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LEGISLATIVE ACTION

Senate

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House

Appropriations Subcommittee on Health and Human Services
(Passidomo) 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627.739, 627.7401, 627.7403, and 627.7405, Florida Statutes, which comprise the Florida Motor Vehicle No-Fault Law, are repealed.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 Section 627.7407, Florida Statutes, is repealed.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 ~~s. 627.733, that property damage~~
81 ~~liability coverage has been purchased as required under s.~~
82 324.022, that bodily injury liability or death coverage has been
83 purchased if required under s. 324.023, and that combined bodily
84 liability insurance and property damage liability insurance have
85 been purchased if required under s. 627.7415 must ~~shall~~ be
86 provided in the manner prescribed by law by the applicant at the
87 time of application for registration of any motor vehicle that
88 is subject to such requirements. The issuing agent may not ~~shall~~
89 ~~refuse to~~ issue registration if such proof of purchase is not
90 provided. Insurers shall furnish uniform proof-of-purchase cards
91 in a paper or electronic format in a form prescribed by the
92 department and include the name of the insured's insurance
93 company, the coverage identification number, and the make, year,
94 and vehicle identification number of the vehicle insured. The
95 card must contain a statement notifying the applicant of the
96 penalty specified under s. 316.646(4). The card or insurance
97 policy, insurance policy binder, or certificate of insurance or



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

105
106 Under penalty of perjury, I ...(Name of insured)... do hereby
107 certify that I have ...(bodily injury liability and ~~Personal~~
108 ~~Injury Protection~~, property damage liability coverage, ~~and, if~~
109 ~~required, Bodily Injury Liability~~)... Insurance currently in
110 effect with ...(Name of insurance company)... under ...(policy
111 number)... covering ...(make, year, and vehicle identification
112 number of vehicle).... ...(Signature of Insured)...

113
114 Such affidavit must include the following warning:

115
116 WARNING: GIVING FALSE INFORMATION IN ORDER TO OBTAIN A VEHICLE
117 REGISTRATION CERTIFICATE IS A CRIMINAL OFFENSE UNDER FLORIDA
118 LAW. ANYONE GIVING FALSE INFORMATION ON THIS AFFIDAVIT IS
119 SUBJECT TO PROSECUTION.

120
121 If an application is made through a licensed motor vehicle
122 dealer as required under s. 319.23, the original or a photocopy
123 ~~photostatic copy~~ of such card, insurance policy, insurance
124 policy binder, or certificate of insurance or the original
125 affidavit from the insured must ~~shall~~ be forwarded by the dealer
126 to the tax collector of the county or the Department of Highway



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127 Safety and Motor Vehicles for processing. By executing the
128 ~~aforsaid~~ affidavit, a ne licensed motor vehicle dealer is not
129 ~~will be~~ liable in damages for any inadequacy, insufficiency, or
130 falsification of any statement contained therein. ~~A card must~~
131 ~~also indicate the existence of any bodily injury liability~~
132 ~~insurance voluntarily purchased.~~

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

153 Section 6. Paragraph (b) of subsection (1) of section
154 320.0609, Florida Statutes, is amended to read:

155 320.0609 Transfer and exchange of registration license



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156 plates; transfer fee.-

157 (1)

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

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

166 320.27 Motor vehicle dealers.-

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

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

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

176 2. Beginning January 1, 2021, and continuing through
177 December 31, 2022, at least \$60,000.

178 3. Beginning January 1, 2023 and thereafter, at least
179 \$70,000.

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 personal injury protection insurance~~ on those vehicles that
229 cannot be legally operated on roads, highways, or streets in
230 this state. Franchise dealers must submit a garage liability
231 insurance policy, and all other dealers must submit a garage
232 liability insurance policy or a general liability insurance
233 policy coupled with a business automobile policy. Such policy
234 must ~~shall~~ be for the license period, and evidence of a new or
235 continued policy must ~~shall~~ be delivered to the department at
236 the beginning of each license period. Upon making an initial
237 application, the applicant shall pay to the department a fee of
238 \$300 in addition to any other fees required by law. Applicants
239 may choose to extend the licensure period for 1 additional year
240 for a total of 2 years. An initial applicant shall pay to the
241 department a fee of \$300 for the first year and \$75 for the
242 second year, in addition to any other fees required by law. An



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243 applicant for renewal shall pay to the department \$75 for a 1-
244 year renewal or \$150 for a 2-year renewal, in addition to any
245 other fees required by law. Upon making an application for a
246 change of location, the applicant ~~person~~ shall pay a fee of \$50
247 in addition to any other fees now required by law. The
248 department shall, in the case of every application for initial
249 licensure, verify whether certain facts set forth in the
250 application are true. Each applicant, general partner in the
251 case of a partnership, or corporate officer and director in the
252 case of a corporate applicant shall, ~~must~~ file a set of
253 fingerprints with the department for the purpose of determining
254 any prior criminal record or any outstanding warrants. The
255 department shall submit the fingerprints to the Department of
256 Law Enforcement for state processing and forwarding to the
257 Federal Bureau of Investigation for federal processing. The
258 actual cost of state and federal processing must ~~shall~~ be borne
259 by the applicant and is in addition to the fee for licensure.
260 The department may issue a license to an applicant pending the
261 results of the fingerprint investigation, which license is fully
262 revocable if the department subsequently determines that any
263 facts set forth in the application are not true or correctly
264 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 continuing through
391 December 31, 2022, in the amount 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. Ten thousand dollars for damage to, or destruction of,
398 property of others in any one crash.

399 3. Beginning January 1, 2023, and continuing thereafter, in
400 the amount of:

401 a. Thirty thousand dollars for bodily injury to, or the
402 death of, one person in any one crash and, subject to such
403 limits for one person, in the amount of \$60,000 for bodily
404 injury to, or the death of, two or more persons in any one
405 crash; and

406 ~~b.(e) Ten thousand dollars for damage In the amount of~~
407 ~~\$10,000 because of injury to, or destruction of, property of~~
408 ~~others in any one crash.; and~~

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

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

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

416 (9) OWNER; OWNER/LESSOR.—



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417 (c) *Application.*—

418 1. The limits on liability in subparagraphs (b)2. and 3. do
419 not apply to an owner of motor vehicles that are used for
420 commercial activity in the owner's ordinary course of business,
421 other than a rental company that rents or leases motor vehicles.
422 For purposes of this paragraph, the term "rental company"
423 includes only an entity that is engaged in the business of
424 renting or leasing motor vehicles to the general public and that
425 rents or leases a majority of its motor vehicles to persons with
426 no direct or indirect affiliation with the rental company. The
427 term also includes a motor vehicle dealer that provides
428 temporary replacement vehicles to its customers for up to 10
429 days. The term "rental company" also includes:

430 a. A related rental or leasing company that is a subsidiary
431 of the same parent company as that of the renting or leasing
432 company that rented or leased the vehicle.

433 b. The holder of a motor vehicle title or an equity
434 interest in a motor vehicle title if the title or equity
435 interest is held pursuant to or to facilitate an asset-backed
436 securitization of a fleet of motor vehicles used solely in the
437 business of renting or leasing motor vehicles to the general
438 public and under the dominion and control of a rental company,
439 as described in this subparagraph, in the operation of such
440 rental company's business.

441 2. Furthermore, with respect to commercial motor vehicles
442 as defined in s. 207.002 or s. 320.01 ~~s. 627.732~~, the limits on
443 liability in subparagraphs (b)2. and 3. do not apply if, at the
444 time of the incident, the commercial motor vehicle is being used
445 in the transportation of materials found to be hazardous for the



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446 purposes of the Hazardous Materials Transportation Authorization
447 Act of 1994, as amended, 49 U.S.C. ss. 5101 et seq., and that is
448 required pursuant to such act to carry placards warning others
449 of the hazardous cargo, unless at the time of lease or rental
450 either:

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

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

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

463 Section 13. Section 324.022, Florida Statutes, is amended
464 to read:

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

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

472 1. Beginning January 1, 2019, and continuing through
473 December 31, 2020:

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



475 death of, one person in any one crash and, subject to such
476 limits for one person, in the amount of \$40,000 for bodily
477 injury to, or the death of, two or more persons in any one
478 crash; and

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

481 2. Beginning January 1, 2021, and continuing through
482 December 31, 2022:

483 a. Twenty-five thousand dollars for bodily injury to, or
484 the death of, one person in any one crash and, subject to such
485 limits for one person, in the amount of \$50,000 for bodily
486 injury to, or the death of, two or more persons in any one
487 crash; and

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

490 3. Beginning January 1, 2023, and continuing thereafter:

491 a. Thirty thousand dollars for bodily injury to, or the
492 death of, one person in any one crash and, subject to such
493 limits for one person, in the amount of \$60,000 for bodily
494 injury to, or the death of, two or more persons in any one
495 crash; and

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

498 (b) The requirements of paragraph (a) ~~this section~~ may be
499 met by one of the methods established in s. 324.031; by self-
500 insuring as authorized by s. 768.28(16); or by maintaining a
501 motor vehicle liability insurance policy that ~~an insurance~~
502 ~~policy providing coverage for property damage liability in the~~
503 ~~amount of at least \$10,000 because of damage to, or destruction~~



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504 ~~of, property of others in any one accident arising out of the~~
505 ~~use of the motor vehicle. The requirements of this section may~~
506 ~~also be met by having a policy which provides combined property~~
507 ~~damage liability and bodily injury liability coverage for any~~
508 ~~one crash arising out of the ownership, maintenance, or use of a~~
509 ~~motor vehicle which conforms to the requirements of s. 324.151~~
510 ~~in the amount of:~~

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

513 2. At least \$60,000 for every owner or operator subject to
514 the financial responsibility required in subparagraph (1)(a)2.

515 3. At least \$70,000 for every owner or operator subject to
516 the financial responsibility required in subparagraph (1)(a)3.
517 ~~\$30,000 for combined property damage liability and bodily injury~~
518 ~~liability for any one crash arising out of the use of the motor~~
519 ~~vehicle. The policy, with respect to coverage for property~~
520 ~~damage liability, must meet the applicable requirements of s.~~
521 ~~324.151, subject to the usual policy exclusions that have been~~
522 ~~approved in policy forms by the Office of Insurance Regulation.~~
523 ~~No insurer shall have any duty to defend uncovered claims~~
524 ~~irrespective of their joinder with covered claims.~~

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

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

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

532 2. A motor vehicle that is used in mass transit and



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533 designed to transport more than five passengers, exclusive of
534 the operator of the motor vehicle, and that is owned by a
535 municipality, transit authority, or political subdivision of the
536 state.

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

539 4. A commercial motor vehicle as defined in s. 207.002 or
540 s. 320.01, which shall maintain security as required under ss.
541 324.031 and 627.7415.

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

544 6.4. A ~~vehicle providing~~ for-hire passenger transportation
545 vehicle, which ~~that is subject to the provisions of s. 324.031.~~
546 A ~~taxicab~~ shall maintain security as required under s. 324.032
547 s. ~~324.032(1).~~

548 7.5. A personal delivery device as defined in s. 316.003.

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

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

559 (4) An ~~The~~ owner or registrant of a motor vehicle who is
560 ~~exempt from the requirements of this section if she or he is a~~
561 member of the United States Armed Forces and is called to or on



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562 active duty outside the United States in an emergency situation
563 is exempt from this section while he or she. ~~The exemption~~
564 ~~provided by this subsection applies only as long as the member~~
565 ~~of the Armed Forces~~ is on such active duty. This exemption
566 ~~outside the United States and~~ applies only while the vehicle
567 covered by the security is not operated by any person. Upon
568 receipt of a written request by the insured to whom the
569 exemption provided in this subsection applies, the insurer shall
570 cancel the coverages and return any unearned premium or suspend
571 the security required by this section. Notwithstanding s.
572 324.0221(2) ~~s. 324.0221(3)~~, the department may not suspend the
573 registration or operator's license of an ~~any~~ owner or registrant
574 of a motor vehicle during the time she or he qualifies for the
575 ~~an~~ exemption under this subsection. An ~~Any~~ owner or registrant
576 of a motor vehicle who qualifies for the ~~an~~ exemption under this
577 subsection shall immediately notify the department before ~~prior~~
578 ~~to~~ and at the end of the expiration of the exemption.

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

581 324.0221 Reports by insurers to the department; suspension
582 of driver license and vehicle registrations; reinstatement.—

583 (1) (a) Each insurer that has issued a policy providing
584 ~~personal injury protection coverage or property damage~~ liability
585 coverage shall report the cancellation or nonrenewal thereof to
586 the department within 10 days after the processing date or
587 effective date of each cancellation or nonrenewal. Upon the
588 issuance of a policy providing ~~personal injury protection~~
589 ~~coverage or property damage~~ liability coverage to a named
590 insured not previously insured by the insurer during that



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591 calendar year, the insurer shall report the issuance of the new
592 policy to the department within 10 days. The report must ~~shall~~
593 be in the form ~~and format~~ and contain any information required
594 by the department and must be provided in a format that is
595 compatible with the data processing capabilities of the
596 department. Failure by an insurer to file proper reports with
597 the department as required by this subsection constitutes a
598 violation of the Florida Insurance Code. These records may ~~shall~~
599 be used by the department only for enforcement and regulatory
600 purposes, including the generation by the department of data
601 regarding compliance by owners of motor vehicles with the
602 requirements for financial responsibility coverage.

603 (b) With respect to an insurance policy providing ~~personal~~
604 ~~injury protection coverage or property damage~~ liability
605 coverage, each insurer shall notify the named insured, or the
606 first-named insured in the case of a commercial fleet policy, in
607 writing that any cancellation or nonrenewal of the policy will
608 be reported by the insurer to the department. The notice must
609 also inform the named insured that failure to maintain bodily
610 injury liability ~~personal injury protection~~ coverage and
611 property damage liability coverage on a motor vehicle when
612 required by law may result in the loss of registration and
613 driving privileges in this state and inform the named insured of
614 the amount of the reinstatement fees required by this section.
615 This notice is for informational purposes only, and an insurer
616 is not civilly liable for failing to provide this notice.

617 (2) The department shall suspend, after due notice and an
618 opportunity to be heard, the registration and driver license of
619 any owner or registrant of a motor vehicle for ~~with respect to~~



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620 which security is required under s. 324.022, s. 324.032, s.
621 627.7415, or s. 627.742 ~~ss. 324.022 and 627.733~~ upon:

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

626 (b) Notification by the insurer to the department, in a
627 form approved by the department, of cancellation or termination
628 of the required security.

629 Section 15. Section 324.023, Florida Statutes, is amended
630 to read:

631 324.023 Financial responsibility for bodily injury or
632 death.—In addition to any other financial responsibility
633 required by law, every owner or operator of a motor vehicle that
634 is required to be registered in this state, or that is located
635 within this state, and who, regardless of adjudication of guilt,
636 has been found guilty of or entered a plea of guilty or nolo
637 contendere to a charge of driving under the influence under s.
638 316.193 after October 1, 2007, shall, by one of the methods
639 established in s. 324.031(1)(a) or (b) ~~s. 324.031(1) or (2)~~,
640 establish and maintain the ability to respond in damages for
641 liability on account of accidents arising out of the use of a
642 motor vehicle in the amount of \$100,000 because of bodily injury
643 to, or death of, one person in any one crash and, subject to
644 such limits for one person, in the amount of \$300,000 because of
645 bodily injury to, or death of, two or more persons in any one
646 crash and in the amount of \$50,000 because of property damage in
647 any one crash. If the owner or operator chooses to establish and
648 maintain such ability by furnishing a certificate of deposit



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649 pursuant to s. 324.031(1)(b) ~~s. 324.031(2)~~, such certificate of
650 deposit must be at least \$350,000. Such higher limits must be
651 carried for a minimum period of 3 years. If the owner or
652 operator has not been convicted of driving under the influence
653 or a felony traffic offense for a period of 3 years from the
654 date of reinstatement of driving privileges for a violation of
655 s. 316.193, the owner or operator shall be exempt from this
656 section.

657 Section 16. Section 324.031, Florida Statutes, is amended
658 to read:

659 324.031 Manner of proving financial responsibility.-

660 ~~(1) The owner or operator of a taxicab, limousine, jitney,~~
661 ~~or any other for-hire passenger transportation vehicle may prove~~
662 ~~financial responsibility by providing satisfactory evidence of~~
663 ~~holding a motor vehicle liability policy as defined in s.~~
664 ~~324.021(8) or s. 324.151, which policy is issued by an insurance~~
665 ~~carrier which is a member of the Florida Insurance Guaranty~~
666 ~~Association. The operator or owner of a motor vehicle other than~~
667 ~~a for-hire passenger transportation vehicle any other vehicle~~
668 may prove his or her financial responsibility by:

669 ~~(a)(1)~~ Furnishing satisfactory evidence of holding a motor
670 vehicle liability policy as defined in ss. 324.021(8) and
671 324.151;

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

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

676 ~~(2)(a) Any person, including any firm, partnership,~~
677 ~~association, corporation, or other person, other than a natural~~



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678 ~~person,~~ electing to use the method of proof specified in
679 paragraph (1)(b) subsection (2) shall furnish a certificate of
680 deposit equal to the number of vehicles owned times:

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

683 2. Sixty thousand dollars, to a maximum of \$240,000, from
684 January 1, 2021, through December 31, 2022.

685 3. Seventy thousand dollars, ~~\$30,000,~~ to a maximum of
686 \$280,000, from January 1, 2023, and thereafter. ~~\$120,000;~~

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

691 1. One hundred twenty-five thousand dollars for bodily
692 injury to, or the death of, one person in any one crash and,
693 subject to such limits for one person, in the amount of \$250,000
694 for bodily injury to, or the death of, two or more persons in
695 any one crash, and \$50,000 for damage to, or destruction of,
696 property of others in any one crash; or ~~\$10,000/20,000/10,000 or~~
697 ~~\$30,000 combined single limits, and such excess insurance shall~~
698 ~~provide minimum limits of \$125,000/250,000/50,000 or \$300,000~~
699 ~~combined single limits. These increased limits shall not affect~~
700 ~~the requirements for proving financial responsibility under s.~~
701 ~~324.032(1).~~

702 2. Three hundred thousand dollars for combined bodily
703 injury liability and property damage liability for any one
704 crash.

705 Section 17. Section 324.032, Florida Statutes, is amended
706 to read:



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707 324.032 ~~Manner of proving~~ Financial responsibility ~~for~~
708 for-hire passenger transportation vehicles. ~~Notwithstanding the~~
709 ~~provisions of s. 324.031:~~

710 (1) An owner or lessee of a for-hire passenger
711 transportation vehicle that is required to be registered in this
712 state shall establish and continuously maintain the ability to
713 respond in damages for liability on account of accidents arising
714 out of the ownership, maintenance, or use of the for-hire
715 passenger transportation vehicle, in the amount of:

716 (a) One hundred twenty-five thousand dollars for bodily
717 injury to, or the death of, one person in any one crash and,
718 subject to such limits for one person, in the amount of \$250,000
719 for bodily injury to, or the death of, two or more persons in
720 any one crash; and A person who is either the owner or a lessee
721 required to maintain insurance under s. 627.733(1)(b) and who
722 operates one or more taxicabs, limousines, jitneys, or any other
723 for-hire passenger transportation vehicles may prove financial
724 responsibility by furnishing satisfactory evidence of holding a
725 motor vehicle liability policy, but with minimum limits of
726 \$125,000/250,000/50,000.

727 (b) Fifty thousand dollars for damage to, or destruction
728 of, property of others in any one crash ~~A person who is either~~
729 ~~the owner or a lessee required to maintain insurance under s.~~
730 ~~324.021(9)(b) and who operates limousines, jitneys, or any other~~
731 ~~for-hire passenger vehicles, other than taxicabs, may prove~~
732 ~~financial responsibility by furnishing satisfactory evidence of~~
733 ~~holding a motor vehicle liability policy as defined in s.~~
734 ~~324.031.~~

735 (2) Except as provided in subsection (3), the requirements



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736 of this section must be met by the owner or lessee providing
737 satisfactory evidence of holding a motor vehicle liability
738 policy conforming to the requirements of s. 324.151 which is
739 issued by an insurance carrier that is a member of the Florida
740 Insurance Guaranty Association.

741 (3)-(2) An owner or a lessee who ~~is required to maintain~~
742 ~~insurance under s. 324.021(9)(b) and who~~ operates at least 300
743 ~~taxicabs, limousines, jitneys, or any other~~ for-hire passenger
744 transportation vehicles may provide financial responsibility by
745 complying with ~~the provisions of~~ s. 324.171, such compliance to
746 be demonstrated by maintaining at its principal place of
747 business an audited financial statement, prepared in accordance
748 with generally accepted accounting principles, and providing to
749 the department a certification issued by a certified public
750 accountant that the applicant's net worth is at least equal to
751 the requirements of s. 324.171 as determined by the Office of
752 Insurance Regulation of the Financial Services Commission,
753 including claims liabilities in an amount certified as adequate
754 by a Fellow of the Casualty Actuarial Society.

755
756 Upon request by the department, the applicant shall ~~must~~ provide
757 the department at the applicant's principal place of business in
758 this state access to the applicant's underlying financial
759 information and financial statements that provide the basis of
760 the certified public accountant's certification. The applicant
761 shall reimburse the requesting department for all reasonable
762 costs incurred by it in reviewing the supporting information.
763 The maximum amount of self-insurance permissible under this
764 subsection is \$300,000 and must be stated on a per-occurrence



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765 basis, and the applicant shall maintain adequate excess
766 insurance issued by an authorized or eligible insurer licensed
767 or approved by the Office of Insurance Regulation. All risks
768 self-insured shall remain with the owner or lessee providing it,
769 and the risks are not transferable to any other person, unless a
770 policy complying with subsections (1) and (2) ~~subsection (1)~~ is
771 obtained.

772 Section 18. Paragraph (b) of subsection (2) of section
773 324.051, Florida Statutes, is amended to read:

774 324.051 Reports of crashes; suspensions of licenses and
775 registrations.-

776 (2)

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

778 1. To such operator or owner if such operator or owner had
779 in effect at the time of such crash or traffic conviction a
780 motor vehicle ~~an automobile~~ liability policy with respect to all
781 of the registered motor vehicles owned by such operator or
782 owner.

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

788 3. To such operator or owner if the liability of such
789 operator or owner for damages resulting from such crash is, in
790 the judgment of the department, covered by any other form of
791 liability insurance or bond.

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



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

795

796 No such policy or bond shall be effective under this subsection
797 unless it contains limits of not less than those specified in s.
798 324.021(7).

799 Section 19. Section 324.071, Florida Statutes, is amended
800 to read:

801 324.071 Reinstatement; renewal of license; reinstatement
802 fee.—~~An~~ Any operator or owner whose license or registration has
803 been suspended pursuant to s. 324.051(2), s. 324.072, s.
804 324.081, or s. 324.121 may effect its reinstatement upon
805 compliance with ~~the provisions of~~ s. 324.051(2)(a)3. or 4., or
806 s. 324.081(2) and (3), as the case may be, and with one of the
807 provisions of s. 324.031 and upon payment to the department of a
808 nonrefundable reinstatement fee of \$15. Only one such fee may
809 ~~shall~~ be paid by any one person regardless ~~irrespective~~ of the
810 number of licenses and registrations to be then reinstated or
811 issued to such person. ~~All~~ Such fees must ~~shall~~ be deposited to
812 a department trust fund. ~~If~~ When the reinstatement of any
813 license or registration is effected by compliance with s.
814 324.051(2)(a)3. or 4., the department may ~~shall~~ not renew the
815 license or registration within ~~a period of~~ 3 years after ~~from~~
816 such reinstatement, nor may ~~shall~~ any other license or
817 registration be issued in the name of such person, unless the
818 operator continues ~~is continuing~~ to comply with ~~one of the~~
819 ~~provisions of~~ s. 324.031.

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

822 324.091 Notice to department; notice to insurer.—



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823 (1) Each owner and operator involved in a crash or
824 conviction case within the purview of this chapter shall furnish
825 evidence of automobile liability insurance or motor vehicle
826 liability insurance within 14 days after the date of the mailing
827 of notice of crash by the department in the form and manner as
828 it may designate. Upon receipt of evidence that a ~~an automobile~~
829 ~~liability policy or~~ motor vehicle liability policy was in effect
830 at the time of the crash or conviction case, the department
831 shall forward to the insurer such information for verification
832 in a method as determined by the department. The insurer shall
833 respond to the department within 20 days after the notice as to
834 whether or not such information is valid. If the department
835 determines that a ~~an automobile liability policy or~~ motor
836 vehicle liability policy was not in effect and did not provide
837 coverage for both the owner and the operator, it must ~~shall~~ take
838 action as it is authorized to do under this chapter.

839 Section 21. Section 324.151, Florida Statutes, is amended
840 to read:

841 324.151 Motor vehicle liability policies; required
842 provisions.—

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

847 (a) A motor vehicle ~~An owner's~~ liability insurance policy
848 issued to an owner of a motor vehicle registered in this state
849 must ~~shall~~ designate by explicit description or by appropriate
850 reference all motor vehicles for ~~with respect to~~ which coverage
851 is thereby granted. The policy must ~~and shall~~ insure the person



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852 or persons ~~owner~~ named therein and any other person as operator
853 using such motor vehicle or motor vehicles with the express or
854 implied permission of such owner against loss from the liability
855 imposed by law for damage arising out of the ownership,
856 maintenance, or use of any ~~such~~ motor vehicle or motor vehicles
857 within the United States or the Dominion of Canada, subject to
858 limits, exclusive of interest and costs with respect to each
859 such motor vehicle as is provided for under s. 324.021(7).
860 Insurers may make available, with respect to property damage
861 liability coverage, a deductible amount not to exceed \$500. In
862 the event of a property damage loss covered by a policy
863 containing a property damage deductible provision, the insurer
864 shall pay to the third-party claimant the amount of any property
865 damage liability settlement or judgment, subject to policy
866 limits, as if no deductible existed.

867 (b) An operator's motor vehicle liability policy of
868 insurance must ~~shall~~ insure the person or persons named therein
869 against loss from the liability imposed ~~upon him or her~~ by law
870 for damages arising out of the use by the person of any motor
871 vehicle not owned by him or her, with the same territorial
872 limits and subject to the same limits of liability as referred
873 to above with respect to an owner's policy of liability
874 insurance.

875 (c) All such motor vehicle liability policies must ~~shall~~
876 state the name and address of the named insured, the coverage
877 afforded by the policy, the premium charged therefor, the policy
878 period, the limits of liability, and must ~~shall~~ contain an
879 agreement or be endorsed that insurance is provided in
880 accordance with the coverage defined in this chapter ~~as respects~~



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881 ~~bodily injury and death or property damage or both~~ and is
882 subject to all provisions of this chapter. ~~The said~~ policies
883 must ~~shall~~ also contain a provision that the satisfaction by an
884 insured of a judgment for such injury or damage may ~~shall~~ not be
885 a condition precedent to the right or duty of the insurance
886 carrier to make payment on account of such injury or damage, and
887 must ~~shall~~ also contain a provision that bankruptcy or
888 insolvency of the insured or of the insured's estate may ~~shall~~
889 not relieve the insurance carrier of any of its obligations
890 under the ~~said~~ policy.

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

896 Section 22. Section 324.161, Florida Statutes, is amended
897 to read:

898 324.161 Proof of financial responsibility; deposit.—If a
899 person elects to prove his or her financial responsibility under
900 the method of proof specified in s. 324.031(1)(b), he or she
901 must obtain proof of a certificate of deposit annually, in the
902 amount required under s. 324.031(2), from a financial
903 institution insured by the Federal Deposit Insurance Corporation
904 or the National Credit Union Administration. Proof of such
905 certificate of deposit ~~Annually, before any certificate of~~
906 ~~insurance may be issued to a person, including any firm,~~
907 ~~partnership, association, corporation, or other person, other~~
908 ~~than a natural person, proof of a certificate of deposit of~~
909 ~~\$30,000 issued and held by a financial institution must be~~



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910 submitted to the department annually. A power of attorney will
911 be issued to and held by the department and may be executed upon
912 a judgment issued against such person making the deposit, for
913 damages for ~~because of~~ bodily injury to or death of any person
914 or for damages for ~~because of~~ injury to or destruction of
915 property resulting from the use or operation of any motor
916 vehicle occurring after such deposit was made. Money so
917 deposited is ~~shall~~ not be subject to attachment or execution
918 unless such attachment or execution arises ~~shall arise~~ out of a
919 lawsuit ~~suit~~ for such damages ~~as aforesaid~~.

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

922 324.171 Self-insurer.—

923 (1) A ~~Any~~ person may qualify as a self-insurer by obtaining
924 a certificate of self-insurance from the department. ~~which may,~~
925 ~~in its discretion and~~ Upon application of such a person, the
926 department may issue a ~~said~~ certificate of self-insurance if the
927 applicant ~~when such person~~ has satisfied the requirements of
928 this section ~~to qualify as a self-insurer under this section:~~

929 (a) A private individual with private passenger vehicles
930 must ~~shall~~ possess a net unencumbered worth: ~~of~~

931 1. Beginning January 1, 2019, through December 31, 2020, of
932 at least \$80,000.

933 2. Beginning January 1, 2021, through December 31, 2022, of
934 at least \$100,000.

935 3. Beginning January 1, 2023, and thereafter, of at least
936 \$120,000 ~~\$40,000.~~

937 (b) A person, including any firm, partnership, association,
938 corporation, or other person, other than a natural person, must



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939 ~~shall:~~

940 1. Possess a net unencumbered worth: ~~of~~

941 a. Beginning January 1, 2019, through December 31, 2020, of
942 at least \$80,000 for the first motor vehicle and \$40,000 for
943 each additional motor vehicle.

944 b. Beginning January 1, 2021, through December 31, 2022, of
945 at least \$100,000 for the first motor vehicle and \$50,000 for
946 each additional motor vehicle.

947 c. Beginning January 1, 2023, and thereafter, of at least
948 \$120,000 ~~\$40,000~~ for the first motor vehicle and \$60,000 ~~\$20,000~~
949 for each additional motor vehicle; or

950 2. Maintain sufficient net worth, in an amount determined
951 by the department, to be financially responsible for potential
952 losses. The department shall annually determine the minimum net
953 worth sufficient to satisfy this subparagraph ~~as determined~~
954 ~~annually by the department,~~ pursuant to rules adopted
955 ~~promulgated~~ by the department, with the assistance of the Office
956 of Insurance Regulation of the Financial Services Commission, ~~to~~
957 ~~be financially responsible for potential losses.~~ The rules must
958 ~~consider any~~ ~~shall take into consideration~~ excess insurance
959 carried by the applicant. The department's determination must
960 ~~shall~~ be based upon reasonable actuarial principles considering
961 the frequency, severity, and loss development of claims incurred
962 by casualty insurers writing coverage on the type of motor
963 vehicles for which a certificate of self-insurance is desired.

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

967 (2) The self-insurance certificate must ~~shall~~ provide



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968 limits of liability insurance in the amounts specified under s.
969 324.021(7) ~~or s. 627.7415 and shall provide personal injury~~
970 ~~protection coverage under s. 627.733(3)(b).~~

971 Section 24. Section 324.251, Florida Statutes, is amended
972 to read:

973 324.251 Short title.—This chapter may be cited as the
974 “Financial Responsibility Law of 2018 1955” and ~~is shall become~~
975 effective at 12:01 a.m., January 1, 2019 ~~October 1, 1955~~.

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

978 400.9905 Definitions.—

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

985 (a) Entities licensed or registered by the state under
986 chapter 395; entities licensed or registered by the state and
987 providing only health care services within the scope of services
988 authorized under their respective licenses under ss. 383.30-
989 383.335, chapter 390, chapter 394, chapter 397, this chapter
990 except part X, chapter 429, chapter 463, chapter 465, chapter
991 466, chapter 478, part I of chapter 483, chapter 484, or chapter
992 651; end-stage renal disease providers authorized under 42
993 C.F.R. part 405, subpart U; providers certified under 42 C.F.R.
994 part 485, subpart B or subpart H; or any entity that provides
995 neonatal or pediatric hospital-based health care services or
996 other health care services by licensed practitioners solely



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997 within a hospital licensed under chapter 395.

998 (b) Entities that own, directly or indirectly, entities
999 licensed or registered by the state pursuant to chapter 395;
1000 entities that own, directly or indirectly, entities licensed or
1001 registered by the state and providing only health care services
1002 within the scope of services authorized pursuant to their
1003 respective licenses under ss. 383.30-383.335, chapter 390,
1004 chapter 394, chapter 397, this chapter except part X, chapter
1005 429, chapter 463, chapter 465, chapter 466, chapter 478, part I
1006 of chapter 483, chapter 484, or chapter 651; end-stage renal
1007 disease providers authorized under 42 C.F.R. part 405, subpart
1008 U; providers certified under 42 C.F.R. part 485, subpart B or
1009 subpart H; or any entity that provides neonatal or pediatric
1010 hospital-based health care services by licensed practitioners
1011 solely within a hospital licensed under chapter 395.

1012 (c) Entities that are owned, directly or indirectly, by an
1013 entity licensed or registered by the state pursuant to chapter
1014 395; entities that are owned, directly or indirectly, by an
1015 entity licensed or registered by the state and providing only
1016 health care services within the scope of services authorized
1017 pursuant to their respective licenses under ss. 383.30-383.335,
1018 chapter 390, chapter 394, chapter 397, this chapter except part
1019 X, chapter 429, chapter 463, chapter 465, chapter 466, chapter
1020 478, part I of chapter 483, chapter 484, or chapter 651; end-
1021 stage renal disease providers authorized under 42 C.F.R. part
1022 405, subpart U; providers certified under 42 C.F.R. part 485,
1023 subpart B or subpart H; or any entity that provides neonatal or
1024 pediatric hospital-based health care services by licensed
1025 practitioners solely within a hospital under chapter 395.



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1026 (d) Entities that are under common ownership, directly or
1027 indirectly, with an entity licensed or registered by the state
1028 pursuant to chapter 395; entities that are under common
1029 ownership, directly or indirectly, with an entity licensed or
1030 registered by the state and providing only health care services
1031 within the scope of services authorized pursuant to their
1032 respective licenses under ss. 383.30-383.335, chapter 390,
1033 chapter 394, chapter 397, this chapter except part X, chapter
1034 429, chapter 463, chapter 465, chapter 466, chapter 478, part I
1035 of chapter 483, chapter 484, or chapter 651; end-stage renal
1036 disease providers authorized under 42 C.F.R. part 405, subpart
1037 U; providers certified under 42 C.F.R. part 485, subpart B or
1038 subpart H; or any entity that provides neonatal or pediatric
1039 hospital-based health care services by licensed practitioners
1040 solely within a hospital licensed under chapter 395.

1041 (e) An entity that is exempt from federal taxation under 26
1042 U.S.C. s. 501(c)(3) or (4), an employee stock ownership plan
1043 under 26 U.S.C. s. 409 that has a board of trustees at least
1044 two-thirds of which are Florida-licensed health care
1045 practitioners and provides only physical therapy services under
1046 physician orders, any community college or university clinic,
1047 and any entity owned or operated by the federal or state
1048 government, including agencies, subdivisions, or municipalities
1049 thereof.

1050 (f) A sole proprietorship, group practice, partnership, or
1051 corporation that provides health care services by physicians
1052 covered by s. 627.419, that is directly supervised by one or
1053 more of such physicians, and that is wholly owned by one or more
1054 of those physicians or by a physician and the spouse, parent,



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1055 child, or sibling of that physician.

1056 (g) A sole proprietorship, group practice, partnership, or
1057 corporation that provides health care services by licensed
1058 health care practitioners under chapter 457, chapter 458,
1059 chapter 459, chapter 460, chapter 461, chapter 462, chapter 463,
1060 chapter 466, chapter 467, chapter 480, chapter 484, chapter 486,
1061 chapter 490, chapter 491, or part I, part III, part X, part
1062 XIII, or part XIV of chapter 468, or s. 464.012, and that is
1063 wholly owned by one or more licensed health care practitioners,
1064 or the licensed health care practitioners set forth in this
1065 paragraph and the spouse, parent, child, or sibling of a
1066 licensed health care practitioner if one of the owners who is a
1067 licensed health care practitioner is supervising the business
1068 activities and is legally responsible for the entity's
1069 compliance with all federal and state laws. However, a health
1070 care practitioner may not supervise services beyond the scope of
1071 the practitioner's license, except that, for the purposes of
1072 this part, a clinic owned by a licensee in s. 456.053(3)(b)
1073 which provides only services authorized pursuant to s.
1074 456.053(3)(b) may be supervised by a licensee specified in s.
1075 456.053(3)(b).

1076 (h) Clinical facilities affiliated with an accredited
1077 medical school at which training is provided for medical
1078 students, residents, or fellows.

1079 (i) Entities that provide only oncology or radiation
1080 therapy services by physicians licensed under chapter 458 or
1081 chapter 459 or entities that provide oncology or radiation
1082 therapy services by physicians licensed under chapter 458 or
1083 chapter 459 which are owned by a corporation whose shares are



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1084 publicly traded on a recognized stock exchange.

1085 (j) Clinical facilities affiliated with a college of
1086 chiropractic accredited by the Council on Chiropractic Education
1087 at which training is provided for chiropractic students.

1088 (k) Entities that provide licensed practitioners to staff
1089 emergency departments or to deliver anesthesia services in
1090 facilities licensed under chapter 395 and that derive at least
1091 90 percent of their gross annual revenues from the provision of
1092 such services. Entities claiming an exemption from licensure
1093 under this paragraph must provide documentation demonstrating
1094 compliance.

1095 (l) Orthotic, prosthetic, pediatric cardiology, or
1096 perinatology clinical facilities or anesthesia clinical
1097 facilities that are not otherwise exempt under paragraph (a) or
1098 paragraph (k) and that are a publicly traded corporation or are
1099 wholly owned, directly or indirectly, by a publicly traded
1100 corporation. As used in this paragraph, a publicly traded
1101 corporation is a corporation that issues securities traded on an
1102 exchange registered with the United States Securities and
1103 Exchange Commission as a national securities exchange.

1104 (m) Entities that are owned by a corporation that has \$250
1105 million or more in total annual sales of health care services
1106 provided by licensed health care practitioners where one or more
1107 of the persons responsible for the operations of the entity is a
1108 health care practitioner who is licensed in this state and who
1109 is responsible for supervising the business activities of the
1110 entity and is responsible for the entity's compliance with state
1111 law for purposes of this part.

1112 (n) Entities that employ 50 or more licensed health care



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1113 practitioners licensed under chapter 458 or chapter 459 where
1114 the billing for medical services is under a single tax
1115 identification number. The application for exemption under this
1116 subsection must include ~~shall contain information that includes:~~
1117 the name, residence, and business address and telephone ~~phone~~
1118 number of the entity that owns the practice; a complete list of
1119 the names and contact information of all the officers and
1120 directors of the corporation; the name, residence address,
1121 business address, and medical license number of each licensed
1122 Florida health care practitioner employed by the entity; the
1123 corporate tax identification number of the entity seeking an
1124 exemption; a listing of health care services to be provided by
1125 the entity at the health care clinics owned or operated by the
1126 entity; and a certified statement prepared by an independent
1127 certified public accountant which states that the entity and the
1128 health care clinics owned or operated by the entity have not
1129 received payment for health care services under motor vehicle
1130 ~~personal injury protection~~ insurance coverage for the preceding
1131 year. If the agency determines that an entity that ~~which~~ is
1132 exempt under this subsection has received payments for medical
1133 services under motor vehicle ~~personal injury protection~~
1134 insurance coverage, the agency may deny or revoke the exemption
1135 from licensure under this subsection.

1136
1137 Notwithstanding this subsection, an entity shall be deemed a
1138 clinic and must be licensed under this part in order to receive
1139 reimbursement under a motor vehicle insurance policy ~~the Florida~~
1140 ~~Motor Vehicle No-Fault Law, ss. 627.730-627.7405, unless~~
1141 ~~exempted under s. 627.736(5)(h).~~



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1142 Section 26. Subsection (6) of section 400.991, Florida
1143 Statutes, is amended to read:

1144 400.991 License requirements; background screenings;
1145 prohibitions.—

1146 (6) All agency forms for licensure application or exemption
1147 from licensure under this part must contain the following
1148 statement:

1149
1150 INSURANCE FRAUD NOTICE.—A person commits a fraudulent
1151 insurance act, as defined in s. 626.989, Florida
1152 Statutes, if the person who knowingly submits a false,
1153 misleading, or fraudulent application or other
1154 document when applying for licensure as a health care
1155 clinic, seeking an exemption from licensure as a
1156 health care clinic, or demonstrating compliance with
1157 part X of chapter 400, Florida Statutes, with the
1158 intent to use the license, exemption from licensure,
1159 or demonstration of compliance to provide services or
1160 seek reimbursement under a motor vehicle liability
1161 insurance policy ~~the Florida Motor Vehicle No-Fault~~
1162 ~~Law, commits a fraudulent insurance act, as defined in~~
1163 ~~s. 626.989, Florida Statutes.~~ A person who presents a
1164 claim for benefits under a motor vehicle insurance
1165 policy, personal injury protection benefits knowing
1166 that the payee knowingly submitted such health care
1167 clinic application or document, commits insurance
1168 fraud, as defined in s. 817.234, Florida Statutes.

1169 Section 27. Paragraph (g) of subsection (1) of section
1170 400.9935, Florida Statutes, is amended to read:



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1171 400.9935 Clinic responsibilities.-

1172 (1) Each clinic shall appoint a medical director or clinic
1173 director who shall agree in writing to accept legal
1174 responsibility for the following activities on behalf of the
1175 clinic. The medical director or the clinic director shall:

1176 (g) Conduct systematic reviews of clinic billings to ensure
1177 that the billings are not fraudulent or unlawful. Upon discovery
1178 of an unlawful charge, the medical director or clinic director
1179 shall take immediate corrective action. If the clinic performs
1180 only the technical component of magnetic resonance imaging,
1181 static radiographs, computed tomography, or positron emission
1182 tomography, and provides the professional interpretation of such
1183 services, in a fixed facility that is accredited by a national
1184 accrediting organization that is approved by the Centers for
1185 Medicare and Medicaid Services for magnetic resonance imaging
1186 and advanced diagnostic imaging services and if, in the
1187 preceding quarter, the percentage of scans performed by that
1188 clinic which was billed to motor vehicle ~~all personal injury~~
1189 ~~protection~~ insurance carriers was less than 15 percent, the
1190 chief financial officer of the clinic may, in a written
1191 acknowledgment provided to the agency, assume the responsibility
1192 for the conduct of the systematic reviews of clinic billings to
1193 ensure that the billings are not fraudulent or unlawful.

1194 Section 28. Subsection (28) of section 409.901, Florida
1195 Statutes, is amended to read:

1196 409.901 Definitions; ss. 409.901-409.920.-As used in ss.
1197 409.901-409.920, except as otherwise specifically provided, the
1198 term:

1199 (28) "Third-party benefit" means any benefit that is or may



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1200 be available at any time through contract, court award,
1201 judgment, settlement, agreement, or any arrangement between a
1202 third party and any person or entity, including, without
1203 limitation, a Medicaid recipient, a provider, another third
1204 party, an insurer, or the agency, for any Medicaid-covered
1205 injury, illness, goods, or services, including costs of medical
1206 services related thereto, for bodily personal injury or for
1207 death of the recipient, but specifically excluding ~~policies of~~
1208 life insurance policies on the recipient, unless available under
1209 terms of the policy to pay medical expenses before ~~prior to~~
1210 death. The term includes, without limitation, collateral, as
1211 defined in this section, health insurance, any benefit under a
1212 health maintenance organization, a preferred provider
1213 arrangement, a prepaid health clinic, liability insurance,
1214 uninsured motorist insurance ~~or personal injury protection~~
1215 ~~coverage~~, medical benefits under workers' compensation, and any
1216 obligation under law or equity to provide medical support.

1217 Section 29. Paragraph (f) of subsection (11) of section
1218 409.910, Florida Statutes, is amended to read:

1219 409.910 Responsibility for payments on behalf of Medicaid-
1220 eligible persons when other parties are liable.—

1221 (11) The agency may, as a matter of right, in order to
1222 enforce its rights under this section, institute, intervene in,
1223 or join any legal or administrative proceeding in its own name
1224 in one or more of the following capacities: individually, as
1225 subrogee of the recipient, as assignee of the recipient, or as
1226 lienholder of the collateral.

1227 (f) Notwithstanding any provision in this section to the
1228 contrary, in the event of an action in tort against a third



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1229 party in which the recipient or his or her legal representative
1230 is a party which results in a judgment, award, or settlement
1231 from a third party, the amount recovered shall be distributed as
1232 follows:

1233 1. After attorney ~~attorney's~~ fees and taxable costs as
1234 defined by the Florida Rules of Civil Procedure, one-half of the
1235 remaining recovery shall be paid to the agency up to the total
1236 amount of medical assistance provided by Medicaid.

1237 2. The remaining amount of the recovery shall be paid to
1238 the recipient.

1239 3. For purposes of calculating the agency's recovery of
1240 medical assistance benefits paid, the fee for services of an
1241 attorney retained by the recipient or his or her legal
1242 representative shall be calculated at 25 percent of the
1243 judgment, award, or settlement.

1244 4. Notwithstanding any other provision of this section to
1245 the contrary, the agency shall be entitled to all medical
1246 coverage benefits up to the total amount of medical assistance
1247 provided by Medicaid. For purposes of this paragraph, the term
1248 "medical coverage" means any benefits under health insurance, a
1249 health maintenance organization, a preferred provider
1250 arrangement, or a prepaid health clinic, and the portion of
1251 benefits designated for medical payments under ~~coverage for~~
1252 workers' compensation coverage, motor vehicle insurance
1253 coverage, personal injury protection, and casualty coverage.

1254 Section 30. Paragraph (k) of subsection (2) of section
1255 456.057, Florida Statutes, is amended to read:

1256 456.057 Ownership and control of patient records; report or
1257 copies of records to be furnished; disclosure of information.-



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1258 (2) As used in this section, the terms "records owner,"
1259 "health care practitioner," and "health care practitioner's
1260 employer" do not include any of the following persons or
1261 entities; furthermore, the following persons or entities are not
1262 authorized to acquire or own medical records, but are authorized
1263 under the confidentiality and disclosure requirements of this
1264 section to maintain those documents required by the part or
1265 chapter under which they are licensed or regulated:

1266 ~~(k) Persons or entities practicing under s. 627.736(7).~~

1267 Section 31. Paragraphs (ee) and (ff) of subsection (1) of
1268 section 456.072, Florida Statutes, are amended to read:

1269 456.072 Grounds for discipline; penalties; enforcement.—

1270 (1) The following acts shall constitute grounds for which
1271 the disciplinary actions specified in subsection (2) may be
1272 taken:

1273 (ee) With respect to making a motor vehicle insurance
1274 personal injury protection claim as required by s. 627.736,
1275 intentionally submitting a claim, statement, or bill that has
1276 been upcoded. As used in this paragraph, the term "upcoded"
1277 means an action that submits a billing code that would result in
1278 payment greater in amount than would be paid using a billing
1279 code that accurately describes the services performed. The term
1280 does not include an otherwise lawful bill by a magnetic
1281 resonance imaging facility, which globally combines both
1282 technical and professional components, if the amount of the
1283 global bill is not more than the components if billed
1284 separately; however, payment of such a bill constitutes payment
1285 in full for all components of such service ~~"upcoded" as defined~~
1286 ~~in s. 627.732.~~



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1287 (ff) With respect to making a motor vehicle insurance
1288 ~~personal injury protection claim as required by s. 627.736,~~
1289 intentionally submitting a claim, statement, or bill for payment
1290 of services that were not rendered.

1291 Section 32. Paragraphs (i) and (o) of subsection (1) of
1292 section 626.9541, Florida Statutes, are amended to read:

1293 626.9541 Unfair methods of competition and unfair or
1294 deceptive acts or practices defined.—

1295 (1) UNFAIR METHODS OF COMPETITION AND UNFAIR OR DECEPTIVE
1296 ACTS.—The following are defined as unfair methods of competition
1297 and unfair or deceptive acts or practices:

1298 (i) *Unfair claim settlement practices.*—

1299 1. Attempting to settle claims on the basis of an
1300 application, when serving as a binder or intended to become a
1301 part of the policy, or any other material document which was
1302 altered without notice to, or knowledge or consent of, the
1303 insured;

1304 2. A material misrepresentation made to an insured or any
1305 other person having an interest in the proceeds payable under
1306 such contract or policy, for the purpose and with the intent of
1307 effecting settlement of such claims, loss, or damage under such
1308 contract or policy on less favorable terms than those provided
1309 in, and contemplated by, such contract or policy; ~~or~~

1310 3. Committing or performing with such frequency as to
1311 indicate a general business practice any of the following:

1312 a. Failing to adopt and implement standards for the proper
1313 investigation of claims;

1314 b. Misrepresenting pertinent facts or insurance policy
1315 provisions relating to coverages at issue;



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- 1316 c. Failing to acknowledge and act promptly upon
1317 communications with respect to claims;
- 1318 d. Denying claims without conducting reasonable
1319 investigations based upon available information;
- 1320 e. Failing to affirm or deny full or partial coverage of
1321 claims, and, as to partial coverage, the dollar amount or extent
1322 of coverage, or failing to provide a written statement that the
1323 claim is being investigated, upon the written request of the
1324 insured within 30 days after proof-of-loss statements have been
1325 completed;
- 1326 f. Failing to promptly provide a reasonable explanation in
1327 writing to the insured of the basis in the insurance policy, in
1328 relation to the facts or applicable law, for denial of a claim
1329 or for the offer of a compromise settlement;
- 1330 g. Failing to promptly notify the insured of any additional
1331 information necessary for the processing of a claim; or
- 1332 h. Failing to clearly explain the nature of the requested
1333 information and the reasons why such information is necessary.
- 1334 ~~i. Failing to pay personal injury protection insurance~~
1335 ~~claims within the time periods required by s. 627.736(4)(b). The~~
1336 ~~office may order the insurer to pay restitution to a~~
1337 ~~policyholder, medical provider, or other claimant, including~~
1338 ~~interest at a rate consistent with the amount set forth in s.~~
1339 ~~55.03(1), for the time period within which an insurer fails to~~
1340 ~~pay claims as required by law. Restitution is in addition to any~~
1341 ~~other penalties allowed by law, including, but not limited to,~~
1342 ~~the suspension of the insurer's certificate of authority.~~
- 1343 4. Failing to pay undisputed amounts of partial or full
1344 benefits owed under first-party property insurance policies



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1345 within 90 days after an insurer receives notice of a residential
1346 property insurance claim, determines the amounts of partial or
1347 full benefits, and agrees to coverage, unless payment of the
1348 undisputed benefits is prevented by an act of God, prevented by
1349 the impossibility of performance, or due to actions by the
1350 insured or claimant that constitute fraud, lack of cooperation,
1351 or intentional misrepresentation regarding the claim for which
1352 benefits are owed.

1353 (o) *Illegal dealings in premiums; excess or reduced charges*
1354 *for insurance.*—

1355 1. Knowingly collecting any sum as a premium or charge for
1356 insurance, which is not then provided, or is not in due course
1357 to be provided, subject to acceptance of the risk by the
1358 insurer, by an insurance policy issued by an insurer as
1359 permitted by this code.

1360 2. Knowingly collecting as a premium or charge for
1361 insurance any sum in excess of or less than the premium or
1362 charge applicable to such insurance, in accordance with the
1363 applicable classifications and rates as filed with and approved
1364 by the office, and as specified in the policy; or, in cases when
1365 classifications, premiums, or rates are not required by this
1366 code to be so filed and approved, premiums and charges collected
1367 from a Florida resident in excess of or less than those
1368 specified in the policy and as fixed by the insurer.

1369 Notwithstanding any other provision of law, this provision shall
1370 not be deemed to prohibit the charging and collection, by
1371 surplus lines agents licensed under part VIII of this chapter,
1372 of the amount of applicable state and federal taxes, or fees as
1373 authorized by s. 626.916(4), in addition to the premium required



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1374 by the insurer or the charging and collection, by licensed
1375 agents, of the exact amount of any discount or other such fee
1376 charged by a credit card facility in connection with the use of
1377 a credit card, as authorized by subparagraph (q)3., in addition
1378 to the premium required by the insurer. This subparagraph shall
1379 not be construed to prohibit collection of a premium for a
1380 universal life or a variable or indeterminate value insurance
1381 policy made in accordance with the terms of the contract.

1382 3.a. Imposing or requesting an additional premium for
1383 bodily injury liability coverage, property damage liability
1384 coverage ~~a policy of motor vehicle liability, personal injury~~
1385 ~~protection~~, medical payments coverage ~~payment~~, or collision
1386 coverage in a motor vehicle liability insurance policy ~~insurance~~
1387 ~~or any combination thereof~~ or refusing to renew the policy
1388 solely because the insured was involved in a motor vehicle
1389 accident unless the insurer's file contains information from
1390 which the insurer in good faith determines that the insured was
1391 substantially at fault in the accident.

1392 b. An insurer which imposes and collects such a surcharge
1393 or which refuses to renew such policy shall, in conjunction with
1394 the notice of premium due or notice of nonrenewal, notify the
1395 named insured that he or she is entitled to reimbursement of
1396 such amount or renewal of the policy under the conditions listed
1397 below and will subsequently reimburse him or her or renew the
1398 policy, if the named insured demonstrates that the operator
1399 involved in the accident was:

1400 (I) Lawfully parked;

1401 (II) Reimbursed by, or on behalf of, a person responsible
1402 for the accident or has a judgment against such person;



1403 (III) Struck in the rear by another vehicle headed in the
1404 same direction and was not convicted of a moving traffic
1405 violation in connection with the accident;

1406 (IV) Hit by a "hit-and-run" driver, if the accident was
1407 reported to the proper authorities within 24 hours after
1408 discovering the accident;

1409 (V) Not convicted of a moving traffic violation in
1410 connection with the accident, but the operator of the other
1411 automobile involved in such accident was convicted of a moving
1412 traffic violation;

1413 (VI) Finally adjudicated not to be liable by a court of
1414 competent jurisdiction;

1415 (VII) In receipt of a traffic citation which was dismissed
1416 or nolle prossed; or

1417 (VIII) Not at fault as evidenced by a written statement
1418 from the insured establishing facts demonstrating lack of fault
1419 which are not rebutted by information in the insurer's file from
1420 which the insurer in good faith determines that the insured was
1421 substantially at fault.

1422 c. In addition to the other provisions of this
1423 subparagraph, an insurer may not fail to renew a policy if the
1424 insured has had only one accident in which he or she was at
1425 fault within the current 3-year period. However, an insurer may
1426 nonrenew a policy for reasons other than accidents in accordance
1427 with s. 627.728. This subparagraph does not prohibit nonrenewal
1428 of a policy under which the insured has had three or more
1429 accidents, regardless of fault, during the most recent 3-year
1430 period.

1431 4. Imposing or requesting an additional premium for, or



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1432 refusing to renew, a policy for motor vehicle insurance solely
1433 because the insured committed a noncriminal traffic infraction
1434 as described in s. 318.14 unless the infraction is:

1435 a. A second infraction committed within an 18-month period,
1436 or a third or subsequent infraction committed within a 36-month
1437 period.

1438 b. A violation of s. 316.183, when such violation is a
1439 result of exceeding the lawful speed limit by more than 15 miles
1440 per hour.

1441 5. Upon the request of the insured, the insurer and
1442 licensed agent shall supply to the insured the complete proof of
1443 fault or other criteria which justifies the additional charge or
1444 cancellation.

1445 6. No insurer shall impose or request an additional premium
1446 for motor vehicle insurance, cancel or refuse to issue a policy,
1447 or refuse to renew a policy because the insured or the applicant
1448 is a handicapped or physically disabled person, so long as such
1449 handicap or physical disability does not substantially impair
1450 such person's mechanically assisted driving ability.

1451 7. No insurer may cancel or otherwise terminate any
1452 insurance contract or coverage, or require execution of a
1453 consent to rate endorsement, during the stated policy term for
1454 the purpose of offering to issue, or issuing, a similar or
1455 identical contract or coverage to the same insured with the same
1456 exposure at a higher premium rate or continuing an existing
1457 contract or coverage with the same exposure at an increased
1458 premium.

1459 8. No insurer may issue a nonrenewal notice on any
1460 insurance contract or coverage, or require execution of a



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1461 consent to rate endorsement, for the purpose of offering to
1462 issue, or issuing, a similar or identical contract or coverage
1463 to the same insured at a higher premium rate or continuing an
1464 existing contract or coverage at an increased premium without
1465 meeting any applicable notice requirements.

1466 9. No insurer shall, with respect to premiums charged for
1467 motor vehicle insurance, unfairly discriminate solely on the
1468 basis of age, sex, marital status, or scholastic achievement.

1469 10. Imposing or requesting an additional premium for motor
1470 vehicle comprehensive or uninsured motorist coverage solely
1471 because the insured was involved in a motor vehicle accident or
1472 was convicted of a moving traffic violation.

1473 11. No insurer shall cancel or issue a nonrenewal notice on
1474 any insurance policy or contract without complying with any
1475 applicable cancellation or nonrenewal provision required under
1476 the Florida Insurance Code.

1477 12. No insurer shall impose or request an additional
1478 premium, cancel a policy, or issue a nonrenewal notice on any
1479 insurance policy or contract because of any traffic infraction
1480 when adjudication has been withheld and no points have been
1481 assessed pursuant to s. 318.14(9) and (10). However, this
1482 subparagraph does not apply to traffic infractions involving
1483 accidents in which the insurer has incurred a loss due to the
1484 fault of the insured.

1485 Section 33. Paragraph (a) of subsection (1) of section
1486 626.989, Florida Statutes, is amended to read:

1487 626.989 Investigation by department or Division of
1488 Investigative and Forensic Services; compliance; immunity;
1489 confidential information; reports to division; division



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1490 investigator's power of arrest.-

1491 (1) For the purposes of this section:

1492 (a) A person commits a "fraudulent insurance act" if the
1493 person:

1494 1. Knowingly and with intent to defraud presents, causes to
1495 be presented, or prepares with knowledge or belief that it will
1496 be presented, to or by an insurer, self-insurer, self-insurance
1497 fund, servicing corporation, purported insurer, broker, or any
1498 agent thereof, any written statement as part of, or in support
1499 of, an application for the issuance of, or the rating of, any
1500 insurance policy, or a claim for payment or other benefit
1501 pursuant to any insurance policy, which the person knows to
1502 contain materially false information concerning any fact
1503 material thereto or if the person conceals, for the purpose of
1504 misleading another, information concerning any fact material
1505 thereto.

1506 2. Knowingly submits:

1507 a. A false, misleading, or fraudulent application or other
1508 document when applying for licensure as a health care clinic,
1509 seeking an exemption from licensure as a health care clinic, or
1510 demonstrating compliance with part X of chapter 400 with an
1511 intent to use the license, exemption from licensure, or
1512 demonstration of compliance to provide services or seek
1513 reimbursement under a motor vehicle liability insurance policy
1514 ~~the Florida Motor Vehicle No-Fault Law.~~

1515 b. A claim for payment or other benefit under a motor
1516 vehicle pursuant to a personal injury protection insurance
1517 policy under the Florida Motor Vehicle No-Fault Law if the
1518 person knows that the payee knowingly submitted a false,



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1519 misleading, or fraudulent application or other document when
1520 applying for licensure as a health care clinic, seeking an
1521 exemption from licensure as a health care clinic, or
1522 demonstrating compliance with part X of chapter 400.

1523 Section 34. Subsection (1) of section 627.06501, Florida
1524 Statutes, is amended to read:

1525 627.06501 Insurance discounts for certain persons
1526 completing driver improvement course.—

1527 (1) Any rate, rating schedule, or rating manual for the
1528 bodily injury and property damage liability coverage, ~~personal~~
1529 ~~injury protection, and collision coverages~~ of a motor vehicle
1530 insurance policy filed with the office may provide for an
1531 appropriate reduction in premium charges as to such coverages if
1532 ~~when~~ the principal operator on the covered vehicle has
1533 successfully completed a driver improvement course approved and
1534 certified by the Department of Highway Safety and Motor Vehicles
1535 which is effective in reducing crash or violation rates, or
1536 both, as determined pursuant to s. 318.1451(5). Any discount,
1537 not to exceed 10 percent, used by an insurer is presumed to be
1538 appropriate unless credible data demonstrates otherwise.

1539 Section 35. Subsection (1) of section 627.0652, Florida
1540 Statutes, is amended to read:

1541 627.0652 Insurance discounts for certain persons completing
1542 safety course.—

1543 (1) Any rates, rating schedules, or rating manuals for the
1544 bodily injury and property damage liability coverage, ~~personal~~
1545 ~~injury protection, and collision coverages~~ of a motor vehicle
1546 insurance policy filed with the office must ~~shall~~ provide for an
1547 appropriate reduction in premium charges as to such coverages if



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1548 ~~when~~ the principal operator on the covered vehicle is an insured
1549 55 years of age or older who has successfully completed a motor
1550 vehicle accident prevention course approved by the Department of
1551 Highway Safety and Motor Vehicles. Any discount used by an
1552 insurer is presumed to be appropriate unless credible data
1553 demonstrates otherwise.

1554 Section 36. Subsections (1), (3), and (6) of section
1555 627.0653, Florida Statutes, are amended to read:

1556 627.0653 Insurance discounts for specified motor vehicle
1557 equipment.—

1558 (1) Any rates, rating schedules, or rating manuals for the
1559 bodily injury and property damage liability coverage, ~~personal~~
1560 ~~injury protection, and collision coverages~~ of a motor vehicle
1561 insurance policy filed with the office must ~~shall~~ provide a
1562 premium discount if the insured vehicle is equipped with
1563 factory-installed, four-wheel antilock brakes.

1564 (3) Any rates, rating schedules, or rating manuals for the
1565 bodily injury liability ~~personal injury protection~~ coverage and
1566 medical payments coverage, if offered, of a motor vehicle
1567 insurance policy filed with the office must ~~shall~~ provide a
1568 premium discount if the insured vehicle is equipped with one or
1569 more air bags that ~~which~~ are factory installed.

1570 (6) The Office of Insurance Regulation may approve a
1571 premium discount to any rates, rating schedules, or rating
1572 manuals for the bodily injury and property damage liability
1573 coverage, ~~personal injury protection, and collision coverages~~ of
1574 a motor vehicle insurance policy filed with the office if the
1575 insured vehicle is equipped with autonomous driving technology
1576 or electronic vehicle collision avoidance technology that is



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1577 factory installed or a retrofitted system and that complies with
1578 National Highway Traffic Safety Administration standards.

1579 Section 37. Section 627.4132, Florida Statutes, is amended
1580 to read:

1581 627.4132 Stacking of coverages prohibited.—If an insured or
1582 named insured is protected by any type of motor vehicle
1583 insurance policy for bodily injury and property damage
1584 ~~liability, personal injury protection, or other coverage~~, the
1585 policy must ~~shall~~ provide that the insured or named insured is
1586 protected only to the extent of the coverage she or he has on
1587 the vehicle involved in the accident. However, if none of the
1588 insured's or named insured's vehicles are ~~is~~ involved in the
1589 accident, coverage is available only to the extent of coverage
1590 on any one of the vehicles with applicable coverage. Coverage on
1591 any other vehicles may ~~shall~~ not be added to or stacked upon
1592 that coverage. This section does not apply:

1593 (1) To uninsured motorist coverage that ~~which~~ is separately
1594 governed by s. 627.727.

1595 (2) To reduce the coverage available by reason of insurance
1596 policies insuring different named insureds.

1597 Section 38. Section 627.7263, Florida Statutes, is amended
1598 to read:

1599 627.7263 Rental and leasing driver's insurance to be
1600 primary; exception.—

1601 (1) The valid and collectible bodily injury and property
1602 damage liability insurance ~~or personal injury protection~~
1603 ~~insurance~~ providing coverage for the lessor of a motor vehicle
1604 for rent or lease is primary unless otherwise stated in at least
1605 10-point type on the face of the rental or lease agreement. Such



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1606 insurance is primary for the limits of liability ~~and personal~~
1607 ~~injury protection~~ coverage as required by s. 324.021(7) ~~ss.~~
1608 ~~324.021(7) and 627.736.~~

1609 (2) If the lessee's coverage is to be primary, the rental
1610 or lease agreement must contain the following language, in at
1611 least 10-point type:

1612
1613 "The valid and collectible bodily injury and property
1614 damage liability insurance ~~and personal injury~~
1615 ~~protection insurance~~ of an any authorized rental or
1616 leasing driver is primary for the limits of liability
1617 ~~and personal injury protection~~ coverage required under
1618 s. 324.021(7) ~~by ss. 324.021(7) and 627.736,~~ Florida
1619 Statutes."

1620 Section 39. Subsections (1) and (7) of section 627.727,
1621 Florida Statutes, are amended, and present subsections (8), (9),
1622 and (10) of that section are redesignated as subsections (7),
1623 (8), and (9), respectively, to read:

1624 627.727 Motor vehicle insurance; uninsured and underinsured
1625 vehicle coverage; insolvent insurer protection.—

1626 (1) A ~~No~~ motor vehicle liability insurance policy that
1627 ~~which~~ provides bodily injury liability coverage may not ~~shall~~ be
1628 delivered or issued for delivery in this state with respect to
1629 any specifically insured or identified motor vehicle registered
1630 or principally garaged in this state, unless uninsured motor
1631 vehicle coverage is provided therein or supplemental thereto for
1632 the protection of persons insured thereunder who are legally
1633 entitled to recover damages from owners or operators of
1634 uninsured motor vehicles because of bodily injury, sickness, or



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1635 disease, including death, resulting therefrom. However, the
1636 coverage required under this section is not applicable if ~~when~~,
1637 or to the extent that, an insured named in the policy makes a
1638 written rejection of the coverage on behalf of all insureds
1639 under the policy. If ~~When~~ a motor vehicle is leased for a ~~period~~
1640 ~~of~~ 1 year or longer and the lessor of such vehicle, by the terms
1641 of the lease contract, provides liability coverage on the leased
1642 vehicle, the lessee of such vehicle has ~~shall have~~ the sole
1643 privilege to reject uninsured motorist coverage or to select
1644 lower limits than the bodily injury liability limits, regardless
1645 of whether the lessor is qualified as a self-insurer pursuant to
1646 s. 324.171. Unless an insured, or lessee having the privilege of
1647 rejecting uninsured motorist coverage, requests such coverage or
1648 requests higher uninsured motorist limits in writing, the
1649 coverage or such higher uninsured motorist limits need not be
1650 provided in or supplemental to any other policy which renews,
1651 extends, changes, supersedes, or replaces an existing policy
1652 with the same bodily injury liability limits when an insured or
1653 lessee had rejected the coverage. When an insured or lessee has
1654 initially selected limits of uninsured motorist coverage lower
1655 than her or his bodily injury liability limits, higher limits of
1656 uninsured motorist coverage need not be provided in or
1657 supplemental to any other policy that ~~which~~ renews, extends,
1658 changes, supersedes, or replaces an existing policy with the
1659 same bodily injury liability limits unless an insured requests
1660 higher uninsured motorist coverage in writing. The rejection or
1661 selection of lower limits must ~~shall~~ be made on a form approved
1662 by the office. The form must ~~shall~~ fully advise the applicant of
1663 the nature of the coverage and must ~~shall~~ state that the



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1664 coverage is equal to bodily injury liability limits unless lower
1665 limits are requested or the coverage is rejected. The heading of
1666 the form must ~~shall~~ be in 12-point bold type and must ~~shall~~
1667 state: "You are electing not to purchase certain valuable
1668 coverage that ~~which~~ protects you and your family or you are
1669 purchasing uninsured motorist limits less than your bodily
1670 injury liability limits when you sign this form. Please read
1671 carefully." If this form is signed by a named insured, it will
1672 be conclusively presumed that there was an informed, knowing
1673 rejection of coverage or election of lower limits on behalf of
1674 all insureds. The insurer shall notify the named insured at
1675 least annually of her or his options as to the coverage required
1676 by this section. Such notice must ~~shall~~ be part of, and attached
1677 to, the notice of premium, must ~~shall~~ provide for a means to
1678 allow the insured to request such coverage, and must ~~shall~~ be
1679 given in a manner approved by the office. Receipt of this notice
1680 does not constitute an affirmative waiver of the insured's right
1681 to uninsured motorist coverage if ~~where~~ the insured has not
1682 signed a selection or rejection form. The coverage described
1683 under this section must ~~shall~~ be over and above, but may ~~shall~~
1684 not duplicate, the benefits available to an insured under any
1685 workers' compensation law, ~~personal injury protection benefits,~~
1686 disability benefits law, or similar law; under any automobile
1687 medical payments ~~expense~~ coverage; under any motor vehicle
1688 liability insurance coverage; or from the owner or operator of
1689 the uninsured motor vehicle or any other person or organization
1690 jointly or severally liable together with such owner or operator
1691 for the accident; and such coverage must ~~shall~~ cover the
1692 difference, if any, between the sum of such benefits and the



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1693 damages sustained, up to the maximum amount of such coverage
1694 provided under this section. The amount of coverage available
1695 under this section may ~~shall~~ not be reduced by a setoff against
1696 any coverage, including liability insurance. Such coverage does
1697 ~~shall~~ not inure directly or indirectly to the benefit of any
1698 workers' compensation or disability benefits carrier or any
1699 person or organization qualifying as a self-insurer under any
1700 workers' compensation or disability benefits law or similar law.

1701 ~~(7) The legal liability of an uninsured motorist coverage~~
1702 ~~insurer does not include damages in tort for pain, suffering,~~
1703 ~~mental anguish, and inconvenience unless the injury or disease~~
1704 ~~is described in one or more of paragraphs (a) - (d) of s.~~
1705 ~~627.737(2).~~

1706 Section 40. Section 627.7275, Florida Statutes, is amended
1707 to read:

1708 627.7275 Motor vehicle liability; bad faith actions;
1709 insurer liability; requirements and construction.-

1710 (1) A motor vehicle insurance policy ~~providing personal~~
1711 ~~injury protection as set forth in s. 627.736~~ may not be
1712 delivered or issued for delivery in this state for a with
1713 ~~respect to any~~ specifically insured or identified motor vehicle
1714 registered or principally garaged in this state must provide
1715 bodily injury liability coverage and unless the policy also
1716 ~~provides coverage for~~ property damage liability coverage as
1717 required under ~~by~~ s. 324.022.

1718 (2) (a) Insurers writing motor vehicle insurance in this
1719 state shall make available, subject to the insurers' usual
1720 underwriting restrictions:

1721 1. Coverage under policies as described in subsection (1)



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1722 to an applicant for private passenger motor vehicle insurance
1723 coverage who is seeking the coverage in order to reinstate the
1724 applicant's driving privileges in this state if the driving
1725 privileges were revoked or suspended pursuant to s. 316.646 or
1726 s. 324.0221 due to the failure of the applicant to maintain
1727 required security.

1728 2. Coverage under policies as described in subsection (1),
1729 which includes bodily injury ~~also provides~~ liability coverage
1730 and property damage liability coverage ~~for bodily injury, death,~~
1731 ~~and property damage arising out of the ownership, maintenance,~~
1732 ~~or use of the motor vehicle~~ in an amount not less than the
1733 minimum limits required under ~~described in~~ s. 324.021(7) or s.
1734 324.023 and which conforms to the requirements of s. 324.151, to
1735 an applicant for private passenger motor vehicle insurance
1736 coverage who is seeking the coverage in order to reinstate the
1737 applicant's driving privileges in this state after such
1738 privileges were revoked or suspended under s. 316.193 or s.
1739 322.26(2) for driving under the influence.

1740 (b) The policies described in paragraph (a) must ~~shall~~ be
1741 issued for at least 6 months and, as to the minimum coverages
1742 required under this section, may not be canceled by the insured
1743 for any reason or by the insurer after 60 days, during which
1744 period the insurer is completing the underwriting of the policy.
1745 After the insurer has completed underwriting the policy, the
1746 insurer shall notify the Department of Highway Safety and Motor
1747 Vehicles that the policy is in full force and effect and is not
1748 cancelable for the remainder of the policy period. A premium
1749 must ~~shall~~ be collected and the coverage is in effect for the
1750 60-day period during which the insurer is completing the



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1751 underwriting of the policy, whether or not the person's driver
1752 license, motor vehicle tag, and motor vehicle registration are
1753 in effect. Once the noncancelable provisions of the policy
1754 become effective, the bodily injury liability and property
1755 damage liability coverages ~~for bodily injury, property damage,~~
1756 ~~and personal injury protection~~ may not be reduced below the
1757 minimum limits required under s. 324.021 or s. 324.023 during
1758 the policy period.

1759 (c) This subsection controls to the extent of any conflict
1760 with any other section.

1761 (d) An insurer issuing a policy subject to this section may
1762 cancel the policy if, during the policy term, the named insured,
1763 or any other operator who resides in the same household or
1764 customarily operates an automobile insured under the policy, has
1765 his or her driver license suspended or revoked.

1766 (e) This subsection does not require an insurer to offer a
1767 policy of insurance to an applicant if such offer would be
1768 inconsistent with the insurer's underwriting guidelines and
1769 procedures.

1770 (3) (a) As a condition precedent to a statutory or common
1771 law action for a bad faith failure to settle a motor vehicle
1772 liability claim, the insured, claimant, or the representative of
1773 the insured or claimant must provide the insurer with a written
1774 notice of loss. If the motor vehicle liability insurer complies
1775 with a request for a disclosure statement described in s.
1776 627.4137, and, within 45 days after receipt of the written
1777 notice of loss, offers to pay the claimant the lesser of the
1778 amount the claimant is willing to accept or the limits of the
1779 motor vehicle liability coverage applicable to the claimant's



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1780 claim in exchange for full release of the insureds from any
1781 liability arising from the incident and the notice of loss, the
1782 insurer does not violate the duty to attempt in good faith to
1783 settle the claim and is not liable for a bad faith failure to
1784 settle under this section or under the common law.

1785 (b) In evaluating whether the insurer attempted in good
1786 faith to settle the claim when, under the totality of the
1787 circumstances, it could have and should have done so had it
1788 acted fairly and honestly toward its insured and with due regard
1789 for his or her interests, the trier of fact must also consider
1790 whether the insured, claimant, or representative of the insured
1791 or claimant made good faith efforts to cooperate with the
1792 insurer in the investigation of the claim.

1793 (c) If two or more third-party claimants in a motor vehicle
1794 liability claim make competing claims arising out of a single
1795 occurrence which in total exceed the available policy limits of
1796 one or more of the insured parties who may be liable to the
1797 third-party claimants, an insurer is not liable beyond the
1798 available policy limits for failure to pay all or any portion of
1799 the available policy limits to one or more of the third-party
1800 claimants, if, within 90 days after receiving notice of the
1801 competing claims in excess of the available policy limits, the
1802 insurer files an interpleader action under the Florida Rules of
1803 Civil Procedure. The claims of the competing third-party
1804 claimants are entitled to a prorated share of the policy limits
1805 as determined by the trier of fact. An insurer's interpleader
1806 action does not alter or amend the insurer's obligation to
1807 defend its insured.

1808 Section 41. Paragraph (a) of subsection (1) of section



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1809 627.728, Florida Statutes, is amended to read:

1810 627.728 Cancellations; nonrenewals.—

1811 (1) As used in this section, the term:

1812 (a) "Policy" means the bodily injury and property damage
1813 liability, ~~personal injury protection~~, medical payments,
1814 comprehensive, collision, and uninsured motorist coverage
1815 portions of a policy of motor vehicle insurance delivered or
1816 issued for delivery in this state:

1817 1. Insuring a natural person as named insured or one or
1818 more related individuals who are residents ~~resident~~ of the same
1819 household; and

1820 2. Insuring only a motor vehicle of the private passenger
1821 type or station wagon type which is not used as a public or
1822 livery conveyance for passengers or rented to others; or
1823 insuring any other four-wheel motor vehicle having a load
1824 capacity of 1,500 pounds or less which is not used in the
1825 occupation, profession, or business of the insured other than
1826 farming; other than any policy issued under an automobile
1827 insurance assigned risk plan or covering garage, automobile
1828 sales agency, repair shop, service station, or public parking
1829 place operation hazards.

1830

1831 The term "policy" does not include a binder as defined in s.
1832 627.420 unless the duration of the binder period exceeds 60
1833 days.

1834 Section 42. Subsection (1), paragraph (a) of subsection
1835 (5), and subsections (6) and (7) of section 627.7295, Florida
1836 Statutes, are amended to read:

1837 627.7295 Motor vehicle insurance contracts.—



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1838 (1) As used in this section, the term:
1839 (a) "Policy" means a motor vehicle insurance policy that
1840 provides bodily injury liability ~~personal injury protection~~
1841 coverage, property damage liability coverage, or both.
1842 (b) "Binder" means a binder that provides motor vehicle
1843 bodily injury liability coverage, ~~personal injury protection~~ and
1844 property damage liability coverage.
1845 (5) (a) A licensed general lines agent may charge a per-
1846 policy fee up to ~~not to exceed~~ \$10 to cover the administrative
1847 costs of the agent associated with selling the motor vehicle
1848 insurance policy if the policy covers only bodily injury
1849 liability coverage ~~personal injury protection coverage as~~
1850 ~~provided by s. 627.736~~ and property damage liability coverage as
1851 provided by s. 627.7275 and if no other insurance is sold or
1852 issued in conjunction with or collateral to the policy. The fee
1853 is not ~~considered~~ part of the premium.
1854 (6) If a motor vehicle owner's driver license, license
1855 plate, and registration have previously been suspended pursuant
1856 to s. 316.646 ~~or s. 627.733~~, an insurer may cancel a new policy
1857 only as provided in s. 627.7275.
1858 (7) A policy of private passenger motor vehicle insurance
1859 or a binder for such a policy may be initially issued in this
1860 state only if, before the effective date of such binder or
1861 policy, the insurer or agent has collected ~~from the insured an~~
1862 ~~amount equal to~~ 2 months' premium from the insured. An insurer,
1863 agent, or premium finance company may not, directly or
1864 indirectly, take any action that results ~~resulting~~ in the
1865 insured paying ~~having paid~~ from the insured's own funds an
1866 amount less than the 2 months' premium required by this



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1867 subsection. This subsection applies without regard to whether
1868 the premium is financed by a premium finance company or is paid
1869 pursuant to a periodic payment plan of an insurer or an
1870 insurance agent.

1871 (a) This subsection does not apply:

1872 1. If an insured or member of the insured's family is
1873 renewing or replacing a policy or a binder for such policy
1874 written by the same insurer or a member of the same insurer
1875 group. ~~This subsection does not apply~~

1876 2. To an insurer that issues private passenger motor
1877 vehicle coverage primarily to active duty or former military
1878 personnel or their dependents. ~~This subsection does not apply~~

1879 3. If all policy payments are paid pursuant to a payroll
1880 deduction plan, an automatic electronic funds transfer payment
1881 plan from the policyholder, or a recurring credit card or debit
1882 card agreement with the insurer.

1883 (b) This subsection and subsection (4) do not apply if:

1884 1. All policy payments to an insurer are paid pursuant to
1885 an automatic electronic funds transfer payment plan from an
1886 agent, a managing general agent, or a premium finance company
1887 and if the policy includes, at a minimum, bodily injury
1888 liability coverage and ~~personal injury protection pursuant to~~
1889 ~~ss. 627.730-627.7405; motor vehicle property damage liability~~
1890 coverage pursuant to s. 627.7275; or and ~~bodily injury liability~~
1891 ~~in at least the amount of \$10,000 because of bodily injury to,~~
1892 ~~or death of, one person in any one accident and in the amount of~~
1893 ~~\$20,000 because of bodily injury to, or death of, two or more~~
1894 ~~persons in any one accident. This subsection and subsection (4)~~
1895 ~~do not apply if~~



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1896 2. An insured has had a policy in effect for at least 6
1897 months, the insured's agent is terminated by the insurer that
1898 issued the policy, and the insured obtains coverage on the
1899 policy's renewal date with a new company through the terminated
1900 agent.

1901 Section 43. Subsections (1) and (2) of section 627.7415,
1902 Florida Statutes, are amended to read:

1903 627.7415 Commercial motor vehicles; additional liability
1904 insurance coverage.—Commercial motor vehicles, as defined in s.
1905 207.002 or s. 320.01, operated upon the roads and highways of
1906 this state shall be insured with the ~~following~~ minimum levels of
1907 combined bodily liability insurance and property damage
1908 liability insurance under subsections (1) and (2) in addition to
1909 any other insurance requirements.÷

1910 (1) ~~Fifty thousand dollars per occurrence~~ For a commercial
1911 motor vehicle with a gross vehicle weight of 26,000 pounds or
1912 more, but less than 35,000 pounds:

1913 (a) Beginning January 1, 2019, through December 31, 2020,
1914 no less than \$50,000 per occurrence.

1915 (b) Beginning January 1, 2021, through December 31, 2022,
1916 no less than \$60,000 per occurrence.

1917 (c) Beginning January 1, 2023, and thereafter, no less than
1918 \$70,000 per occurrence.

1919 (2) ~~One hundred thousand dollars per occurrence~~ For a
1920 commercial motor vehicle with a gross vehicle weight of 35,000
1921 pounds or more, but less than 44,000 pounds:

1922 (a) Beginning January 1, 2019, through December 31, 2020,
1923 no less than \$100,000 per occurrence.

1924 (b) Beginning January 1, 2021, through December 31, 2022,



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1925 no less than \$120,000 per occurrence.

1926 (c) Beginning January 1, 2023, and thereafter, no less than
1927 \$140,000 per occurrence.

1928
1929 A violation of this section is a noncriminal traffic infraction,
1930 punishable as a nonmoving violation as provided in chapter 318.

1931 Section 44. Section 627.8405, Florida Statutes, is amended
1932 to read:

1933 627.8405 Prohibited acts; financing companies.—A ~~No~~ premium
1934 finance company ~~shall~~, in a premium finance agreement or other
1935 agreement, may not finance the cost of or otherwise provide for
1936 the collection or remittance of dues, assessments, fees, or
1937 other periodic payments of money for the cost of:

1938 (1) A membership in an automobile club. The term
1939 "automobile club" means a legal entity that ~~which~~, in
1940 consideration of dues, assessments, or periodic payments of
1941 money, promises its members or subscribers to assist them in
1942 matters relating to the ownership, operation, use, or
1943 maintenance of a motor vehicle; however, the term ~~this~~
1944 ~~definition of "automobile club"~~ does not include persons,
1945 associations, or corporations ~~which are~~ organized and operated
1946 solely for the purpose of conducting, sponsoring, or sanctioning
1947 motor vehicle races, exhibitions, or contests upon racetracks,
1948 or upon racecourses established and marked as such for the
1949 duration of such particular events. The term ~~words~~ "motor
1950 vehicle" used herein has ~~have~~ the same meaning as defined in
1951 chapter 320.

1952 (2) An accidental death and dismemberment policy sold in
1953 combination with a policy providing only bodily injury liability



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1954 coverage ~~personal injury protection~~ and property damage
1955 liability coverage ~~only policy~~.

1956 (3) Any product not regulated under ~~the provisions of this~~
1957 insurance code.

1958

1959 This section also applies to premium financing by any insurance
1960 agent or insurance company under part XVI. The commission shall
1961 adopt rules to assure disclosure, at the time of sale, of
1962 coverages financed ~~with personal injury protection~~ and shall
1963 prescribe the form of such disclosure.

1964 Section 45. Subsection (1) of section 627.915, Florida
1965 Statutes, is amended to read:

1966 627.915 Insurer experience reporting.-

1967 (1) Each insurer transacting private passenger automobile
1968 insurance in this state shall report certain information
1969 annually to the office. The information will be due on or before
1970 July 1 of each year. The information must ~~shall~~ be divided into
1971 the following categories: bodily injury liability; property
1972 damage liability; uninsured motorist; ~~personal injury protection~~
1973 ~~benefits~~; medical payments; and comprehensive and collision. The
1974 information given must ~~shall~~ be on direct insurance writings in
1975 the state alone and ~~shall~~ represent total limits data. The
1976 information set forth in paragraphs (a)-(f) is applicable to
1977 voluntary private passenger and Joint Underwriting Association
1978 private passenger writings and must ~~shall~~ be reported for each
1979 of the latest 3 calendar-accident years, with an evaluation date
1980 of March 31 of the current year. The information set forth in
1981 paragraphs (g)-(j) is applicable to voluntary private passenger
1982 writings and must ~~shall~~ be reported on a calendar-accident year



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1983 basis ultimately seven times at seven different stages of
1984 development.
1985 (a) Premiums earned for the latest 3 calendar-accident
1986 years.
1987 (b) Loss development factors and the historic development
1988 of those factors.
1989 (c) Policyholder dividends incurred.
1990 (d) Expenses for other acquisition and general expense.
1991 (e) Expenses for agents' commissions and taxes, licenses,
1992 and fees.
1993 (f) Profit and contingency factors as utilized in the
1994 insurer's automobile rate filings for the applicable years.
1995 (g) Losses paid.
1996 (h) Losses unpaid.
1997 (i) Loss adjustment expenses paid.
1998 (j) Loss adjustment expenses unpaid.
1999 Section 46. Subsections (2) and (3) of section 628.909,
2000 Florida Statutes, are amended to read:
2001 628.909 Applicability of other laws.—
2002 (2) The following provisions of the Florida Insurance Code
2003 apply to captive insurance companies who are not industrial
2004 insured captive insurance companies to the extent that such
2005 provisions are not inconsistent with this part:
2006 (a) Chapter 624, except for ss. 624.407, 624.408, 624.4085,
2007 624.40851, 624.4095, 624.411, 624.425, and 624.426.
2008 (b) Chapter 625, part II.
2009 (c) Chapter 626, part IX.
2010 (d) ~~Sections 627.730-627.7405, when no fault coverage is~~
2011 ~~provided.~~



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2012 ~~(e)~~ Chapter 628.

2013 (3) The following provisions of the Florida Insurance Code
2014 ~~shall~~ apply to industrial insured captive insurance companies to
2015 the extent that such provisions are not inconsistent with this
2016 part:

2017 (a) Chapter 624, except for ss. 624.407, 624.408, 624.4085,
2018 624.40851, 624.4095, 624.411, 624.425, 624.426, and 624.609(1).

2019 (b) Chapter 625, part II, if the industrial insured captive
2020 insurance company is incorporated in this state.

2021 (c) Chapter 626, part IX.

2022 (d) ~~Sections 627.730-627.7405 when no-fault coverage is~~
2023 ~~provided.~~

2024 ~~(e)~~ Chapter 628, except for ss. 628.341, 628.351, and
2025 628.6018.

2026 Section 47. Subsections (2), (6), and (7) of section
2027 705.184, Florida Statutes, are amended to read:

2028 705.184 Derelict or abandoned motor vehicles on the
2029 premises of public-use airports.-

2030 (2) The airport director or the director's designee shall
2031 contact the Department of Highway Safety and Motor Vehicles to
2032 notify that department that the airport has possession of the
2033 abandoned or derelict motor vehicle and to determine the name
2034 and address of the owner of the motor vehicle, the insurance
2035 company insuring the motor vehicle, ~~notwithstanding the~~
2036 ~~provisions of s. 627.736~~, and any person who has filed a lien on
2037 the motor vehicle. Within 7 business days after receipt of the
2038 information, the director or the director's designee shall send
2039 notice by certified mail, return receipt requested, to the owner
2040 of the motor vehicle, the insurance company insuring the motor



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2041 vehicle, ~~notwithstanding the provisions of s. 627.736,~~ and all
2042 persons of record claiming a lien against the motor vehicle. The
2043 notice must ~~shall~~ state the fact of possession of the motor
2044 vehicle, that charges for reasonable towing, storage, and
2045 parking fees, if any, have accrued and the amount thereof, that
2046 a lien as provided in subsection (6) will be claimed, that the
2047 lien is subject to enforcement pursuant to law, that the owner
2048 or lienholder, if any, has the right to a hearing as set forth
2049 in subsection (4), and that any motor vehicle which, at the end
2050 of 30 calendar days after receipt of the notice, has not been
2051 removed from the airport upon payment in full of all accrued
2052 charges for reasonable towing, storage, and parking fees, if
2053 any, may be disposed of as provided in s. 705.182(2)(a), (b),
2054 (d), or (e), including, but not limited to, the motor vehicle
2055 being sold free of all prior liens after 35 calendar days after
2056 the time the motor vehicle is stored if any prior liens on the
2057 motor vehicle are more than 5 years of age or after 50 calendar
2058 days after the time the motor vehicle is stored if any prior
2059 liens on the motor vehicle are 5 years of age or less.

2060 (6) The airport pursuant to this section or, if used, a
2061 licensed independent wrecker company pursuant to s. 713.78 shall
2062 have a lien on an abandoned or derelict motor vehicle for all
2063 reasonable towing, storage, and accrued parking fees, if any,
2064 except that no storage fee may ~~shall~~ be charged if the motor
2065 vehicle is stored less than 6 hours. As a prerequisite to
2066 perfecting a lien under this section, the airport director or
2067 the director's designee must serve a notice in accordance with
2068 subsection (2) on the owner of the motor vehicle, the insurance
2069 company insuring the motor vehicle, ~~notwithstanding the~~



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2070 ~~provisions of s. 627.736,~~ and all persons of record claiming a
2071 lien against the motor vehicle. If attempts to notify the owner,
2072 the insurance company insuring the motor vehicle,
2073 ~~notwithstanding the provisions of s. 627.736,~~ or lienholders are
2074 not successful, the requirement of notice by mail shall be
2075 considered met. Serving of the notice does not dispense with
2076 recording the claim of lien.

2077 (7) (a) For the purpose of perfecting its lien under this
2078 section, the airport shall record a claim of lien which states
2079 ~~shall state:~~

2080 1. The name and address of the airport.

2081 2. The name of the owner of the motor vehicle, the
2082 insurance company insuring the motor vehicle, ~~notwithstanding~~
2083 ~~the provisions of s. 627.736,~~ and all persons of record claiming
2084 a lien against the motor vehicle.

2085 3. The costs incurred from reasonable towing, storage, and
2086 parking fees, if any.

2087 4. A description of the motor vehicle sufficient for
2088 identification.

2089 (b) The claim of lien must ~~shall~~ be signed and sworn to or
2090 affirmed by the airport director or the director's designee.

2091 (c) The claim of lien is ~~shall be~~ sufficient if it is in
2092 substantially the following form:

2093

2094 CLAIM OF LIEN

2095 State of

2096 County of

2097 Before me, the undersigned notary public, personally appeared
2098, who was duly sworn and says that he/she is the



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2099 of, whose address is.....; and that the
2100 following described motor vehicle:

2101 ...(Description of motor vehicle)...

2102 owned by, whose address is, has accrued
2103 \$..... in fees for a reasonable tow, for storage, and for
2104 parking, if applicable; that the lienor served its notice to the
2105 owner, the insurance company insuring the motor vehicle
2106 ~~notwithstanding the provisions of s. 627.736, Florida Statutes,~~
2107 and all persons of record claiming a lien against the motor
2108 vehicle on, ...(year)...., by.....

2109 ...(Signature)...

2110 Sworn to (or affirmed) and subscribed before me this day of
2111, ...(year)...., by ...(name of person making statement)....

2112 ...(Signature of Notary Public).....(Print, Type, or Stamp
2113 Commissioned name of Notary Public)...

2114 Personally Known...OR Produced...as identification.

2115

2116 However, the negligent inclusion or omission of any information
2117 in this claim of lien which does not prejudice the owner does
2118 not constitute a default that operates to defeat an otherwise
2119 valid lien.

2120 (d) The claim of lien must ~~shall~~ be served on the owner of
2121 the motor vehicle, the insurance company insuring the motor
2122 vehicle, ~~notwithstanding the provisions of s. 627.736,~~ and all
2123 persons of record claiming a lien against the motor vehicle. If
2124 attempts to notify the owner, the insurance company insuring the
2125 motor vehicle ~~notwithstanding the provisions of s. 627.736,~~ or
2126 lienholders are not successful, the requirement of notice by
2127 mail shall be considered met. The claim of lien must ~~shall~~ be so



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2128 served before recordation.

2129 (e) The claim of lien must ~~shall~~ be recorded with the clerk
2130 of court in the county where the airport is located. The
2131 recording of the claim of lien shall be constructive notice to
2132 all persons of the contents and effect of such claim. The lien
2133 attaches ~~shall attach~~ at the time of recordation and takes ~~shall~~
2134 ~~take~~ priority as of that time.

2135 Section 48. Subsection (4) of section 713.78, Florida
2136 Statutes, is amended to read:

2137 713.78 Liens for recovering, towing, or storing vehicles
2138 and vessels.-

2139 (4) (a) Any person regularly engaged in the business of
2140 recovering, towing, or storing vehicles or vessels who comes
2141 into possession of a vehicle or vessel pursuant to subsection
2142 (2), and who claims a lien for recovery, towing, or storage
2143 services, shall give notice to the registered owner, the
2144 insurance company insuring the vehicle ~~notwithstanding the~~
2145 ~~provisions of s. 627.736~~, and to all persons claiming a lien
2146 thereon, as disclosed by the records in the Department of
2147 Highway Safety and Motor Vehicles or as disclosed by the records
2148 of any corresponding agency in any other state in which the
2149 vehicle is identified through a records check of the National
2150 Motor Vehicle Title Information System or an equivalent
2151 commercially available system as being titled or registered.

2152 (b) If a ~~Whenever any~~ law enforcement agency authorizes the
2153 removal of a vehicle or vessel or if a ~~whenever any~~ towing
2154 service, garage, repair shop, or automotive service, storage, or
2155 parking place notifies the law enforcement agency of possession
2156 of a vehicle or vessel pursuant to s. 715.07(2)(a)2., the law



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2157 enforcement agency of the jurisdiction where the vehicle or
2158 vessel is stored shall contact the Department of Highway Safety
2159 and Motor Vehicles, or the appropriate agency of the state of
2160 registration, if known, within 24 hours through the medium of
2161 electronic communications, giving the full description of the
2162 vehicle or vessel. Upon receipt of the full description of the
2163 vehicle or vessel, the department shall search its files to
2164 determine the owner's name, the insurance company insuring the
2165 vehicle or vessel, and whether any person has filed a lien upon
2166 the vehicle or vessel as provided in s. 319.27(2) and (3) and
2167 notify the applicable law enforcement agency within 72 hours.
2168 The person in charge of the towing service, garage, repair shop,
2169 or automotive service, storage, or parking place shall obtain
2170 such information from the applicable law enforcement agency
2171 within 5 days after the date of storage and shall give notice
2172 pursuant to paragraph (a). The department may release the
2173 insurance company information to the requestor ~~notwithstanding~~
2174 ~~the provisions of s. 627.736.~~

2175 (c) Notice by certified mail must ~~shall~~ be sent within 7
2176 business days after the date of storage of the vehicle or vessel
2177 to the registered owner, the insurance company insuring the
2178 vehicle ~~notwithstanding the provisions of s. 627.736~~, and all
2179 persons of record claiming a lien against the vehicle or vessel.
2180 The notice must ~~It shall~~ state the fact of possession of the
2181 vehicle or vessel, that a lien as provided in subsection (2) is
2182 claimed, that charges have accrued and the amount thereof, that
2183 the lien is subject to enforcement pursuant to law, ~~and~~ that the
2184 owner or lienholder, if any, has the right to a hearing as set
2185 forth in subsection (5), and that any vehicle or vessel which



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2186 remains unclaimed, or for which the charges for recovery,
2187 towing, or storage services remain unpaid, may be sold free of
2188 all prior liens after 35 days if the vehicle or vessel is more
2189 than 3 years of age or after 50 days if the vehicle or vessel is
2190 3 years of age or less.

2191 (d) If attempts to locate the name and address of the owner
2192 or lienholder prove unsuccessful, the towing-storage operator
2193 must ~~shall~~, after 7 working days, excluding Saturday and Sunday,
2194 of the initial tow or storage, notify the public agency of
2195 jurisdiction where the vehicle or vessel is stored in writing by
2196 certified mail or acknowledged hand delivery that the towing-
2197 storage company has been unable to locate the name and address
2198 of the owner or lienholder and a physical search of the vehicle
2199 or vessel has disclosed no ownership information and a good
2200 faith effort has been made, including records checks of the
2201 Department of Highway Safety and Motor Vehicles database and the
2202 National Motor Vehicle Title Information System or an equivalent
2203 commercially available system. As used in ~~For purposes of~~ this
2204 paragraph and subsection (9), the term "good faith effort" means
2205 that the following checks have been performed by the company to
2206 establish prior state of registration and for title:

2207 1. Check of the Department of Highway Safety and Motor
2208 Vehicles database for the owner and any lienholder.

2209 2. Check of the electronic National Motor Vehicle Title
2210 Information System or an equivalent commercially available
2211 system to determine the state of registration when there is not
2212 a current registration record for the vehicle on file with the
2213 Department of Highway Safety and Motor Vehicles.

2214 3. Check of vehicle or vessel for any type of tag, tag



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2215 record, temporary tag, or regular tag.

2216 4. Check of law enforcement report for tag number or other
2217 information identifying the vehicle or vessel, if the vehicle or
2218 vessel was towed at the request of a law enforcement officer.

2219 5. Check of trip sheet or tow ticket of tow truck operator
2220 to see if a tag was on vehicle or vessel at beginning of tow, if
2221 private tow.

2222 6. If there is no address of the owner on the impound
2223 report, check of law enforcement report to see if an out-of-
2224 state address is indicated from driver license information.

2225 7. Check of vehicle or vessel for inspection sticker or
2226 other stickers and decals that may indicate a state of possible
2227 registration.

2228 8. Check of the interior of the vehicle or vessel for any
2229 papers that may be in the glove box, trunk, or other areas for a
2230 state of registration.

2231 9. Check of vehicle for vehicle identification number.

2232 10. Check of vessel for vessel registration number.

2233 11. Check of vessel hull for a hull identification number
2234 which should be carved, burned, stamped, embossed, or otherwise
2235 permanently affixed to the outboard side of the transom or, if
2236 there is no transom, to the outmost seaboard side at the end of
2237 the hull that bears the rudder or other steering mechanism.

2238 Section 49. Paragraph (a) of subsection (1), paragraph (c)
2239 of subsection (7), paragraphs (a), (b), and (c) of subsection
2240 (8), and subsections (9) and (10) of section 817.234, Florida
2241 Statutes, are amended to read:

2242 817.234 False and fraudulent insurance claims.—

2243 (1) (a) A person commits insurance fraud punishable as



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2244 provided in subsection (11) if that person, with the intent to
2245 injure, defraud, or deceive any insurer:

2246 1. Presents or causes to be presented any written or oral
2247 statement as part of, or in support of, a claim for payment or
2248 other benefit pursuant to an insurance policy or a health
2249 maintenance organization subscriber or provider contract,
2250 knowing that such statement contains ~~any~~ false, incomplete, or
2251 misleading information concerning any fact or thing material to
2252 such claim;

2253 2. Prepares or makes any written or oral statement that is
2254 intended to be presented to an ~~any~~ insurer in connection with,
2255 or in support of, any claim for payment or other benefit
2256 pursuant to an insurance policy or a health maintenance
2257 organization subscriber or provider contract, knowing that such
2258 statement contains ~~any~~ false, incomplete, or misleading
2259 information concerning any fact or thing material to such claim;

2260 3.a. Knowingly presents, causes to be presented, or
2261 prepares or makes with knowledge or belief that it will be
2262 presented to an ~~any~~ insurer, purported insurer, servicing
2263 corporation, insurance broker, or insurance agent, or any
2264 employee or agent thereof, ~~any~~ false, incomplete, or misleading
2265 information or a written or oral statement as part of, or in
2266 support of, an application for the issuance of, or the rating
2267 of, any insurance policy, or a health maintenance organization
2268 subscriber or provider contract; or

2269 b. Knowingly conceals information concerning any fact
2270 material to such application; or

2271 4. Knowingly presents, causes to be presented, or prepares
2272 or makes with knowledge or belief that it will be presented to



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2273 any insurer a claim for payment or other benefit under a motor
2274 vehicle ~~a personal injury protection~~ insurance policy if the
2275 person knows that the payee knowingly submitted a false,
2276 misleading, or fraudulent application or other document when
2277 applying for licensure as a health care clinic, seeking an
2278 exemption from licensure as a health care clinic, or
2279 demonstrating compliance with part X of chapter 400.

2280 (7)

2281 ~~(c) An insurer, or any person acting at the direction of or~~
2282 ~~on behalf of an insurer, may not change an opinion in a mental~~
2283 ~~or physical report prepared under s. 627.736(7) or direct the~~
2284 ~~physician preparing the report to change such opinion; however,~~
2285 ~~this provision does not preclude the insurer from calling to the~~
2286 ~~attention of the physician errors of fact in the report based~~
2287 ~~upon information in the claim file. Any person who violates this~~
2288 ~~paragraph commits a felony of the third degree, punishable as~~
2289 ~~provided in s. 775.082, s. 775.083, or s. 775.084.~~

2290 (8) (a) It is unlawful for any person intending to defraud
2291 any other person to solicit or cause to be solicited any
2292 business from a person involved in a motor vehicle accident for
2293 the purpose of making, adjusting, or settling motor vehicle tort
2294 claims or claims for benefits under a motor vehicle insurance
2295 policy ~~personal injury protection benefits required by s.~~
2296 ~~627.736. Any person who violates the provisions of this~~
2297 ~~paragraph commits a felony of the second degree, punishable as~~
2298 ~~provided in s. 775.082, s. 775.083, or s. 775.084. A person who~~
2299 ~~is convicted of a violation of this subsection shall be~~
2300 ~~sentenced to a minimum term of imprisonment of 2 years.~~

2301 (b) A person may not solicit or cause to be solicited any



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2302 business from a person involved in a motor vehicle accident by
2303 any means of communication other than advertising directed to
2304 the public for the purpose of making motor vehicle tort claims
2305 or claims for benefits under a motor vehicle insurance policy
2306 ~~personal injury protection benefits required by s. 627.736,~~
2307 within 60 days after the occurrence of the motor vehicle
2308 accident. Any person who violates this paragraph commits a
2309 felony of the third degree, punishable as provided in s.
2310 775.082, s. 775.083, or s. 775.084.

2311 (c) A lawyer, health care practitioner as defined in s.
2312 456.001, or owner or medical director of a clinic required to be
2313 licensed pursuant to s. 400.9905 may not, at any time after 60
2314 days have elapsed from the occurrence of a motor vehicle
2315 accident, solicit or cause to be solicited any business from a
2316 person involved in a motor vehicle accident by means of in
2317 person or telephone contact at the person's residence, for the
2318 purpose of making motor vehicle tort claims or claims for
2319 benefits under a motor vehicle insurance policy ~~personal injury~~
2320 ~~protection benefits required by s. 627.736.~~ Any person who
2321 violates this paragraph commits a felony of the third degree,
2322 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

2323 (9) A person may not organize, plan, or knowingly
2324 participate in an intentional motor vehicle crash or a scheme to
2325 create documentation of a motor vehicle crash that did not occur
2326 for the purpose of making motor vehicle tort claims or claims
2327 for benefits under a motor vehicle insurance policy ~~personal~~
2328 ~~injury protection benefits as required by s. 627.736.~~ Any person
2329 who violates this subsection commits a felony of the second
2330 degree, punishable as provided in s. 775.082, s. 775.083, or s.



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2331 775.084. A person who is convicted of a violation of this
2332 subsection shall be sentenced to a minimum term of imprisonment
2333 of 2 years.

2334 (10) A licensed health care practitioner who is found
2335 guilty of insurance fraud under this section for an act relating
2336 to a motor vehicle personal injury protection insurance policy
2337 loses his or her license to practice for 5 years and may not
2338 receive reimbursement under a motor vehicle insurance policy ~~for~~
2339 ~~personal injury protection benefits~~ for 10 years.

2340 Section 50. Applicability and construction; notice to
2341 policyholders.—

2342 (1) As used in this section, the term "minimum security
2343 requirements" means security that enables a person to respond in
2344 damages for liability on account of crashes arising out of the
2345 ownership, maintenance, or use of a motor vehicle in the amounts
2346 required by s. 324.021(7), Florida Statutes.

2347 (2) Effective January 1, 2019:

2348 (a) Motor vehicle insurance policies issued or renewed on
2349 or after that date may not include personal injury protection.

2350 (b) All persons subject to s. 324.022, s. 324.032, s.
2351 627.7415, or s. 627.742, Florida Statutes, must maintain at
2352 least minimum security requirements.

2353 (c) Any new or renewal motor vehicle insurance policy
2354 delivered or issued for delivery in this state must provide
2355 coverage that complies with minimum security requirements.

2356 (d) An existing motor vehicle insurance policy issued
2357 before that date which provides personal injury protection and
2358 property damage liability coverage that meets the requirements
2359 of s. 324.022, Florida Statutes, on December 31, 2018, but which



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2360 does not meet minimum security requirements on or after January
2361 1, 2019, is deemed to meet the security requirements of s.
2362 324.022, Florida Statutes, until such policy is renewed,
2363 nonrenewed, or canceled on or after January 1, 2019.

2364 (3) Each insurer shall allow each insured who has a new or
2365 renewal policy providing personal injury protection, which
2366 becomes effective before January 1, 2019, and whose policy does
2367 not meet minimum security requirements on or after January 1,
2368 2019, to change coverages so as to eliminate personal injury
2369 protection and obtain coverage providing minimum security
2370 requirements, which shall be effective on or after January 1,
2371 2019. The insurer is not required to provide coverage complying
2372 with minimum security requirements in such policies if the
2373 insured does not pay the required premium, if any, by January 1,
2374 2019, or such later date as the insurer may allow. Any reduction
2375 in the premium must be refunded by the insurer. The insurer may
2376 not impose on the insured an additional fee or charge that
2377 applies solely to a change in coverage; however, the insurer may
2378 charge an additional required premium that is actuarially
2379 indicated.

2380 (4) By September 1, 2018, each motor vehicle insurer shall
2381 provide notice of this section to each motor vehicle
2382 policyholder who is subject to this section. The notice is
2383 subject to approval by the Office of Insurance Regulation and
2384 must clearly inform the policyholder that:

2385 (a) The Florida Motor Vehicle No-Fault Law is repealed,
2386 effective January 1, 2019, and that on or after that date, the
2387 insured is no longer required to maintain personal injury
2388 protection insurance coverage, that personal injury protection



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2389 coverage is no longer available for purchase in this state, and
2390 that all new or renewal policies issued on or after that date do
2391 not contain such coverage.

2392 (b) Effective January 1, 2019, a person subject to the
2393 financial responsibility requirements of s. 324.022, Florida
2394 Statutes, must maintain minimum security requirements that
2395 enable the person to respond in damages for liability on account
2396 of accidents arising out of the use of a motor vehicle in the
2397 following amounts:

2398 1. Beginning January 1, 2019, and continuing through
2399 December 31, 2020:

2400 a. Twenty thousand dollars for bodily injury to, or the
2401 death of, one person in any one crash and, subject to such
2402 limits for one person, in the amount of \$40,000 for bodily
2403 injury to, or the death of, two or more persons in any one
2404 crash; and

2405 b. Ten thousand dollars for damage to, or destruction of,
2406 the property of others in any one crash.

2407 2. Beginning January 1, 2021, and continuing through
2408 December 31, 2022:

2409 a. Twenty-five thousand dollars for bodily injury to, or
2410 the death of, one person in any one crash and, subject to such
2411 limits for one person, in the amount of \$50,000 for bodily
2412 injury to, or the death of, two or more persons in any one
2413 crash; and

2414 b. Ten thousand dollars for damage to, or destruction of,
2415 the property of others in any one crash.

2416 3. Beginning January 1, 2023, and continuing thereafter:

2417 a. Thirty thousand dollars for bodily injury to, or the



2418 death of, one person in any one crash and, subject to such
2419 limits for one person, in the amount of \$60,000 for bodily
2420 injury to, or the death of, two or more persons in any one
2421 crash; and
2422 b. Ten thousand dollars for damage to, or destruction of,
2423 the property of others in any one crash.
2424 (c) Personal injury protection insurance paid covered
2425 medical expenses for injuries sustained in a motor vehicle crash
2426 by the policyholder, passengers, and relatives residing in the
2427 policyholder's household.
2428 (d) Bodily injury liability coverage protects the insured,
2429 up to the coverage limits, against loss if the insured is
2430 legally responsible for the death of or bodily injury to others
2431 in a motor vehicle accident.
2432 (e) The policyholder may obtain underinsured motorist
2433 coverage, which provides benefits, up to the limits of such
2434 coverage, to a policyholder or other insured entitled to recover
2435 damages for bodily injury, sickness, disease, or death resulting
2436 from a motor vehicle accident with an uninsured or underinsured
2437 owner or operator of a motor vehicle.
2438 (f) If the policyholder's new or renewal motor vehicle
2439 insurance policy is effective before January 1, 2019, and
2440 contains personal injury protection and property damage
2441 liability coverage as required by state law before January 1,
2442 2019, but does not meet minimum security requirements on or
2443 after January 1, 2019, the policy is deemed to meet minimum
2444 security requirements until it is renewed, nonrenewed, or
2445 canceled on or after January 1, 2019.
2446 (g) A policyholder whose new or renewal policy becomes



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2447 effective before January 1, 2019, but does not meet minimum
2448 security requirements on or after January 1, 2019, may change
2449 coverages under the policy so as to eliminate personal injury
2450 protection and to obtain coverage providing minimum security
2451 requirements, including bodily injury liability coverage, which
2452 are effective on or after January 1, 2019.

2453 (h) If the policyholder has any questions, he or she should
2454 contact the person named at the telephone number provided in the
2455 notice.

2456 (5) This section takes effect upon this act becoming a law.

2457 Section 51. Application of suspensions for failure to
2458 maintain security; reinstatement.—All suspensions for failure to
2459 maintain required security as required by law in effect before
2460 January 1, 2019, remain in full force and effect after January
2461 1, 2019. A driver may reinstate a suspended driver license or
2462 registration as provided under s. 324.0221, Florida Statutes.

2463 Section 52. Except as otherwise expressly provided in this
2464 act and except for this section, which shall take effect upon
2465 this act becoming a law, this act shall take effect January 1,
2466 2019.

2467
2468 ===== T I T L E A M E N D M E N T =====

2469 And the title is amended as follows:

2470 Delete everything before the enacting clause
2471 and insert:

2472 A bill to be entitled
2473 An act relating to motor vehicle insurance; repealing
2474 ss. 627.730, 627.731, 627.7311, 627.732, 627.733,
2475 627.734, 627.736, 627.737, 627.739, 627.7401,



2476 627.7403, and 627.7405, F.S., which comprise the
2477 Florida Motor Vehicle No-Fault Law; repealing s.
2478 627.7407, F.S., relating to application of the Florida
2479 Motor Vehicle No-Fault Law; amending s. 316.646, F.S.;
2480 revising a requirement for proof of security on a
2481 motor vehicle and the applicability of the
2482 requirement; amending s. 318.18, F.S.; conforming a
2483 provision to changes made by the act; amending s.
2484 320.02, F.S.; revising the motor vehicle insurance
2485 coverages that an applicant must show to register
2486 certain vehicles with the Department of Highway Safety
2487 and Motor Vehicles; deleting a requirement that
2488 specified information be included on a certain
2489 insurance proof-of-purchase card; revising
2490 construction; conforming provisions to changes made by
2491 the act; amending s. 320.0609, F.S.; conforming a
2492 provision to changes made by the act; amending s.
2493 320.27, F.S.; defining the term "garage liability
2494 insurance"; revising garage liability insurance
2495 requirements for motor vehicle dealer applicants;
2496 conforming a provision to changes made by the act;
2497 amending s. 320.771, F.S.; revising garage liability
2498 insurance requirements for recreational vehicle dealer
2499 license applicants; amending ss. 322.251 and 322.34,
2500 F.S.; conforming provisions to changes made by the
2501 act; amending s. 324.011, F.S.; revising legislative
2502 intent; amending s. 324.021, F.S.; revising
2503 definitions of the terms "motor vehicle" and "proof of
2504 financial responsibility"; revising, at specified



2505 timeframes, minimum coverage requirements for proof of
2506 financial responsibility for specified motor vehicles;
2507 defining the term "for-hire passenger transportation
2508 vehicle"; conforming provisions to changes made by the
2509 act; amending s. 324.022, F.S.; revising, at specified
2510 timeframes, minimum liability coverage requirements
2511 for motor vehicle owners or operators; revising
2512 authorized methods for meeting such requirements;
2513 revising the vehicles that are excluded from the
2514 definition of the term "motor vehicle" and providing
2515 security requirements for certain excluded vehicles;
2516 conforming provisions to changes made by the act;
2517 conforming cross-references; amending s. 324.0221,
2518 F.S.; revising applicability of certain insurer
2519 reporting and notice requirements as to policies
2520 providing certain liability coverages; conforming
2521 provisions to changes made by the act; amending s.
2522 324.023, F.S.; conforming cross-references; amending
2523 s. 324.031, F.S.; revising applicability of a
2524 provision authorizing certain methods of proving
2525 financial responsibility; revising, at specified
2526 timeframes, the amount of a certificate of deposit
2527 required for a specified method of proof of financial
2528 responsibility; revising excess liability coverage
2529 requirements for a person electing to use such method;
2530 amending s. 324.032, F.S.; revising financial
2531 responsibility requirements for owners or lessees of
2532 for-hire passenger transportation vehicles and the
2533 applicability of such requirements; revising a



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2534 requirement for a motor vehicle liability policy
2535 obtained to comply with such requirements; amending
2536 ss. 324.051, 324.071, 324.091, and 324.151, F.S.;
2537 making technical changes; amending s. 324.161, F.S.;
2538 revising requirements for a certificate of deposit
2539 that is required if a person elects a certain method
2540 of providing financial responsibility; amending s.
2541 324.171, F.S.; revising, at specified timeframes, the
2542 minimum net worth requirements to qualify certain
2543 persons as self-insurers; conforming provisions to
2544 changes made by the act; amending s. 324.251, F.S.;
2545 revising the short title and an effective date;
2546 amending s. 400.9905, F.S.; revising the definition of
2547 the term "clinic" relating to reimbursements for
2548 health care services under motor vehicle insurance
2549 coverage; amending s. 400.991, F.S.; conforming a
2550 provision to changes made by the act; amending s.
2551 400.9935, F.S.; revising a condition relating to
2552 certain clinic billings to apply to motor vehicle
2553 insurance carriers rather than to personal injury
2554 protection insurance carriers; amending s. 409.901,
2555 F.S.; revising the definition of the term "third-party
2556 benefit"; amending s. 409.910, F.S.; revising the
2557 definition of the term "medical coverage"; making
2558 technical changes; amending s. 456.057, F.S.;
2559 conforming a provision to changes made by the act;
2560 amending s. 456.072, F.S.; revising specified grounds
2561 for discipline for certain health professions relating
2562 to motor vehicle insurance claims rather than personal



2563 injury protection claims; defining the term "upcoded";
2564 amending s. 626.9541, F.S.; conforming a provision to
2565 changes made by the act; revising the type of
2566 insurance coverage applicable to a certain prohibited
2567 act; conforming a cross-reference; amending s.
2568 626.989, F.S.; revising the definition of the term
2569 "fraudulent insurance act" to include certain acts
2570 under a motor vehicle insurance policy rather than
2571 under the Florida Motor Vehicle No-Fault Law; amending
2572 s. 627.06501, F.S.; revising coverages that may
2573 provide for a reduction in motor vehicle insurance
2574 policy premium charges under certain circumstances;
2575 amending s. 627.0652, F.S.; revising coverages that
2576 must provide a premium charge reduction under certain
2577 circumstances; amending s. 627.0653, F.S.; revising
2578 coverages subject to premium discounts for specified
2579 motor vehicle equipment; amending s. 627.4132, F.S.;
2580 revising the coverages of a motor vehicle policy which
2581 are subject to a stacking prohibition; amending s.
2582 627.7263, F.S.; revising provisions relating to the
2583 designation of primary insurance for rental and
2584 leasing driver's insurance; conforming provisions to
2585 changes made by the act; amending s. 627.727, F.S.;
2586 conforming provisions to changes made by the act;
2587 amending s. 627.7275, F.S.; revising applicability and
2588 required coverages for a motor vehicle insurance
2589 policy; requiring insureds or claimants, or their
2590 representatives, to provide insurers with a written
2591 notice of loss before bringing certain bad faith



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2592 actions; providing that if an insurer complies with
2593 certain conditions, it does not violate a certain good
2594 faith duty and is not liable for a certain bad faith
2595 failure; requiring the trier of fact, in making
2596 certain evaluations, to consider whether the insurer
2597 or claimant made certain good faith efforts to
2598 cooperate with the insurer's investigation; providing
2599 a limitation on an insurer's liability relating to
2600 multiple third-party claimants under certain
2601 circumstances, if the insurer files an interpleader
2602 action within a specified timeframe; providing
2603 construction relating to the interpleader action;
2604 conforming provisions to changes made by the act;
2605 amending s. 627.728, F.S.; conforming a provision to
2606 changes made by the act; amending s. 627.7295, F.S.;
2607 revising the definitions of the terms "policy" and
2608 "binder"; revising the coverages of a motor vehicle
2609 insurance policy for which a licensed general lines
2610 agent may charge a specified fee; revising
2611 applicability; conforming a cross-reference; amending
2612 s. 627.7415, F.S.; revising, at specified intervals,
2613 the minimum levels of certain liability insurance
2614 required for commercial motor vehicles; amending s.
2615 627.8405, F.S.; revising coverages in a policy sold in
2616 combination with an accidental death and dismemberment
2617 policy, which a premium finance company may not
2618 finance; revising rulemaking authority of the
2619 commission; amending ss. 627.915, 628.909, 705.184,
2620 and 713.78, F.S.; conforming provisions to changes



2621 made by the act; amending s. 817.234, F.S.; revising
2622 specified prohibited false and fraudulent insurance
2623 claims for benefits to those under a motor vehicle
2624 insurance policy rather than a personal injury
2625 protection insurance policy; conforming a provision to
2626 changes made by the act; conforming a cross-reference;
2627 providing applicability and construction relating to
2628 changes made by the act; defining the term "minimum
2629 security requirements"; providing requirements and
2630 procedures relating to motor vehicle insurance
2631 policies that include personal injury protection as of
2632 a specified date; requiring an insurer to provide, by
2633 a specified date, a specified notice to policyholders
2634 relating to requirements under the act; providing for
2635 construction relating to suspensions for failure to
2636 maintain required security in effect before a
2637 specified date; providing effective dates.