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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/13/2019	.	
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	.	
	.	

The Committee on Infrastructure and Security (Lee) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause and insert:

Section 1. Sections 627.730, 627.731, 627.7311, 627.732, 627.733, 627.734, 627.736, 627.737, 627.739, 627.7401, 627.7403, and 627.7405, Florida Statutes, which comprise the Florida Motor Vehicle No-Fault Law, are repealed.

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 Section 627.7407, Florida Statutes, is repealed.

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



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11 Statutes, is amended to read:

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

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

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

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

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

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

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

39 (2) Thirty dollars for all nonmoving traffic violations



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40 and:

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

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

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

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



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

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

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

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



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

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

113
114 Such affidavit must include the following warning:

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

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



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

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

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

155 320.0609 Transfer and exchange of registration license



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156 plates; transfer fee.-

157 (1)

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

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

166 320.27 Motor vehicle dealers.-

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

171 (g) "Garage liability insurance" means, beginning January
172 1, 2020, combined single-limit liability coverage, including
173 property damage and bodily injury liability coverage, in the
174 amount of at least \$60,000.

175 (3) APPLICATION AND FEE.-~~The application for the license~~
176 application must ~~shall~~ be in such form as may be prescribed by
177 the department and is ~~shall be~~ subject to such rules ~~with~~
178 ~~respect thereto~~ as may be so prescribed by the department ~~it~~.
179 Such application must ~~shall~~ be verified by oath or affirmation
180 and must ~~shall~~ contain a full statement of the name and birth
181 date of the person or persons applying for the license ~~therefor~~;
182 the name of the firm or copartnership, with the names and places
183 of residence of all members ~~thereof~~, if such applicant is a firm
184 or copartnership; the names and places of residence of the



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



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214 by the department, that the applicant is insured under a garage
215 liability insurance policy or a general liability insurance
216 policy coupled with a business automobile policy having the
217 coverages and limits of the garage liability insurance coverage
218 in accordance with paragraph (1) (g), ~~which shall include, at a~~
219 ~~minimum, \$25,000 combined single-limit liability coverage~~
220 ~~including bodily injury and property damage protection and~~
221 ~~\$10,000 personal injury protection.~~ However, a salvage motor
222 vehicle dealer as defined in subparagraph (1) (c)5. is exempt
223 from the requirements for garage liability insurance ~~and~~
224 ~~personal injury protection insurance~~ on those vehicles that
225 cannot be legally operated on roads, highways, or streets in
226 this state. Franchise dealers must submit a garage liability
227 insurance policy, and all other dealers must submit a garage
228 liability insurance policy or a general liability insurance
229 policy coupled with a business automobile policy. Such policy
230 must ~~shall~~ be for the license period, and evidence of a new or
231 continued policy must ~~shall~~ be delivered to the department at
232 the beginning of each license period. Upon making an initial
233 application, the applicant shall pay to the department a fee of
234 \$300 in addition to any other fees required by law. Applicants
235 may choose to extend the licensure period for 1 additional year
236 for a total of 2 years. An initial applicant shall pay to the
237 department a fee of \$300 for the first year and \$75 for the
238 second year, in addition to any other fees required by law. An
239 applicant for renewal shall pay to the department \$75 for a 1-
240 year renewal or \$150 for a 2-year renewal, in addition to any
241 other fees required by law. Upon making an application for a
242 change of location, the applicant ~~person~~ shall pay a fee of \$50



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

261 Section 8. Paragraph (j) of subsection (3) of section
262 320.771, Florida Statutes, is amended to read:

263 320.771 License required of recreational vehicle dealers.—

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

268 (j) A statement that the applicant is insured under a
269 garage liability insurance policy in accordance with s.
270 320.27(1)(g), ~~which shall include, at a minimum, \$25,000~~
271 ~~combined single-limit liability coverage, including bodily~~



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272 ~~injury and property damage protection, and \$10,000 personal~~
273 ~~injury protection,~~ if the applicant is to be licensed as a
274 dealer in, or intends to sell, recreational vehicles.

275
276 The department shall, if it deems necessary, cause an
277 investigation to be made to ascertain if the facts set forth in
278 the application are true and shall not issue a license to the
279 applicant until it is satisfied that the facts set forth in the
280 application are true.

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

283 322.251 Notice of cancellation, suspension, revocation, or
284 disqualification of license.—

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

298 (2) The giving of notice and an order of cancellation,
299 suspension, revocation, or disqualification by mail is complete
300 upon expiration of 20 days after deposit in the United States



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

309 Section 10. Paragraph (a) of subsection (8) of section
310 322.34, Florida Statutes, is amended to read:

311 322.34 Driving while license suspended, revoked, canceled,
312 or disqualified.—

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

316 1. Whether the person's driver license is suspended or
317 revoked.

318 2. Whether the person's driver license has remained
319 suspended or revoked since a conviction for the offense of
320 driving with a suspended or revoked license.

321 3. Whether the suspension or revocation was made under s.
322 316.646 ~~or s. 627.733~~, relating to failure to maintain required
323 security, or under s. 322.264, relating to habitual traffic
324 offenders.

325 4. Whether the driver is the registered owner or coowner of
326 the vehicle.

327 Section 11. Section 324.011, Florida Statutes, is amended
328 to read:

329 324.011 Legislative intent and purpose of chapter.—It is



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

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

352 324.021 Definitions; minimum insurance required.—The
353 following words and phrases when used in this chapter shall, for
354 the purpose of this chapter, have the meanings respectively
355 ascribed to them in this section, except in those instances
356 where the context clearly indicates a different meaning:

357 (1) MOTOR VEHICLE.—Every self-propelled vehicle that is
358 designed and required to be licensed for use upon a highway,



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

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

375 (a) Beginning January 1, 2020, with respect to a motor
376 vehicle that is not a commercial motor vehicle, nonpublic sector
377 bus, or for-hire passenger transportation vehicle, in the amount
378 of:

379 1. Twenty-five thousand dollars for \$10,000 because of
380 bodily injury to, or the death of, one person in any one crash
381 and, ~~;~~

382 ~~(b)~~ subject to such limits for one person, in the amount of
383 \$50,000 for \$20,000 because of bodily injury to, or the death
384 of, two or more persons in any one crash; and

385 2. ~~(c)~~ Ten thousand dollars for damage In the amount of
386 \$10,000 because of injury to, or destruction of, property of
387 others in any one crash. ~~;~~ and



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388 (b)-(d) With respect to commercial motor vehicles ~~and~~
389 ~~nonpublic sector buses~~, in the amounts specified in s. 627.7415
390 ~~ss. 627.7415 and 627.742~~, respectively.

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

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

395 (9) OWNER; OWNER/LESSOR.—

396 (c) *Application.*—

397 1. The limits on liability in subparagraphs (b)2. and 3. do
398 not apply to an owner of motor vehicles that are used for
399 commercial activity in the owner's ordinary course of business,
400 other than a rental company that rents or leases motor vehicles.
401 For purposes of this paragraph, the term "rental company"
402 includes only an entity that is engaged in the business of
403 renting or leasing motor vehicles to the general public and that
404 rents or leases a majority of its motor vehicles to persons with
405 no direct or indirect affiliation with the rental company. The
406 term also includes a motor vehicle dealer that provides
407 temporary replacement vehicles to its customers for up to 10
408 days. The term "rental company" also includes:

409 a. A related rental or leasing company that is a subsidiary
410 of the same parent company as that of the renting or leasing
411 company that rented or leased the vehicle.

412 b. The holder of a motor vehicle title or an equity
413 interest in a motor vehicle title if the title or equity
414 interest is held pursuant to or to facilitate an asset-backed
415 securitization of a fleet of motor vehicles used solely in the
416 business of renting or leasing motor vehicles to the general



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417 public and under the dominion and control of a rental company,
418 as described in this subparagraph, in the operation of such
419 rental company's business.

420 2. Furthermore, with respect to commercial motor vehicles
421 as defined in s. 207.002 or s. 320.01 ~~s. 627.732~~, the limits on
422 liability in subparagraphs (b)2. and 3. do not apply if, at the
423 time of the incident, the commercial motor vehicle is being used
424 in the transportation of materials found to be hazardous for the
425 purposes of the Hazardous Materials Transportation Authorization
426 Act of 1994, as amended, 49 U.S.C. ss. 5101 et seq., and that is
427 required pursuant to such act to carry placards warning others
428 of the hazardous cargo, unless at the time of lease or rental
429 either:

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

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

438 (12) FOR-HIRE PASSENGER TRANSPORTATION VEHICLE.—Every "for-
439 hire vehicle" as defined in s. 320.01(15) which is offered or
440 used to provide transportation for persons, including taxicabs,
441 limousines, and jitneys.

442 Section 13. Section 324.022, Florida Statutes, is amended
443 to read:

444 324.022 Financial responsibility requirements ~~for property~~
445 ~~damage.—~~



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446 (1) (a) Beginning January 1, 2020, every owner or operator
447 of a motor vehicle required to be registered in this state shall
448 establish and continuously maintain the ability to respond in
449 damages for liability on account of accidents arising out of the
450 use of the motor vehicle in the amount of:

451 1. Twenty-five thousand dollars for bodily injury to, or
452 the death of, one person in any one crash and, subject to such
453 limits for one person, in the amount of \$50,000 for bodily
454 injury to, or the death of, two or more persons in any one
455 crash; and

456 2. Ten thousand dollars for ~~\$10,000 because of~~ damage to,
457 or destruction of, property of others in any one crash.

458 (b) The requirements of paragraph (a) this section may be
459 met by one of the methods established in s. 324.031; by self-
460 insuring as authorized by s. 768.28(16); or by maintaining a
461 motor vehicle liability insurance policy that an insurance
462 policy providing coverage for property damage liability in the
463 amount of at least \$10,000 because of damage to, or destruction
464 of, property of others in any one accident arising out of the
465 use of the motor vehicle. The requirements of this section may
466 also be met by having a policy which provides combined property
467 damage liability and bodily injury liability coverage for any
468 one crash arising out of the ownership, maintenance, or use of a
469 motor vehicle which conforms to the requirements of s. 324.151
470 in the amount of at least \$60,000 for every owner or operator
471 subject to the financial responsibility required in paragraph
472 (a) \$30,000 for combined property damage liability and bodily
473 injury liability for any one crash arising out of the use of the
474 motor vehicle. The policy, with respect to coverage for property



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475 ~~damage liability, must meet the applicable requirements of s.~~
476 ~~324.151, subject to the usual policy exclusions that have been~~
477 ~~approved in policy forms by the Office of Insurance Regulation.~~
478 ~~No insurer shall have any duty to defend uncovered claims~~
479 ~~irrespective of their joinder with covered claims.~~

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

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

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

487 2. A motor vehicle that is used in mass transit and
488 designed to transport more than five passengers, exclusive of
489 the operator of the motor vehicle, and that is owned by a
490 municipality, transit authority, or political subdivision of the
491 state.

492 3. A school bus as defined in s. 1006.25, which must
493 maintain security as required under s. 316.615.

494 4. A commercial motor vehicle as defined in s. 207.002 or
495 s. 320.01, which must maintain security as required under ss.
496 324.031 and 627.7415.

497 5. A nonpublic sector bus, which must maintain security as
498 required under ss. 324.031 and 627.742.

499 ~~6.4. A vehicle providing for-hire passenger transportation~~
500 ~~vehicle, which must that is subject to the provisions of s.~~
501 ~~324.031. A taxicab shall maintain security as required under s.~~
502 ~~324.032 s. 324.032(1).~~

503 ~~7.5. A personal delivery device as defined in s. 316.003.~~



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

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

514 (4) An ~~The~~ owner or registrant of a motor vehicle who is
515 ~~exempt from the requirements of this section if she or he is a~~
516 member of the United States Armed Forces and is called to or on
517 active duty outside the United States in an emergency situation
518 is exempt from this section while he or she. ~~The exemption~~
519 ~~provided by this subsection applies only as long as the member~~
520 ~~of the Armed Forces is on such active duty.~~ This exemption
521 ~~outside the United States and applies only while the vehicle~~
522 covered by the security is not operated by any person. Upon
523 receipt of a written request by the insured to whom the
524 exemption provided in this subsection applies, the insurer shall
525 cancel the coverages and return any unearned premium or suspend
526 the security required by this section. Notwithstanding s.
527 324.0221(2) ~~s. 324.0221(3)~~, the department may not suspend the
528 registration or operator's license of an ~~any~~ owner or registrant
529 of a motor vehicle during the time she or he qualifies for the
530 ~~an~~ exemption under this subsection. An ~~Any~~ owner or registrant
531 of a motor vehicle who qualifies for the ~~an~~ exemption under this
532 subsection shall immediately notify the department before ~~prior~~



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533 ~~to~~ and at the end of the expiration of the exemption.

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

536 324.0221 Reports by insurers to the department; suspension
537 of driver license and vehicle registrations; reinstatement.—

538 (1) (a) Each insurer that has issued a policy providing
539 ~~personal injury protection coverage or property damage~~ liability
540 coverage shall report the cancellation or nonrenewal thereof to
541 the department within 10 days after the processing date or
542 effective date of each cancellation or nonrenewal. Upon the
543 issuance of a policy providing ~~personal injury protection~~
544 ~~coverage or property damage~~ liability coverage to a named
545 insured not previously insured by the insurer during that
546 calendar year, the insurer shall report the issuance of the new
547 policy to the department within 10 days. The report must ~~shall~~
548 be in the form ~~and format~~ and contain any information required
549 by the department and must be provided in a format that is
550 compatible with the data processing capabilities of the
551 department. Failure by an insurer to file proper reports with
552 the department as required by this subsection constitutes a
553 violation of the Florida Insurance Code. These records may ~~shall~~
554 be used by the department only for enforcement and regulatory
555 purposes, including the generation by the department of data
556 regarding compliance by owners of motor vehicles with the
557 requirements for financial responsibility coverage.

558 (b) With respect to an insurance policy providing ~~personal~~
559 ~~injury protection coverage or property damage~~ liability
560 coverage, each insurer shall notify the named insured, or the
561 first-named insured in the case of a commercial fleet policy, in



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562 writing that any cancellation or nonrenewal of the policy will
563 be reported by the insurer to the department. The notice must
564 also inform the named insured that failure to maintain bodily
565 injury liability ~~personal injury protection~~ coverage and
566 property damage liability coverage on a motor vehicle when
567 required by law may result in the loss of registration and
568 driving privileges in this state and inform the named insured of
569 the amount of the reinstatement fees required by this section.
570 This notice is for informational purposes only, and an insurer
571 is not civilly liable for failing to provide this notice.

572 (2) The department shall suspend, after due notice and an
573 opportunity to be heard, the registration and driver license of
574 any owner or registrant of a motor vehicle for ~~with respect to~~
575 which security is required under s. 324.022, s. 324.032, s.
576 627.7415, or s. 627.742 ~~ss. 324.022 and 627.733~~ upon:

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

581 (b) Notification by the insurer to the department, in a
582 form approved by the department, of cancellation or termination
583 of the required security.

584 Section 15. Section 324.023, Florida Statutes, is amended
585 to read:

586 324.023 Financial responsibility for bodily injury or
587 death.—In addition to any other financial responsibility
588 required by law, every owner or operator of a motor vehicle that
589 is required to be registered in this state, or that is located
590 within this state, and who, regardless of adjudication of guilt,



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591 has been found guilty of or entered a plea of guilty or nolo
592 contendere to a charge of driving under the influence under s.
593 316.193 after October 1, 2007, shall, by one of the methods
594 established in s. 324.031(1)(a) or (b) ~~s. 324.031(1) or (2)~~,
595 establish and maintain the ability to respond in damages for
596 liability on account of accidents arising out of the use of a
597 motor vehicle in the amount of \$100,000 because of bodily injury
598 to, or death of, one person in any one crash and, subject to
599 such limits for one person, in the amount of \$300,000 because of
600 bodily injury to, or death of, two or more persons in any one
601 crash and in the amount of \$50,000 because of property damage in
602 any one crash. If the owner or operator chooses to establish and
603 maintain such ability by furnishing a certificate of deposit
604 pursuant to s. 324.031(1)(b) ~~s. 324.031(2)~~, such certificate of
605 deposit must be at least \$350,000. Such higher limits must be
606 carried for a minimum period of 3 years. If the owner or
607 operator has not been convicted of driving under the influence
608 or a felony traffic offense for a period of 3 years from the
609 date of reinstatement of driving privileges for a violation of
610 s. 316.193, the owner or operator shall be exempt from this
611 section.

612 Section 16. Section 324.031, Florida Statutes, is amended
613 to read:

614 324.031 Manner of proving financial responsibility.-

615 ~~(1) The owner or operator of a taxicab, limousine, jitney,~~
616 ~~or any other for-hire passenger transportation vehicle may prove~~
617 ~~financial responsibility by providing satisfactory evidence of~~
618 ~~holding a motor vehicle liability policy as defined in s.~~
619 ~~324.021(8) or s. 324.151, which policy is issued by an insurance~~



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620 ~~carrier which is a member of the Florida Insurance Guaranty~~
621 ~~Association.~~ The operator or owner of a motor vehicle other than
622 a for-hire passenger transportation vehicle ~~any other vehicle~~
623 may prove his or her financial responsibility by:

624 (a) ~~(1)~~ Furnishing satisfactory evidence of holding a motor
625 vehicle liability policy as defined in ss. 324.021(8) and
626 324.151;

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

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

631 (2) (a) Beginning January 1, 2020, any person, ~~including any~~
632 ~~firm, partnership, association, corporation, or other person,~~
633 ~~other than a natural person,~~ electing to use the method of proof
634 specified in paragraph (1) (b) ~~subsection (2)~~ shall furnish a
635 certificate of deposit equal to the number of vehicles owned
636 times \$60,000 ~~\$30,000~~, to a maximum of \$240,000. ~~\$120,000;~~

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

641 1. One hundred twenty-five thousand dollars for bodily
642 injury to, or the death of, one person in any one crash and,
643 subject to such limits for one person, in the amount of \$250,000
644 for bodily injury to, or the death of, two or more persons in
645 any one crash, and \$50,000 for damage to, or destruction of,
646 property of others in any one crash; or

647 2. Three hundred thousand dollars for combined bodily
648 injury liability and property damage liability for any one crash



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649 ~~\$10,000/20,000/10,000 or \$30,000 combined single limits, and~~
650 ~~such excess insurance shall provide minimum limits of~~
651 ~~\$125,000/250,000/50,000 or \$300,000 combined single limits.~~
652 ~~These increased limits shall not affect the requirements for~~
653 ~~proving financial responsibility under s. 324.032(1).~~

654 Section 17. Section 324.032, Florida Statutes, is amended
655 to read:

656 324.032 ~~Manner of proving~~ Financial responsibility ~~for;~~
657 for-hire passenger transportation vehicles. ~~Notwithstanding the~~
658 ~~provisions of s. 324.031:~~

659 (1) An owner or lessee of a for-hire passenger
660 transportation vehicle that is required to be registered in this
661 state shall establish and continuously maintain the ability to
662 respond in damages for liability on account of accidents arising
663 out of the ownership, maintenance, or use of the for-hire
664 passenger transportation vehicle, in the amount of:

665 (a) One hundred twenty-five thousand dollars for bodily
666 injury to, or the death of, one person in any one crash and,
667 subject to such limits for one person, in the amount of \$250,000
668 for bodily injury to, or the death of, two or more persons in
669 any one crash; and ~~A person who is either the owner or a lessee~~
670 ~~required to maintain insurance under s. 627.733(1) (b) and who~~
671 ~~operates one or more taxicabs, limousines, jitneys, or any other~~
672 ~~for-hire passenger transportation vehicles may prove financial~~
673 ~~responsibility by furnishing satisfactory evidence of holding a~~
674 ~~motor vehicle liability policy, but with minimum limits of~~
675 ~~\$125,000/250,000/50,000.~~

676 (b) Fifty thousand dollars for damage to, or destruction
677 of, property of others in any one crash ~~A person who is either~~



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678 ~~the owner or a lessee required to maintain insurance under s.~~
679 ~~324.021(9)(b) and who operates limousines, jitneys, or any other~~
680 ~~for-hire passenger vehicles, other than taxicabs, may prove~~
681 ~~financial responsibility by furnishing satisfactory evidence of~~
682 ~~holding a motor vehicle liability policy as defined in s.~~
683 ~~324.031.~~

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

690 ~~(3)(2) An owner or a lessee who is required to maintain~~
691 ~~insurance under s. 324.021(9)(b) and who operates at least 300~~
692 ~~taxicabs, limousines, jitneys, or any other for-hire passenger~~
693 ~~transportation vehicles may provide financial responsibility by~~
694 ~~complying with the provisions of s. 324.171, which must such~~
695 ~~compliance to be demonstrated by maintaining at its principal~~
696 ~~place of business an audited financial statement, prepared in~~
697 ~~accordance with generally accepted accounting principles, and~~
698 ~~providing to the department a certification issued by a~~
699 ~~certified public accountant that the applicant's net worth is at~~
700 ~~least equal to the requirements of s. 324.171 as determined by~~
701 ~~the Office of Insurance Regulation of the Financial Services~~
702 ~~Commission, including claims liabilities in an amount certified~~
703 ~~as adequate by a Fellow of the Casualty Actuarial Society.~~

704

705 Upon request by the department, the applicant shall ~~must~~
706 provide the department at the applicant's principal place of



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707 business in this state access to the applicant's underlying
708 financial information and financial statements that provide the
709 basis of the certified public accountant's certification. The
710 applicant shall reimburse the requesting department for all
711 reasonable costs incurred by it in reviewing the supporting
712 information. The maximum amount of self-insurance permissible
713 under this subsection is \$300,000 and must be stated on a per-
714 occurrence basis, and the applicant shall maintain adequate
715 excess insurance issued by an authorized or eligible insurer
716 licensed or approved by the Office of Insurance Regulation. All
717 risks self-insured shall remain with the owner or lessee
718 providing it, and the risks are not transferable to any other
719 person, unless a policy complying with subsections (1) and (2)
720 ~~subsection (1)~~ is obtained.

721 Section 18. Paragraph (b) of subsection (2) of section
722 324.051, Florida Statutes, is amended to read:

723 324.051 Reports of crashes; suspensions of licenses and
724 registrations.—

725 (2)

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

727 1. To such operator or owner if such operator or owner had
728 in effect at the time of such crash or traffic conviction a
729 motor vehicle ~~an automobile~~ liability policy with respect to all
730 of the registered motor vehicles owned by such operator or
731 owner.

732 2. To such operator, if not the owner of such motor
733 vehicle, if there was in effect at the time of such crash or
734 traffic conviction a motor vehicle ~~an automobile~~ liability
735 policy or bond with respect to his or her operation of motor



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736 vehicles not owned by him or her.

737 3. To such operator or owner if the liability of such
738 operator or owner for damages resulting from such crash is, in
739 the judgment of the department, covered by any other form of
740 liability insurance or bond.

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

744
745 No such policy or bond shall be effective under this
746 subsection unless it contains limits of not less than those
747 specified in s. 324.021(7).

748 Section 19. Section 324.071, Florida Statutes, is amended
749 to read:

750 324.071 Reinstatement; renewal of license; reinstatement
751 fee.—~~An~~ Any operator or owner whose license or registration has
752 been suspended pursuant to s. 324.051(2), s. 324.072, s.
753 324.081, or s. 324.121 may effect its reinstatement upon
754 compliance with ~~the provisions of~~ s. 324.051(2) (a)3. or 4., or
755 s. 324.081(2) and (3), as the case may be, and with one of the
756 provisions of s. 324.031 and upon payment to the department of a
757 nonrefundable reinstatement fee of \$15. Only one such fee may
758 ~~shall~~ be paid by any one person regardless ~~irrespective~~ of the
759 number of licenses and registrations to be then reinstated or
760 issued to such person. ~~All~~ Such fees must ~~shall~~ be deposited to
761 a department trust fund. If ~~When~~ the reinstatement of any
762 license or registration is effected by compliance with s.
763 324.051(2) (a)3. or 4., the department may ~~shall~~ not renew the
764 license or registration within ~~a period of~~ 3 years after ~~from~~



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765 such reinstatement, nor may ~~shall~~ any other license or
766 registration be issued in the name of such person, unless the
767 operator continues ~~is continuing~~ to comply with ~~one of the~~
768 ~~provisions of~~ s. 324.031.

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

771 324.091 Notice to department; notice to insurer.—

772 (1) Each owner and operator involved in a crash or
773 conviction case within the purview of this chapter shall furnish
774 evidence of ~~automobile liability insurance or~~ motor vehicle
775 liability insurance within 14 days after the date of the mailing
776 of notice of crash by the department in the form and manner as
777 it may designate. Upon receipt of evidence that a ~~an automobile~~
778 ~~liability policy or~~ motor vehicle liability policy was in effect
779 at the time of the crash or conviction case, the department
780 shall forward to the insurer such information for verification
781 in a method as determined by the department. The insurer shall
782 respond to the department within 20 days after the notice as to
783 ~~or not~~ such information is valid. If the department
784 determines that a ~~an automobile liability policy or~~ motor
785 vehicle liability policy was not in effect and did not provide
786 coverage for both the owner and the operator, it must ~~shall~~ take
787 action as it is authorized to do under this chapter.

788 Section 21. Section 324.151, Florida Statutes, is amended
789 to read:

790 324.151 Motor vehicle liability policies; required
791 provisions.—

792 (1) A motor vehicle liability policy that serves as ~~to be~~
793 proof of financial responsibility under s. 324.031(1)(a) ~~must s-~~



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794 ~~324.031(1)~~, shall be issued to owners or operators of motor
795 vehicles under the following provisions:

796 (a) A motor vehicle ~~An owner's~~ liability insurance policy
797 issued to an owner of a motor vehicle registered in this state
798 must ~~shall~~ designate by explicit description or by appropriate
799 reference all motor vehicles for ~~with respect to~~ which coverage
800 is thereby granted. The policy must ~~and shall~~ insure the person
801 or persons ~~owner~~ named therein and any other person as operator
802 using such motor vehicle or motor vehicles with the express or
803 implied permission of such owner against loss from the liability
804 imposed by law for damage arising out of the ownership,
805 maintenance, or use of any ~~such~~ motor vehicle or motor vehicles
806 within the United States or ~~the Dominion of~~ Canada, subject to
807 limits, exclusive of interest and costs with respect to each
808 such motor vehicle, as is provided for under s. 324.021(7).
809 Insurers may make available, with respect to property damage
810 liability coverage, a deductible amount not to exceed \$500. In
811 the event of a property damage loss covered by a policy
812 containing a property damage deductible provision, the insurer
813 shall pay to the third-party claimant the amount of any property
814 damage liability settlement or judgment, subject to policy
815 limits, as if no deductible existed.

816 (b) An operator's motor vehicle liability policy of
817 insurance must ~~shall~~ insure the person or persons named therein
818 against loss from the liability imposed ~~upon him or her~~ by law
819 for damages arising out of the use by the person of any motor
820 vehicle not owned by him or her, with the same territorial
821 limits and subject to the same limits of liability as referred
822 to above with respect to an owner's policy of liability



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823 insurance.

824 (c) All such motor vehicle liability policies must ~~shall~~
825 state the name and address of the named insured, the coverage
826 afforded by the policy, the premium charged therefor, the policy
827 period, and the limits of liability, and must ~~shall~~ contain an
828 agreement or be endorsed that insurance is provided in
829 accordance with the coverage defined in this chapter ~~as respects~~
830 ~~bodily injury and death or property damage or both~~ and is
831 subject to ~~all provisions of~~ this chapter. The said policies
832 must ~~shall~~ also contain a provision that the satisfaction by an
833 insured of a judgment for such injury or damage may ~~shall~~ not be
834 a condition precedent to the right or duty of the insurance
835 carrier to make payment on account of such injury or damage, and
836 must ~~shall~~ also contain a provision that bankruptcy or
837 insolvency of the insured or of the insured's estate may ~~shall~~
838 not relieve the insurance carrier of any of its obligations
839 under the said policy.

840 (2) ~~The provisions of~~ This section is ~~shall~~ not be
841 applicable to any motor vehicle ~~automobile~~ liability policy
842 unless and until it is furnished as proof of financial
843 responsibility for the future pursuant to s. 324.031, and then
844 applies only from ~~and after~~ the date the said policy is ~~so~~
845 furnished.

846 Section 22. Section 324.161, Florida Statutes, is amended
847 to read:

848 324.161 Proof of financial responsibility; deposit.—If a
849 person elects to prove his or her financial responsibility under
850 the method of proof specified in s. 324.031(1) (b), he or she
851 annually must obtain and submit to the department proof of a



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852 certificate of deposit in the amount required under s.
853 324.031(2) from a financial institution insured by the Federal
854 Deposit Insurance Corporation or the National Credit Union
855 Administration ~~Annually, before any certificate of insurance may~~
856 ~~be issued to a person, including any firm, partnership,~~
857 ~~association, corporation, or other person, other than a natural~~
858 ~~person, proof of a certificate of deposit of \$30,000 issued and~~
859 ~~held by a financial institution must be submitted to the~~
860 ~~department. A power of attorney will be issued to and held by~~
861 ~~the department and may be executed upon a judgment issued~~
862 ~~against such person making the deposit, for damages for ~~because~~~~
863 ~~of bodily injury to or death of any person or for damages for~~
864 ~~because of injury to or destruction of property resulting from~~
865 ~~the use or operation of any motor vehicle occurring after such~~
866 ~~deposit was made. Money so deposited is ~~shall~~ not be subject to~~
867 ~~attachment or execution unless such attachment or execution~~
868 ~~arises ~~shall arise~~ out of a lawsuit ~~suit~~ for such damages as~~
869 ~~aforesaid.~~

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

872 324.171 Self-insurer.—

873 (1) A ~~Any~~ person may qualify as a self-insurer by obtaining
874 a certificate of self-insurance from the department. ~~which may,~~
875 ~~in its discretion and~~ Upon application of such a person, the
876 department may issue a ~~said~~ certificate of self-insurance to an
877 applicant who satisfies ~~when such person has satisfied~~ the
878 requirements of this section. Effective January 1, 2020 ~~to~~
879 ~~qualify as a self-insurer under this section:~~

880 (a) A private individual with private passenger vehicles



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881 shall possess a net unencumbered worth of at least \$100,000
882 ~~\$40,000~~.

883 (b) A person, including any firm, partnership, association,
884 corporation, or other person, other than a natural person,
885 shall:

886 1. Possess a net unencumbered worth of at least \$100,000
887 ~~\$40,000~~ for the first motor vehicle and \$50,000 ~~\$20,000~~ for each
888 additional motor vehicle; or

889 2. Maintain sufficient net worth, in an amount determined
890 by the department, to be financially responsible for potential
891 losses. The department annually shall determine the minimum net
892 worth sufficient to satisfy this subparagraph as determined
893 annually by the department, pursuant to rules adopted
894 ~~promulgated~~ by the department, with the assistance of the Office
895 of Insurance Regulation of the Financial Services Commission, ~~to~~
896 ~~be financially responsible for potential losses.~~ The rules must
897 consider any ~~shall take into consideration~~ excess insurance
898 carried by the applicant. The department's determination must
899 ~~shall~~ be based upon reasonable actuarial principles considering
900 the frequency, severity, and loss development of claims incurred
901 by casualty insurers writing coverage on the type of motor
902 vehicles for which a certificate of self-insurance is desired.

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

906 (2) The self-insurance certificate must ~~shall~~ provide
907 limits of liability insurance in the amounts specified under s.
908 324.021(7) ~~or s. 627.7415~~ and ~~shall provide personal injury~~
909 ~~protection coverage under s. 627.733(3)(b).~~



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910 Section 24. Section 324.251, Florida Statutes, is amended
911 to read:

912 324.251 Short title.—This chapter may be cited as the
913 “Financial Responsibility Law of 2019 ~~1955~~” and is ~~shall become~~
914 effective at 12:01 a.m., January 1, 2020 ~~October 1, 1955~~.

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

917 400.9905 Definitions.—

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

924 1. ~~(a)~~ Entities licensed or registered by the state under
925 chapter 395; entities licensed or registered by the state and
926 providing only health care services within the scope of services
927 authorized under their respective licenses under ss. 383.30-
928 383.332, chapter 390, chapter 394, chapter 397, this chapter
929 except part X, chapter 429, chapter 463, chapter 465, chapter
930 466, chapter 478, chapter 484, or chapter 651; end-stage renal
931 disease providers authorized under 42 C.F.R. part 405, subpart
932 U; providers certified under 42 C.F.R. part 485, subpart B or
933 subpart H; or any entity that provides neonatal or pediatric
934 hospital-based health care services or other health care
935 services by licensed practitioners solely within a hospital
936 licensed under chapter 395.

937 2. ~~(b)~~ Entities that own, directly or indirectly, entities
938 licensed or registered by the state pursuant to chapter 395;



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939 entities that own, directly or indirectly, entities licensed or
940 registered by the state and providing only health care services
941 within the scope of services authorized pursuant to their
942 respective licenses under ss. 383.30-383.332, chapter 390,
943 chapter 394, chapter 397, this chapter except part X, chapter
944 429, chapter 463, chapter 465, chapter 466, chapter 478, chapter
945 484, or chapter 651; end-stage renal disease providers
946 authorized under 42 C.F.R. part 405, subpart U; providers
947 certified under 42 C.F.R. part 485, subpart B or subpart H; or
948 any entity that provides neonatal or pediatric hospital-based
949 health care services by licensed practitioners solely within a
950 hospital licensed under chapter 395.

951 3.(e) Entities that are owned, directly or indirectly, by
952 an entity licensed or registered by the state pursuant to
953 chapter 395; entities that are owned, directly or indirectly, by
954 an entity licensed or registered by the state and providing only
955 health care services within the scope of services authorized
956 pursuant to their respective licenses under ss. 383.30-383.332,
957 chapter 390, chapter 394, chapter 397, this chapter except part
958 X, chapter 429, chapter 463, chapter 465, chapter 466, chapter
959 478, chapter 484, or chapter 651; end-stage renal disease
960 providers authorized under 42 C.F.R. part 405, subpart U;
961 providers certified under 42 C.F.R. part 485, subpart B or
962 subpart H; or any entity that provides neonatal or pediatric
963 hospital-based health care services by licensed practitioners
964 solely within a hospital under chapter 395.

965 4.(d) Entities that are under common ownership, directly or
966 indirectly, with an entity licensed or registered by the state
967 pursuant to chapter 395; entities that are under common



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968 ownership, directly or indirectly, with an entity licensed or
969 registered by the state and providing only health care services
970 within the scope of services authorized pursuant to their
971 respective licenses under ss. 383.30-383.332, chapter 390,
972 chapter 394, chapter 397, this chapter except part X, chapter
973 429, chapter 463, chapter 465, chapter 466, chapter 478, chapter
974 484, or chapter 651; end-stage renal disease providers
975 authorized under 42 C.F.R. part 405, subpart U; providers
976 certified under 42 C.F.R. part 485, subpart B or subpart H; or
977 any entity that provides neonatal or pediatric hospital-based
978 health care services by licensed practitioners solely within a
979 hospital licensed under chapter 395.

980 5.~~(e)~~ An entity that is exempt from federal taxation under
981 26 U.S.C. s. 501(c) (3) or (4), an employee stock ownership plan
982 under 26 U.S.C. s. 409 that has a board of trustees at least
983 two-thirds of which are Florida-licensed health care
984 practitioners and provides only physical therapy services under
985 physician orders, any community college or university clinic,
986 and any entity owned or operated by the federal or state
987 government, including agencies, subdivisions, or municipalities
988 thereof.

989 6.~~(f)~~ A sole proprietorship, group practice, partnership,
990 or corporation that provides health care services by physicians
991 covered by s. 627.419, that is directly supervised by one or
992 more of such physicians, and that is wholly owned by one or more
993 of those physicians or by a physician and the spouse, parent,
994 child, or sibling of that physician.

995 7.~~(g)~~ A sole proprietorship, group practice, partnership,
996 or corporation that provides health care services by licensed



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997 health care practitioners under chapter 457, chapter 458,
998 chapter 459, chapter 460, chapter 461, chapter 462, chapter 463,
999 chapter 466, chapter 467, chapter 480, chapter 484, chapter 486,
1000 chapter 490, chapter 491, or part I, part III, part X, part
1001 XIII, or part XIV of chapter 468, or s. 464.012, and that is
1002 wholly owned by one or more licensed health care practitioners,
1003 or the licensed health care practitioners set forth in this
1004 subparagraph and the spouse, parent, child, or sibling of a
1005 licensed health care practitioner if one of the owners who is a
1006 licensed health care practitioner is supervising the business
1007 activities and is legally responsible for the entity's
1008 compliance with all federal and state laws. However, a health
1009 care practitioner may not supervise services beyond the scope of
1010 the practitioner's license, except that, for the purposes of
1011 this part, a clinic owned by a licensee in s. 456.053(3)(b)
1012 which provides only services authorized pursuant to s.
1013 456.053(3)(b) may be supervised by a licensee specified in s.
1014 456.053(3)(b).

1015 8.~~(h)~~ Clinical facilities affiliated with an accredited
1016 medical school at which training is provided for medical
1017 students, residents, or fellows.

1018 9.~~(i)~~ Entities that provide only oncology or radiation
1019 therapy services by physicians licensed under chapter 458 or
1020 chapter 459 or entities that provide oncology or radiation
1021 therapy services by physicians licensed under chapter 458 or
1022 chapter 459 which are owned by a corporation whose shares are
1023 publicly traded on a recognized stock exchange.

1024 10.~~(j)~~ Clinical facilities affiliated with a college of
1025 chiropractic accredited by the Council on Chiropractic Education



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1026 at which training is provided for chiropractic students.

1027 11.~~(k)~~ Entities that provide licensed practitioners to
1028 staff emergency departments or to deliver anesthesia services in
1029 facilities licensed under chapter 395 and that derive at least
1030 90 percent of their gross annual revenues from the provision of
1031 such services. Entities claiming an exemption from licensure
1032 under this subparagraph must provide documentation demonstrating
1033 compliance.

1034 12.~~(l)~~ Orthotic, prosthetic, pediatric cardiology, or
1035 perinatology clinical facilities or anesthesia clinical
1036 facilities that are not otherwise exempt under subparagraph 1.
1037 or subparagraph 11. ~~paragraph (a) or paragraph (k)~~ and that are
1038 a publicly traded corporation or are wholly owned, directly or
1039 indirectly, by a publicly traded corporation. As used in this
1040 subparagraph, a publicly traded corporation is a corporation
1041 that issues securities traded on an exchange registered with the
1042 United States Securities and Exchange Commission as a national
1043 securities exchange.

1044 13.~~(m)~~ Entities that are owned by a corporation that has
1045 \$250 million or more in total annual sales of health care
1046 services provided by licensed health care practitioners where
1047 one or more of the persons responsible for the operations of the
1048 entity is a health care practitioner who is licensed in this
1049 state and who is responsible for supervising the business
1050 activities of the entity and is responsible for the entity's
1051 compliance with state law for purposes of this part.

1052 14.~~(n)~~ Entities that employ 50 or more licensed health care
1053 practitioners licensed under chapter 458 or chapter 459 where
1054 the billing for medical services is under a single tax



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1055 identification number. The application for exemption under this
1056 subsection must include ~~shall contain information that includes:~~
1057 the name, residence, and business address and telephone ~~phone~~
1058 number of the entity that owns the practice; a complete list of
1059 the names and contact information of all the officers and
1060 directors of the corporation; the name, residence address,
1061 business address, and medical license number of each licensed
1062 Florida health care practitioner employed by the entity; the
1063 corporate tax identification number of the entity seeking an
1064 exemption; a listing of health care services to be provided by
1065 the entity at the health care clinics owned or operated by the
1066 entity; and a certified statement prepared by an independent
1067 certified public accountant which states that the entity and the
1068 health care clinics owned or operated by the entity have not
1069 received payment for health care services under medical payments
1070 ~~personal injury protection~~ insurance coverage for the preceding
1071 year. If the agency determines that an entity that ~~which~~ is
1072 exempt under this subsection has received payments for medical
1073 services under medical payments ~~personal injury protection~~
1074 insurance coverage, the agency may deny or revoke the exemption
1075 from licensure under this subsection.

1076 (b) Notwithstanding paragraph (a) ~~this subsection~~, an
1077 entity is ~~shall be~~ deemed a clinic and must be licensed under
1078 this part in order to receive medical payments coverage
1079 reimbursement under s. 627.7265 unless the entity is: ~~the~~
1080 ~~Florida Motor Vehicle No-Fault Law, ss. 627.730-627.7405, unless~~
1081 ~~exempted under s. 627.736(5)(h).~~

1082 1. Wholly owned by a physician licensed under chapter 458
1083 or chapter 459, or by the physician and the spouse, parent,



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- 1084 child, or sibling of the physician;
1085 2. Wholly owned by a dentist licensed under chapter 466, or
1086 by the dentist and the spouse, parent, child, or sibling of the
1087 dentist;
1088 3. Wholly owned by a chiropractic physician licensed under
1089 chapter 460, or by the chiropractic physician and the spouse,
1090 parent, child, or sibling of the chiropractic physician;
1091 4. A hospital or ambulatory surgical center licensed under
1092 chapter 395;
1093 5. An entity that wholly owns or is wholly owned, directly
1094 or indirectly, by a hospital or hospitals licensed under chapter
1095 395;
1096 6. A clinical facility affiliated with an accredited
1097 medical school at which training is provided for medical
1098 students, residents, or fellows;
1099 7. Certified under 42 C.F.R. part 485, subpart H; or
1100 8. Owned by a publicly traded corporation, either directly
1101 or indirectly through its subsidiaries, which has \$250 million
1102 or more in total annual sales of health care services provided
1103 by licensed health care practitioners, if one or more of the
1104 persons responsible for the operations of the entity are health
1105 care practitioners who are licensed in this state and are
1106 responsible for supervising the business activities of the
1107 entity and the entity's compliance with state law for purposes
1108 of this section.

1109 Section 26. Subsection (6) of section 400.991, Florida
1110 Statutes, is amended to read:

1111 400.991 License requirements; background screenings;
1112 prohibitions.-



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1113 (6) All agency forms for licensure application or exemption
1114 from licensure under this part must contain the following
1115 statement:

1116
1117 INSURANCE FRAUD NOTICE.—A person commits a fraudulent
1118 insurance act, as defined in s. 626.989, Florida Statutes, if
1119 the person who knowingly submits a false, misleading, or
1120 fraudulent application or other document when applying for
1121 licensure as a health care clinic, seeking an exemption from
1122 licensure as a health care clinic, or demonstrating compliance
1123 with part X of chapter 400, Florida Statutes, with the intent to
1124 use the license, exemption from licensure, or demonstration of
1125 compliance to provide services or seek reimbursement under a
1126 motor vehicle liability insurance policy's medical payments
1127 coverage the Florida Motor Vehicle No-Fault Law, commits a
1128 fraudulent insurance act, as defined in s. 626.989, Florida
1129 Statutes. A person who presents a claim for benefits under
1130 medical payments coverage, ~~personal injury protection benefits~~
1131 knowing that the payee knowingly submitted such health care
1132 clinic application or document, commits insurance fraud, as
1133 defined in s. 817.234, Florida Statutes.

1134
1135 Section 27. Paragraph (g) of subsection (1) of section
1136 400.9935, Florida Statutes, is amended to read:

1137 400.9935 Clinic responsibilities.—

1138 (1) Each clinic shall appoint a medical director or clinic
1139 director who shall agree in writing to accept legal
1140 responsibility for the following activities on behalf of the
1141 clinic. The medical director or the clinic director shall:



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1142 (g) Conduct systematic reviews of clinic billings to ensure
1143 that the billings are not fraudulent or unlawful. Upon discovery
1144 of an unlawful charge, the medical director or clinic director
1145 shall take immediate corrective action. If the clinic performs
1146 only the technical component of magnetic resonance imaging,
1147 static radiographs, computed tomography, or positron emission
1148 tomography, and provides the professional interpretation of such
1149 services, in a fixed facility that is accredited by a national
1150 accrediting organization that is approved by the Centers for
1151 Medicare and Medicaid Services for magnetic resonance imaging
1152 and advanced diagnostic imaging services and if, in the
1153 preceding quarter, the percentage of scans performed by that
1154 clinic which was billed to motor vehicle ~~all personal injury~~
1155 ~~protection~~ insurance carriers under medical payments coverage
1156 was less than 15 percent, the chief financial officer of the
1157 clinic may, in a written acknowledgment provided to the agency,
1158 assume the responsibility for the conduct of the systematic
1159 reviews of clinic billings to ensure that the billings are not
1160 fraudulent or unlawful.

1161 Section 28. Subsection (28) of section 409.901, Florida
1162 Statutes, is amended to read:

1163 409.901 Definitions; ss. 409.901-409.920.—As used in ss.
1164 409.901-409.920, except as otherwise specifically provided, the
1165 term:

1166 (28) "Third-party benefit" means any benefit that is or may
1167 be available at any time through contract, court award,
1168 judgment, settlement, agreement, or any arrangement between a
1169 third party and any person or entity, including, without
1170 limitation, a Medicaid recipient, a provider, another third



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1171 party, an insurer, or the agency, for any Medicaid-covered
1172 injury, illness, goods, or services, including costs of medical
1173 services related thereto, for bodily personal injury or for
1174 death of the recipient, but specifically excluding ~~policies of~~
1175 life insurance policies on the recipient, unless available under
1176 terms of the policy to pay medical expenses before ~~prior to~~
1177 death. The term includes, without limitation, collateral, as
1178 defined in this section; ~~health insurance;~~ any benefit under a
1179 health maintenance organization, a preferred provider
1180 arrangement, a prepaid health clinic, liability insurance,
1181 uninsured motorist insurance, or medical payments coverage; or
1182 ~~personal injury protection coverage,~~ medical benefits under
1183 workers' compensation, and any obligation under law or equity to
1184 provide medical support.

1185 Section 29. Paragraph (f) of subsection (11) of section
1186 409.910, Florida Statutes, is amended to read:

1187 409.910 Responsibility for payments on behalf of Medicaid-
1188 eligible persons when other parties are liable.-

1189 (11) The agency may, as a matter of right, in order to
1190 enforce its rights under this section, institute, intervene in,
1191 or join any legal or administrative proceeding in its own name
1192 in one or more of the following capacities: individually, as
1193 subrogee of the recipient, as assignee of the recipient, or as
1194 lienholder of the collateral.

1195 (f) Notwithstanding any provision in this section to the
1196 contrary, in the event of an action in tort against a third
1197 party in which the recipient or his or her legal representative
1198 is a party which results in a judgment, award, or settlement
1199 from a third party, the amount recovered shall be distributed as



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1200 follows:

1201 1. After attorney ~~attorney's~~ fees and taxable costs as
1202 defined by the Florida Rules of Civil Procedure, one-half of the
1203 remaining recovery shall be paid to the agency up to the total
1204 amount of medical assistance provided by Medicaid.

1205 2. The remaining amount of the recovery shall be paid to
1206 the recipient.

1207 3. For purposes of calculating the agency's recovery of
1208 medical assistance benefits paid, the fee for services of an
1209 attorney retained by the recipient or his or her legal
1210 representative shall be calculated at 25 percent of the
1211 judgment, award, or settlement.

1212 4. Notwithstanding any other provision of this section to
1213 the contrary, the agency shall be entitled to all medical
1214 coverage benefits up to the total amount of medical assistance
1215 provided by Medicaid. For purposes of this paragraph, the term
1216 "medical coverage" means any benefits under health insurance, a
1217 health maintenance organization, a preferred provider
1218 arrangement, or a prepaid health clinic, and the portion of
1219 benefits designated for medical payments under ~~coverage for~~
1220 workers' compensation coverage, motor vehicle insurance
1221 coverage, personal injury protection, and casualty coverage.

1222 Section 30. Paragraph (k) of subsection (2) of section
1223 456.057, Florida Statutes, is amended to read:

1224 456.057 Ownership and control of patient records; report or
1225 copies of records to be furnished; disclosure of information.—

1226 (2) As used in this section, the terms "records owner,"
1227 "health care practitioner," and "health care practitioner's
1228 employer" do not include any of the following persons or



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1229 entities; furthermore, the following persons or entities are not
1230 authorized to acquire or own medical records, but are authorized
1231 under the confidentiality and disclosure requirements of this
1232 section to maintain those documents required by the part or
1233 chapter under which they are licensed or regulated:

1234 (k) Persons or entities practicing under s. 627.7265 ~~s.~~
1235 ~~627.736(7)~~.

1236 Section 31. Paragraphs (ee) and (ff) of subsection (1) of
1237 section 456.072, Florida Statutes, are amended to read:

1238 456.072 Grounds for discipline; penalties; enforcement.—

1239 (1) The following acts shall constitute grounds for which
1240 the disciplinary actions specified in subsection (2) may be
1241 taken:

1242 (ee) With respect to making a medical payments coverage
1243 ~~personal injury protection~~ claim under s. 627.7265 as required
1244 ~~by s. 627.736~~, intentionally submitting a claim, statement, or
1245 bill that has been upcoded. As used in this paragraph, the term
1246 “upcoded” means an action that submits a billing code that would
1247 result in payment greater in amount than would be paid using a
1248 billing code that accurately describes the services performed.
1249 The term does not include an otherwise lawful bill by a magnetic
1250 resonance imaging facility, which globally combines both
1251 technical and professional components, if the amount of the
1252 global bill is not more than the components if billed
1253 separately; however, payment of such a bill constitutes payment
1254 in full for all components of such service “upcoded” as defined
1255 in s. 627.732.

1256 (ff) With respect to making a medical payments coverage
1257 ~~personal injury protection~~ claim as required under s. 627.7265



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1258 ~~by s. 627.736~~, intentionally submitting a claim, statement, or
1259 bill for payment of services that were not rendered.

1260 Section 32. Paragraphs (i) and (o) of subsection (1) of
1261 section 626.9541, Florida Statutes, are amended to read:

1262 626.9541 Unfair methods of competition and unfair or
1263 deceptive acts or practices defined.—

1264 (1) UNFAIR METHODS OF COMPETITION AND UNFAIR OR DECEPTIVE
1265 ACTS.—The following are defined as unfair methods of competition
1266 and unfair or deceptive acts or practices:

1267 (i) *Unfair claim settlement practices*.—

1268 1. Attempting to settle claims on the basis of an
1269 application, when serving as a binder or intended to become a
1270 part of the policy, or any other material document which was
1271 altered without notice to, or knowledge or consent of, the
1272 insured;

1273 2. A material misrepresentation made to an insured or any
1274 other person having an interest in the proceeds payable under
1275 such contract or policy, for the purpose and with the intent of
1276 effecting settlement of such claims, loss, or damage under such
1277 contract or policy on less favorable terms than those provided
1278 in, and contemplated by, such contract or policy; ~~or~~

1279 3. Committing or performing with such frequency as to
1280 indicate a general business practice any of the following:

1281 a. Failing to adopt and implement standards for the proper
1282 investigation of claims;

1283 b. Misrepresenting pertinent facts or insurance policy
1284 provisions relating to coverages at issue;

1285 c. Failing to acknowledge and act promptly upon
1286 communications with respect to claims;



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- 1287 d. Denying claims without conducting reasonable
1288 investigations based upon available information;
- 1289 e. Failing to affirm or deny full or partial coverage of
1290 claims, and, as to partial coverage, the dollar amount or extent
1291 of coverage, or failing to provide a written statement that the
1292 claim is being investigated, upon the written request of the
1293 insured within 30 days after proof-of-loss statements have been
1294 completed;
- 1295 f. Failing to promptly provide a reasonable explanation in
1296 writing to the insured of the basis in the insurance policy, in
1297 relation to the facts or applicable law, for denial of a claim
1298 or for the offer of a compromise settlement;
- 1299 g. Failing to promptly notify the insured of any additional
1300 information necessary for the processing of a claim; or
- 1301 h. Failing to clearly explain the nature of the requested
1302 information and the reasons why such information is necessary.
- 1303 ~~i. Failing to pay personal injury protection insurance~~
1304 ~~claims within the time periods required by s. 627.736(4)(b). The~~
1305 ~~office may order the insurer to pay restitution to a~~
1306 ~~policyholder, medical provider, or other claimant, including~~
1307 ~~interest at a rate consistent with the amount set forth in s.~~
1308 ~~55.03(1), for the time period within which an insurer fails to~~
1309 ~~pay claims as required by law. Restitution is in addition to any~~
1310 ~~other penalties allowed by law, including, but not limited to,~~
1311 ~~the suspension of the insurer's certificate of authority.~~
- 1312 4. Failing to pay undisputed amounts of partial or full
1313 benefits owed under first-party property insurance policies
1314 within 90 days after an insurer receives notice of a residential
1315 property insurance claim, determines the amounts of partial or



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1316 full benefits, and agrees to coverage, unless payment of the
1317 undisputed benefits is prevented by an act of God, prevented by
1318 the impossibility of performance, or due to actions by the
1319 insured or claimant that constitute fraud, lack of cooperation,
1320 or intentional misrepresentation regarding the claim for which
1321 benefits are owed.

1322 (o) *Illegal dealings in premiums; excess or reduced charges*
1323 *for insurance.*—

1324 1. Knowingly collecting any sum as a premium or charge for
1325 insurance, which is not then provided, or is not in due course
1326 to be provided, subject to acceptance of the risk by the
1327 insurer, by an insurance policy issued by an insurer as
1328 permitted by this code.

1329 2. Knowingly collecting as a premium or charge for
1330 insurance any sum in excess of or less than the premium or
1331 charge applicable to such insurance, in accordance with the
1332 applicable classifications and rates as filed with and approved
1333 by the office, and as specified in the policy; or, in cases when
1334 classifications, premiums, or rates are not required by this
1335 code to be so filed and approved, premiums and charges collected
1336 from a Florida resident in excess of or less than those
1337 specified in the policy and as fixed by the insurer.

1338 Notwithstanding any other provision of law, this provision shall
1339 not be deemed to prohibit the charging and collection, by
1340 surplus lines agents licensed under part VIII of this chapter,
1341 of the amount of applicable state and federal taxes, or fees as
1342 authorized by s. 626.916(4), in addition to the premium required
1343 by the insurer or the charging and collection, by licensed
1344 agents, of the exact amount of any discount or other such fee



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1345 charged by a credit card facility in connection with the use of
1346 a credit card, as authorized by subparagraph (q)3., in addition
1347 to the premium required by the insurer. This subparagraph shall
1348 not be construed to prohibit collection of a premium for a
1349 universal life or a variable or indeterminate value insurance
1350 policy made in accordance with the terms of the contract.

1351 3.a. Imposing or requesting an additional premium for
1352 bodily injury liability coverage, property damage liability
1353 coverage a policy of motor vehicle liability, personal injury
1354 protection, medical payments coverage payment, or collision
1355 coverage in a motor vehicle liability insurance policy insurance
1356 or any combination thereof or refusing to renew the policy
1357 solely because the insured was involved in a motor vehicle
1358 accident unless the insurer's file contains information from
1359 which the insurer in good faith determines that the insured was
1360 substantially at fault in the accident.

1361 b. An insurer which imposes and collects such a surcharge
1362 or which refuses to renew such policy shall, in conjunction with
1363 the notice of premium due or notice of nonrenewal, notify the
1364 named insured that he or she is entitled to reimbursement of
1365 such amount or renewal of the policy under the conditions listed
1366 below and will subsequently reimburse him or her or renew the
1367 policy, if the named insured demonstrates that the operator
1368 involved in the accident was:

1369 (I) Lawfully parked;

1370 (II) Reimbursed by, or on behalf of, a person responsible
1371 for the accident or has a judgment against such person;

1372 (III) Struck in the rear by another vehicle headed in the
1373 same direction and was not convicted of a moving traffic



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1374 violation in connection with the accident;

1375 (IV) Hit by a "hit-and-run" driver, if the accident was
1376 reported to the proper authorities within 24 hours after
1377 discovering the accident;

1378 (V) Not convicted of a moving traffic violation in
1379 connection with the accident, but the operator of the other
1380 automobile involved in such accident was convicted of a moving
1381 traffic violation;

1382 (VI) Finally adjudicated not to be liable by a court of
1383 competent jurisdiction;

1384 (VII) In receipt of a traffic citation which was dismissed
1385 or nolle prossed; or

1386 (VIII) Not at fault as evidenced by a written statement
1387 from the insured establishing facts demonstrating lack of fault
1388 which are not rebutted by information in the insurer's file from
1389 which the insurer in good faith determines that the insured was
1390 substantially at fault.

1391 c. In addition to the other provisions of this
1392 subparagraph, an insurer may not fail to renew a policy if the
1393 insured has had only one accident in which he or she was at
1394 fault within the current 3-year period. However, an insurer may
1395 nonrenew a policy for reasons other than accidents in accordance
1396 with s. 627.728. This subparagraph does not prohibit nonrenewal
1397 of a policy under which the insured has had three or more
1398 accidents, regardless of fault, during the most recent 3-year
1399 period.

1400 4. Imposing or requesting an additional premium for, or
1401 refusing to renew, a policy for motor vehicle insurance solely
1402 because the insured committed a noncriminal traffic infraction



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1403 as described in s. 318.14 unless the infraction is:

1404 a. A second infraction committed within an 18-month period,
1405 or a third or subsequent infraction committed within a 36-month
1406 period.

1407 b. A violation of s. 316.183, when such violation is a
1408 result of exceeding the lawful speed limit by more than 15 miles
1409 per hour.

1410 5. Upon the request of the insured, the insurer and
1411 licensed agent shall supply to the insured the complete proof of
1412 fault or other criteria which justifies the additional charge or
1413 cancellation.

1414 6. No insurer shall impose or request an additional premium
1415 for motor vehicle insurance, cancel or refuse to issue a policy,
1416 or refuse to renew a policy because the insured or the applicant
1417 is a handicapped or physically disabled person, so long as such
1418 handicap or physical disability does not substantially impair
1419 such person's mechanically assisted driving ability.

1420 7. No insurer may cancel or otherwise terminate any
1421 insurance contract or coverage, or require execution of a
1422 consent to rate endorsement, during the stated policy term for
1423 the purpose of offering to issue, or issuing, a similar or
1424 identical contract or coverage to the same insured with the same
1425 exposure at a higher premium rate or continuing an existing
1426 contract or coverage with the same exposure at an increased
1427 premium.

1428 8. No insurer may issue a nonrenewal notice on any
1429 insurance contract or coverage, or require execution of a
1430 consent to rate endorsement, for the purpose of offering to
1431 issue, or issuing, a similar or identical contract or coverage



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1432 to the same insured at a higher premium rate or continuing an
1433 existing contract or coverage at an increased premium without
1434 meeting any applicable notice requirements.

1435 9. No insurer shall, with respect to premiums charged for
1436 motor vehicle insurance, unfairly discriminate solely on the
1437 basis of age, sex, marital status, or scholastic achievement.

1438 10. Imposing or requesting an additional premium for motor
1439 vehicle comprehensive or uninsured motorist coverage solely
1440 because the insured was involved in a motor vehicle accident or
1441 was convicted of a moving traffic violation.

1442 11. No insurer shall cancel or issue a nonrenewal notice on
1443 any insurance policy or contract without complying with any
1444 applicable cancellation or nonrenewal provision required under
1445 the Florida Insurance Code.

1446 12. No insurer shall impose or request an additional
1447 premium, cancel a policy, or issue a nonrenewal notice on any
1448 insurance policy or contract because of any traffic infraction
1449 when adjudication has been withheld and no points have been
1450 assessed pursuant to s. 318.14(9) and (10). However, this
1451 subparagraph does not apply to traffic infractions involving
1452 accidents in which the insurer has incurred a loss due to the
1453 fault of the insured.

1454 Section 33. Paragraph (a) of subsection (1) of section
1455 626.989, Florida Statutes, is amended to read:

1456 626.989 Investigation by department or Division of
1457 Investigative and Forensic Services; compliance; immunity;
1458 confidential information; reports to division; division
1459 investigator's power of arrest.—

1460 (1) For the purposes of this section:



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1461 (a) A person commits a "fraudulent insurance act" if the
1462 person:

1463 1. Knowingly and with intent to defraud presents, causes to
1464 be presented, or prepares with knowledge or belief that it will
1465 be presented, to or by an insurer, self-insurer, self-insurance
1466 fund, servicing corporation, purported insurer, broker, or any
1467 agent thereof, any written statement as part of, or in support
1468 of, an application for the issuance of, or the rating of, any
1469 insurance policy, or a claim for payment or other benefit
1470 pursuant to any insurance policy, which the person knows to
1471 contain materially false information concerning any fact
1472 material thereto or if the person conceals, for the purpose of
1473 misleading another, information concerning any fact material
1474 thereto.

1475 2. Knowingly submits:

1476 a. A false, misleading, or fraudulent application or other
1477 document when applying for licensure as a health care clinic,
1478 seeking an exemption from licensure as a health care clinic, or
1479 demonstrating compliance with part X of chapter 400 with an
1480 intent to use the license, exemption from licensure, or
1481 demonstration of compliance to provide services or seek
1482 reimbursement under a motor vehicle liability insurance policy's
1483 medical payments coverage ~~the Florida Motor Vehicle No-Fault~~
1484 ~~Law.~~

1485 b. A claim for payment or other benefit under medical
1486 payments coverage ~~pursuant to a personal injury protection~~
1487 ~~insurance policy under the Florida Motor Vehicle No-Fault Law~~ if
1488 the person knows that the payee knowingly submitted a false,
1489 misleading, or fraudulent application or other document when



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1490 applying for licensure as a health care clinic, seeking an
1491 exemption from licensure as a health care clinic, or
1492 demonstrating compliance with part X of chapter 400.

1493 Section 34. Subsection (1) of section 627.06501, Florida
1494 Statutes, is amended to read:

1495 627.06501 Insurance discounts for certain persons
1496 completing driver improvement course.-

1497 (1) Any rate, rating schedule, or rating manual for the
1498 liability, medical payments ~~personal injury protection~~, and
1499 collision coverages of a motor vehicle insurance policy filed
1500 with the office may provide for an appropriate reduction in
1501 premium charges as to such coverages if ~~when~~ the principal
1502 operator on the covered vehicle has successfully completed a
1503 driver improvement course approved and certified by the
1504 Department of Highway Safety and Motor Vehicles which is
1505 effective in reducing crash or violation rates, or both, as
1506 determined pursuant to s. 318.1451(5). Any discount, not to
1507 exceed 10 percent, used by an insurer is presumed to be
1508 appropriate unless credible data demonstrates otherwise.

1509 Section 35. Subsection (1) of section 627.0652, Florida
1510 Statutes, is amended to read:

1511 627.0652 Insurance discounts for certain persons completing
1512 safety course.-

1513 (1) Any rates, rating schedules, or rating manuals for the
1514 liability, medical payments ~~personal injury protection~~, and
1515 collision coverages of a motor vehicle insurance policy filed
1516 with the office must ~~shall~~ provide for an appropriate reduction
1517 in premium charges as to such coverages if ~~when~~ the principal
1518 operator on the covered vehicle is an insured 55 years of age or



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1519 older who has successfully completed a motor vehicle accident
1520 prevention course approved by the Department of Highway Safety
1521 and Motor Vehicles. Any discount used by an insurer is presumed
1522 to be appropriate unless credible data demonstrates otherwise.

1523 Section 36. Subsections (1), (3), and (6) of section
1524 627.0653, Florida Statutes, are amended to read:

1525 627.0653 Insurance discounts for specified motor vehicle
1526 equipment.—

1527 (1) Any rates, rating schedules, or rating manuals for the
1528 liability, medical payments ~~personal injury protection~~, and
1529 collision coverages of a motor vehicle insurance policy filed
1530 with the office must ~~shall~~ provide a premium discount if the
1531 insured vehicle is equipped with factory-installed, four-wheel
1532 antilock brakes.

1533 (3) Any rates, rating schedules, or rating manuals for
1534 ~~personal injury protection coverage~~ and medical payments
1535 coverage, ~~if offered~~, of a motor vehicle insurance policy filed
1536 with the office must ~~shall~~ provide a premium discount if the
1537 insured vehicle is equipped with one or more air bags that ~~which~~
1538 are factory installed.

1539 (6) The Office of Insurance Regulation may approve a
1540 premium discount to any rates, rating schedules, or rating
1541 manuals for the liability, medical payments ~~personal injury~~
1542 ~~protection~~, and collision coverages of a motor vehicle insurance
1543 policy filed with the office if the insured vehicle is equipped
1544 with autonomous driving technology or electronic vehicle
1545 collision avoidance technology that is factory installed or a
1546 retrofitted system and that complies with National Highway
1547 Traffic Safety Administration standards.



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1548 Section 37. Section 627.4132, Florida Statutes, is amended
1549 to read:

1550 627.4132 Stacking of coverages prohibited.—If an insured or
1551 named insured is protected by any type of motor vehicle
1552 insurance policy for bodily injury and property damage
1553 ~~liability, personal injury protection, or other coverage~~, the
1554 policy must ~~shall~~ provide that the insured or named insured is
1555 protected only to the extent of the coverage she or he has on
1556 the vehicle involved in the accident. However, if none of the
1557 insured's or named insured's vehicles are ~~is~~ involved in the
1558 accident, coverage is available only to the extent of coverage
1559 on any one of the vehicles with applicable coverage. Coverage on
1560 any other vehicles may ~~shall~~ not be added to or stacked upon
1561 that coverage. This section does not apply:

1562 (1) To uninsured motorist coverage that ~~which~~ is separately
1563 governed by s. 627.727.

1564 (2) To reduce the coverage available by reason of insurance
1565 policies insuring different named insureds.

1566 Section 38. Section 627.7263, Florida Statutes, is amended
1567 to read:

1568 627.7263 Rental and leasing driver's insurance to be
1569 primary; exception.—

1570 (1) The valid and collectible liability insurance and
1571 medical payments coverage ~~or personal injury protection~~
1572 ~~insurance providing coverage~~ for the lessor of a motor vehicle
1573 for rent or lease is primary unless otherwise stated in at least
1574 10-point type on the face of the rental or lease agreement. Such
1575 insurance is primary for the limits of liability ~~and personal~~
1576 ~~injury protection~~ coverage as required by s. 324.021(7) and the



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1577 medical payments coverage limit specified under s. 627.7265 ~~ss.~~
1578 ~~324.021(7) and 627.736.~~

1579 (2) If the lessee's coverage is to be primary, the rental
1580 or lease agreement must contain the following language, in at
1581 least 10-point type:

1582
1583 "The valid and collectible liability insurance and medical
1584 payments coverage ~~personal injury protection insurance~~ of an any
1585 authorized rental or leasing driver is primary for the limits of
1586 liability ~~and personal injury protection~~ coverage required under
1587 section 324.021(7), Florida Statutes, and the medical payments
1588 coverage limit specified under section 627.7265 ~~by ss.~~
1589 ~~324.021(7) and 627.736, Florida Statutes.~~"

1590 Section 39. Section 627.7265, Florida Statutes, is created
1591 to read:

1592 627.7265 Motor vehicle insurance; medical payments
1593 coverage.-

1594 (1) Medical payments coverage must protect the named
1595 insured, resident relatives, persons operating the insured motor
1596 vehicle, passengers in the insured motor vehicle, and persons
1597 who are struck by the insured motor vehicle and suffer bodily
1598 injury while not an occupant of a self-propelled motor vehicle
1599 at a limit of at least \$5,000 for medical expense incurred due
1600 to bodily injury, sickness, or disease arising out of the
1601 ownership, maintenance, or use of a motor vehicle. The coverage
1602 must provide an additional death benefit of at least \$5,000.

1603 (a) Before issuing a motor vehicle liability insurance
1604 policy that is furnished as proof of financial responsibility
1605 under s. 324.031, the insurer must offer medical payments



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1606 coverage at limits of \$5,000 and \$10,000. The insurer may also
1607 offer medical payments coverage at limits greater than \$5,000.

1608 (b) The medical payments coverage must be offered with an
1609 option with no deductible. The insurer may also offer medical
1610 payments coverage with a deductible not to exceed \$500.

1611 (c) Each motor vehicle liability insurance policy that is
1612 furnished as proof of financial responsibility under s. 324.031
1613 is deemed to have:

1614 1. Medical payments coverage to a limit of \$10,000, unless
1615 the insurer obtains the policyholder's written refusal of
1616 medical payments coverage or written selection of medical
1617 payments coverage at a limit other than \$10,000. The rejection
1618 or selection of coverage at a limit other than \$10,000 must be
1619 made on a form approved by the office.

1620 2. No medical payments coverage deductible, unless the
1621 insurer obtains the policyholder's written selection of a
1622 deductible of up to \$500. The selection of a deductible must be
1623 made on a form approved by the office.

1624 (d)1. The forms in subparagraphs (c)1. and 2. must fully
1625 advise the applicant of the nature of the coverage being
1626 rejected or the policy limit or deductible being selected. If
1627 such form is signed by a named insured, it is conclusively
1628 presumed that there was an informed, knowing rejection of the
1629 coverage or election of the policy limit or deductible selected.

1630 2. Unless the policyholder requests in writing the coverage
1631 specified in this section, it need not be provided in or
1632 supplemental to any other policy that renews, insures, extends,
1633 changes, supersedes, or replaces an existing policy if the
1634 policyholder has rejected the coverage specified in this section



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1635 or has selected an alternative coverage limit or deductible. At
1636 least annually, the insurer shall provide the policyholder with
1637 a notice of the availability of such coverage in a form approved
1638 by the office. Such notice must be part of, and attached to, the
1639 notice of premium and must provide for a means to allow the
1640 insured to request medical payments coverage at the limits and
1641 deductibles required to be offered under this section. The
1642 notice must be given in a manner approved by the office. Receipt
1643 of this notice does not constitute an affirmative waiver of the
1644 insured's right to medical payments coverage if the insured has
1645 not signed a selection or rejection form.

1646 (e) This section may not be construed to limit any other
1647 coverage made available by an insurer.

1648 (2) Upon receiving notice of an accident that is
1649 potentially covered by medical payments coverage benefits, the
1650 insurer must reserve \$5,000 of medical payments coverage
1651 benefits for payment to physicians licensed under chapter 458 or
1652 chapter 459 or dentists licensed under chapter 466 who provide
1653 emergency services and care, as defined in s. 395.002, or who
1654 provide hospital inpatient care. The amount required to be held
1655 in reserve may be used only to pay claims from such physicians
1656 or dentists until 30 days after the date the insurer receives
1657 notice of the accident. After the 30-day period, any amount of
1658 the reserve for which the insurer has not received notice of
1659 such claims may be used by the insurer to pay other claims. This
1660 subsection does not require an insurer to establish a claim
1661 reserve for insurance accounting purposes.

1662 (3) An insurer providing medical payments coverage benefits
1663 may not have a:



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1664 (a) Lien on any recovery in tort by judgment, settlement,
1665 or otherwise for medical payments coverage benefits, whether
1666 suit has been filed or settlement has been reached without suit;

1667 (b) Cause of action against an alleged tortfeasor for
1668 benefits paid under medical payments coverage; or

1669 (c) Cause of action against a person to whom or for whom
1670 medical payments coverage benefits were paid, except when
1671 medical payments coverage benefits are paid by reason of fraud
1672 by such person.

1673 Section 40. Subsections (1) and (7) of section 627.727,
1674 Florida Statutes, are amended, and present subsections (8), (9),
1675 and (10) of that section are redesignated as subsections (7),
1676 (8), and (9), respectively, to read:

1677 627.727 Motor vehicle insurance; uninsured and underinsured
1678 vehicle coverage; insolvent insurer protection.—

1679 (1) ~~A~~ ~~no~~ motor vehicle liability insurance policy that
1680 ~~which~~ provides bodily injury liability coverage may not shall be
1681 delivered or issued for delivery in this state with respect to
1682 any specifically insured or identified motor vehicle registered
1683 or principally garaged in this state, unless uninsured motor
1684 vehicle coverage is provided therein or supplemental thereto for
1685 the protection of persons insured thereunder who are legally
1686 entitled to recover damages from owners or operators of
1687 uninsured motor vehicles because of bodily injury, sickness, or
1688 disease, including death, resulting therefrom. However, the
1689 coverage required under this section is not applicable if when,
1690 or to the extent that, an insured named in the policy makes a
1691 written rejection of the coverage on behalf of all insureds
1692 under the policy. If when a motor vehicle is leased for ~~a period~~



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1693 ~~of~~ 1 year or longer and the lessor of such vehicle, by the terms
1694 of the lease contract, provides liability coverage on the leased
1695 vehicle, the lessee of such vehicle has ~~shall have~~ the sole
1696 privilege to reject uninsured motorist coverage or to select
1697 lower limits than the bodily injury liability limits, regardless
1698 of whether the lessor is qualified as a self-insurer pursuant to
1699 s. 324.171. Unless an insured, or a lessee having the privilege
1700 of rejecting uninsured motorist coverage, requests such coverage
1701 or requests higher uninsured motorist limits in writing, the
1702 coverage or such higher uninsured motorist limits need not be
1703 provided in or supplemental to any other policy that ~~which~~
1704 renews, extends, changes, supersedes, or replaces an existing
1705 policy with the same bodily injury liability limits when an
1706 insured or lessee had rejected the coverage. When an insured or
1707 lessee has initially selected limits of uninsured motorist
1708 coverage lower than her or his bodily injury liability limits,
1709 higher limits of uninsured motorist coverage need not be
1710 provided in or supplemental to any other policy that ~~which~~
1711 renews, extends, changes, supersedes, or replaces an existing
1712 policy with the same bodily injury liability limits unless an
1713 insured requests higher uninsured motorist coverage in writing.
1714 The rejection or selection of lower limits must ~~shall~~ be made on
1715 a form approved by the office. The form must ~~shall~~ fully advise
1716 the applicant of the nature of the coverage and must ~~shall~~ state
1717 that the coverage is equal to bodily injury liability limits
1718 unless lower limits are requested or the coverage is rejected.
1719 The heading of the form must ~~shall~~ be in 12-point bold type and
1720 must ~~shall~~ state: "You are electing not to purchase certain
1721 valuable coverage that ~~which~~ protects you and your family or you



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1722 are purchasing uninsured motorist limits less than your bodily
1723 injury liability limits when you sign this form. Please read
1724 carefully." If this form is signed by a named insured, it will
1725 be conclusively presumed that there was an informed, knowing
1726 rejection of coverage or election of lower limits on behalf of
1727 all insureds. The insurer shall notify the named insured at
1728 least annually of her or his options as to the coverage required
1729 by this section. Such notice must ~~shall~~ be part of, and attached
1730 to, the notice of premium, must ~~shall~~ provide for a means to
1731 allow the insured to request such coverage, and must ~~shall~~ be
1732 given in a manner approved by the office. Receipt of this notice
1733 does not constitute an affirmative waiver of the insured's right
1734 to uninsured motorist coverage if ~~where~~ the insured has not
1735 signed a selection or rejection form. The coverage described
1736 under this section must ~~shall~~ be over and above, but may ~~shall~~
1737 not duplicate, the benefits available to an insured under any
1738 workers' compensation law, ~~personal injury protection benefits,~~
1739 disability benefits law, or similar law; under any automobile
1740 medical payments ~~expense~~ coverage; under any motor vehicle
1741 liability insurance coverage; or from the owner or operator of
1742 the uninsured motor vehicle or any other person or organization
1743 jointly or severally liable together with such owner or operator
1744 for the accident, ~~+~~ and such coverage must ~~shall~~ cover the
1745 difference, if any, between the sum of such benefits and the
1746 damages sustained, up to the maximum amount of such coverage
1747 provided under this section. The amount of coverage available
1748 under this section may ~~shall~~ not be reduced by a setoff against
1749 any coverage, including liability insurance. Such coverage does
1750 ~~shall~~ not inure directly or indirectly to the benefit of any



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1751 workers' compensation or disability benefits carrier or any
1752 person or organization qualifying as a self-insurer under any
1753 workers' compensation or disability benefits law or similar law.

1754 ~~(7) The legal liability of an uninsured motorist coverage~~
1755 ~~insurer does not include damages in tort for pain, suffering,~~
1756 ~~mental anguish, and inconvenience unless the injury or disease~~
1757 ~~is described in one or more of paragraphs (a) (d) of s.~~
1758 ~~627.737(2).~~

1759 Section 41. Subsection (1) and paragraphs (a) and (b) of
1760 subsection (2) of section 627.7275, Florida Statutes, are
1761 amended to read:

1762 627.7275 Motor vehicle liability.—

1763 (1) A motor vehicle insurance policy ~~providing personal~~
1764 ~~injury protection as set forth in s. 627.736 may not be~~
1765 delivered or issued for delivery in this state for a with
1766 ~~respect to any~~ specifically insured or identified motor vehicle
1767 registered or principally garaged in this state must provide
1768 bodily injury liability coverage and unless the policy also
1769 ~~provides coverage for~~ property damage liability coverage as
1770 required under ~~by~~ s. 324.022.

1771 (2) (a) Insurers writing motor vehicle insurance in this
1772 state shall make available, subject to the insurers' usual
1773 underwriting restrictions:

1774 1. Coverage under policies as described in subsection (1)
1775 to an applicant for private passenger motor vehicle insurance
1776 coverage who is seeking the coverage in order to reinstate the
1777 applicant's driving privileges in this state if the driving
1778 privileges were revoked or suspended pursuant to s. 316.646 or
1779 s. 324.0221 due to the failure of the applicant to maintain



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1780 required security.

1781 2. Coverage under policies as described in subsection (1),
1782 which includes bodily injury ~~also provides~~ liability coverage
1783 and property damage liability coverage, ~~for bodily injury,~~
1784 ~~death, and property damage arising out of the ownership,~~
1785 ~~maintenance, or use of the motor vehicle~~ in an amount not less
1786 than the minimum limits required under ~~described in~~ s.
1787 324.021(7) or s. 324.023 and which conforms to the requirements
1788 of s. 324.151, to an applicant for private passenger motor
1789 vehicle insurance coverage who is seeking the coverage in order
1790 to reinstate the applicant's driving privileges in this state
1791 after such privileges were revoked or suspended under s. 316.193
1792 or s. 322.26(2) for driving under the influence.

1793 (b) The policies described in paragraph (a) must ~~shall~~ be
1794 issued for at least 6 months and, as to the minimum coverages
1795 required under this section, may not be canceled by the insured
1796 for any reason or by the insurer after 60 days, during which
1797 period the insurer is completing the underwriting of the policy.
1798 After the insurer has completed underwriting the policy, the
1799 insurer shall notify the Department of Highway Safety and Motor
1800 Vehicles that the policy is in full force and effect and is not
1801 cancelable for the remainder of the policy period. A premium
1802 must ~~shall~~ be collected and the coverage is in effect for the
1803 60-day period during which the insurer is completing the
1804 underwriting of the policy, whether or not the person's driver
1805 license, motor vehicle tag, and motor vehicle registration are
1806 in effect. Once the noncancelable provisions of the policy
1807 become effective, the bodily injury liability and property
1808 damage liability coverages ~~for bodily injury, property damage,~~



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1809 ~~and personal injury protection~~ may not be reduced below the
1810 minimum limits required under s. 324.021 or s. 324.023 during
1811 the policy period.

1812 Section 42. Paragraph (a) of subsection (1) of section
1813 627.728, Florida Statutes, is amended to read:

1814 627.728 Cancellations; nonrenewals.—

1815 (1) As used in this section, the term:

1816 (a) "Policy" means the bodily injury and property damage
1817 liability, ~~personal injury protection~~, medical payments,
1818 comprehensive, collision, and uninsured motorist coverage
1819 portions of a policy of motor vehicle insurance delivered or
1820 issued for delivery in this state:

1821 1. Insuring a natural person as named insured or one or
1822 more related individuals who are residents ~~resident~~ of the same
1823 household; and

1824 2. Insuring only a motor vehicle of the private passenger
1825 type or station wagon type which is not used as a public or
1826 livery conveyance for passengers or rented to others; or
1827 insuring any other four-wheel motor vehicle having a load
1828 capacity of 1,500 pounds or less which is not used in the
1829 occupation, profession, or business of the insured other than
1830 farming; other than any policy issued under an automobile
1831 insurance assigned risk plan or covering garage, automobile
1832 sales agency, repair shop, service station, or public parking
1833 place operation hazards.

1834
1835 The term "policy" does not include a binder as defined in
1836 s. 627.420 unless the duration of the binder period exceeds 60
1837 days.



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1838 Section 43. Subsection (1), paragraph (a) of subsection
1839 (5), and subsections (6) and (7) of section 627.7295, Florida
1840 Statutes, are amended to read:

1841 627.7295 Motor vehicle insurance contracts.—

1842 (1) As used in this section, the term:

1843 (a) "Policy" means a motor vehicle insurance policy that
1844 provides bodily injury liability ~~personal injury protection~~
1845 coverage and, ~~property damage liability coverage, or both.~~

1846 (b) "Binder" means a binder that provides motor vehicle
1847 bodily injury liability coverage ~~personal injury protection~~ and
1848 property damage liability coverage.

1849 (5) (a) A licensed general lines agent may charge a per-
1850 policy fee up to ~~not to exceed~~ \$10 to cover the administrative
1851 costs of the agent associated with selling the motor vehicle
1852 insurance policy if the policy covers only bodily injury
1853 liability coverage ~~personal injury protection coverage as~~
1854 ~~provided by s. 627.736~~ and property damage liability coverage as
1855 provided by s. 627.7275 and if no other insurance is sold or
1856 issued in conjunction with or collateral to the policy. The fee
1857 is not ~~considered~~ part of the premium.

1858 (6) If a motor vehicle owner's driver license, license
1859 plate, and registration have previously been suspended pursuant
1860 to s. 316.646 ~~or s. 627.733~~, an insurer may cancel a new policy
1861 only as provided in s. 627.7275.

1862 (7) A policy of private passenger motor vehicle insurance
1863 or a binder for such a policy may be initially issued in this
1864 state only if, before the effective date of such binder or
1865 policy, the insurer or agent has collected ~~from the insured an~~
1866 ~~amount equal to~~ 2 months' premium from the insured. An insurer,



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1867 agent, or premium finance company may not, directly or
1868 indirectly, take any action that results ~~resulting~~ in the
1869 insured paying ~~having paid~~ from the insured's own funds an
1870 amount less than the 2 months' premium required by this
1871 subsection. This subsection applies without regard to whether
1872 the premium is financed by a premium finance company or is paid
1873 pursuant to a periodic payment plan of an insurer or an
1874 insurance agent.

1875 (a) This subsection does not apply:

1876 1. If an insured or member of the insured's family is
1877 renewing or replacing a policy or a binder for such policy
1878 written by the same insurer or a member of the same insurer
1879 group. ~~This subsection does not apply~~

1880 2. To an insurer that issues private passenger motor
1881 vehicle coverage primarily to active duty or former military
1882 personnel or their dependents. ~~This subsection does not apply~~

1883 3. If all policy payments are paid pursuant to a payroll
1884 deduction plan, an automatic electronic funds transfer payment
1885 plan from the policyholder, or a recurring credit card or debit
1886 card agreement with the insurer.

1887 (b) This subsection and subsection (4) do not apply if:

1888 1. All policy payments to an insurer are paid pursuant to
1889 an automatic electronic funds transfer payment plan from an
1890 agent, a managing general agent, or a premium finance company
1891 and if the policy includes, at a minimum, bodily injury
1892 liability coverage and ~~personal injury protection pursuant to~~
1893 ~~ss. 627.730-627.7405; motor vehicle property damage liability~~
1894 coverage pursuant to s. 627.7275; or ~~and bodily injury liability~~
1895 ~~in at least the amount of \$10,000 because of bodily injury to,~~



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1896 ~~or death of, one person in any one accident and in the amount of~~
1897 ~~\$20,000 because of bodily injury to, or death of, two or more~~
1898 ~~persons in any one accident. This subsection and subsection (4)~~
1899 ~~do not apply if~~

1900 2. An insured has had a policy in effect for at least 6
1901 months, the insured's agent is terminated by the insurer that
1902 issued the policy, and the insured obtains coverage on the
1903 policy's renewal date with a new company through the terminated
1904 agent.

1905 Section 44. Section 627.7415, Florida Statutes, is amended
1906 to read:

1907 627.7415 Commercial motor vehicles; additional liability
1908 insurance coverage.—Beginning January 1, 2020, commercial motor
1909 vehicles, as defined in s. 207.002 or s. 320.01, operated upon
1910 the roads and highways of this state must ~~shall~~ be insured with
1911 the following minimum levels of combined bodily liability
1912 insurance and property damage liability insurance in addition to
1913 any other insurance requirements:

1914 (1) Sixty ~~Fifty~~ thousand dollars per occurrence for a
1915 commercial motor vehicle with a gross vehicle weight of 26,000
1916 pounds or more, but less than 35,000 pounds.

1917 (2) One hundred twenty thousand dollars per occurrence for
1918 a commercial motor vehicle with a gross vehicle weight of 35,000
1919 pounds or more, but less than 44,000 pounds.

1920 (3) Three hundred thousand dollars per occurrence for a
1921 commercial motor vehicle with a gross vehicle weight of 44,000
1922 pounds or more.

1923 (4) All commercial motor vehicles subject to regulations of
1924 the United States Department of Transportation, 49 C.F.R. part



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1925 387, subpart A, and as may be hereinafter amended, shall be
1926 insured in an amount equivalent to the minimum levels of
1927 financial responsibility as set forth in such regulations.

1928
1929 A violation of this section is a noncriminal traffic
1930 infraction, punishable as a nonmoving violation as provided in
1931 chapter 318.

1932 Section 45. Paragraphs (b), (c), and (g) of subsection (7)
1933 and paragraphs (a) and (b) of subsection (8) of section 627.748,
1934 Florida Statutes, are amended to read:

1935 627.748 Transportation network companies.—

1936 (7) TRANSPORTATION NETWORK COMPANY AND TNC DRIVER INSURANCE
1937 REQUIREMENTS.—

1938 (b) The following automobile insurance requirements apply
1939 while a participating TNC driver is logged on to the digital
1940 network but is not engaged in a prearranged ride:

1941 1. Automobile insurance that provides:

1942 a. A primary automobile liability coverage of at least
1943 \$50,000 for death and bodily injury per person, \$100,000 for
1944 death and bodily injury per incident, and \$25,000 for property
1945 damage; and

1946 ~~b. Personal injury protection benefits that meet the~~
1947 ~~minimum coverage amounts required under ss. 627.730-627.7405;~~
1948 ~~and~~

1949 ~~e.~~ Uninsured and underinsured vehicle coverage as required
1950 by s. 627.727.

1951 2. The coverage requirements of this paragraph may be
1952 satisfied by any of the following:

1953 a. Automobile insurance maintained by the TNC driver;



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1954 b. Automobile insurance maintained by the TNC; or
1955 c. A combination of sub-subparagraphs a. and b.
1956 (c) The following automobile insurance requirements apply
1957 while a TNC driver is engaged in a prearranged ride:
1958 1. Automobile insurance that provides:
1959 a. A primary automobile liability coverage of at least \$1
1960 million for death, bodily injury, and property damage; and
1961 b. ~~Personal injury protection benefits that meet the~~
1962 ~~minimum coverage amounts required of a limousine under ss.~~
1963 ~~627.730-627.7405; and~~
1964 ~~e.~~ Uninsured and underinsured vehicle coverage as required
1965 by s. 627.727.
1966 2. The coverage requirements of this paragraph may be
1967 satisfied by any of the following:
1968 a. Automobile insurance maintained by the TNC driver;
1969 b. Automobile insurance maintained by the TNC; or
1970 c. A combination of sub-subparagraphs a. and b.
1971 (g) Insurance satisfying the requirements under this
1972 subsection is deemed to satisfy the financial responsibility
1973 requirement for a motor vehicle under chapter 324 ~~and the~~
1974 ~~security required under s. 627.733~~ for any period when the TNC
1975 driver is logged onto the digital network or engaged in a
1976 prearranged ride.
1977 (8) TRANSPORTATION NETWORK COMPANY AND INSURER; DISCLOSURE;
1978 EXCLUSIONS.—
1979 (a) Before a TNC driver is allowed to accept a request for
1980 a prearranged ride on the digital network, the TNC must disclose
1981 in writing to the TNC driver:
1982 1. The insurance coverage, including the types of coverage



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1983 and the limits for each coverage, which the TNC provides while
1984 the TNC driver uses a TNC vehicle in connection with the TNC's
1985 digital network.

1986 2. That the TNC driver's own automobile insurance policy
1987 might not provide any coverage while the TNC driver is logged on
1988 to the digital network or is engaged in a prearranged ride,
1989 depending on the terms of the TNC driver's own automobile
1990 insurance policy.

1991 3. That the provision of rides for compensation which are
1992 not prearranged rides subjects the driver to the coverage
1993 requirements imposed under s. 324.032(1) and (2) and that
1994 failure to meet such coverage requirements subjects the TNC
1995 driver to penalties provided in s. 324.221, up to and including
1996 a misdemeanor of the second degree.

1997 (b)1. An insurer that provides an automobile liability
1998 insurance policy under this part may exclude any and all
1999 coverage afforded under the policy issued to an owner or
2000 operator of a TNC vehicle while driving that vehicle for any
2001 loss or injury that occurs while a TNC driver is logged on to a
2002 digital network or while a TNC driver provides a prearranged
2003 ride. Exclusions imposed under this subsection are limited to
2004 coverage while a TNC driver is logged on to a digital network or
2005 while a TNC driver provides a prearranged ride. This right to
2006 exclude all coverage may apply to any coverage included in an
2007 automobile insurance policy, including, but not limited to:

2008 a. Liability coverage for bodily injury and property
2009 damage;

2010 b. Uninsured and underinsured motorist coverage;

2011 c. Medical payments coverage;



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- 2012 d. Comprehensive physical damage coverage; and
2013 e. Collision physical damage coverage; ~~and~~
2014 ~~f. Personal injury protection.~~

2015 2. The exclusions described in subparagraph 1. apply
2016 notwithstanding any requirement under chapter 324. These
2017 exclusions do not affect or diminish coverage otherwise
2018 available for permissive drivers or resident relatives under the
2019 personal automobile insurance policy of the TNC driver or owner
2020 of the TNC vehicle who are not occupying the TNC vehicle at the
2021 time of loss. This section does not require that a personal
2022 automobile insurance policy provide coverage while the TNC
2023 driver is logged on to a digital network, while the TNC driver
2024 is engaged in a prearranged ride, or while the TNC driver
2025 otherwise uses a vehicle to transport riders for compensation.

2026 3. This section must not be construed to require an insurer
2027 to use any particular policy language or reference to this
2028 section in order to exclude any and all coverage for any loss or
2029 injury that occurs while a TNC driver is logged on to a digital
2030 network or while a TNC driver provides a prearranged ride.

2031 4. This section does not preclude an insurer from providing
2032 primary or excess coverage for the TNC driver's vehicle by
2033 contract or endorsement.

2034 Section 46. Section 627.8405, Florida Statutes, is amended
2035 to read:

2036 627.8405 Prohibited acts; financing companies.—~~A~~ ~~No~~ premium
2037 finance company ~~shall~~, in a premium finance agreement or other
2038 agreement, may not finance the cost of or otherwise provide for
2039 the collection or remittance of dues, assessments, fees, or
2040 other periodic payments of money for the cost of:



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2041 (1) A membership in an automobile club. The term
2042 "automobile club" means a legal entity that ~~which~~, in
2043 consideration of dues, assessments, or periodic payments of
2044 money, promises its members or subscribers to assist them in
2045 matters relating to the ownership, operation, use, or
2046 maintenance of a motor vehicle; however, the term ~~this~~
2047 ~~definition of "automobile club"~~ does not include persons,
2048 associations, or corporations ~~which are~~ organized and operated
2049 solely for the purpose of conducting, sponsoring, or sanctioning
2050 motor vehicle races, exhibitions, or contests upon racetracks,
2051 or upon racecourses established and marked as such for the
2052 duration of such particular events. The term ~~words~~ "motor
2053 vehicle" used herein has ~~have~~ the same meaning as defined in
2054 chapter 320.

2055 (2) An accidental death and dismemberment policy sold in
2056 combination with a policy providing only bodily injury liability
2057 coverage ~~personal injury protection~~ and property damage
2058 liability coverage ~~only policy~~.

2059 (3) Any product not regulated under ~~the provisions of~~ this
2060 insurance code.

2061
2062 This section also applies to premium financing by any
2063 insurance agent or insurance company under part XVI. The
2064 commission shall adopt rules to assure disclosure, at the time
2065 of sale, of coverages financed ~~with personal injury protection~~
2066 and shall prescribe the form of such disclosure.

2067 Section 47. Subsection (1) of section 627.915, Florida
2068 Statutes, is amended to read:

2069 627.915 Insurer experience reporting.-



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2070 (1) Each insurer transacting private passenger automobile
2071 insurance in this state shall report certain information
2072 annually to the office. The information will be due on or before
2073 July 1 of each year. The information must ~~shall~~ be divided into
2074 the following categories: bodily injury liability; property
2075 damage liability; uninsured motorist; ~~personal injury protection~~
2076 ~~benefits~~; medical payments; and comprehensive and collision. The
2077 information given must ~~shall~~ be on direct insurance writings in
2078 the state alone and ~~shall~~ represent total limits data. The
2079 information set forth in paragraphs (a)-(f) is applicable to
2080 voluntary private passenger and Joint Underwriting Association
2081 private passenger writings and must ~~shall~~ be reported for each
2082 of the latest 3 calendar-accident years, with an evaluation date
2083 of March 31 of the current year. The information set forth in
2084 paragraphs (g)-(j) is applicable to voluntary private passenger
2085 writings and must ~~shall~~ be reported on a calendar-accident year
2086 basis ultimately seven times at seven different stages of
2087 development.

2088 (a) Premiums earned for the latest 3 calendar-accident
2089 years.

2090 (b) Loss development factors and the historic development
2091 of those factors.

2092 (c) Policyholder dividends incurred.

2093 (d) Expenses for other acquisition and general expense.

2094 (e) Expenses for agents' commissions and taxes, licenses,
2095 and fees.

2096 (f) Profit and contingency factors as utilized in the
2097 insurer's automobile rate filings for the applicable years.

2098 (g) Losses paid.



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2099 (h) Losses unpaid.
2100 (i) Loss adjustment expenses paid.
2101 (j) Loss adjustment expenses unpaid.
2102 Section 48. Subsections (2) and (3) of section 628.909,
2103 Florida Statutes, are amended to read:
2104 628.909 Applicability of other laws.—
2105 (2) The following provisions of the Florida Insurance Code
2106 apply to captive insurance companies that ~~who~~ are not industrial
2107 insured captive insurance companies to the extent that such
2108 provisions are not inconsistent with this part:
2109 (a) Chapter 624, except for ss. 624.407, 624.408, 624.4085,
2110 624.40851, 624.4095, 624.411, 624.425, and 624.426.
2111 (b) Chapter 625, part II.
2112 (c) Chapter 626, part IX.
2113 (d) ~~Sections 627.730-627.7405, when no-fault coverage is~~
2114 ~~provided.~~
2115 ~~(e) Chapter 628.~~
2116 (3) The following provisions of the Florida Insurance Code
2117 ~~shall~~ apply to industrial insured captive insurance companies to
2118 the extent that such provisions are not inconsistent with this
2119 part:
2120 (a) Chapter 624, except for ss. 624.407, 624.408, 624.4085,
2121 624.40851, 624.4095, 624.411, 624.425, 624.426, and 624.609(1).
2122 (b) Chapter 625, part II, if the industrial insured captive
2123 insurance company is incorporated in this state.
2124 (c) Chapter 626, part IX.
2125 (d) ~~Sections 627.730-627.7405 when no-fault coverage is~~
2126 ~~provided.~~
2127 ~~(e) Chapter 628, except for ss. 628.341, 628.351, and~~



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2128 628.6018.

2129 Section 49. Subsections (2), (6), and (7) of section
2130 705.184, Florida Statutes, are amended to read:

2131 705.184 Derelict or abandoned motor vehicles on the
2132 premises of public-use airports.-

2133 (2) The airport director or the director's designee shall
2134 contact the Department of Highway Safety and Motor Vehicles to
2135 notify that department that the airport has possession of the
2136 abandoned or derelict motor vehicle and to determine the name
2137 and address of the owner of the motor vehicle, the insurance
2138 company insuring the motor vehicle, ~~notwithstanding the~~
2139 ~~provisions of s. 627.736,~~ and any person who has filed a lien on
2140 the motor vehicle. Within 7 business days after receipt of the
2141 information, the director or the director's designee shall send
2142 notice by certified mail, return receipt requested, to the owner
2143 of the motor vehicle, the insurance company insuring the motor
2144 vehicle, ~~notwithstanding the provisions of s. 627.736,~~ and all
2145 persons of record claiming a lien against the motor vehicle. The
2146 notice must ~~shall~~ state the fact of possession of the motor
2147 vehicle, that charges for reasonable towing, storage, and
2148 parking fees, if any, have accrued and the amount thereof, that
2149 a lien as provided in subsection (6) will be claimed, that the
2150 lien is subject to enforcement pursuant to law, that the owner
2151 or lienholder, if any, has the right to a hearing as set forth
2152 in subsection (4), and that any motor vehicle which, at the end
2153 of 30 calendar days after receipt of the notice, has not been
2154 removed from the airport upon payment in full of all accrued
2155 charges for reasonable towing, storage, and parking fees, if
2156 any, may be disposed of as provided in s. 705.182(2)(a), (b),



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2157 (d), or (e), including, but not limited to, the motor vehicle
2158 being sold free of all prior liens after 35 calendar days after
2159 the time the motor vehicle is stored if any prior liens on the
2160 motor vehicle are more than 5 years of age or after 50 calendar
2161 days after the time the motor vehicle is stored if any prior
2162 liens on the motor vehicle are 5 years of age or less.

2163 (6) The airport pursuant to this section or, if used, a
2164 licensed independent wrecker company pursuant to s. 713.78 shall
2165 have a lien on an abandoned or derelict motor vehicle for all
2166 reasonable towing, storage, and accrued parking fees, if any,
2167 except that no storage fee may ~~shall~~ be charged if the motor
2168 vehicle is stored less than 6 hours. As a prerequisite to
2169 perfecting a lien under this section, the airport director or
2170 the director's designee must serve a notice in accordance with
2171 subsection (2) on the owner of the motor vehicle, the insurance
2172 company insuring the motor vehicle, ~~notwithstanding the~~
2173 ~~provisions of s. 627.736,~~ and all persons of record claiming a
2174 lien against the motor vehicle. If attempts to notify the owner,
2175 the insurance company insuring the motor vehicle,
2176 ~~notwithstanding the provisions of s. 627.736,~~ or lienholders are
2177 not successful, the requirement of notice by mail shall be
2178 considered met. Serving of the notice does not dispense with
2179 recording the claim of lien.

2180 (7) (a) For the purpose of perfecting its lien under this
2181 section, the airport shall record a claim of lien which states
2182 ~~shall state:~~

- 2183 1. The name and address of the airport.
2184 2. The name of the owner of the motor vehicle, the
2185 insurance company insuring the motor vehicle, ~~notwithstanding~~



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2186 ~~the provisions of s. 627.736,~~ and all persons of record claiming
2187 a lien against the motor vehicle.

2188 3. The costs incurred from reasonable towing, storage, and
2189 parking fees, if any.

2190 4. A description of the motor vehicle sufficient for
2191 identification.

2192 (b) The claim of lien must ~~shall~~ be signed and sworn to or
2193 affirmed by the airport director or the director's designee.

2194 (c) The claim of lien is ~~shall be~~ sufficient if it is in
2195 substantially the following form:

2196

2197 CLAIM OF LIEN

2198 State of

2199 County of

2200 Before me, the undersigned notary public, personally
2201 appeared, who was duly sworn and says that he/she is
2202 the of, whose address is.....; and that
2203 the following described motor vehicle:

2204 ... (Description of motor vehicle) ...

2205 owned by, whose address is, has accrued
2206 \$..... in fees for a reasonable tow, for storage, and for
2207 parking, if applicable; that the lienor served its notice to the
2208 owner, the insurance company insuring the motor vehicle
2209 ~~notwithstanding the provisions of s. 627.736, Florida Statutes,~~
2210 and all persons of record claiming a lien against the motor
2211 vehicle on, ... (year) ..., by.....

2212 ... (Signature) ...

2213 Sworn to (or affirmed) and subscribed before me this
2214 day of, ... (year) ..., by ... (name of person making



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2215 statement)....

2216 ... (Signature of Notary Public)..... (Print, Type, or Stamp
2217 Commissioned name of Notary Public)...

2218 Personally Known....OR Produced....as identification.

2219

2220 However, the negligent inclusion or omission of any
2221 information in this claim of lien which does not prejudice the
2222 owner does not constitute a default that operates to defeat an
2223 otherwise valid lien.

2224 (d) The claim of lien must ~~shall~~ be served on the owner of
2225 the motor vehicle, the insurance company insuring the motor
2226 vehicle, ~~notwithstanding the provisions of s. 627.736,~~ and all
2227 persons of record claiming a lien against the motor vehicle. If
2228 attempts to notify the owner, the insurance company insuring the
2229 motor vehicle ~~notwithstanding the provisions of s. 627.736,~~ or
2230 lienholders are not successful, the requirement of notice by
2231 mail shall be considered met. The claim of lien must ~~shall~~ be so
2232 served before recordation.

2233 (e) The claim of lien must ~~shall~~ be recorded with the clerk
2234 of court in the county where the airport is located. The
2235 recording of the claim of lien shall be constructive notice to
2236 all persons of the contents and effect of such claim. The lien
2237 attaches ~~shall attach~~ at the time of recordation and takes ~~shall~~
2238 ~~take~~ priority as of that time.

2239 Section 50. Subsection (4) of section 713.78, Florida
2240 Statutes, is amended to read:

2241 713.78 Liens for recovering, towing, or storing vehicles
2242 and vessels.-

2243 (4) (a) Any person regularly engaged in the business of



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2244 recovering, towing, or storing vehicles or vessels who comes
2245 into possession of a vehicle or vessel pursuant to subsection
2246 (2), and who claims a lien for recovery, towing, or storage
2247 services, shall give notice to the registered owner, the
2248 insurance company insuring the vehicle ~~notwithstanding the~~
2249 ~~provisions of s. 627.736~~, and to all persons claiming a lien
2250 thereon, as disclosed by the records in the Department of
2251 Highway Safety and Motor Vehicles or as disclosed by the records
2252 of any corresponding agency in any other state in which the
2253 vehicle is identified through a records check of the National
2254 Motor Vehicle Title Information System or an equivalent
2255 commercially available system as being titled or registered.

2256 (b) If a ~~Whenever any~~ law enforcement agency authorizes the
2257 removal of a vehicle or vessel or if a ~~whenever any~~ towing
2258 service, garage, repair shop, or automotive service, storage, or
2259 parking place notifies the law enforcement agency of possession
2260 of a vehicle or vessel pursuant to s. 715.07(2)(a)2., the law
2261 enforcement agency of the jurisdiction where the vehicle or
2262 vessel is stored shall contact the Department of Highway Safety
2263 and Motor Vehicles, or the appropriate agency of the state of
2264 registration, if known, within 24 hours through the medium of
2265 electronic communications, giving the full description of the
2266 vehicle or vessel. Upon receipt of the full description of the
2267 vehicle or vessel, the department shall search its files to
2268 determine the owner's name, the insurance company insuring the
2269 vehicle or vessel, and whether any person has filed a lien upon
2270 the vehicle or vessel as provided in s. 319.27(2) and (3) and
2271 notify the applicable law enforcement agency within 72 hours.
2272 The person in charge of the towing service, garage, repair shop,



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2273 or automotive service, storage, or parking place shall obtain
2274 such information from the applicable law enforcement agency
2275 within 5 days after the date of storage and shall give notice
2276 pursuant to paragraph (a). The department may release the
2277 insurance company information to the requestor ~~notwithstanding~~
2278 ~~the provisions of s. 627.736.~~

2279 (c) Notice by certified mail must ~~shall~~ be sent within 7
2280 business days after the date of storage of the vehicle or vessel
2281 to the registered owner, the insurance company insuring the
2282 vehicle ~~notwithstanding the provisions of s. 627.736~~, and all
2283 persons of record claiming a lien against the vehicle or vessel.
2284 The notice must ~~It shall~~ state the fact of possession of the
2285 vehicle or vessel, that a lien as provided in subsection (2) is
2286 claimed, that charges have accrued and the amount thereof, that
2287 the lien is subject to enforcement pursuant to law, ~~and~~ that the
2288 owner or lienholder, if any, has the right to a hearing as set
2289 forth in subsection (5), and that any vehicle or vessel which
2290 remains unclaimed, or for which the charges for recovery,
2291 towing, or storage services remain unpaid, may be sold free of
2292 all prior liens after 35 days if the vehicle or vessel is more
2293 than 3 years of age or after 50 days if the vehicle or vessel is
2294 3 years of age or less.

2295 (d) If attempts to locate the name and address of the owner
2296 or lienholder prove unsuccessful, the towing-storage operator
2297 must ~~shall~~, after 7 working days, excluding Saturday and Sunday,
2298 of the initial tow or storage, notify the public agency of
2299 jurisdiction where the vehicle or vessel is stored in writing by
2300 certified mail or acknowledged hand delivery that the towing-
2301 storage company has been unable to locate the name and address



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2302 of the owner or lienholder and a physical search of the vehicle
2303 or vessel has disclosed no ownership information and a good
2304 faith effort has been made, including records checks of the
2305 Department of Highway Safety and Motor Vehicles database and the
2306 National Motor Vehicle Title Information System or an equivalent
2307 commercially available system. As used in ~~For purposes of~~ this
2308 paragraph and subsection (9), the term "good faith effort" means
2309 that the following checks have been performed by the company to
2310 establish prior state of registration and for title:

2311 1. Check of the Department of Highway Safety and Motor
2312 Vehicles database for the owner and any lienholder.

2313 2. Check of the electronic National Motor Vehicle Title
2314 Information System or an equivalent commercially available
2315 system to determine the state of registration when there is not
2316 a current registration record for the vehicle on file with the
2317 Department of Highway Safety and Motor Vehicles.

2318 3. Check of vehicle or vessel for any type of tag, tag
2319 record, temporary tag, or regular tag.

2320 4. Check of law enforcement report for tag number or other
2321 information identifying the vehicle or vessel, if the vehicle or
2322 vessel was towed at the request of a law enforcement officer.

2323 5. Check of trip sheet or tow ticket of tow truck operator
2324 to see if a tag was on vehicle or vessel at beginning of tow, if
2325 private tow.

2326 6. If there is no address of the owner on the impound
2327 report, check of law enforcement report to see if an out-of-
2328 state address is indicated from driver license information.

2329 7. Check of vehicle or vessel for inspection sticker or
2330 other stickers and decals that may indicate a state of possible



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2331 registration.

2332 8. Check of the interior of the vehicle or vessel for any
2333 papers that may be in the glove box, trunk, or other areas for a
2334 state of registration.

2335 9. Check of vehicle for vehicle identification number.

2336 10. Check of vessel for vessel registration number.

2337 11. Check of vessel hull for a hull identification number
2338 which should be carved, burned, stamped, embossed, or otherwise
2339 permanently affixed to the outboard side of the transom or, if
2340 there is no transom, to the outmost seaboard side at the end of
2341 the hull that bears the rudder or other steering mechanism.

2342 Section 51. Paragraph (a) of subsection (1), paragraph (c)
2343 of subsection (7), paragraphs (a), (b), and (c) of subsection
2344 (8), and subsections (9) and (10) of section 817.234, Florida
2345 Statutes, are amended to read:

2346 817.234 False and fraudulent insurance claims.—

2347 (1) (a) A person commits insurance fraud punishable as
2348 provided in subsection (11) if that person, with the intent to
2349 injure, defraud, or deceive any insurer:

2350 1. Presents or causes to be presented any written or oral
2351 statement as part of, or in support of, a claim for payment or
2352 other benefit pursuant to an insurance policy or a health
2353 maintenance organization subscriber or provider contract,
2354 knowing that such statement contains ~~any~~ false, incomplete, or
2355 misleading information concerning any fact or thing material to
2356 such claim;

2357 2. Prepares or makes any written or oral statement that is
2358 intended to be presented to an ~~any~~ insurer in connection with,
2359 or in support of, any claim for payment or other benefit



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2360 pursuant to an insurance policy or a health maintenance
2361 organization subscriber or provider contract, knowing that such
2362 statement contains ~~any~~ false, incomplete, or misleading
2363 information concerning any fact or thing material to such claim;

2364 3.a. Knowingly presents, causes to be presented, or
2365 prepares or makes with knowledge or belief that it will be
2366 presented to an ~~any~~ insurer, purported insurer, servicing
2367 corporation, insurance broker, or insurance agent, or any
2368 employee or agent thereof, ~~any~~ false, incomplete, or misleading
2369 information or a written or oral statement as part of, or in
2370 support of, an application for the issuance of, or the rating
2371 of, any insurance policy, or a health maintenance organization
2372 subscriber or provider contract; or

2373 b. Knowingly conceals information concerning any fact
2374 material to such application; or

2375 4. Knowingly presents, causes to be presented, or prepares
2376 or makes with knowledge or belief that it will be presented to
2377 any insurer a claim for payment or other benefit under medical
2378 payments coverage in a motor vehicle ~~a personal injury~~
2379 ~~protection~~ insurance policy if the person knows that the payee
2380 knowingly submitted a false, misleading, or fraudulent
2381 application or other document when applying for licensure as a
2382 health care clinic, seeking an exemption from licensure as a
2383 health care clinic, or demonstrating compliance with part X of
2384 chapter 400.

2385 (7)

2386 ~~(c) An insurer, or any person acting at the direction of or~~
2387 ~~on behalf of an insurer, may not change an opinion in a mental~~
2388 ~~or physical report prepared under s. 627.736(7) or direct the~~



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2389 ~~physician preparing the report to change such opinion; however,~~
2390 ~~this provision does not preclude the insurer from calling to the~~
2391 ~~attention of the physician errors of fact in the report based~~
2392 ~~upon information in the claim file. Any person who violates this~~
2393 ~~paragraph commits a felony of the third degree, punishable as~~
2394 ~~provided in s. 775.082, s. 775.083, or s. 775.084.~~

2395 (8) (a) It is unlawful for any person intending to defraud
2396 any other person to solicit or cause to be solicited any
2397 business from a person involved in a motor vehicle accident for
2398 the purpose of making, adjusting, or settling motor vehicle tort
2399 claims or claims for benefits under medical payments coverage in
2400 a motor vehicle insurance policy ~~personal injury protection~~
2401 ~~benefits required by s. 627.736.~~ Any person who violates the
2402 ~~provisions of~~ this paragraph commits a felony of the second
2403 degree, punishable as provided in s. 775.082, s. 775.083, or s.
2404 775.084. A person who is convicted of a violation of this
2405 subsection shall be sentenced to a minimum term of imprisonment
2406 of 2 years.

2407 (b) A person may not solicit or cause to be solicited any
2408 business from a person involved in a motor vehicle accident by
2409 any means of communication other than advertising directed to
2410 the public for the purpose of making motor vehicle tort claims
2411 or claims for benefits under medical payments coverage in a
2412 motor vehicle insurance policy ~~personal injury protection~~
2413 ~~benefits required by s. 627.736,~~ within 60 days after the
2414 occurrence of the motor vehicle accident. Any person who
2415 violates this paragraph commits a felony of the third degree,
2416 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

2417 (c) A lawyer, health care practitioner as defined in s.



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2418 456.001, or owner or medical director of a clinic required to be
2419 licensed pursuant to s. 400.9905 may not, at any time after 60
2420 days have elapsed from the occurrence of a motor vehicle
2421 accident, solicit or cause to be solicited any business from a
2422 person involved in a motor vehicle accident by means of in
2423 person or telephone contact at the person's residence, for the
2424 purpose of making motor vehicle tort claims or claims for
2425 benefits under medical payments coverage in a motor vehicle
2426 insurance policy ~~personal injury protection benefits required by~~
2427 ~~s. 627.736~~. Any person who violates this paragraph commits a
2428 felony of the third degree, punishable as provided in s.
2429 775.082, s. 775.083, or s. 775.084.

2430 (9) A person may not organize, plan, or knowingly
2431 participate in an intentional motor vehicle crash or a scheme to
2432 create documentation of a motor vehicle crash that did not occur
2433 for the purpose of making motor vehicle tort claims or claims
2434 for benefits under medical payments coverage in a motor vehicle
2435 insurance policy ~~personal injury protection benefits as required~~
2436 ~~by s. 627.736~~. Any person who violates this subsection commits a
2437 felony of the second degree, punishable as provided in s.
2438 775.082, s. 775.083, or s. 775.084. A person who is convicted of
2439 a violation of this subsection shall be sentenced to a minimum
2440 term of imprisonment of 2 years.

2441 (10) A licensed health care practitioner who is found
2442 guilty of insurance fraud under this section for an act relating
2443 to a motor vehicle ~~personal injury protection~~ insurance policy
2444 loses his or her license to practice for 5 years and may not
2445 receive reimbursement under medical payments coverage in a motor
2446 vehicle insurance policy ~~for personal injury protection benefits~~



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2447 for 10 years.

2448 Section 52. Section 627.7278, Florida Statutes, is created
2449 to read:

2450 Applicability and construction; notice to policyholders.-

2451 (1) As used in this section, the term "minimum security
2452 requirements" means security that enables a person to respond in
2453 damages for liability on account of crashes arising out of the
2454 ownership, maintenance, or use of a motor vehicle, in the
2455 amounts required by s. 324.021(7), Florida Statutes.

2456 (2) Effective January 1, 2020:

2457 (a) Motor vehicle insurance policies issued or renewed on
2458 or after that date may not include personal injury protection.

2459 (b) All persons subject to s. 324.022, s. 324.032, s.
2460 627.7415, or s. 627.742, Florida Statutes, must maintain at
2461 least minimum security requirements.

2462 (c) Any new or renewal motor vehicle insurance policy
2463 delivered or issued for delivery in this state must provide
2464 coverage that complies with minimum security requirements.

2465 (d) An existing motor vehicle insurance policy issued
2466 before that date which provides personal injury protection and
2467 property damage liability coverage that meets the requirements
2468 of s. 324.022, Florida Statutes, on December 31, 2019, but which
2469 does not meet minimum security requirements on or after January
2470 1, 2020, is deemed to meet the security requirements of s.

2471 324.022, Florida Statutes, until such policy is renewed,
2472 nonrenewed, or canceled on or after January 1, 2020. Sections
2473 627.730-627.7405, 400.9905, 400.991, 456.057, 456.072, 627.7263,
2474 627.727, 627.748, 627.9541(1)(i), and 817.234, Florida Statutes
2475 2018, remain in full force and effect for motor vehicle



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2476 accidents covered under a policy issued under the Florida Motor
2477 Vehicle No-Fault Law before January 1, 2020, until the policy is
2478 renewed, nonrenewed, or canceled.

2479 (3) Each insurer shall allow each insured who has a new or
2480 renewal policy providing personal injury protection which
2481 becomes effective before January 1, 2020, and whose policy does
2482 not meet minimum security requirements on or after January 1,
2483 2020, to change coverages so as to eliminate personal injury
2484 protection and obtain coverage providing minimum security
2485 requirements, which shall be effective on or after January 1,
2486 2020. The insurer is not required to provide coverage complying
2487 with minimum security requirements in such policies if the
2488 insured does not pay the required premium, if any, by January 1,
2489 2020, or such later date as the insurer may allow. The insurer
2490 must also offer each insured medical payments coverage pursuant
2491 to s. 627.7265, Florida Statutes. Any reduction in the premium
2492 must be refunded by the insurer. The insurer may not impose on
2493 the insured an additional fee or charge that applies solely to a
2494 change in coverage; however, the insurer may charge an
2495 additional required premium that is actuarially indicated.

2496 (4) By September 1, 2019, each motor vehicle insurer shall
2497 provide notice of this section to each motor vehicle
2498 policyholder who is subject to this section. The notice is
2499 subject to approval by the Office of Insurance Regulation and
2500 must clearly inform the policyholder that:

2501 (a) The Florida Motor Vehicle No-Fault Law is repealed,
2502 effective January 1, 2020, and that on or after that date, the
2503 insured is no longer required to maintain personal injury
2504 protection insurance coverage, that personal injury protection



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2505 coverage is no longer available for purchase in this state, and
2506 that all new or renewal policies issued on or after that date
2507 will not contain such coverage.

2508 (b) Effective January 1, 2020, a person subject to the
2509 financial responsibility requirements of s. 324.022, Florida
2510 Statutes, must maintain minimum security requirements that
2511 enable the person to respond to damages for liability on account
2512 of accidents arising out of the use of a motor vehicle in the
2513 following amounts:

2514 1. Twenty-five thousand dollars for bodily injury to, or
2515 the death of, one person in any one crash and, subject to such
2516 limits for one person, in the amount of \$50,000 for bodily
2517 injury to, or the death of, two or more persons in any one
2518 crash; and

2519 2. Ten thousand dollars for damage to, or destruction of,
2520 the property of others in any one crash.

2521 (c) Bodily injury liability coverage protects the insured,
2522 up to the coverage limits, against loss if the insured is
2523 legally responsible for the death of or bodily injury to others
2524 in a motor vehicle accident.

2525 (d) Effective January 1, 2020, each policyholder of motor
2526 vehicle liability insurance purchased as proof of financial
2527 responsibility must be offered medical payments coverage
2528 benefits that comply with s. 627.7265, Florida Statutes. The
2529 insurer must offer medical payments coverage at limits of \$5,000
2530 and \$10,000 without a deductible. The insurer may also offer
2531 medical payments coverage at other limits greater than \$5,000,
2532 and may offer coverage with a deductible of up to \$500. Medical
2533 payments coverage pays covered medical expenses, up to the



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2534 limits of such coverage, for injuries sustained in a motor
2535 vehicle crash by the named insured, resident relatives, persons
2536 operating the insured motor vehicle, passengers in the insured
2537 motor vehicle, and persons who are struck by the insured motor
2538 vehicle and suffer bodily injury while not an occupant of a
2539 self-propelled motor vehicle as provided in s. 627.7265, Florida
2540 Statutes. Medical payments coverage also provides a death
2541 benefit of at least \$5,000.

2542 (e) The policyholder may obtain uninsured and underinsured
2543 motorist coverage, which provides benefits, up to the limits of
2544 such coverage, to a policyholder or other insured entitled to
2545 recover damages for bodily injury, sickness, disease, or death
2546 resulting from a motor vehicle accident with an uninsured or
2547 underinsured owner or operator of a motor vehicle.

2548 (f) If the policyholder's new or renewal motor vehicle
2549 insurance policy is effective before January 1, 2020, and
2550 contains personal injury protection and property damage
2551 liability coverage as required by state law before January 1,
2552 2020, but does not meet minimum security requirements on or
2553 after January 1, 2020, the policy is deemed to meet minimum
2554 security requirements until it is renewed, nonrenewed, or
2555 canceled on or after January 1, 2020.

2556 (g) A policyholder whose new or renewal policy becomes
2557 effective before January 1, 2020, but does not meet minimum
2558 security requirements on or after January 1, 2020, may change
2559 coverages under the policy so as to eliminate personal injury
2560 protection and to obtain coverage providing minimum security
2561 requirements, including bodily injury liability coverage, which
2562 are effective on or after January 1, 2020.



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2563 (h) If the policyholder has any questions, he or she should
2564 contact the person named at the telephone number provided in the
2565 notice.

2566 (5) This section takes effect upon this act becoming a law.
2567 Section 53. Section 324.0222, Florida Statutes, is created
2568 to read:

2569 Application of suspensions for failure to maintain
2570 security; reinstatement.—All suspensions for failure to maintain
2571 required security as required by law in effect before January 1,
2572 2020, remain in full force and effect after January 1, 2020. A
2573 driver may reinstate a suspended driver license or registration
2574 as provided under s. 324.0221, Florida Statutes.

2575 Section 54. For the 2019-2020 fiscal year, the sum of
2576 \$83,651 in nonrecurring funds is appropriated from the Insurance
2577 Regulatory Trust Fund to the Office of Insurance Regulation for
2578 the purpose of implementing this act.

2579 Section 55. Except as otherwise expressly provided in this
2580 act and except for this section, which shall take effect upon
2581 this act becoming a law, this act shall take effect January 1,
2582 2020.

2584 ===== T I T L E A M E N D M E N T =====

2585 And the title is amended as follows:

2586 Delete everything before the enacting clause
2587 and insert:

2588 A bill to be entitled

2589 An act relating to motor vehicle insurance; repealing ss.
2590 627.730, 627.731, 627.7311, 627.732, 627.733, 627.734, 627.736,
2591 627.737, 627.739, 627.7401, 627.7403, and 627.7405, F.S., which



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2592 | comprise the Florida Motor Vehicle No-Fault Law; repealing s.
2593 | 627.7407, F.S., relating to application of the Florida Motor
2594 | Vehicle No-Fault Law; amending s. 316.646, F.S.; revising a
2595 | requirement for proof of security on a motor vehicle and the
2596 | applicability of the requirement; amending s. 318.18, F.S.;
2597 | conforming a provision to changes made by the act; amending s.
2598 | 320.02, F.S.; revising the motor vehicle insurance coverages
2599 | that an applicant must show to register certain vehicles with
2600 | the Department of Highway Safety and Motor Vehicles; conforming
2601 | a provision to changes made by the act; revising construction;
2602 | amending s. 320.0609, F.S.; conforming a provision to changes
2603 | made by the act; amending s. 320.27, F.S.; defining the term
2604 | "garage liability insurance"; revising garage liability
2605 | insurance requirements for motor vehicle dealer applicants;
2606 | conforming a provision to changes made by the act; amending s.
2607 | 320.771, F.S.; revising garage liability insurance requirements
2608 | for recreational vehicle dealer license applicants; amending ss.
2609 | 322.251 and 322.34, F.S.; conforming provisions to changes made
2610 | by the act; amending s. 324.011, F.S.; revising legislative
2611 | intent; amending s. 324.021, F.S.; revising definitions of the
2612 | terms "motor vehicle" and "proof of financial responsibility";
2613 | revising minimum coverage requirements for proof of financial
2614 | responsibility for specified motor vehicles; defining the term
2615 | "for-hire passenger transportation vehicle"; conforming
2616 | provisions to changes made by the act; amending s. 324.022,
2617 | F.S.; revising minimum liability coverage requirements for motor
2618 | vehicle owners or operators; revising authorized methods for
2619 | meeting such requirements; deleting a provision relating to an
2620 | insurer's duty to defend certain claims; revising the vehicles



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2621 that are excluded from the definition of the term "motor
2622 vehicle"; providing security requirements for certain excluded
2623 vehicles; conforming provisions to changes made by the act;
2624 conforming cross-references; amending s. 324.0221, F.S.;
2625 revising coverages that subject a policy to certain insurer
2626 reporting and notice requirements; conforming provisions to
2627 changes made by the act; amending s. 324.023, F.S.; conforming
2628 cross-references; amending s. 324.031, F.S.; revising the amount
2629 of a certificate of deposit required to elect a certain method
2630 of proof of financial responsibility; revising excess liability
2631 coverage requirements for a person electing to use such method;
2632 amending s. 324.032, F.S.; revising financial responsibility
2633 requirements for owners or lessees of for-hire passenger
2634 transportation vehicles; amending ss. 324.051, 324.071, 324.091,
2635 and 324.151, F.S.; making technical changes; amending s.
2636 324.161, F.S.; revising requirements for a certificate of
2637 deposit that is required if a person elects a certain method of
2638 proving financial responsibility; amending s. 324.171, F.S.;
2639 revising the minimum net worth requirements to qualify certain
2640 persons as self-insurers; conforming provisions to changes made
2641 by the act; amending s. 324.251, F.S.; revising the short title
2642 and an effective date; amending s. 400.9905, F.S.; revising the
2643 definition of the term "clinic"; amending ss. 400.991 and
2644 400.9935, F.S.; conforming provisions to changes made by the
2645 act; amending s. 409.901, F.S.; revising the definition of the
2646 term "third-party benefit"; amending s. 409.910, F.S.; revising
2647 the definition of the term "medical coverage"; amending s.
2648 456.057, F.S.; conforming a cross-reference; amending s.
2649 456.072, F.S.; revising specified grounds for discipline for



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2650 certain health professions; amending s. 626.9541, F.S.;

2651 conforming a provision to changes made by the act; revising the

2652 type of insurance coverage applicable to a certain prohibited

2653 act; amending s. 626.989, F.S.; revising the definition of the

2654 term "fraudulent insurance act"; amending s. 627.06501, F.S.;

2655 revising coverages that may provide for a reduction in motor

2656 vehicle insurance policy premium charges under certain

2657 circumstances; amending s. 627.0652, F.S.; revising coverages

2658 that must provide a premium charge reduction under certain

2659 circumstances; amending s. 627.0653, F.S.; revising coverages

2660 subject to premium discounts for specified motor vehicle

2661 equipment; amending s. 627.4132, F.S.; revising the coverages of

2662 a motor vehicle policy which are subject to a stacking

2663 prohibition; amending s. 627.7263, F.S.; revising coverages that

2664 are deemed primary, except under certain circumstances, for the

2665 lessor of a motor vehicle for lease or rent; revising a notice

2666 that is required if the lessee's coverage is to be primary;

2667 creating s. 627.7265, F.S.; specifying persons whom medical

2668 payments coverage must protect; requiring medical payments

2669 coverage to provide specified medical expense coverage and a

2670 specified death benefit; specifying coverage options an insurer

2671 must and may offer; providing that motor vehicle liability

2672 insurance policies are deemed to have medical payments coverage

2673 at a certain limit and with no deductible, unless rejected or

2674 modified by the policyholder by certain means; specifying

2675 requirements for certain forms approved by the Office of

2676 Insurance Regulation; requiring insurers to provide

2677 policyholders with a certain annual notice; providing

2678 construction relating to limits on certain other coverages;



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2679 requiring insurers, upon receiving a certain notice of an
2680 accident, to hold a specified reserve for certain purposes for a
2681 specified time; providing that the reserve requirement does not
2682 require insurers to establish a claim reserve for accounting
2683 purposes; providing that an insurer providing medical payments
2684 coverage benefits may not have a lien on a certain recovery and
2685 may not have certain causes of action; amending s. 627.727,
2686 F.S.; conforming provisions to changes made by the act; amending
2687 s. 627.7275, F.S.; revising required coverages for a motor
2688 vehicle insurance policy; conforming provisions to changes made
2689 by the act; amending s. 627.728, F.S.; conforming a provision to
2690 changes made by the act; amending s. 627.7295, F.S.; revising
2691 the definitions of the terms "policy" and "binder"; revising the
2692 coverages of a motor vehicle insurance policy for which a
2693 licensed general lines agent may charge a specified fee;
2694 conforming a provision to changes made by the act; amending s.
2695 627.7415, F.S.; revising additional liability insurance
2696 requirements for commercial motor vehicles; amending s. 627.748,
2697 F.S.; revising insurance requirements for transportation network
2698 company drivers; conforming provisions to changes made by the
2699 act; amending s. 627.8405, F.S.; revising coverages in a policy
2700 sold in combination with an accidental death and dismemberment
2701 policy which a premium finance company may not finance; revising
2702 rulemaking authority of the Financial Services Commission;
2703 amending ss. 627.915, 628.909, 705.184, and 713.78, F.S.;
2704 conforming provisions to changes made by the act; amending s.
2705 817.234, F.S.; revising coverages that are the basis of
2706 specified prohibited false and fraudulent insurance claims;
2707 conforming provisions to changes made by the act; defining the



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2708 term "minimum security requirements"; providing requirements,
2709 applicability, and construction relating to motor vehicle
2710 insurance policies as of a certain date; requiring insurers to
2711 allow certain insureds to make certain coverage changes, subject
2712 to certain conditions; requiring an insurer to provide, by a
2713 specified date, a specified notice to policyholders relating to
2714 requirements under the act; providing that driver license or
2715 registration suspensions for failure to maintain required
2716 security which were in effect before a specified date remain in
2717 full force and effect; providing that such suspended licenses or
2718 registrations may be reinstated as provided in a specified
2719 section; providing an appropriation; providing effective dates.
2720