

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

26 cross-references; providing certain conditions for the
 27 suspension of a motor vehicle license or registration;
 28 amending s. 324.151, F.S.; providing definitions;
 29 revising provisions relating to certain motor vehicle
 30 liability policies; amending s. 324.161, F.S.;
 31 revising deposit requirements for self-insurers;
 32 amending s. 324.171, F.S.; revising conditions under
 33 which a person is able to obtain a certificate of
 34 self-insurance; conforming provisions to changes made
 35 by the act; amending s. 324.251, F.S.; revising a
 36 short title; amending ss. 626.9541 and 627.06501,
 37 F.S.; conforming provisions to changes made by the
 38 act; conforming cross-references; amending s. 627.727,
 39 F.S.; conforming provisions to changes made by the
 40 act; revising legal liability of an uninsured motorist
 41 coverage insurer; repealing ss. 627.730, 627.731,
 42 627.7311, 627.732, 627.733, 627.734, 627.736, 627.737,
 43 627.739, 627.7401, 627.7403, and 627.7405, F.S.,
 44 relating to Florida Motor Vehicle No-Fault Law;
 45 repealing s. 627.7407, F.S., relating to the
 46 application of the Florida Motor Vehicle No-Fault Law;
 47 amending ss. 318.18, 320.02, 320.0609, 320.27,
 48 320.771, 322.251, 322.34, 324.032, 324.051, 324.091,
 49 400.9905, 400.991, 400.9935, 409.901, 409.910,
 50 456.057, 456.072, 626.989, 627.0652, 627.0653,

51 627.4132, 627.7263, 627.7275, 627.728, 627.7295,
 52 627.748, 627.8405, 628.909, 705.184, 713.78, and
 53 817.234, F.S.; conforming provisions to changes made
 54 by the act; providing effective dates.

55
 56 Be It Enacted by the Legislature of the State of Florida:

57
 58 Section 1. This act may be cited as the "Responsible
 59 Roadways Act."

60 Section 2. Subsection (1) of section 316.646, Florida
 61 Statutes, is amended to read:

62 316.646 Security required; proof of security and display
 63 thereof.—

64 (1) A Any person operating a motor vehicle for which
 65 liability coverage is required under by s. 324.022, s. 324.023,
 66 s. 324.032, s. 627.7415, or s. 627.742 must to maintain property
 67 damage liability security, required by s. 324.023 to maintain
 68 liability security for bodily injury or death, or required by s.
 69 627.733 to maintain personal injury protection security on a
 70 motor vehicle shall have in his or her immediate possession at
 71 all times while operating such motor vehicle proper proof of
 72 maintenance of the required security.

73 (a) Such proof shall be in a uniform paper or electronic
 74 format, as prescribed by the department, a valid insurance
 75 policy, an insurance policy binder, a certificate of insurance,

76 or such other proof as may be prescribed by the department.

77 (b)1. The act of presenting to a law enforcement officer
78 an electronic device displaying proof of insurance in an
79 electronic format does not constitute consent for the officer to
80 access any information on the device other than the displayed
81 proof of insurance.

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

84 Section 3. Paragraph (b) of subsection (2) of section
85 318.18, Florida Statutes, is amended to read:

86 318.18 Amount of penalties.—The penalties required for a
87 noncriminal disposition pursuant to s. 318.14 or a criminal
88 offense listed in s. 318.17 are as follows:

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

91 (b) For all violations of ss. 320.0605, 320.07(1),
92 322.065, and 322.15(1). Any person who is cited for a violation
93 of s. 320.07(1) shall be charged a delinquent fee pursuant to s.
94 320.07(4).

95 1. If a person who is cited for a violation of s. 320.0605
96 or s. 320.07 can show proof of having a valid registration at
97 the time of arrest, the clerk of the court may dismiss the case
98 and may assess a dismissal fee of up to \$10. A person who finds
99 it impossible or impractical to obtain a valid registration
100 certificate must submit an affidavit detailing the reasons for

101 the impossibility or impracticality. The reasons may include,
102 but are not limited to, the fact that the vehicle was sold,
103 stolen, or destroyed; that the state in which the vehicle is
104 registered does not issue a certificate of registration; or that
105 the vehicle is owned by another person.

106 2. If a person who is cited for a violation of s. 322.03,
107 s. 322.065, or s. 322.15 can show a driver license issued to him
108 or her and valid at the time of arrest, the clerk of the court
109 may dismiss the case and may assess a dismissal fee of up to
110 \$10.

111 3. If a person who is cited for a violation of s. 316.646
112 can show proof of security as required by s. 324.022, s.
113 324.023, s. 324.032, s. 627.7415, or s. 627.742 ~~627.733~~, issued
114 to the person and valid at the time of arrest, the clerk of the
115 court may dismiss the case and may assess a dismissal fee of up
116 to \$10. A person who finds it impossible or impractical to
117 obtain proof of security must submit an affidavit detailing the
118 reasons for the impracticality. The reasons may include, but are
119 not limited to, the fact that the vehicle has since been sold,
120 stolen, or destroyed; ~~that the owner or registrant of the~~
121 ~~vehicle is not required by s. 627.733 to maintain personal~~
122 ~~injury protection insurance;~~ or that the vehicle is owned by
123 another person.

124 Section 4. Paragraphs (a) and (d) of subsection (5) of
125 section 320.02, Florida Statutes, are amended to read:

126 320.02 Registration required; application for
 127 registration; forms.—
 128 (5) (a) Proof that liability coverage has ~~personal injury~~
 129 ~~protection benefits have~~ been purchased if required under s.
 130 324.022, s. 324.023, s. 324.032, s. 627.7415, or s. 627.742
 131 ~~627.733, that property damage liability coverage has been~~
 132 ~~purchased as required under s. 324.022, that bodily injury or~~
 133 ~~death coverage has been purchased if required under s. 324.023,~~
 134 ~~and that combined bodily liability insurance and property damage~~
 135 ~~liability insurance have been purchased if required under s.~~
 136 ~~627.7415~~ shall be provided in the manner prescribed by law by
 137 the applicant at the time of application for registration of any
 138 motor vehicle that is subject to such requirements. The issuing
 139 agent shall not ~~shall refuse to~~ issue registration if such proof
 140 of purchase is not provided. Insurers shall furnish uniform
 141 proof-of-purchase cards in a paper or electronic format in a
 142 form prescribed by the department and include the name of the
 143 insured's insurance company, the coverage identification number,
 144 and the make, year, and vehicle identification number of the
 145 vehicle insured. The card must contain a statement notifying the
 146 applicant of the penalty specified under s. 316.646(4). The card
 147 or insurance policy, insurance policy binder, or certificate of
 148 insurance or a photocopy of any of these; an affidavit
 149 containing the name of the insured's insurance company, the
 150 insured's policy number, and the make and year of the vehicle

151 | insured; or such other proof as may be prescribed by the
 152 | department shall constitute sufficient proof of purchase. If an
 153 | affidavit is provided as proof, it must be in substantially the
 154 | following form:

155 |
 156 | Under penalty of perjury, I ...(Name of insured)... do hereby
 157 | certify that I have Bodily Injury Liability and...~~(Personal~~
 158 | ~~Injury Protection,~~ Property Damage Liability coverage, and, ~~if~~
 159 | ~~required, Bodily Injury Liability)~~... Insurance currently in
 160 | effect with ...(Name of insurance company)... under ...(policy
 161 | number)... covering ...(make, year, and vehicle identification
 162 | number of vehicle).... ...(Signature of Insured)...

163 |
 164 | Such affidavit must include the following warning:

165 |
 166 | WARNING: GIVING FALSE INFORMATION IN ORDER TO OBTAIN A VEHICLE
 167 | REGISTRATION CERTIFICATE IS A CRIMINAL OFFENSE UNDER FLORIDA
 168 | LAW. ANYONE GIVING FALSE INFORMATION ON THIS AFFIDAVIT IS
 169 | SUBJECT TO PROSECUTION.

170 |
 171 | If an application is made through a licensed motor vehicle
 172 | dealer as required under s. 319.23, the original or a
 173 | photostatic copy of such card, insurance policy, insurance
 174 | policy binder, or certificate of insurance or the original
 175 | affidavit from the insured shall be forwarded by the dealer to

176 the tax collector of the county or the Department of Highway
177 Safety and Motor Vehicles for processing. By executing the
178 ~~aforsaid~~ affidavit, a ~~ne~~ licensed motor vehicle dealer will not
179 be liable in damages for any inadequacy, insufficiency, or
180 falsification of any statement contained therein. A card must
181 also indicate the existence of any bodily injury liability
182 insurance ~~voluntarily~~ purchased.

183 (d) The verifying of proof of compliance with the
184 liability coverage requirements of the ~~personal injury~~
185 ~~protection insurance, proof of property damage liability~~
186 ~~insurance, proof of combined bodily liability insurance and~~
187 ~~property damage liability insurance, or proof of financial~~
188 ~~responsibility~~ law ~~insurance~~ and the issuance or failure to
189 issue the motor vehicle registration under the provisions of
190 this chapter may not be construed in any court as a warranty of
191 the reliability or accuracy of the evidence of such proof, or
192 that the provisions of any insurance policy furnished as proof
193 of compliance with the liability coverage requirements of the
194 financial responsibility law comply with the laws of this state.
195 Neither the department nor any tax collector is liable in
196 damages for any inadequacy, insufficiency, falsification, or
197 unauthorized modification of any item of the proof of compliance
198 with the liability coverage requirements of the ~~personal injury~~
199 ~~protection insurance, proof of property damage liability~~
200 ~~insurance, proof of combined bodily liability insurance and~~

201 ~~property damage liability insurance, or proof of financial~~
202 responsibility law ~~insurance~~ prior to, during, or subsequent to
203 the verification of the proof. The issuance of a motor vehicle
204 registration does not constitute prima facie evidence or a
205 presumption of insurance coverage.

206 Section 5. Paragraph (b) of subsection (1) of section
207 320.0609, Florida Statutes, is amended to read:

208 320.0609 Transfer and exchange of registration license
209 plates; transfer fee.—

210 (1)

211 (b) The transfer of a license plate from a vehicle
212 disposed of to a newly acquired vehicle does not constitute a
213 new registration. The application for transfer shall be accepted
214 without requiring proof of motor vehicle ~~personal injury~~
215 ~~protection or liability~~ insurance.

216 Section 6. Subsection (3) of section 320.27, Florida
217 Statutes, is amended to read:

218 320.27 Motor vehicle dealers.—

219 (3) APPLICATION AND FEE.—~~The application for the license~~
220 application shall be in such form as may be prescribed by the
221 department and is ~~shall be~~ subject to such rules ~~with respect~~
222 ~~thereto~~ as may be so prescribed by the department ~~it~~. Such
223 application shall be verified by oath or affirmation and must
224 ~~shall~~ contain a full statement of the name and birth date of the
225 person or persons applying for the license ~~therefor~~; the name of

226 | the firm or copartnership, with the names and places of
227 | residence of all members ~~thereof~~, if such applicant is a firm or
228 | copartnership; the names and places of residence of the
229 | principal officers, if the applicant is a body corporate or
230 | other artificial body; the name of the state under whose laws
231 | the corporation is organized; the present and former place or
232 | places of residence of the applicant; and the prior business in
233 | which the applicant has been engaged and its ~~the~~ location
234 | ~~thereof~~. The ~~Such~~ application must ~~shall~~ describe the exact
235 | location of the place of business and must ~~shall~~ state whether
236 | the place of business is owned by the applicant and when
237 | acquired, or, if leased, a true copy of the lease shall be
238 | attached to the application. The applicant shall certify that
239 | the location provides an adequately equipped office and is not a
240 | residence; that the location affords sufficient unoccupied space
241 | upon and within which adequately to store all motor vehicles
242 | offered and displayed for sale; and that the location is a
243 | suitable place where the applicant can in good faith carry on
244 | such business and keep and maintain books, records, and files
245 | necessary to conduct such business, which shall be available at
246 | all reasonable hours to inspection by the department or any of
247 | its inspectors or other employees. The applicant shall certify
248 | that the business of a motor vehicle dealer is the principal
249 | business that will ~~which shall~~ be conducted at that location.
250 | The application must ~~shall~~ contain a statement that the

251 applicant is either franchised by a manufacturer of motor
252 vehicles, in which case the name of each motor vehicle that the
253 applicant is franchised to sell shall be included, or an
254 independent (nonfranchised) motor vehicle dealer. The
255 application must ~~shall~~ contain other relevant information as may
256 be required by the department. ~~, including~~ The applicant must
257 furnish evidence, in a form approved by the department, that the
258 applicant is insured under a garage liability insurance policy
259 or a general liability insurance policy coupled with a business
260 automobile policy, which shall include, at a minimum, \$25,000
261 combined single-limit bodily injury and property damage
262 liability coverage ~~including bodily injury and property damage~~
263 ~~protection and \$10,000 personal injury protection~~. However, a
264 salvage motor vehicle dealer as defined in subparagraph (1)(c)5.
265 is exempt from the requirements for garage liability insurance
266 ~~and personal injury protection insurance~~ on those vehicles that
267 cannot be legally operated on roads, highways, or streets in
268 this state. Franchise dealers must submit a garage liability
269 insurance policy, and all other dealers must submit a garage
270 liability insurance policy or a general liability insurance
271 policy coupled with a business automobile policy. Such policy
272 shall be for the license period, and evidence of a new or
273 continued policy shall be delivered to the department at the
274 beginning of each license period. Upon making initial
275 application, the applicant shall pay to the department a fee of

276 \$300 in addition to any other fees required by law. Applicants
277 may choose to extend the licensure period for 1 additional year
278 for a total of 2 years. An initial applicant shall pay to the
279 department a fee of \$300 for the first year and \$75 for the
280 second year, in addition to any other fees required by law. An
281 applicant for renewal shall pay to the department \$75 for a 1-
282 year renewal or \$150 for a 2-year renewal, in addition to any
283 other fees required by law. Upon making an application for a
284 change of location, the applicant must ~~person shall~~ pay a fee of
285 \$50 in addition to any other fees now required by law. The
286 department shall, in the case of every application for initial
287 licensure, verify whether certain facts set forth in the
288 application are true. Each applicant, general partner in the
289 case of a partnership, or corporate officer and director in the
290 case of a corporate applicant, must file a set of fingerprints
291 with the department for the purpose of determining any prior
292 criminal record or any outstanding warrants. The department
293 shall submit the fingerprints to the Department of Law
294 Enforcement for state processing and forwarding to the Federal
295 Bureau of Investigation for federal processing. The actual cost
296 of state and federal processing shall be borne by the applicant
297 and is in addition to the fee for licensure. The department may
298 issue a license to an applicant pending the results of the
299 fingerprint investigation, which license is fully revocable if
300 the department subsequently determines that any facts set forth

301 in the application are not true or correctly represented.

302 Section 7. Paragraph (j) of subsection (3) of section
 303 320.771, Florida Statutes, is amended to read:

304 320.771 License required of recreational vehicle dealers.—

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

309 (j) A statement that the applicant is insured under a
 310 garage liability insurance policy, which shall include, at a
 311 minimum, \$25,000 combined single-limit bodily injury and
 312 property damage liability coverage, ~~including bodily injury and~~
 313 ~~property damage protection, and \$10,000 personal injury~~
 314 ~~protection,~~ if the applicant is to be licensed as a dealer in,
 315 or intends to sell, recreational vehicles.

316
 317 The department shall, if it deems necessary, cause an
 318 investigation to be made to ascertain if the facts set forth in
 319 the application are true and shall not issue a license to the
 320 applicant until it is satisfied that the facts set forth in the
 321 application are true.

322 Section 8. Subsections (1) and (2) of section 322.251,
 323 Florida Statutes, are amended to read:

324 322.251 Notice of cancellation, suspension, revocation, or
 325 disqualification of license.—

326 (1) All orders of cancellation, suspension, revocation, or
327 disqualification issued under the provisions of this chapter,
328 chapter 318 or, chapter 324, ~~or ss. 627.732-627.734~~ shall be
329 given either by personal delivery thereof to the licensee whose
330 license is being canceled, suspended, revoked, or disqualified
331 or by deposit in the United States mail in an envelope, first
332 class, postage prepaid, addressed to the licensee at his or her
333 last known mailing address furnished to the department. Such
334 mailing by the department constitutes notification, and any
335 failure by the person to receive the mailed order will not
336 affect or stay the effective date or term of the cancellation,
337 suspension, revocation, or disqualification of the licensee's
338 driving privilege.

339 (2) The giving of notice and an order of cancellation,
340 suspension, revocation, or disqualification by mail is complete
341 upon expiration of 20 days after deposit in the United States
342 mail for all notices except those issued under chapter 324 ~~or~~
343 ~~ss. 627.732-627.734~~, which are complete 15 days after deposit in
344 the United States mail. Proof of the giving of notice and an
345 order of cancellation, suspension, revocation, or
346 disqualification in either manner shall be made by entry in the
347 records of the department that such notice was given. The entry
348 is admissible in the courts of this state and constitutes
349 sufficient proof that such notice was given.

350 Section 9. Paragraph (a) of subsection (8) of section

351 322.34, Florida Statutes, is amended to read:

352 322.34 Driving while license suspended, revoked, canceled,
353 or disqualified.—

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

357 1. Whether the person's driver license is suspended or
358 revoked.

359 2. Whether the person's driver license has remained
360 suspended or revoked since a conviction for the offense of
361 driving with a suspended or revoked license.

362 3. Whether the suspension or revocation was made under s.
363 316.646 ~~or s. 627.733~~, relating to failure to maintain required
364 security, or under s. 322.264, relating to habitual traffic
365 offenders.

366 4. Whether the driver is the registered owner or coowner
367 of the vehicle.

368 Section 10. Section 324.011, Florida Statutes, is amended
369 to read:

370 324.011 Legislative intent and purpose of chapter.—It is
371 the intent of the Legislature ~~this chapter~~ to ensure that the
372 privilege of owning or operating a motor vehicle in this state
373 be exercised ~~recognize the existing privilege to own or operate~~
374 ~~a motor vehicle on the public streets and highways of this state~~
375 ~~when such vehicles are used with due consideration for others~~

376 and their property in order,~~and~~ to promote safety and provide
377 financial security requirements for ~~such~~ owners and ~~or~~ operators
378 whose responsibility it is to recompense others for injury to
379 person or property caused by the operation of a motor vehicle.
380 Therefore, this chapter requires ~~it is required herein~~ that
381 owners and operators of motor vehicles, except in specified
382 circumstances, establish, maintain, ~~the operator of a motor~~
383 ~~vehicle involved in a crash or convicted of certain traffic~~
384 ~~offenses meeting the operative provisions of s. 324.051(2) shall~~
385 ~~respond for such damages~~ and show proof of financial ability to
386 respond for damages arising out of the ownership, maintenance,
387 or use of a motor vehicle ~~in future accidents~~ as a requisite to
388 his or her ownership or operation of a motor vehicle in this
389 state ~~future exercise of such privileges.~~

390 Section 11. Effective upon this act becoming law, section
391 324.015, Florida Statutes, is created to read:

392 324.015 Applicability; notice to insured.-

393 (1) Effective January 1, 2019:

394 (a) Notwithstanding any other provision of law, motor
395 vehicle liability policies issued or renewed on or after January
396 1, 2019, may not include personal injury protection.

397 (b) A person subject to s. 324.022, must maintain proof of
398 financial responsibility.

399 (c) A new or renewal motor vehicle liability policy
400 delivered or issued for delivery in this state must provide

401 coverage that complies with proof of financial responsibility.

402 (d) An existing motor vehicle liability policy issued
403 before January 1, 2019, that provides personal injury protection
404 and property damage liability coverage and meets the financial
405 responsibility requirements on December 31, 2018, but does not
406 meet the financial responsibility requirements on or after
407 January 1, 2019, is deemed to meet the financial responsibility
408 requirements under this chapter until such policy is renewed,
409 nonrenewed, or canceled.

410 (2) An insurer must allow an insured who has a new or
411 renewal policy providing personal injury protection, which
412 becomes effective before January 1, 2019, and whose policy does
413 not meet the financial responsibility requirements on or after
414 January 1, 2019, to change coverages to meet the financial
415 responsibility requirements that becomes effective on or after
416 January 1, 2019. The insurer is not required to provide coverage
417 complying with financial responsibility requirements in such
418 policies if the insured does not pay the required premium by
419 January 1, 2019, or such later date as the insurer may allow.
420 The insurer must refund any reduction in the premium. The
421 insurer may not impose an additional fee or charge on the
422 insured for such changes in coverage; however, the insurer may
423 charge an additional premium that is actuarially indicated.

424 (3) By September 1, 2018, a motor vehicle insurer must
425 provide each insured a notice of the provisions of this section.

426 The notice is subject to approval by the Office of Insurance
427 Regulation and must clearly inform the insured that:

428 (a) The Florida Motor Vehicle No-Fault Law is repealed,
429 effective January 1, 2019, and that on or after that date, the
430 insured is no longer required to maintain personal injury
431 protection coverage, that personal injury protection coverage is
432 no longer available for purchase in this state, and that all new
433 or renewal policies issued on or after that date may not contain
434 such coverage.

435 (b) Effective January 1, 2019, a person subject to s.
436 324.022 must maintain financial responsibility requirements that
437 enable the person to respond in damages for liability on account
438 of accidents arising out of the ownership, maintenance, or use
439 of a motor vehicle in the following amounts:

440 1. Twenty-five thousand dollars for bodily injury to, or
441 the death of, one person in any one accident and, subject to
442 such limits for one person, in the amount of \$50,000 for bodily
443 injury to, or the death of, two or more persons in any one
444 accident; and

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

447 (c) Personal injury protection coverage pays covered
448 medical expenses for injuries sustained in a motor vehicle
449 accident by the insured, passengers, and relatives residing in
450 the insured's household.

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

455 (e) The insured may obtain underinsured motorist coverage,
456 which provides benefits, up to the limits of such coverage, to
457 an insured or other insured entitled to recover damages for
458 bodily injury, sickness, disease, or death resulting from a
459 motor vehicle accident with an uninsured or underinsured owner
460 or operator of a motor vehicle.

461 (f) If the insured's new or renewal motor vehicle
462 liability policy is effective before January 1, 2019, and
463 contains personal injury protection and property damage
464 liability coverage as required by state law before January 1,
465 2019, but does not meet the financial responsibility
466 requirements on or after January 1, 2019, the policy is deemed
467 to meet the financial responsibility requirements until it is
468 renewed, nonrenewed, or canceled.

469 (g) An insured whose new or renewal policy becomes
470 effective before January 1, 2019, but does not meet the
471 financial responsibility requirements on or after January 1,
472 2019, may change coverages under the policy so as to eliminate
473 personal injury protection and to obtain coverage meeting the
474 financial responsibility requirements, including bodily injury
475 liability coverage, which are effective on or after January 1,

476 2019.

477 (h) If the insured has any questions, he or she should
478 contact the name and phone number provided in the notice.

479 (4) The Florida Motor Vehicle No-Fault Law, ss. 627.730-
480 627.7405, and ss. 400.9905, 400.991, 456.057, 456.072, 627.7263,
481 627.9541(1)(i), 817.234(7)(c), and 817.234(8) remain in full
482 force and effect for motor vehicle accidents covered under a
483 policy issued under the Florida Motor Vehicle No-Fault Law prior
484 to January 1, 2019, until that policy is renewed, nonrenewed, or
485 canceled.

486 Section 12. Subsections (1) and (7) and paragraph (c) of
487 subsection (9) of section 324.021, Florida Statutes, are amended
488 to read:

489 324.021 Definitions; minimum insurance required.—The
490 following words and phrases when used in this chapter shall, for
491 the purpose of this chapter, have the meanings respectively
492 ascribed to them in this section, except in those instances
493 where the context clearly indicates a different meaning:

494 (1) MOTOR VEHICLE.—Every self-propelled vehicle that is
495 designed and required to be licensed for use upon a highway,
496 including trailers and semitrailers designed for use with such
497 vehicles, except traction engines, road rollers, farm tractors,
498 power shovels, and well drillers, and every vehicle that is
499 propelled by electric power obtained from overhead wires but not
500 operated upon rails, but not including any personal delivery

501 device as defined in s. 316.003, bicycle, or moped. ~~However, the~~
 502 ~~term "motor vehicle" does not include a motor vehicle as defined~~
 503 ~~in s. 627.732(3) when the owner of such vehicle has complied~~
 504 ~~with the requirements of ss. 627.730-627.7405, inclusive, unless~~
 505 ~~the provisions of s. 324.051 apply; and, in such case, the~~
 506 ~~applicable proof of insurance provisions of s. 320.02 apply.~~

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

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

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

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

519 (d) For ~~With respect to~~ commercial motor vehicles and
 520 nonpublic sector buses, in the amounts specified in ss. 627.7415
 521 and 627.742, respectively.

522 (9) OWNER; OWNER/LESSOR.—

523 (c) Application.—

524 1. The limits on liability in subparagraphs (b)2. and 3.
 525 do not apply to an owner of motor vehicles that are used for

526 commercial activity in the owner's ordinary course of business,
527 other than a rental company that rents or leases motor vehicles.
528 For purposes of this paragraph, the term "rental company"
529 includes only an entity that is engaged in the business of
530 renting or leasing motor vehicles to the general public and that
531 rents or leases a majority of its motor vehicles to persons with
532 no direct or indirect affiliation with the rental company. The
533 term also includes a motor vehicle dealer that provides
534 temporary replacement vehicles to its customers for up to 10
535 days. The term "rental company" also includes:

536 a. A related rental or leasing company that is a
537 subsidiary of the same parent company as that of the renting or
538 leasing company that rented or leased the vehicle.

539 b. The holder of a motor vehicle title or an equity
540 interest in a motor vehicle title if the title or equity
541 interest is held pursuant to or to facilitate an asset-backed
542 securitization of a fleet of motor vehicles used solely in the
543 business of renting or leasing motor vehicles to the general
544 public and under the dominion and control of a rental company,
545 as described in this subparagraph, in the operation of such
546 rental company's business.

547 2. Furthermore, with respect to commercial motor vehicles
548 ~~as defined in s. 627.732~~, the limits on liability in
549 subparagraphs (b)2. and 3. do not apply if, at the time of the
550 incident, the commercial motor vehicle is being used in the

551 transportation of materials found to be hazardous for the
 552 purposes of the Hazardous Materials Transportation Authorization
 553 Act of 1994, as amended, 49 U.S.C. ss. 5101 et seq., and that is
 554 required pursuant to such act to carry placards warning others
 555 of the hazardous cargo, unless at the time of lease or rental
 556 either:

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

561 b. The lessee or other operator of the commercial motor
 562 vehicle has in effect insurance with limits of at least
 563 \$5,000,000 combined property damage and bodily injury liability.

564 Section 13. Section 324.022, Florida Statutes, is amended
 565 to read:

566 324.022 Financial responsibility requirements ~~for property~~
 567 ~~damage.~~

568 (1) (a) Every owner ~~or operator~~ of a motor vehicle required
 569 to be registered in this state and every operator of a motor
 570 vehicle licensed in this state must ~~shall~~ establish and
 571 continuously maintain the ability to respond in damages for
 572 liability on account of accidents arising out of the ownership,
 573 maintenance, or use of the motor vehicle in the amount of:

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

576 2. Subject to the limits for one person, \$50,000 for
577 bodily injury to, or the death of, two or more persons in any
578 one accident; and \$10,000 because of

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

581 (b) The requirements of paragraph (a) this section may be
582 met by one of the methods established in s. 324.031; by self-
583 insuring as authorized by s. 768.28(16); or by maintaining a
584 motor vehicle liability insurance ~~an insurance policy providing~~
585 ~~coverage for property damage liability in the amount of at least~~
586 ~~\$10,000 because of damage to, or destruction of, property of~~
587 ~~others in any one accident arising out of the use of the motor~~
588 ~~vehicle. The requirements of this section may also be met by~~
589 ~~having a policy which provides coverage in the amount of at~~
590 ~~least \$60,000 \$30,000 for combined property damage liability and~~
591 ~~bodily injury liability for any one accident~~ ~~crash~~ arising out
592 of the use of the motor vehicle and which conforms to the
593 requirements of s. 324.151. The policy, with respect to coverage
594 ~~for property damage liability, must meet the applicable~~
595 ~~requirements of s. 324.151, subject to the usual policy~~
596 ~~exclusions that have been approved in policy forms by the Office~~
597 ~~of Insurance Regulation. No insurer shall have any duty to~~
598 ~~defend uncovered claims irrespective of their joinder with~~
599 ~~covered claims.~~

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

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

606 1. A mobile home.

607 2. A motor vehicle that is used in mass transit and
 608 designed to transport more than five passengers, exclusive of
 609 the operator of the motor vehicle, and that is owned by a
 610 municipality, transit authority, or political subdivision of the
 611 state.

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

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

616 5. A personal delivery device as defined in s. 316.003.

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

621 (3) Each nonresident owner or registrant of a motor
 622 vehicle that, whether operated or not, has been physically
 623 present within this state for more than 90 days during the
 624 preceding 365 days shall maintain security as required by
 625 subsection (1) that is in effect continuously throughout the

626 | period the motor vehicle remains within this state.

627 | (4) An ~~The~~ owner or registrant of a motor vehicle who is
 628 | ~~exempt from the requirements of this section if she or he is a~~
 629 | member of the United States Armed Forces and is called to or on
 630 | active duty outside the United States in an emergency situation
 631 | is exempt from this section while he or she. ~~The exemption~~
 632 | ~~provided by this subsection applies only as long as the member~~
 633 | ~~of the Armed Forces~~ is on such active duty outside the United
 634 | States and applies only while the vehicle is not operated by any
 635 | person. Upon receipt of a written request by the insured to whom
 636 | the exemption provided in this subsection applies, the insurer
 637 | shall cancel the coverages and return any unearned premium or
 638 | suspend the security required by this section. Notwithstanding
 639 | s. 324.0221(2) ~~s. 324.0221(3)~~, the department may not suspend
 640 | the registration or operator's license of an ~~any~~ owner or
 641 | registrant of a motor vehicle during the time she or he
 642 | qualifies for an exemption under this subsection. An ~~Any~~ owner
 643 | or registrant of a motor vehicle who qualifies for the ~~an~~
 644 | exemption under this subsection shall immediately notify the
 645 | department before ~~prior to~~ and at the end of the expiration of
 646 | the exemption.

647 | Section 14. Subsections (1) and (2) of section 324.0221,
 648 | Florida Statutes, are amended, and subsection (4) is added to
 649 | that section, to read:

650 | 324.0221 Reports by insurers to the department; suspension

651 of driver license and vehicle registrations; reinstatement.—

652 (1) (a) Each insurer that has issued a policy providing
653 ~~personal injury protection coverage or property damage~~ liability
654 coverage shall report the cancellation or nonrenewal thereof to
655 the department within 10 days after the processing date or
656 effective date of each cancellation or nonrenewal. Upon the
657 issuance of a policy providing ~~personal injury protection~~
658 ~~coverage or property damage~~ liability coverage to a named
659 insured not previously insured by the insurer during that
660 calendar year, the insurer shall report the issuance of the new
661 policy to the department within 10 days. The report must ~~shall~~
662 be in a ~~the~~ form prescribed by the department ~~and format~~ and
663 contain any information required by the department and must be
664 provided in a format that is compatible with the data processing
665 capabilities of the department. Failure by an insurer to file
666 proper reports with the department as required by this
667 subsection constitutes a violation of the Florida Insurance
668 Code. These records shall be used by the department only for
669 enforcement and regulatory purposes, including the generation by
670 the department of data regarding compliance by owners of motor
671 vehicles with the requirements for financial responsibility
672 coverage.

673 (b) With respect to an insurance policy providing ~~personal~~
674 ~~injury protection coverage or property damage~~ liability
675 coverage, each insurer shall notify the named insured, or the

676 first-named insured in the case of a commercial fleet policy, in
677 writing that any cancellation or nonrenewal of the policy will
678 be reported by the insurer to the department. The notice must
679 also inform the named insured that failure to maintain bodily
680 injury liability ~~personal injury protection~~ coverage and
681 property damage liability coverage on a motor vehicle when
682 required by law may result in the loss of registration and
683 driving privileges in this state and inform the named insured of
684 the amount of the reinstatement fees required by this section.
685 This notice is for informational purposes only, and an insurer
686 is not civilly liable for failing to provide this notice.

687 (2) The department shall suspend, after due notice and an
688 opportunity to be heard, the registration and driver license of
689 any owner or registrant of a motor vehicle with respect to which
690 security is required under s. ~~ss.~~ 324.022, s. 324.023, s.
691 324.032, s. 627.7415, or s. 627.742 ~~and 627.733~~ upon:

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

696 (b) Notification by the insurer to the department, in a
697 form approved by the department, of cancellation or termination
698 of the required security.

699 (4) All suspensions of license or registration under this
700 section for failure to maintain required security that occurred

701 before January 1, 2019, remain in full force and effect after
702 the effective date of this act.

703 Section 15. Subsection (1) of section 324.032, Florida
704 Statutes, is amended to read:

705 324.032 Manner of proving financial responsibility; for-
706 hire passenger transportation vehicles.—Notwithstanding the
707 provisions of s. 324.031:

708 (1) (a) A person who is either the owner or a lessee of a
709 motor vehicle used as a taxicab ~~required to maintain insurance~~
710 ~~under s. 627.733(1)(b)~~ and who operates one or more taxicabs,
711 limousines, jitneys, or any other for-hire passenger
712 transportation vehicles may prove financial responsibility by
713 furnishing satisfactory evidence of holding a motor vehicle
714 liability policy, but with minimum limits of
715 \$125,000/250,000/50,000.

716 (b) A person who is either the owner or a lessee required
717 to maintain insurance under s. 324.021(9)(b) and who operates
718 limousines, jitneys, or any other for-hire passenger vehicles,
719 other than taxicabs, may prove financial responsibility by
720 furnishing satisfactory evidence of holding a motor vehicle
721 liability policy as defined in s. 324.031.

722

723 Upon request by the department, the applicant must provide the
724 department at the applicant's principal place of business in
725 this state access to the applicant's underlying financial

726 information and financial statements that provide the basis of
727 the certified public accountant's certification. The applicant
728 shall reimburse the requesting department for all reasonable
729 costs incurred by it in reviewing the supporting information.
730 The maximum amount of self-insurance permissible under this
731 subsection is \$300,000 and must be stated on a per-occurrence
732 basis, and the applicant shall maintain adequate excess
733 insurance issued by an authorized or eligible insurer licensed
734 or approved by the Office of Insurance Regulation. All risks
735 self-insured shall remain with the owner or lessee providing it,
736 and the risks are not transferable to any other person, unless a
737 policy complying with subsection (1) is obtained.

738 Section 16. Subsection (2) of section 324.051, Florida
739 Statutes, is amended to read:

740 324.051 Reports of accidents ~~crashes~~; suspensions of
741 licenses and registrations.—

742 (2)(a) Thirty days after receipt of notice of any accident
743 described in paragraph (1)(a) involving a motor vehicle within
744 this state, the department shall suspend, after due notice and
745 opportunity to be heard, the license of each operator and all
746 registrations of the owner of the vehicles operated by such
747 operator whether or not involved in such accident ~~crash~~ and, in
748 the case of a nonresident owner or operator, shall suspend such
749 nonresident's operating privilege in this state, unless such
750 operator or owner shall, prior to the expiration of such 30

751 days, be found by the department to be exempt from the operation
 752 of this chapter, based upon evidence satisfactory to the
 753 department that:

754 1. The motor vehicle was legally parked at the time of
 755 such accident ~~erash~~.

756 2. The motor vehicle was owned by the United States
 757 Government, this state, or any political subdivision of this
 758 state or any municipality therein.

759 3. Such operator or owner has secured a duly acknowledged
 760 written agreement providing for release from liability by all
 761 parties injured as the result of said accident ~~erash~~ and has
 762 complied with one of the provisions of s. 324.031.

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

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

771 (b) This subsection shall not apply:

772 1. To such operator or owner if such operator or owner had
 773 in effect at the time of such accident ~~erash~~ or traffic
 774 conviction a motor vehicle ~~an automobile~~ liability policy with
 775 respect to all of the registered motor vehicles owned by such

776 operator or owner.

777 2. To such operator, if not the owner of such motor
 778 vehicle, if there was in effect at the time of such accident
 779 ~~crash~~ or traffic conviction a motor vehicle ~~an automobile~~
 780 liability policy or bond with respect to his or her operation of
 781 motor vehicles not owned by him or her.

782 3. To such operator or owner if the liability of such
 783 operator or owner for damages resulting from such accident ~~crash~~
 784 is, in the judgment of the department, covered by any other form
 785 of liability insurance or bond.

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

789
 790 No such policy or bond shall be effective under this subsection
 791 unless it contains limits of not less than those specified in s.
 792 324.021(7).

793 Section 17. Subsection (1) of section 324.091, Florida
 794 Statutes, is amended to read:

795 324.091 Notice to department; notice to insurer.—

796 (1) Each owner and operator involved in an accident ~~a~~
 797 ~~crash~~ or conviction case within the purview of this chapter
 798 shall furnish evidence of ~~automobile liability insurance~~ or
 799 motor vehicle liability insurance within 14 days after the date
 800 of the mailing of notice of the accident ~~crash~~ by the department

801 in the form and manner as it may designate. Upon receipt of
802 evidence that a ~~an automobile liability policy or~~ motor vehicle
803 liability policy was in effect at the time of the accident ~~crash~~
804 or conviction case, the department shall forward to the insurer
805 such information for verification in a method as determined by
806 the department. The insurer shall respond to the department
807 within 20 days after the notice whether or not such information
808 is valid. If the department determines that a ~~an automobile~~
809 ~~liability policy or~~ motor vehicle liability policy was not in
810 effect and did not provide coverage for both the owner and the
811 operator, it shall take action as it is authorized to do under
812 this chapter.

813 Section 18. Section 324.151, Florida Statutes, is amended
814 to read:

815 324.151 Motor vehicle liability policies; required
816 provisions.—

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

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

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

826 (c) "Temporary substitute vehicle" means a motor vehicle
 827 as defined in s. 320.01(1) that is not owned by the named
 828 insured which is temporarily used with the permission of the
 829 owner as a substitute for a motor vehicle designated on the
 830 policy when the vehicle designated on the policy is withdrawn
 831 from normal use because of breakdown, repair, servicing, loss,
 832 or destruction.

833 (2)(1) A motor vehicle liability policy as to be proof of
 834 financial responsibility under s. 324.031(1), shall be issued to
 835 owners and ~~or~~ operators of motor vehicles under the following
 836 provisions:

837 (a) A motor vehicle liability insurance policy issued to
 838 an owner of a motor vehicle registered in this state must ~~An~~
 839 ~~owner's liability insurance policy shall~~ designate by explicit
 840 description or by appropriate reference all motor vehicles with
 841 respect to which coverage is thereby granted. The policy must
 842 ~~and shall~~ insure the person or persons ~~owner~~ named therein and
 843 any resident relative of a named insured ~~other person as~~
 844 ~~operator using such motor vehicle or motor vehicles with the~~
 845 ~~express or implied permission of such owner against loss from~~
 846 the liability imposed by law for damage arising out of the
 847 ownership, maintenance, or use of any such motor vehicle, except
 848 as otherwise provided in this section. The policy shall also
 849 insure any person operating an insured motor vehicle with the
 850 express or implied permission of the named insured against loss

851 from liability imposed by law for damage arising out of the use
852 of such vehicle. However, the insurer may exclude in its policy
853 liability coverage for a motor vehicle not designated as an
854 insured vehicle on the policy if such motor vehicle does not
855 qualify as a newly acquired vehicle or a temporary substitute
856 vehicle and was owned by an insured or was furnished for an
857 insured's regular use for more than 30 consecutive days before
858 an accident ~~or motor vehicles within the United States or the~~
859 ~~Dominion of Canada, subject to limits, exclusive of interest and~~
860 ~~costs with respect to each such motor vehicle as is provided for~~
861 ~~under s. 324.021(7).~~ Insurers may make available, with respect
862 to property damage liability coverage, a deductible amount not
863 to exceed \$500. In the event of a property damage loss covered
864 by a policy containing a property damage deductible provision,
865 the insurer shall pay to the third-party claimant the amount of
866 any property damage liability settlement or judgment, subject to
867 policy limits, as if no deductible existed.

868 (b) A motor vehicle liability insurance policy issued to a
869 person who does not own a motor vehicle registered in this state
870 and is not already insured under a policy described in paragraph
871 (a) must ~~An operator's motor vehicle liability policy of~~
872 ~~insurance shall~~ insure the person or persons named in the policy
873 ~~therein~~ against loss from ~~the~~ liability imposed ~~upon him or her~~
874 by law for damages arising out of the use ~~by the person~~ of any
875 motor vehicle not owned by him or her, unless the vehicle was

876 furnished for the named insured's regular use and used by the
877 named insured for more than 30 consecutive days before an
878 accident ~~with the same territorial limits and subject to the~~
879 ~~same limits of liability as referred to above with respect to an~~
880 ~~owner's policy of liability insurance.~~

881 (c) All such motor vehicle liability policies shall state
882 the name and address of the named insured, the coverage afforded
883 by the policy, the premium charged therefor, the policy period,
884 the limits of liability, and shall contain an agreement or be
885 endorsed that insurance is provided in accordance with the
886 coverage defined in this chapter ~~as respects bodily injury and~~
887 ~~death or property damage or both~~ and is subject to all
888 provisions of this chapter. The said policies must shall also
889 contain a provision that the satisfaction by an insured of a
890 judgment for such injury or damage shall not be a condition
891 precedent to the right or duty of the insurer ~~insurance carrier~~
892 to make payment on account of such injury or damage, and shall
893 also contain a provision that bankruptcy or insolvency of the
894 insured or of the insured's estate shall not relieve the insurer
895 ~~insurance carrier~~ of any of its obligations under the said
896 policy. However, the policies may contain provisions excluding
897 liability coverage for a vehicle used outside of the United
898 States or Canada at the time of an accident.

899 (3)-(2) The provisions of this section shall not be
900 applicable to any automobile liability policy unless and until

901 it is furnished as proof of financial responsibility for the
 902 future pursuant to s. 324.031, and then only from and after the
 903 date said policy is so furnished.

904 Section 19. Section 324.161, Florida Statutes, is amended
 905 to read:

906 324.161 Proof of financial responsibility; deposit.—
 907 Annually, before any certificate of insurance may be issued to a
 908 person, including any firm, partnership, association,
 909 corporation, or other person, ~~other than a natural person,~~ proof
 910 of a certificate of deposit of \$60,000 ~~\$30,000~~ issued and held
 911 by a financial institution must be submitted to the department.
 912 A power of attorney will be issued to and held by the department
 913 and may be executed upon a judgment issued against such person
 914 making the deposit, for damages for ~~because of~~ bodily injury to
 915 or death of any person or for damages for ~~because of~~ injury to
 916 or destruction of property resulting from the use or operation
 917 of any motor vehicle occurring after such deposit was made.
 918 Money so deposited is ~~shall~~ not be subject to attachment or
 919 execution unless such attachment or execution shall arise out of
 920 a suit for such damages ~~as aforesaid~~.

921 Section 20. Subsections (1) and (2) of section 324.171,
 922 Florida Statutes, are amended to read:

923 324.171 Self-insurer.—

924 (1) A ~~Any~~ person may qualify as a self-insurer by
 925 obtaining a certificate of self-insurance from the department.

926 ~~Upon which may, in its discretion and upon~~ application of such a
 927 person, the department may issue a ~~said~~ certificate of self-
 928 insurance if the applicant ~~when such person~~ has satisfied the
 929 requirements of this section ~~to qualify as a self-insurer under~~
 930 ~~this section:~~

931 (a) A private individual with private passenger vehicles
 932 must ~~shall~~ possess a net unencumbered worth of at least \$60,000
 933 ~~\$40,000~~.

934 (b) A person, including any firm, partnership,
 935 association, corporation, or other person, other than a natural
 936 person, must ~~shall~~:

937 1. Possess a net unencumbered worth of at least \$60,000
 938 ~~\$40,000~~ for the first motor vehicle and \$30,000 ~~\$20,000~~ for each
 939 additional motor vehicle; or

940 2. Maintain sufficient net worth, in an amount determined
 941 by the department to be financially responsible for potential
 942 losses. The department must annually determine the minimum net
 943 worth sufficient to satisfy this section as determined annually
 944 ~~by the department,~~ pursuant to rules adopted ~~promulgated~~ by the
 945 department, with the assistance of the Office of Insurance
 946 Regulation of the Financial Services Commission, ~~to be~~
 947 ~~financially responsible for potential losses.~~ The rules must
 948 consider any ~~shall take into consideration~~ excess insurance
 949 carried by the applicant. The department's determination shall
 950 be based upon reasonable actuarial principles considering the

951 frequency, severity, and loss development of claims incurred by
952 casualty insurers writing coverage on the type of motor vehicles
953 for which a certificate of self-insurance is desired.

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

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

961 Section 21. Section 324.251, Florida Statutes, is amended
962 to read:

963 324.251 Short title.—This chapter may be cited as the
964 "Motor Vehicle Financial Responsibility Law of 1955" ~~and shall~~
965 ~~become effective at 12:01 a.m., October 1, 1955.~~

966 Section 22. Subsection (4) of section 400.9905, Florida
967 Statutes, is amended to read:

968 400.9905 Definitions.—

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

975 (a) Entities licensed or registered by the state under

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

988 (b) Entities that own, directly or indirectly, entities
989 licensed or registered by the state pursuant to chapter 395;
990 entities that own, directly or indirectly, entities licensed or
991 registered by the state and providing only health care services
992 within the scope of services authorized pursuant to their
993 respective licenses under ss. 383.30-383.335, chapter 390,
994 chapter 394, chapter 397, this chapter except part X, chapter
995 429, chapter 463, chapter 465, chapter 466, chapter 478, part I
996 of chapter 483, chapter 484, or chapter 651; end-stage renal
997 disease providers authorized under 42 C.F.R. part 405, subpart
998 U; providers certified under 42 C.F.R. part 485, subpart B or
999 subpart H; or any entity that provides neonatal or pediatric
1000 hospital-based health care services by licensed practitioners

1001 solely within a hospital licensed under chapter 395.

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

1016 (d) Entities that are under common ownership, directly or
1017 indirectly, with an entity licensed or registered by the state
1018 pursuant to chapter 395; entities that are under common
1019 ownership, directly or indirectly, with an entity licensed or
1020 registered by the state and providing only health care services
1021 within the scope of services authorized pursuant to their
1022 respective licenses under ss. 383.30-383.335, chapter 390,
1023 chapter 394, chapter 397, this chapter except part X, chapter
1024 429, chapter 463, chapter 465, chapter 466, chapter 478, part I
1025 of chapter 483, chapter 484, or chapter 651; end-stage renal

1026 disease providers authorized under 42 C.F.R. part 405, subpart
1027 U; providers certified under 42 C.F.R. part 485, subpart B or
1028 subpart H; or any entity that provides neonatal or pediatric
1029 hospital-based health care services by licensed practitioners
1030 solely within a hospital licensed under chapter 395.

1031 (e) An entity that is exempt from federal taxation under
1032 26 U.S.C. s. 501(c)(3) or (4), an employee stock ownership plan
1033 under 26 U.S.C. s. 409 that has a board of trustees at least
1034 two-thirds of which are Florida-licensed health care
1035 practitioners and provides only physical therapy services under
1036 physician orders, any community college or university clinic,
1037 and any entity owned or operated by the federal or state
1038 government, including agencies, subdivisions, or municipalities
1039 thereof.

1040 (f) A sole proprietorship, group practice, partnership, or
1041 corporation that provides health care services by physicians
1042 covered by s. 627.419, that is directly supervised by one or
1043 more of such physicians, and that is wholly owned by one or more
1044 of those physicians or by a physician and the spouse, parent,
1045 child, or sibling of that physician.

1046 (g) A sole proprietorship, group practice, partnership, or
1047 corporation that provides health care services by licensed
1048 health care practitioners under chapter 457, chapter 458,
1049 chapter 459, chapter 460, chapter 461, chapter 462, chapter 463,
1050 chapter 466, chapter 467, chapter 480, chapter 484, chapter 486,

1051 chapter 490, chapter 491, or part I, part III, part X, part
1052 XIII, or part XIV of chapter 468, or s. 464.012, and that is
1053 wholly owned by one or more licensed health care practitioners,
1054 or the licensed health care practitioners set forth in this
1055 paragraph and the spouse, parent, child, or sibling of a
1056 licensed health care practitioner if one of the owners who is a
1057 licensed health care practitioner is supervising the business
1058 activities and is legally responsible for the entity's
1059 compliance with all federal and state laws. However, a health
1060 care practitioner may not supervise services beyond the scope of
1061 the practitioner's license, except that, for the purposes of
1062 this part, a clinic owned by a licensee in s. 456.053(3)(b)
1063 which provides only services authorized pursuant to s.
1064 456.053(3)(b) may be supervised by a licensee specified in s.
1065 456.053(3)(b).

1066 (h) Clinical facilities affiliated with an accredited
1067 medical school at which training is provided for medical
1068 students, residents, or fellows.

1069 (i) Entities that provide only oncology or radiation
1070 therapy services by physicians licensed under chapter 458 or
1071 chapter 459 or entities that provide oncology or radiation
1072 therapy services by physicians licensed under chapter 458 or
1073 chapter 459 which are owned by a corporation whose shares are
1074 publicly traded on a recognized stock exchange.

1075 (j) Clinical facilities affiliated with a college of

1076 chiropractic accredited by the Council on Chiropractic Education
1077 at which training is provided for chiropractic students.

1078 (k) Entities that provide licensed practitioners to staff
1079 emergency departments or to deliver anesthesia services in
1080 facilities licensed under chapter 395 and that derive at least
1081 90 percent of their gross annual revenues from the provision of
1082 such services. Entities claiming an exemption from licensure
1083 under this paragraph must provide documentation demonstrating
1084 compliance.

1085 (l) Orthotic, prosthetic, pediatric cardiology, or
1086 perinatology clinical facilities or anesthesia clinical
1087 facilities that are not otherwise exempt under paragraph (a) or
1088 paragraph (k) and that are a publicly traded corporation or are
1089 wholly owned, directly or indirectly, by a publicly traded
1090 corporation. As used in this paragraph, a publicly traded
1091 corporation is a corporation that issues securities traded on an
1092 exchange registered with the United States Securities and
1093 Exchange Commission as a national securities exchange.

1094 (m) Entities that are owned by a corporation that has \$250
1095 million or more in total annual sales of health care services
1096 provided by licensed health care practitioners where one or more
1097 of the persons responsible for the operations of the entity is a
1098 health care practitioner who is licensed in this state and who
1099 is responsible for supervising the business activities of the
1100 entity and is responsible for the entity's compliance with state

1101 law for purposes of this part.

1102 (n) Entities that employ 50 or more licensed health care
1103 practitioners licensed under chapter 458 or chapter 459 where
1104 the billing for medical services is under a single tax
1105 identification number. The application for exemption under this
1106 subsection must include ~~shall contain information that includes:~~
1107 the name, residence, and business address and telephone ~~phone~~
1108 number of the entity that owns the practice; a complete list of
1109 the names and contact information of all the officers and
1110 directors of the corporation; the name, residence address,
1111 business address, and medical license number of each licensed
1112 Florida health care practitioner employed by the entity; the
1113 corporate tax identification number of the entity seeking an
1114 exemption; a listing of health care services to be provided by
1115 the entity at the health care clinics owned or operated by the
1116 entity and a certified statement prepared by an independent
1117 certified public accountant which states that the entity and the
1118 health care clinics owned or operated by the entity have not
1119 received payment for health care services under motor vehicle
1120 ~~personal injury protection~~ insurance coverage for the preceding
1121 year. If the agency determines that an entity which is exempt
1122 under this subsection has received payments for medical services
1123 under motor vehicle ~~personal injury protection~~ insurance
1124 coverage, the agency may deny or revoke the exemption from
1125 licensure under this subsection.

1126
 1127 ~~Notwithstanding this subsection, an entity shall be deemed a~~
 1128 ~~clinic and must be licensed under this part in order to receive~~
 1129 ~~reimbursement under the Florida Motor Vehicle No-Fault Law, ss.~~
 1130 ~~627.730-627.7405, unless exempted under s. 627.736(5)(h).~~

1131 Section 23. Subsection (6) of section 400.991, Florida
 1132 Statutes, is amended to read:

1133 400.991 License requirements; background screenings;
 1134 prohibitions.—

1135 (6) All agency forms for licensure application or
 1136 exemption from licensure under this part must contain the
 1137 following statement:

1138 INSURANCE FRAUD NOTICE.—A person commits a fraudulent insurance
 1139 act under s. 626.989 or s. 817.234, Florida Statutes, if such
 1140 person ~~who~~ knowingly submits a false, misleading, or fraudulent
 1141 application or other document when applying for licensure as a
 1142 health care clinic, seeking an exemption from licensure as a
 1143 health care clinic, or demonstrating compliance with part X of
 1144 chapter 400, Florida Statutes, with the intent to use the
 1145 license, exemption from licensure, or demonstration of
 1146 compliance to provide services or seek reimbursement under a
 1147 motor vehicle insurance ~~the Florida Motor Vehicle No-Fault Law,~~
 1148 ~~commits a fraudulent insurance act, as defined in s. 626.989,~~
 1149 ~~Florida Statutes.~~ A person who presents a claim under a motor
 1150 vehicle insurance ~~for personal injury protection benefits~~

1151 knowing that the payee knowingly submitted such health care
 1152 clinic application or document, commits insurance fraud, as
 1153 defined in s. 817.234, Florida Statutes.

1154 Section 24. Paragraph (g) of subsection (1) of section
 1155 400.9935, Florida Statutes, is amended to read:

1156 400.9935 Clinic responsibilities.—

1157 (1) Each clinic shall appoint a medical director or clinic
 1158 director who shall agree in writing to accept legal
 1159 responsibility for the following activities on behalf of the
 1160 clinic. The medical director or the clinic director shall:

1161 (g) Conduct systematic reviews of clinic billings to
 1162 ensure that the billings are not fraudulent or unlawful. Upon
 1163 discovery of an unlawful charge, the medical director or clinic
 1164 director shall take immediate corrective action. If the clinic
 1165 performs only the technical component of magnetic resonance
 1166 imaging, static radiographs, computed tomography, or positron
 1167 emission tomography, and provides the professional
 1168 interpretation of such services, in a fixed facility that is
 1169 accredited by a national accrediting organization that is
 1170 approved by the Centers for Medicare and Medicaid Services for
 1171 magnetic resonance imaging and advanced diagnostic imaging
 1172 services and if, in the preceding quarter, the percentage of
 1173 scans performed by that clinic which was billed to motor vehicle
 1174 ~~all personal injury protection~~ insurance carriers was less than
 1175 15 percent, the chief financial officer of the clinic may, in a

1176 written acknowledgment provided to the agency, assume the
1177 responsibility for the conduct of the systematic reviews of
1178 clinic billings to ensure that the billings are not fraudulent
1179 or unlawful.

1180 Section 25. Subsections (27) and (28) of section 409.901,
1181 Florida Statutes, are amended to read:

1182 409.901 Definitions; ss. 409.901-409.920.—As used in ss.
1183 409.901-409.920, except as otherwise specifically provided, the
1184 term:

1185 (27) "Third party" means an individual, entity, or
1186 program, excluding Medicaid, that is, may be, could be, should
1187 be, or has been liable for all or part of the cost of medical
1188 services related to any medical assistance covered by Medicaid.
1189 A third party includes a third-party administrator; a pharmacy
1190 benefits manager; a health insurer; a self-insured plan; a group
1191 health plan, as defined in s. 607(1) of the Employee Retirement
1192 Income Security Act of 1974; a service benefit plan; a managed
1193 care organization; liability insurance, including self-
1194 insurance; ~~no-fault insurance~~; workers' compensation laws or
1195 plans; or other parties that are, by statute, contract, or
1196 agreement, legally responsible for payment of a claim for a
1197 health care item or service.

1198 (28) "Third-party benefit" means any benefit that is or
1199 may be available at any time through contract, court award,
1200 judgment, settlement, agreement, or any arrangement between a

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

1216 Section 26. Paragraph (f) of subsection (11) of section
 1217 409.910, Florida Statutes, is amended to read:

1218 409.910 Responsibility for payments on behalf of Medicaid-
 1219 eligible persons when other parties are liable.—

1220 (11) The agency may, as a matter of right, in order to
 1221 enforce its rights under this section, institute, intervene in,
 1222 or join any legal or administrative proceeding in its own name
 1223 in one or more of the following capacities: individually, as
 1224 subrogee of the recipient, as assignee of the recipient, or as
 1225 lienholder of the collateral.

1226 (f) Notwithstanding any provision in this section to the
 1227 contrary, in the event of an action in tort against a third
 1228 party in which the recipient or his or her legal representative
 1229 is a party which results in a judgment, award, or settlement
 1230 from a third party, the amount recovered shall be distributed as
 1231 follows:

1232 1. After attorney's fees and taxable costs as defined by
 1233 the Florida Rules of Civil Procedure, one-half of the remaining
 1234 recovery shall be paid to the agency up to the total amount of
 1235 medical assistance provided by Medicaid.

1236 2. The remaining amount of the recovery shall be paid to
 1237 the recipient.

1238 3. For purposes of calculating the agency's recovery of
 1239 medical assistance benefits paid, the fee for services of an
 1240 attorney retained by the recipient or his or her legal
 1241 representative shall be calculated at 25 percent of the
 1242 judgment, award, or settlement.

1243 4. Notwithstanding any other provision of this section to
 1244 the contrary, the agency shall be entitled to all medical
 1245 coverage benefits up to the total amount of medical assistance
 1246 provided by Medicaid. For purposes of this paragraph, the term
 1247 "medical coverage" means any benefits under health insurance, a
 1248 health maintenance organization, a preferred provider
 1249 arrangement, or a prepaid health clinic, and the portion of
 1250 benefits designated for medical payments under coverage for

1251 workers' compensation insurance policy or a motor vehicle
1252 liability insurance policy, ~~personal injury protection, and~~
1253 ~~casualty.~~

1254 Section 27. 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
1257 or copies of records to be furnished; disclosure of
1258 information.—

1259 (2) As used in this section, the terms "records owner,"
1260 "health care practitioner," and "health care practitioner's
1261 employer" do not include any of the following persons or
1262 entities; furthermore, the following persons or entities are not
1263 authorized to acquire or own medical records, but are authorized
1264 under the confidentiality and disclosure requirements of this
1265 section to maintain those documents required by the part or
1266 chapter under which they are licensed or regulated:

1267 ~~(k) Persons or entities practicing under s. 627.736(7).~~

1268 Section 28. Paragraphs (ee) and (ff) of subsection (1) of
1269 section 456.072, Florida Statutes, are amended to read:

1270 456.072 Grounds for discipline; penalties; enforcement.—

1271 (1) The following acts shall constitute grounds for which
1272 the disciplinary actions specified in subsection (2) may be
1273 taken:

1274 ~~(ee) With respect to making a personal injury protection~~
1275 ~~claim as required by s. 627.736, intentionally submitting a~~

1276 ~~claim, statement, or bill that has been "upcoded" as defined in~~
1277 ~~s. 627.732.~~

1278 ~~(ff) With respect to making a personal injury protection~~
1279 ~~claim as required by s. 627.736, intentionally submitting a~~
1280 ~~claim, statement, or bill for payment of services that were not~~
1281 ~~rendered.~~

1282 Section 29. Paragraphs (i) and (o) of subsection (1) of
1283 section 626.9541, Florida Statutes, are amended to read:

1284 626.9541 Unfair methods of competition and unfair or
1285 deceptive acts or practices defined.—

1286 (1) UNFAIR METHODS OF COMPETITION AND UNFAIR OR DECEPTIVE
1287 ACTS.—The following are defined as unfair methods of competition
1288 and unfair or deceptive acts or practices:

1289 (i) Unfair claim settlement practices.—

1290 1. Attempting to settle claims on the basis of an
1291 application, when serving as a binder or intended to become a
1292 part of the policy, or any other material document which was
1293 altered without notice to, or knowledge or consent of, the
1294 insured;

1295 2. A material misrepresentation made to an insured or any
1296 other person having an interest in the proceeds payable under
1297 such contract or policy, for the purpose and with the intent of
1298 effecting settlement of such claims, loss, or damage under such
1299 contract or policy on less favorable terms than those provided
1300 in, and contemplated by, such contract or policy; or

- 1301 3. Committing or performing with such frequency as to
 1302 indicate a general business practice any of the following:
- 1303 a. Failing to adopt and implement standards for the proper
 1304 investigation of claims;
- 1305 b. Misrepresenting pertinent facts or insurance policy
 1306 provisions relating to coverages at issue;
- 1307 c. Failing to acknowledge and act promptly upon
 1308 communications with respect to claims;
- 1309 d. Denying claims without conducting reasonable
 1310 investigations based upon available information;
- 1311 e. Failing to affirm or deny full or partial coverage of
 1312 claims, and, as to partial coverage, the dollar amount or extent
 1313 of coverage, or failing to provide a written statement that the
 1314 claim is being investigated, upon the written request of the
 1315 insured within 30 days after proof-of-loss statements have been
 1316 completed;
- 1317 f. Failing to promptly provide a reasonable explanation in
 1318 writing to the insured of the basis in the insurance policy, in
 1319 relation to the facts or applicable law, for denial of a claim
 1320 or for the offer of a compromise settlement;
- 1321 g. Failing to promptly notify the insured of any
 1322 additional information necessary for the processing of a claim;
 1323 or
- 1324 h. Failing to clearly explain the nature of the requested
 1325 information and the reasons why such information is necessary.

1326 ~~i. Failing to pay personal injury protection insurance~~
1327 ~~claims within the time periods required by s. 627.736(4) (b). The~~
1328 ~~office may order the insurer to pay restitution to a~~
1329 ~~policyholder, medical provider, or other claimant, including~~
1330 ~~interest at a rate consistent with the amount set forth in s.~~
1331 ~~55.03(1), for the time period within which an insurer fails to~~
1332 ~~pay claims as required by law. Restitution is in addition to any~~
1333 ~~other penalties allowed by law, including, but not limited to,~~
1334 ~~the suspension of the insurer's certificate of authority.~~

1335 4. Failing to pay undisputed amounts of partial or full
1336 benefits owed under first-party property insurance policies
1337 within 90 days after an insurer receives notice of a residential
1338 property insurance claim, determines the amounts of partial or
1339 full benefits, and agrees to coverage, unless payment of the
1340 undisputed benefits is prevented by an act of God, prevented by
1341 the impossibility of performance, or due to actions by the
1342 insured or claimant that constitute fraud, lack of cooperation,
1343 or intentional misrepresentation regarding the claim for which
1344 benefits are owed.

1345 (o) ~~Illegal dealings in premiums; excess or reduced~~
1346 ~~charges for insurance.-~~

1347 1. ~~Knowingly collecting any sum as a premium or charge for~~
1348 ~~insurance, which is not then provided, or is not in due course~~
1349 ~~to be provided, subject to acceptance of the risk by the~~
1350 ~~insurer, by an insurance policy issued by an insurer as~~

1351 permitted by this code.

1352 2. Knowingly collecting as a premium or charge for
 1353 insurance any sum in excess of or less than the premium or
 1354 charge applicable to such insurance, in accordance with the
 1355 applicable classifications and rates as filed with and approved
 1356 by the office, and as specified in the policy; or, in cases when
 1357 classifications, premiums, or rates are not required by this
 1358 code to be so filed and approved, premiums and charges collected
 1359 from a Florida resident in excess of or less than those
 1360 specified in the policy and as fixed by the insurer.

1361 Notwithstanding any other provision of law, this provision shall
 1362 not be deemed to prohibit the charging and collection, by
 1363 surplus lines agents licensed under part VIII of this chapter,
 1364 of the amount of applicable state and federal taxes, or fees as
 1365 authorized by s. 626.916(4), in addition to the premium required
 1366 by the insurer or the charging and collection, by licensed
 1367 agents, of the exact amount of any discount or other such fee
 1368 charged by a credit card facility in connection with the use of
 1369 a credit card, as authorized by subparagraph (q)3., in addition
 1370 to the premium required by the insurer. This subparagraph shall
 1371 not be construed to prohibit collection of a premium for a
 1372 universal life or a variable or indeterminate value insurance
 1373 policy made in accordance with the terms of the contract.

1374 3.a. Imposing or requesting an additional premium for a
 1375 policy of motor vehicle liability, ~~personal injury protection,~~

1376 | medical payment, or collision coverage in a motor vehicle
 1377 | liability insurance policy ~~insurance or any combination thereof~~
 1378 | or refusing to renew the policy solely because the insured was
 1379 | involved in a motor vehicle accident unless the insurer's file
 1380 | contains information from which the insurer in good faith
 1381 | determines that the insured was substantially at fault in the
 1382 | accident.

1383 | b. An insurer which imposes and collects such a surcharge
 1384 | or which refuses to renew such policy shall, in conjunction with
 1385 | the notice of premium due or notice of nonrenewal, notify the
 1386 | named insured that he or she is entitled to reimbursement of
 1387 | such amount or renewal of the policy under the conditions listed
 1388 | below and will subsequently reimburse him or her or renew the
 1389 | policy, if the named insured demonstrates that the operator
 1390 | involved in the accident was:

1391 | (I) Lawfully parked;

1392 | (II) Reimbursed by, or on behalf of, a person responsible
 1393 | for the accident or has a judgment against such person;

1394 | (III) Struck in the rear by another vehicle headed in the
 1395 | same direction and was not convicted of a moving traffic
 1396 | violation in connection with the accident;

1397 | (IV) Hit by a "hit-and-run" driver, if the accident was
 1398 | reported to the proper authorities within 24 hours after
 1399 | discovering the accident;

1400 | (V) Not convicted of a moving traffic violation in

1401 connection with the accident, but the operator of the other
 1402 automobile involved in such accident was convicted of a moving
 1403 traffic violation;

1404 (VI) Finally adjudicated not to be liable by a court of
 1405 competent jurisdiction;

1406 (VII) In receipt of a traffic citation which was dismissed
 1407 or nolle prossed; or

1408 (VIII) Not at fault as evidenced by a written statement
 1409 from the insured establishing facts demonstrating lack of fault
 1410 which are not rebutted by information in the insurer's file from
 1411 which the insurer in good faith determines that the insured was
 1412 substantially at fault.

1413 c. In addition to the other provisions of this
 1414 subparagraph, an insurer may not fail to renew a policy if the
 1415 insured has had only one accident in which he or she was at
 1416 fault within the current 3-year period. However, an insurer may
 1417 nonrenew a policy for reasons other than accidents in accordance
 1418 with s. 627.728. This subparagraph does not prohibit nonrenewal
 1419 of a policy under which the insured has had three or more
 1420 accidents, regardless of fault, during the most recent 3-year
 1421 period.

1422 4. Imposing or requesting an additional premium for, or
 1423 refusing to renew, a policy for motor vehicle insurance solely
 1424 because the insured committed a noncriminal traffic infraction
 1425 as described in s. 318.14 unless the infraction is:

1426 a. A second infraction committed within an 18-month
 1427 period, or a third or subsequent infraction committed within a
 1428 36-month period.

1429 b. A violation of s. 316.183, when such violation is a
 1430 result of exceeding the lawful speed limit by more than 15 miles
 1431 per hour.

1432 5. Upon the request of the insured, the insurer and
 1433 licensed agent shall supply to the insured the complete proof of
 1434 fault or other criteria which justifies the additional charge or
 1435 cancellation.

1436 6. No insurer shall impose or request an additional
 1437 premium for motor vehicle insurance, cancel or refuse to issue a
 1438 policy, or refuse to renew a policy because the insured or the
 1439 applicant is a handicapped or physically disabled person, so
 1440 long as such handicap or physical disability does not
 1441 substantially impair such person's mechanically assisted driving
 1442 ability.

1443 7. No insurer may cancel or otherwise terminate any
 1444 insurance contract or coverage, or require execution of a
 1445 consent to rate endorsement, during the stated policy term for
 1446 the purpose of offering to issue, or issuing, a similar or
 1447 identical contract or coverage to the same insured with the same
 1448 exposure at a higher premium rate or continuing an existing
 1449 contract or coverage with the same exposure at an increased
 1450 premium.

1451 8. No insurer may issue a nonrenewal notice on any
1452 insurance contract or coverage, or require execution of a
1453 consent to rate endorsement, for the purpose of offering to
1454 issue, or issuing, a similar or identical contract or coverage
1455 to the same insured at a higher premium rate or continuing an
1456 existing contract or coverage at an increased premium without
1457 meeting any applicable notice requirements.

1458 9. No insurer shall, with respect to premiums charged for
1459 motor vehicle insurance, unfairly discriminate solely on the
1460 basis of age, sex, marital status, or scholastic achievement.

1461 10. Imposing or requesting an additional premium for motor
1462 vehicle comprehensive or uninsured motorist coverage solely
1463 because the insured was involved in a motor vehicle accident or
1464 was convicted of a moving traffic violation.

1465 11. No insurer shall cancel or issue a nonrenewal notice
1466 on any insurance policy or contract without complying with any
1467 applicable cancellation or nonrenewal provision required under
1468 the Florida Insurance Code.

1469 12. No insurer shall impose or request an additional
1470 premium, cancel a policy, or issue a nonrenewal notice on any
1471 insurance policy or contract because of any traffic infraction
1472 when adjudication has been withheld and no points have been
1473 assessed pursuant to s. 318.14(9) ~~318.14(9) and (10)~~. However,
1474 this subparagraph does not apply to traffic infractions
1475 involving accidents in which the insurer has incurred a loss due

1476 | to the fault of the insured.

1477 | Section 30. Paragraph (a) of subsection (1) of section
 1478 | 626.989, Florida Statutes, is amended to read:

1479 | 626.989 Investigation by department or Division of
 1480 | Investigative and Forensic Services; compliance; immunity;
 1481 | confidential information; reports to division; division
 1482 | investigator's power of arrest.—

1483 | (1) For the purposes of this section:

1484 | (a) A person commits a "fraudulent insurance act" if the
 1485 | person:

1486 | 1. Knowingly and with intent to defraud presents, causes
 1487 | to be presented, or prepares with knowledge or belief that it
 1488 | will be presented, to or by an insurer, self-insurer, self-
 1489 | insurance fund, servicing corporation, purported insurer,
 1490 | broker, or any agent thereof, any written statement as part of,
 1491 | or in support of, an application for the issuance of, or the
 1492 | rating of, any insurance policy, or a claim for payment or other
 1493 | benefit pursuant to any insurance policy, which the person knows
 1494 | to contain materially false information concerning any fact
 1495 | material thereto or if the person conceals, for the purpose of
 1496 | misleading another, information concerning any fact material
 1497 | thereto.

1498 | 2. Knowingly submits:

1499 | a. A false, misleading, or fraudulent application or other
 1500 | document when applying for licensure as a health care clinic,

1501 seeking an exemption from licensure as a health care clinic, or
 1502 demonstrating compliance with part X of chapter 400 with an
 1503 intent to use the license, exemption from licensure, or
 1504 demonstration of compliance to provide services or seek
 1505 reimbursement under a motor vehicle insurance policy ~~the Florida~~
 1506 ~~Motor Vehicle No-Fault Law~~.

1507 b. A claim for payment or other benefit pursuant to a
 1508 motor vehicle personal injury protection insurance policy ~~under~~
 1509 ~~the Florida Motor Vehicle No-Fault Law~~ if the person knows that
 1510 the payee knowingly submitted a false, misleading, or fraudulent
 1511 application or other document when applying for licensure as a
 1512 health care clinic, seeking an exemption from licensure as a
 1513 health care clinic, or demonstrating compliance with part X of
 1514 chapter 400.

1515 Section 31. Subsection (1) of section 627.06501, Florida
 1516 Statutes, is amended to read:

1517 627.06501 Insurance discounts for certain persons
 1518 completing driver improvement course.-

1519 (1) Any rate, rating schedule, or rating manual for the
 1520 liability, ~~personal injury protection,~~ and collision coverages
 1521 of a motor vehicle insurance policy filed with the office may
 1522 provide for an appropriate reduction in premium charges as to
 1523 such coverages if ~~when~~ the principal operator on the covered
 1524 vehicle has successfully completed a driver improvement course
 1525 approved and certified by the Department of Highway Safety and

1526 Motor Vehicles which is effective in reducing accident ~~crash~~ or
 1527 violation rates, or both, ~~as determined~~ pursuant to s. 318.1451
 1528 ~~s. 318.1451(5)~~. Any discount, not to exceed 10 percent, used by
 1529 an insurer is presumed to be appropriate unless credible data
 1530 demonstrates otherwise.

1531 Section 32. Subsection (1) of section 627.0652, Florida
 1532 Statutes, is amended to read:

1533 627.0652 Insurance discounts for certain persons
 1534 completing safety course.—

1535 (1) Any rates, rating schedules, or rating manuals for the
 1536 liability, ~~personal injury protection,~~ and collision coverages
 1537 of a motor vehicle insurance policy filed with the office must
 1538 ~~shall~~ provide for an appropriate reduction in premium charges as
 1539 to such coverages if ~~when~~ the principal operator on the covered
 1540 vehicle is an insured 55 years of age or older who has
 1541 successfully completed a motor vehicle accident prevention
 1542 course approved by the Department of Highway Safety and Motor
 1543 Vehicles. Any discount used by an insurer is presumed to be
 1544 appropriate unless credible data demonstrates otherwise.

1545 Section 33. Subsections (1), (3), and (6) of section
 1546 627.0653, Florida Statutes, are amended to read:

1547 627.0653 Insurance discounts for specified motor vehicle
 1548 equipment.—

1549 (1) Any rates, rating schedules, or rating manuals for the
 1550 liability, ~~personal injury protection,~~ and collision coverages

1551 of a motor vehicle insurance policy filed with the office shall
 1552 provide a premium discount if the insured vehicle is equipped
 1553 with factory-installed, four-wheel antilock brakes.

1554 (3) Any rates, rating schedules, or rating manuals for
 1555 ~~personal injury protection coverage and~~ medical payments
 1556 coverage, if offered, of a motor vehicle insurance policy filed
 1557 with the office shall provide a premium discount if the insured
 1558 vehicle is equipped with one or more air bags which are factory
 1559 installed.

1560 (6) The Office of Insurance Regulation may approve a
 1561 premium discount to any rates, rating schedules, or rating
 1562 manuals for the liability, ~~personal injury protection,~~ and
 1563 collision coverages of a motor vehicle insurance policy filed
 1564 with the office if the insured vehicle is equipped with
 1565 autonomous driving technology or electronic vehicle collision
 1566 avoidance technology that is factory installed or a retrofitted
 1567 system and that complies with National Highway Traffic Safety
 1568 Administration standards.

1569 Section 34. Section 627.4132, Florida Statutes, is amended
 1570 to read:

1571 627.4132 Stacking of coverages prohibited.—If an insured
 1572 or named insured is protected by any type of motor vehicle
 1573 insurance policy for liability, ~~personal injury protection,~~ or
 1574 other coverage, the policy must ~~shall~~ provide that the insured
 1575 or named insured is protected only to the extent of the coverage

1576 she or he has on the vehicle involved in the accident. However,
 1577 if none of the insured's or named insured's vehicles are ~~is~~
 1578 involved in the accident, coverage is available only to the
 1579 extent of coverage on any one of the vehicles with applicable
 1580 coverage. Coverage on any other vehicles may ~~shall~~ not be added
 1581 to or stacked upon that coverage. This section does not apply:

1582 (1) To uninsured motorist coverage which is separately
 1583 governed by s. 627.727.

1584 (2) To reduce the coverage available by reason of
 1585 insurance policies insuring different named insureds.

1586 Section 35. Section 627.7263, Florida Statutes, is amended
 1587 to read:

1588 627.7263 Rental and leasing driver's insurance to be
 1589 primary; exception.—

1590 (1) The valid and collectible liability insurance ~~or~~
 1591 ~~personal injury protection insurance~~ providing coverage for the
 1592 lessor of a motor vehicle for rent or lease is primary unless
 1593 otherwise stated in at least 10-point type on the face of the
 1594 rental or lease agreement. Such insurance is primary for the
 1595 limits of liability in an amount not less than the minimum
 1596 limits described in and personal injury protection coverage as
 1597 ~~required by s. 324.021(7) ss. 324.021(7) and 627.736.~~

1598 (2) If the lessee's coverage is to be primary, the rental
 1599 or lease agreement must contain the following language, in at
 1600 least 10-point type:

1601
 1602 "The valid and collectible liability insurance ~~and personal~~
 1603 ~~injury protection insurance~~ of an ~~any~~ authorized rental or
 1604 leasing driver is primary for the limits of liability in an
 1605 amount not less than the minimum limits described in ~~and~~
 1606 ~~personal injury protection coverage required~~ s. 324.021(7) ~~by~~
 1607 ~~ss. 324.021(7) and 627.736~~, Florida Statutes."

1608 Section 36. Subsections (1) and (7) of section 627.727,
 1609 Florida Statutes, are amended to read:

1610 627.727 Motor vehicle insurance; uninsured and
 1611 underinsured vehicle coverage; insolvent insurer protection.—

1612 (1) No motor vehicle liability insurance policy which
 1613 provides bodily injury liability coverage shall be delivered or
 1614 issued for delivery in this state with respect to any
 1615 specifically insured or identified motor vehicle registered or
 1616 principally garaged in this state unless uninsured motor vehicle
 1617 coverage is provided therein or supplemental thereto for the
 1618 protection of persons insured thereunder who are legally
 1619 entitled to recover damages from owners or operators of
 1620 uninsured motor vehicles because of bodily injury, sickness, or
 1621 disease, including death, resulting therefrom. However, the
 1622 coverage required under this section is not applicable if ~~when~~,
 1623 or to the extent that, an insured named in the policy makes a
 1624 written rejection of the coverage on behalf of all insureds
 1625 under the policy. If ~~When~~ a motor vehicle is leased for ~~a period~~

1626 ~~of~~ 1 year or longer and the lessor of such vehicle, by the terms
1627 of the lease contract, provides liability coverage on the leased
1628 vehicle, the lessee of such vehicle shall have the sole
1629 privilege to reject uninsured motorist coverage or to select
1630 lower limits than the bodily injury liability limits, regardless
1631 of whether the lessor is qualified as a self-insurer pursuant to
1632 s. 324.171. Unless an insured, or lessee having the privilege of
1633 rejecting uninsured motorist coverage, requests such coverage or
1634 requests higher uninsured motorist limits in writing, the
1635 coverage or such higher uninsured motorist limits need not be
1636 provided in or supplemental to any other policy which renews,
1637 extends, changes, supersedes, or replaces an existing policy
1638 with the same bodily injury liability limits when an insured or
1639 lessee had rejected the coverage. When an insured or lessee has
1640 initially selected limits of uninsured motorist coverage lower
1641 than her or his bodily injury liability limits, higher limits of
1642 uninsured motorist coverage need not be provided in or
1643 supplemental to any other policy that ~~which~~ renews, extends,
1644 changes, supersedes, or replaces an existing policy with the
1645 same bodily injury liability limits unless an insured requests
1646 higher uninsured motorist coverage in writing. The rejection or
1647 selection of lower limits shall be made on a form approved by
1648 the office. The form must ~~shall~~ fully advise the applicant of
1649 the nature of the coverage and must ~~shall~~ state that the
1650 coverage is equal to bodily injury liability limits unless lower

1651 limits are requested or the coverage is rejected. The heading of
1652 the form shall be in 12-point bold type and shall state: "You
1653 are electing not to purchase certain valuable coverage that
1654 ~~which~~ protects you and your family or you are purchasing
1655 uninsured motorist limits less than your bodily injury liability
1656 limits when you sign this form. Please read carefully." If this
1657 form is signed by a named insured, it will be conclusively
1658 presumed that there was an informed, knowing rejection of
1659 coverage or election of lower limits on behalf of all insureds.
1660 The insurer shall notify the named insured at least annually of
1661 her or his options as to the coverage required by this section.
1662 Such notice must ~~shall~~ be part of, and attached to, the notice
1663 of premium, must ~~shall~~ provide for a means to allow the insured
1664 to request such coverage, and must ~~shall~~ be given in a manner
1665 approved by the office. Receipt of this notice does not
1666 constitute an affirmative waiver of the insured's right to
1667 uninsured motorist coverage if ~~where~~ the insured has not signed
1668 a selection or rejection form. The coverage described under this
1669 section shall be over and above, but shall not duplicate, the
1670 benefits available to an insured under any workers' compensation
1671 law, ~~personal injury protection benefits,~~ disability benefits
1672 law, or similar law; under any automobile medical payments
1673 ~~expense~~ coverage; under any motor vehicle liability insurance
1674 coverage; or from the owner or operator of the uninsured motor
1675 vehicle or any other person or organization jointly or severally

1676 liable together with such owner or operator for the accident;
1677 and such coverage shall cover the difference, if any, between
1678 the sum of such benefits and the damages sustained, up to the
1679 maximum amount of such coverage provided under this section. The
1680 amount of coverage available under this section may ~~shall~~ not be
1681 reduced by a setoff against any coverage, including liability
1682 insurance. Such coverage does ~~shall~~ not inure directly or
1683 indirectly to the benefit of any workers' compensation or
1684 disability benefits carrier or any person or organization
1685 qualifying as a self-insurer under any workers' compensation or
1686 disability benefits law or similar law.

1687 (7) (a) For uninsured and underinsured vehicle coverage
1688 issued before January 1, 2019, the legal liability of an
1689 uninsured motorist coverage insurer does not include damages in
1690 tort for pain, suffering, mental anguish, and inconvenience
1691 unless the injury or disease consists in whole or in part of:

1692 1. Significant and permanent loss of an important bodily
1693 function.

1694 2. Permanent injury within a reasonable degree of medical
1695 probability, other than scarring or disfigurement.

1696 3. Significant and permanent scarring or disfigurement.

1697 4. Death ~~is described in one or more of paragraphs (a)-(d)~~
1698 ~~of s. 627.737(2).~~

1699 (b) For uninsured and underinsured vehicle coverage issued
1700 on or after January 1, 2019, the legal liability of an uninsured

1701 motorist coverage insurer includes damages in tort for pain,
1702 suffering, disability or physical impairment, disfigurement,
1703 mental anguish, inconvenience, and the loss of capacity for the
1704 enjoyment of life experienced in the past and to be experienced
1705 in the future.

1706 Section 37. Subsection (1) and paragraphs (a) and (b) of
1707 subsection (2) of section 627.7275, Florida Statutes, are
1708 amended to read:

1709 627.7275 Motor vehicle liability.—

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

1740 (b) The policies described in paragraph (a) 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 shall be collected and the coverage is in effect for the 60-day
1750 period during which the insurer is completing the underwriting

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

1758 Section 38. Paragraph (a) of subsection (1) of section
1759 627.728, Florida Statutes, is amended to read:

1760 627.728 Cancellations; nonrenewals.—

1761 (1) As used in this section, the term:

1762 (a) "Policy" means the bodily injury and property damage
1763 liability, ~~personal injury protection~~, medical payments,
1764 comprehensive, collision, and uninsured motorist coverage
1765 portions of a policy of motor vehicle insurance delivered or
1766 issued for delivery in this state:

1767 1. Insuring a natural person as named insured or one or
1768 more related individuals who are residents ~~resident~~ of the same
1769 household; and

1770 2. Insuring only a motor vehicle of the private passenger
1771 type or station wagon type which is not used as a public or
1772 livery conveyance for passengers or rented to others; or
1773 insuring any other four-wheel motor vehicle having a load
1774 capacity of 1,500 pounds or less which is not used in the
1775 occupation, profession, or business of the insured other than

1776 farming; other than any policy issued under an automobile
 1777 insurance assigned risk plan or covering garage, automobile
 1778 sales agency, repair shop, service station, or public parking
 1779 place operation hazards.

1780
 1781 The term "policy" does not include a binder as defined in s.
 1782 627.420 unless the duration of the binder period exceeds 60
 1783 days.

1784 Section 39. Subsection (1), paragraph (a) of subsection
 1785 (5), subsection (6), and subsection (7) of section 627.7295,
 1786 Florida Statutes, are amended to read:

1787 627.7295 Motor vehicle insurance contracts.—

1788 (1) As used in this section, the term:

1789 (a) "Policy" means a motor vehicle insurance policy that
 1790 provides bodily injury liability coverage and ~~personal injury~~
 1791 ~~protection coverage,~~ property damage liability coverage, ~~or~~
 1792 ~~both.~~

1793 (b) "Binder" means a binder that provides motor vehicle
 1794 bodily injury liability coverage ~~personal injury protection~~ and
 1795 property damage liability coverage.

1796 (5) (a) A licensed general lines agent may charge a per-
 1797 policy fee up ~~not~~ to ~~exceed~~ \$10 to cover the administrative
 1798 costs of the agent associated with selling the motor vehicle
 1799 insurance policy if the policy covers only bodily injury
 1800 liability coverage ~~personal injury protection coverage as~~

1801 ~~provided by s. 627.736~~ and property damage liability coverage as
1802 provided by s. 627.7275 and if no other insurance is sold or
1803 issued in conjunction with or collateral to the policy. The fee
1804 is not ~~considered~~ part of the premium.

1805 (6) If a motor vehicle owner's driver license, license
1806 plate, and registration have previously been suspended pursuant
1807 to s. 316.646 ~~or s. 627.733~~, an insurer may cancel a new policy
1808 only as provided in s. 627.7275.

1809 (7) A policy of private passenger motor vehicle insurance
1810 or a binder for such a policy may be initially issued in this
1811 state only if, before the effective date of such binder or
1812 policy, the insurer or agent has collected ~~from the insured an~~
1813 ~~amount equal to~~ 2 months' premium from the insured. An insurer,
1814 agent, or premium finance company may not, directly or
1815 indirectly, take any action that results ~~resulting~~ in the
1816 insured paying ~~having paid~~ from the insured's own funds an
1817 amount less than the 2 months' premium required by this
1818 subsection. This subsection applies without regard to whether
1819 the premium is financed by a premium finance company or is paid
1820 pursuant to a periodic payment plan of an insurer or an
1821 insurance agent.

1822 (a) This subsection does not apply:

1823 1. If an insured or member of the insured's family is
1824 renewing or replacing a policy or a binder for such policy
1825 written by the same insurer or a member of the same insurer

1826 group.

1827 2. ~~To This subsection does not apply to~~ an insurer that
 1828 issues private passenger motor vehicle coverage primarily to
 1829 active duty or former military personnel or their dependents.

1830 3. ~~If This subsection does not apply if~~ all policy
 1831 payments are paid pursuant to a payroll deduction plan, an
 1832 automatic electronic funds transfer payment plan from the
 1833 policyholder, or a recurring credit card or debit card agreement
 1834 with the insurer.

1835 (b) This subsection and subsection (4) do not apply if:

1836 1. All policy payments to an insurer are paid pursuant to
 1837 an automatic electronic funds transfer payment plan from an
 1838 agent, a managing general agent, or a premium finance company
 1839 and if the policy includes, at a minimum, bodily injury
 1840 liability and ~~personal injury protection pursuant to ss.~~
 1841 ~~627.730-627.7405; motor vehicle property damage liability~~
 1842 coverage pursuant to s. 627.7275.; ~~and bodily injury liability~~
 1843 ~~in at least the amount of \$10,000 because of bodily injury to,~~
 1844 ~~or death of, one person in any one accident and in the amount of~~
 1845 ~~\$20,000 because of bodily injury to, or death of, two or more~~
 1846 ~~persons in any one accident. This subsection and subsection (4)~~
 1847 ~~do not apply if an~~

1848 2. An insured has had a policy in effect for at least 6
 1849 months, the insured's agent is terminated by the insurer that
 1850 issued the policy, and the insured obtains coverage on the

1851 policy's renewal date with a new company through the terminated
 1852 agent.

1853 Section 40. Sections 627.730, 627.731, 627.7311, 627.732,
 1854 627.733, 627.734, 627.736, 627.737, 627.739, 627.7401, 627.7403,
 1855 and 627.7405, Florida Statutes, of the "Florida Motor Vehicle
 1856 No-Fault Law," are repealed.

1857 Section 41. Section 627.7407, Florida Statutes, is
 1858 repealed.

1859 Section 42. Paragraphs (b), (c), and (g) of subsection (7)
 1860 and paragraph (b) of subsection (8) of section 627.748, Florida
 1861 Statutes, are amended to read:

1862 627.748 Transportation network companies.—

1863 (7) TRANSPORTATION NETWORK COMPANY AND TNC DRIVER
 1864 INSURANCE REQUIREMENTS.—

1865 (b) The following automobile insurance requirements apply
 1866 while a participating TNC driver is logged on to the digital
 1867 network but is not engaged in a prearranged ride:

1868 1. Automobile insurance that provides:

1869 a. A primary automobile liability coverage of at least
 1870 \$50,000 for death and bodily injury per person, \$100,000 for
 1871 death and bodily injury per incident, and \$25,000 for property
 1872 damage; and

1873 ~~b. Personal injury protection benefits that meet the~~
 1874 ~~minimum coverage amounts required under ss. 627.730-627.7405;~~
 1875 ~~and~~

1876 b. ~~e.~~ Uninsured and underinsured vehicle coverage as
 1877 required by s. 627.727.

1878 2. The coverage requirements of this paragraph may be
 1879 satisfied by any of the following:

1880 a. Automobile insurance maintained by the TNC driver;
 1881 b. Automobile insurance maintained by the TNC; or
 1882 c. A combination of sub-subparagraphs a. and b.

1883 (c) The following automobile insurance requirements apply
 1884 while a TNC driver is engaged in a prearranged ride:

1885 1. Automobile insurance that provides:

1886 a. A primary automobile liability coverage of at least \$1
 1887 million for death, bodily injury, and property damage; and
 1888 ~~b. Personal injury protection benefits that meet the~~
 1889 ~~minimum coverage amounts required of a limousine under ss.~~
 1890 ~~627.730-627.7405; and~~

1891 b. ~~e.~~ Uninsured and underinsured vehicle coverage as
 1892 required by s. 627.727.

1893 2. The coverage requirements of this paragraph may be
 1894 satisfied by any of the following:

1895 a. Automobile insurance maintained by the TNC driver;
 1896 b. Automobile insurance maintained by the TNC; or
 1897 c. A combination of sub-subparagraphs a. and b.

1898 (g) Insurance satisfying the requirements under this
 1899 subsection is deemed to satisfy the financial responsibility
 1900 requirement for a motor vehicle under chapter 324 ~~and the~~

1901 ~~security required under s. 627.733~~ for any period when the TNC
 1902 driver is logged onto the digital network or engaged in a
 1903 prearranged ride.

1904 (8) TRANSPORTATION NETWORK COMPANY AND INSURER;
 1905 DISCLOSURE; EXCLUSIONS.—

1906 (b)1. An insurer that provides an automobile liability
 1907 insurance policy under this part may exclude any and all
 1908 coverage afforded under the policy issued to an owner or
 1909 operator of a TNC vehicle while driving that vehicle for any
 1910 loss or injury that occurs while a TNC driver is logged on to a
 1911 digital network or while a TNC driver provides a prearranged
 1912 ride. Exclusions imposed under this subsection are limited to
 1913 coverage while a TNC driver is logged on to a digital network or
 1914 while a TNC driver provides a prearranged ride. This right to
 1915 exclude all coverage may apply to any coverage included in an
 1916 automobile insurance policy, including, but not limited to:

- 1917 a. Liability coverage for bodily injury and property
- 1918 damage;
- 1919 b. Uninsured and underinsured motorist coverage;
- 1920 c. Medical payments coverage;
- 1921 d. Comprehensive physical damage coverage; and
- 1922 e. Collision physical damage coverage; ~~and~~
- 1923 ~~f. Personal injury protection.~~

1924 2. The exclusions described in subparagraph 1. apply
 1925 notwithstanding any requirement under chapter 324. These

1926 exclusions do not affect or diminish coverage otherwise
 1927 available for permissive drivers or resident relatives under the
 1928 personal automobile insurance policy of the TNC driver or owner
 1929 of the TNC vehicle who are not occupying the TNC vehicle at the
 1930 time of loss. This section does not require that a personal
 1931 automobile insurance policy provide coverage while the TNC
 1932 driver is logged on to a digital network, while the TNC driver
 1933 is engaged in a prearranged ride, or while the TNC driver
 1934 otherwise uses a vehicle to transport riders for compensation.

1935 3. This section must not be construed to require an
 1936 insurer to use any particular policy language or reference to
 1937 this section in order to exclude any and all coverage for any
 1938 loss or injury that occurs while a TNC driver is logged on to a
 1939 digital network or while a TNC driver provides a prearranged
 1940 ride.

1941 4. This section does not preclude an insurer from
 1942 providing primary or excess coverage for the TNC driver's
 1943 vehicle by contract or endorsement.

1944 Section 43. Section 627.8405, Florida Statutes, is amended
 1945 to read:

1946 627.8405 Prohibited acts; financing companies.—A ~~No~~
 1947 premium finance company ~~shall~~, in a premium finance agreement or
 1948 other agreement, may not finance the cost of or otherwise
 1949 provide for the collection or remittance of dues, assessments,
 1950 fees, or other periodic payments of money for the cost of:

1951 (1) A membership in an automobile club. The term
1952 "automobile club" means a legal entity that ~~which~~, in
1953 consideration of dues, assessments, or periodic payments of
1954 money, promises its members or subscribers to assist them in
1955 matters relating to the ownership, operation, use, or
1956 maintenance of a motor vehicle; however, the term ~~this~~
1957 ~~definition of "automobile club"~~ does not include persons,
1958 associations, or corporations which are organized and operated
1959 solely for the purpose of conducting, sponsoring, or sanctioning
1960 motor vehicle races, exhibitions, or contests upon racetracks,
1961 or upon racecourses established and marked as such for the
1962 duration of such particular events. The term ~~words~~ "motor
1963 vehicle" used herein have the same meaning as defined in chapter
1964 320.

1965 (2) An accidental death and dismemberment policy sold in
1966 combination with a policy providing only bodily injury liability
1967 coverage ~~personal injury protection~~ and property damage
1968 liability coverage only policy.

1969 (3) Any product not regulated under the provisions of this
1970 insurance code.

1971
1972 This section also applies to premium financing by any insurance
1973 agent or insurance company under part XVI. The commission shall
1974 adopt rules to assure disclosure, at the time of sale, of motor
1975 vehicle liability insurance coverages financed ~~with personal~~

1976 | ~~injury protection~~ and shall prescribe the form of such
 1977 | disclosure.

1978 | Section 44. Subsections (2) and (3) of section 628.909,
 1979 | Florida Statutes, are amended to read:

1980 | 628.909 Applicability of other laws.—

1981 | (2) The following provisions of the Florida Insurance Code
 1982 | apply to captive insurance companies who are not industrial
 1983 | insured captive insurance companies to the extent that such
 1984 | provisions are not inconsistent with this part:

1985 | (a) Chapter 624, except for ss. 624.407, 624.408,
 1986 | 624.4085, 624.40851, 624.4095, 624.411, 624.425, and 624.426.

1987 | (b) Chapter 625, part II.

1988 | (c) Chapter 626, part IX.

1989 | ~~(d) Sections 627.730-627.7405, when no-fault coverage is~~
 1990 | ~~provided.~~

1991 | (d) ~~(e)~~ Chapter 628.

1992 | (3) The following provisions of the Florida Insurance Code
 1993 | shall apply to industrial insured captive insurance companies to
 1994 | the extent that such provisions are not inconsistent with this
 1995 | part:

1996 | (a) Chapter 624, except for ss. 624.407, 624.408,
 1997 | 624.4085, 624.40851, 624.4095, 624.411, 624.425, 624.426, and
 1998 | 624.609(1).

1999 | (b) Chapter 625, part II, if the industrial insured
 2000 | captive insurance company is incorporated in this state.

2001 (c) Chapter 626, part IX.

2002 ~~(d) Sections 627.730-627.7405 when no fault coverage is~~

2003 ~~provided.~~

2004 (d)~~(e)~~ Chapter 628, except for ss. 628.341, 628.351, and

2005 628.6018.

2006 Section 45. Subsections (2), (6), and (7) of section

2007 705.184, Florida Statutes, are amended to read:

2008 705.184 Derelict or abandoned motor vehicles on the

2009 premises of public-use airports.—

2010 (2) The airport director or the director's designee shall

2011 contact the Department of Highway Safety and Motor Vehicles to

2012 notify that department that the airport has possession of the

2013 abandoned or derelict motor vehicle and to determine the name

2014 and address of the owner of the motor vehicle, the insurance

2015 company insuring the motor vehicle, ~~notwithstanding the~~

2016 ~~provisions of s. 627.736,~~ and any person who has filed a lien on

2017 the motor vehicle. Within 7 business days after receipt of the

2018 information, the director or the director's designee shall send

2019 notice by certified mail, return receipt requested, to the owner

2020 of the motor vehicle, the insurance company insuring the motor

2021 vehicle, ~~notwithstanding the provisions of s. 627.736,~~ and all

2022 persons of record claiming a lien against the motor vehicle. The

2023 notice shall state the fact of possession of the motor vehicle,

2024 that charges for reasonable towing, storage, and parking fees,

2025 if any, have accrued and the amount thereof, that a lien as

2026 provided in subsection (6) will be claimed, that the lien is
2027 subject to enforcement pursuant to law, that the owner or
2028 lienholder, if any, has the right to a hearing ~~as set forth in~~
2029 ~~subsection (4)~~, and that any motor vehicle which, at the end of
2030 30 calendar days after receipt of the notice, has not been
2031 removed from the airport upon payment in full of all accrued
2032 charges for reasonable towing, storage, and parking fees, if
2033 any, may be disposed of as provided in s. 705.182(2)(a), (b),
2034 (d), or (e), including, but not limited to, the motor vehicle
2035 being sold free of all prior liens after 35 calendar days after
2036 the time the motor vehicle is stored if any prior liens on the
2037 motor vehicle are more than 5 years of age or after 50 calendar
2038 days after the time the motor vehicle is stored if any prior
2039 liens on the motor vehicle are 5 years of age or less.

2040 (6) The airport pursuant to this section or, if used, a
2041 licensed independent wrecker company pursuant to s. 713.78 shall
2042 have a lien on an abandoned or derelict motor vehicle for all
2043 reasonable towing, storage, and accrued parking fees, if any,
2044 except that no storage fee shall be charged if the motor vehicle
2045 is stored less than 6 hours. As a prerequisite to perfecting a
2046 lien under this section, the airport director or the director's
2047 designee must serve a notice in accordance with subsection (2)
2048 on the owner of the motor vehicle, the insurance company
2049 insuring the motor vehicle, ~~notwithstanding the provisions of s.~~
2050 ~~627.736~~, and all persons of record claiming a lien against the

2051 motor vehicle. If attempts to notify the owner, the insurance
 2052 company insuring the motor vehicle, ~~notwithstanding the~~
 2053 ~~provisions of s. 627.736,~~ or lienholders are not successful, the
 2054 requirement of notice by mail shall be considered met. Serving
 2055 of the notice does not dispense with recording the claim of
 2056 lien.

2057 (7) (a) For the purpose of perfecting its lien under this
 2058 section, the airport shall record a claim of lien which shall
 2059 state:

- 2060 1. The name and address of the airport.
- 2061 2. The name of the owner of the motor vehicle, the
 2062 insurance company insuring the motor vehicle, ~~notwithstanding~~
 2063 ~~the provisions of s. 627.736,~~ and all persons of record claiming
 2064 a lien against the motor vehicle.
- 2065 3. The costs incurred from reasonable towing, storage, and
 2066 parking fees, if any.
- 2067 4. A description of the motor vehicle sufficient for
 2068 identification.

2069 (b) The claim of lien shall be signed and sworn to or
 2070 affirmed by the airport director or the director's designee.

2071 (c) The claim of lien shall be sufficient if it is in
 2072 substantially the following form:

2073 CLAIM OF LIEN
 2074 State of
 2075 County of

2076 Before me, the undersigned notary public, personally appeared
 2077, who was duly sworn and says that he/she is the
 2078 of, whose address is.....; and that the
 2079 following described motor vehicle:
 2080 ...(Description of motor vehicle)..
 2081 owned by, whose address is, has accrued
 2082 \$..... in fees for a reasonable tow, for storage, and for
 2083 parking, if applicable; that the lienor served its notice to the
 2084 owner, the insurance company insuring the motor vehicle
 2085 ~~notwithstanding the provisions of s. 627.736, Florida Statutes,~~
 2086 and all persons of record claiming a lien against the motor
 2087 vehicle on, ...(year)...., by.....
 2088 ...(Signature)..
 2089 Sworn to (or affirmed) and subscribed before me this day of
 2090, ...(year)...., by ...(name of person making statement)....
 2091 ...(Signature of Notary Public)... ...(Print, Type, or Stamp
 2092 Commissioned name of Notary Public)..
 2093 Personally Known...OR Produced...as identification.
 2094 However, the negligent inclusion or omission of any information
 2095 in this claim of lien which does not prejudice the owner does
 2096 not constitute a default that operates to defeat an otherwise
 2097 valid lien.
 2098 (d) The claim of lien shall be served on the owner of the
 2099 motor vehicle, the insurance company insuring the motor vehicle,
 2100 ~~notwithstanding the provisions of s. 627.736,~~ and all persons of

2101 record claiming a lien against the motor vehicle. If attempts to
 2102 notify the owner, the insurance company insuring the motor
 2103 vehicle ~~notwithstanding the provisions of s. 627.736~~, or
 2104 lienholders are not successful, the requirement of notice by
 2105 mail shall be considered met. The claim of lien shall be so
 2106 served before recordation.

2107 (e) The claim of lien shall be recorded with the clerk of
 2108 court in the county where the airport is located. The recording
 2109 of the claim of lien shall be constructive notice to all persons
 2110 of the contents and effect of such claim. The lien shall attach
 2111 at the time of recordation and shall take priority as of that
 2112 time.

2113 Section 46. Paragraphs (a), (b), and (c) of subsection (4)
 2114 of section 713.78, Florida Statutes, are amended to read:

2115 713.78 Liens for recovering, towing, or storing vehicles
 2116 and vessels.—

2117 (4) (a) Any person regularly engaged in the business of
 2118 recovering, towing, or storing vehicles or vessels who comes
 2119 into possession of a vehicle or vessel pursuant to subsection
 2120 (2), and who claims a lien for recovery, towing, or storage
 2121 services, shall give notice to the registered owner, the
 2122 insurance company insuring the vehicle ~~notwithstanding the~~
 2123 ~~provisions of s. 627.736~~, and to all persons claiming a lien
 2124 thereon, as disclosed by the records in the Department of
 2125 Highway Safety and Motor Vehicles or as disclosed by the records

2126 of any corresponding agency in any other state in which the
2127 vehicle is identified through a records check of the National
2128 Motor Vehicle Title Information System or an equivalent
2129 commercially available system as being titled or registered.

2130 (b) Whenever any law enforcement agency authorizes the
2131 removal of a vehicle or vessel or whenever any towing service,
2132 garage, repair shop, or automotive service, storage, or parking
2133 place notifies the law enforcement agency of possession of a
2134 vehicle or vessel pursuant to s. 715.07(2)(a)2., the law
2135 enforcement agency of the jurisdiction where the vehicle or
2136 vessel is stored shall contact the Department of Highway Safety
2137 and Motor Vehicles, or the appropriate agency of the state of
2138 registration, if known, within 24 hours through the medium of
2139 electronic communications, giving the full description of the
2140 vehicle or vessel. Upon receipt of the full description of the
2141 vehicle or vessel, the department shall search its files to
2142 determine the owner's name, the insurance company insuring the
2143 vehicle or vessel, and whether any person has filed a lien upon
2144 the vehicle or vessel as provided in s. 319.27(2) and (3) and
2145 notify the applicable law enforcement agency within 72 hours.
2146 The person in charge of the towing service, garage, repair shop,
2147 or automotive service, storage, or parking place shall obtain
2148 such information from the applicable law enforcement agency
2149 within 5 days after the date of storage and shall give notice
2150 pursuant to paragraph (a). The department may release the

2151 insurance company information to the requestor ~~notwithstanding~~
2152 ~~the provisions of s. 627.736.~~

2153 (c) Notice by certified mail shall be sent within 7
2154 business days after the date of storage of the vehicle or vessel
2155 to the registered owner, the insurance company insuring the
2156 vehicle ~~notwithstanding the provisions of s. 627.736,~~ and all
2157 persons of record claiming a lien against the vehicle or vessel.
2158 It shall state the fact of possession of the vehicle or vessel,
2159 that a lien as provided in subsection (2) is claimed, that
2160 charges have accrued and the amount thereof, that the lien is
2161 subject to enforcement pursuant to law, and that the owner or
2162 lienholder, if any, has the right to a hearing as set forth in
2163 subsection (5), and that any vehicle or vessel which remains
2164 unclaimed, or for which the charges for recovery, towing, or
2165 storage services remain unpaid, may be sold free of all prior
2166 liens after 35 days if the vehicle or vessel is more than 3
2167 years of age or after 50 days if the vehicle or vessel is 3
2168 years of age or less.

2169 Section 47. Paragraph (a) of subsection (1), paragraph (c)
2170 of subsection (7), and subsections (8), (9), and (10) of section
2171 817.234, Florida Statutes, are amended to read:

2172 817.234 False and fraudulent insurance claims.—

2173 (1)(a) A person commits insurance fraud punishable as
2174 provided in subsection (11) if that person, with the intent to
2175 injure, defraud, or deceive any insurer:

2176 1. Presents or causes to be presented any written or oral
 2177 statement as part of, or in support of, a claim for payment or
 2178 other benefit pursuant to an insurance policy or a health
 2179 maintenance organization subscriber or provider contract,
 2180 knowing that such statement contains any false, incomplete, or
 2181 misleading information concerning any fact or thing material to
 2182 such claim;

2183 2. Prepares or makes any written or oral statement that is
 2184 intended to be presented to any insurer in connection with, or
 2185 in support of, any claim for payment or other benefit pursuant
 2186 to an insurance policy or a health maintenance organization
 2187 subscriber or provider contract, knowing that such statement
 2188 contains any false, incomplete, or misleading information
 2189 concerning any fact or thing material to such claim;

2190 3.a. Knowingly presents, causes to be presented, or
 2191 prepares or makes with knowledge or belief that it will be
 2192 presented to any insurer, purported insurer, servicing
 2193 corporation, insurance broker, or insurance agent, or any
 2194 employee or agent thereof, any false, incomplete, or misleading
 2195 information or written or oral statement as part of, or in
 2196 support of, an application for the issuance of, or the rating
 2197 of, any insurance policy, or a health maintenance organization
 2198 subscriber or provider contract; or

2199 b. Knowingly conceals information concerning any fact
 2200 material to such application; or

2201 4. Knowingly presents, causes to be presented, or prepares
 2202 or makes with knowledge or belief that it will be presented to
 2203 any insurer a claim for payment or other benefit under a motor
 2204 vehicle ~~personal injury protection~~ insurance policy if the
 2205 person knows that the payee knowingly submitted a false,
 2206 misleading, or fraudulent application or other document when
 2207 applying for licensure as a health care clinic, seeking an
 2208 exemption from licensure as a health care clinic, or
 2209 demonstrating compliance with part X of chapter 400.

2210 (7)

2211 (c) An insurer, or any person acting at the direction of
 2212 or on behalf of an insurer, may not change an opinion in a
 2213 mental or physical report ~~prepared under s. 627.736(7)~~ or direct
 2214 the physician preparing the report to change such opinion;
 2215 however, this provision does not preclude the insurer from
 2216 calling to the attention of the physician errors of fact in the
 2217 report based upon information in the claim file. Any person who
 2218 violates this paragraph commits a felony of the third degree,
 2219 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

2220 (8) (a) It is unlawful for any person intending to defraud
 2221 any other person to solicit or cause to be solicited any
 2222 business from a person involved in a motor vehicle accident for
 2223 the purpose of making, adjusting, or settling motor vehicle tort
 2224 claims or claims ~~for personal injury protection benefits~~
 2225 ~~required by s. 627.736~~. Any person who violates the provisions

2226 of this paragraph commits a felony of the second degree,
 2227 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.
 2228 A person who is convicted of a violation of this subsection
 2229 shall be sentenced to a minimum term of imprisonment of 2 years.

2230 (b) A person may not solicit or cause to be solicited any
 2231 business from a person involved in a motor vehicle accident by
 2232 any means of communication other than advertising directed to
 2233 the public for the purpose of making motor vehicle tort claims
 2234 or claims ~~for personal injury protection benefits required by s.~~
 2235 ~~627.736,~~ within 60 days after the occurrence of the motor
 2236 vehicle accident. Any person who violates this paragraph commits
 2237 a felony of the third degree, punishable as provided in s.
 2238 775.082, s. 775.083, or s. 775.084.

2239 (c) A lawyer, health care practitioner as defined in s.
 2240 456.001, or owner or medical director of a clinic required to be
 2241 licensed pursuant to s. 400.9905 may not, at any time after 60
 2242 days have elapsed from the occurrence of a motor vehicle
 2243 accident, solicit or cause to be solicited any business from a
 2244 person involved in a motor vehicle accident by means of in
 2245 person or telephone contact at the person's residence, for the
 2246 purpose of making motor vehicle tort claims or claims ~~for~~
 2247 ~~personal injury protection benefits required by s. 627.736.~~ Any
 2248 person who violates this paragraph commits a felony of the third
 2249 degree, punishable as provided in s. 775.082, s. 775.083, or s.
 2250 775.084.

2251 (d) Charges for any services rendered by any person who
2252 violates this subsection in regard to the person for whom such
2253 services were rendered are noncompensable and unenforceable as a
2254 matter of law.

2255 (9) A person may not organize, plan, or knowingly
2256 participate in an intentional motor vehicle accident ~~crash~~ or a
2257 scheme to create documentation of a motor vehicle accident ~~crash~~
2258 that did not occur for the purpose of making motor vehicle tort
2259 claims or claims ~~for personal injury protection benefits as~~
2260 ~~required by s. 627.736~~. Any person who violates this subsection
2261 commits a felony of the second degree, punishable as provided in
2262 s. 775.082, s. 775.083, or s. 775.084. A person who is convicted
2263 of a violation of this subsection shall be sentenced to a
2264 minimum term of imprisonment of 2 years.

2265 (10) A licensed health care practitioner who is found
2266 guilty of insurance fraud under this section for an act relating
2267 to a motor vehicle ~~personal injury protection~~ insurance policy
2268 loses his or her license to practice for 5 years and may not
2269 receive reimbursement for motor vehicle insurance coverage
2270 ~~personal injury protection~~ benefits for 10 years.

2271 Section 48. Except as otherwise expressly provided in this
2272 act and except for this section, which shall take effect upon
2273 this act becoming a law, this act shall take effect January 1,
2274 2019.