of self-insurance permissible under this
745 subsection is \$300,000 and must be stated on a per-occurrence
746 basis, and the applicant shall maintain adequate excess
747 insurance issued by an authorized or eligible insurer licensed
748 or approved by the Office of Insurance Regulation. All risks
749 self-insured shall remain with the owner or lessee providing it,
750 and the risks are not transferable to any other person, unless a
751 policy complying with subsections (1) and (2) ~~subsection (1)~~ is
752 obtained.

753 Section 18. Paragraph (b) of subsection (2) of section
754 324.051, Florida Statutes, is amended to read:

755 324.051 Reports of crashes; suspensions of licenses and
756 registrations.—

757 (2)

758 (b) This subsection does ~~shall~~ not apply:

759 1. To such operator or owner if such operator or owner had
760 in effect at the time of such crash or traffic conviction a
761 motor vehicle ~~an automobile~~ liability policy with respect to all
762 of the registered motor vehicles owned by such operator or
763 owner.

764 2. To such operator, if not the owner of such motor



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765 vehicle, if there was in effect at the time of such crash or
766 traffic conviction a motor vehicle ~~an automobile~~ liability
767 policy or bond with respect to his or her operation of motor
768 vehicles not owned by him or her.

769 3. To such operator or owner if the liability of such
770 operator or owner for damages resulting from such crash is, in
771 the judgment of the department, covered by any other form of
772 liability insurance or bond.

773 4. To any person who has obtained from the department a
774 certificate of self-insurance, in accordance with s. 324.171, or
775 to any person operating a motor vehicle for such self-insurer.

776
777 No such policy or bond shall be effective under this subsection
778 unless it contains limits of not less than those specified in s.
779 324.021(7).

780 Section 19. Section 324.071, Florida Statutes, is amended
781 to read:

782 324.071 Reinstatement; renewal of license; reinstatement
783 fee.—~~An~~ Any operator or owner whose license or registration has
784 been suspended pursuant to s. 324.051(2), s. 324.072, s.
785 324.081, or s. 324.121 may effect its reinstatement upon
786 compliance with ~~the provisions of~~ s. 324.051(2)(a)3. or 4., or
787 s. 324.081(2) and (3), as the case may be, and with one of the
788 provisions of s. 324.031 and upon payment to the department of a
789 nonrefundable reinstatement fee of \$15. Only one such fee may
790 ~~shall~~ be paid by any one person regardless ~~irrespective~~ of the
791 number of licenses and registrations to be then reinstated or
792 issued to such person. ~~All~~ Such fees must ~~shall~~ be deposited to
793 a department trust fund. ~~If~~ When the reinstatement of any



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794 license or registration is effected by compliance with s.
795 324.051(2)(a)3. or 4., the department may ~~shall~~ not renew the
796 license or registration within ~~a period of~~ 3 years after ~~from~~
797 such reinstatement, nor may ~~shall~~ any other license or
798 registration be issued in the name of such person, unless the
799 operator continues ~~is continuing~~ to comply with ~~one of the~~
800 ~~provisions of~~ s. 324.031.

801 Section 20. Subsection (1) of section 324.091, Florida
802 Statutes, is amended to read:

803 324.091 Notice to department; notice to insurer.-

804 (1) Each owner and operator involved in a crash or
805 conviction case within the purview of this chapter shall furnish
806 evidence of automobile liability insurance or motor vehicle
807 liability insurance within 14 days after the date of the mailing
808 of notice of crash by the department in the form and manner as
809 it may designate. Upon receipt of evidence that a ~~an automobile~~
810 ~~liability policy or~~ motor vehicle liability policy was in effect
811 at the time of the crash or conviction case, the department
812 shall forward to the insurer such information for verification
813 in a method as determined by the department. The insurer shall
814 respond to the department within 20 days after the notice as to
815 whether or not such information is valid. If the department
816 determines that a ~~an automobile liability policy or~~ motor
817 vehicle liability policy was not in effect and did not provide
818 coverage for both the owner and the operator, it must ~~shall~~ take
819 action as it is authorized to do under this chapter.

820 Section 21. Section 324.151, Florida Statutes, is amended
821 to read:

822 324.151 Motor vehicle liability policies; required



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823 provisions.-

824 (1) A motor vehicle liability policy that serves as to be
825 proof of financial responsibility under s. 324.031(1) must
826 ~~shall~~ be issued to owners or operators of motor vehicles under
827 the following provisions:

828 (a) A motor vehicle ~~An owner's~~ liability insurance policy
829 issued to an owner of a motor vehicle registered in this state
830 must ~~shall~~ designate by explicit description or by appropriate
831 reference all motor vehicles for ~~with respect to~~ which coverage
832 is thereby granted. The policy must ~~and shall~~ insure the person
833 or persons ~~owner~~ named therein and any other person as operator
834 using such motor vehicle or motor vehicles with the express or
835 implied permission of such owner against loss from the liability
836 imposed by law for damage arising out of the ownership,
837 maintenance, or use of any ~~such~~ motor vehicle or motor vehicles
838 within the United States or the Dominion of Canada, subject to
839 limits, exclusive of interest and costs with respect to each
840 such motor vehicle as is provided for under s. 324.021(7).
841 Insurers may make available, with respect to property damage
842 liability coverage, a deductible amount not to exceed \$500. In
843 the event of a property damage loss covered by a policy
844 containing a property damage deductible provision, the insurer
845 shall pay to the third-party claimant the amount of any property
846 damage liability settlement or judgment, subject to policy
847 limits, as if no deductible existed.

848 (b) An operator's motor vehicle liability policy of
849 insurance must ~~shall~~ insure the person or persons named therein
850 against loss from the liability imposed ~~upon him or her~~ by law
851 for damages arising out of the use by the person of any motor



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852 vehicle not owned by him or her, with the same territorial
853 limits and subject to the same limits of liability as referred
854 to above with respect to an owner's policy of liability
855 insurance.

856 (c) All such motor vehicle liability policies must ~~shall~~
857 state the name and address of the named insured, the coverage
858 afforded by the policy, the premium charged therefor, the policy
859 period, the limits of liability, and must ~~shall~~ contain an
860 agreement or be endorsed that insurance is provided in
861 accordance with the coverage defined in this chapter ~~as respects~~
862 ~~bodily injury and death or property damage or both~~ and is
863 subject to all provisions of this chapter. The ~~Said~~ policies
864 must ~~shall~~ also contain a provision that the satisfaction by an
865 insured of a judgment for such injury or damage may ~~shall~~ not be
866 a condition precedent to the right or duty of the insurance
867 carrier to make payment on account of such injury or damage, and
868 must ~~shall~~ also contain a provision that bankruptcy or
869 insolvency of the insured or of the insured's estate may ~~shall~~
870 not relieve the insurance carrier of any of its obligations
871 under the ~~said~~ policy.

872 (2) ~~The provisions of~~ This section is ~~shall~~ not be
873 applicable to any automobile liability policy unless and until
874 it is furnished as proof of financial responsibility for the
875 future pursuant to s. 324.031, and then only from and after the
876 date the ~~said~~ policy is so furnished.

877 Section 22. Section 324.161, Florida Statutes, is amended
878 to read:

879 324.161 Proof of financial responsibility; deposit.—If a
880 person elects to prove his or her financial responsibility under



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881 the method of proof specified in s. 324.031(1)(b), he or she
882 must obtain proof of a certificate of deposit annually, in the
883 amount required under s. 324.031(2), from a financial
884 institution insured by the Federal Deposit Insurance Corporation
885 or the National Credit Union Administration. Proof of such
886 certificate of deposit ~~Annually, before any certificate of~~
887 ~~insurance may be issued to a person, including any firm,~~
888 ~~partnership, association, corporation, or other person, other~~
889 ~~than a natural person, proof of a certificate of deposit of~~
890 ~~\$30,000 issued and held by a financial institution must be~~
891 submitted to the department annually. A power of attorney will
892 be issued to and held by the department and may be executed upon
893 a judgment issued against such person making the deposit, for
894 damages for ~~because of~~ bodily injury to or death of any person
895 or for damages for ~~because of~~ injury to or destruction of
896 property resulting from the use or operation of any motor
897 vehicle occurring after such deposit was made. Money so
898 deposited is ~~shall~~ not be subject to attachment or execution
899 unless such attachment or execution arises ~~shall arise~~ out of a
900 lawsuit ~~suit~~ for such damages ~~as aforesaid~~.

901 Section 23. Subsections (1) and (2) of section 324.171,
902 Florida Statutes, are amended to read:

903 324.171 Self-insurer.—

904 (1) A ~~Any~~ person may qualify as a self-insurer by obtaining
905 a certificate of self-insurance from the department. ~~which may,~~
906 ~~in its discretion and~~ Upon application of such a person, the
907 department may issue a ~~said~~ certificate of self-insurance if the
908 applicant ~~when such person~~ has satisfied the requirements of
909 this section ~~to qualify as a self-insurer under this section:~~



910 (a) A private individual with private passenger vehicles
911 must ~~shall~~ possess a net unencumbered worth: ~~of~~
912 1. Beginning January 1, 2019, through December 31, 2020, of
913 at least \$80,000.
914 2. Beginning January 1, 2021, and thereafter, of at least
915 \$100,000 ~~\$40,000.~~
916 (b) A person, including any firm, partnership, association,
917 corporation, or other person, other than a natural person, must
918 ~~shall~~:
919 1. Possess a net unencumbered worth: ~~of~~
920 a. Beginning January 1, 2019, through December 31, 2020, of
921 at least \$80,000 for the first motor vehicle and \$40,000 for
922 each additional motor vehicle.
923 b. Beginning January 1, 2021, and thereafter, of at least
924 \$100,000 ~~\$40,000~~ for the first motor vehicle and \$50,000 ~~\$20,000~~
925 for each additional motor vehicle; or
926 2. Maintain sufficient net worth, in an amount determined
927 by the department, to be financially responsible for potential
928 losses. The department shall annually determine the minimum net
929 worth sufficient to satisfy this subparagraph ~~as determined~~
930 ~~annually by the department,~~ pursuant to rules adopted
931 ~~promulgated by the department,~~ with the assistance of the Office
932 of Insurance Regulation of the Financial Services Commission, ~~to~~
933 ~~be financially responsible for potential losses.~~ The rules must
934 consider any ~~shall take into consideration~~ excess insurance
935 carried by the applicant. The department's determination must
936 ~~shall~~ be based upon reasonable actuarial principles considering
937 the frequency, severity, and loss development of claims incurred
938 by casualty insurers writing coverage on the type of motor



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939 vehicles for which a certificate of self-insurance is desired.

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

943 (2) The self-insurance certificate must ~~shall~~ provide
944 limits of liability insurance in the amounts specified under s.
945 324.021(7) ~~or s. 627.7415 and shall provide personal injury~~
946 ~~protection coverage under s. 627.733(3)(b).~~

947 Section 24. Section 324.251, Florida Statutes, is amended
948 to read:

949 324.251 Short title.—This chapter may be cited as the
950 “Financial Responsibility Law of 2018 1955” and is ~~shall become~~
951 effective at 12:01 a.m., January 1, 2019 ~~October 1, 1955~~.

952 Section 25. Subsection (4) of section 400.9905, Florida
953 Statutes, is amended to read:

954 400.9905 Definitions.—

955 (4) (a) “Clinic” means an entity where health care services
956 are provided to individuals and which tenders charges for
957 reimbursement for such services, including a mobile clinic and a
958 portable equipment provider. As used in this part, the term does
959 not include and the licensure requirements of this part do not
960 apply to:

961 1. ~~(a)~~ Entities licensed or registered by the state under
962 chapter 395; entities licensed or registered by the state and
963 providing only health care services within the scope of services
964 authorized under their respective licenses under ss. 383.30-
965 383.335, chapter 390, chapter 394, chapter 397, this chapter
966 except part X, chapter 429, chapter 463, chapter 465, chapter
967 466, chapter 478, part I of chapter 483, chapter 484, or chapter



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968 651; end-stage renal disease providers authorized under 42
969 C.F.R. part 405, subpart U; providers certified under 42 C.F.R.
970 part 485, subpart B or subpart H; or any entity that provides
971 neonatal or pediatric hospital-based health care services or
972 other health care services by licensed practitioners solely
973 within a hospital licensed under chapter 395.

974 2.~~(b)~~ Entities that own, directly or indirectly, entities
975 licensed or registered by the state pursuant to chapter 395;
976 entities that own, directly or indirectly, entities licensed or
977 registered by the state and providing only health care services
978 within the scope of services authorized pursuant to their
979 respective licenses under ss. 383.30-383.335, chapter 390,
980 chapter 394, chapter 397, this chapter except part X, chapter
981 429, chapter 463, chapter 465, chapter 466, chapter 478, part I
982 of chapter 483, chapter 484, or chapter 651; end-stage renal
983 disease providers authorized under 42 C.F.R. part 405, subpart
984 U; providers certified under 42 C.F.R. part 485, subpart B or
985 subpart H; or any entity that provides neonatal or pediatric
986 hospital-based health care services by licensed practitioners
987 solely within a hospital licensed under chapter 395.

988 3.~~(c)~~ Entities that are owned, directly or indirectly, by
989 an entity licensed or registered by the state pursuant to
990 chapter 395; entities that are owned, directly or indirectly, by
991 an entity licensed or registered by the state and providing only
992 health care services within the scope of services authorized
993 pursuant to their respective licenses under ss. 383.30-383.335,
994 chapter 390, chapter 394, chapter 397, this chapter except part
995 X, chapter 429, chapter 463, chapter 465, chapter 466, chapter
996 478, part I of chapter 483, chapter 484, or chapter 651; end-



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997 stage renal disease providers authorized under 42 C.F.R. part
998 405, subpart U; providers certified under 42 C.F.R. part 485,
999 subpart B or subpart H; or any entity that provides neonatal or
1000 pediatric hospital-based health care services by licensed
1001 practitioners solely within a hospital under chapter 395.

1002 ~~4.(d)~~ Entities that are under common ownership, directly or
1003 indirectly, with an entity licensed or registered by the state
1004 pursuant to chapter 395; entities that are under common
1005 ownership, directly or indirectly, with an entity licensed or
1006 registered by the state and providing only health care services
1007 within the scope of services authorized pursuant to their
1008 respective licenses under ss. 383.30-383.335, chapter 390,
1009 chapter 394, chapter 397, this chapter except part X, chapter
1010 429, chapter 463, chapter 465, chapter 466, chapter 478, part I
1011 of chapter 483, chapter 484, or chapter 651; end-stage renal
1012 disease providers authorized under 42 C.F.R. part 405, subpart
1013 U; providers certified under 42 C.F.R. part 485, subpart B or
1014 subpart H; or any entity that provides neonatal or pediatric
1015 hospital-based health care services by licensed practitioners
1016 solely within a hospital licensed under chapter 395.

1017 ~~5.(e)~~ An entity that is exempt from federal taxation under
1018 26 U.S.C. s. 501(c)(3) or (4), an employee stock ownership plan
1019 under 26 U.S.C. s. 409 that has a board of trustees at least
1020 two-thirds of which are Florida-licensed health care
1021 practitioners and provides only physical therapy services under
1022 physician orders, any community college or university clinic,
1023 and any entity owned or operated by the federal or state
1024 government, including agencies, subdivisions, or municipalities
1025 thereof.



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1026 ~~6.(f)~~ A sole proprietorship, group practice, partnership,
1027 or corporation that provides health care services by physicians
1028 covered by s. 627.419, that is directly supervised by one or
1029 more of such physicians, and that is wholly owned by one or more
1030 of those physicians or by a physician and the spouse, parent,
1031 child, or sibling of that physician.

1032 ~~7.(g)~~ A sole proprietorship, group practice, partnership,
1033 or corporation that provides health care services by licensed
1034 health care practitioners under chapter 457, chapter 458,
1035 chapter 459, chapter 460, chapter 461, chapter 462, chapter 463,
1036 chapter 466, chapter 467, chapter 480, chapter 484, chapter 486,
1037 chapter 490, chapter 491, or part I, part III, part X, part
1038 XIII, or part XIV of chapter 468, or s. 464.012, and that is
1039 wholly owned by one or more licensed health care practitioners,
1040 or the licensed health care practitioners set forth in this
1041 paragraph and the spouse, parent, child, or sibling of a
1042 licensed health care practitioner if one of the owners who is a
1043 licensed health care practitioner is supervising the business
1044 activities and is legally responsible for the entity's
1045 compliance with all federal and state laws. However, a health
1046 care practitioner may not supervise services beyond the scope of
1047 the practitioner's license, except that, for the purposes of
1048 this part, a clinic owned by a licensee in s. 456.053(3)(b)
1049 which provides only services authorized pursuant to s.
1050 456.053(3)(b) may be supervised by a licensee specified in s.
1051 456.053(3)(b).

1052 ~~8.(h)~~ Clinical facilities affiliated with an accredited
1053 medical school at which training is provided for medical
1054 students, residents, or fellows.



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1055 9.~~(i)~~ Entities that provide only oncology or radiation
1056 therapy services by physicians licensed under chapter 458 or
1057 chapter 459 or entities that provide oncology or radiation
1058 therapy services by physicians licensed under chapter 458 or
1059 chapter 459 which are owned by a corporation whose shares are
1060 publicly traded on a recognized stock exchange.

1061 10.~~(j)~~ Clinical facilities affiliated with a college of
1062 chiropractic accredited by the Council on Chiropractic Education
1063 at which training is provided for chiropractic students.

1064 11.~~(k)~~ Entities that provide licensed practitioners to
1065 staff emergency departments or to deliver anesthesia services in
1066 facilities licensed under chapter 395 and that derive at least
1067 90 percent of their gross annual revenues from the provision of
1068 such services. Entities claiming an exemption from licensure
1069 under this paragraph must provide documentation demonstrating
1070 compliance.

1071 12.~~(l)~~ Orthotic, prosthetic, pediatric cardiology, or
1072 perinatology clinical facilities or anesthesia clinical
1073 facilities that are not otherwise exempt under paragraph (a) or
1074 paragraph (k) and that are a publicly traded corporation or are
1075 wholly owned, directly or indirectly, by a publicly traded
1076 corporation. As used in this paragraph, a publicly traded
1077 corporation is a corporation that issues securities traded on an
1078 exchange registered with the United States Securities and
1079 Exchange Commission as a national securities exchange.

1080 13.~~(m)~~ Entities that are owned by a corporation that has
1081 \$250 million or more in total annual sales of health care
1082 services provided by licensed health care practitioners where
1083 one or more of the persons responsible for the operations of the



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1084 entity is a health care practitioner who is licensed in this
1085 state and who is responsible for supervising the business
1086 activities of the entity and is responsible for the entity's
1087 compliance with state law for purposes of this part.

1088 14.~~(n)~~ Entities that employ 50 or more licensed health care
1089 practitioners licensed under chapter 458 or chapter 459 where
1090 the billing for medical services is under a single tax
1091 identification number. The application for exemption under this
1092 subsection must include ~~shall contain information that includes:~~
1093 the name, residence, and business address and telephone ~~phone~~
1094 number of the entity that owns the practice; a complete list of
1095 the names and contact information of all the officers and
1096 directors of the corporation; the name, residence address,
1097 business address, and medical license number of each licensed
1098 Florida health care practitioner employed by the entity; the
1099 corporate tax identification number of the entity seeking an
1100 exemption; a listing of health care services to be provided by
1101 the entity at the health care clinics owned or operated by the
1102 entity; and a certified statement prepared by an independent
1103 certified public accountant which states that the entity and the
1104 health care clinics owned or operated by the entity have not
1105 received payment for health care services under medical payments
1106 ~~personal injury protection~~ insurance coverage for the preceding
1107 year. If the agency determines that an entity that ~~which~~ is
1108 exempt under this subsection has received payments for medical
1109 services under medical payments ~~personal injury protection~~
1110 insurance coverage, the agency may deny or revoke the exemption
1111 from licensure under this subsection.

1112 (b) Notwithstanding this subsection, an entity shall be



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1113 deemed a clinic and must be licensed under this part in order to
1114 receive medical payments coverage reimbursement under s.
1115 627.7265 unless the entity is: ~~the Florida Motor Vehicle No-~~
1116 ~~Fault Law, ss. 627.730-627.7405, unless exempted under s.~~
1117 ~~627.736(5) (h).~~

1118 1. Wholly owned by a physician licensed under chapter 458
1119 or chapter 459, or by the physician and the spouse, parent,
1120 child, or sibling of the physician;

1121 2. Wholly owned by a dentist licensed under chapter 466, or
1122 by the dentist and the spouse, parent, child, or sibling of the
1123 dentist;

1124 3. Wholly owned by a chiropractic physician licensed under
1125 chapter 460, or by the chiropractic physician and the spouse,
1126 parent, child, or sibling of the chiropractic physician;

1127 4. A hospital or ambulatory surgical center licensed under
1128 chapter 395;

1129 5. An entity that wholly owns or is wholly owned, directly
1130 or indirectly, by a hospital or hospitals licensed under chapter
1131 395;

1132 6. Is a clinical facility affiliated with an accredited
1133 medical school at which training is provided for medical
1134 students, residents, or fellows;

1135 7. Is certified under 42 C.F.R. part 485, subpart H; or

1136 8. Is owned by a publicly traded corporation, either
1137 directly or indirectly through its subsidiaries, which has \$250
1138 million or more in total annual sales of health care services
1139 provided by licensed health care practitioners, if one or more
1140 of the persons responsible for the operations of the entity are
1141 health care practitioners who are licensed in this state and are



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1142 responsible for supervising the business activities of the
1143 entity and the entity's compliance with state law for purposes
1144 of this section.

1145 Section 26. Subsection (6) of section 400.991, Florida
1146 Statutes, is amended to read:

1147 400.991 License requirements; background screenings;
1148 prohibitions.-

1149 (6) All agency forms for licensure application or exemption
1150 from licensure under this part must contain the following
1151 statement:

1152
1153 INSURANCE FRAUD NOTICE.-A person commits a fraudulent
1154 insurance act, as defined in s. 626.989, Florida
1155 Statutes, if the person who knowingly submits a false,
1156 misleading, or fraudulent application or other
1157 document when applying for licensure as a health care
1158 clinic, seeking an exemption from licensure as a
1159 health care clinic, or demonstrating compliance with
1160 part X of chapter 400, Florida Statutes, with the
1161 intent to use the license, exemption from licensure,
1162 or demonstration of compliance to provide services or
1163 seek reimbursement under a motor vehicle liability
1164 insurance policy's medical payments coverage the
1165 Florida Motor Vehicle No-Fault Law, commits a
1166 fraudulent insurance act, as defined in s. 626.989,
1167 Florida Statutes. A person who presents a claim for
1168 benefits under medical payments coverage, personal
1169 injury protection benefits knowing that the payee
1170 knowingly submitted such health care clinic



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1171 application or document, commits insurance fraud, as
1172 defined in s. 817.234, Florida Statutes.

1173 Section 27. Paragraph (g) of subsection (1) of section
1174 400.9935, Florida Statutes, is amended to read:

1175 400.9935 Clinic responsibilities.—

1176 (1) Each clinic shall appoint a medical director or clinic
1177 director who shall agree in writing to accept legal
1178 responsibility for the following activities on behalf of the
1179 clinic. The medical director or the clinic director shall:

1180 (g) Conduct systematic reviews of clinic billings to ensure
1181 that the billings are not fraudulent or unlawful. Upon discovery
1182 of an unlawful charge, the medical director or clinic director
1183 shall take immediate corrective action. If the clinic performs
1184 only the technical component of magnetic resonance imaging,
1185 static radiographs, computed tomography, or positron emission
1186 tomography, and provides the professional interpretation of such
1187 services, in a fixed facility that is accredited by a national
1188 accrediting organization that is approved by the Centers for
1189 Medicare and Medicaid Services for magnetic resonance imaging
1190 and advanced diagnostic imaging services and if, in the
1191 preceding quarter, the percentage of scans performed by that
1192 clinic which was billed to motor vehicle ~~all personal injury~~
1193 ~~protection~~ insurance carriers under medical payments coverage
1194 was less than 15 percent, the chief financial officer of the
1195 clinic may, in a written acknowledgment provided to the agency,
1196 assume the responsibility for the conduct of the systematic
1197 reviews of clinic billings to ensure that the billings are not
1198 fraudulent or unlawful.

1199 Section 28. Subsection (28) of section 409.901, Florida



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1200 Statutes, is amended to read:

1201 409.901 Definitions; ss. 409.901-409.920.—As used in ss.
1202 409.901-409.920, except as otherwise specifically provided, the
1203 term:

1204 (28) "Third-party benefit" means any benefit that is or may
1205 be available at any time through contract, court award,
1206 judgment, settlement, agreement, or any arrangement between a
1207 third party and any person or entity, including, without
1208 limitation, a Medicaid recipient, a provider, another third
1209 party, an insurer, or the agency, for any Medicaid-covered
1210 injury, illness, goods, or services, including costs of medical
1211 services related thereto, for bodily ~~personal~~ injury or for
1212 death of the recipient, but specifically excluding ~~policies of~~
1213 life insurance policies on the recipient, unless available under
1214 terms of the policy to pay medical expenses before ~~prior to~~
1215 death. The term includes, without limitation, collateral, as
1216 defined in this section, health insurance, any benefit under a
1217 health maintenance organization, a preferred provider
1218 arrangement, a prepaid health clinic, liability insurance,
1219 uninsured motorist insurance, medical payments coverage ~~or~~
1220 ~~personal injury protection coverage~~, medical benefits under
1221 workers' compensation, and any obligation under law or equity to
1222 provide medical support.

1223 Section 29. Paragraph (f) of subsection (11) of section
1224 409.910, Florida Statutes, is amended to read:

1225 409.910 Responsibility for payments on behalf of Medicaid-
1226 eligible persons when other parties are liable.—

1227 (11) The agency may, as a matter of right, in order to
1228 enforce its rights under this section, institute, intervene in,



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1229 or join any legal or administrative proceeding in its own name
1230 in one or more of the following capacities: individually, as
1231 subrogee of the recipient, as assignee of the recipient, or as
1232 lienholder of the collateral.

1233 (f) Notwithstanding any provision in this section to the
1234 contrary, in the event of an action in tort against a third
1235 party in which the recipient or his or her legal representative
1236 is a party which results in a judgment, award, or settlement
1237 from a third party, the amount recovered shall be distributed as
1238 follows:

1239 1. After attorney ~~attorney's~~ fees and taxable costs as
1240 defined by the Florida Rules of Civil Procedure, one-half of the
1241 remaining recovery shall be paid to the agency up to the total
1242 amount of medical assistance provided by Medicaid.

1243 2. The remaining amount of the recovery shall be paid to
1244 the recipient.

1245 3. For purposes of calculating the agency's recovery of
1246 medical assistance benefits paid, the fee for services of an
1247 attorney retained by the recipient or his or her legal
1248 representative shall be calculated at 25 percent of the
1249 judgment, award, or settlement.

1250 4. Notwithstanding any other provision of this section to
1251 the contrary, the agency shall be entitled to all medical
1252 coverage benefits up to the total amount of medical assistance
1253 provided by Medicaid. For purposes of this paragraph, the term
1254 "medical coverage" means any benefits under health insurance, a
1255 health maintenance organization, a preferred provider
1256 arrangement, or a prepaid health clinic, and the portion of
1257 benefits designated for medical payments under ~~coverage for~~



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1258 workers' compensation coverage, motor vehicle insurance
1259 coverage, personal injury protection, and casualty coverage.

1260 Section 30. Paragraph (k) of subsection (2) of section
1261 456.057, Florida Statutes, is amended to read:

1262 456.057 Ownership and control of patient records; report or
1263 copies of records to be furnished; disclosure of information.-

1264 (2) As used in this section, the terms "records owner,"
1265 "health care practitioner," and "health care practitioner's
1266 employer" do not include any of the following persons or
1267 entities; furthermore, the following persons or entities are not
1268 authorized to acquire or own medical records, but are authorized
1269 under the confidentiality and disclosure requirements of this
1270 section to maintain those documents required by the part or
1271 chapter under which they are licensed or regulated:

1272 (k) Persons or entities practicing under s. 627.7265 ~~s.~~
1273 ~~627.736(7)~~.

1274 Section 31. Paragraphs (ee) and (ff) of subsection (1) of
1275 section 456.072, Florida Statutes, are amended to read:

1276 456.072 Grounds for discipline; penalties; enforcement.-

1277 (1) The following acts shall constitute grounds for which
1278 the disciplinary actions specified in subsection (2) may be
1279 taken:

1280 (ee) With respect to making a medical payments coverage
1281 personal injury protection claim under s. 627.7265 as required
1282 by s. 627.736, intentionally submitting a claim, statement, or
1283 bill that has been upcoded. As used in this paragraph, the term
1284 "upcoded" means an action that submits a billing code that would
1285 result in payment greater in amount than would be paid using a
1286 billing code that accurately describes the services performed.



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1287 The term does not include an otherwise lawful bill by a magnetic
1288 resonance imaging facility, which globally combines both
1289 technical and professional components, if the amount of the
1290 global bill is not more than the components if billed
1291 separately; however, payment of such a bill constitutes payment
1292 in full for all components of such service ~~“upcoded” as defined~~
1293 ~~in s. 627.732.~~

1294 (ff) With respect to making a medical payments coverage
1295 ~~personal injury protection~~ claim as required under s. 627.7265
1296 ~~by s. 627.736~~, intentionally submitting a claim, statement, or
1297 bill for payment of services that were not rendered.

1298 Section 32. Paragraphs (i) and (o) of subsection (1) of
1299 section 626.9541, Florida Statutes, are amended to read:

1300 626.9541 Unfair methods of competition and unfair or
1301 deceptive acts or practices defined.—

1302 (1) UNFAIR METHODS OF COMPETITION AND UNFAIR OR DECEPTIVE
1303 ACTS.—The following are defined as unfair methods of competition
1304 and unfair or deceptive acts or practices:

1305 (i) *Unfair claim settlement practices.*—

1306 1. Attempting to settle claims on the basis of an
1307 application, when serving as a binder or intended to become a
1308 part of the policy, or any other material document which was
1309 altered without notice to, or knowledge or consent of, the
1310 insured;

1311 2. A material misrepresentation made to an insured or any
1312 other person having an interest in the proceeds payable under
1313 such contract or policy, for the purpose and with the intent of
1314 effecting settlement of such claims, loss, or damage under such
1315 contract or policy on less favorable terms than those provided



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1316 in, and contemplated by, such contract or policy; ~~or~~
1317 3. Committing or performing with such frequency as to
1318 indicate a general business practice any of the following:
1319 a. Failing to adopt and implement standards for the proper
1320 investigation of claims;
1321 b. Misrepresenting pertinent facts or insurance policy
1322 provisions relating to coverages at issue;
1323 c. Failing to acknowledge and act promptly upon
1324 communications with respect to claims;
1325 d. Denying claims without conducting reasonable
1326 investigations based upon available information;
1327 e. Failing to affirm or deny full or partial coverage of
1328 claims, and, as to partial coverage, the dollar amount or extent
1329 of coverage, or failing to provide a written statement that the
1330 claim is being investigated, upon the written request of the
1331 insured within 30 days after proof-of-loss statements have been
1332 completed;
1333 f. Failing to promptly provide a reasonable explanation in
1334 writing to the insured of the basis in the insurance policy, in
1335 relation to the facts or applicable law, for denial of a claim
1336 or for the offer of a compromise settlement;
1337 g. Failing to promptly notify the insured of any additional
1338 information necessary for the processing of a claim; or
1339 h. Failing to clearly explain the nature of the requested
1340 information and the reasons why such information is necessary.
1341 ~~i. Failing to pay personal injury protection insurance~~
1342 ~~claims within the time periods required by s. 627.736(4) (b). The~~
1343 ~~office may order the insurer to pay restitution to a~~
1344 ~~policyholder, medical provider, or other claimant, including~~



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1345 ~~interest at a rate consistent with the amount set forth in s.~~
1346 ~~55.03(1), for the time period within which an insurer fails to~~
1347 ~~pay claims as required by law. Restitution is in addition to any~~
1348 ~~other penalties allowed by law, including, but not limited to,~~
1349 ~~the suspension of the insurer's certificate of authority.~~

1350 4. Failing to pay undisputed amounts of partial or full
1351 benefits owed under first-party property insurance policies
1352 within 90 days after an insurer receives notice of a residential
1353 property insurance claim, determines the amounts of partial or
1354 full benefits, and agrees to coverage, unless payment of the
1355 undisputed benefits is prevented by an act of God, prevented by
1356 the impossibility of performance, or due to actions by the
1357 insured or claimant that constitute fraud, lack of cooperation,
1358 or intentional misrepresentation regarding the claim for which
1359 benefits are owed.

1360 (o) *Illegal dealings in premiums; excess or reduced charges*
1361 *for insurance.-*

1362 1. Knowingly collecting any sum as a premium or charge for
1363 insurance, which is not then provided, or is not in due course
1364 to be provided, subject to acceptance of the risk by the
1365 insurer, by an insurance policy issued by an insurer as
1366 permitted by this code.

1367 2. Knowingly collecting as a premium or charge for
1368 insurance any sum in excess of or less than the premium or
1369 charge applicable to such insurance, in accordance with the
1370 applicable classifications and rates as filed with and approved
1371 by the office, and as specified in the policy; or, in cases when
1372 classifications, premiums, or rates are not required by this
1373 code to be so filed and approved, premiums and charges collected



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1374 from a Florida resident in excess of or less than those
1375 specified in the policy and as fixed by the insurer.
1376 Notwithstanding any other provision of law, this provision shall
1377 not be deemed to prohibit the charging and collection, by
1378 surplus lines agents licensed under part VIII of this chapter,
1379 of the amount of applicable state and federal taxes, or fees as
1380 authorized by s. 626.916(4), in addition to the premium required
1381 by the insurer or the charging and collection, by licensed
1382 agents, of the exact amount of any discount or other such fee
1383 charged by a credit card facility in connection with the use of
1384 a credit card, as authorized by subparagraph (q)3., in addition
1385 to the premium required by the insurer. This subparagraph shall
1386 not be construed to prohibit collection of a premium for a
1387 universal life or a variable or indeterminate value insurance
1388 policy made in accordance with the terms of the contract.

1389 3.a. Imposing or requesting an additional premium for
1390 bodily injury liability coverage, property damage liability
1391 coverage ~~a policy of motor vehicle liability, personal injury~~
1392 ~~protection,~~ medical payment coverage, or collision coverage in a
1393 motor vehicle liability insurance policy ~~insurance or any~~
1394 ~~combination thereof~~ or refusing to renew the policy solely
1395 because the insured was involved in a motor vehicle accident
1396 unless the insurer's file contains information from which the
1397 insurer in good faith determines that the insured was
1398 substantially at fault in the accident.

1399 b. An insurer which imposes and collects such a surcharge
1400 or which refuses to renew such policy shall, in conjunction with
1401 the notice of premium due or notice of nonrenewal, notify the
1402 named insured that he or she is entitled to reimbursement of



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1403 such amount or renewal of the policy under the conditions listed
1404 below and will subsequently reimburse him or her or renew the
1405 policy, if the named insured demonstrates that the operator
1406 involved in the accident was:

1407 (I) Lawfully parked;

1408 (II) Reimbursed by, or on behalf of, a person responsible
1409 for the accident or has a judgment against such person;

1410 (III) Struck in the rear by another vehicle headed in the
1411 same direction and was not convicted of a moving traffic
1412 violation in connection with the accident;

1413 (IV) Hit by a "hit-and-run" driver, if the accident was
1414 reported to the proper authorities within 24 hours after
1415 discovering the accident;

1416 (V) Not convicted of a moving traffic violation in
1417 connection with the accident, but the operator of the other
1418 automobile involved in such accident was convicted of a moving
1419 traffic violation;

1420 (VI) Finally adjudicated not to be liable by a court of
1421 competent jurisdiction;

1422 (VII) In receipt of a traffic citation which was dismissed
1423 or nolle prossed; or

1424 (VIII) Not at fault as evidenced by a written statement
1425 from the insured establishing facts demonstrating lack of fault
1426 which are not rebutted by information in the insurer's file from
1427 which the insurer in good faith determines that the insured was
1428 substantially at fault.

1429 c. In addition to the other provisions of this
1430 subparagraph, an insurer may not fail to renew a policy if the
1431 insured has had only one accident in which he or she was at



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1432 fault within the current 3-year period. However, an insurer may
1433 nonrenew a policy for reasons other than accidents in accordance
1434 with s. 627.728. This subparagraph does not prohibit nonrenewal
1435 of a policy under which the insured has had three or more
1436 accidents, regardless of fault, during the most recent 3-year
1437 period.

1438 4. Imposing or requesting an additional premium for, or
1439 refusing to renew, a policy for motor vehicle insurance solely
1440 because the insured committed a noncriminal traffic infraction
1441 as described in s. 318.14 unless the infraction is:

1442 a. A second infraction committed within an 18-month period,
1443 or a third or subsequent infraction committed within a 36-month
1444 period.

1445 b. A violation of s. 316.183, when such violation is a
1446 result of exceeding the lawful speed limit by more than 15 miles
1447 per hour.

1448 5. Upon the request of the insured, the insurer and
1449 licensed agent shall supply to the insured the complete proof of
1450 fault or other criteria which justifies the additional charge or
1451 cancellation.

1452 6. No insurer shall impose or request an additional premium
1453 for motor vehicle insurance, cancel or refuse to issue a policy,
1454 or refuse to renew a policy because the insured or the applicant
1455 is a handicapped or physically disabled person, so long as such
1456 handicap or physical disability does not substantially impair
1457 such person's mechanically assisted driving ability.

1458 7. No insurer may cancel or otherwise terminate any
1459 insurance contract or coverage, or require execution of a
1460 consent to rate endorsement, during the stated policy term for



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1461 the purpose of offering to issue, or issuing, a similar or
1462 identical contract or coverage to the same insured with the same
1463 exposure at a higher premium rate or continuing an existing
1464 contract or coverage with the same exposure at an increased
1465 premium.

1466 8. No insurer may issue a nonrenewal notice on any
1467 insurance contract or coverage, or require execution of a
1468 consent to rate endorsement, for the purpose of offering to
1469 issue, or issuing, a similar or identical contract or coverage
1470 to the same insured at a higher premium rate or continuing an
1471 existing contract or coverage at an increased premium without
1472 meeting any applicable notice requirements.

1473 9. No insurer shall, with respect to premiums charged for
1474 motor vehicle insurance, unfairly discriminate solely on the
1475 basis of age, sex, marital status, or scholastic achievement.

1476 10. Imposing or requesting an additional premium for motor
1477 vehicle comprehensive or uninsured motorist coverage solely
1478 because the insured was involved in a motor vehicle accident or
1479 was convicted of a moving traffic violation.

1480 11. No insurer shall cancel or issue a nonrenewal notice on
1481 any insurance policy or contract without complying with any
1482 applicable cancellation or nonrenewal provision required under
1483 the Florida Insurance Code.

1484 12. No insurer shall impose or request an additional
1485 premium, cancel a policy, or issue a nonrenewal notice on any
1486 insurance policy or contract because of any traffic infraction
1487 when adjudication has been withheld and no points have been
1488 assessed pursuant to s. 318.14(9) and (10). However, this
1489 subparagraph does not apply to traffic infractions involving



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1490 accidents in which the insurer has incurred a loss due to the
1491 fault of the insured.

1492 Section 33. Paragraph (a) of subsection (1) of section
1493 626.989, Florida Statutes, is amended to read:

1494 626.989 Investigation by department or Division of
1495 Investigative and Forensic Services; compliance; immunity;
1496 confidential information; reports to division; division
1497 investigator's power of arrest.—

1498 (1) For the purposes of this section:

1499 (a) A person commits a "fraudulent insurance act" if the
1500 person:

1501 1. Knowingly and with intent to defraud presents, causes to
1502 be presented, or prepares with knowledge or belief that it will
1503 be presented, to or by an insurer, self-insurer, self-insurance
1504 fund, servicing corporation, purported insurer, broker, or any
1505 agent thereof, any written statement as part of, or in support
1506 of, an application for the issuance of, or the rating of, any
1507 insurance policy, or a claim for payment or other benefit
1508 pursuant to any insurance policy, which the person knows to
1509 contain materially false information concerning any fact
1510 material thereto or if the person conceals, for the purpose of
1511 misleading another, information concerning any fact material
1512 thereto.

1513 2. Knowingly submits:

1514 a. A false, misleading, or fraudulent application or other
1515 document when applying for licensure as a health care clinic,
1516 seeking an exemption from licensure as a health care clinic, or
1517 demonstrating compliance with part X of chapter 400 with an
1518 intent to use the license, exemption from licensure, or



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1519 demonstration of compliance to provide services or seek
1520 reimbursement under a motor vehicle liability insurance policy's
1521 medical payments coverage ~~the Florida Motor Vehicle No-Fault~~
1522 ~~Law.~~

1523 b. A claim for payment or other benefit under medical
1524 payments coverage ~~pursuant to a personal injury protection~~
1525 ~~insurance policy under the Florida Motor Vehicle No-Fault Law~~ if
1526 the person knows that the payee knowingly submitted a false,
1527 misleading, or fraudulent application or other document when
1528 applying for licensure as a health care clinic, seeking an
1529 exemption from licensure as a health care clinic, or
1530 demonstrating compliance with part X of chapter 400.

1531 Section 34. Subsection (1) of section 627.06501, Florida
1532 Statutes, is amended to read:

1533 627.06501 Insurance discounts for certain persons
1534 completing driver improvement course.—

1535 (1) Any rate, rating schedule, or rating manual for the
1536 liability, medical payments ~~personal injury protection~~, and
1537 collision coverages of a motor vehicle insurance policy filed
1538 with the office may provide for an appropriate reduction in
1539 premium charges as to such coverages if ~~when~~ the principal
1540 operator on the covered vehicle has successfully completed a
1541 driver improvement course approved and certified by the
1542 Department of Highway Safety and Motor Vehicles which is
1543 effective in reducing crash or violation rates, or both, as
1544 determined pursuant to s. 318.1451(5). Any discount, not to
1545 exceed 10 percent, used by an insurer is presumed to be
1546 appropriate unless credible data demonstrates otherwise.

1547 Section 35. Subsection (1) of section 627.0652, Florida



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1548 Statutes, is amended to read:

1549 627.0652 Insurance discounts for certain persons completing
1550 safety course.—

1551 (1) Any rates, rating schedules, or rating manuals for the
1552 liability, medical payments ~~personal injury protection~~, and
1553 collision coverages of a motor vehicle insurance policy filed
1554 with the office must ~~shall~~ provide for an appropriate reduction
1555 in premium charges as to such coverages if ~~when~~ the principal
1556 operator on the covered vehicle is an insured 55 years of age or
1557 older who has successfully completed a motor vehicle accident
1558 prevention course approved by the Department of Highway Safety
1559 and Motor Vehicles. Any discount used by an insurer is presumed
1560 to be appropriate unless credible data demonstrates otherwise.

1561 Section 36. Subsections (1), (3), and (6) of section
1562 627.0653, Florida Statutes, are amended to read:

1563 627.0653 Insurance discounts for specified motor vehicle
1564 equipment.—

1565 (1) Any rates, rating schedules, or rating manuals for the
1566 liability, medical payments ~~personal injury protection~~, and
1567 collision coverages of a motor vehicle insurance policy filed
1568 with the office must ~~shall~~ provide a premium discount if the
1569 insured vehicle is equipped with factory-installed, four-wheel
1570 antilock brakes.

1571 (3) Any rates, rating schedules, or rating manuals for
1572 ~~personal injury protection coverage and medical payments~~
1573 ~~coverage, if offered,~~ of a motor vehicle insurance policy filed
1574 with the office must ~~shall~~ provide a premium discount if the
1575 insured vehicle is equipped with one or more air bags that ~~which~~
1576 are factory installed.



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1577 (6) The Office of Insurance Regulation may approve a
1578 premium discount to any rates, rating schedules, or rating
1579 manuals for the liability, medical payments ~~personal injury~~
1580 ~~protection~~, and collision coverages of a motor vehicle insurance
1581 policy filed with the office if the insured vehicle is equipped
1582 with autonomous driving technology or electronic vehicle
1583 collision avoidance technology that is factory installed or a
1584 retrofitted system and that complies with National Highway
1585 Traffic Safety Administration standards.

1586 Section 37. Section 627.4132, Florida Statutes, is amended
1587 to read:

1588 627.4132 Stacking of coverages prohibited.—If an insured or
1589 named insured is protected by any type of motor vehicle
1590 insurance policy for bodily injury and property damage
1591 ~~liability, personal injury protection, or other coverage~~, the
1592 policy must ~~shall~~ provide that the insured or named insured is
1593 protected only to the extent of the coverage she or he has on
1594 the vehicle involved in the accident. However, if none of the
1595 insured's or named insured's vehicles are ~~is~~ involved in the
1596 accident, coverage is available only to the extent of coverage
1597 on any one of the vehicles with applicable coverage. Coverage on
1598 any other vehicles may ~~shall~~ not be added to or stacked upon
1599 that coverage. This section does not apply:

1600 (1) To uninsured motorist coverage that ~~which~~ is separately
1601 governed by s. 627.727.

1602 (2) To reduce the coverage available by reason of insurance
1603 policies insuring different named insureds.

1604 Section 38. Section 627.7263, Florida Statutes, is amended
1605 to read:



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1606 627.7263 Rental and leasing driver's insurance to be
1607 primary; exception.—

1608 (1) The valid and collectible liability insurance and
1609 medical payments coverage ~~or personal injury protection~~
1610 ~~insurance providing coverage~~ for the lessor of a motor vehicle
1611 for rent or lease is primary unless otherwise stated in at least
1612 10-point type on the face of the rental or lease agreement. Such
1613 insurance is primary for the limits of liability ~~and personal~~
1614 ~~injury protection~~ coverage as required by s. 324.021(7) and
1615 medical payments coverage as required under s. 627.7265 ~~ss.~~
1616 ~~324.021(7) and 627.736.~~

1617 (2) If the lessee's coverage is to be primary, the rental
1618 or lease agreement must contain the following language, in at
1619 least 10-point type:

1620
1621 "The valid and collectible liability insurance and
1622 medical payments coverage ~~personal injury protection~~
1623 ~~insurance~~ of an ~~any~~ authorized rental or leasing
1624 driver is primary for the limits of liability ~~and~~
1625 ~~personal injury protection~~ coverage and medical
1626 payments coverage required under ss. 324.021(7) and
1627 627.7265 ~~by ss. 324.021(7) and 627.736,~~ Florida
1628 Statutes."

1629 Section 39. Section 627.7265, Florida Statutes, is created
1630 to read:

1631 627.7265 Motor vehicle insurance; medical payments
1632 coverage.—

1633 (1) MEDICAL PAYMENTS COVERAGE REQUIRED.—A motor vehicle
1634 liability insurance policy that is furnished as proof of



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1635 financial responsibility pursuant to s. 324.031 must include
1636 medical payments coverage as provided in this section. The
1637 medical payments coverage must protect the named insured,
1638 resident relatives, persons operating the insured motor vehicle,
1639 passengers in the insured motor vehicle, and persons who are
1640 struck by the insured motor vehicle and suffer bodily injury
1641 while not an occupant of a self-propelled motor vehicle, to a
1642 limit of at least \$5,000 per person for medical expense incurred
1643 due to bodily injury, sickness, or disease arising out of the
1644 ownership, maintenance, or use of a motor vehicle. The medical
1645 payments coverage must also provide each such person with a
1646 death benefit of at least \$5,000. This section may not be
1647 construed to limit any other coverage made available by an
1648 insurer. An insurer may not offer medical payments coverage with
1649 a deductible to an applicant or policyholder.

1650 (2) REQUIRED BENEFITS.—Medical payments coverage must
1651 provide coverage for all of the following if medically necessary
1652 and the individual initially receives such treatment within 14
1653 days after the motor vehicle accident:

1654 (a) Emergency transport and treatment by a provider
1655 licensed under chapter 401.

1656 (b) Emergency services and care provided by a hospital
1657 licensed under chapter 395.

1658 (c) Emergency services and care as defined in s. 395.002,
1659 provided in a facility licensed under chapter 395 and rendered
1660 by a physician or dentist, and related hospital inpatient
1661 services rendered by a physician or dentist.

1662 (d) Hospital inpatient services, other than emergency
1663 services and care.



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1664 (e) Hospital outpatient services, other than emergency
1665 services and care.

1666 (f) Physician services and care provided by a physician
1667 licensed under chapter 458 or chapter 459 or a chiropractic
1668 physician licensed under chapter 460; dental services and care
1669 provided by a dentist licensed under chapter 466; or, to the
1670 extent permitted by applicable law and under the supervision of
1671 such physician, osteopathic physician, chiropractic physician,
1672 or dentist, services and care provided by a physician assistant
1673 licensed under chapter 458 or chapter 459 or by an advanced
1674 registered nurse practitioner licensed under chapter 464.

1675 (3) AUTHORIZED EXCLUSIONS.—Notwithstanding any other
1676 requirement in this section, an insurer may exclude medical
1677 payment benefits:

1678 (a) For injury sustained by the named insured or a resident
1679 relative while occupying another motor vehicle owned by the
1680 named insured and not insured under the policy, unless such
1681 vehicle qualifies as a newly acquired vehicle or temporary
1682 substitute vehicle.

1683 (b) For injury sustained by any person operating the
1684 insured motor vehicle without the express or implied consent of
1685 the insured.

1686 (c) For any person who intentionally causes injury to
1687 himself or herself.

1688 (d) For any person injured while committing a felony.

1689 (4) PAYMENT OF BENEFITS.—

1690 (a) Benefits due from an insurer under medical payments
1691 coverage are primary to any health insurance benefit of a person
1692 injured in a motor vehicle accident and apply to any coinsurance



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1693 or deductible amount required by the injured person's health
1694 insurance policy, except that:

1695 1. Benefits received under any workers' compensation law
1696 must be credited against medical payments coverage benefits, and
1697 are due and payable as losses accrue, upon reasonable proof of
1698 such losses and the amount of expenses and losses incurred which
1699 are covered by the policy issued under this section.

1700 2. When the Agency for Health Care Administration provides,
1701 pays for, or becomes liable for medical assistance under the
1702 Medicaid program which is related to injury, sickness, disease,
1703 or death arising out of the ownership, maintenance, or use of a
1704 motor vehicle, medical payments benefits are subject to the
1705 provisions of the Medicaid program, and, within 30 days after
1706 receiving notice that the Medicaid program paid such benefits,
1707 the insurer must repay the full amount of the benefits to the
1708 Medicaid program.

1709 (b) A medical payments insurance policy may include a
1710 provision allowing subrogation for medical payments benefits
1711 paid, if the expenses giving rise to the payments were caused by
1712 wrongful act or omission of another.

1713 (c) Upon receiving notice of an accident that is
1714 potentially covered by medical payments coverage benefits, the
1715 insurer must reserve \$2,500 of medical payments coverage
1716 benefits for payment to physicians licensed under chapter 458 or
1717 chapter 459 or dentists licensed under chapter 466 who provide
1718 emergency services and care, as defined in s. 395.002, or who
1719 provide hospital inpatient care. The amount required to be held
1720 in reserve may be used only to pay claims from such physicians
1721 or dentists until 30 days after the date the insurer receives



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1722 notice of the accident. After the 30-day period, any amount of
1723 the reserve for which the insurer has not received notice of
1724 such claims may be used by the insurer to pay other claims. This
1725 paragraph does not require an insurer to establish a claim
1726 reserve for insurance accounting purposes.

1727 (5) CHARGES FOR CARE OF INJURED PERSONS.—

1728 (a) A physician, hospital, clinic, or other person or
1729 institution lawfully providing medical care to an injured person
1730 for a bodily injury covered by medical payments coverage may
1731 charge the insurer and injured party only a reasonable amount
1732 pursuant to this section. However, such charges may not exceed
1733 the amount the person or institution customarily charges for
1734 like medical care. In determining whether a charge for a
1735 particular service, treatment, supply, or prescription is
1736 reasonable, consideration may be given to evidence of usual and
1737 customary charges and payments accepted by the provider involved
1738 in the dispute; reimbursement levels in the community and
1739 various federal and state medical fee schedules applicable to
1740 motor vehicle and other insurance coverages; and other
1741 information relevant to the reasonableness of the reimbursement
1742 for the service, treatment, supply, or prescription.

1743 1. The insurer may limit reimbursement to the following
1744 schedule of maximum charges:

1745 a. For emergency transport and treatment by providers
1746 licensed under chapter 401, 200 percent of Medicare.

1747 b. For emergency services and care provided by a hospital
1748 licensed under chapter 395, 75 percent of the hospital's usual
1749 and customary charges.

1750 c. For emergency services and care, as defined in s.



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1751 395.002, provided in a facility licensed under chapter 395 and
1752 rendered by a physician or dentist, and related hospital
1753 inpatient services rendered by a physician or dentist, the usual
1754 and customary charges in the community.

1755 d. For hospital inpatient services other than emergency
1756 services and care, 200 percent of the Medicare Part A
1757 prospective payment applicable to the specific hospital
1758 providing the inpatient services.

1759 e. For hospital outpatient services other than emergency
1760 services and care, 200 percent of the Medicare Part A Ambulatory
1761 Payment Classification for the specific hospital providing the
1762 outpatient services.

1763 f. For all other medical services, supplies, and care, 200
1764 percent of the allowable amount under:

1765 (I) The participating physician fee schedule of Medicare
1766 Part B, except as provided in sub-sub-subparagraphs (II) and
1767 (III).

1768 (II) Medicare Part B, in the case of services, supplies,
1769 and care provided by ambulatory surgical centers and clinical
1770 laboratories.

1771 (III) The Durable Medical Equipment Prosthetics/Orthotics
1772 and Supplies fee schedule of Medicare Part B, in the case of
1773 durable medical equipment.

1774
1775 However, if such services, supplies, or care is not reimbursable
1776 under Medicare Part B as provided in this sub-subparagraph, the
1777 insurer may limit reimbursement to 80 percent of the maximum
1778 reimbursable allowance under workers' compensation. Services,
1779 supplies, or care that is not reimbursable under Medicare or



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1780 workers' compensation is not required to be reimbursed by the
1781 insurer.

1782 2. For purposes of subparagraph 1., the applicable fee
1783 schedule or payment limitation under Medicare is the fee
1784 schedule or payment limitation in effect on March 1 of the
1785 service year in which the services, supplies, or care is
1786 rendered and for the area in which the services, supplies, or
1787 care is rendered. The applicable fee schedule or payment
1788 limitation applies to services, supplies, or care rendered
1789 during that service year notwithstanding any subsequent change
1790 made to the fee schedule or payment limitation; however, it may
1791 not be less than the allowable amount under the applicable
1792 schedule of Medicare Part B for 2007 for medical services,
1793 supplies, and care subject to Medicare Part B. For purposes of
1794 this subparagraph, the term "service year" means the period from
1795 March 1 through the end of February of the following year.

1796 3. For purposes of subparagraph 1., the applicable fee
1797 schedule or payment limitation under workers' compensation is
1798 determined under s. 440.13 and rules adopted thereunder which
1799 are in effect at the time such services, supplies, or care is
1800 provided.

1801 4. Subparagraph 1. does not authorize the insurer to apply
1802 any limitation on the number of treatments or other utilization
1803 limits that apply under Medicare or workers' compensation. An
1804 insurer that applies the allowable payment limitations of
1805 subparagraph 1. must reimburse a provider who lawfully provided
1806 medical care under the scope of his or her license, regardless
1807 of whether the provider is entitled to reimbursement under
1808 Medicare or workers' compensation due to restrictions or



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1809 limitations on the types or discipline of health care providers
1810 who may be reimbursed for particular procedures or procedure
1811 codes. However, subparagraph 1. does not prohibit an insurer
1812 from using the Medicare coding policies and payment
1813 methodologies of the federal Centers for Medicare and Medicaid
1814 Services, including applicable modifiers, to determine the
1815 appropriate amount of reimbursement for medical services,
1816 supplies, or care, if the coding policy or payment methodology
1817 does not constitute a utilization limit.

1818 5. If an insurer limits payment as authorized by
1819 subparagraph 1., the person providing such medical care may not
1820 bill or attempt to collect from the insured any amount in excess
1821 of such limits, except for amounts that are not covered by the
1822 insured's medical payments benefits due to the maximum policy
1823 limits.

1824 6. An insurer may limit payment as authorized by this
1825 paragraph only if the insurance policy includes a notice at the
1826 time of issuance or renewal that the insurer may limit payment
1827 pursuant to the schedule of charges specified in this paragraph.
1828 A policy form approved by the office satisfies this requirement.
1829 If a provider submits a charge for an amount less than the
1830 amount allowed under subparagraph 1., the insurer may pay the
1831 amount of the charge submitted.

1832 (b)1. An insurer or insured is not required to pay a claim
1833 or charges:

1834 a. For any service or treatment that was not lawful at the
1835 time rendered;

1836 b. To any person who knowingly submits a false or
1837 misleading statement relating to the claim or charges; or



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1838 c. For any treatment or service that is upcoded or that is
1839 unbundled when the treatment or services should be bundled. To
1840 facilitate prompt payment of lawful services, an insurer may
1841 change codes that it determines have been improperly or
1842 incorrectly upcoded or unbundled and may make payment based on
1843 the changed codes, without affecting the right of the provider
1844 to dispute the change by the insurer, if, before doing so, the
1845 insurer contacts the health care provider and discusses the
1846 reasons for the insurer's change and the health care provider's
1847 reason for the coding, or makes a reasonable good faith effort
1848 to do so, as documented in the insurer's file.

1849 2. The Department of Health, in consultation with the
1850 appropriate professional licensing boards, shall adopt by rule a
1851 list of diagnostic tests deemed not to be medically necessary
1852 for use in the treatment of persons sustaining bodily injury
1853 covered by medical payments benefits under this section. The
1854 list must be revised from time to time as determined by the
1855 Department of Health in consultation with the respective
1856 professional licensing boards. Inclusion of a test on the list
1857 must be based on a lack of demonstrated medical value and a
1858 level of general acceptance by the relevant provider community
1859 and may not be dependent on results based entirely upon
1860 subjective patient response. Notwithstanding its inclusion on a
1861 fee schedule in this subsection, an insurer or insured is not
1862 required to pay any charges or reimburse claims for an invalid
1863 diagnostic test as determined by the Department of Health.

1864 (c) With respect to any medical care other than medical
1865 services billed by a hospital or other provider for emergency
1866 services and care, as defined in s. 395.002, or inpatient



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1867 services rendered at a hospital-owned facility, the statement of
1868 charges must be furnished to the insurer by the provider.

1869 (d) All statements and bills for medical services rendered
1870 by a physician, hospital, clinic, or other person or institution
1871 must be submitted to the insurer on a properly completed Centers
1872 for Medicare and Medicaid Services Form CMS-1500, a UB-92 form,
1873 or any other standard form approved by the office and adopted by
1874 the commission for purposes of this paragraph. All billings for
1875 such services rendered by providers must, to the extent
1876 applicable, comply with the Form CMS-1500 instructions, the
1877 codes established by the American Medical Association's Current
1878 Procedural Terminology Editorial Panel, and the Healthcare
1879 Common Procedure Coding System (HCPCS) and must follow the
1880 Physicians' Current Procedural Terminology (CPT), the HCPCS in
1881 effect for the year in which services are rendered, and the
1882 International Classification of Diseases adopted by the United
1883 States Department of Health and Human Services in effect for the
1884 year in which services are rendered. The guidance for
1885 determining compliance with applicable CPT and HCPCS coding must
1886 be provided by the CPT or the HCPCS in effect for the year in
1887 which services were rendered, the Office of the Inspector
1888 General, Physicians Compliance Guidelines, and other
1889 authoritative treatises designated by rule by the Agency for
1890 Health Care Administration. A statement of medical services may
1891 not include charges for medical services of a person or entity
1892 that performed such services without possessing the valid
1893 licenses required to perform such services.

1894 (6) CIVIL ACTION FOR INSURANCE FRAUD.—An insurer has a
1895 cause of action against any person convicted of, or who,



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1896 regardless of adjudication of guilt, pleads guilty or nolo
1897 contendere to, insurance fraud under s. 817.234, patient
1898 brokering under s. 817.505, or kickbacks under s. 456.054,
1899 associated with a claim for medical payments coverage benefits
1900 in accordance with this section. An insurer prevailing in an
1901 action brought under this subsection may recover compensatory,
1902 consequential, and punitive damages subject to the requirements
1903 and limitations of part II of chapter 768 and attorney fees and
1904 costs incurred in litigating a cause of action against any
1905 person convicted of, or who, regardless of adjudication of
1906 guilt, pleads guilty or nolo contendere to, insurance fraud
1907 under s. 817.234, patient brokering under s. 817.505, or
1908 kickbacks under s. 456.054, associated with a claim for medical
1909 payments coverage benefits in accordance with this section.

1910 (7) FRAUD ADVISORY NOTICE.—Upon receiving notice of a claim
1911 under this section, an insurer shall provide a notice to the
1912 insured or to a person for whom a claim for reimbursement for
1913 diagnosis or treatment of injuries has been filed, advising
1914 that:

1915 (a) Pursuant to s. 626.9892, the department may pay rewards
1916 of up to \$25,000 to persons who provide information leading to
1917 the arrest and conviction of persons committing crimes
1918 investigated by the Division of Investigative and Forensic
1919 Services arising from violations of s. 440.105, s. 624.15, s.
1920 626.9541, s. 626.989, or s. 817.234.

1921 (b) Solicitation of a person injured in a motor vehicle
1922 crash for purposes of filing medical payments coverage or tort
1923 claims could be a violation of s. 817.234, s. 817.505, or the
1924 rules regulating The Florida Bar and should be immediately



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1925 reported to the Division of Investigative and Forensic Services
1926 if such conduct has taken place.

1927 (8) NONREIMBURSABLE CLAIMS.—Claims generated as a result of
1928 activities that are unlawful pursuant to s. 817.505 are not
1929 reimbursable.

1930 (9) SECURE ELECTRONIC DATA TRANSFER.—A notice,
1931 documentation, transmission, or communication of any kind
1932 required or authorized under this section may be transmitted
1933 electronically if it is transmitted by secure electronic data
1934 transfer that is consistent with state and federal privacy and
1935 security laws.

1936 Section 40. Subsections (1) and (7) of section 627.727,
1937 Florida Statutes, are amended, and present subsections (8), (9),
1938 and (10) of that section are redesignated as subsections (7),
1939 (8), and (9), respectively, to read:

1940 627.727 Motor vehicle insurance; uninsured and underinsured
1941 vehicle coverage; insolvent insurer protection.—

1942 (1) A ~~No~~ motor vehicle liability insurance policy that
1943 ~~which~~ provides bodily injury liability coverage may not shall be
1944 delivered or issued for delivery in this state with respect to
1945 any specifically insured or identified motor vehicle registered
1946 or principally garaged in this state, unless uninsured motor
1947 vehicle coverage is provided therein or supplemental thereto for
1948 the protection of persons insured thereunder who are legally
1949 entitled to recover damages from owners or operators of
1950 uninsured motor vehicles because of bodily injury, sickness, or
1951 disease, including death, resulting therefrom. However, the
1952 coverage required under this section is not applicable if when,
1953 or to the extent that, an insured named in the policy makes a



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1954 written rejection of the coverage on behalf of all insureds
1955 under the policy. If ~~When~~ a motor vehicle is leased for a ~~period~~
1956 ~~of~~ 1 year or longer and the lessor of such vehicle, by the terms
1957 of the lease contract, provides liability coverage on the leased
1958 vehicle, the lessee of such vehicle has ~~shall have~~ the sole
1959 privilege to reject uninsured motorist coverage or to select
1960 lower limits than the bodily injury liability limits, regardless
1961 of whether the lessor is qualified as a self-insurer pursuant to
1962 s. 324.171. Unless an insured, or lessee having the privilege of
1963 rejecting uninsured motorist coverage, requests such coverage or
1964 requests higher uninsured motorist limits in writing, the
1965 coverage or such higher uninsured motorist limits need not be
1966 provided in or supplemental to any other policy which renews,
1967 extends, changes, supersedes, or replaces an existing policy
1968 with the same bodily injury liability limits when an insured or
1969 lessee had rejected the coverage. When an insured or lessee has
1970 initially selected limits of uninsured motorist coverage lower
1971 than her or his bodily injury liability limits, higher limits of
1972 uninsured motorist coverage need not be provided in or
1973 supplemental to any other policy that ~~which~~ renews, extends,
1974 changes, supersedes, or replaces an existing policy with the
1975 same bodily injury liability limits unless an insured requests
1976 higher uninsured motorist coverage in writing. The rejection or
1977 selection of lower limits must ~~shall~~ be made on a form approved
1978 by the office. The form must ~~shall~~ fully advise the applicant of
1979 the nature of the coverage and must ~~shall~~ state that the
1980 coverage is equal to bodily injury liability limits unless lower
1981 limits are requested or the coverage is rejected. The heading of
1982 the form must ~~shall~~ be in 12-point bold type and must ~~shall~~



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1983 state: "You are electing not to purchase certain valuable
1984 coverage that ~~which~~ protects you and your family or you are
1985 purchasing uninsured motorist limits less than your bodily
1986 injury liability limits when you sign this form. Please read
1987 carefully." If this form is signed by a named insured, it will
1988 be conclusively presumed that there was an informed, knowing
1989 rejection of coverage or election of lower limits on behalf of
1990 all insureds. The insurer shall notify the named insured at
1991 least annually of her or his options as to the coverage required
1992 by this section. Such notice must ~~shall~~ be part of, and attached
1993 to, the notice of premium, must ~~shall~~ provide for a means to
1994 allow the insured to request such coverage, and must ~~shall~~ be
1995 given in a manner approved by the office. Receipt of this notice
1996 does not constitute an affirmative waiver of the insured's right
1997 to uninsured motorist coverage if ~~where~~ the insured has not
1998 signed a selection or rejection form. The coverage described
1999 under this section must ~~shall~~ be over and above, but may ~~shall~~
2000 not duplicate, the benefits available to an insured under any
2001 workers' compensation law, ~~personal injury protection benefits,~~
2002 disability benefits law, or similar law; under any automobile
2003 medical payments ~~expense~~ coverage; under any motor vehicle
2004 liability insurance coverage; or from the owner or operator of
2005 the uninsured motor vehicle or any other person or organization
2006 jointly or severally liable together with such owner or operator
2007 for the accident; and such coverage must ~~shall~~ cover the
2008 difference, if any, between the sum of such benefits and the
2009 damages sustained, up to the maximum amount of such coverage
2010 provided under this section. The amount of coverage available
2011 under this section may ~~shall~~ not be reduced by a setoff against



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2012 any coverage, including liability insurance. Such coverage does
2013 ~~shall~~ not inure directly or indirectly to the benefit of any
2014 workers' compensation or disability benefits carrier or any
2015 person or organization qualifying as a self-insurer under any
2016 workers' compensation or disability benefits law or similar law.

2017 ~~(7) The legal liability of an uninsured motorist coverage~~
2018 ~~insurer does not include damages in tort for pain, suffering,~~
2019 ~~mental anguish, and inconvenience unless the injury or disease~~
2020 ~~is described in one or more of paragraphs (a)-(d) of s.~~
2021 ~~627.737(2).~~

2022 Section 41. Subsection (1) and paragraphs (a) and (b) of
2023 subsection (2) of section 627.7275, Florida Statutes, are
2024 amended to read:

2025 627.7275 Motor vehicle liability.—

2026 (1) A motor vehicle insurance policy ~~providing personal~~
2027 ~~injury protection as set forth in s. 627.736~~ may not be
2028 delivered or issued for delivery in this state for a with
2029 ~~respect to any~~ specifically insured or identified motor vehicle
2030 registered or principally garaged in this state must provide
2031 bodily injury liability coverage and unless the policy also
2032 ~~provides coverage for~~ property damage liability coverage as
2033 required under by s. 324.022, and medical payments coverage as
2034 required under s. 627.7265.

2035 (2) (a) Insurers writing motor vehicle insurance in this
2036 state shall make available, subject to the insurers' usual
2037 underwriting restrictions:

2038 1. Coverage under policies as described in subsection (1)
2039 to an applicant for private passenger motor vehicle insurance
2040 coverage who is seeking the coverage in order to reinstate the



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2041 applicant's driving privileges in this state if the driving
2042 privileges were revoked or suspended pursuant to s. 316.646 or
2043 s. 324.0221 due to the failure of the applicant to maintain
2044 required security.

2045 2. Coverage under policies as described in subsection (1),
2046 which includes bodily injury ~~also provides~~ liability coverage
2047 and property damage liability coverage for bodily injury, death,
2048 ~~and property damage arising out of the ownership, maintenance,~~
2049 ~~or use of the motor vehicle~~ in an amount not less than the
2050 minimum limits required under ~~described in~~ s. 324.021(7) or s.
2051 324.023 and which conforms to the requirements of s. 324.151, to
2052 an applicant for private passenger motor vehicle insurance
2053 coverage who is seeking the coverage in order to reinstate the
2054 applicant's driving privileges in this state after such
2055 privileges were revoked or suspended under s. 316.193 or s.
2056 322.26(2) for driving under the influence.

2057 (b) The policies described in paragraph (a) must ~~shall~~ be
2058 issued for at least 6 months and, as to the minimum coverages
2059 required under this section, may not be canceled by the insured
2060 for any reason or by the insurer after 60 days, during which
2061 period the insurer is completing the underwriting of the policy.
2062 After the insurer has completed underwriting the policy, the
2063 insurer shall notify the Department of Highway Safety and Motor
2064 Vehicles that the policy is in full force and effect and is not
2065 cancelable for the remainder of the policy period. A premium
2066 must ~~shall~~ be collected and the coverage is in effect for the
2067 60-day period during which the insurer is completing the
2068 underwriting of the policy, whether or not the person's driver
2069 license, motor vehicle tag, and motor vehicle registration are



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2070 in effect. Once the noncancelable provisions of the policy
2071 become effective, the bodily injury liability and property
2072 damage liability coverages ~~for bodily injury, property damage,~~
2073 ~~and personal injury protection~~ may not be reduced below the
2074 minimum limits required under s. 324.021 or s. 324.023 during
2075 the policy period, and the medical payments coverage may not be
2076 reduced below the minimum limit required under s. 627.7265.

2077 Section 42. Paragraph (a) of subsection (1) of section
2078 627.728, Florida Statutes, is amended to read:

2079 627.728 Cancellations; nonrenewals.—

2080 (1) As used in this section, the term:

2081 (a) "Policy" means the bodily injury and property damage
2082 liability, ~~personal injury protection~~, medical payments,
2083 comprehensive, collision, and uninsured motorist coverage
2084 portions of a policy of motor vehicle insurance delivered or
2085 issued for delivery in this state:

2086 1. Insuring a natural person as named insured or one or
2087 more related individuals who are residents ~~resident~~ of the same
2088 household; and

2089 2. Insuring only a motor vehicle of the private passenger
2090 type or station wagon type which is not used as a public or
2091 livery conveyance for passengers or rented to others; or
2092 insuring any other four-wheel motor vehicle having a load
2093 capacity of 1,500 pounds or less which is not used in the
2094 occupation, profession, or business of the insured other than
2095 farming; other than any policy issued under an automobile
2096 insurance assigned risk plan or covering garage, automobile
2097 sales agency, repair shop, service station, or public parking
2098 place operation hazards.



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2099
2100 The term "policy" does not include a binder as defined in s.
2101 627.420 unless the duration of the binder period exceeds 60
2102 days.

2103 Section 43. Subsection (1), paragraph (a) of subsection
2104 (5), and subsections (6) and (7) of section 627.7295, Florida
2105 Statutes, are amended to read:

2106 627.7295 Motor vehicle insurance contracts.—

2107 (1) As used in this section, the term:

2108 (a) "Policy" means a motor vehicle insurance policy that
2109 provides bodily injury liability ~~personal injury protection~~
2110 coverage, property damage liability coverage, and medical
2111 payments coverage ~~or both~~.

2112 (b) "Binder" means a binder that provides motor vehicle
2113 bodily injury liability coverage, ~~personal injury protection and~~
2114 property damage liability coverage, and medical payments
2115 coverage.

2116 (5) (a) A licensed general lines agent may charge a per-
2117 policy fee up to not to exceed \$10 to cover the administrative
2118 costs of the agent associated with selling the motor vehicle
2119 insurance policy if the policy covers only bodily injury
2120 liability coverage, ~~personal injury protection coverage as~~
2121 ~~provided by s. 627.736 and~~ property damage liability coverage,
2122 and medical payments coverage as provided by s. 627.7275 and if
2123 no other insurance is sold or issued in conjunction with or
2124 collateral to the policy. The fee is not ~~considered~~ part of the
2125 premium.

2126 (6) If a motor vehicle owner's driver license, license
2127 plate, and registration have previously been suspended pursuant



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2128 to s. 316.646 ~~or s. 627.733~~, an insurer may cancel a new policy
2129 only as provided in s. 627.7275.

2130 (7) A policy of private passenger motor vehicle insurance
2131 or a binder for such a policy may be initially issued in this
2132 state only if, before the effective date of such binder or
2133 policy, the insurer or agent has collected ~~from the insured an~~
2134 ~~amount equal to 2 months' premium~~ from the insured. An insurer,
2135 agent, or premium finance company may not, directly or
2136 indirectly, take any action that results ~~resulting~~ in the
2137 insured paying ~~having paid~~ from the insured's own funds an
2138 amount less than the 2 months' premium required by this
2139 subsection. This subsection applies without regard to whether
2140 the premium is financed by a premium finance company or is paid
2141 pursuant to a periodic payment plan of an insurer or an
2142 insurance agent.

2143 (a) This subsection does not apply:

2144 1. If an insured or member of the insured's family is
2145 renewing or replacing a policy or a binder for such policy
2146 written by the same insurer or a member of the same insurer
2147 group. ~~This subsection does not apply~~

2148 2. To an insurer that issues private passenger motor
2149 vehicle coverage primarily to active duty or former military
2150 personnel or their dependents. ~~This subsection does not apply~~

2151 3. If all policy payments are paid pursuant to a payroll
2152 deduction plan, an automatic electronic funds transfer payment
2153 plan from the policyholder, or a recurring credit card or debit
2154 card agreement with the insurer.

2155 (b) This subsection and subsection (4) do not apply if:

2156 1. All policy payments to an insurer are paid pursuant to



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2157 an automatic electronic funds transfer payment plan from an
2158 agent, a managing general agent, or a premium finance company
2159 and if the policy includes, at a minimum, bodily injury
2160 liability coverage, ~~personal injury protection pursuant to ss.~~
2161 ~~627.730-627.7405; motor vehicle property damage liability~~
2162 coverage, and medical payments coverage pursuant to s. 627.7275;
2163 or and bodily injury liability in at least the amount of \$10,000
2164 ~~because of bodily injury to, or death of, one person in any one~~
2165 ~~accident and in the amount of \$20,000 because of bodily injury~~
2166 ~~to, or death of, two or more persons in any one accident. This~~
2167 ~~subsection and subsection (4) do not apply if~~

2168 2. An insured has had a policy in effect for at least 6
2169 months, the insured's agent is terminated by the insurer that
2170 issued the policy, and the insured obtains coverage on the
2171 policy's renewal date with a new company through the terminated
2172 agent.

2173 Section 44. Subsections (1) and (2) of section 627.7415,
2174 Florida Statutes, are amended to read:

2175 627.7415 Commercial motor vehicles; additional liability
2176 insurance coverage.—Commercial motor vehicles, as defined in s.
2177 207.002 or s. 320.01, operated upon the roads and highways of
2178 this state shall be insured with the ~~following~~ minimum levels of
2179 combined bodily liability insurance and property damage
2180 liability insurance under subsections (1) and (2) in addition to
2181 any other insurance requirements. ÷

2182 (1) ~~Fifty thousand dollars per occurrence~~ For a commercial
2183 motor vehicle with a gross vehicle weight of 26,000 pounds or
2184 more, but less than 35,000 pounds:

2185 (a) Beginning January 1, 2019, through December 31, 2020,



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2186 no less than \$50,000 per occurrence.

2187 (b) Beginning January 1, 2021, and thereafter, no less than
2188 \$60,000 per occurrence.

2189 ~~(2) One hundred thousand dollars per occurrence~~ For a
2190 commercial motor vehicle with a gross vehicle weight of 35,000
2191 pounds or more, but less than 44,000 pounds:

2192 (a) Beginning January 1, 2019, through December 31, 2020,
2193 no less than \$100,000 per occurrence.

2194 (b) Beginning January 1, 2021, and thereafter, no less than
2195 \$120,000 per occurrence.

2196

2197 A violation of this section is a noncriminal traffic infraction,
2198 punishable as a nonmoving violation as provided in chapter 318.

2199 Section 45. Section 627.8405, Florida Statutes, is amended
2200 to read:

2201 627.8405 Prohibited acts; financing companies.—~~A~~ ~~no~~ premium
2202 finance company ~~shall~~, in a premium finance agreement or other
2203 agreement, may not finance the cost of or otherwise provide for
2204 the collection or remittance of dues, assessments, fees, or
2205 other periodic payments of money for the cost of:

2206 (1) A membership in an automobile club. The term
2207 "automobile club" means a legal entity that ~~which~~, in
2208 consideration of dues, assessments, or periodic payments of
2209 money, promises its members or subscribers to assist them in
2210 matters relating to the ownership, operation, use, or
2211 maintenance of a motor vehicle; however, the term ~~this~~
2212 ~~definition of "automobile club"~~ does not include persons,
2213 associations, or corporations ~~which are~~ organized and operated
2214 solely for the purpose of conducting, sponsoring, or sanctioning



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2215 motor vehicle races, exhibitions, or contests upon racetracks,
2216 or upon racecourses established and marked as such for the
2217 duration of such particular events. The term ~~words~~ "motor
2218 vehicle" used herein has ~~have~~ the same meaning as defined in
2219 chapter 320.

2220 (2) An accidental death and dismemberment policy sold in
2221 combination with a policy providing only medical payments
2222 coverage, bodily injury liability coverage, ~~personal injury~~
2223 protection and property damage liability coverage ~~only policy~~.

2224 (3) Any product not regulated under ~~the provisions of this~~
2225 insurance code.

2226
2227 This section also applies to premium financing by any insurance
2228 agent or insurance company under part XVI. The commission shall
2229 adopt rules to assure disclosure, at the time of sale, of
2230 coverages financed ~~with personal injury protection~~ and shall
2231 prescribe the form of such disclosure.

2232 Section 46. Subsection (1) of section 627.915, Florida
2233 Statutes, is amended to read:

2234 627.915 Insurer experience reporting.—

2235 (1) Each insurer transacting private passenger automobile
2236 insurance in this state shall report certain information
2237 annually to the office. The information will be due on or before
2238 July 1 of each year. The information must ~~shall~~ be divided into
2239 the following categories: bodily injury liability; property
2240 damage liability; uninsured motorist; ~~personal injury protection~~
2241 ~~benefits~~; medical payments; and comprehensive and collision. The
2242 information given must ~~shall~~ be on direct insurance writings in
2243 the state alone and ~~shall~~ represent total limits data. The



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2244 information set forth in paragraphs (a)-(f) is applicable to
2245 voluntary private passenger and Joint Underwriting Association
2246 private passenger writings and must ~~shall~~ be reported for each
2247 of the latest 3 calendar-accident years, with an evaluation date
2248 of March 31 of the current year. The information set forth in
2249 paragraphs (g)-(j) is applicable to voluntary private passenger
2250 writings and must ~~shall~~ be reported on a calendar-accident year
2251 basis ultimately seven times at seven different stages of
2252 development.

2253 (a) Premiums earned for the latest 3 calendar-accident
2254 years.

2255 (b) Loss development factors and the historic development
2256 of those factors.

2257 (c) Policyholder dividends incurred.

2258 (d) Expenses for other acquisition and general expense.

2259 (e) Expenses for agents' commissions and taxes, licenses,
2260 and fees.

2261 (f) Profit and contingency factors as utilized in the
2262 insurer's automobile rate filings for the applicable years.

2263 (g) Losses paid.

2264 (h) Losses unpaid.

2265 (i) Loss adjustment expenses paid.

2266 (j) Loss adjustment expenses unpaid.

2267 Section 47. Subsections (2) and (3) of section 628.909,
2268 Florida Statutes, are amended to read:

2269 628.909 Applicability of other laws.—

2270 (2) The following provisions of the Florida Insurance Code
2271 apply to captive insurance companies who are not industrial
2272 insured captive insurance companies to the extent that such



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2273 provisions are not inconsistent with this part:

2274 (a) Chapter 624, except for ss. 624.407, 624.408, 624.4085,
2275 624.40851, 624.4095, 624.411, 624.425, and 624.426.

2276 (b) Chapter 625, part II.

2277 (c) Chapter 626, part IX.

2278 (d) ~~Sections 627.730-627.7405, when no-fault coverage is~~
2279 ~~provided.~~

2280 ~~(e) Chapter 628.~~

2281 (3) The following provisions of the Florida Insurance Code
2282 shall apply to industrial insured captive insurance companies to
2283 the extent that such provisions are not inconsistent with this
2284 part:

2285 (a) Chapter 624, except for ss. 624.407, 624.408, 624.4085,
2286 624.40851, 624.4095, 624.411, 624.425, 624.426, and 624.609(1).

2287 (b) Chapter 625, part II, if the industrial insured captive
2288 insurance company is incorporated in this state.

2289 (c) Chapter 626, part IX.

2290 (d) ~~Sections 627.730-627.7405 when no-fault coverage is~~
2291 ~~provided.~~

2292 ~~(e) Chapter 628, except for ss. 628.341, 628.351, and~~
2293 ~~628.6018.~~

2294 Section 48. Subsections (2), (6), and (7) of section
2295 705.184, Florida Statutes, are amended to read:

2296 705.184 Derelict or abandoned motor vehicles on the
2297 premises of public-use airports.-

2298 (2) The airport director or the director's designee shall
2299 contact the Department of Highway Safety and Motor Vehicles to
2300 notify that department that the airport has possession of the
2301 abandoned or derelict motor vehicle and to determine the name



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2302 and address of the owner of the motor vehicle, the insurance
2303 company insuring the motor vehicle, ~~notwithstanding the~~
2304 ~~provisions of s. 627.736,~~ and any person who has filed a lien on
2305 the motor vehicle. Within 7 business days after receipt of the
2306 information, the director or the director's designee shall send
2307 notice by certified mail, return receipt requested, to the owner
2308 of the motor vehicle, the insurance company insuring the motor
2309 vehicle, ~~notwithstanding the provisions of s. 627.736,~~ and all
2310 persons of record claiming a lien against the motor vehicle. The
2311 notice must ~~shall~~ state the fact of possession of the motor
2312 vehicle, that charges for reasonable towing, storage, and
2313 parking fees, if any, have accrued and the amount thereof, that
2314 a lien as provided in subsection (6) will be claimed, that the
2315 lien is subject to enforcement pursuant to law, that the owner
2316 or lienholder, if any, has the right to a hearing as set forth
2317 in subsection (4), and that any motor vehicle which, at the end
2318 of 30 calendar days after receipt of the notice, has not been
2319 removed from the airport upon payment in full of all accrued
2320 charges for reasonable towing, storage, and parking fees, if
2321 any, may be disposed of as provided in s. 705.182(2)(a), (b),
2322 (d), or (e), including, but not limited to, the motor vehicle
2323 being sold free of all prior liens after 35 calendar days after
2324 the time the motor vehicle is stored if any prior liens on the
2325 motor vehicle are more than 5 years of age or after 50 calendar
2326 days after the time the motor vehicle is stored if any prior
2327 liens on the motor vehicle are 5 years of age or less.

2328 (6) The airport pursuant to this section or, if used, a
2329 licensed independent wrecker company pursuant to s. 713.78 shall
2330 have a lien on an abandoned or derelict motor vehicle for all



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2331 reasonable towing, storage, and accrued parking fees, if any,
2332 except that no storage fee may ~~shall~~ be charged if the motor
2333 vehicle is stored less than 6 hours. As a prerequisite to
2334 perfecting a lien under this section, the airport director or
2335 the director's designee must serve a notice in accordance with
2336 subsection (2) on the owner of the motor vehicle, the insurance
2337 company insuring the motor vehicle, ~~notwithstanding the~~
2338 ~~provisions of s. 627.736,~~ and all persons of record claiming a
2339 lien against the motor vehicle. If attempts to notify the owner,
2340 the insurance company insuring the motor vehicle,
2341 ~~notwithstanding the provisions of s. 627.736,~~ or lienholders are
2342 not successful, the requirement of notice by mail shall be
2343 considered met. Serving of the notice does not dispense with
2344 recording the claim of lien.

2345 (7) (a) For the purpose of perfecting its lien under this
2346 section, the airport shall record a claim of lien which states
2347 ~~shall state:~~

2348 1. The name and address of the airport.

2349 2. The name of the owner of the motor vehicle, the
2350 insurance company insuring the motor vehicle, ~~notwithstanding~~
2351 ~~the provisions of s. 627.736,~~ and all persons of record claiming
2352 a lien against the motor vehicle.

2353 3. The costs incurred from reasonable towing, storage, and
2354 parking fees, if any.

2355 4. A description of the motor vehicle sufficient for
2356 identification.

2357 (b) The claim of lien must ~~shall~~ be signed and sworn to or
2358 affirmed by the airport director or the director's designee.

2359 (c) The claim of lien is ~~shall be~~ sufficient if it is in



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2360 substantially the following form:

2361

2362 CLAIM OF LIEN

2363 State of

2364 County of

2365 Before me, the undersigned notary public, personally appeared

2366, who was duly sworn and says that he/she is the

2367 of, whose address is.....; and that the

2368 following described motor vehicle:

2369 ...(Description of motor vehicle)...

2370 owned by, whose address is, has accrued

2371 \$..... in fees for a reasonable tow, for storage, and for

2372 parking, if applicable; that the lienor served its notice to the

2373 owner, the insurance company insuring the motor vehicle

2374 ~~notwithstanding the provisions of s. 627.736, Florida Statutes,~~

2375 and all persons of record claiming a lien against the motor

2376 vehicle on, ...(year)...., by.....

2377 ...(Signature)...

2378 Sworn to (or affirmed) and subscribed before me this day of

2379, ...(year)...., by ...(name of person making statement)....

2380 ...(Signature of Notary Public).....(Print, Type, or Stamp

2381 Commissioned name of Notary Public)...

2382 Personally Known...OR Produced...as identification.

2383

2384 However, the negligent inclusion or omission of any information

2385 in this claim of lien which does not prejudice the owner does

2386 not constitute a default that operates to defeat an otherwise

2387 valid lien.

2388 (d) The claim of lien must ~~shall~~ be served on the owner of



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2389 the motor vehicle, the insurance company insuring the motor
2390 vehicle, ~~notwithstanding the provisions of s. 627.736,~~ and all
2391 persons of record claiming a lien against the motor vehicle. If
2392 attempts to notify the owner, the insurance company insuring the
2393 motor vehicle ~~notwithstanding the provisions of s. 627.736,~~ or
2394 lienholders are not successful, the requirement of notice by
2395 mail shall be considered met. The claim of lien must ~~shall~~ be so
2396 served before recordation.

2397 (e) The claim of lien must ~~shall~~ be recorded with the clerk
2398 of court in the county where the airport is located. The
2399 recording of the claim of lien shall be constructive notice to
2400 all persons of the contents and effect of such claim. The lien
2401 attaches ~~shall attach~~ at the time of recordation and takes ~~shall~~
2402 ~~take~~ priority as of that time.

2403 Section 49. Subsection (4) of section 713.78, Florida
2404 Statutes, is amended to read:

2405 713.78 Liens for recovering, towing, or storing vehicles
2406 and vessels.-

2407 (4) (a) Any person regularly engaged in the business of
2408 recovering, towing, or storing vehicles or vessels who comes
2409 into possession of a vehicle or vessel pursuant to subsection
2410 (2), and who claims a lien for recovery, towing, or storage
2411 services, shall give notice to the registered owner, the
2412 insurance company insuring the vehicle ~~notwithstanding the~~
2413 ~~provisions of s. 627.736,~~ and to all persons claiming a lien
2414 thereon, as disclosed by the records in the Department of
2415 Highway Safety and Motor Vehicles or as disclosed by the records
2416 of any corresponding agency in any other state in which the
2417 vehicle is identified through a records check of the National



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2418 Motor Vehicle Title Information System or an equivalent
2419 commercially available system as being titled or registered.

2420 (b) If a ~~Whenever any~~ law enforcement agency authorizes the
2421 removal of a vehicle or vessel or if a ~~whenever any~~ towing
2422 service, garage, repair shop, or automotive service, storage, or
2423 parking place notifies the law enforcement agency of possession
2424 of a vehicle or vessel pursuant to s. 715.07(2)(a)2., the law
2425 enforcement agency of the jurisdiction where the vehicle or
2426 vessel is stored shall contact the Department of Highway Safety
2427 and Motor Vehicles, or the appropriate agency of the state of
2428 registration, if known, within 24 hours through the medium of
2429 electronic communications, giving the full description of the
2430 vehicle or vessel. Upon receipt of the full description of the
2431 vehicle or vessel, the department shall search its files to
2432 determine the owner's name, the insurance company insuring the
2433 vehicle or vessel, and whether any person has filed a lien upon
2434 the vehicle or vessel as provided in s. 319.27(2) and (3) and
2435 notify the applicable law enforcement agency within 72 hours.
2436 The person in charge of the towing service, garage, repair shop,
2437 or automotive service, storage, or parking place shall obtain
2438 such information from the applicable law enforcement agency
2439 within 5 days after the date of storage and shall give notice
2440 pursuant to paragraph (a). The department may release the
2441 insurance company information to the requestor ~~notwithstanding~~
2442 ~~the provisions of s. 627.736.~~

2443 (c) Notice by certified mail must ~~shall~~ be sent within 7
2444 business days after the date of storage of the vehicle or vessel
2445 to the registered owner, the insurance company insuring the
2446 vehicle ~~notwithstanding the provisions of s. 627.736,~~ and all



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2447 persons of record claiming a lien against the vehicle or vessel.
2448 The notice must ~~It shall~~ state the fact of possession of the
2449 vehicle or vessel, that a lien as provided in subsection (2) is
2450 claimed, that charges have accrued and the amount thereof, that
2451 the lien is subject to enforcement pursuant to law, ~~and~~ that the
2452 owner or lienholder, if any, has the right to a hearing as set
2453 forth in subsection (5), and that any vehicle or vessel which
2454 remains unclaimed, or for which the charges for recovery,
2455 towing, or storage services remain unpaid, may be sold free of
2456 all prior liens after 35 days if the vehicle or vessel is more
2457 than 3 years of age or after 50 days if the vehicle or vessel is
2458 3 years of age or less.

2459 (d) If attempts to locate the name and address of the owner
2460 or lienholder prove unsuccessful, the towing-storage operator
2461 must ~~shall~~, after 7 working days, excluding Saturday and Sunday,
2462 of the initial tow or storage, notify the public agency of
2463 jurisdiction where the vehicle or vessel is stored in writing by
2464 certified mail or acknowledged hand delivery that the towing-
2465 storage company has been unable to locate the name and address
2466 of the owner or lienholder and a physical search of the vehicle
2467 or vessel has disclosed no ownership information and a good
2468 faith effort has been made, including records checks of the
2469 Department of Highway Safety and Motor Vehicles database and the
2470 National Motor Vehicle Title Information System or an equivalent
2471 commercially available system. As used in ~~For purposes of~~ this
2472 paragraph and subsection (9), the term "good faith effort" means
2473 that the following checks have been performed by the company to
2474 establish prior state of registration and for title:

2475 1. Check of the Department of Highway Safety and Motor



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2476 Vehicles database for the owner and any lienholder.
2477 2. Check of the electronic National Motor Vehicle Title
2478 Information System or an equivalent commercially available
2479 system to determine the state of registration when there is not
2480 a current registration record for the vehicle on file with the
2481 Department of Highway Safety and Motor Vehicles.
2482 3. Check of vehicle or vessel for any type of tag, tag
2483 record, temporary tag, or regular tag.
2484 4. Check of law enforcement report for tag number or other
2485 information identifying the vehicle or vessel, if the vehicle or
2486 vessel was towed at the request of a law enforcement officer.
2487 5. Check of trip sheet or tow ticket of tow truck operator
2488 to see if a tag was on vehicle or vessel at beginning of tow, if
2489 private tow.
2490 6. If there is no address of the owner on the impound
2491 report, check of law enforcement report to see if an out-of-
2492 state address is indicated from driver license information.
2493 7. Check of vehicle or vessel for inspection sticker or
2494 other stickers and decals that may indicate a state of possible
2495 registration.
2496 8. Check of the interior of the vehicle or vessel for any
2497 papers that may be in the glove box, trunk, or other areas for a
2498 state of registration.
2499 9. Check of vehicle for vehicle identification number.
2500 10. Check of vessel for vessel registration number.
2501 11. Check of vessel hull for a hull identification number
2502 which should be carved, burned, stamped, embossed, or otherwise
2503 permanently affixed to the outboard side of the transom or, if
2504 there is no transom, to the outmost seaboard side at the end of



2505 the hull that bears the rudder or other steering mechanism.

2506 Section 50. Paragraph (a) of subsection (1), paragraph (c)
2507 of subsection (7), paragraphs (a), (b), and (c) of subsection
2508 (8), and subsections (9) and (10) of section 817.234, Florida
2509 Statutes, are amended to read:

2510 817.234 False and fraudulent insurance claims.—

2511 (1) (a) A person commits insurance fraud punishable as
2512 provided in subsection (11) if that person, with the intent to
2513 injure, defraud, or deceive any insurer:

2514 1. Presents or causes to be presented any written or oral
2515 statement as part of, or in support of, a claim for payment or
2516 other benefit pursuant to an insurance policy or a health
2517 maintenance organization subscriber or provider contract,
2518 knowing that such statement contains ~~any~~ false, incomplete, or
2519 misleading information concerning any fact or thing material to
2520 such claim;

2521 2. Prepares or makes any written or oral statement that is
2522 intended to be presented to an ~~any~~ insurer in connection with,
2523 or in support of, any claim for payment or other benefit
2524 pursuant to an insurance policy or a health maintenance
2525 organization subscriber or provider contract, knowing that such
2526 statement contains ~~any~~ false, incomplete, or misleading
2527 information concerning any fact or thing material to such claim;

2528 3.a. Knowingly presents, causes to be presented, or
2529 prepares or makes with knowledge or belief that it will be
2530 presented to an ~~any~~ insurer, purported insurer, servicing
2531 corporation, insurance broker, or insurance agent, or any
2532 employee or agent thereof, ~~any~~ false, incomplete, or misleading
2533 information or a written or oral statement as part of, or in



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2534 support of, an application for the issuance of, or the rating
2535 of, any insurance policy, or a health maintenance organization
2536 subscriber or provider contract; or

2537 b. Knowingly conceals information concerning any fact
2538 material to such application; or

2539 4. Knowingly presents, causes to be presented, or prepares
2540 or makes with knowledge or belief that it will be presented to
2541 any insurer a claim for payment or other benefit under medical
2542 payments coverage in a motor vehicle ~~a personal injury~~
2543 ~~protection~~ insurance policy if the person knows that the payee
2544 knowingly submitted a false, misleading, or fraudulent
2545 application or other document when applying for licensure as a
2546 health care clinic, seeking an exemption from licensure as a
2547 health care clinic, or demonstrating compliance with part X of
2548 chapter 400.

2549 (7)

2550 ~~(c) An insurer, or any person acting at the direction of or~~
2551 ~~on behalf of an insurer, may not change an opinion in a mental~~
2552 ~~or physical report prepared under s. 627.736(7) or direct the~~
2553 ~~physician preparing the report to change such opinion; however,~~
2554 ~~this provision does not preclude the insurer from calling to the~~
2555 ~~attention of the physician errors of fact in the report based~~
2556 ~~upon information in the claim file. Any person who violates this~~
2557 ~~paragraph commits a felony of the third degree, punishable as~~
2558 ~~provided in s. 775.082, s. 775.083, or s. 775.084.~~

2559 (8) (a) It is unlawful for any person intending to defraud
2560 any other person to solicit or cause to be solicited any
2561 business from a person involved in a motor vehicle accident for
2562 the purpose of making, adjusting, or settling motor vehicle tort



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2563 claims or claims for benefits under medical payments coverage in
2564 a motor vehicle insurance policy ~~personal injury protection~~
2565 ~~benefits required by s. 627.736.~~ Any person who violates ~~the~~
2566 ~~provisions of~~ this paragraph commits a felony of the second
2567 degree, punishable as provided in s. 775.082, s. 775.083, or s.
2568 775.084. A person who is convicted of a violation of this
2569 subsection shall be sentenced to a minimum term of imprisonment
2570 of 2 years.

2571 (b) A person may not solicit or cause to be solicited any
2572 business from a person involved in a motor vehicle accident by
2573 any means of communication other than advertising directed to
2574 the public for the purpose of making motor vehicle tort claims
2575 or claims for benefits under medical payments coverage in a
2576 motor vehicle insurance policy ~~personal injury protection~~
2577 ~~benefits required by s. 627.736,~~ within 60 days after the
2578 occurrence of the motor vehicle accident. Any person who
2579 violates this paragraph commits a felony of the third degree,
2580 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

2581 (c) A lawyer, health care practitioner as defined in s.
2582 456.001, or owner or medical director of a clinic required to be
2583 licensed pursuant to s. 400.9905 may not, at any time after 60
2584 days have elapsed from the occurrence of a motor vehicle
2585 accident, solicit or cause to be solicited any business from a
2586 person involved in a motor vehicle accident by means of in
2587 person or telephone contact at the person's residence, for the
2588 purpose of making motor vehicle tort claims or claims for
2589 benefits under medical payments coverage in a motor vehicle
2590 insurance policy ~~personal injury protection benefits required by~~
2591 ~~s. 627.736.~~ Any person who violates this paragraph commits a



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2592 felony of the third degree, punishable as provided in s.
2593 775.082, s. 775.083, or s. 775.084.

2594 (9) A person may not organize, plan, or knowingly
2595 participate in an intentional motor vehicle crash or a scheme to
2596 create documentation of a motor vehicle crash that did not occur
2597 for the purpose of making motor vehicle tort claims or claims
2598 for benefits under medical payments coverage in a motor vehicle
2599 insurance policy ~~personal injury protection benefits as required~~
2600 ~~by s. 627.736~~. Any person who violates this subsection commits a
2601 felony of the second degree, punishable as provided in s.
2602 775.082, s. 775.083, or s. 775.084. A person who is convicted of
2603 a violation of this subsection shall be sentenced to a minimum
2604 term of imprisonment of 2 years.

2605 (10) A licensed health care practitioner who is found
2606 guilty of insurance fraud under this section for an act relating
2607 to a motor vehicle ~~personal injury protection~~ insurance policy
2608 loses his or her license to practice for 5 years and may not
2609 receive reimbursement under medical payments coverage in a motor
2610 vehicle insurance policy ~~for personal injury protection benefits~~
2611 for 10 years.

2612 Section 51. Applicability and construction; notice to
2613 policyholders.—

2614 (1) As used in this section, the term "minimum security
2615 requirements" means security that enables a person to respond in
2616 damages for liability on account of crashes arising out of the
2617 ownership, maintenance, or use of a motor vehicle in the amounts
2618 required by s. 324.021(7), Florida Statutes.

2619 (2) Effective January 1, 2019:

2620 (a) Motor vehicle insurance policies issued or renewed on



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2621 or after that date may not include personal injury protection.

2622 (b) All persons subject to s. 324.022, s. 324.032, s.
2623 627.7415, or s. 627.742, Florida Statutes, must maintain at
2624 least minimum security requirements.

2625 (c) Any new or renewal motor vehicle insurance policy
2626 delivered or issued for delivery in this state must provide
2627 coverage that complies with minimum security requirements.

2628 (d) Any new or renewal motor vehicle insurance policy
2629 furnished to an owner or operator of a motor vehicle as proof of
2630 financial responsibility pursuant to s. 324.022 or s. 324.031,
2631 Florida Statutes, must provide medical payments coverage that
2632 complies with s. 627.7265, Florida Statutes.

2633 (e) An existing motor vehicle insurance policy issued
2634 before that date which provides personal injury protection and
2635 property damage liability coverage that meets the requirements
2636 of s. 324.022, Florida Statutes, on December 31, 2018, but which
2637 does not meet minimum security requirements on or after January
2638 1, 2019, is deemed to meet the security requirements of s.
2639 324.022, Florida Statutes, and the medical payments coverage
2640 requirements of s. 627.7265, Florida Statutes, until such policy
2641 is renewed, nonrenewed, or canceled on or after January 1, 2019.

2642 (3) Each insurer shall allow each insured who has a new or
2643 renewal policy providing personal injury protection, which
2644 becomes effective before January 1, 2019, and whose policy does
2645 not meet minimum security requirements on or after January 1,
2646 2019, to change coverages so as to eliminate personal injury
2647 protection and obtain coverage providing minimum security
2648 requirements, which shall be effective on or after January 1,
2649 2019. The insurer is not required to provide coverage complying



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2650 with minimum security requirements in such policies if the
2651 insured does not pay the required premium, if any, by January 1,
2652 2019, or such later date as the insurer may allow. Any reduction
2653 in the premium must be refunded by the insurer. The insurer may
2654 not impose on the insured an additional fee or charge that
2655 applies solely to a change in coverage; however, the insurer may
2656 charge an additional required premium that is actuarially
2657 indicated.

2658 (4) By September 1, 2018, each motor vehicle insurer shall
2659 provide notice of this section to each motor vehicle
2660 policyholder who is subject to this section. The notice is
2661 subject to approval by the Office of Insurance Regulation and
2662 must clearly inform the policyholder that:

2663 (a) The Florida Motor Vehicle No-Fault Law is repealed,
2664 effective January 1, 2019, and that on or after that date, the
2665 insured is no longer required to maintain personal injury
2666 protection insurance coverage, that personal injury protection
2667 coverage is no longer available for purchase in this state, and
2668 that all new or renewal policies issued on or after that date do
2669 not contain such coverage.

2670 (b) Effective January 1, 2019, a person subject to the
2671 financial responsibility requirements of s. 324.022, Florida
2672 Statutes, must maintain minimum security requirements that
2673 enable the person to respond in damages for liability on account
2674 of accidents arising out of the use of a motor vehicle in the
2675 following amounts:

2676 1. Beginning January 1, 2019, and continuing through
2677 December 31, 2020:

2678 a. Twenty thousand dollars for bodily injury to, or the



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2679 death of, one person in any one crash and, subject to such
2680 limits for one person, in the amount of \$40,000 for bodily
2681 injury to, or the death of, two or more persons in any one
2682 crash; and

2683 b. Ten thousand dollars for damage to, or destruction of,
2684 the property of others in any one crash.

2685 2. Beginning January 1, 2021, and thereafter:

2686 a. Twenty-five thousand dollars for bodily injury to, or
2687 the death of, one person in any one crash and, subject to such
2688 limits for one person, in the amount of \$50,000 for bodily
2689 injury to, or the death of, two or more persons in any one
2690 crash; and

2691 b. Ten thousand dollars for damage to, or destruction of,
2692 the property of others in any one crash.

2693 (c) Personal injury protection insurance paid covered
2694 medical expenses for injuries sustained in a motor vehicle crash
2695 by the policyholder, passengers, and relatives residing in the
2696 policyholder's household.

2697 (d) Bodily injury liability coverage protects the insured,
2698 up to the coverage limits, against loss if the insured is
2699 legally responsible for the death of or bodily injury to others
2700 in a motor vehicle accident.

2701 (e) Effective January 1, 2019, a person who purchases a
2702 motor vehicle liability insurance policy as proof of financial
2703 responsibility must maintain medical payments coverage that
2704 complies with s. 627.7265, Florida Statutes. Medical payments
2705 coverage pays covered medical expenses, up to the limits of such
2706 coverage, for injuries sustained in a motor vehicle crash by the
2707 policyholder, passengers, and relatives residing in the



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2708 policyholder's household, as provided in s. 627.7265, Florida
2709 Statutes. Medical payments coverage also provides a death
2710 benefit of at least \$5,000. Medical payments coverage provides
2711 reimbursement for the following if medically necessary and if an
2712 individual initially receives such treatment within 14 days
2713 after the motor vehicle accident:

- 2714 1. Emergency transportation and treatment.
- 2715 2. Emergency services and care provided by a hospital.
- 2716 3. Emergency services and care provided by a licensed
2717 physician or licensed dentist in a hospital, ambulatory surgical
2718 center, or mobile surgical facility licensed under chapter 395,
2719 Florida Statutes, and related hospital inpatient care.
- 2720 4. Hospital inpatient services, other than emergency
2721 services and care.
- 2722 5. Hospital outpatient services, other than emergency
2723 services and care.
- 2724 6. Physician services and care provided by a physician
2725 licensed under chapter 458 or chapter 459 or a chiropractic
2726 physician licensed under chapter 460; dental services and care
2727 provided by a dentist licensed under chapter 466; or, to the
2728 extent permitted by applicable law and under the supervision of
2729 such physician, osteopathic physician, chiropractic physician,
2730 or dentist, services and care provided by a physician assistant
2731 licensed under chapter 458 or chapter 459 or by an advanced
2732 registered nurse practitioner licensed under chapter 464.

2733 (f) The policyholder may obtain underinsured motorist
2734 coverage, which provides benefits, up to the limits of such
2735 coverage, to a policyholder or other insured entitled to recover
2736 damages for bodily injury, sickness, disease, or death resulting



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2737 from a motor vehicle accident with an uninsured or underinsured
2738 owner or operator of a motor vehicle.

2739 (g) If the policyholder's new or renewal motor vehicle
2740 insurance policy is effective before January 1, 2019, and
2741 contains personal injury protection and property damage
2742 liability coverage as required by state law before January 1,
2743 2019, but does not meet minimum security requirements on or
2744 after January 1, 2019, the policy is deemed to meet minimum
2745 security requirements until it is renewed, nonrenewed, or
2746 canceled on or after January 1, 2019.

2747 (h) A policyholder whose new or renewal policy becomes
2748 effective before January 1, 2019, but does not meet minimum
2749 security requirements on or after January 1, 2019, may change
2750 coverages under the policy so as to eliminate personal injury
2751 protection and to obtain coverage providing minimum security
2752 requirements, including bodily injury liability coverage, which
2753 are effective on or after January 1, 2019.

2754 (i) If the policyholder has any questions, he or she should
2755 contact the person named at the telephone number provided in the
2756 notice.

2757 (5) This section takes effect upon this act becoming a law.

2758 Section 52. Application of suspensions for failure to
2759 maintain security; reinstatement.—All suspensions for failure to
2760 maintain required security as required by law in effect before
2761 January 1, 2019, remain in full force and effect after January
2762 1, 2019. A driver may reinstate a suspended driver license or
2763 registration as provided under s. 324.0221, Florida Statutes.

2764 Section 53. For the 2018-2019 fiscal year, the sum of
2765 \$83,651 in nonrecurring funds is appropriated from the Insurance



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2766 Regulatory Trust Fund to the Office of Insurance Regulation for
2767 the purpose of implementing this act.

2768 Section 54. Except as otherwise expressly provided in this
2769 act and except for this section, which shall take effect upon
2770 this act becoming a law, this act shall take effect January 1,
2771 2019.

2772
2773 ===== T I T L E A M E N D M E N T =====

2774 And the title is amended as follows:

2775 Delete everything before the enacting clause
2776 and insert:

2777 A bill to be entitled
2778 An act relating to motor vehicle insurance; repealing
2779 ss. 627.730, 627.731, 627.7311, 627.732, 627.733,
2780 627.734, 627.736, 627.737, 627.739, 627.7401,
2781 627.7403, and 627.7405, F.S., which comprise the
2782 Florida Motor Vehicle No-Fault Law; repealing s.
2783 627.7407, F.S., relating to application of the Florida
2784 Motor Vehicle No-Fault Law; amending s. 316.646, F.S.;
2785 revising a requirement for proof of security on a
2786 motor vehicle and the applicability of the
2787 requirement; amending s. 318.18, F.S.; conforming a
2788 provision to changes made by the act; amending s.
2789 320.02, F.S.; revising the motor vehicle insurance
2790 coverages that an applicant must show to register
2791 certain vehicles with the Department of Highway Safety
2792 and Motor Vehicles; deleting a requirement that
2793 specified information be included on a certain
2794 insurance proof-of-purchase card; revising



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2795 construction; amending s. 320.0609, F.S.; conforming a
2796 provision to changes made by the act; amending s.
2797 320.27, F.S.; defining the term "garage liability
2798 insurance"; revising garage liability insurance
2799 requirements for motor vehicle dealer applicants;
2800 conforming a provision to changes made by the act;
2801 amending s. 320.771, F.S.; revising garage liability
2802 insurance requirements for recreational vehicle dealer
2803 license applicants; amending ss. 322.251 and 322.34,
2804 F.S.; conforming provisions to changes made by the
2805 act; amending s. 324.011, F.S.; revising legislative
2806 intent; amending s. 324.021, F.S.; revising
2807 definitions of the terms "motor vehicle" and "proof of
2808 financial responsibility"; revising, at specified
2809 timeframes, minimum coverage requirements for proof of
2810 financial responsibility for specified motor vehicles;
2811 defining the term "for-hire passenger transportation
2812 vehicle"; conforming provisions to changes made by the
2813 act; amending s. 324.022, F.S.; revising, at specified
2814 timeframes, minimum liability coverage requirements
2815 for motor vehicle owners or operators; revising
2816 authorized methods for meeting such requirements;
2817 revising the vehicles that are excluded from the
2818 definition of the term "motor vehicle" and providing
2819 security requirements for certain excluded vehicles;
2820 conforming provisions to changes made by the act;
2821 conforming cross-references; amending s. 324.0221,
2822 F.S.; revising applicability of certain insurer
2823 reporting and notice requirements as to policies



2824 providing certain coverages; conforming provisions to
2825 changes made by the act; amending s. 324.023, F.S.;
2826 conforming cross-references; amending s. 324.031,
2827 F.S.; revising applicability of a provision
2828 authorizing certain methods of proving financial
2829 responsibility; revising, at specified timeframes, the
2830 amount of a certificate of deposit required for a
2831 specified method of proof of financial responsibility;
2832 revising excess liability coverage requirements for a
2833 person electing to use such method; amending s.
2834 324.032, F.S.; revising financial responsibility
2835 requirements for owners or lessees of for-hire
2836 passenger transportation vehicles and the
2837 applicability of such requirements; revising a
2838 requirement for a motor vehicle liability policy
2839 obtained to comply with such requirements; amending
2840 ss. 324.051, 324.071, 324.091, and 324.151, F.S.;
2841 making technical changes; amending s. 324.161, F.S.;
2842 revising requirements for a certificate of deposit
2843 that is required if a person elects a certain method
2844 of providing financial responsibility; amending s.
2845 324.171, F.S.; revising, at specified timeframes, the
2846 minimum net worth requirements to qualify certain
2847 persons as self-insurers; conforming provisions to
2848 changes made by the act; amending s. 324.251, F.S.;
2849 revising the short title and an effective date;
2850 amending s. 400.9905, F.S.; revising the definition of
2851 the term "clinic"; amending ss. 400.991 and 400.9935,
2852 F.S.; conforming provisions to changes made by the



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2853 act; amending s. 409.901, F.S.; revising the
2854 definition of the term "third-party benefit"; amending
2855 s. 409.910, F.S.; revising the definition of the term
2856 "medical coverage"; making technical changes; amending
2857 s. 456.057, F.S.; conforming a cross-reference;
2858 amending s. 456.072, F.S.; revising specified grounds
2859 for discipline for certain health professions;
2860 amending s. 626.9541, F.S.; conforming a provision to
2861 changes made by the act; revising the type of
2862 insurance coverage applicable to a certain prohibited
2863 act; conforming a cross-reference; amending s.
2864 626.989, F.S.; revising the definition of the term
2865 "fraudulent insurance act"; amending s. 627.06501,
2866 F.S.; revising coverages that may provide for a
2867 reduction in motor vehicle insurance policy premium
2868 charges under certain circumstances; amending s.
2869 627.0652, F.S.; revising coverages that must provide a
2870 premium charge reduction under certain circumstances;
2871 amending s. 627.0653, F.S.; revising coverages subject
2872 to premium discounts for specified motor vehicle
2873 equipment; amending s. 627.4132, F.S.; revising the
2874 coverages of a motor vehicle policy which are subject
2875 to a stacking prohibition; amending s. 627.7263, F.S.;
2876 revising provisions relating to designation of primary
2877 coverages for rental and leasing driver's insurance;
2878 conforming provisions to changes made by the act;
2879 creating s. 627.7265, F.S.; requiring specified motor
2880 vehicle liability insurance policies to include
2881 medical payments coverage; specifying persons such



2882 coverage must protect; specifying the minimum medical
2883 expense coverage and minimum death benefit required
2884 under such coverage; providing construction relating
2885 to limits on certain other coverages; prohibiting
2886 insurers from offering such coverage to an applicant
2887 or policyholder with a deductible; specifying medical
2888 services and care required to be covered under such
2889 coverage; authorizing insurers to exclude medical
2890 payment benefits under certain circumstances;
2891 providing that medical payments benefits are primary
2892 to certain health insurance benefits and apply to the
2893 coinsurance or deductible amounts required by certain
2894 health insurance policies, except under certain
2895 circumstances; providing that a medical payments
2896 insurance policy, under certain circumstances, may
2897 include a subrogation provision for medical payments
2898 benefits paid; requiring insurers, upon receiving a
2899 certain notice, to hold a specified reserve for
2900 certain purposes for a specified time; providing that
2901 the reserve requirement does not require insurers to
2902 establish a claim reserve for accounting purposes;
2903 specifying requirements, procedures, limitations, and
2904 prohibitions relating to charges and billing for care
2905 of bodily injuries under medical payments coverage;
2906 defining the term "service year"; requiring the
2907 Department of Health to adopt a certain rule;
2908 providing insurers a civil cause of action against
2909 certain persons who are convicted of or plead guilty
2910 or nolo contendere to certain acts of insurance fraud



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2911 associated with claims for medical payments coverage
2912 benefits; requiring insurers receiving notice of a
2913 claim to provide a specified fraud advisory notice to
2914 certain persons; providing that claims generated as a
2915 result of certain patient brokering activities are
2916 nonreimbursable; authorizing notices, documentation,
2917 transmissions, or communications to be transferred
2918 electronically in a secure manner; amending s.
2919 627.727, F.S.; conforming provisions to changes made
2920 by the act; amending s. 627.7275, F.S.; revising
2921 applicability and required coverages for a motor
2922 vehicle insurance policy; conforming provisions to
2923 changes made by the act; amending s. 627.728, F.S.;
2924 conforming a provision to changes made by the act;
2925 amending s. 627.7295, F.S.; revising the definitions
2926 of the terms "policy" and "binder"; revising the
2927 coverages of a motor vehicle insurance policy for
2928 which a licensed general lines agent may charge a
2929 specified fee; revising applicability; conforming a
2930 cross-reference; amending s. 627.7415, F.S.; revising,
2931 at specified intervals, the minimum levels of certain
2932 liability insurance required for commercial motor
2933 vehicles; amending s. 627.8405, F.S.; revising
2934 coverages in a policy sold in combination with an
2935 accidental death and dismemberment policy, which a
2936 premium finance company may not finance; revising
2937 rulemaking authority of the commission; amending ss.
2938 627.915, 628.909, 705.184, and 713.78, F.S.;
2939 conforming provisions to changes made by the act;



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2940 amending s. 817.234, F.S.; revising coverages that are
2941 the basis of specified prohibited false and fraudulent
2942 insurance claims; conforming a provision to changes
2943 made by the act; conforming a cross-reference;
2944 providing applicability and construction relating to
2945 changes made by the act; defining the term "minimum
2946 security requirements"; providing requirements and
2947 procedures relating to motor vehicle insurance
2948 policies that include personal injury protection as of
2949 a specified date; requiring an insurer to provide, by
2950 a specified date, a specified notice to policyholders
2951 relating to requirements under the act; providing for
2952 construction relating to suspensions for failure to
2953 maintain required security in effect before a
2954 specified date; providing an appropriation; providing
2955 effective dates.