

By the Committee on Infrastructure and Security; and Senators
Lee and Rouson

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1 A bill to be entitled
2 An act relating to motor vehicle insurance; repealing
3 ss. 627.730, 627.731, 627.7311, 627.732, 627.733,
4 627.734, 627.736, 627.737, 627.739, 627.7401,
5 627.7403, and 627.7405, F.S., which comprise the
6 Florida Motor Vehicle No-Fault Law; repealing s.
7 627.7407, F.S., relating to application of the Florida
8 Motor Vehicle No-Fault Law; amending s. 316.646, F.S.;
9 revising a requirement for proof of security on a
10 motor vehicle and the applicability of the
11 requirement; amending s. 318.18, F.S.; conforming a
12 provision to changes made by the act; amending s.
13 320.02, F.S.; revising the motor vehicle insurance
14 coverages that an applicant must show to register
15 certain vehicles with the Department of Highway Safety
16 and Motor Vehicles; conforming a provision to changes
17 made by the act; revising construction; amending s.
18 320.0609, F.S.; conforming a provision to changes made
19 by the act; amending s. 320.27, F.S.; defining the
20 term "garage liability insurance"; revising garage
21 liability insurance requirements for motor vehicle
22 dealer applicants; conforming a provision to changes
23 made by the act; amending s. 320.771, F.S.; revising
24 garage liability insurance requirements for
25 recreational vehicle dealer license applicants;
26 amending ss. 322.251 and 322.34, F.S.; conforming
27 provisions to changes made by the act; amending s.
28 324.011, F.S.; revising legislative intent; amending
29 s. 324.021, F.S.; revising definitions of the terms

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30 "motor vehicle" and "proof of financial
31 responsibility"; revising minimum coverage
32 requirements for proof of financial responsibility for
33 specified motor vehicles; defining the term "for-hire
34 passenger transportation vehicle"; conforming
35 provisions to changes made by the act; amending s.
36 324.022, F.S.; revising minimum liability coverage
37 requirements for motor vehicle owners or operators;
38 revising authorized methods for meeting such
39 requirements; deleting a provision relating to an
40 insurer's duty to defend certain claims; revising the
41 vehicles that are excluded from the definition of the
42 term "motor vehicle"; providing security requirements
43 for certain excluded vehicles; conforming provisions
44 to changes made by the act; conforming cross-
45 references; amending s. 324.0221, F.S.; revising
46 coverages that subject a policy to certain insurer
47 reporting and notice requirements; conforming
48 provisions to changes made by the act; amending s.
49 324.023, F.S.; conforming cross-references; amending
50 s. 324.031, F.S.; revising the amount of a certificate
51 of deposit required to elect a certain method of proof
52 of financial responsibility; revising excess liability
53 coverage requirements for a person electing to use
54 such method; amending s. 324.032, F.S.; revising
55 financial responsibility requirements for owners or
56 lessees of for-hire passenger transportation vehicles;
57 amending ss. 324.051, 324.071, and 324.091, F.S.;
58 making technical changes; amending s. 324.151, F.S.;

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59 conforming provisions to changes made by the act;
60 making technical changes; creating s. 627.747, F.S.;
61 providing that private passenger motor vehicle
62 policies may exclude certain identified individuals
63 from specified coverages under certain circumstances;
64 providing that such policies may not exclude coverage
65 under certain circumstances; amending s. 324.161,
66 F.S.; revising requirements for a certificate of
67 deposit that is required if a person elects a certain
68 method of proving financial responsibility; amending
69 s. 324.171, F.S.; revising the minimum net worth
70 requirements to qualify certain persons as self-
71 insurers; conforming provisions to changes made by the
72 act; amending s. 324.251, F.S.; revising the short
73 title and an effective date; amending s. 400.9905,
74 F.S.; revising the definition of the term "clinic";
75 amending ss. 400.991 and 400.9935, F.S.; conforming
76 provisions to changes made by the act; amending s.
77 409.901, F.S.; revising the definition of the term
78 "third-party benefit"; amending s. 409.910, F.S.;
79 revising the definition of the term "medical
80 coverage"; amending s. 456.057, F.S.; conforming a
81 cross-reference; amending s. 456.072, F.S.; revising
82 specified grounds for discipline for certain health
83 professions; amending s. 626.9541, F.S.; conforming a
84 provision to changes made by the act; revising the
85 type of insurance coverage applicable to a certain
86 prohibited act; amending s. 626.989, F.S.; revising
87 the definition of the term "fraudulent insurance act";

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88 amending s. 627.06501, F.S.; revising coverages that
89 may provide for a reduction in motor vehicle insurance
90 policy premium charges under certain circumstances;
91 amending s. 627.0652, F.S.; revising coverages that
92 must provide a premium charge reduction under certain
93 circumstances; amending s. 627.0653, F.S.; revising
94 coverages subject to premium discounts for specified
95 motor vehicle equipment; amending s. 627.4132, F.S.;
96 revising the coverages of a motor vehicle policy which
97 are subject to a stacking prohibition; amending s.
98 627.7263, F.S.; revising coverages that are deemed
99 primary, except under certain circumstances, for the
100 lessor of a motor vehicle for lease or rent; revising
101 a notice that is required if the lessee's coverage is
102 to be primary; creating s. 627.7265, F.S.; specifying
103 persons whom medical payments coverage must protect;
104 requiring medical payments coverage to provide
105 specified medical expense coverage and a specified
106 death benefit; specifying coverage options an insurer
107 must and may offer; providing that motor vehicle
108 liability insurance policies are deemed to have
109 medical payments coverage at a certain limit and with
110 no deductible, unless rejected or modified by the
111 policyholder by certain means; specifying requirements
112 for certain forms approved by the Office of Insurance
113 Regulation; requiring insurers to provide
114 policyholders with a certain annual notice; providing
115 construction relating to limits on certain other
116 coverages; requiring insurers, upon receiving a

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117 certain notice of an accident, to hold a specified
118 reserve for certain purposes for a specified time;
119 providing that the reserve requirement does not
120 require insurers to establish a claim reserve for
121 accounting purposes; providing that an insurer
122 providing medical payments coverage benefits may not
123 have a lien on a certain recovery and may not have
124 certain causes of action; amending s. 627.727, F.S.;
125 conforming provisions to changes made by the act;
126 amending s. 627.7275, F.S.; revising required
127 coverages for a motor vehicle insurance policy;
128 conforming provisions to changes made by the act;
129 amending s. 627.728, F.S.; conforming a provision to
130 changes made by the act; amending s. 627.7295, F.S.;
131 revising the definitions of the terms "policy" and
132 "binder"; revising the coverages of a motor vehicle
133 insurance policy for which a licensed general lines
134 agent may charge a specified fee; conforming a
135 provision to changes made by the act; amending s.
136 627.7415, F.S.; revising additional liability
137 insurance requirements for commercial motor vehicles;
138 amending s. 627.748, F.S.; revising insurance
139 requirements for transportation network company
140 drivers; conforming provisions to changes made by the
141 act; amending s. 627.8405, F.S.; revising coverages in
142 a policy sold in combination with an accidental death
143 and dismemberment policy which a premium finance
144 company may not finance; revising rulemaking authority
145 of the Financial Services Commission; amending ss.

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146 627.915, 628.909, 705.184, and 713.78, F.S.;

147 conforming provisions to changes made by the act;

148 amending s. 817.234, F.S.; revising coverages that are

149 the basis of specified prohibited false and fraudulent

150 insurance claims; conforming provisions to changes

151 made by the act; creating s. 627.7278, F.S.; defining

152 the term "minimum security requirements"; providing

153 requirements, applicability, and construction relating

154 to motor vehicle insurance policies as of a certain

155 date; requiring insurers to allow certain insureds to

156 make certain coverage changes, subject to certain

157 conditions; requiring an insurer to provide, by a

158 specified date, a specified notice to policyholders

159 relating to requirements under the act; creating s.

160 324.0222, F.S.; providing that driver license or

161 registration suspensions for failure to maintain

162 required security which were in effect before a

163 specified date remain in full force and effect;

164 providing that such suspended licenses or

165 registrations may be reinstated as provided in a

166 specified section; providing an appropriation;

167 providing effective dates.

168

169 Be It Enacted by the Legislature of the State of Florida:

170

171 Section 1. Sections 627.730, 627.731, 627.7311, 627.732,

172 627.733, 627.734, 627.736, 627.737, 627.739, 627.7401, 627.7403,

173 and 627.7405, Florida Statutes, which comprise the Florida Motor

174 Vehicle No-Fault Law, are repealed.

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

176 Section 3. Subsection (1) of section 316.646, Florida
177 Statutes, is amended to read:

178 316.646 Security required; proof of security and display
179 thereof.—

180 (1) Any person required by s. 324.022 to maintain liability
181 security for property damage, ~~liability security, required by s.~~
182 ~~324.023 to maintain liability security for bodily injury,~~ or
183 ~~death, or required by s. 627.733 to maintain personal injury~~
184 ~~protection security on a motor vehicle~~ shall have in his or her
185 immediate possession at all times while operating such motor
186 vehicle proper proof of maintenance of the ~~required~~ security
187 required under s. 324.021(7).

188 (a) Such proof must ~~shall~~ be in a uniform paper or
189 electronic format, as prescribed by the department, a valid
190 insurance policy, an insurance policy binder, a certificate of
191 insurance, or such other proof as may be prescribed by the
192 department.

193 (b)1. The act of presenting to a law enforcement officer an
194 electronic device displaying proof of insurance in an electronic
195 format does not constitute consent for the officer to access any
196 information on the device other than the displayed proof of
197 insurance.

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

200 Section 4. Paragraph (b) of subsection (2) of section
201 318.18, Florida Statutes, is amended to read:

202 318.18 Amount of penalties.—The penalties required for a
203 noncriminal disposition pursuant to s. 318.14 or a criminal

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204 offense listed in s. 318.17 are as follows:

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

207 (b) For all violations of ss. 320.0605, 320.07(1), 322.065,
208 and 322.15(1). A ~~Any~~ person who is cited for a violation of s.
209 320.07(1) shall be charged a delinquent fee pursuant to s.
210 320.07(4).

211 1. If a person who is cited for a violation of s. 320.0605
212 or s. 320.07 can show proof of having a valid registration at
213 the time of arrest, the clerk of the court may dismiss the case
214 and may assess a dismissal fee of up to \$10. A person who finds
215 it impossible or impractical to obtain a valid registration
216 certificate must submit an affidavit detailing the reasons for
217 the impossibility or impracticality. The reasons may include,
218 but are not limited to, the fact that the vehicle was sold,
219 stolen, or destroyed; that the state in which the vehicle is
220 registered does not issue a certificate of registration; or that
221 the vehicle is owned by another person.

222 2. If a person who is cited for a violation of s. 322.03,
223 s. 322.065, or s. 322.15 can show a driver license issued to him
224 or her and valid at the time of arrest, the clerk of the court
225 may dismiss the case and may assess a dismissal fee of up to
226 \$10.

227 3. If a person who is cited for a violation of s. 316.646
228 can show proof of security as required by s. 324.021(7) ~~s.~~
229 ~~627.733~~, issued to the person and valid at the time of arrest,
230 the clerk of the court may dismiss the case and may assess a
231 dismissal fee of up to \$10. A person who finds it impossible or
232 impractical to obtain proof of security must submit an affidavit

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233 detailing the reasons for the impracticality. The reasons may
234 include, but are not limited to, the fact that the vehicle has
235 since been sold, stolen, or destroyed; ~~that the owner or~~
236 ~~registrant of the vehicle is not required by s. 627.733 to~~
237 ~~maintain personal injury protection insurance;~~ or that the
238 vehicle is owned by another person.

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

241 320.02 Registration required; application for registration;
242 forms.-

243 (5) (a) Proof that bodily injury liability coverage and
244 property damage liability coverage ~~personal injury protection~~
245 ~~benefits~~ have been purchased if required under s. 324.022, s.
246 324.032, or s. 627.742 ~~s. 627.733, that property damage~~
247 ~~liability coverage has been purchased as required under s.~~
248 ~~324.022, that bodily injury liability ~~or death~~ coverage has been~~
249 purchased if required under s. 324.023, and that combined bodily
250 liability insurance and property damage liability insurance have
251 been purchased if required under s. 627.7415 must ~~shall~~ be
252 provided in the manner prescribed by law by the applicant at the
253 time of application for registration of any motor vehicle that
254 is subject to such requirements. The issuing agent may not ~~shall~~
255 ~~refuse to~~ issue registration if such proof of purchase is not
256 provided. Insurers shall furnish uniform proof-of-purchase cards
257 in a paper or electronic format in a form prescribed by the
258 department and include the name of the insured's insurance
259 company, the coverage identification number, and the make, year,
260 and vehicle identification number of the vehicle insured. The
261 card must contain a statement notifying the applicant of the

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262 penalty specified under s. 316.646(4). The card or insurance
263 policy, insurance policy binder, or certificate of insurance or
264 a photocopy of any of these; an affidavit containing the name of
265 the insured's insurance company, the insured's policy number,
266 and the make and year of the vehicle insured; or such other
267 proof as may be prescribed by the department constitutes ~~shall~~
268 ~~constitute~~ sufficient proof of purchase. If an affidavit is
269 provided as proof, it must be in substantially the following
270 form:

271
272 Under penalty of perjury, I ... (Name of insured)... do hereby
273 certify that I have ... (bodily injury liability and Personal
274 ~~Injury Protection~~, property damage liability, ~~and, if required,~~
275 ~~Bodily Injury Liability~~)... insurance currently in effect with
276 ... (Name of insurance company)... under ... (policy number)...
277 covering ... (make, year, and vehicle identification number of
278 vehicle).... ... (Signature of Insured)...

279
280 Such affidavit must include the following warning:

281
282 WARNING: GIVING FALSE INFORMATION IN ORDER TO OBTAIN A VEHICLE
283 REGISTRATION CERTIFICATE IS A CRIMINAL OFFENSE UNDER FLORIDA
284 LAW. ANYONE GIVING FALSE INFORMATION ON THIS AFFIDAVIT IS
285 SUBJECT TO PROSECUTION.

286
287 If an application is made through a licensed motor vehicle
288 dealer as required under s. 319.23, the original or a photocopy
289 ~~photostatic copy~~ of such card, insurance policy, insurance
290 policy binder, or certificate of insurance or the original

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291 affidavit from the insured must ~~shall~~ be forwarded by the dealer
292 to the tax collector of the county or the Department of Highway
293 Safety and Motor Vehicles for processing. By executing the
294 ~~aforsaid~~ affidavit, a ~~no~~ licensed motor vehicle dealer is not
295 ~~will be~~ liable in damages for any inadequacy, insufficiency, or
296 falsification of any statement contained therein. ~~A card must~~
297 ~~also indicate the existence of any bodily injury liability~~
298 ~~insurance voluntarily purchased.~~

299 (d) The verifying of ~~proof of personal injury protection~~
300 ~~insurance, proof of property damage liability insurance, proof~~
301 ~~of combined bodily liability insurance and property damage~~
302 ~~liability insurance, or~~ proof of financial responsibility
303 insurance and the issuance or failure to issue the motor vehicle
304 registration under ~~the provisions of~~ this chapter may not be
305 construed in any court as a warranty of the reliability or
306 accuracy of the evidence of such proof, or as meaning that the
307 provisions of any insurance policy furnished as proof of
308 financial responsibility comply with state law. Neither the
309 department nor any tax collector is liable in damages for any
310 inadequacy, insufficiency, falsification, or unauthorized
311 modification of any item of ~~the proof of personal injury~~
312 ~~protection insurance, proof of property damage liability~~
313 ~~insurance, proof of combined bodily liability insurance and~~
314 ~~property damage liability insurance, or~~ proof of financial
315 responsibility before ~~insurance prior to~~, during, or subsequent
316 to the verification of the proof. The issuance of a motor
317 vehicle registration does not constitute prima facie evidence or
318 a presumption of insurance coverage.

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

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320 320.0609, Florida Statutes, is amended to read:

321 320.0609 Transfer and exchange of registration license
322 plates; transfer fee.—

323 (1)

324 (b) The transfer of a license plate from a vehicle disposed
325 of to a newly acquired vehicle does not constitute a new
326 registration. The application for transfer shall be accepted
327 without requiring proof of ~~personal injury protection or~~
328 liability insurance.

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

332 320.27 Motor vehicle dealers.—

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

337 (g) "Garage liability insurance" means, beginning January
338 1, 2020, combined single-limit liability coverage, including
339 property damage and bodily injury liability coverage, in the
340 amount of at least \$60,000.

341 (3) APPLICATION AND FEE.—The ~~application for the license~~
342 application must shall be in such form as may be prescribed by
343 the department and is shall be subject to such rules with
344 ~~respect thereto~~ as may be so prescribed by the department it.
345 Such application must shall be verified by oath or affirmation
346 and must shall contain a full statement of the name and birth
347 date of the person or persons applying for the license therefor;
348 the name of the firm or copartnership, with the names and places

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349 of residence of all members ~~thereof~~, if such applicant is a firm
350 or copartnership; the names and places of residence of the
351 principal officers, if the applicant is a body corporate or
352 other artificial body; the name of the state under whose laws
353 the corporation is organized; the present and former place or
354 places of residence of the applicant; and the prior business in
355 which the applicant has been engaged and its ~~the~~ location
356 ~~thereof~~. The ~~Such~~ application must ~~shall~~ describe the exact
357 location of the place of business and must ~~shall~~ state whether
358 the place of business is owned by the applicant and when
359 acquired, or, if leased, a true copy of the lease must ~~shall~~ be
360 attached to the application. The applicant shall certify that
361 the location provides an adequately equipped office and is not a
362 residence; that the location affords sufficient unoccupied space
363 upon and within which adequately to store all motor vehicles
364 offered and displayed for sale; and that the location is a
365 suitable place where the applicant can in good faith carry on
366 such business and keep and maintain books, records, and files
367 necessary to conduct such business, which must ~~shall~~ be
368 available at all reasonable hours to inspection by the
369 department or any of its inspectors or other employees. The
370 applicant shall certify that the business of a motor vehicle
371 dealer is the principal business that will ~~which shall~~ be
372 conducted at that location. The application must ~~shall~~ contain a
373 statement that the applicant is either franchised by a
374 manufacturer of motor vehicles, in which case the name of each
375 motor vehicle that the applicant is franchised to sell must
376 ~~shall~~ be included, or an independent (nonfranchised) motor
377 vehicle dealer. The application must ~~shall~~ contain other

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378 relevant information as may be required by the department. The
379 applicant shall furnish, including evidence, in a form approved
380 by the department, that the applicant is insured under a garage
381 liability insurance policy or a general liability insurance
382 policy coupled with a business automobile policy having the
383 coverages and limits of the garage liability insurance coverage
384 in accordance with paragraph (1) (g), which shall include, at a
385 minimum, \$25,000 combined single-limit liability coverage
386 including bodily injury and property damage protection and
387 \$10,000 personal injury protection. However, a salvage motor
388 vehicle dealer as defined in subparagraph (1) (c)5. is exempt
389 from the requirements for garage liability insurance and
390 personal injury protection insurance on those vehicles that
391 cannot be legally operated on roads, highways, or streets in
392 this state. Franchise dealers must submit a garage liability
393 insurance policy, and all other dealers must submit a garage
394 liability insurance policy or a general liability insurance
395 policy coupled with a business automobile policy. Such policy
396 must shall be for the license period, and evidence of a new or
397 continued policy must shall be delivered to the department at
398 the beginning of each license period. Upon making an initial
399 application, the applicant shall pay to the department a fee of
400 \$300 in addition to any other fees required by law. Applicants
401 may choose to extend the licensure period for 1 additional year
402 for a total of 2 years. An initial applicant shall pay to the
403 department a fee of \$300 for the first year and \$75 for the
404 second year, in addition to any other fees required by law. An
405 applicant for renewal shall pay to the department \$75 for a 1-
406 year renewal or \$150 for a 2-year renewal, in addition to any

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407 other fees required by law. Upon making an application for a
408 change of location, the applicant ~~person~~ shall pay a fee of \$50
409 in addition to any other fees now required by law. The
410 department shall, in the case of every application for initial
411 licensure, verify whether certain facts set forth in the
412 application are true. Each applicant, general partner in the
413 case of a partnership, or corporate officer and director in the
414 case of a corporate applicant shall, ~~must~~ file a set of
415 fingerprints with the department for the purpose of determining
416 any prior criminal record or any outstanding warrants. The
417 department shall submit the fingerprints to the Department of
418 Law Enforcement for state processing and forwarding to the
419 Federal Bureau of Investigation for federal processing. The
420 actual cost of state and federal processing must ~~shall~~ be borne
421 by the applicant and is in addition to the fee for licensure.
422 The department may issue a license to an applicant pending the
423 results of the fingerprint investigation, which license is fully
424 revocable if the department subsequently determines that any
425 facts set forth in the application are not true or correctly
426 represented.

427 Section 8. Paragraph (j) of subsection (3) of section
428 320.771, Florida Statutes, is amended to read:

429 320.771 License required of recreational vehicle dealers.-

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

434 (j) A statement that the applicant is insured under a
435 garage liability insurance policy in accordance with s.

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436 ~~320.27(1)(g), which shall include, at a minimum, \$25,000~~
437 ~~combined single limit liability coverage, including bodily~~
438 ~~injury and property damage protection, and \$10,000 personal~~
439 ~~injury protection,~~ if the applicant is to be licensed as a
440 dealer in, or intends to sell, recreational vehicles.

441
442 The department shall, if it deems necessary, cause an
443 investigation to be made to ascertain if the facts set forth in
444 the application are true and shall not issue a license to the
445 applicant until it is satisfied that the facts set forth in the
446 application are true.

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

449 322.251 Notice of cancellation, suspension, revocation, or
450 disqualification of license.—

451 (1) All orders of cancellation, suspension, revocation, or
452 disqualification issued under ~~the provisions of this chapter,~~
453 chapter 318, or chapter 324 must, ~~or ss. 627.732-627.734 shall~~
454 be given either by personal delivery thereof to the licensee
455 whose license is being canceled, suspended, revoked, or
456 disqualified or by deposit in the United States mail in an
457 envelope, first class, postage prepaid, addressed to the
458 licensee at his or her last known mailing address furnished to
459 the department. Such mailing by the department constitutes
460 notification, and any failure by the person to receive the
461 mailed order will not affect or stay the effective date or term
462 of the cancellation, suspension, revocation, or disqualification
463 of the licensee's driving privilege.

464 (2) The giving of notice and an order of cancellation,

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465 suspension, revocation, or disqualification by mail is complete
466 upon expiration of 20 days after deposit in the United States
467 mail for all notices except those issued under chapter 324 ~~or~~
468 ~~ss. 627.732-627.734~~, which are complete 15 days after deposit in
469 the United States mail. Proof of the giving of notice and an
470 order of cancellation, suspension, revocation, or
471 disqualification in either manner must ~~shall~~ be made by entry in
472 the records of the department that such notice was given. The
473 entry is admissible in the courts of this state and constitutes
474 sufficient proof that such notice was given.

475 Section 10. Paragraph (a) of subsection (8) of section
476 322.34, Florida Statutes, is amended to read:

477 322.34 Driving while license suspended, revoked, canceled,
478 or disqualified.—

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

482 1. Whether the person's driver license is suspended or
483 revoked.

484 2. Whether the person's driver license has remained
485 suspended or revoked since a conviction for the offense of
486 driving with a suspended or revoked license.

487 3. Whether the suspension or revocation was made under s.
488 316.646 ~~or s. 627.733~~, relating to failure to maintain required
489 security, or under s. 322.264, relating to habitual traffic
490 offenders.

491 4. Whether the driver is the registered owner or coowner of
492 the vehicle.

493 Section 11. Section 324.011, Florida Statutes, is amended

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494 to read:

495 324.011 Legislative intent and purpose of chapter.—It is
496 the Legislature's intent of this chapter to ensure that the
497 privilege of owning or operating a motor vehicle in this state
498 is exercised ~~recognize the existing privilege to own or operate~~
499 ~~a motor vehicle on the public streets and highways of this state~~
500 ~~when such vehicles are used with due consideration for others'~~
501 safety ~~others~~ and their property, ~~and~~ to promote safety, and to
502 provide financial security requirements for ~~such~~ owners and ~~or~~
503 operators whose responsibility it is to recompense others for
504 injury to person or property caused by the operation of a motor
505 vehicle. Therefore, this chapter requires that every owner or
506 operator of a motor vehicle required to be registered in this
507 state establish, maintain, and ~~it is required herein that the~~
508 ~~operator of a motor vehicle involved in a crash or convicted of~~
509 ~~certain traffic offenses meeting the operative provisions of s.~~
510 ~~324.051(2) shall respond for such damages and show proof of~~
511 financial ability to respond for damages arising out of the
512 ownership, maintenance, or use of a motor vehicle in future
513 ~~accidents~~ as a requisite to owning or operating a motor vehicle
514 in this state ~~his or her future exercise of such privileges.~~

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

518 324.021 Definitions; minimum insurance required.—The
519 following words and phrases when used in this chapter shall, for
520 the purpose of this chapter, have the meanings respectively
521 ascribed to them in this section, except in those instances
522 where the context clearly indicates a different meaning:

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523 (1) MOTOR VEHICLE.—Every self-propelled vehicle that is
524 designed and required to be licensed for use upon a highway,
525 including trailers and semitrailers designed for use with such
526 vehicles, except traction engines, road rollers, farm tractors,
527 power shovels, and well drillers, and every vehicle that is
528 propelled by electric power obtained from overhead wires but not
529 operated upon rails, but not including any personal delivery
530 device or mobile carrier as defined in s. 316.003, bicycle, or
531 moped. ~~However, the term "motor vehicle" does not include a~~
532 ~~motor vehicle as defined in s. 627.732(3) when the owner of such~~
533 ~~vehicle has complied with the requirements of ss. 627.730-~~
534 ~~627.7405, inclusive, unless the provisions of s. 324.051 apply,~~
535 ~~and, in such case, the applicable proof of insurance provisions~~
536 ~~of s. 320.02 apply.~~

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

541 (a) Beginning January 1, 2020, with respect to a motor
542 vehicle that is not a commercial motor vehicle, nonpublic sector
543 bus, or for-hire passenger transportation vehicle, in the amount
544 of:

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

548 ~~(b)~~ subject to such limits for one person, in the amount of
549 \$50,000 for ~~\$20,000 because of~~ bodily injury to, or the death
550 of, two or more persons in any one crash; and

551 2. (c) Ten thousand dollars for damage ~~In the amount of~~

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552 ~~\$10,000 because of injury to, or destruction of, property of~~
553 ~~others in any one crash.~~ and

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

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

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

561 (9) OWNER; OWNER/LESSOR.—

562 (c) *Application.*—

563 1. The limits on liability in subparagraphs (b)2. and 3. do
564 not apply to an owner of motor vehicles that are used for
565 commercial activity in the owner's ordinary course of business,
566 other than a rental company that rents or leases motor vehicles.
567 For purposes of this paragraph, the term "rental company"
568 includes only an entity that is engaged in the business of
569 renting or leasing motor vehicles to the general public and that
570 rents or leases a majority of its motor vehicles to persons with
571 no direct or indirect affiliation with the rental company. The
572 term also includes a motor vehicle dealer that provides
573 temporary replacement vehicles to its customers for up to 10
574 days. The term "rental company" also includes:

575 a. A related rental or leasing company that is a subsidiary
576 of the same parent company as that of the renting or leasing
577 company that rented or leased the vehicle.

578 b. The holder of a motor vehicle title or an equity
579 interest in a motor vehicle title if the title or equity
580 interest is held pursuant to or to facilitate an asset-backed

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581 securitization of a fleet of motor vehicles used solely in the
582 business of renting or leasing motor vehicles to the general
583 public and under the dominion and control of a rental company,
584 as described in this subparagraph, in the operation of such
585 rental company's business.

586 2. Furthermore, with respect to commercial motor vehicles
587 as defined in s. 207.002 or s. 320.01 ~~s. 627.732~~, the limits on
588 liability in subparagraphs (b)2. and 3. do not apply if, at the
589 time of the incident, the commercial motor vehicle is being used
590 in the transportation of materials found to be hazardous for the
591 purposes of the Hazardous Materials Transportation Authorization
592 Act of 1994, as amended, 49 U.S.C. ss. 5101 et seq., and that is
593 required pursuant to such act to carry placards warning others
594 of the hazardous cargo, unless at the time of lease or rental
595 either:

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

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

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

608 Section 13. Section 324.022, Florida Statutes, is amended
609 to read:

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610 324.022 Financial responsibility requirements ~~for property~~
611 ~~damage.~~—

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

617 1. Twenty-five thousand dollars for bodily injury to, or
618 the death of, one person in any one crash and, subject to such
619 limits for one person, in the amount of \$50,000 for bodily
620 injury to, or the death of, two or more persons in any one
621 crash; and

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

624 (b) The requirements of paragraph (a) ~~this section~~ may be
625 met by one of the methods established in s. 324.031; by self-
626 insuring as authorized by s. 768.28(16); or by maintaining a
627 motor vehicle liability insurance policy that ~~an insurance~~
628 ~~policy providing coverage for property damage liability in the~~
629 ~~amount of at least \$10,000 because of damage to, or destruction~~
630 ~~of, property of others in any one accident arising out of the~~
631 ~~use of the motor vehicle. The requirements of this section may~~
632 ~~also be met by having a policy which provides~~ combined property
633 damage liability and bodily injury liability coverage for any
634 one crash arising out of the ownership, maintenance, or use of a
635 motor vehicle which conforms to the requirements of s. 324.151
636 in the amount of at least \$60,000 for every owner or operator
637 subject to the financial responsibility required in paragraph
638 (a) ~~\$30,000 for combined property damage liability and bodily~~

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639 ~~injury liability for any one crash arising out of the use of the~~
640 ~~motor vehicle. The policy, with respect to coverage for property~~
641 ~~damage liability, must meet the applicable requirements of s.~~
642 ~~324.151, subject to the usual policy exclusions that have been~~
643 ~~approved in policy forms by the Office of Insurance Regulation.~~
644 ~~No insurer shall have any duty to defend uncovered claims~~
645 ~~irrespective of their joinder with covered claims.~~

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

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

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

653 2. A motor vehicle that is used in mass transit and
654 designed to transport more than five passengers, exclusive of
655 the operator of the motor vehicle, and that is owned by a
656 municipality, transit authority, or political subdivision of the
657 state.

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

660 4. A commercial motor vehicle as defined in s. 207.002 or
661 s. 320.01, which must maintain security as required under ss.
662 324.031 and 627.7415.

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

665 ~~6.4. A vehicle providing for-hire passenger transportation~~
666 ~~vehicle, which must that is subject to the provisions of s.~~
667 ~~324.031. A taxicab shall maintain security as required under s.~~

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668 324.032 ~~s. 324.032(1)~~.

669 ~~7.5~~. A personal delivery device as defined in s. 316.003.

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

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

680 (4) An ~~The~~ owner or registrant of a motor vehicle who is
681 ~~exempt from the requirements of this section if she or he is a~~
682 member of the United States Armed Forces and is called to or on
683 active duty outside the United States in an emergency situation
684 is exempt from this section while he or she. ~~The exemption~~
685 ~~provided by this subsection applies only as long as the member~~
686 ~~of the Armed Forces is on such active duty.~~ This exemption
687 ~~outside the United States and applies only while the vehicle~~
688 covered by the security is not operated by any person. Upon
689 receipt of a written request by the insured to whom the
690 exemption provided in this subsection applies, the insurer shall
691 cancel the coverages and return any unearned premium or suspend
692 the security required by this section. Notwithstanding s.
693 324.0221(2) ~~s. 324.0221(3)~~, the department may not suspend the
694 registration or operator's license of an ~~any~~ owner or registrant
695 of a motor vehicle during the time she or he qualifies for the
696 ~~an~~ exemption under this subsection. An ~~Any~~ owner or registrant

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697 of a motor vehicle who qualifies for the ~~an~~ exemption under this
698 subsection shall immediately notify the department before ~~prior~~
699 ~~to~~ and at the end of the expiration of the exemption.

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

702 324.0221 Reports by insurers to the department; suspension
703 of driver license and vehicle registrations; reinstatement.—

704 (1) (a) Each insurer that has issued a policy providing
705 ~~personal injury protection coverage or property damage~~ liability
706 coverage shall report the cancellation or nonrenewal thereof to
707 the department within 10 days after the processing date or
708 effective date of each cancellation or nonrenewal. Upon the
709 issuance of a policy providing ~~personal injury protection~~
710 ~~coverage or property damage~~ liability coverage to a named
711 insured not previously insured by the insurer during that
712 calendar year, the insurer shall report the issuance of the new
713 policy to the department within 10 days. The report must ~~shall~~
714 be in the form ~~and format~~ and contain any information required
715 by the department and must be provided in a format that is
716 compatible with the data processing capabilities of the
717 department. Failure by an insurer to file proper reports with
718 the department as required by this subsection constitutes a
719 violation of the Florida Insurance Code. These records may ~~shall~~
720 be used by the department only for enforcement and regulatory
721 purposes, including the generation by the department of data
722 regarding compliance by owners of motor vehicles with the
723 requirements for financial responsibility coverage.

724 (b) With respect to an insurance policy providing ~~personal~~
725 ~~injury protection coverage or property damage~~ liability

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726 coverage, each insurer shall notify the named insured, or the
727 first-named insured in the case of a commercial fleet policy, in
728 writing that any cancellation or nonrenewal of the policy will
729 be reported by the insurer to the department. The notice must
730 also inform the named insured that failure to maintain bodily
731 injury liability ~~personal injury protection~~ coverage and
732 property damage liability coverage on a motor vehicle when
733 required by law may result in the loss of registration and
734 driving privileges in this state and inform the named insured of
735 the amount of the reinstatement fees required by this section.
736 This notice is for informational purposes only, and an insurer
737 is not civilly liable for failing to provide this notice.

738 (2) The department shall suspend, after due notice and an
739 opportunity to be heard, the registration and driver license of
740 any owner or registrant of a motor vehicle for ~~with respect to~~
741 which security is required under s. 324.022, s. 324.032, s.
742 627.7415, or s. 627.742 ~~ss. 324.022 and 627.733~~ upon:

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

747 (b) Notification by the insurer to the department, in a
748 form approved by the department, of cancellation or termination
749 of the required security.

750 Section 15. Section 324.023, Florida Statutes, is amended
751 to read:

752 324.023 Financial responsibility for bodily injury or
753 death.—In addition to any other financial responsibility
754 required by law, every owner or operator of a motor vehicle that

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755 is required to be registered in this state, or that is located
 756 within this state, and who, regardless of adjudication of guilt,
 757 has been found guilty of or entered a plea of guilty or nolo
 758 contendere to a charge of driving under the influence under s.
 759 316.193 after October 1, 2007, shall, by one of the methods
 760 established in s. 324.031(1) (a) or (b) ~~s. 324.031(1) or (2)~~,
 761 establish and maintain the ability to respond in damages for
 762 liability on account of accidents arising out of the use of a
 763 motor vehicle in the amount of \$100,000 because of bodily injury
 764 to, or death of, one person in any one crash and, subject to
 765 such limits for one person, in the amount of \$300,000 because of
 766 bodily injury to, or death of, two or more persons in any one
 767 crash and in the amount of \$50,000 because of property damage in
 768 any one crash. If the owner or operator chooses to establish and
 769 maintain such ability by furnishing a certificate of deposit
 770 pursuant to s. 324.031(1) (b) ~~s. 324.031(2)~~, such certificate of
 771 deposit must be at least \$350,000. Such higher limits must be
 772 carried for a minimum period of 3 years. If the owner or
 773 operator has not been convicted of driving under the influence
 774 or a felony traffic offense for a period of 3 years from the
 775 date of reinstatement of driving privileges for a violation of
 776 s. 316.193, the owner or operator shall be exempt from this
 777 section.

778 Section 16. Section 324.031, Florida Statutes, is amended
 779 to read:

780 324.031 Manner of proving financial responsibility.—

781 (1) ~~The owner or operator of a taxicab, limousine, jitney,~~
 782 ~~or any other for-hire passenger transportation vehicle may prove~~
 783 ~~financial responsibility by providing satisfactory evidence of~~

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784 ~~holding a motor vehicle liability policy as defined in s.~~
785 ~~324.021(8) or s. 324.151, which policy is issued by an insurance~~
786 ~~carrier which is a member of the Florida Insurance Guaranty~~
787 ~~Association.~~ The operator or owner of a motor vehicle other than
788 a for-hire passenger transportation vehicle ~~any other vehicle~~
789 may prove his or her financial responsibility by:

790 (a) ~~(1)~~ Furnishing satisfactory evidence of holding a motor
791 vehicle liability policy as defined in ss. 324.021(8) and
792 324.151;

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

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

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

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

807 1. One hundred twenty-five thousand dollars for bodily
808 injury to, or the death of, one person in any one crash and,
809 subject to such limits for one person, in the amount of \$250,000
810 for bodily injury to, or the death of, two or more persons in
811 any one crash, and \$50,000 for damage to, or destruction of,
812 property of others in any one crash; or

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813 2. Three hundred thousand dollars for combined bodily
814 injury liability and property damage liability for any one crash
815 \$10,000/20,000/10,000 or \$30,000 combined single limits, and
816 such excess insurance shall provide minimum limits of
817 \$125,000/250,000/50,000 or \$300,000 combined single limits.
818 ~~These increased limits shall not affect the requirements for~~
819 ~~proving financial responsibility under s. 324.032(1).~~

820 Section 17. Section 324.032, Florida Statutes, is amended
821 to read:

822 324.032 ~~Manner of proving~~ Financial responsibility for
823 for-hire passenger transportation vehicles. ~~Notwithstanding the~~
824 ~~provisions of s. 324.031:~~

825 (1) An owner or lessee of a for-hire passenger
826 transportation vehicle that is required to be registered in this
827 state shall establish and continuously maintain the ability to
828 respond in damages for liability on account of accidents arising
829 out of the ownership, maintenance, or use of the for-hire
830 passenger transportation vehicle, in the amount of:

831 (a) One hundred twenty-five thousand dollars for bodily
832 injury to, or the death of, one person in any one crash and,
833 subject to such limits for one person, in the amount of \$250,000
834 for bodily injury to, or the death of, two or more persons in
835 any one crash; and ~~A person who is either the owner or a lessee~~
836 ~~required to maintain insurance under s. 627.733(1) (b) and who~~
837 ~~operates one or more taxicabs, limousines, jitneys, or any other~~
838 ~~for-hire passenger transportation vehicles may prove financial~~
839 ~~responsibility by furnishing satisfactory evidence of holding a~~
840 ~~motor vehicle liability policy, but with minimum limits of~~
841 ~~\$125,000/250,000/50,000.~~

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842 (b) Fifty thousand dollars for damage to, or destruction
843 of, property of others in any one crash ~~A person who is either~~
844 ~~the owner or a lessee required to maintain insurance under s.~~
845 ~~324.021(9) (b) and who operates limousines, jitneys, or any other~~
846 ~~for-hire passenger vehicles, other than taxicabs, may prove~~
847 ~~financial responsibility by furnishing satisfactory evidence of~~
848 ~~holding a motor vehicle liability policy as defined in s.~~
849 ~~324.031.~~

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

856 ~~(3)(2)~~ An owner or a lessee who is required to maintain
857 ~~insurance under s. 324.021(9) (b) and who operates at least 300~~
858 ~~taxicabs, limousines, jitneys, or any other for-hire passenger~~
859 ~~transportation vehicles may provide financial responsibility by~~
860 ~~complying with the provisions of s. 324.171, which must~~ such
861 ~~compliance~~ to be demonstrated by maintaining at its principal
862 place of business an audited financial statement, prepared in
863 accordance with generally accepted accounting principles, and
864 providing to the department a certification issued by a
865 certified public accountant that the applicant's net worth is at
866 least equal to the requirements of s. 324.171 as determined by
867 the Office of Insurance Regulation of the Financial Services
868 Commission, including claims liabilities in an amount certified
869 as adequate by a Fellow of the Casualty Actuarial Society.

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871 Upon request by the department, the applicant shall ~~must~~ provide
872 the department at the applicant's principal place of business in
873 this state access to the applicant's underlying financial
874 information and financial statements that provide the basis of
875 the certified public accountant's certification. The applicant
876 shall reimburse the requesting department for all reasonable
877 costs incurred by it in reviewing the supporting information.
878 The maximum amount of self-insurance permissible under this
879 subsection is \$300,000 and must be stated on a per-occurrence
880 basis, and the applicant shall maintain adequate excess
881 insurance issued by an authorized or eligible insurer licensed
882 or approved by the Office of Insurance Regulation. All risks
883 self-insured shall remain with the owner or lessee providing it,
884 and the risks are not transferable to any other person, unless a
885 policy complying with subsections (1) and (2) ~~subsection (1)~~ is
886 obtained.

887 Section 18. Paragraph (b) of subsection (2) of section
888 324.051, Florida Statutes, is amended to read:

889 324.051 Reports of crashes; suspensions of licenses and
890 registrations.—

891 (2)

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

893 1. To such operator or owner if such operator or owner had
894 in effect at the time of such crash or traffic conviction a
895 motor vehicle ~~an automobile~~ liability policy with respect to all
896 of the registered motor vehicles owned by such operator or
897 owner.

898 2. To such operator, if not the owner of such motor
899 vehicle, if there was in effect at the time of such crash or

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900 traffic conviction a motor vehicle ~~an automobile~~ liability
901 policy or bond with respect to his or her operation of motor
902 vehicles not owned by him or her.

903 3. To such operator or owner if the liability of such
904 operator or owner for damages resulting from such crash is, in
905 the judgment of the department, covered by any other form of
906 liability insurance or bond.

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

910
911 No such policy or bond shall be effective under this subsection
912 unless it contains limits of not less than those specified in s.
913 324.021(7).

914 Section 19. Section 324.071, Florida Statutes, is amended
915 to read:

916 324.071 Reinstatement; renewal of license; reinstatement
917 fee.—~~An~~ Any operator or owner whose license or registration has
918 been suspended pursuant to s. 324.051(2), s. 324.072, s.
919 324.081, or s. 324.121 may effect its reinstatement upon
920 compliance with ~~the provisions of~~ s. 324.051(2)(a)3. or 4., or
921 s. 324.081(2) and (3), as the case may be, and with one of the
922 provisions of s. 324.031 and upon payment to the department of a
923 nonrefundable reinstatement fee of \$15. Only one such fee may
924 ~~shall~~ be paid by any one person regardless ~~irrespective~~ of the
925 number of licenses and registrations to be then reinstated or
926 issued to such person. ~~All~~ Such fees must ~~shall~~ be deposited to
927 a department trust fund. If ~~When~~ the reinstatement of any
928 license or registration is effected by compliance with s.

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929 324.051(2)(a)3. or 4., the department may ~~shall~~ not renew the
930 license or registration within ~~a period of 3 years~~ after ~~from~~
931 such reinstatement, nor may ~~shall~~ any other license or
932 registration be issued in the name of such person, unless the
933 operator continues ~~is continuing~~ to comply with ~~one of the~~
934 ~~provisions of s. 324.031.~~

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

937 324.091 Notice to department; notice to insurer.-

938 (1) Each owner and operator involved in a crash or
939 conviction case within the purview of this chapter shall furnish
940 evidence of ~~automobile liability insurance~~ or motor vehicle
941 liability insurance within 14 days after the date of the mailing
942 of notice of crash by the department in the form and manner as
943 it may designate. Upon receipt of evidence that a ~~an automobile~~
944 ~~liability policy~~ or motor vehicle liability policy was in effect
945 at the time of the crash or conviction case, the department
946 shall forward to the insurer such information for verification
947 in a method as determined by the department. The insurer shall
948 respond to the department within 20 days after the notice as to
949 whether ~~or not~~ such information is valid. If the department
950 determines that a ~~an automobile liability policy~~ or motor
951 vehicle liability policy was not in effect and did not provide
952 coverage for both the owner and the operator, it must ~~shall~~ take
953 action as it is authorized to do under this chapter.

954 Section 21. Section 324.151, Florida Statutes, is amended
955 to read:

956 324.151 Motor vehicle liability policies; required
957 provisions.-

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958 (1) A motor vehicle liability policy that serves as ~~to be~~
959 proof of financial responsibility under s. 324.031(1)(a) must ~~s.~~
960 ~~324.031(1), shall~~ be issued to owners or operators of motor
961 vehicles under the following provisions:

962 (a) A motor vehicle ~~An owner's~~ liability insurance policy
963 issued to an owner of a motor vehicle registered in this state
964 must ~~shall~~ designate by explicit description or by appropriate
965 reference all motor vehicles for ~~with respect to~~ which coverage
966 is thereby granted. The policy must ~~and shall~~ insure the person
967 or persons ~~owner~~ named therein, and, except for a named driver
968 excluded under s. 627.747, must insure any other person as
969 operator using such motor vehicle or motor vehicles with the
970 express or implied permission of such owner against loss from
971 the liability imposed by law for damage arising out of the
972 ownership, maintenance, or use of any ~~such~~ motor vehicle or
973 motor vehicles within the United States or ~~the Dominion of~~
974 Canada, subject to limits, exclusive of interest and costs with
975 respect to each such motor vehicle, as is provided for under s.
976 324.021(7). Insurers may make available, with respect to
977 property damage liability coverage, a deductible amount not to
978 exceed \$500. In the event of a property damage loss covered by a
979 policy containing a property damage deductible provision, the
980 insurer shall pay to the third-party claimant the amount of any
981 property damage liability settlement or judgment, subject to
982 policy limits, as if no deductible existed.

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

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987 vehicle not owned by him or her, with the same territorial
988 limits and subject to the same limits of liability as referred
989 to above with respect to an owner's policy of liability
990 insurance.

991 (c) All such motor vehicle liability policies must ~~shall~~
992 state the name and address of the named insured, the coverage
993 afforded by the policy, the premium charged therefor, the policy
994 period, and the limits of liability, and must ~~shall~~ contain an
995 agreement or be endorsed that insurance is provided in
996 accordance with the coverage defined in this chapter ~~as respects~~
997 ~~bodily injury and death or property damage or both~~ and is
998 subject to ~~all provisions of~~ this chapter. The ~~Said~~ policies
999 must ~~shall~~ also contain a provision that the satisfaction by an
1000 insured of a judgment for such injury or damage may ~~shall~~ not be
1001 a condition precedent to the right or duty of the insurance
1002 carrier to make payment on account of such injury or damage, and
1003 must ~~shall~~ also contain a provision that bankruptcy or
1004 insolvency of the insured or of the insured's estate may ~~shall~~
1005 not relieve the insurance carrier of any of its obligations
1006 under the ~~said~~ policy.

1007 (2) ~~The provisions of~~ This section is ~~shall~~ not be
1008 applicable to any motor vehicle ~~automobile~~ liability policy
1009 unless and until it is furnished as proof of financial
1010 responsibility for the future pursuant to s. 324.031, and then
1011 applies only from ~~and after~~ the date the ~~said~~ policy is ~~so~~
1012 furnished.

1013 Section 22. Section 627.747, Florida Statutes, is created
1014 to read:

1015 627.747 Named driver exclusion.-

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1016 (1) A private passenger motor vehicle policy may exclude an
1017 identified individual from the following coverages while the
1018 identified individual is operating a motor vehicle, provided
1019 that the identified individual is specifically excluded by name
1020 on the declarations page or by endorsement, and a policyholder
1021 consents in writing to such exclusion:

1022 (a) Property damage liability coverage.

1023 (b) Bodily injury liability coverage.

1024 (c) Uninsured motorist coverage for any damages sustained
1025 by the identified excluded individual, if the policyholder has
1026 purchased such coverage.

1027 (d) Any coverage the policyholder is not required by law to
1028 purchase.

1029 (2) A private passenger motor vehicle policy may not
1030 exclude coverage when:

1031 (a) The identified excluded individual is injured while not
1032 operating a motor vehicle;

1033 (b) The exclusion is unfairly discriminatory under the
1034 Florida Insurance Code, as determined by the office; or

1035 (c) The exclusion is inconsistent with the underwriting
1036 rules filed by the insurer pursuant to s. 627.0651(13)(a).

1037 Section 23. Section 324.161, Florida Statutes, is amended
1038 to read:

1039 324.161 Proof of financial responsibility; deposit.—If a
1040 person elects to prove his or her financial responsibility under
1041 the method of proof specified in s. 324.031(1)(b), he or she
1042 annually must obtain and submit to the department proof of a
1043 certificate of deposit in the amount required under s.
1044 324.031(2) from a financial institution insured by the Federal

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1045 Deposit Insurance Corporation or the National Credit Union
 1046 Administration ~~Annually, before any certificate of insurance may~~
 1047 ~~be issued to a person, including any firm, partnership,~~
 1048 ~~association, corporation, or other person, other than a natural~~
 1049 ~~person, proof of a certificate of deposit of \$30,000 issued and~~
 1050 ~~held by a financial institution must be submitted to the~~
 1051 ~~department.~~ A power of attorney will be issued to and held by
 1052 the department and may be executed upon a judgment issued
 1053 against such person making the deposit, for damages for ~~because~~
 1054 ~~of~~ bodily injury to or death of any person or for damages for
 1055 ~~because of~~ injury to or destruction of property resulting from
 1056 the use or operation of any motor vehicle occurring after such
 1057 deposit was made. Money so deposited is ~~shall~~ not ~~be~~ subject to
 1058 attachment or execution unless such attachment or execution
 1059 arises ~~shall arise~~ out of a lawsuit ~~suit~~ for such damages as
 1060 ~~aforsaid.~~

1061 Section 24. Subsections (1) and (2) of section 324.171,
 1062 Florida Statutes, are amended to read:

1063 324.171 Self-insurer.—

1064 (1) A ~~Any~~ person may qualify as a self-insurer by obtaining
 1065 a certificate of self-insurance from the department. ~~which may,~~
 1066 ~~in its discretion and~~ Upon application of such a person, the
 1067 department may issue a ~~said~~ certificate of self-insurance to an
 1068 applicant who satisfies ~~when such person has satisfied~~ the
 1069 requirements of this section. Effective January 1, 2020 ~~to~~
 1070 ~~qualify as a self-insurer under this section:~~

1071 (a) A private individual with private passenger vehicles
 1072 shall possess a net unencumbered worth of at least \$100,000
 1073 ~~\$40,000.~~

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1074 (b) A person, including any firm, partnership, association,
1075 corporation, or other person, other than a natural person,
1076 shall:

1077 1. Possess a net unencumbered worth of at least \$100,000
1078 ~~\$40,000~~ for the first motor vehicle and \$50,000 ~~\$20,000~~ for each
1079 additional motor vehicle; or

1080 2. Maintain sufficient net worth, in an amount determined
1081 by the department, to be financially responsible for potential
1082 losses. The department annually shall determine the minimum net
1083 worth sufficient to satisfy this subparagraph as determined
1084 annually by the department, pursuant to rules adopted
1085 ~~promulgated~~ by the department, with the assistance of the Office
1086 of Insurance Regulation of the Financial Services Commission, ~~to~~
1087 ~~be financially responsible for potential losses.~~ The rules must
1088 consider any ~~shall take into consideration~~ excess insurance
1089 carried by the applicant. The department's determination must
1090 ~~shall~~ be based upon reasonable actuarial principles considering
1091 the frequency, severity, and loss development of claims incurred
1092 by casualty insurers writing coverage on the type of motor
1093 vehicles for which a certificate of self-insurance is desired.

1094 (c) The owner of a commercial motor vehicle, as defined in
1095 s. 207.002 or s. 320.01, may qualify as a self-insurer subject
1096 to the standards provided ~~for~~ in subparagraph (b)2.

1097 (2) The self-insurance certificate must ~~shall~~ provide
1098 limits of liability insurance in the amounts specified under s.
1099 324.021(7) ~~or s. 627.7415~~ and ~~shall provide personal injury~~
1100 ~~protection coverage under s. 627.733(3)(b).~~

1101 Section 25. Section 324.251, Florida Statutes, is amended
1102 to read:

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1103 324.251 Short title.—This chapter may be cited as the
1104 “Financial Responsibility Law of 2019 ~~1955~~” and is ~~shall become~~
1105 effective at 12:01 a.m., January 1, 2020 ~~October 1, 1955~~.

1106 Section 26. Subsection (4) of section 400.9905, Florida
1107 Statutes, is amended to read:

1108 400.9905 Definitions.—

1109 (4) (a) “Clinic” means an entity where health care services
1110 are provided to individuals and which tenders charges for
1111 reimbursement for such services, including a mobile clinic and a
1112 portable equipment provider. As used in this part, the term does
1113 not include and the licensure requirements of this part do not
1114 apply to:

1115 1. ~~(a)~~ Entities licensed or registered by the state under
1116 chapter 395; entities licensed or registered by the state and
1117 providing only health care services within the scope of services
1118 authorized under their respective licenses under ss. 383.30-
1119 383.332, chapter 390, chapter 394, chapter 397, this chapter
1120 except part X, chapter 429, chapter 463, chapter 465, chapter
1121 466, chapter 478, chapter 484, or chapter 651; end-stage renal
1122 disease providers authorized under 42 C.F.R. part 405, subpart
1123 U; providers certified under 42 C.F.R. part 485, subpart B or
1124 subpart H; or any entity that provides neonatal or pediatric
1125 hospital-based health care services or other health care
1126 services by licensed practitioners solely within a hospital
1127 licensed under chapter 395.

1128 2. ~~(b)~~ Entities that own, directly or indirectly, entities
1129 licensed or registered by the state pursuant to chapter 395;
1130 entities that own, directly or indirectly, entities licensed or
1131 registered by the state and providing only health care services

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1132 within the scope of services authorized pursuant to their
1133 respective licenses under ss. 383.30-383.332, chapter 390,
1134 chapter 394, chapter 397, this chapter except part X, chapter
1135 429, chapter 463, chapter 465, chapter 466, chapter 478, chapter
1136 484, or chapter 651; end-stage renal disease providers
1137 authorized under 42 C.F.R. part 405, subpart U; providers
1138 certified under 42 C.F.R. part 485, subpart B or subpart H; or
1139 any entity that provides neonatal or pediatric hospital-based
1140 health care services by licensed practitioners solely within a
1141 hospital licensed under chapter 395.

1142 3.~~(e)~~ Entities that are owned, directly or indirectly, by
1143 an entity licensed or registered by the state pursuant to
1144 chapter 395; entities that are owned, directly or indirectly, by
1145 an entity licensed or registered by the state and providing only
1146 health care services within the scope of services authorized
1147 pursuant to their respective licenses under ss. 383.30-383.332,
1148 chapter 390, chapter 394, chapter 397, this chapter except part
1149 X, chapter 429, chapter 463, chapter 465, chapter 466, chapter
1150 478, chapter 484, or chapter 651; end-stage renal disease
1151 providers authorized under 42 C.F.R. part 405, subpart U;
1152 providers certified under 42 C.F.R. part 485, subpart B or
1153 subpart H; or any entity that provides neonatal or pediatric
1154 hospital-based health care services by licensed practitioners
1155 solely within a hospital under chapter 395.

1156 4.~~(d)~~ Entities that are under common ownership, directly or
1157 indirectly, with an entity licensed or registered by the state
1158 pursuant to chapter 395; entities that are under common
1159 ownership, directly or indirectly, with an entity licensed or
1160 registered by the state and providing only health care services

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1161 within the scope of services authorized pursuant to their
1162 respective licenses under ss. 383.30-383.332, chapter 390,
1163 chapter 394, chapter 397, this chapter except part X, chapter
1164 429, chapter 463, chapter 465, chapter 466, chapter 478, chapter
1165 484, or chapter 651; end-stage renal disease providers
1166 authorized under 42 C.F.R. part 405, subpart U; providers
1167 certified under 42 C.F.R. part 485, subpart B or subpart H; or
1168 any entity that provides neonatal or pediatric hospital-based
1169 health care services by licensed practitioners solely within a
1170 hospital licensed under chapter 395.

1171 5.~~(e)~~ An entity that is exempt from federal taxation under
1172 26 U.S.C. s. 501(c) (3) or (4), an employee stock ownership plan
1173 under 26 U.S.C. s. 409 that has a board of trustees at least
1174 two-thirds of which are Florida-licensed health care
1175 practitioners and provides only physical therapy services under
1176 physician orders, any community college or university clinic,
1177 and any entity owned or operated by the federal or state
1178 government, including agencies, subdivisions, or municipalities
1179 thereof.

1180 6.~~(f)~~ A sole proprietorship, group practice, partnership,
1181 or corporation that provides health care services by physicians
1182 covered by s. 627.419, that is directly supervised by one or
1183 more of such physicians, and that is wholly owned by one or more
1184 of those physicians or by a physician and the spouse, parent,
1185 child, or sibling of that physician.

1186 7.~~(g)~~ A sole proprietorship, group practice, partnership,
1187 or corporation that provides health care services by licensed
1188 health care practitioners under chapter 457, chapter 458,
1189 chapter 459, chapter 460, chapter 461, chapter 462, chapter 463,

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1190 chapter 466, chapter 467, chapter 480, chapter 484, chapter 486,
1191 chapter 490, chapter 491, or part I, part III, part X, part
1192 XIII, or part XIV of chapter 468, or s. 464.012, and that is
1193 wholly owned by one or more licensed health care practitioners,
1194 or the licensed health care practitioners set forth in this
1195 subparagraph ~~paragraph~~ and the spouse, parent, child, or sibling
1196 of a licensed health care practitioner if one of the owners who
1197 is a licensed health care practitioner is supervising the
1198 business activities and is legally responsible for the entity's
1199 compliance with all federal and state laws. However, a health
1200 care practitioner may not supervise services beyond the scope of
1201 the practitioner's license, except that, for the purposes of
1202 this part, a clinic owned by a licensee in s. 456.053(3)(b)
1203 which provides only services authorized pursuant to s.
1204 456.053(3)(b) may be supervised by a licensee specified in s.
1205 456.053(3)(b).

1206 8.~~(h)~~ Clinical facilities affiliated with an accredited
1207 medical school at which training is provided for medical
1208 students, residents, or fellows.

1209 9.~~(i)~~ Entities that provide only oncology or radiation
1210 therapy services by physicians licensed under chapter 458 or
1211 chapter 459 or entities that provide oncology or radiation
1212 therapy services by physicians licensed under chapter 458 or
1213 chapter 459 which are owned by a corporation whose shares are
1214 publicly traded on a recognized stock exchange.

1215 10.~~(j)~~ Clinical facilities affiliated with a college of
1216 chiropractic accredited by the Council on Chiropractic Education
1217 at which training is provided for chiropractic students.

1218 11.~~(k)~~ Entities that provide licensed practitioners to

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1219 staff emergency departments or to deliver anesthesia services in
1220 facilities licensed under chapter 395 and that derive at least
1221 90 percent of their gross annual revenues from the provision of
1222 such services. Entities claiming an exemption from licensure
1223 under this subparagraph ~~paragraph~~ must provide documentation
1224 demonstrating compliance.

1225 12.~~(1)~~ Orthotic, prosthetic, pediatric cardiology, or
1226 perinatology clinical facilities or anesthesia clinical
1227 facilities that are not otherwise exempt under subparagraph 1.
1228 or subparagraph 11. ~~paragraph (a) or paragraph (k)~~ and that are
1229 a publicly traded corporation or are wholly owned, directly or
1230 indirectly, by a publicly traded corporation. As used in this
1231 subparagraph ~~paragraph~~, a publicly traded corporation is a
1232 corporation that issues securities traded on an exchange
1233 registered with the United States Securities and Exchange
1234 Commission as a national securities exchange.

1235 13.~~(m)~~ Entities that are owned by a corporation that has
1236 \$250 million or more in total annual sales of health care
1237 services provided by licensed health care practitioners where
1238 one or more of the persons responsible for the operations of the
1239 entity is a health care practitioner who is licensed in this
1240 state and who is responsible for supervising the business
1241 activities of the entity and is responsible for the entity's
1242 compliance with state law for purposes of this part.

1243 14.~~(n)~~ Entities that employ 50 or more licensed health care
1244 practitioners licensed under chapter 458 or chapter 459 where
1245 the billing for medical services is under a single tax
1246 identification number. The application for exemption under this
1247 subsection must include ~~shall contain information that includes:~~

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1248 the name, residence, and business address and telephone ~~phone~~
1249 number of the entity that owns the practice; a complete list of
1250 the names and contact information of all the officers and
1251 directors of the corporation; the name, residence address,
1252 business address, and medical license number of each licensed
1253 Florida health care practitioner employed by the entity; the
1254 corporate tax identification number of the entity seeking an
1255 exemption; a listing of health care services to be provided by
1256 the entity at the health care clinics owned or operated by the
1257 entity; and a certified statement prepared by an independent
1258 certified public accountant which states that the entity and the
1259 health care clinics owned or operated by the entity have not
1260 received payment for health care services under medical payments
1261 ~~personal injury protection~~ insurance coverage for the preceding
1262 year. If the agency determines that an entity that ~~which~~ is
1263 exempt under this subsection has received payments for medical
1264 services under medical payments ~~personal injury protection~~
1265 insurance coverage, the agency may deny or revoke the exemption
1266 from licensure under this subsection.

1267 (b) Notwithstanding paragraph (a) ~~this subsection~~, an
1268 entity is ~~shall be~~ deemed a clinic and must be licensed under
1269 this part in order to receive medical payments coverage
1270 reimbursement under s. 627.7265 unless the entity is: ~~the~~
1271 ~~Florida Motor Vehicle No-Fault Law, ss. 627.730-627.7405, unless~~
1272 ~~exempted under s. 627.736(5)(h).~~

1273 1. Wholly owned by a physician licensed under chapter 458
1274 or chapter 459, or by the physician and the spouse, parent,
1275 child, or sibling of the physician;

1276 2. Wholly owned by a dentist licensed under chapter 466, or

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1277 by the dentist and the spouse, parent, child, or sibling of the
1278 dentist;

1279 3. Wholly owned by a chiropractic physician licensed under
1280 chapter 460, or by the chiropractic physician and the spouse,
1281 parent, child, or sibling of the chiropractic physician;

1282 4. A hospital or ambulatory surgical center licensed under
1283 chapter 395;

1284 5. An entity that wholly owns or is wholly owned, directly
1285 or indirectly, by a hospital or hospitals licensed under chapter
1286 395;

1287 6. A clinical facility affiliated with an accredited
1288 medical school at which training is provided for medical
1289 students, residents, or fellows;

1290 7. Certified under 42 C.F.R. part 485, subpart H; or

1291 8. Owned by a publicly traded corporation, either directly
1292 or indirectly through its subsidiaries, which has \$250 million
1293 or more in total annual sales of health care services provided
1294 by licensed health care practitioners, if one or more of the
1295 persons responsible for the operations of the entity are health
1296 care practitioners who are licensed in this state and are
1297 responsible for supervising the business activities of the
1298 entity and the entity's compliance with state law for purposes
1299 of this section.

1300 Section 27. Subsection (6) of section 400.991, Florida
1301 Statutes, is amended to read:

1302 400.991 License requirements; background screenings;
1303 prohibitions.-

1304 (6) All agency forms for licensure application or exemption
1305 from licensure under this part must contain the following

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1306 statement:

1307

1308 INSURANCE FRAUD NOTICE.—A person commits a fraudulent
 1309 insurance act, as defined in s. 626.989, Florida
 1310 Statutes, if the person ~~who~~ knowingly submits a false,
 1311 misleading, or fraudulent application or other
 1312 document when applying for licensure as a health care
 1313 clinic, seeking an exemption from licensure as a
 1314 health care clinic, or demonstrating compliance with
 1315 part X of chapter 400, Florida Statutes, with the
 1316 intent to use the license, exemption from licensure,
 1317 or demonstration of compliance to provide services or
 1318 seek reimbursement under a motor vehicle liability
 1319 insurance policy’s medical payments coverage ~~the~~
 1320 ~~Florida Motor Vehicle No-Fault Law, commits a~~
 1321 ~~fraudulent insurance act, as defined in s. 626.989,~~
 1322 ~~Florida Statutes.~~ A person who presents a claim for
 1323 ~~benefits under medical payments coverage, personal~~
 1324 ~~injury protection benefits~~ knowing that the payee
 1325 knowingly submitted such health care clinic
 1326 application or document, commits insurance fraud, as
 1327 defined in s. 817.234, Florida Statutes.

1328 Section 28. Paragraph (g) of subsection (1) of section
 1329 400.9935, Florida Statutes, is amended to read:

1330 400.9935 Clinic responsibilities.—

1331 (1) Each clinic shall appoint a medical director or clinic
 1332 director who shall agree in writing to accept legal
 1333 responsibility for the following activities on behalf of the
 1334 clinic. The medical director or the clinic director shall:

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1335 (g) Conduct systematic reviews of clinic billings to ensure
1336 that the billings are not fraudulent or unlawful. Upon discovery
1337 of an unlawful charge, the medical director or clinic director
1338 shall take immediate corrective action. If the clinic performs
1339 only the technical component of magnetic resonance imaging,
1340 static radiographs, computed tomography, or positron emission
1341 tomography, and provides the professional interpretation of such
1342 services, in a fixed facility that is accredited by a national
1343 accrediting organization that is approved by the Centers for
1344 Medicare and Medicaid Services for magnetic resonance imaging
1345 and advanced diagnostic imaging services and if, in the
1346 preceding quarter, the percentage of scans performed by that
1347 clinic which was billed to motor vehicle ~~all personal injury~~
1348 ~~protection~~ insurance carriers under medical payments coverage
1349 was less than 15 percent, the chief financial officer of the
1350 clinic may, in a written acknowledgment provided to the agency,
1351 assume the responsibility for the conduct of the systematic
1352 reviews of clinic billings to ensure that the billings are not
1353 fraudulent or unlawful.

1354 Section 29. Subsection (28) of section 409.901, Florida
1355 Statutes, is amended to read:

1356 409.901 Definitions; ss. 409.901-409.920.—As used in ss.
1357 409.901-409.920, except as otherwise specifically provided, the
1358 term:

1359 (28) "Third-party benefit" means any benefit that is or may
1360 be available at any time through contract, court award,
1361 judgment, settlement, agreement, or any arrangement between a
1362 third party and any person or entity, including, without
1363 limitation, a Medicaid recipient, a provider, another third

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1364 party, an insurer, or the agency, for any Medicaid-covered
1365 injury, illness, goods, or services, including costs of medical
1366 services related thereto, for bodily ~~personal~~ injury or for
1367 death of the recipient, but specifically excluding ~~policies of~~
1368 life insurance policies on the recipient, unless available under
1369 terms of the policy to pay medical expenses before ~~prior to~~
1370 death. The term includes, without limitation, collateral, as
1371 defined in this section;~~;~~ health insurance;~~;~~ any benefit under a
1372 health maintenance organization, a preferred provider
1373 arrangement, a prepaid health clinic, liability insurance,
1374 uninsured motorist insurance, or medical payments coverage; or
1375 ~~personal injury protection coverage~~, medical benefits under
1376 workers' compensation, and any obligation under law or equity to
1377 provide medical support.

1378 Section 30. Paragraph (f) of subsection (11) of section
1379 409.910, Florida Statutes, is amended to read:

1380 409.910 Responsibility for payments on behalf of Medicaid-
1381 eligible persons when other parties are liable.—

1382 (11) The agency may, as a matter of right, in order to
1383 enforce its rights under this section, institute, intervene in,
1384 or join any legal or administrative proceeding in its own name
1385 in one or more of the following capacities: individually, as
1386 subrogee of the recipient, as assignee of the recipient, or as
1387 lienholder of the collateral.

1388 (f) Notwithstanding any provision in this section to the
1389 contrary, in the event of an action in tort against a third
1390 party in which the recipient or his or her legal representative
1391 is a party which results in a judgment, award, or settlement
1392 from a third party, the amount recovered shall be distributed as

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1393 follows:

1394 1. After attorney ~~attorney's~~ fees and taxable costs as
1395 defined by the Florida Rules of Civil Procedure, one-half of the
1396 remaining recovery shall be paid to the agency up to the total
1397 amount of medical assistance provided by Medicaid.

1398 2. The remaining amount of the recovery shall be paid to
1399 the recipient.

1400 3. For purposes of calculating the agency's recovery of
1401 medical assistance benefits paid, the fee for services of an
1402 attorney retained by the recipient or his or her legal
1403 representative shall be calculated at 25 percent of the
1404 judgment, award, or settlement.

1405 4. Notwithstanding any other provision of this section to
1406 the contrary, the agency shall be entitled to all medical
1407 coverage benefits up to the total amount of medical assistance
1408 provided by Medicaid. For purposes of this paragraph, the term
1409 "medical coverage" means any benefits under health insurance, a
1410 health maintenance organization, a preferred provider
1411 arrangement, or a prepaid health clinic, and the portion of
1412 benefits designated for medical payments under ~~coverage for~~
1413 workers' compensation coverage, motor vehicle insurance
1414 coverage, personal injury protection, and casualty coverage.

1415 Section 31. Paragraph (k) of subsection (2) of section
1416 456.057, Florida Statutes, is amended to read:

1417 456.057 Ownership and control of patient records; report or
1418 copies of records to be furnished; disclosure of information.—

1419 (2) As used in this section, the terms "records owner,"
1420 "health care practitioner," and "health care practitioner's
1421 employer" do not include any of the following persons or

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1422 entities; furthermore, the following persons or entities are not
1423 authorized to acquire or own medical records, but are authorized
1424 under the confidentiality and disclosure requirements of this
1425 section to maintain those documents required by the part or
1426 chapter under which they are licensed or regulated:

1427 (k) Persons or entities practicing under s. 627.7265 ~~s.~~
1428 ~~627.736(7)~~.

1429 Section 32. Paragraphs (ee) and (ff) of subsection (1) of
1430 section 456.072, Florida Statutes, are amended to read:

1431 456.072 Grounds for discipline; penalties; enforcement.—

1432 (1) The following acts shall constitute grounds for which
1433 the disciplinary actions specified in subsection (2) may be
1434 taken:

1435 (ee) With respect to making a medical payments coverage
1436 personal injury protection claim under s. 627.7265 as required
1437 by s. 627.736, intentionally submitting a claim, statement, or
1438 bill that has been upcoded. As used in this paragraph, the term
1439 "upcoded" means an action that submits a billing code that would
1440 result in payment greater in amount than would be paid using a
1441 billing code that accurately describes the services performed.
1442 The term does not include an otherwise lawful bill by a magnetic
1443 resonance imaging facility, which globally combines both
1444 technical and professional components, if the amount of the
1445 global bill is not more than the components if billed
1446 separately; however, payment of such a bill constitutes payment
1447 in full for all components of such service "upcoded" as defined
1448 in s. 627.732.

1449 (ff) With respect to making a medical payments coverage
1450 personal injury protection claim as required under s. 627.7265

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1451 ~~by s. 627.736~~, intentionally submitting a claim, statement, or
1452 bill for payment of services that were not rendered.

1453 Section 33. Paragraphs (i) and (o) of subsection (1) of
1454 section 626.9541, Florida Statutes, are amended to read:

1455 626.9541 Unfair methods of competition and unfair or
1456 deceptive acts or practices defined.—

1457 (1) UNFAIR METHODS OF COMPETITION AND UNFAIR OR DECEPTIVE
1458 ACTS.—The following are defined as unfair methods of competition
1459 and unfair or deceptive acts or practices:

1460 (i) *Unfair claim settlement practices*.—

1461 1. Attempting to settle claims on the basis of an
1462 application, when serving as a binder or intended to become a
1463 part of the policy, or any other material document which was
1464 altered without notice to, or knowledge or consent of, the
1465 insured;

1466 2. A material misrepresentation made to an insured or any
1467 other person having an interest in the proceeds payable under
1468 such contract or policy, for the purpose and with the intent of
1469 effecting settlement of such claims, loss, or damage under such
1470 contract or policy on less favorable terms than those provided
1471 in, and contemplated by, such contract or policy; ~~or~~

1472 3. Committing or performing with such frequency as to
1473 indicate a general business practice any of the following:

1474 a. Failing to adopt and implement standards for the proper
1475 investigation of claims;

1476 b. Misrepresenting pertinent facts or insurance policy
1477 provisions relating to coverages at issue;

1478 c. Failing to acknowledge and act promptly upon
1479 communications with respect to claims;

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1480 d. Denying claims without conducting reasonable
1481 investigations based upon available information;

1482 e. Failing to affirm or deny full or partial coverage of
1483 claims, and, as to partial coverage, the dollar amount or extent
1484 of coverage, or failing to provide a written statement that the
1485 claim is being investigated, upon the written request of the
1486 insured within 30 days after proof-of-loss statements have been
1487 completed;

1488 f. Failing to promptly provide a reasonable explanation in
1489 writing to the insured of the basis in the insurance policy, in
1490 relation to the facts or applicable law, for denial of a claim
1491 or for the offer of a compromise settlement;

1492 g. Failing to promptly notify the insured of any additional
1493 information necessary for the processing of a claim; or

1494 h. Failing to clearly explain the nature of the requested
1495 information and the reasons why such information is necessary.

1496 ~~i. Failing to pay personal injury protection insurance~~
1497 ~~claims within the time periods required by s. 627.736(4)(b). The~~
1498 ~~office may order the insurer to pay restitution to a~~
1499 ~~policyholder, medical provider, or other claimant, including~~
1500 ~~interest at a rate consistent with the amount set forth in s.~~
1501 ~~55.03(1), for the time period within which an insurer fails to~~
1502 ~~pay claims as required by law. Restitution is in addition to any~~
1503 ~~other penalties allowed by law, including, but not limited to,~~
1504 ~~the suspension of the insurer's certificate of authority.~~

1505 4. Failing to pay undisputed amounts of partial or full
1506 benefits owed under first-party property insurance policies
1507 within 90 days after an insurer receives notice of a residential
1508 property insurance claim, determines the amounts of partial or

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1509 full benefits, and agrees to coverage, unless payment of the
1510 undisputed benefits is prevented by an act of God, prevented by
1511 the impossibility of performance, or due to actions by the
1512 insured or claimant that constitute fraud, lack of cooperation,
1513 or intentional misrepresentation regarding the claim for which
1514 benefits are owed.

1515 (o) *Illegal dealings in premiums; excess or reduced charges*
1516 *for insurance.*—

1517 1. Knowingly collecting any sum as a premium or charge for
1518 insurance, which is not then provided, or is not in due course
1519 to be provided, subject to acceptance of the risk by the
1520 insurer, by an insurance policy issued by an insurer as
1521 permitted by this code.

1522 2. Knowingly collecting as a premium or charge for
1523 insurance any sum in excess of or less than the premium or
1524 charge applicable to such insurance, in accordance with the
1525 applicable classifications and rates as filed with and approved
1526 by the office, and as specified in the policy; or, in cases when
1527 classifications, premiums, or rates are not required by this
1528 code to be so filed and approved, premiums and charges collected
1529 from a Florida resident in excess of or less than those
1530 specified in the policy and as fixed by the insurer.

1531 Notwithstanding any other provision of law, this provision shall
1532 not be deemed to prohibit the charging and collection, by
1533 surplus lines agents licensed under part VIII of this chapter,
1534 of the amount of applicable state and federal taxes, or fees as
1535 authorized by s. 626.916(4), in addition to the premium required
1536 by the insurer or the charging and collection, by licensed
1537 agents, of the exact amount of any discount or other such fee

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1538 charged by a credit card facility in connection with the use of
1539 a credit card, as authorized by subparagraph (q)3., in addition
1540 to the premium required by the insurer. This subparagraph shall
1541 not be construed to prohibit collection of a premium for a
1542 universal life or a variable or indeterminate value insurance
1543 policy made in accordance with the terms of the contract.

1544 3.a. Imposing or requesting an additional premium for
1545 bodily injury liability coverage, property damage liability
1546 coverage ~~a policy of motor vehicle liability, personal injury~~
1547 ~~protection, medical payments coverage payment, or collision~~
1548 coverage in a motor vehicle liability insurance policy insurance
1549 ~~or any combination thereof~~ or refusing to renew the policy
1550 solely because the insured was involved in a motor vehicle
1551 accident unless the insurer's file contains information from
1552 which the insurer in good faith determines that the insured was
1553 substantially at fault in the accident.

1554 b. An insurer which imposes and collects such a surcharge
1555 or which refuses to renew such policy shall, in conjunction with
1556 the notice of premium due or notice of nonrenewal, notify the
1557 named insured that he or she is entitled to reimbursement of
1558 such amount or renewal of the policy under the conditions listed
1559 below and will subsequently reimburse him or her or renew the
1560 policy, if the named insured demonstrates that the operator
1561 involved in the accident was:

1562 (I) Lawfully parked;

1563 (II) Reimbursed by, or on behalf of, a person responsible
1564 for the accident or has a judgment against such person;

1565 (III) Struck in the rear by another vehicle headed in the
1566 same direction and was not convicted of a moving traffic

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1567 violation in connection with the accident;

1568 (IV) Hit by a "hit-and-run" driver, if the accident was
1569 reported to the proper authorities within 24 hours after
1570 discovering the accident;

1571 (V) Not convicted of a moving traffic violation in
1572 connection with the accident, but the operator of the other
1573 automobile involved in such accident was convicted of a moving
1574 traffic violation;

1575 (VI) Finally adjudicated not to be liable by a court of
1576 competent jurisdiction;

1577 (VII) In receipt of a traffic citation which was dismissed
1578 or nolle prossed; or

1579 (VIII) Not at fault as evidenced by a written statement
1580 from the insured establishing facts demonstrating lack of fault
1581 which are not rebutted by information in the insurer's file from
1582 which the insurer in good faith determines that the insured was
1583 substantially at fault.

1584 c. In addition to the other provisions of this
1585 subparagraph, an insurer may not fail to renew a policy if the
1586 insured has had only one accident in which he or she was at
1587 fault within the current 3-year period. However, an insurer may
1588 nonrenew a policy for reasons other than accidents in accordance
1589 with s. 627.728. This subparagraph does not prohibit nonrenewal
1590 of a policy under which the insured has had three or more
1591 accidents, regardless of fault, during the most recent 3-year
1592 period.

1593 4. Imposing or requesting an additional premium for, or
1594 refusing to renew, a policy for motor vehicle insurance solely
1595 because the insured committed a noncriminal traffic infraction

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1596 as described in s. 318.14 unless the infraction is:

1597 a. A second infraction committed within an 18-month period,
1598 or a third or subsequent infraction committed within a 36-month
1599 period.

1600 b. A violation of s. 316.183, when such violation is a
1601 result of exceeding the lawful speed limit by more than 15 miles
1602 per hour.

1603 5. Upon the request of the insured, the insurer and
1604 licensed agent shall supply to the insured the complete proof of
1605 fault or other criteria which justifies the additional charge or
1606 cancellation.

1607 6. No insurer shall impose or request an additional premium
1608 for motor vehicle insurance, cancel or refuse to issue a policy,
1609 or refuse to renew a policy because the insured or the applicant
1610 is a handicapped or physically disabled person, so long as such
1611 handicap or physical disability does not substantially impair
1612 such person's mechanically assisted driving ability.

1613 7. No insurer may cancel or otherwise terminate any
1614 insurance contract or coverage, or require execution of a
1615 consent to rate endorsement, during the stated policy term for
1616 the purpose of offering to issue, or issuing, a similar or
1617 identical contract or coverage to the same insured with the same
1618 exposure at a higher premium rate or continuing an existing
1619 contract or coverage with the same exposure at an increased
1620 premium.

1621 8. No insurer may issue a nonrenewal notice on any
1622 insurance contract or coverage, or require execution of a
1623 consent to rate endorsement, for the purpose of offering to
1624 issue, or issuing, a similar or identical contract or coverage

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1625 to the same insured at a higher premium rate or continuing an
1626 existing contract or coverage at an increased premium without
1627 meeting any applicable notice requirements.

1628 9. No insurer shall, with respect to premiums charged for
1629 motor vehicle insurance, unfairly discriminate solely on the
1630 basis of age, sex, marital status, or scholastic achievement.

1631 10. Imposing or requesting an additional premium for motor
1632 vehicle comprehensive or uninsured motorist coverage solely
1633 because the insured was involved in a motor vehicle accident or
1634 was convicted of a moving traffic violation.

1635 11. No insurer shall cancel or issue a nonrenewal notice on
1636 any insurance policy or contract without complying with any
1637 applicable cancellation or nonrenewal provision required under
1638 the Florida Insurance Code.

1639 12. No insurer shall impose or request an additional
1640 premium, cancel a policy, or issue a nonrenewal notice on any
1641 insurance policy or contract because of any traffic infraction
1642 when adjudication has been withheld and no points have been
1643 assessed pursuant to s. 318.14(9) and (10). However, this
1644 subparagraph does not apply to traffic infractions involving
1645 accidents in which the insurer has incurred a loss due to the
1646 fault of the insured.

1647 Section 34. Paragraph (a) of subsection (1) of section
1648 626.989, Florida Statutes, is amended to read:

1649 626.989 Investigation by department or Division of
1650 Investigative and Forensic Services; compliance; immunity;
1651 confidential information; reports to division; division
1652 investigator's power of arrest.-

1653 (1) For the purposes of this section:

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1654 (a) A person commits a "fraudulent insurance act" if the
1655 person:

1656 1. Knowingly and with intent to defraud presents, causes to
1657 be presented, or prepares with knowledge or belief that it will
1658 be presented, to or by an insurer, self-insurer, self-insurance
1659 fund, servicing corporation, purported insurer, broker, or any
1660 agent thereof, any written statement as part of, or in support
1661 of, an application for the issuance of, or the rating of, any
1662 insurance policy, or a claim for payment or other benefit
1663 pursuant to any insurance policy, which the person knows to
1664 contain materially false information concerning any fact
1665 material thereto or if the person conceals, for the purpose of
1666 misleading another, information concerning any fact material
1667 thereto.

1668 2. Knowingly submits:

1669 a. A false, misleading, or fraudulent application or other
1670 document when applying for licensure as a health care clinic,
1671 seeking an exemption from licensure as a health care clinic, or
1672 demonstrating compliance with part X of chapter 400 with an
1673 intent to use the license, exemption from licensure, or
1674 demonstration of compliance to provide services or seek
1675 reimbursement under a motor vehicle liability insurance policy's
1676 medical payments coverage ~~the Florida Motor Vehicle No-Fault~~
1677 ~~Law~~.

1678 b. A claim for payment or other benefit under medical
1679 payments coverage ~~pursuant to a personal injury protection~~
1680 ~~insurance policy under the Florida Motor Vehicle No-Fault Law~~ if
1681 the person knows that the payee knowingly submitted a false,
1682 misleading, or fraudulent application or other document when

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1683 applying for licensure as a health care clinic, seeking an
1684 exemption from licensure as a health care clinic, or
1685 demonstrating compliance with part X of chapter 400.

1686 Section 35. Subsection (1) of section 627.06501, Florida
1687 Statutes, is amended to read:

1688 627.06501 Insurance discounts for certain persons
1689 completing driver improvement course.—

1690 (1) Any rate, rating schedule, or rating manual for the
1691 liability, medical payments ~~personal injury protection~~, and
1692 collision coverages of a motor vehicle insurance policy filed
1693 with the office may provide for an appropriate reduction in
1694 premium charges as to such coverages if ~~when~~ the principal
1695 operator on the covered vehicle has successfully completed a
1696 driver improvement course approved and certified by the
1697 Department of Highway Safety and Motor Vehicles which is
1698 effective in reducing crash or violation rates, or both, as
1699 determined pursuant to s. 318.1451(5). Any discount, not to
1700 exceed 10 percent, used by an insurer is presumed to be
1701 appropriate unless credible data demonstrates otherwise.

1702 Section 36. Subsection (1) of section 627.0652, Florida
1703 Statutes, is amended to read:

1704 627.0652 Insurance discounts for certain persons completing
1705 safety course.—

1706 (1) Any rates, rating schedules, or rating manuals for the
1707 liability, medical payments ~~personal injury protection~~, and
1708 collision coverages of a motor vehicle insurance policy filed
1709 with the office must ~~shall~~ provide for an appropriate reduction
1710 in premium charges as to such coverages if ~~when~~ the principal
1711 operator on the covered vehicle is an insured 55 years of age or

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1712 older who has successfully completed a motor vehicle accident
1713 prevention course approved by the Department of Highway Safety
1714 and Motor Vehicles. Any discount used by an insurer is presumed
1715 to be appropriate unless credible data demonstrates otherwise.

1716 Section 37. Subsections (1), (3), and (6) of section
1717 627.0653, Florida Statutes, are amended to read:

1718 627.0653 Insurance discounts for specified motor vehicle
1719 equipment.—

1720 (1) Any rates, rating schedules, or rating manuals for the
1721 liability, medical payments ~~personal injury protection~~, and
1722 collision coverages of a motor vehicle insurance policy filed
1723 with the office must ~~shall~~ provide a premium discount if the
1724 insured vehicle is equipped with factory-installed, four-wheel
1725 antilock brakes.

1726 (3) Any rates, rating schedules, or rating manuals for
1727 ~~personal injury protection coverage and~~ medical payments
1728 coverage, ~~if offered~~, of a motor vehicle insurance policy filed
1729 with the office must ~~shall~~ provide a premium discount if the
1730 insured vehicle is equipped with one or more air bags that ~~which~~
1731 are factory installed.

1732 (6) The Office of Insurance Regulation may approve a
1733 premium discount to any rates, rating schedules, or rating
1734 manuals for the liability, medical payments ~~personal injury~~
1735 ~~protection~~, and collision coverages of a motor vehicle insurance
1736 policy filed with the office if the insured vehicle is equipped
1737 with autonomous driving technology or electronic vehicle
1738 collision avoidance technology that is factory installed or a
1739 retrofitted system and that complies with National Highway
1740 Traffic Safety Administration standards.

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1741 Section 38. Section 627.4132, Florida Statutes, is amended
1742 to read:

1743 627.4132 Stacking of coverages prohibited.—If an insured or
1744 named insured is protected by any type of motor vehicle
1745 insurance policy for bodily injury and property damage
1746 ~~liability, personal injury protection, or other coverage~~, the
1747 policy must ~~shall~~ provide that the insured or named insured is
1748 protected only to the extent of the coverage she or he has on
1749 the vehicle involved in the accident. However, if none of the
1750 insured's or named insured's vehicles are ~~is~~ involved in the
1751 accident, coverage is available only to the extent of coverage
1752 on any one of the vehicles with applicable coverage. Coverage on
1753 any other vehicles may ~~shall~~ not be added to or stacked upon
1754 that coverage. This section does not apply:

1755 (1) To uninsured motorist coverage that ~~which~~ is separately
1756 governed by s. 627.727.

1757 (2) To reduce the coverage available by reason of insurance
1758 policies insuring different named insureds.

1759 Section 39. Section 627.7263, Florida Statutes, is amended
1760 to read:

1761 627.7263 Rental and leasing driver's insurance to be
1762 primary; exception.—

1763 (1) The valid and collectible liability insurance and
1764 medical payments coverage ~~or personal injury protection~~
1765 ~~insurance providing coverage~~ for the lessor of a motor vehicle
1766 for rent or lease is primary unless otherwise stated in at least
1767 10-point type on the face of the rental or lease agreement. Such
1768 insurance is primary for the limits of liability ~~and personal~~
1769 ~~injury protection~~ coverage as required by s. 324.021(7) and the

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1770 medical payments coverage limit specified under s. 627.7265 ~~ss.~~
1771 ~~324.021(7) and 627.736.~~

1772 (2) If the lessee's coverage is to be primary, the rental
1773 or lease agreement must contain the following language, in at
1774 least 10-point type:

1775
1776 "The valid and collectible liability insurance and
1777 medical payments coverage ~~personal injury protection~~
1778 ~~insurance~~ of an ~~any~~ authorized rental or leasing
1779 driver is primary for the limits of liability ~~and~~
1780 ~~personal injury protection~~ coverage required under
1781 section 324.021(7), Florida Statutes, and the medical
1782 payments coverage limit specified under section
1783 627.7265 ~~by ss. 324.021(7) and 627.736, Florida~~
1784 ~~Statutes."~~

1785 Section 40. Section 627.7265, Florida Statutes, is created
1786 to read:

1787 627.7265 Motor vehicle insurance; medical payments
1788 coverage.-

1789 (1) Medical payments coverage must protect the named
1790 insured, resident relatives, persons operating the insured motor
1791 vehicle, passengers in the insured motor vehicle, and persons
1792 who are struck by the insured motor vehicle and suffer bodily
1793 injury while not an occupant of a self-propelled motor vehicle
1794 at a limit of at least \$5,000 for medical expense incurred due
1795 to bodily injury, sickness, or disease arising out of the
1796 ownership, maintenance, or use of a motor vehicle. The coverage
1797 must provide an additional death benefit of at least \$5,000.

1798 (a) Before issuing a motor vehicle liability insurance

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1799 policy that is furnished as proof of financial responsibility
1800 under s. 324.031, the insurer must offer medical payments
1801 coverage at limits of \$5,000 and \$10,000. The insurer may also
1802 offer medical payments coverage at limits greater than \$5,000.

1803 (b) The medical payments coverage must be offered with an
1804 option with no deductible. The insurer may also offer medical
1805 payments coverage with a deductible not to exceed \$500.

1806 (c) Each motor vehicle liability insurance policy that is
1807 furnished as proof of financial responsibility under s. 324.031
1808 is deemed to have:

1809 1. Medical payments coverage to a limit of \$10,000, unless
1810 the insurer obtains the policyholder's written refusal of
1811 medical payments coverage or written selection of medical
1812 payments coverage at a limit other than \$10,000. The rejection
1813 or selection of coverage at a limit other than \$10,000 must be
1814 made on a form approved by the office.

1815 2. No medical payments coverage deductible, unless the
1816 insurer obtains the policyholder's written selection of a
1817 deductible of up to \$500. The selection of a deductible must be
1818 made on a form approved by the office.

1819 (d)1. The forms in subparagraphs (c)1. and 2. must fully
1820 advise the applicant of the nature of the coverage being
1821 rejected or the policy limit or deductible being selected. If
1822 such form is signed by a named insured, it is conclusively
1823 presumed that there was an informed, knowing rejection of the
1824 coverage or election of the policy limit or deductible selected.

1825 2. Unless the policyholder requests in writing the coverage
1826 specified in this section, it need not be provided in or
1827 supplemental to any other policy that renews, insures, extends,

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1828 changes, supersedes, or replaces an existing policy if the
1829 policyholder has rejected the coverage specified in this section
1830 or has selected an alternative coverage limit or deductible. At
1831 least annually, the insurer shall provide the policyholder with
1832 a notice of the availability of such coverage in a form approved
1833 by the office. Such notice must be part of, and attached to, the
1834 notice of premium and must provide for a means to allow the
1835 insured to request medical payments coverage at the limits and
1836 deductibles required to be offered under this section. The
1837 notice must be given in a manner approved by the office. Receipt
1838 of this notice does not constitute an affirmative waiver of the
1839 insured's right to medical payments coverage if the insured has
1840 not signed a selection or rejection form.

1841 (e) This section may not be construed to limit any other
1842 coverage made available by an insurer.

1843 (2) Upon receiving notice of an accident that is
1844 potentially covered by medical payments coverage benefits, the
1845 insurer must reserve \$5,000 of medical payments coverage
1846 benefits for payment to physicians licensed under chapter 458 or
1847 chapter 459 or dentists licensed under chapter 466 who provide
1848 emergency services and care, as defined in s. 395.002, or who
1849 provide hospital inpatient care. The amount required to be held
1850 in reserve may be used only to pay claims from such physicians
1851 or dentists until 30 days after the date the insurer receives
1852 notice of the accident. After the 30-day period, any amount of
1853 the reserve for which the insurer has not received notice of
1854 such claims may be used by the insurer to pay other claims. This
1855 subsection does not require an insurer to establish a claim
1856 reserve for insurance accounting purposes.

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1857 (3) An insurer providing medical payments coverage benefits
1858 may not have a:

1859 (a) Lien on any recovery in tort by judgment, settlement,
1860 or otherwise for medical payments coverage benefits, whether
1861 suit has been filed or settlement has been reached without suit;

1862 (b) Cause of action against an alleged tortfeasor for
1863 benefits paid under medical payments coverage; or

1864 (c) Cause of action against a person to whom or for whom
1865 medical payments coverage benefits were paid, except when
1866 medical payments coverage benefits are paid by reason of fraud
1867 by such person.

1868 Section 41. Subsections (1) and (7) of section 627.727,
1869 Florida Statutes, are amended, and present subsections (8), (9),
1870 and (10) of that section are redesignated as subsections (7),
1871 (8), and (9), respectively, to read:

1872 627.727 Motor vehicle insurance; uninsured and underinsured
1873 vehicle coverage; insolvent insurer protection.-

1874 (1) A ~~No~~ motor vehicle liability insurance policy that
1875 ~~which~~ provides bodily injury liability coverage may not shall be
1876 delivered or issued for delivery in this state with respect to
1877 any specifically insured or identified motor vehicle registered
1878 or principally garaged in this state, unless uninsured motor
1879 vehicle coverage is provided therein or supplemental thereto for
1880 the protection of persons insured thereunder who are legally
1881 entitled to recover damages from owners or operators of
1882 uninsured motor vehicles because of bodily injury, sickness, or
1883 disease, including death, resulting therefrom. However, the
1884 coverage required under this section is not applicable if when,
1885 or to the extent that, an insured named in the policy makes a

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1886 written rejection of the coverage on behalf of all insureds
1887 under the policy. If ~~When~~ a motor vehicle is leased for a ~~period~~
1888 ~~of~~ 1 year or longer and the lessor of such vehicle, by the terms
1889 of the lease contract, provides liability coverage on the leased
1890 vehicle, the lessee of such vehicle has ~~shall have~~ the sole
1891 privilege to reject uninsured motorist coverage or to select
1892 lower limits than the bodily injury liability limits, regardless
1893 of whether the lessor is qualified as a self-insurer pursuant to
1894 s. 324.171. Unless an insured, or a lessee having the privilege
1895 of rejecting uninsured motorist coverage, requests such coverage
1896 or requests higher uninsured motorist limits in writing, the
1897 coverage or such higher uninsured motorist limits need not be
1898 provided in or supplemental to any other policy that ~~which~~
1899 renews, extends, changes, supersedes, or replaces an existing
1900 policy with the same bodily injury liability limits when an
1901 insured or lessee had rejected the coverage. When an insured or
1902 lessee has initially selected limits of uninsured motorist
1903 coverage lower than her or his bodily injury liability limits,
1904 higher limits of uninsured motorist coverage need not be
1905 provided in or supplemental to any other policy that ~~which~~
1906 renews, extends, changes, supersedes, or replaces an existing
1907 policy with the same bodily injury liability limits unless an
1908 insured requests higher uninsured motorist coverage in writing.
1909 The rejection or selection of lower limits must ~~shall~~ be made on
1910 a form approved by the office. The form must ~~shall~~ fully advise
1911 the applicant of the nature of the coverage and must ~~shall~~ state
1912 that the coverage is equal to bodily injury liability limits
1913 unless lower limits are requested or the coverage is rejected.
1914 The heading of the form must ~~shall~~ be in 12-point bold type and

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1915 ~~must shall~~ state: "You are electing not to purchase certain
1916 valuable coverage that ~~which~~ protects you and your family or you
1917 are purchasing uninsured motorist limits less than your bodily
1918 injury liability limits when you sign this form. Please read
1919 carefully." If this form is signed by a named insured, it will
1920 be conclusively presumed that there was an informed, knowing
1921 rejection of coverage or election of lower limits on behalf of
1922 all insureds. The insurer shall notify the named insured at
1923 least annually of her or his options as to the coverage required
1924 by this section. Such notice must shall be part of, and attached
1925 to, the notice of premium, must shall provide for a means to
1926 allow the insured to request such coverage, and must shall be
1927 given in a manner approved by the office. Receipt of this notice
1928 does not constitute an affirmative waiver of the insured's right
1929 to uninsured motorist coverage if ~~where~~ the insured has not
1930 signed a selection or rejection form. The coverage described
1931 under this section must shall be over and above, but may shall
1932 not duplicate, the benefits available to an insured under any
1933 workers' compensation law, ~~personal injury protection benefits,~~
1934 disability benefits law, or similar law; under any automobile
1935 medical payments ~~expense~~ coverage; under any motor vehicle
1936 liability insurance coverage; or from the owner or operator of
1937 the uninsured motor vehicle or any other person or organization
1938 jointly or severally liable together with such owner or operator
1939 for the accident, ~~+~~ and such coverage must shall cover the
1940 difference, if any, between the sum of such benefits and the
1941 damages sustained, up to the maximum amount of such coverage
1942 provided under this section. The amount of coverage available
1943 under this section may shall not be reduced by a setoff against

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1944 any coverage, including liability insurance. Such coverage does
 1945 ~~shall~~ not inure directly or indirectly to the benefit of any
 1946 workers' compensation or disability benefits carrier or any
 1947 person or organization qualifying as a self-insurer under any
 1948 workers' compensation or disability benefits law or similar law.

1949 ~~(7) The legal liability of an uninsured motorist coverage~~
 1950 ~~insurer does not include damages in tort for pain, suffering,~~
 1951 ~~mental anguish, and inconvenience unless the injury or disease~~
 1952 ~~is described in one or more of paragraphs (a) (d) of s.~~
 1953 ~~627.737(2).~~

1954 Section 42. Subsection (1) and paragraphs (a) and (b) of
 1955 subsection (2) of section 627.7275, Florida Statutes, are
 1956 amended to read:

1957 627.7275 Motor vehicle liability.-

1958 (1) A motor vehicle insurance policy ~~providing personal~~
 1959 ~~injury protection as set forth in s. 627.736 may not be~~
 1960 delivered or issued for delivery in this state for a with
 1961 ~~respect to any~~ specifically insured or identified motor vehicle
 1962 registered or principally garaged in this state must provide
 1963 bodily injury liability coverage and ~~unless the policy also~~
 1964 ~~provides coverage for~~ property damage liability coverage as
 1965 required under ~~by~~ s. 324.022.

1966 (2) (a) Insurers writing motor vehicle insurance in this
 1967 state shall make available, subject to the insurers' usual
 1968 underwriting restrictions:

1969 1. Coverage under policies as described in subsection (1)
 1970 to an applicant for private passenger motor vehicle insurance
 1971 coverage who is seeking the coverage in order to reinstate the
 1972 applicant's driving privileges in this state if the driving

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1973 privileges were revoked or suspended pursuant to s. 316.646 or
1974 s. 324.0221 due to the failure of the applicant to maintain
1975 required security.

1976 2. Coverage under policies as described in subsection (1),
1977 which includes bodily injury ~~also provides~~ liability coverage
1978 and property damage liability coverage, ~~for bodily injury,~~
1979 ~~death, and property damage arising out of the ownership,~~
1980 ~~maintenance, or use of the motor vehicle~~ in an amount not less
1981 than the minimum limits required under ~~described in~~ s.
1982 324.021(7) or s. 324.023 and which conforms to the requirements
1983 of s. 324.151, to an applicant for private passenger motor
1984 vehicle insurance coverage who is seeking the coverage in order
1985 to reinstate the applicant's driving privileges in this state
1986 after such privileges were revoked or suspended under s. 316.193
1987 or s. 322.26(2) for driving under the influence.

1988 (b) The policies described in paragraph (a) must ~~shall~~ be
1989 issued for at least 6 months and, as to the minimum coverages
1990 required under this section, may not be canceled by the insured
1991 for any reason or by the insurer after 60 days, during which
1992 period the insurer is completing the underwriting of the policy.
1993 After the insurer has completed underwriting the policy, the
1994 insurer shall notify the Department of Highway Safety and Motor
1995 Vehicles that the policy is in full force and effect and is not
1996 cancelable for the remainder of the policy period. A premium
1997 must ~~shall~~ be collected and the coverage is in effect for the
1998 60-day period during which the insurer is completing the
1999 underwriting of the policy, whether or not the person's driver
2000 license, motor vehicle tag, and motor vehicle registration are
2001 in effect. Once the noncancelable provisions of the policy

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2002 become effective, the bodily injury liability and property
2003 damage liability coverages ~~for bodily injury, property damage,~~
2004 ~~and personal injury protection~~ may not be reduced below the
2005 minimum limits required under s. 324.021 or s. 324.023 during
2006 the policy period.

2007 Section 43. Paragraph (a) of subsection (1) of section
2008 627.728, Florida Statutes, is amended to read:

2009 627.728 Cancellations; nonrenewals.—

2010 (1) As used in this section, the term:

2011 (a) "Policy" means the bodily injury and property damage
2012 liability, ~~personal injury protection~~, medical payments,
2013 comprehensive, collision, and uninsured motorist coverage
2014 portions of a policy of motor vehicle insurance delivered or
2015 issued for delivery in this state:

2016 1. Insuring a natural person as named insured or one or
2017 more related individuals who are residents ~~resident~~ of the same
2018 household; and

2019 2. Insuring only a motor vehicle of the private passenger
2020 type or station wagon type which is not used as a public or
2021 livery conveyance for passengers or rented to others; or
2022 insuring any other four-wheel motor vehicle having a load
2023 capacity of 1,500 pounds or less which is not used in the
2024 occupation, profession, or business of the insured other than
2025 farming; other than any policy issued under an automobile
2026 insurance assigned risk plan or covering garage, automobile
2027 sales agency, repair shop, service station, or public parking
2028 place operation hazards.

2029
2030 The term "policy" does not include a binder as defined in s.

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2031 627.420 unless the duration of the binder period exceeds 60
2032 days.

2033 Section 44. Subsection (1), paragraph (a) of subsection
2034 (5), and subsections (6) and (7) of section 627.7295, Florida
2035 Statutes, are amended to read:

2036 627.7295 Motor vehicle insurance contracts.—

2037 (1) As used in this section, the term:

2038 (a) "Policy" means a motor vehicle insurance policy that
2039 provides bodily injury liability ~~personal injury protection~~
2040 coverage and ~~property damage liability coverage, or both.~~

2041 (b) "Binder" means a binder that provides motor vehicle
2042 bodily injury liability coverage ~~personal injury protection~~ and
2043 property damage liability coverage.

2044 (5) (a) A licensed general lines agent may charge a per-
2045 policy fee up to ~~not to exceed~~ \$10 to cover the administrative
2046 costs of the agent associated with selling the motor vehicle
2047 insurance policy if the policy covers only bodily injury
2048 liability coverage ~~personal injury protection coverage as~~
2049 ~~provided by s. 627.736~~ and property damage liability coverage as
2050 provided by s. 627.7275 and if no other insurance is sold or
2051 issued in conjunction with or collateral to the policy. The fee
2052 is not ~~considered~~ part of the premium.

2053 (6) If a motor vehicle owner's driver license, license
2054 plate, and registration have previously been suspended pursuant
2055 to s. 316.646 ~~or s. 627.733~~, an insurer may cancel a new policy
2056 only as provided in s. 627.7275.

2057 (7) A policy of private passenger motor vehicle insurance
2058 or a binder for such a policy may be initially issued in this
2059 state only if, before the effective date of such binder or

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2060 policy, the insurer or agent has collected ~~from the insured an~~
2061 ~~amount equal to 2 months' premium~~ from the insured. An insurer,
2062 agent, or premium finance company may not, directly or
2063 indirectly, take any action that results ~~resulting~~ in the
2064 insured paying ~~having paid~~ from the insured's own funds an
2065 amount less than the 2 months' premium required by this
2066 subsection. This subsection applies without regard to whether
2067 the premium is financed by a premium finance company or is paid
2068 pursuant to a periodic payment plan of an insurer or an
2069 insurance agent.

2070 (a) This subsection does not apply:

2071 1. If an insured or member of the insured's family is
2072 renewing or replacing a policy or a binder for such policy
2073 written by the same insurer or a member of the same insurer
2074 group. ~~This subsection does not apply~~

2075 2. To an insurer that issues private passenger motor
2076 vehicle coverage primarily to active duty or former military
2077 personnel or their dependents. ~~This subsection does not apply~~

2078 3. If all policy payments are paid pursuant to a payroll
2079 deduction plan, an automatic electronic funds transfer payment
2080 plan from the policyholder, or a recurring credit card or debit
2081 card agreement with the insurer.

2082 (b) This subsection and subsection (4) do not apply if:

2083 1. All policy payments to an insurer are paid pursuant to
2084 an automatic electronic funds transfer payment plan from an
2085 agent, a managing general agent, or a premium finance company
2086 and if the policy includes, at a minimum, bodily injury
2087 liability coverage and ~~personal injury protection pursuant to~~
2088 ~~ss. 627.730-627.7405; motor vehicle~~ property damage liability

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2089 ~~coverage pursuant to s. 627.7275; or and bodily injury liability~~
2090 ~~in at least the amount of \$10,000 because of bodily injury to,~~
2091 ~~or death of, one person in any one accident and in the amount of~~
2092 ~~\$20,000 because of bodily injury to, or death of, two or more~~
2093 ~~persons in any one accident. This subsection and subsection (4)~~
2094 ~~do not apply if~~

2095 2. An insured has had a policy in effect for at least 6
2096 months, the insured's agent is terminated by the insurer that
2097 issued the policy, and the insured obtains coverage on the
2098 policy's renewal date with a new company through the terminated
2099 agent.

2100 Section 45. Section 627.7415, Florida Statutes, is amended
2101 to read:

2102 627.7415 Commercial motor vehicles; additional liability
2103 insurance coverage.—Beginning January 1, 2020, commercial motor
2104 vehicles, as defined in s. 207.002 or s. 320.01, operated upon
2105 the roads and highways of this state must ~~shall~~ be insured with
2106 the following minimum levels of combined bodily liability
2107 insurance and property damage liability insurance in addition to
2108 any other insurance requirements:

2109 (1) Sixty ~~Fifty~~ thousand dollars per occurrence for a
2110 commercial motor vehicle with a gross vehicle weight of 26,000
2111 pounds or more, but less than 35,000 pounds.

2112 (2) One hundred twenty thousand dollars per occurrence for
2113 a commercial motor vehicle with a gross vehicle weight of 35,000
2114 pounds or more, but less than 44,000 pounds.

2115 (3) Three hundred thousand dollars per occurrence for a
2116 commercial motor vehicle with a gross vehicle weight of 44,000
2117 pounds or more.

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2118 (4) All commercial motor vehicles subject to regulations of
2119 the United States Department of Transportation, 49 C.F.R. part
2120 387, subpart A, and as may be hereinafter amended, shall be
2121 insured in an amount equivalent to the minimum levels of
2122 financial responsibility as set forth in such regulations.

2123

2124 A violation of this section is a noncriminal traffic infraction,
2125 punishable as a nonmoving violation as provided in chapter 318.

2126 Section 46. Paragraphs (b), (c), and (g) of subsection (7)
2127 and paragraphs (a) and (b) of subsection (8) of section 627.748,
2128 Florida Statutes, are amended to read:

2129 627.748 Transportation network companies.—

2130 (7) TRANSPORTATION NETWORK COMPANY AND TNC DRIVER INSURANCE
2131 REQUIREMENTS.—

2132 (b) The following automobile insurance requirements apply
2133 while a participating TNC driver is logged on to the digital
2134 network but is not engaged in a prearranged ride:

2135 1. Automobile insurance that provides:

2136 a. A primary automobile liability coverage of at least
2137 \$50,000 for death and bodily injury per person, \$100,000 for
2138 death and bodily injury per incident, and \$25,000 for property
2139 damage; and

2140 b. ~~Personal injury protection benefits that meet the~~
2141 ~~minimum coverage amounts required under ss. 627.730-627.7405;~~
2142 ~~and~~

2143 ~~e.~~ Uninsured and underinsured vehicle coverage as required
2144 by s. 627.727.

2145 2. The coverage requirements of this paragraph may be
2146 satisfied by any of the following:

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- 2147 a. Automobile insurance maintained by the TNC driver;
- 2148 b. Automobile insurance maintained by the TNC; or
- 2149 c. A combination of sub-subparagraphs a. and b.
- 2150 (c) The following automobile insurance requirements apply
- 2151 while a TNC driver is engaged in a prearranged ride:
- 2152 1. Automobile insurance that provides:
- 2153 a. A primary automobile liability coverage of at least \$1
- 2154 million for death, bodily injury, and property damage; and
- 2155 ~~b. Personal injury protection benefits that meet the~~
- 2156 ~~minimum coverage amounts required of a limousine under ss.~~
- 2157 ~~627.730-627.7405; and~~
- 2158 ~~e.~~ Uninsured and underinsured vehicle coverage as required
- 2159 by s. 627.727.
- 2160 2. The coverage requirements of this paragraph may be
- 2161 satisfied by any of the following:
- 2162 a. Automobile insurance maintained by the TNC driver;
- 2163 b. Automobile insurance maintained by the TNC; or
- 2164 c. A combination of sub-subparagraphs a. and b.
- 2165 (g) Insurance satisfying the requirements under this
- 2166 subsection is deemed to satisfy the financial responsibility
- 2167 requirement for a motor vehicle under chapter 324 ~~and the~~
- 2168 ~~security required under s. 627.733~~ for any period when the TNC
- 2169 driver is logged onto the digital network or engaged in a
- 2170 prearranged ride.
- 2171 (8) TRANSPORTATION NETWORK COMPANY AND INSURER; DISCLOSURE;
- 2172 EXCLUSIONS.—
- 2173 (a) Before a TNC driver is allowed to accept a request for
- 2174 a prearranged ride on the digital network, the TNC must disclose
- 2175 in writing to the TNC driver:

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2176 1. The insurance coverage, including the types of coverage
2177 and the limits for each coverage, which the TNC provides while
2178 the TNC driver uses a TNC vehicle in connection with the TNC's
2179 digital network.

2180 2. That the TNC driver's own automobile insurance policy
2181 might not provide any coverage while the TNC driver is logged on
2182 to the digital network or is engaged in a prearranged ride,
2183 depending on the terms of the TNC driver's own automobile
2184 insurance policy.

2185 3. That the provision of rides for compensation which are
2186 not prearranged rides subjects the driver to the coverage
2187 requirements imposed under s. 324.032(1) and (2) and that
2188 failure to meet such coverage requirements subjects the TNC
2189 driver to penalties provided in s. 324.221, up to and including
2190 a misdemeanor of the second degree.

2191 (b)1. An insurer that provides an automobile liability
2192 insurance policy under this part may exclude any and all
2193 coverage afforded under the policy issued to an owner or
2194 operator of a TNC vehicle while driving that vehicle for any
2195 loss or injury that occurs while a TNC driver is logged on to a
2196 digital network or while a TNC driver provides a prearranged
2197 ride. Exclusions imposed under this subsection are limited to
2198 coverage while a TNC driver is logged on to a digital network or
2199 while a TNC driver provides a prearranged ride. This right to
2200 exclude all coverage may apply to any coverage included in an
2201 automobile insurance policy, including, but not limited to:

2202 a. Liability coverage for bodily injury and property
2203 damage;

2204 b. Uninsured and underinsured motorist coverage;

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2205 c. Medical payments coverage;
 2206 d. Comprehensive physical damage coverage; and
 2207 e. Collision physical damage coverage; ~~and~~
 2208 ~~f. Personal injury protection.~~

2209 2. The exclusions described in subparagraph 1. apply
 2210 notwithstanding any requirement under chapter 324. These
 2211 exclusions do not affect or diminish coverage otherwise
 2212 available for permissive drivers or resident relatives under the
 2213 personal automobile insurance policy of the TNC driver or owner
 2214 of the TNC vehicle who are not occupying the TNC vehicle at the
 2215 time of loss. This section does not require that a personal
 2216 automobile insurance policy provide coverage while the TNC
 2217 driver is logged on to a digital network, while the TNC driver
 2218 is engaged in a prearranged ride, or while the TNC driver
 2219 otherwise uses a vehicle to transport riders for compensation.

2220 3. This section must not be construed to require an insurer
 2221 to use any particular policy language or reference to this
 2222 section in order to exclude any and all coverage for any loss or
 2223 injury that occurs while a TNC driver is logged on to a digital
 2224 network or while a TNC driver provides a prearranged ride.

2225 4. This section does not preclude an insurer from providing
 2226 primary or excess coverage for the TNC driver's vehicle by
 2227 contract or endorsement.

2228 Section 47. Section 627.8405, Florida Statutes, is amended
 2229 to read:

2230 627.8405 Prohibited acts; financing companies.—A ~~No~~ premium
 2231 finance company ~~shall~~, in a premium finance agreement or other
 2232 agreement, may not finance the cost of or otherwise provide for
 2233 the collection or remittance of dues, assessments, fees, or

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2234 other periodic payments of money for the cost of:

2235 (1) A membership in an automobile club. The term
2236 "automobile club" means a legal entity that ~~which~~, in
2237 consideration of dues, assessments, or periodic payments of
2238 money, promises its members or subscribers to assist them in
2239 matters relating to the ownership, operation, use, or
2240 maintenance of a motor vehicle; however, the term ~~this~~
2241 ~~definition of "automobile club"~~ does not include persons,
2242 associations, or corporations ~~which are~~ organized and operated
2243 solely for the purpose of conducting, sponsoring, or sanctioning
2244 motor vehicle races, exhibitions, or contests upon racetracks,
2245 or upon racecourses established and marked as such for the
2246 duration of such particular events. The term ~~words~~ "motor
2247 vehicle" used herein has ~~have~~ the same meaning as defined in
2248 chapter 320.

2249 (2) An accidental death and dismemberment policy sold in
2250 combination with a policy providing only bodily injury liability
2251 coverage ~~personal injury protection~~ and property damage
2252 liability coverage ~~only policy~~.

2253 (3) Any product not regulated under ~~the provisions of~~ this
2254 insurance code.

2255

2256 This section also applies to premium financing by any insurance
2257 agent or insurance company under part XVI. The commission shall
2258 adopt rules to assure disclosure, at the time of sale, of
2259 coverages financed ~~with personal injury protection~~ and shall
2260 prescribe the form of such disclosure.

2261 Section 48. Subsection (1) of section 627.915, Florida
2262 Statutes, is amended to read:

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2263 627.915 Insurer experience reporting.-
2264 (1) Each insurer transacting private passenger automobile
2265 insurance in this state shall report certain information
2266 annually to the office. The information will be due on or before
2267 July 1 of each year. The information must ~~shall~~ be divided into
2268 the following categories: bodily injury liability; property
2269 damage liability; uninsured motorist; ~~personal injury protection~~
2270 ~~benefits~~; medical payments; and comprehensive and collision. The
2271 information given must ~~shall~~ be on direct insurance writings in
2272 the state alone and ~~shall~~ represent total limits data. The
2273 information set forth in paragraphs (a)-(f) is applicable to
2274 voluntary private passenger and Joint Underwriting Association
2275 private passenger writings and must ~~shall~~ be reported for each
2276 of the latest 3 calendar-accident years, with an evaluation date
2277 of March 31 of the current year. The information set forth in
2278 paragraphs (g)-(j) is applicable to voluntary private passenger
2279 writings and must ~~shall~~ be reported on a calendar-accident year
2280 basis ultimately seven times at seven different stages of
2281 development.

2282 (a) Premiums earned for the latest 3 calendar-accident
2283 years.

2284 (b) Loss development factors and the historic development
2285 of those factors.

2286 (c) Policyholder dividends incurred.

2287 (d) Expenses for other acquisition and general expense.

2288 (e) Expenses for agents' commissions and taxes, licenses,
2289 and fees.

2290 (f) Profit and contingency factors as utilized in the
2291 insurer's automobile rate filings for the applicable years.

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- 2292 (g) Losses paid.
- 2293 (h) Losses unpaid.
- 2294 (i) Loss adjustment expenses paid.
- 2295 (j) Loss adjustment expenses unpaid.
- 2296 Section 49. Subsections (2) and (3) of section 628.909,
2297 Florida Statutes, are amended to read:
- 2298 628.909 Applicability of other laws.—
- 2299 (2) The following provisions of the Florida Insurance Code
2300 apply to captive insurance companies that ~~who~~ are not industrial
2301 insured captive insurance companies to the extent that such
2302 provisions are not inconsistent with this part:
- 2303 (a) Chapter 624, except for ss. 624.407, 624.408, 624.4085,
2304 624.40851, 624.4095, 624.411, 624.425, and 624.426.
- 2305 (b) Chapter 625, part II.
- 2306 (c) Chapter 626, part IX.
- 2307 (d) ~~Sections 627.730-627.7405, when no-fault coverage is~~
2308 ~~provided.~~
- 2309 ~~(e) Chapter 628.~~
- 2310 (3) The following provisions of the Florida Insurance Code
2311 ~~shall~~ apply to industrial insured captive insurance companies to
2312 the extent that such provisions are not inconsistent with this
2313 part:
- 2314 (a) Chapter 624, except for ss. 624.407, 624.408, 624.4085,
2315 624.40851, 624.4095, 624.411, 624.425, 624.426, and 624.609(1).
- 2316 (b) Chapter 625, part II, if the industrial insured captive
2317 insurance company is incorporated in this state.
- 2318 (c) Chapter 626, part IX.
- 2319 (d) ~~Sections 627.730-627.7405 when no-fault coverage is~~
2320 ~~provided.~~

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2321 ~~(e)~~ Chapter 628, except for ss. 628.341, 628.351, and
2322 628.6018.

2323 Section 50. Subsections (2), (6), and (7) of section
2324 705.184, Florida Statutes, are amended to read:

2325 705.184 Derelict or abandoned motor vehicles on the
2326 premises of public-use airports.—

2327 (2) The airport director or the director's designee shall
2328 contact the Department of Highway Safety and Motor Vehicles to
2329 notify that department that the airport has possession of the
2330 abandoned or derelict motor vehicle and to determine the name
2331 and address of the owner of the motor vehicle, the insurance
2332 company insuring the motor vehicle, ~~notwithstanding the~~
2333 ~~provisions of s. 627.736,~~ and any person who has filed a lien on
2334 the motor vehicle. Within 7 business days after receipt of the
2335 information, the director or the director's designee shall send
2336 notice by certified mail, return receipt requested, to the owner
2337 of the motor vehicle, the insurance company insuring the motor
2338 vehicle, ~~notwithstanding the provisions of s. 627.736,~~ and all
2339 persons of record claiming a lien against the motor vehicle. The
2340 notice must ~~shall~~ state the fact of possession of the motor
2341 vehicle, that charges for reasonable towing, storage, and
2342 parking fees, if any, have accrued and the amount thereof, that
2343 a lien as provided in subsection (6) will be claimed, that the
2344 lien is subject to enforcement pursuant to law, that the owner
2345 or lienholder, if any, has the right to a hearing as set forth
2346 in subsection (4), and that any motor vehicle which, at the end
2347 of 30 calendar days after receipt of the notice, has not been
2348 removed from the airport upon payment in full of all accrued
2349 charges for reasonable towing, storage, and parking fees, if

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2350 any, may be disposed of as provided in s. 705.182(2)(a), (b),
2351 (d), or (e), including, but not limited to, the motor vehicle
2352 being sold free of all prior liens after 35 calendar days after
2353 the time the motor vehicle is stored if any prior liens on the
2354 motor vehicle are more than 5 years of age or after 50 calendar
2355 days after the time the motor vehicle is stored if any prior
2356 liens on the motor vehicle are 5 years of age or less.

2357 (6) The airport pursuant to this section or, if used, a
2358 licensed independent wrecker company pursuant to s. 713.78 shall
2359 have a lien on an abandoned or derelict motor vehicle for all
2360 reasonable towing, storage, and accrued parking fees, if any,
2361 except that no storage fee may ~~shall~~ be charged if the motor
2362 vehicle is stored less than 6 hours. As a prerequisite to
2363 perfecting a lien under this section, the airport director or
2364 the director's designee must serve a notice in accordance with
2365 subsection (2) on the owner of the motor vehicle, the insurance
2366 company insuring the motor vehicle, ~~notwithstanding the~~
2367 ~~provisions of s. 627.736,~~ and all persons of record claiming a
2368 lien against the motor vehicle. If attempts to notify the owner,
2369 the insurance company insuring the motor vehicle,
2370 ~~notwithstanding the provisions of s. 627.736,~~ or lienholders are
2371 not successful, the requirement of notice by mail shall be
2372 considered met. Serving of the notice does not dispense with
2373 recording the claim of lien.

2374 (7)(a) For the purpose of perfecting its lien under this
2375 section, the airport shall record a claim of lien which states
2376 ~~shall state:~~

- 2377 1. The name and address of the airport.
- 2378 2. The name of the owner of the motor vehicle, the

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2379 insurance company insuring the motor vehicle, ~~notwithstanding~~
2380 ~~the provisions of s. 627.736,~~ and all persons of record claiming
2381 a lien against the motor vehicle.

2382 3. The costs incurred from reasonable towing, storage, and
2383 parking fees, if any.

2384 4. A description of the motor vehicle sufficient for
2385 identification.

2386 (b) The claim of lien must ~~shall~~ be signed and sworn to or
2387 affirmed by the airport director or the director's designee.

2388 (c) The claim of lien is ~~shall be~~ sufficient if it is in
2389 substantially the following form:

2390

2391 CLAIM OF LIEN

2392 State of

2393 County of

2394 Before me, the undersigned notary public, personally appeared
2395, who was duly sworn and says that he/she is the
2396 of, whose address is.....; and that the
2397 following described motor vehicle:

2398 ...(Description of motor vehicle)...

2399 owned by, whose address is, has accrued
2400 \$..... in fees for a reasonable tow, for storage, and for
2401 parking, if applicable; that the lienor served its notice to the
2402 owner, the insurance company insuring the motor vehicle
2403 ~~notwithstanding the provisions of s. 627.736, Florida Statutes,~~
2404 and all persons of record claiming a lien against the motor
2405 vehicle on, ...(year)...., by.....

2406 ...(Signature)...

2407 Sworn to (or affirmed) and subscribed before me this day of

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2408 (year)...., by ... (name of person making statement)....
 2409 ... (Signature of Notary Public)..... (Print, Type, or Stamp
 2410 Commissioned name of Notary Public) ...
 2411 Personally Known....OR Produced....as identification.

2412
 2413 However, the negligent inclusion or omission of any information
 2414 in this claim of lien which does not prejudice the owner does
 2415 not constitute a default that operates to defeat an otherwise
 2416 valid lien.

2417 (d) The claim of lien must ~~shall~~ be served on the owner of
 2418 the motor vehicle, the insurance company insuring the motor
 2419 vehicle, ~~notwithstanding the provisions of s. 627.736,~~ and all
 2420 persons of record claiming a lien against the motor vehicle. If
 2421 attempts to notify the owner, the insurance company insuring the
 2422 motor vehicle ~~notwithstanding the provisions of s. 627.736,~~ or
 2423 lienholders are not successful, the requirement of notice by
 2424 mail shall be considered met. The claim of lien must ~~shall~~ be so
 2425 served before recordation.

2426 (e) The claim of lien must ~~shall~~ be recorded with the clerk
 2427 of court in the county where the airport is located. The
 2428 recording of the claim of lien shall be constructive notice to
 2429 all persons of the contents and effect of such claim. The lien
 2430 attaches ~~shall attach~~ at the time of recordation and takes ~~shall~~
 2431 ~~take~~ priority as of that time.

2432 Section 51. Subsection (4) of section 713.78, Florida
 2433 Statutes, is amended to read:

2434 713.78 Liens for recovering, towing, or storing vehicles
 2435 and vessels.-

2436 (4) (a) Any person regularly engaged in the business of

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2437 recovering, towing, or storing vehicles or vessels who comes
2438 into possession of a vehicle or vessel pursuant to subsection
2439 (2), and who claims a lien for recovery, towing, or storage
2440 services, shall give notice to the registered owner, the
2441 insurance company insuring the vehicle ~~notwithstanding the~~
2442 ~~provisions of s. 627.736~~, and to all persons claiming a lien
2443 thereon, as disclosed by the records in the Department of
2444 Highway Safety and Motor Vehicles or as disclosed by the records
2445 of any corresponding agency in any other state in which the
2446 vehicle is identified through a records check of the National
2447 Motor Vehicle Title Information System or an equivalent
2448 commercially available system as being titled or registered.

2449 (b) If a ~~Whenever any~~ law enforcement agency authorizes the
2450 removal of a vehicle or vessel or if a ~~whenever any~~ towing
2451 service, garage, repair shop, or automotive service, storage, or
2452 parking place notifies the law enforcement agency of possession
2453 of a vehicle or vessel pursuant to s. 715.07(2)(a)2., the law
2454 enforcement agency of the jurisdiction where the vehicle or
2455 vessel is stored shall contact the Department of Highway Safety
2456 and Motor Vehicles, or the appropriate agency of the state of
2457 registration, if known, within 24 hours through the medium of
2458 electronic communications, giving the full description of the
2459 vehicle or vessel. Upon receipt of the full description of the
2460 vehicle or vessel, the department shall search its files to
2461 determine the owner's name, the insurance company insuring the
2462 vehicle or vessel, and whether any person has filed a lien upon
2463 the vehicle or vessel as provided in s. 319.27(2) and (3) and
2464 notify the applicable law enforcement agency within 72 hours.
2465 The person in charge of the towing service, garage, repair shop,

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2466 or automotive service, storage, or parking place shall obtain
2467 such information from the applicable law enforcement agency
2468 within 5 days after the date of storage and shall give notice
2469 pursuant to paragraph (a). The department may release the
2470 insurance company information to the requestor ~~notwithstanding~~
2471 ~~the provisions of s. 627.736.~~

2472 (c) Notice by certified mail must ~~shall~~ be sent within 7
2473 business days after the date of storage of the vehicle or vessel
2474 to the registered owner, the insurance company insuring the
2475 vehicle ~~notwithstanding the provisions of s. 627.736~~, and all
2476 persons of record claiming a lien against the vehicle or vessel.
2477 The notice must ~~It shall~~ state the fact of possession of the
2478 vehicle or vessel, that a lien as provided in subsection (2) is
2479 claimed, that charges have accrued and the amount thereof, that
2480 the lien is subject to enforcement pursuant to law, ~~and~~ that the
2481 owner or lienholder, if any, has the right to a hearing as set
2482 forth in subsection (5), and that any vehicle or vessel which
2483 remains unclaimed, or for which the charges for recovery,
2484 towing, or storage services remain unpaid, may be sold free of
2485 all prior liens after 35 days if the vehicle or vessel is more
2486 than 3 years of age or after 50 days if the vehicle or vessel is
2487 3 years of age or less.

2488 (d) If attempts to locate the name and address of the owner
2489 or lienholder prove unsuccessful, the towing-storage operator
2490 must ~~shall~~, after 7 working days, excluding Saturday and Sunday,
2491 of the initial tow or storage, notify the public agency of
2492 jurisdiction where the vehicle or vessel is stored in writing by
2493 certified mail or acknowledged hand delivery that the towing-
2494 storage company has been unable to locate the name and address

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2495 of the owner or lienholder and a physical search of the vehicle
2496 or vessel has disclosed no ownership information and a good
2497 faith effort has been made, including records checks of the
2498 Department of Highway Safety and Motor Vehicles database and the
2499 National Motor Vehicle Title Information System or an equivalent
2500 commercially available system. As used in ~~For purposes of~~ this
2501 paragraph and subsection (9), the term "good faith effort" means
2502 that the following checks have been performed by the company to
2503 establish prior state of registration and for title:

2504 1. Check of the Department of Highway Safety and Motor
2505 Vehicles database for the owner and any lienholder.

2506 2. Check of the electronic National Motor Vehicle Title
2507 Information System or an equivalent commercially available
2508 system to determine the state of registration when there is not
2509 a current registration record for the vehicle on file with the
2510 Department of Highway Safety and Motor Vehicles.

2511 3. Check of vehicle or vessel for any type of tag, tag
2512 record, temporary tag, or regular tag.

2513 4. Check of law enforcement report for tag number or other
2514 information identifying the vehicle or vessel, if the vehicle or
2515 vessel was towed at the request of a law enforcement officer.

2516 5. Check of trip sheet or tow ticket of tow truck operator
2517 to see if a tag was on vehicle or vessel at beginning of tow, if
2518 private tow.

2519 6. If there is no address of the owner on the impound
2520 report, check of law enforcement report to see if an out-of-
2521 state address is indicated from driver license information.

2522 7. Check of vehicle or vessel for inspection sticker or
2523 other stickers and decals that may indicate a state of possible

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2524 registration.

2525 8. Check of the interior of the vehicle or vessel for any
2526 papers that may be in the glove box, trunk, or other areas for a
2527 state of registration.

2528 9. Check of vehicle for vehicle identification number.

2529 10. Check of vessel for vessel registration number.

2530 11. Check of vessel hull for a hull identification number
2531 which should be carved, burned, stamped, embossed, or otherwise
2532 permanently affixed to the outboard side of the transom or, if
2533 there is no transom, to the outmost seaboard side at the end of
2534 the hull that bears the rudder or other steering mechanism.

2535 Section 52. Paragraph (a) of subsection (1), paragraph (c)
2536 of subsection (7), paragraphs (a), (b), and (c) of subsection
2537 (8), and subsections (9) and (10) of section 817.234, Florida
2538 Statutes, are amended to read:

2539 817.234 False and fraudulent insurance claims.—

2540 (1) (a) A person commits insurance fraud punishable as
2541 provided in subsection (11) if that person, with the intent to
2542 injure, defraud, or deceive any insurer:

2543 1. Presents or causes to be presented any written or oral
2544 statement as part of, or in support of, a claim for payment or
2545 other benefit pursuant to an insurance policy or a health
2546 maintenance organization subscriber or provider contract,
2547 knowing that such statement contains ~~any~~ false, incomplete, or
2548 misleading information concerning any fact or thing material to
2549 such claim;

2550 2. Prepares or makes any written or oral statement that is
2551 intended to be presented to an ~~any~~ insurer in connection with,
2552 or in support of, any claim for payment or other benefit

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2553 pursuant to an insurance policy or a health maintenance
2554 organization subscriber or provider contract, knowing that such
2555 statement contains ~~any~~ false, incomplete, or misleading
2556 information concerning any fact or thing material to such claim;

2557 3.a. Knowingly presents, causes to be presented, or
2558 prepares or makes with knowledge or belief that it will be
2559 presented to an ~~any~~ insurer, purported insurer, servicing
2560 corporation, insurance broker, or insurance agent, or any
2561 employee or agent thereof, ~~any~~ false, incomplete, or misleading
2562 information or a written or oral statement as part of, or in
2563 support of, an application for the issuance of, or the rating
2564 of, any insurance policy, or a health maintenance organization
2565 subscriber or provider contract; or

2566 b. Knowingly conceals information concerning any fact
2567 material to such application; or

2568 4. Knowingly presents, causes to be presented, or prepares
2569 or makes with knowledge or belief that it will be presented to
2570 any insurer a claim for payment or other benefit under medical
2571 payments coverage in a motor vehicle ~~a personal injury~~
2572 ~~protection~~ insurance policy if the person knows that the payee
2573 knowingly submitted a false, misleading, or fraudulent
2574 application or other document when applying for licensure as a
2575 health care clinic, seeking an exemption from licensure as a
2576 health care clinic, or demonstrating compliance with part X of
2577 chapter 400.

2578 (7)

2579 ~~(c) An insurer, or any person acting at the direction of or~~
2580 ~~on behalf of an insurer, may not change an opinion in a mental~~
2581 ~~or physical report prepared under s. 627.736(7) or direct the~~

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2582 ~~physician preparing the report to change such opinion; however,~~
2583 ~~this provision does not preclude the insurer from calling to the~~
2584 ~~attention of the physician errors of fact in the report based~~
2585 ~~upon information in the claim file. Any person who violates this~~
2586 ~~paragraph commits a felony of the third degree, punishable as~~
2587 ~~provided in s. 775.082, s. 775.083, or s. 775.084.~~

2588 (8) (a) It is unlawful for any person intending to defraud
2589 any other person to solicit or cause to be solicited any
2590 business from a person involved in a motor vehicle accident for
2591 the purpose of making, adjusting, or settling motor vehicle tort
2592 claims or claims for benefits under medical payments coverage in
2593 a motor vehicle insurance policy ~~personal injury protection~~
2594 ~~benefits required by s. 627.736.~~ Any person who violates ~~the~~
2595 ~~provisions of~~ this paragraph commits a felony of the second
2596 degree, punishable as provided in s. 775.082, s. 775.083, or s.
2597 775.084. A person who is convicted of a violation of this
2598 subsection shall be sentenced to a minimum term of imprisonment
2599 of 2 years.

2600 (b) A person may not solicit or cause to be solicited any
2601 business from a person involved in a motor vehicle accident by
2602 any means of communication other than advertising directed to
2603 the public for the purpose of making motor vehicle tort claims
2604 or claims for benefits under medical payments coverage in a
2605 motor vehicle insurance policy ~~personal injury protection~~
2606 ~~benefits required by s. 627.736,~~ within 60 days after the
2607 occurrence of the motor vehicle accident. Any person who
2608 violates this paragraph commits a felony of the third degree,
2609 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

2610 (c) A lawyer, health care practitioner as defined in s.

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2611 456.001, or owner or medical director of a clinic required to be
2612 licensed pursuant to s. 400.9905 may not, at any time after 60
2613 days have elapsed from the occurrence of a motor vehicle
2614 accident, solicit or cause to be solicited any business from a
2615 person involved in a motor vehicle accident by means of in
2616 person or telephone contact at the person's residence, for the
2617 purpose of making motor vehicle tort claims or claims for
2618 benefits under medical payments coverage in a motor vehicle
2619 insurance policy ~~personal injury protection benefits required by~~
2620 ~~s. 627.736~~. Any person who violates this paragraph commits a
2621 felony of the third degree, punishable as provided in s.
2622 775.082, s. 775.083, or s. 775.084.

2623 (9) A person may not organize, plan, or knowingly
2624 participate in an intentional motor vehicle crash or a scheme to
2625 create documentation of a motor vehicle crash that did not occur
2626 for the purpose of making motor vehicle tort claims or claims
2627 for benefits under medical payments coverage in a motor vehicle
2628 insurance policy ~~personal injury protection benefits as required~~
2629 ~~by s. 627.736~~. Any person who violates this subsection commits a
2630 felony of the second degree, punishable as provided in s.
2631 775.082, s. 775.083, or s. 775.084. A person who is convicted of
2632 a violation of this subsection shall be sentenced to a minimum
2633 term of imprisonment of 2 years.

2634 (10) A licensed health care practitioner who is found
2635 guilty of insurance fraud under this section for an act relating
2636 to a motor vehicle ~~personal injury protection~~ insurance policy
2637 loses his or her license to practice for 5 years and may not
2638 receive reimbursement under medical payments coverage in a motor
2639 vehicle insurance policy ~~for personal injury protection benefits~~

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2640 for 10 years.

2641 Section 53. Effective upon this act becoming a law, section
2642 627.7278, Florida Statutes, is created to read:

2643 627.7278 Applicability and construction; notice to
2644 policyholders.—

2645 (1) As used in this section, the term “minimum security
2646 requirements” means security that enables a person to respond in
2647 damages for liability on account of crashes arising out of the
2648 ownership, maintenance, or use of a motor vehicle, in the
2649 amounts required by s. 324.021(7).

2650 (2) Effective January 1, 2020:

2651 (a) Motor vehicle insurance policies issued or renewed on
2652 or after that date may not include personal injury protection.

2653 (b) All persons subject to s. 324.022, s. 324.032, s.
2654 627.7415, or s. 627.742 must maintain at least minimum security
2655 requirements.

2656 (c) Any new or renewal motor vehicle insurance policy
2657 delivered or issued for delivery in this state must provide
2658 coverage that complies with minimum security requirements.

2659 (d) An existing motor vehicle insurance policy issued
2660 before that date which provides personal injury protection and
2661 property damage liability coverage that meets the requirements
2662 of s. 324.022 on December 31, 2019, but which does not meet
2663 minimum security requirements on or after January 1, 2020, is
2664 deemed to meet the security requirements of s. 324.022 until
2665 such policy is renewed, nonrenewed, or canceled on or after
2666 January 1, 2020. Sections 627.730-627.7405, 400.9905, 400.991,
2667 456.057, 456.072, 627.7263, 627.727, 627.748, 627.9541(1)(i),
2668 and 817.234, Florida Statutes 2018, remain in full force and

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2669 effect for motor vehicle accidents covered under a policy issued
2670 under the Florida Motor Vehicle No-Fault Law before January 1,
2671 2020, until the policy is renewed, nonrenewed, or canceled.

2672 (3) Each insurer shall allow each insured who has a new or
2673 renewal policy providing personal injury protection which
2674 becomes effective before January 1, 2020, and whose policy does
2675 not meet minimum security requirements on or after January 1,
2676 2020, to change coverages so as to eliminate personal injury
2677 protection and obtain coverage providing minimum security
2678 requirements, which shall be effective on or after January 1,
2679 2020. The insurer is not required to provide coverage complying
2680 with minimum security requirements in such policies if the
2681 insured does not pay the required premium, if any, by January 1,
2682 2020, or such later date as the insurer may allow. The insurer
2683 must also offer each insured medical payments coverage pursuant
2684 to s. 627.7265. Any reduction in the premium must be refunded by
2685 the insurer. The insurer may not impose on the insured an
2686 additional fee or charge that applies solely to a change in
2687 coverage; however, the insurer may charge an additional required
2688 premium that is actuarially indicated.

2689 (4) By September 1, 2019, each motor vehicle insurer shall
2690 provide notice of this section to each motor vehicle
2691 policyholder who is subject to this section. The notice is
2692 subject to approval by the office and must clearly inform the
2693 policyholder that:

2694 (a) The Florida Motor Vehicle No-Fault Law is repealed,
2695 effective January 1, 2020, and that on or after that date, the
2696 insured is no longer required to maintain personal injury
2697 protection insurance coverage, that personal injury protection

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2698 coverage is no longer available for purchase in this state, and
2699 that all new or renewal policies issued on or after that date
2700 will not contain such coverage.

2701 (b) Effective January 1, 2020, a person subject to the
2702 financial responsibility requirements of s. 324.022 must
2703 maintain minimum security requirements that enable the person to
2704 respond to damages for liability on account of accidents arising
2705 out of the use of a motor vehicle in the following amounts:

2706 1. Twenty-five thousand dollars for bodily injury to, or
2707 the death of, one person in any one crash and, subject to such
2708 limits for one person, in the amount of \$50,000 for bodily
2709 injury to, or the death of, two or more persons in any one
2710 crash; and

2711 2. Ten thousand dollars for damage to, or destruction of,
2712 the property of others in any one crash.

2713 (c) Bodily injury liability coverage protects the insured,
2714 up to the coverage limits, against loss if the insured is
2715 legally responsible for the death of or bodily injury to others
2716 in a motor vehicle accident.

2717 (d) Effective January 1, 2020, each policyholder of motor
2718 vehicle liability insurance purchased as proof of financial
2719 responsibility must be offered medical payments coverage
2720 benefits that comply with s. 627.7265. The insurer must offer
2721 medical payments coverage at limits of \$5,000 and \$10,000
2722 without a deductible. The insurer may also offer medical
2723 payments coverage at other limits greater than \$5,000, and may
2724 offer coverage with a deductible of up to \$500. Medical payments
2725 coverage pays covered medical expenses, up to the limits of such
2726 coverage, for injuries sustained in a motor vehicle crash by the

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2727 named insured, resident relatives, persons operating the insured
2728 motor vehicle, passengers in the insured motor vehicle, and
2729 persons who are struck by the insured motor vehicle and suffer
2730 bodily injury while not an occupant of a self-propelled motor
2731 vehicle as provided in s. 627.7265. Medical payments coverage
2732 also provides a death benefit of at least \$5,000.

2733 (e) The policyholder may obtain uninsured and underinsured
2734 motorist coverage, which provides benefits, up to the limits of
2735 such coverage, to a policyholder or other insured entitled to
2736 recover damages for bodily injury, sickness, disease, or death
2737 resulting from a motor vehicle accident with an uninsured or
2738 underinsured owner or operator of a motor vehicle.

2739 (f) If the policyholder's new or renewal motor vehicle
2740 insurance policy is effective before January 1, 2020, and
2741 contains personal injury protection and property damage
2742 liability coverage as required by state law before January 1,
2743 2020, but does not meet minimum security requirements on or
2744 after January 1, 2020, the policy is deemed to meet minimum
2745 security requirements until it is renewed, nonrenewed, or
2746 canceled on or after January 1, 2020.

2747 (g) A policyholder whose new or renewal policy becomes
2748 effective before January 1, 2020, but does not meet minimum
2749 security requirements on or after January 1, 2020, may change
2750 coverages under the policy so as to eliminate personal injury
2751 protection and to obtain coverage providing minimum security
2752 requirements, including bodily injury liability coverage, which
2753 are effective on or after January 1, 2020.

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

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2756 notice.

2757 Section 54. Section 324.0222, Florida Statutes, is created
2758 to read:

2759 324.0222 Application of suspensions for failure to maintain
2760 security; reinstatement.—All suspensions for failure to maintain
2761 required security as required by law in effect before January 1,
2762 2020, remain in full force and effect after January 1, 2020. A
2763 driver may reinstate a suspended driver license or registration
2764 as provided under s. 324.0221.

2765 Section 55. For the 2019-2020 fiscal year, the sum of
2766 \$83,651 in nonrecurring funds is appropriated from the Insurance
2767 Regulatory Trust Fund to the Office of Insurance Regulation for
2768 the purpose of implementing this act.

2769 Section 56. Except as otherwise expressly provided in this
2770 act and except for this section, which shall take effect upon
2771 this act becoming a law, this act shall take effect January 1,
2772 2020.