

By Senator Lee

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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; creating s.
49 324.0222, F.S.; providing that driver license or
50 registration suspensions for failure to maintain
51 required security which were in effect before a
52 specified date remain in full force and effect;
53 providing that such suspended licenses or
54 registrations may be reinstated as provided in a
55 specified section; amending s. 324.023, F.S.;
56 conforming cross-references; amending s. 324.031,
57 F.S.; specifying a method of proving financial
58 responsibility; revising the amount of a certificate

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59 of deposit required to elect a certain method of proof
60 of financial responsibility; revising excess liability
61 coverage requirements for a person electing to use
62 such method; amending s. 324.032, F.S.; revising
63 financial responsibility requirements for owners or
64 lessees of for-hire passenger transportation vehicles;
65 amending ss. 324.051, 324.071, and 324.091, F.S.;
66 making technical changes; amending s. 324.151, F.S.;
67 revising requirements for motor vehicle liability
68 insurance policies relating to coverage, and exclusion
69 from coverage, for certain drivers and vehicles;
70 defining terms; conforming provisions to changes made
71 by the act; making technical changes; amending s.
72 324.161, F.S.; revising requirements for a certificate
73 of deposit that is required if a person elects a
74 certain method of proving financial responsibility;
75 amending s. 324.171, F.S.; revising the minimum net
76 worth requirements to qualify certain persons as self-
77 insurers; conforming provisions to changes made by the
78 act; amending s. 324.251, F.S.; revising the short
79 title and an effective date; amending s. 400.9905,
80 F.S.; revising the definition of the term "clinic";
81 amending ss. 400.991 and 400.9935, F.S.; conforming
82 provisions to changes made by the act; amending s.
83 409.901, F.S.; revising the definition of the term
84 "third-party benefit"; amending s. 409.910, F.S.;
85 revising the definition of the term "medical
86 coverage"; amending s. 456.057, F.S.; conforming a
87 cross-reference; amending s. 456.072, F.S.; revising

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88 specified grounds for discipline for certain health
89 professions; amending s. 626.9541, F.S.; conforming a
90 provision to changes made by the act; revising the
91 type of insurance coverage applicable to a certain
92 prohibited act; amending s. 626.989, F.S.; revising
93 the definition of the term "fraudulent insurance act";
94 amending s. 627.06501, F.S.; revising coverages that
95 may provide for a reduction in motor vehicle insurance
96 policy premium charges under certain circumstances;
97 amending s. 627.0651, F.S.; specifying requirements
98 for initial rate filings for motor vehicle liability
99 policies submitted to the Office of Insurance
100 Regulation beginning on a specified date; amending s.
101 627.0652, F.S.; revising coverages that must provide a
102 premium charge reduction under certain circumstances;
103 amending s. 627.0653, F.S.; revising coverages subject
104 to premium discounts for specified motor vehicle
105 equipment; amending s. 627.4132, F.S.; revising the
106 coverages of a motor vehicle policy which are subject
107 to a stacking prohibition; amending s. 627.7263, F.S.;
108 revising coverages that are deemed primary, except
109 under certain circumstances, for the lessor of a motor
110 vehicle for lease or rent; revising a notice that is
111 required if the lessee's coverage is to be primary;
112 creating s. 627.7265, F.S.; specifying persons whom
113 medical payments coverage must protect; requiring
114 medical payments coverage to cover reasonable expenses
115 for certain medical services provided by specified
116 providers and facilities and to provide a death

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117 benefit; specifying the minimum medical expense and
118 death benefit limits; specifying coverage options an
119 insurer must and may offer; providing that motor
120 vehicle liability insurance policies are deemed to
121 have medical payments coverage at a certain limit and
122 with no deductible unless rejected or modified by the
123 policyholder by certain means; specifying requirements
124 for certain forms approved by the office; requiring
125 insurers to provide policyholders with a certain
126 annual notice; providing construction relating to
127 limits on certain other coverages; requiring insurers,
128 upon receiving certain notice of an accident, to hold
129 a specified reserve for certain purposes for a certain
130 timeframe; providing that the reserve requirement does
131 not require insurers to establish a claim reserve for
132 accounting purposes; specifying that an insurer
133 providing medical payments coverage benefits may not
134 have a lien on a certain recovery and may not have a
135 certain cause of action; authorizing insurers to
136 include policy provisions allowing for subrogation,
137 under certain circumstances, for medical payments
138 benefits paid; providing construction; specifying a
139 requirement for an insured for repayment of medical
140 payments benefits under certain circumstances;
141 prohibiting insurers from including policy provisions
142 allowing for subrogation for death benefits paid;
143 amending s. 627.727, F.S.; revising the legal
144 liability of an uninsured motorist coverage insurer;
145 conforming provisions to changes made by the act;

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146 amending s. 627.7275, F.S.; revising required
147 coverages for a motor vehicle insurance policy;
148 conforming provisions to changes made by the act;
149 creating s. 627.7278, F.S.; defining the term "minimum
150 security requirements"; providing requirements,
151 applicability, and construction relating to motor
152 vehicle insurance policies as of a certain date;
153 requiring insurers to allow certain insureds to make
154 certain coverage changes, subject to certain
155 conditions; requiring an insurer to provide, by a
156 specified date, a specified notice to policyholders
157 relating to requirements under the act; amending s.
158 627.728, F.S.; conforming a provision to changes made
159 by the act; amending s. 627.7295, F.S.; revising the
160 definitions of the terms "policy" and "binder";
161 revising the coverages of a motor vehicle insurance
162 policy for which a licensed general lines agent may
163 charge a specified fee; conforming a provision to
164 changes made by the act; amending s. 627.7415, F.S.;
165 revising additional liability insurance requirements
166 for commercial motor vehicles; creating s. 627.747,
167 F.S.; providing that private passenger motor vehicle
168 policies may exclude certain identified individuals
169 from specified coverages under certain circumstances;
170 providing that such policies may not exclude coverage
171 under certain circumstances; amending s. 627.748,
172 F.S.; revising insurance requirements for
173 transportation network company drivers; conforming
174 provisions to changes made by the act; amending s.

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175 627.749, F.S.; conforming a provision to changes made
 176 by the act; amending s. 627.8405, F.S.; revising
 177 coverages in a policy sold in combination with an
 178 accidental death and dismemberment policy which a
 179 premium finance company may not finance; revising
 180 rulemaking authority of the Financial Services
 181 Commission; amending ss. 627.915, 628.909, 705.184,
 182 and 713.78, F.S.; conforming provisions to changes
 183 made by the act; amending s. 817.234, F.S.; revising
 184 coverages that are the basis of specified prohibited
 185 false and fraudulent insurance claims; conforming
 186 provisions to changes made by the act; providing an
 187 appropriation; providing effective dates.

188

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

190

191 Section 1. Sections 627.730, 627.731, 627.7311, 627.732,
 192 627.733, 627.734, 627.736, 627.737, 627.739, 627.7401, 627.7403,
 193 and 627.7405, Florida Statutes, are repealed.

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

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

197 316.646 Security required; proof of security and display
 198 thereof.—

199 (1) Any person required by s. 324.022 to maintain liability
 200 security for property damage, ~~liability security, required by s.~~
 201 ~~324.023 to maintain liability security for bodily injury,~~ or
 202 ~~death, or required by s. 627.733 to maintain personal injury~~
 203 ~~protection security on a motor vehicle~~ shall have in his or her

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204 immediate possession at all times while operating such motor
205 vehicle proper proof of maintenance of the ~~required~~ security
206 required under s. 324.021(7).

207 (a) Such proof must ~~shall~~ be in a uniform paper or
208 electronic format, as prescribed by the department, a valid
209 insurance policy, an insurance policy binder, a certificate of
210 insurance, or such other proof as may be prescribed by the
211 department.

212 (b)1. The act of presenting to a law enforcement officer an
213 electronic device displaying proof of insurance in an electronic
214 format does not constitute consent for the officer to access any
215 information on the device other than the displayed proof of
216 insurance.

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

219 Section 4. Paragraph (b) of subsection (2) of section
220 318.18, Florida Statutes, is amended to read:

221 318.18 Amount of penalties.—The penalties required for a
222 noncriminal disposition pursuant to s. 318.14 or a criminal
223 offense listed in s. 318.17 are as follows:

224 (2) Thirty dollars for all nonmoving traffic violations
225 and:

226 (b) For all violations of ss. 320.0605, 320.07(1), 322.065,
227 and 322.15(1). A ~~Any~~ person who is cited for a violation of s.
228 320.07(1) shall be charged a delinquent fee pursuant to s.
229 320.07(4).

230 1. If a person who is cited for a violation of s. 320.0605
231 or s. 320.07 can show proof of having a valid registration at
232 the time of arrest, the clerk of the court may dismiss the case

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233 and may assess a dismissal fee of up to \$10, from which the
234 clerk shall remit \$2.50 to the Department of Revenue for deposit
235 into the General Revenue Fund. A person who finds it impossible
236 or impractical to obtain a valid registration certificate must
237 submit an affidavit detailing the reasons for the impossibility
238 or impracticality. The reasons may include, but are not limited
239 to, the fact that the vehicle was sold, stolen, or destroyed;
240 that the state in which the vehicle is registered does not issue
241 a certificate of registration; or that the vehicle is owned by
242 another person.

243 2. If a person who is cited for a violation of s. 322.03,
244 s. 322.065, or s. 322.15 can show a driver license issued to him
245 or her and valid at the time of arrest, the clerk of the court
246 may dismiss the case and may assess a dismissal fee of up to
247 \$10, from which the clerk shall remit \$2.50 to the Department of
248 Revenue for deposit into the General Revenue Fund.

249 3. If a person who is cited for a violation of s. 316.646
250 can show proof of security as required by s. 324.021(7) ~~s.~~
251 ~~627.733~~, issued to the person and valid at the time of arrest,
252 the clerk of the court may dismiss the case and may assess a
253 dismissal fee of up to \$10, from which the clerk shall remit
254 \$2.50 to the Department of Revenue for deposit into the General
255 Revenue Fund. A person who finds it impossible or impractical to
256 obtain proof of security must submit an affidavit detailing the
257 reasons for the impracticality. The reasons may include, but are
258 not limited to, the fact that the vehicle has since been sold,
259 stolen, or destroyed; ~~that the owner or registrant of the~~
260 ~~vehicle is not required by s. 627.733 to maintain personal~~
261 ~~injury protection insurance;~~ or that the vehicle is owned by

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262 another person.

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

265 320.02 Registration required; application for registration;
266 forms.—

267 (5) (a) Proof that bodily injury liability coverage and
268 property damage liability coverage ~~personal injury protection~~
269 ~~benefits~~ have been purchased if required under s. 324.022, s.
270 324.032, or s. 627.742 ~~s. 627.733, that property damage~~
271 ~~liability coverage has been purchased as required under s.~~
272 ~~324.022, that bodily injury liability or death~~ coverage has been
273 purchased if required under s. 324.023, and that combined bodily
274 liability insurance and property damage liability insurance have
275 been purchased if required under s. 627.7415 must ~~shall~~ be
276 provided in the manner prescribed by law by the applicant at the
277 time of application for registration of any motor vehicle that
278 is subject to such requirements. The issuing agent may not ~~shall~~
279 ~~refuse to~~ issue registration if such proof of purchase is not
280 provided. Insurers shall furnish uniform proof-of-purchase cards
281 in a paper or electronic format in a form prescribed by the
282 department and include the name of the insured's insurance
283 company, the coverage identification number, and the make, year,
284 and vehicle identification number of the vehicle insured. The
285 card must contain a statement notifying the applicant of the
286 penalty specified under s. 316.646(4). The card or insurance
287 policy, insurance policy binder, or certificate of insurance or
288 a photocopy of any of these; an affidavit containing the name of
289 the insured's insurance company, the insured's policy number,
290 and the make and year of the vehicle insured; or such other

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291 proof as may be prescribed by the department constitutes ~~shall~~
 292 ~~constitute~~ sufficient proof of purchase. If an affidavit is
 293 provided as proof, it must be in substantially the following
 294 form:

295
 296 Under penalty of perjury, I ...(Name of insured)... do hereby
 297 certify that I have ...(bodily injury liability and Personal
 298 ~~Injury Protection~~, property damage liability, ~~and, if required,~~
 299 ~~Bodily Injury Liability~~)... insurance currently in effect with
 300 ...(Name of insurance company)... under ...(policy number)...
 301 covering ...(make, year, and vehicle identification number of
 302 vehicle).... ...(Signature of Insured)...

303
 304 Such affidavit must include the following warning:

305
 306 WARNING: GIVING FALSE INFORMATION IN ORDER TO OBTAIN A VEHICLE
 307 REGISTRATION CERTIFICATE IS A CRIMINAL OFFENSE UNDER FLORIDA
 308 LAW. ANYONE GIVING FALSE INFORMATION ON THIS AFFIDAVIT IS
 309 SUBJECT TO PROSECUTION.

310
 311 If an application is made through a licensed motor vehicle
 312 dealer as required under s. 319.23, the original or a photocopy
 313 ~~photostatic copy~~ of such card, insurance policy, insurance
 314 policy binder, or certificate of insurance or the original
 315 affidavit from the insured must ~~shall~~ be forwarded by the dealer
 316 to the tax collector of the county or the Department of Highway
 317 Safety and Motor Vehicles for processing. By executing the
 318 ~~aforsaid~~ affidavit, a ~~no~~ licensed motor vehicle dealer is not
 319 ~~will be~~ liable in damages for any inadequacy, insufficiency, or

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320 falsification of any statement contained therein. ~~A card must~~
321 ~~also indicate the existence of any bodily injury liability~~
322 ~~insurance voluntarily purchased.~~

323 (d) The verifying of ~~proof of personal injury protection~~
324 ~~insurance, proof of property damage liability insurance, proof~~
325 ~~of combined bodily liability insurance and property damage~~
326 ~~liability insurance, or proof of financial responsibility~~
327 ~~insurance~~ and the issuance or failure to issue the motor vehicle
328 registration under ~~the provisions of~~ this chapter may not be
329 construed in any court as a warranty of the reliability or
330 accuracy of the evidence of such proof, or as meaning that the
331 provisions of any insurance policy furnished as proof of
332 financial responsibility comply with state law. Neither the
333 department nor any tax collector is liable in damages for any
334 inadequacy, insufficiency, falsification, or unauthorized
335 modification of any item of ~~the proof of personal injury~~
336 ~~protection insurance, proof of property damage liability~~
337 ~~insurance, proof of combined bodily liability insurance and~~
338 ~~property damage liability insurance, or proof of financial~~
339 responsibility before ~~insurance prior to~~, during, or subsequent
340 to the verification of the proof. The issuance of a motor
341 vehicle registration does not constitute prima facie evidence or
342 a presumption of insurance coverage.

343 Section 6. Paragraph (b) of subsection (1) of section
344 320.0609, Florida Statutes, is amended to read:

345 320.0609 Transfer and exchange of registration license
346 plates; transfer fee.—

347 (1)

348 (b) The transfer of a license plate from a vehicle disposed

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349 of to a newly acquired vehicle does not constitute a new
 350 registration. The application for transfer must ~~shall~~ be
 351 accepted without requiring proof of ~~personal injury protection~~
 352 ~~or~~ liability insurance.

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

356 320.27 Motor vehicle dealers.—

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

361 (g) "Garage liability insurance" means, beginning January
 362 1, 2021, combined single-limit liability coverage, including
 363 property damage and bodily injury liability coverage, in the
 364 amount of at least \$60,000.

365 (3) APPLICATION AND FEE.—The ~~application for the~~ license
 366 application must ~~shall~~ be in such form as may be prescribed by
 367 the department and is ~~shall be~~ subject to such rules ~~with~~
 368 ~~respect thereto~~ as may be so prescribed by the department ~~it~~.
 369 Such application must ~~shall~~ be verified by oath or affirmation
 370 and must ~~shall~~ contain a full statement of the name and birth
 371 date of the person or persons applying for the license ~~therefor~~;
 372 the name of the firm or copartnership, with the names and places
 373 of residence of all members ~~thereof~~, if such applicant is a firm
 374 or copartnership; the names and places of residence of the
 375 principal officers, if the applicant is a body corporate or
 376 other artificial body; the name of the state under whose laws
 377 the corporation is organized; the present and former place or

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378 places of residence of the applicant; and the prior business in
379 which the applicant has been engaged and its ~~the~~ location
380 ~~thereof~~. The ~~Such~~ application must ~~shall~~ describe the exact
381 location of the place of business and must ~~shall~~ state whether
382 the place of business is owned by the applicant and when
383 acquired, or, if leased, a true copy of the lease must ~~shall~~ be
384 attached to the application. The applicant shall certify that
385 the location provides an adequately equipped office and is not a
386 residence; that the location affords sufficient unoccupied space
387 upon and within which adequately to store all motor vehicles
388 offered and displayed for sale; and that the location is a
389 suitable place where the applicant can in good faith carry on
390 such business and keep and maintain books, records, and files
391 necessary to conduct such business, which must ~~shall~~ be
392 available at all reasonable hours to inspection by the
393 department or any of its inspectors or other employees. The
394 applicant shall certify that the business of a motor vehicle
395 dealer is the principal business that will ~~which shall~~ be
396 conducted at that location. The application must ~~shall~~ contain a
397 statement that the applicant is either franchised by a
398 manufacturer of motor vehicles, in which case the name of each
399 motor vehicle that the applicant is franchised to sell must
400 ~~shall~~ be included, or an independent (nonfranchised) motor
401 vehicle dealer. The application must ~~shall~~ contain other
402 relevant information as may be required by the department. The
403 applicant shall furnish, including evidence, in a form approved
404 by the department, that the applicant is insured under a garage
405 liability insurance policy or a general liability insurance
406 policy coupled with a business automobile policy having the

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407 coverages and limits of the garage liability insurance coverage
408 in accordance with paragraph (1)(g), which shall include, at a
409 minimum, \$25,000 combined single-limit liability coverage
410 including bodily injury and property damage protection and
411 \$10,000 personal injury protection. However, a salvage motor
412 vehicle dealer as defined in subparagraph (1)(c)5. is exempt
413 from the requirements for garage liability insurance and
414 personal injury protection insurance on those vehicles that
415 cannot be legally operated on roads, highways, or streets in
416 this state. Franchise dealers must submit a garage liability
417 insurance policy, and all other dealers must submit a garage
418 liability insurance policy or a general liability insurance
419 policy coupled with a business automobile policy. Such policy
420 must shall be for the license period, and evidence of a new or
421 continued policy must shall be delivered to the department at
422 the beginning of each license period. Upon making an initial
423 application, the applicant shall pay to the department a fee of
424 \$300 in addition to any other fees required by law. Applicants
425 may choose to extend the licensure period for 1 additional year
426 for a total of 2 years. An initial applicant shall pay to the
427 department a fee of \$300 for the first year and \$75 for the
428 second year, in addition to any other fees required by law. An
429 applicant for renewal shall pay to the department \$75 for a 1-
430 year renewal or \$150 for a 2-year renewal, in addition to any
431 other fees required by law. Upon making an application for a
432 change of location, the applicant person shall pay a fee of \$50
433 in addition to any other fees now required by law. The
434 department shall, in the case of every application for initial
435 licensure, verify whether certain facts set forth in the

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436 application are true. Each applicant, general partner in the
437 case of a partnership, or corporate officer and director in the
438 case of a corporate applicant shall, ~~must~~ file a set of
439 fingerprints with the department for the purpose of determining
440 any prior criminal record or any outstanding warrants. The
441 department shall submit the fingerprints to the Department of
442 Law Enforcement for state processing and forwarding to the
443 Federal Bureau of Investigation for federal processing. The
444 actual cost of state and federal processing must ~~shall~~ be borne
445 by the applicant and is in addition to the fee for licensure.
446 The department may issue a license to an applicant pending the
447 results of the fingerprint investigation, which license is fully
448 revocable if the department subsequently determines that any
449 facts set forth in the application are not true or correctly
450 represented.

451 Section 8. Paragraph (j) of subsection (3) of section
452 320.771, Florida Statutes, is amended to read:

453 320.771 License required of recreational vehicle dealers.-

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

458 (j) A statement that the applicant is insured under a
459 garage liability insurance policy in accordance with s.
460 320.27(1)(g), ~~which shall include, at a minimum, \$25,000~~
461 ~~combined single-limit liability coverage, including bodily~~
462 ~~injury and property damage protection, and \$10,000 personal~~
463 ~~injury protection~~, if the applicant is to be licensed as a
464 dealer in, or intends to sell, recreational vehicles.

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466 The department shall, if it deems necessary, cause an
467 investigation to be made to ascertain if the facts set forth in
468 the application are true and shall not issue a license to the
469 applicant until it is satisfied that the facts set forth in the
470 application are true.

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

473 322.251 Notice of cancellation, suspension, revocation, or
474 disqualification of license.—

475 (1) All orders of cancellation, suspension, revocation, or
476 disqualification issued under ~~the provisions of~~ this chapter,
477 chapter 318, or chapter 324 must, ~~or ss. 627.732-627.734 shall~~
478 be given either by personal delivery thereof to the licensee
479 whose license is being canceled, suspended, revoked, or
480 disqualified or by deposit in the United States mail in an
481 envelope, first class, postage prepaid, addressed to the
482 licensee at his or her last known mailing address furnished to
483 the department. Such mailing by the department constitutes
484 notification, and any failure by the person to receive the
485 mailed order will not affect or stay the effective date or term
486 of the cancellation, suspension, revocation, or disqualification
487 of the licensee's driving privilege.

488 (2) The giving of notice and an order of cancellation,
489 suspension, revocation, or disqualification by mail is complete
490 upon expiration of 20 days after deposit in the United States
491 mail for all notices except those issued under chapter 324 ~~or~~
492 ~~ss. 627.732-627.734~~, which are complete 15 days after deposit in
493 the United States mail. Proof of the giving of notice and an

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494 order of cancellation, suspension, revocation, or
 495 disqualification in either manner must ~~shall~~ be made by entry in
 496 the records of the department that such notice was given. The
 497 entry is admissible in the courts of this state and constitutes
 498 sufficient proof that such notice was given.

499 Section 10. Paragraph (a) of subsection (8) of section
 500 322.34, Florida Statutes, is amended to read:

501 322.34 Driving while license suspended, revoked, canceled,
 502 or disqualified.—

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

506 1. Whether the person's driver license is suspended or
 507 revoked, or the person is under suspension or revocation
 508 equivalent status.

509 2. Whether the person's driver license has remained
 510 suspended or revoked, or the person has been under suspension or
 511 revocation equivalent status, since a conviction for the offense
 512 of driving with a suspended or revoked license.

513 3. Whether the suspension, revocation, or suspension or
 514 revocation equivalent status was made under s. 316.646 ~~or s.~~
 515 ~~627.733~~, relating to failure to maintain required security, or
 516 under s. 322.264, relating to habitual traffic offenders.

517 4. Whether the driver is the registered owner or co-owner
 518 of the vehicle.

519 Section 11. Section 324.011, Florida Statutes, is amended
 520 to read:

521 324.011 Legislative intent and purpose of chapter.—It is
 522 the Legislature's intent of this chapter to ensure that the

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523 privilege of owning or operating a motor vehicle in this state
524 is exercised ~~recognize the existing privilege to own or operate~~
525 ~~a motor vehicle on the public streets and highways of this state~~
526 ~~when such vehicles are used~~ with due consideration for others'
527 safety ~~others~~ and their property, ~~and~~ to promote safety, and to
528 provide financial security requirements for ~~such~~ owners and ~~or~~
529 operators whose responsibility it is to recompense others for
530 injury to person or property caused by the operation of a motor
531 vehicle. Therefore, this chapter requires that every owner or
532 operator of a motor vehicle required to be registered in this
533 state establish, maintain, and it is required herein that the
534 ~~operator of a motor vehicle involved in a crash or convicted of~~
535 ~~certain traffic offenses meeting the operative provisions of s.~~
536 ~~324.051(2) shall respond for such damages and show proof of~~
537 financial ability to respond for damages arising out of the
538 ownership, maintenance, or use of a motor vehicle in future
539 ~~accidents~~ as a requisite to owning or operating a motor vehicle
540 in this state ~~his or her future exercise of such privileges.~~

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

544 324.021 Definitions; minimum insurance required.—The
545 following words and phrases when used in this chapter shall, for
546 the purpose of this chapter, have the meanings respectively
547 ascribed to them in this section, except in those instances
548 where the context clearly indicates a different meaning:

549 (1) MOTOR VEHICLE.—Every self-propelled vehicle that is
550 designed and required to be licensed for use upon a highway,
551 including trailers and semitrailers designed for use with such

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552 vehicles, except traction engines, road rollers, farm tractors,
553 power shovels, and well drillers, and every vehicle that is
554 propelled by electric power obtained from overhead wires but not
555 operated upon rails, but not including any personal delivery
556 device or mobile carrier as defined in s. 316.003, bicycle, or
557 moped. ~~However, the term "motor vehicle" does not include a~~
558 ~~motor vehicle as defined in s. 627.732(3) when the owner of such~~
559 ~~vehicle has complied with the requirements of ss. 627.730-~~
560 ~~627.7405, inclusive, unless the provisions of s. 324.051 apply;~~
561 ~~and, in such case, the applicable proof of insurance provisions~~
562 ~~of s. 320.02 apply.~~

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

567 (a) Beginning January 1, 2021, with respect to a motor
568 vehicle that is not a commercial motor vehicle, nonpublic sector
569 bus, or for-hire passenger transportation vehicle, in the amount
570 of:

571 1. Twenty-five thousand dollars for \$10,000 because of
572 bodily injury to, or the death of, one person in any one crash
573 and,†

574 ~~(b)~~ subject to such limits for one person, in the amount of
575 \$50,000 for \$20,000 because of bodily injury to, or the death
576 of, two or more persons in any one crash; and

577 2. (e) Ten thousand dollars for damage ~~In the amount of~~
578 ~~\$10,000 because of injury~~ to, or destruction of, property of
579 others in any one crash. ~~† and~~

580 (b) (d) With respect to commercial motor vehicles ~~and~~

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581 ~~nonpublic sector buses~~, in the amounts specified in s. 627.7415
582 ~~ss. 627.7415 and 627.742~~, respectively.

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

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

587 (9) OWNER; OWNER/LESSOR.—

588 (c) *Application*.—

589 1. The limits on liability in subparagraphs (b)2. and 3. do
590 not apply to an owner of motor vehicles that are used for
591 commercial activity in the owner's ordinary course of business,
592 other than a rental company that rents or leases motor vehicles.
593 For purposes of this paragraph, the term "rental company"
594 includes only an entity that is engaged in the business of
595 renting or leasing motor vehicles to the general public and that
596 rents or leases a majority of its motor vehicles to persons with
597 no direct or indirect affiliation with the rental company. The
598 term also includes a motor vehicle dealer that provides
599 temporary replacement vehicles to its customers for up to 10
600 days. The term "rental company" also includes:

601 a. A related rental or leasing company that is a subsidiary
602 of the same parent company as that of the renting or leasing
603 company that rented or leased the vehicle.

604 b. The holder of a motor vehicle title or an equity
605 interest in a motor vehicle title if the title or equity
606 interest is held pursuant to or to facilitate an asset-backed
607 securitization of a fleet of motor vehicles used solely in the
608 business of renting or leasing motor vehicles to the general
609 public and under the dominion and control of a rental company,

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610 as described in this subparagraph, in the operation of such
611 rental company's business.

612 2. Furthermore, with respect to commercial motor vehicles
613 as defined in s. 207.002 or s. 320.01 ~~s. 627.732~~, the limits on
614 liability in subparagraphs (b)2. and 3. do not apply if, at the
615 time of the incident, the commercial motor vehicle is being used
616 in the transportation of materials found to be hazardous for the
617 purposes of the Hazardous Materials Transportation Authorization
618 Act of 1994, as amended, 49 U.S.C. ss. 5101 et seq., and that is
619 required pursuant to such act to carry placards warning others
620 of the hazardous cargo, unless at the time of lease or rental
621 either:

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

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

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

634 Section 13. Section 324.022, Florida Statutes, is amended
635 to read:

636 324.022 Financial responsibility requirements ~~for property~~
637 ~~damage.—~~

638 (1) (a) Beginning January 1, 2021, every owner or operator

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639 of a motor vehicle required to be registered in this state shall
640 establish and continuously maintain the ability to respond in
641 damages for liability on account of accidents arising out of the
642 use of the motor vehicle in the amount of:

643 1. Twenty-five thousand dollars for bodily injury to, or
644 the death of, one person in any one crash and, subject to such
645 limits for one person, in the amount of \$50,000 for bodily
646 injury to, or the death of, two or more persons in any one
647 crash; and

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

650 (b) The requirements of paragraph (a) ~~this section~~ may be
651 met by one of the methods established in s. 324.031; by self-
652 insuring as authorized by s. 768.28(16); or by maintaining a
653 motor vehicle liability insurance policy that ~~an insurance~~
654 ~~policy providing coverage for property damage liability in the~~
655 ~~amount of at least \$10,000 because of damage to, or destruction~~
656 ~~of, property of others in any one accident arising out of the~~
657 ~~use of the motor vehicle. The requirements of this section may~~
658 ~~also be met by having a policy which provides combined property~~
659 ~~damage liability and bodily injury liability coverage for any~~
660 ~~one crash arising out of the ownership, maintenance, or use of a~~
661 ~~motor vehicle and that conforms to the requirements of s.~~
662 ~~324.151 in the amount of at least \$60,000 for every owner or~~
663 ~~operator subject to the financial responsibility required in~~
664 ~~paragraph (a) \$30,000 for combined property damage liability and~~
665 ~~bodily injury liability for any one crash arising out of the use~~
666 ~~of the motor vehicle. The policy, with respect to coverage for~~
667 ~~property damage liability, must meet the applicable requirements~~

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668 of ~~s. 324.151~~, subject to the usual policy exclusions that have
669 been approved in policy forms by the Office of Insurance
670 Regulation. No insurer shall have any duty to defend uncovered
671 claims irrespective of their joinder with covered claims.

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

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

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

679 2. A motor vehicle that is used in mass transit and
680 designed to transport more than five passengers, exclusive of
681 the operator of the motor vehicle, and that is owned by a
682 municipality, transit authority, or political subdivision of the
683 state.

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

686 4. A commercial motor vehicle as defined in s. 207.002 or
687 s. 320.01, which must maintain security as required under ss.
688 324.031 and 627.7415.

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

691 6.4. A vehicle providing for-hire passenger transportation
692 vehicle, which must that is subject to the provisions of s.
693 324.031. A taxicab shall maintain security as required under s.
694 324.032 s. 324.032(1).

695 7.5. A personal delivery device as defined in s. 316.003.

696 (b) "Owner" means the person who holds legal title to a

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697 motor vehicle or the debtor or lessee who has the right to
698 possession of a motor vehicle that is the subject of a security
699 agreement or lease with an option to purchase.

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

706 (4) An ~~The~~ owner or registrant of a motor vehicle who is
707 ~~exempt from the requirements of this section if she or he is a~~
708 member of the United States Armed Forces and is called to or on
709 active duty outside the United States in an emergency situation
710 is exempt from this section while he or she. ~~The exemption~~
711 ~~provided by this subsection applies only as long as the member~~
712 ~~of the Armed Forces is on such active duty.~~ This exemption
713 ~~outside the United States and applies only while the vehicle~~
714 covered by the security is not operated by any person. Upon
715 receipt of a written request by the insured to whom the
716 exemption provided in this subsection applies, the insurer shall
717 cancel the coverages and return any unearned premium or suspend
718 the security required by this section. Notwithstanding s.
719 324.0221(2) ~~s. 324.0221(3)~~, the department may not suspend the
720 registration or operator's license of an ~~any~~ owner or registrant
721 of a motor vehicle during the time she or he qualifies for the
722 ~~an~~ exemption under this subsection. An ~~Any~~ owner or registrant
723 of a motor vehicle who qualifies for the ~~an~~ exemption under this
724 subsection shall immediately notify the department before ~~prior~~
725 ~~to~~ and at the end of the expiration of the exemption.

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

728 324.0221 Reports by insurers to the department; suspension
729 of driver license and vehicle registrations; reinstatement.—

730 (1) (a) Each insurer that has issued a policy providing
731 ~~personal injury protection coverage or property damage~~ liability
732 coverage shall report the cancellation or nonrenewal thereof to
733 the department within 10 days after the processing date or
734 effective date of each cancellation or nonrenewal. Upon the
735 issuance of a policy providing ~~personal injury protection~~
736 ~~coverage or property damage~~ liability coverage to a named
737 insured not previously insured by the insurer during that
738 calendar year, the insurer shall report the issuance of the new
739 policy to the department within 10 days. The report must ~~shall~~
740 be in the form ~~and format~~ and contain any information required
741 by the department and must be provided in a format that is
742 compatible with the data processing capabilities of the
743 department. Failure by an insurer to file proper reports with
744 the department as required by this subsection constitutes a
745 violation of the Florida Insurance Code. These records may ~~shall~~
746 be used by the department only for enforcement and regulatory
747 purposes, including the generation by the department of data
748 regarding compliance by owners of motor vehicles with the
749 requirements for financial responsibility coverage.

750 (b) With respect to an insurance policy providing ~~personal~~
751 ~~injury protection coverage or property damage~~ liability
752 coverage, each insurer shall notify the named insured, or the
753 first-named insured in the case of a commercial fleet policy, in
754 writing that any cancellation or nonrenewal of the policy will

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755 be reported by the insurer to the department. The notice must
756 also inform the named insured that failure to maintain bodily
757 injury liability ~~personal injury protection~~ coverage and
758 property damage liability coverage on a motor vehicle when
759 required by law may result in the loss of registration and
760 driving privileges in this state and inform the named insured of
761 the amount of the reinstatement fees required by this section.
762 This notice is for informational purposes only, and an insurer
763 is not civilly liable for failing to provide this notice.

764 (2) The department shall suspend, after due notice and an
765 opportunity to be heard, the registration and driver license of
766 any owner or registrant of a motor vehicle for ~~with respect to~~
767 which security is required under s. 324.022, s. 324.032, s.
768 627.7415, or s. 627.742 ~~ss. 324.022 and 627.733~~ upon:

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

773 (b) Notification by the insurer to the department, in a
774 form approved by the department, of cancellation or termination
775 of the required security.

776 Section 15. Section 324.0222, Florida Statutes, is created
777 to read:

778 324.0222 Application of suspensions for failure to maintain
779 security; reinstatement.—All suspensions for failure to maintain
780 required security as required by law in effect before January 1,
781 2021, remain in full force and effect after January 1, 2021. A
782 driver may reinstate a suspended driver license or registration
783 as provided under s. 324.0221.

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784 Section 16. Section 324.023, Florida Statutes, is amended
785 to read:

786 324.023 Financial responsibility for bodily injury or
787 death.—In addition to any other financial responsibility
788 required by law, every owner or operator of a motor vehicle that
789 is required to be registered in this state, or that is located
790 within this state, and who, regardless of adjudication of guilt,
791 has been found guilty of or entered a plea of guilty or nolo
792 contendere to a charge of driving under the influence under s.
793 316.193 after October 1, 2007, shall, by one of the methods
794 established in s. 324.031(1)(a) or (b) ~~s. 324.031(1) or (2)~~,
795 establish and maintain the ability to respond in damages for
796 liability on account of accidents arising out of the use of a
797 motor vehicle in the amount of \$100,000 because of bodily injury
798 to, or death of, one person in any one crash and, subject to
799 such limits for one person, in the amount of \$300,000 because of
800 bodily injury to, or death of, two or more persons in any one
801 crash and in the amount of \$50,000 because of property damage in
802 any one crash. If the owner or operator chooses to establish and
803 maintain such ability by furnishing a certificate of deposit
804 pursuant to s. 324.031(1)(b) ~~s. 324.031(2)~~, such certificate of
805 deposit must be at least \$350,000. Such higher limits must be
806 carried for a minimum period of 3 years. If the owner or
807 operator has not been convicted of driving under the influence
808 or a felony traffic offense for a period of 3 years from the
809 date of reinstatement of driving privileges for a violation of
810 s. 316.193, the owner or operator is ~~shall be~~ exempt from this
811 section.

812 Section 17. Section 324.031, Florida Statutes, is amended

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813 to read:

814 324.031 Manner of proving financial responsibility.—

815 ~~(1) The owner or operator of a taxicab, limousine, jitney,~~
816 ~~or any other for-hire passenger transportation vehicle may prove~~
817 ~~financial responsibility by providing satisfactory evidence of~~
818 ~~holding a motor vehicle liability policy as defined in s.~~
819 ~~324.021(8) or s. 324.151, which policy is issued by an insurance~~
820 ~~carrier which is a member of the Florida Insurance Guaranty~~
821 ~~Association. The operator or owner of a motor vehicle other than~~
822 ~~a for-hire passenger transportation vehicle any other vehicle~~
823 may prove his or her financial responsibility by:

824 ~~(a) (1)~~ Furnishing satisfactory evidence of holding a motor
825 vehicle liability policy as defined in ss. 324.021(8) and
826 324.151 which provides liability coverage for the motor vehicle
827 being operated;

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

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

832 (2) (a) Beginning January 1, 2021, any person, including any
833 firm, partnership, association, corporation, or other person,
834 other than a natural person, electing to use the method of proof
835 specified in paragraph (1) (b) subsection (2) shall furnish a
836 certificate of deposit equal to the number of vehicles owned
837 times \$60,000 ~~\$30,000~~, to a maximum of \$240,000. ~~\$120,000;~~

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

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842 1. One hundred twenty-five thousand dollars for bodily
 843 injury to, or the death of, one person in any one crash and,
 844 subject to such limits for one person, in the amount of \$250,000
 845 for bodily injury to, or the death of, two or more persons in
 846 any one crash, and \$50,000 for damage to, or destruction of,
 847 property of others in any one crash; or

848 2. Three hundred thousand dollars for combined bodily
 849 injury liability and property damage liability for any one crash
 850 ~~\$10,000/20,000/10,000 or \$30,000 combined single limits, and~~
 851 ~~such excess insurance shall provide minimum limits of~~
 852 ~~\$125,000/250,000/50,000 or \$300,000 combined single limits.~~
 853 ~~These increased limits shall not affect the requirements for~~
 854 ~~proving financial responsibility under s. 324.032(1).~~

855 Section 18. Section 324.032, Florida Statutes, is amended
 856 to read:

857 324.032 ~~Manner of proving~~ Financial responsibility for
 858 for-hire passenger transportation vehicles. ~~Notwithstanding the~~
 859 ~~provisions of s. 324.031:~~

860 (1) An owner or lessee of a for-hire passenger
 861 transportation vehicle that is required to be registered in this
 862 state shall establish and continuously maintain the ability to
 863 respond in damages for liability on account of accidents arising
 864 out of the ownership, maintenance, or use of the for-hire
 865 passenger transportation vehicle, in the amount of:

866 (a) One hundred twenty-five thousand dollars for bodily
 867 injury to, or the death of, one person in any one crash and,
 868 subject to such limits for one person, in the amount of \$250,000
 869 for bodily injury to, or the death of, two or more persons in
 870 any one crash; and ~~A person who is either the owner or a lessee~~

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871 ~~required to maintain insurance under s. 627.733(1)(b) and who~~
872 ~~operates one or more taxicabs, limousines, jitneys, or any other~~
873 ~~for-hire passenger transportation vehicles may prove financial~~
874 ~~responsibility by furnishing satisfactory evidence of holding a~~
875 ~~motor vehicle liability policy, but with minimum limits of~~
876 ~~\$125,000/250,000/50,000.~~

877 (b) Fifty thousand dollars for damage to, or destruction
878 of, property of others in any one crash ~~A person who is either~~
879 ~~the owner or a lessee required to maintain insurance under s.~~
880 ~~324.021(9)(b) and who operates limousines, jitneys, or any other~~
881 ~~for-hire passenger vehicles, other than taxicabs, may prove~~
882 ~~financial responsibility by furnishing satisfactory evidence of~~
883 ~~holding a motor vehicle liability policy as defined in s.~~
884 ~~324.031.~~

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

891 (3) ~~(2)~~ ~~An owner or a lessee who is required to maintain~~
892 ~~insurance under s. 324.021(9)(b) and who operates at least 300~~
893 ~~taxicabs, limousines, jitneys, or any other for-hire passenger~~
894 ~~transportation vehicles may provide financial responsibility by~~
895 ~~complying with the provisions of s. 324.171, which must such~~
896 ~~compliance to be demonstrated by maintaining at its principal~~
897 ~~place of business an audited financial statement, prepared in~~
898 ~~accordance with generally accepted accounting principles, and~~
899 ~~providing to the department a certification issued by a~~

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900 certified public accountant that the applicant's net worth is at
 901 least equal to the requirements of s. 324.171 as determined by
 902 the Office of Insurance Regulation of the Financial Services
 903 Commission, including claims liabilities in an amount certified
 904 as adequate by a Fellow of the Casualty Actuarial Society.

905
 906 Upon request by the department, the applicant shall ~~must~~ provide
 907 the department at the applicant's principal place of business in
 908 this state access to the applicant's underlying financial
 909 information and financial statements that provide the basis of
 910 the certified public accountant's certification. The applicant
 911 shall reimburse the requesting department for all reasonable
 912 costs incurred by it in reviewing the supporting information.
 913 The maximum amount of self-insurance permissible under this
 914 subsection is \$300,000 and must be stated on a per-occurrence
 915 basis, and the applicant shall maintain adequate excess
 916 insurance issued by an authorized or eligible insurer licensed
 917 or approved by the Office of Insurance Regulation. All risks
 918 self-insured shall remain with the owner or lessee providing it,
 919 and the risks are not transferable to any other person, unless a
 920 policy complying with subsections (1) and (2) ~~subsection (1)~~ is
 921 obtained.

922 Section 19. Paragraph (b) of subsection (2) of section
 923 324.051, Florida Statutes, is amended to read:

924 324.051 Reports of crashes; suspensions of licenses and
 925 registrations.—

926 (2)

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

928 1. To such operator or owner if such operator or owner had

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929 in effect at the time of such crash or traffic conviction a
 930 motor vehicle ~~an automobile~~ liability policy with respect to all
 931 of the registered motor vehicles owned by such operator or
 932 owner.

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

938 3. To such operator or owner if the liability of such
 939 operator or owner for damages resulting from such crash is, in
 940 the judgment of the department, covered by any other form of
 941 liability insurance or bond.

942 4. To any person who has obtained from the department a
 943 certificate of self-insurance, in accordance with s. 324.171, or
 944 to any person operating a motor vehicle for such self-insurer.
 945
 946 No such policy or bond shall be effective under this subsection
 947 unless it contains limits of not less than those specified in s.
 948 324.021(7).

949 Section 20. Section 324.071, Florida Statutes, is amended
 950 to read:

951 324.071 Reinstatement; renewal of license; reinstatement
 952 fee.—An ~~Any~~ operator or owner whose license or registration has
 953 been suspended pursuant to s. 324.051(2), s. 324.072, s.
 954 324.081, or s. 324.121 may effect its reinstatement upon
 955 compliance with ~~the provisions of~~ s. 324.051(2)(a)3. or 4., or
 956 s. 324.081(2) and (3), as the case may be, and with one of the
 957 provisions of s. 324.031 and upon payment to the department of a

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958 nonrefundable reinstatement fee of \$15. Only one such fee may
959 ~~shall~~ be paid by any one person regardless ~~irrespective~~ of the
960 number of licenses and registrations to be then reinstated or
961 issued to such person. ~~All~~ Such fees must ~~shall~~ be deposited to
962 a department trust fund. If ~~When~~ the reinstatement of any
963 license or registration is effected by compliance with s.
964 324.051(2)(a)3. or 4., the department may ~~shall~~ not renew the
965 license or registration within ~~a period of~~ 3 years after ~~from~~
966 such reinstatement, nor may ~~shall~~ any other license or
967 registration be issued in the name of such person, unless the
968 operator continues ~~is continuing~~ to comply with ~~one of the~~
969 ~~provisions of~~ s. 324.031.

970 Section 21. Subsection (1) of section 324.091, Florida
971 Statutes, is amended to read:

972 324.091 Notice to department; notice to insurer.-

973 (1) Each owner and operator involved in a crash or
974 conviction case within the purview of this chapter shall furnish
975 evidence of ~~automobile liability insurance or~~ motor vehicle
976 liability insurance within 14 days after the date of the mailing
977 of notice of crash by the department in the form and manner as
978 it may designate. Upon receipt of evidence that a ~~an automobile~~
979 ~~liability policy or~~ motor vehicle liability policy was in effect
980 at the time of the crash or conviction case, the department
981 shall forward to the insurer such information for verification
982 in a method as determined by the department. The insurer shall
983 respond to the department within 20 days after the notice as to
984 whether ~~or not~~ such information is valid. If the department
985 determines that a ~~an automobile liability policy or~~ motor
986 vehicle liability policy was not in effect and did not provide

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987 coverage for both the owner and the operator, it must ~~shall~~ take
988 action as it is authorized to do under this chapter.

989 Section 22. Section 324.151, Florida Statutes, is amended
990 to read:

991 324.151 Motor vehicle liability policies; required
992 provisions.—

993 (1) A motor vehicle liability policy that serves as to be
994 proof of financial responsibility under s. 324.031(1)(a) must s-
995 324.031(1), shall be issued to owners or operators of motor
996 vehicles under the following provisions:

997 (a) A motor vehicle ~~An owner's~~ liability insurance policy
998 issued to an owner of a motor vehicle required to be registered
999 in this state must shall designate by explicit description or by
1000 appropriate reference all motor vehicles for ~~with respect to~~
1001 which coverage is thereby granted. The policy must and shall
1002 insure the person or persons ~~owner~~ named therein and, except for
1003 a named driver excluded pursuant to s. 627.747, must insure any
1004 resident relative of a named insured ~~other person as operator~~
1005 ~~using such motor vehicle or motor vehicles with the express or~~
1006 ~~implied permission of such owner against loss from the liability~~
1007 imposed by law for damage arising out of the ownership,
1008 maintenance, or use of any such motor vehicle ~~or motor vehicles~~
1009 ~~within the United States or the Dominion of Canada, subject to~~
1010 ~~limits, exclusive of interest and costs with respect to each~~
1011 ~~such motor vehicle as is provided for under s. 324.021(7).~~
1012 Except for a named driver excluded pursuant to s. 627.747, the
1013 policy must also insure any person operating an insured motor
1014 vehicle with the express or implied permission of a named
1015 insured against loss from the liability imposed by law for

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1016 damage arising out of the use of any vehicle. However, the
1017 insurer may include provisions in its policy excluding liability
1018 coverage for a motor vehicle not designated as an insured
1019 vehicle on the policy if such motor vehicle does not qualify as
1020 a newly acquired vehicle, does not qualify as a temporary
1021 substitute vehicle, and was owned by the insured or was
1022 furnished for an insured's regular use for more than 30
1023 consecutive days before the event giving rise to the claim.

1024 Insurers may make available, with respect to property damage
1025 liability coverage, a deductible amount not to exceed \$500. In
1026 the event of a property damage loss covered by a policy
1027 containing a property damage deductible provision, the insurer
1028 shall pay to the third-party claimant the amount of any property
1029 damage liability settlement or judgment, subject to policy
1030 limits, as if no deductible existed.

1031 (b) A motor vehicle liability insurance policy issued to a
1032 person who does not own a motor vehicle must ~~An operator's motor~~
1033 ~~vehicle liability policy of insurance shall~~ insure the person or
1034 persons named therein against loss from the liability imposed
1035 ~~upon him or her~~ by law for damages arising out of the use ~~by the~~
1036 ~~person~~ of any motor vehicle not owned by him or her, ~~with the~~
1037 ~~same territorial limits and subject to the same limits of~~
1038 ~~liability as referred to above with respect to an owner's policy~~
1039 ~~of liability insurance.~~

1040 (c) All such motor vehicle liability policies must provide
1041 liability coverage with limits, exclusive of interest and costs,
1042 as specified under s. 324.021(7) for accidents occurring within
1043 the United States or Canada. The policies must ~~shall~~ state the
1044 name and address of the named insured, the coverage afforded by

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1045 the policy, the premium charged therefor, the policy period, and
1046 the limits of liability, and must ~~shall~~ contain an agreement or
1047 be endorsed that insurance is provided in accordance with the
1048 coverage defined in this chapter ~~as respects bodily injury and~~
1049 ~~death or property damage or both~~ and is subject to ~~all~~
1050 ~~provisions of~~ this chapter. The said policies must ~~shall~~ also
1051 contain a provision that the satisfaction by an insured of a
1052 judgment for such injury or damage may ~~shall~~ not be a condition
1053 precedent to the right or duty of the insurance carrier to make
1054 payment on account of such injury or damage, and must ~~shall~~ also
1055 contain a provision that bankruptcy or insolvency of the insured
1056 or of the insured's estate may ~~shall~~ not relieve the insurance
1057 carrier of any of its obligations under the said policy.

1058 (2) ~~The provisions of~~ This section is ~~shall~~ not be
1059 applicable to any motor vehicle ~~automobile~~ liability policy
1060 unless and until it is furnished as proof of financial
1061 responsibility for the future pursuant to s. 324.031, and then
1062 applies only from ~~and after~~ the date the said policy is ~~so~~
1063 furnished.

1064 (3) As used in this section, the term:

1065 (a) "Newly acquired vehicle" means a vehicle owned by a
1066 named insured or resident relative of the named insured which
1067 was acquired within 30 days before an accident.

1068 (b) "Resident relative" means a person related to a named
1069 insured by any degree by blood, marriage, or adoption, including
1070 a ward or foster child, who usually makes his or her home in the
1071 same family unit or residence as the named insured, whether or
1072 not he or she temporarily lives elsewhere.

1073 (c) "Temporary substitute vehicle" means any motor vehicle

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1074 as defined in s. 320.01(1) which is not owned by the named
1075 insured and which is temporarily used with the permission of the
1076 owner as a substitute for the owned motor vehicle designated on
1077 the policy when the owned vehicle is withdrawn from normal use
1078 because of breakdown, repair, servicing, loss, or destruction.

1079 Section 23. Section 324.161, Florida Statutes, is amended
1080 to read:

1081 324.161 Proof of financial responsibility; deposit.—If a
1082 person elects to prove his or her financial responsibility under
1083 the method of proof specified in s. 324.031(1)(b), he or she
1084 annually must obtain and submit to the department proof of a
1085 certificate of deposit in the amount required under s.
1086 324.031(2) from a financial institution insured by the Federal
1087 Deposit Insurance Corporation or the National Credit Union
1088 Administration ~~Annually, before any certificate of insurance may~~
1089 ~~be issued to a person, including any firm, partnership,~~
1090 ~~association, corporation, or other person, other than a natural~~
1091 ~~person, proof of a certificate of deposit of \$30,000 issued and~~
1092 ~~held by a financial institution must be submitted to the~~
1093 ~~department. A power of attorney will be issued to and held by~~
1094 ~~the department and may be executed upon a judgment issued~~
1095 ~~against such person making the deposit, for damages for ~~because~~~~
1096 ~~of bodily injury to or death of any person or for damages for~~
1097 ~~because of injury to or destruction of property resulting from~~
1098 ~~the use or operation of any motor vehicle occurring after such~~
1099 ~~deposit was made. Money so deposited is ~~shall not be~~ subject to~~
1100 ~~attachment or execution unless such attachment or execution~~
1101 ~~arises ~~shall arise~~ out of a lawsuit ~~suit~~ for such damages as~~
1102 ~~aforsaid.~~

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1103 Section 24. Subsections (1) and (2) of section 324.171,
1104 Florida Statutes, are amended to read:

1105 324.171 Self-insurer.—

1106 (1) A ~~Any~~ person may qualify as a self-insurer by obtaining
1107 a certificate of self-insurance from the department. ~~which may,~~
1108 ~~in its discretion and~~ Upon application of such a person, the
1109 department may issue a said certificate of self-insurance to an
1110 applicant who satisfies ~~when such person has satisfied the~~
1111 requirements of this section. Effective January 1, 2021 ~~to~~
1112 ~~qualify as a self-insurer under this section:~~

1113 (a) A private individual with private passenger vehicles
1114 shall possess a net unencumbered worth of at least \$100,000
1115 ~~\$40,000~~.

1116 (b) A person, including any firm, partnership, association,
1117 corporation, or other person, other than a natural person,
1118 shall:

1119 1. Possess a net unencumbered worth of at least \$100,000
1120 ~~\$40,000~~ for the first motor vehicle and \$50,000 ~~\$20,000~~ for each
1121 additional motor vehicle; or

1122 2. Maintain sufficient net worth, in an amount determined
1123 by the department, to be financially responsible for potential
1124 losses. The department annually shall determine the minimum net
1125 worth sufficient to satisfy this subparagraph ~~as determined~~
1126 ~~annually by the department,~~ pursuant to rules adopted
1127 ~~promulgated~~ by the department, with the assistance of the Office
1128 of Insurance Regulation of the Financial Services Commission, ~~to~~
1129 ~~be financially responsible for potential losses.~~ The rules must
1130 consider any ~~shall take into consideration~~ excess insurance
1131 carried by the applicant. The department's determination must

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1132 shall be based upon reasonable actuarial principles considering
1133 the frequency, severity, and loss development of claims incurred
1134 by casualty insurers writing coverage on the type of motor
1135 vehicles for which a certificate of self-insurance is desired.

1136 (c) The owner of a commercial motor vehicle, as defined in
1137 s. 207.002 or s. 320.01, may qualify as a self-insurer subject
1138 to the standards provided ~~for~~ in subparagraph (b)2.

1139 (2) The self-insurance certificate must ~~shall~~ provide
1140 limits of liability insurance in the amounts specified under s.
1141 324.021(7) ~~or s. 627.7415 and shall provide personal injury~~
1142 ~~protection coverage under s. 627.733(3)(b).~~

1143 Section 25. Section 324.251, Florida Statutes, is amended
1144 to read:

1145 324.251 Short title.—This chapter may be cited as the
1146 “Financial Responsibility Law of 2020 1955” and is ~~shall become~~
1147 effective at 12:01 a.m., January 1, 2021 ~~October 1, 1955~~.

1148 Section 26. Subsection (4) of section 400.9905, Florida
1149 Statutes, is amended to read:

1150 400.9905 Definitions.—

1151 (4) (a) “Clinic” means an entity where health care services
1152 are provided to individuals and which tenders charges for
1153 reimbursement for such services, including a mobile clinic and a
1154 portable equipment provider. As used in this part, the term does
1155 not include and the licensure requirements of this part do not
1156 apply to:

1157 1. ~~(a)~~ Entities licensed or registered by the state under
1158 chapter 395; entities licensed or registered by the state and
1159 providing only health care services within the scope of services
1160 authorized under their respective licenses under ss. 383.30-

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1161 383.332, chapter 390, chapter 394, chapter 397, this chapter
1162 except part X, chapter 429, chapter 463, chapter 465, chapter
1163 466, chapter 478, chapter 484, or chapter 651; end-stage renal
1164 disease providers authorized under 42 C.F.R. part 405, subpart
1165 U; providers certified under 42 C.F.R. part 485, subpart B or
1166 subpart H; providers certified by the Centers for Medicare and
1167 Medicaid Services under the federal Clinical Laboratory
1168 Improvement Amendments and the federal rules adopted thereunder;
1169 or any entity that provides neonatal or pediatric hospital-based
1170 health care services or other health care services by licensed
1171 practitioners solely within a hospital licensed under chapter
1172 395.

1173 2.~~(b)~~ Entities that own, directly or indirectly, entities
1174 licensed or registered by the state pursuant to chapter 395;
1175 entities that own, directly or indirectly, entities licensed or
1176 registered by the state and providing only health care services
1177 within the scope of services authorized pursuant to their
1178 respective licenses under ss. 383.30-383.332, chapter 390,
1179 chapter 394, chapter 397, this chapter except part X, chapter
1180 429, chapter 463, chapter 465, chapter 466, chapter 478, chapter
1181 484, or chapter 651; end-stage renal disease providers
1182 authorized under 42 C.F.R. part 405, subpart U; providers
1183 certified under 42 C.F.R. part 485, subpart B or subpart H;
1184 providers certified by the Centers for Medicare and Medicaid
1185 Services under the federal Clinical Laboratory Improvement
1186 Amendments and the federal rules adopted thereunder; or any
1187 entity that provides neonatal or pediatric hospital-based health
1188 care services by licensed practitioners solely within a hospital
1189 licensed under chapter 395.

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1190 3.~~(e)~~ Entities that are owned, directly or indirectly, by
1191 an entity licensed or registered by the state pursuant to
1192 chapter 395; entities that are owned, directly or indirectly, by
1193 an entity licensed or registered by the state and providing only
1194 health care services within the scope of services authorized
1195 pursuant to their respective licenses under ss. 383.30-383.332,
1196 chapter 390, chapter 394, chapter 397, this chapter except part
1197 X, chapter 429, chapter 463, chapter 465, chapter 466, chapter
1198 478, chapter 484, or chapter 651; end-stage renal disease
1199 providers authorized under 42 C.F.R. part 405, subpart U;
1200 providers certified under 42 C.F.R. part 485, subpart B or
1201 subpart H; providers certified by the Centers for Medicare and
1202 Medicaid Services under the federal Clinical Laboratory
1203 Improvement Amendments and the federal rules adopted thereunder;
1204 or any entity that provides neonatal or pediatric hospital-based
1205 health care services by licensed practitioners solely within a
1206 hospital under chapter 395.

1207 4.~~(d)~~ Entities that are under common ownership, directly or
1208 indirectly, with an entity licensed or registered by the state
1209 pursuant to chapter 395; entities that are under common
1210 ownership, directly or indirectly, with an entity licensed or
1211 registered by the state and providing only health care services
1212 within the scope of services authorized pursuant to their
1213 respective licenses under ss. 383.30-383.332, chapter 390,
1214 chapter 394, chapter 397, this chapter except part X, chapter
1215 429, chapter 463, chapter 465, chapter 466, chapter 478, chapter
1216 484, or chapter 651; end-stage renal disease providers
1217 authorized under 42 C.F.R. part 405, subpart U; providers
1218 certified under 42 C.F.R. part 485, subpart B or subpart H;

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1219 providers certified by the Centers for Medicare and Medicaid
1220 Services under the federal Clinical Laboratory Improvement
1221 Amendments and the federal rules adopted thereunder; or any
1222 entity that provides neonatal or pediatric hospital-based health
1223 care services by licensed practitioners solely within a hospital
1224 licensed under chapter 395.

1225 5.~~(e)~~ An entity that is exempt from federal taxation under
1226 26 U.S.C. s. 501(c) (3) or (4), an employee stock ownership plan
1227 under 26 U.S.C. s. 409 that has a board of trustees at least
1228 two-thirds of which are Florida-licensed health care
1229 practitioners and provides only physical therapy services under
1230 physician orders, any community college or university clinic,
1231 and any entity owned or operated by the federal or state
1232 government, including agencies, subdivisions, or municipalities
1233 thereof.

1234 6.~~(f)~~ A sole proprietorship, group practice, partnership,
1235 or corporation that provides health care services by physicians
1236 covered by s. 627.419, that is directly supervised by one or
1237 more of such physicians, and that is wholly owned by one or more
1238 of those physicians or by a physician and the spouse, parent,
1239 child, or sibling of that physician.

1240 7.~~(g)~~ A sole proprietorship, group practice, partnership,
1241 or corporation that provides health care services by licensed
1242 health care practitioners under chapter 457, chapter 458,
1243 chapter 459, chapter 460, chapter 461, chapter 462, chapter 463,
1244 chapter 466, chapter 467, chapter 480, chapter 484, chapter 486,
1245 chapter 490, chapter 491, or part I, part III, part X, part
1246 XIII, or part XIV of chapter 468, or s. 464.012, and that is
1247 wholly owned by one or more licensed health care practitioners,

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1248 or the licensed health care practitioners set forth in this
1249 subparagraph ~~paragraph~~ and the spouse, parent, child, or sibling
1250 of a licensed health care practitioner if one of the owners who
1251 is a licensed health care practitioner is supervising the
1252 business activities and is legally responsible for the entity's
1253 compliance with all federal and state laws. However, a health
1254 care practitioner may not supervise services beyond the scope of
1255 the practitioner's license, except that, for the purposes of
1256 this part, a clinic owned by a licensee in s. 456.053(3)(b)
1257 which provides only services authorized pursuant to s.
1258 456.053(3)(b) may be supervised by a licensee specified in s.
1259 456.053(3)(b).

1260 8.~~(h)~~ Clinical facilities affiliated with an accredited
1261 medical school at which training is provided for medical
1262 students, residents, or fellows.

1263 9.~~(i)~~ Entities that provide only oncology or radiation
1264 therapy services by physicians licensed under chapter 458 or
1265 chapter 459 or entities that provide oncology or radiation
1266 therapy services by physicians licensed under chapter 458 or
1267 chapter 459 which are owned by a corporation whose shares are
1268 publicly traded on a recognized stock exchange.

1269 10.~~(j)~~ Clinical facilities affiliated with a college of
1270 chiropractic accredited by the Council on Chiropractic Education
1271 at which training is provided for chiropractic students.

1272 11.~~(k)~~ Entities that provide licensed practitioners to
1273 staff emergency departments or to deliver anesthesia services in
1274 facilities licensed under chapter 395 and that derive at least
1275 90 percent of their gross annual revenues from the provision of
1276 such services. Entities claiming an exemption from licensure

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1277 under this subparagraph ~~paragraph~~ must provide documentation
1278 demonstrating compliance.

1279 12.~~(l)~~ Orthotic, prosthetic, pediatric cardiology, or
1280 perinatology clinical facilities or anesthesia clinical
1281 facilities that are not otherwise exempt under subparagraph 1.
1282 or subparagraph 11. ~~paragraph (a) or paragraph (k)~~ and that are
1283 a publicly traded corporation or are wholly owned, directly or
1284 indirectly, by a publicly traded corporation. As used in this
1285 subparagraph ~~paragraph~~, a publicly traded corporation is a
1286 corporation that issues securities traded on an exchange
1287 registered with the United States Securities and Exchange
1288 Commission as a national securities exchange.

1289 13.~~(m)~~ Entities that are owned by a corporation that has
1290 \$250 million or more in total annual sales of health care
1291 services provided by licensed health care practitioners where
1292 one or more of the persons responsible for the operations of the
1293 entity is a health care practitioner who is licensed in this
1294 state and who is responsible for supervising the business
1295 activities of the entity and is responsible for the entity's
1296 compliance with state law for purposes of this part.

1297 14.~~(n)~~ Entities that employ 50 or more licensed health care
1298 practitioners licensed under chapter 458 or chapter 459 where
1299 the billing for medical services is under a single tax
1300 identification number. The application for exemption under this
1301 subsection must include ~~shall contain information that includes:~~
1302 the name, residence, and business address and telephone ~~phone~~
1303 number of the entity that owns the practice; a complete list of
1304 the names and contact information of all the officers and
1305 directors of the corporation; the name, residence address,

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1306 business address, and medical license number of each licensed
1307 Florida health care practitioner employed by the entity; the
1308 corporate tax identification number of the entity seeking an
1309 exemption; a listing of health care services to be provided by
1310 the entity at the health care clinics owned or operated by the
1311 entity; and a certified statement prepared by an independent
1312 certified public accountant which states that the entity and the
1313 health care clinics owned or operated by the entity have not
1314 received payment for health care services under medical payments
1315 ~~personal injury protection~~ insurance coverage for the preceding
1316 year. If the agency determines that an entity that ~~which~~ is
1317 exempt under this subsection has received payments for medical
1318 services under medical payments ~~personal injury protection~~
1319 insurance coverage, the agency may deny or revoke the exemption
1320 from licensure under this subsection.

1321 (b) Notwithstanding paragraph (a) ~~this subsection~~, an
1322 entity is ~~shall be~~ deemed a clinic and must be licensed under
1323 this part in order to receive medical payments coverage
1324 reimbursement under s. 627.7265 unless the entity is: ~~the~~
1325 ~~Florida Motor Vehicle No-Fault Law, ss. 627.730-627.7405, unless~~
1326 ~~exempted under s. 627.736(5)(h).~~

1327 1. Wholly owned by a physician licensed under chapter 458
1328 or chapter 459, or by the physician and the spouse, parent,
1329 child, or sibling of the physician;

1330 2. Wholly owned by a dentist licensed under chapter 466, or
1331 by the dentist and the spouse, parent, child, or sibling of the
1332 dentist;

1333 3. Wholly owned by a chiropractic physician licensed under
1334 chapter 460, or by the chiropractic physician and the spouse,

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1335 parent, child, or sibling of the chiropractic physician;

1336 4. A hospital or ambulatory surgical center licensed under
 1337 chapter 395;

1338 5. An entity that wholly owns or is wholly owned, directly
 1339 or indirectly, by a hospital or hospitals licensed under chapter
 1340 395;

1341 6. A clinical facility affiliated with an accredited
 1342 medical school at which training is provided for medical
 1343 students, residents, or fellows;

1344 7. Certified under 42 C.F.R. part 485, subpart H; or

1345 8. Owned by a publicly traded corporation, either directly
 1346 or indirectly through its subsidiaries, which has \$250 million
 1347 or more in total annual sales of health care services provided
 1348 by licensed health care practitioners, if one or more of the
 1349 persons responsible for the operations of the entity are health
 1350 care practitioners who are licensed in this state and are
 1351 responsible for supervising the business activities of the
 1352 entity and the entity's compliance with state law for purposes
 1353 of this subsection.

1354 Section 27. Subsection (5) of section 400.991, Florida
 1355 Statutes, is amended to read:

1356 400.991 License requirements; background screenings;
 1357 prohibitions.—

1358 (5) All agency forms for licensure application or exemption
 1359 from licensure under this part must contain the following
 1360 statement:

1361
 1362 INSURANCE FRAUD NOTICE.—A person commits a fraudulent
 1363 insurance act, as defined in s. 626.989, Florida

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1364 Statutes, if the person ~~who~~ knowingly submits a false,
 1365 misleading, or fraudulent application or other
 1366 document when applying for licensure as a health care
 1367 clinic, seeking an exemption from licensure as a
 1368 health care clinic, or demonstrating compliance with
 1369 part X of chapter 400, Florida Statutes, with the
 1370 intent to use the license, exemption from licensure,
 1371 or demonstration of compliance to provide services or
 1372 seek reimbursement under a motor vehicle liability
 1373 insurance policy's medical payments coverage ~~the~~
 1374 ~~Florida Motor Vehicle No-Fault Law, commits a~~
 1375 ~~fraudulent insurance act, as defined in s. 626.989,~~
 1376 ~~Florida Statutes.~~ A person who presents a claim for
 1377 benefits under medical payments coverage, personal
 1378 ~~injury protection benefits~~ knowing that the payee
 1379 knowingly submitted such health care clinic
 1380 application or document, commits insurance fraud, as
 1381 defined in s. 817.234, Florida Statutes.

1382 Section 28. Paragraph (g) of subsection (1) of section
 1383 400.9935, Florida Statutes, is amended to read:

1384 400.9935 Clinic responsibilities.—

1385 (1) Each clinic shall appoint a medical director or clinic
 1386 director who shall agree in writing to accept legal
 1387 responsibility for the following activities on behalf of the
 1388 clinic. The medical director or the clinic director shall:

1389 (g) Conduct systematic reviews of clinic billings to ensure
 1390 that the billings are not fraudulent or unlawful. Upon discovery
 1391 of an unlawful charge, the medical director or clinic director
 1392 shall take immediate corrective action. If the clinic performs

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1393 only the technical component of magnetic resonance imaging,
 1394 static radiographs, computed tomography, or positron emission
 1395 tomography, and provides the professional interpretation of such
 1396 services, in a fixed facility that is accredited by a national
 1397 accrediting organization that is approved by the Centers for
 1398 Medicare and Medicaid Services for magnetic resonance imaging
 1399 and advanced diagnostic imaging services and if, in the
 1400 preceding quarter, the percentage of scans performed by that
 1401 clinic which was billed to motor vehicle ~~all personal injury~~
 1402 ~~protection~~ insurance carriers under medical payments coverage
 1403 was less than 15 percent, the chief financial officer of the
 1404 clinic may, in a written acknowledgment provided to the agency,
 1405 assume the responsibility for the conduct of the systematic
 1406 reviews of clinic billings to ensure that the billings are not
 1407 fraudulent or unlawful.

1408 Section 29. Subsection (28) of section 409.901, Florida
 1409 Statutes, is amended to read:

1410 409.901 Definitions; ss. 409.901-409.920.—As used in ss.
 1411 409.901-409.920, except as otherwise specifically provided, the
 1412 term:

1413 (28) "Third-party benefit" means any benefit that is or may
 1414 be available at any time through contract, court award,
 1415 judgment, settlement, agreement, or any arrangement between a
 1416 third party and any person or entity, including, without
 1417 limitation, a Medicaid recipient, a provider, another third
 1418 party, an insurer, or the agency, for any Medicaid-covered
 1419 injury, illness, goods, or services, including costs of medical
 1420 services related thereto, for bodily ~~personal~~ injury or for
 1421 death of the recipient, but specifically excluding ~~policies of~~

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1422 life insurance policies on the recipient, unless available under
 1423 terms of the policy to pay medical expenses before ~~prior to~~
 1424 death. The term includes, without limitation, collateral, as
 1425 defined in this section;; health insurance;; any benefit under a
 1426 health maintenance organization, a preferred provider
 1427 arrangement, a prepaid health clinic, liability insurance,
 1428 uninsured motorist insurance, or medical payments coverage; or
 1429 ~~personal injury protection coverage,~~ medical benefits under
 1430 workers' compensation, and any obligation under law or equity to
 1431 provide medical support.

1432 Section 30. Paragraph (f) of subsection (11) of section
 1433 409.910, Florida Statutes, is amended to read:

1434 409.910 Responsibility for payments on behalf of Medicaid-
 1435 eligible persons when other parties are liable.-

1436 (11) The agency may, as a matter of right, in order to
 1437 enforce its rights under this section, institute, intervene in,
 1438 or join any legal or administrative proceeding in its own name
 1439 in one or more of the following capacities: individually, as
 1440 subrogee of the recipient, as assignee of the recipient, or as
 1441 lienholder of the collateral.

1442 (f) Notwithstanding any provision in this section to the
 1443 contrary, in the event of an action in tort against a third
 1444 party in which the recipient or his or her legal representative
 1445 is a party which results in a judgment, award, or settlement
 1446 from a third party, the amount recovered shall be distributed as
 1447 follows:

1448 1. After attorney ~~attorney's~~ fees and taxable costs as
 1449 defined by the Florida Rules of Civil Procedure, one-half of the
 1450 remaining recovery shall be paid to the agency up to the total

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1451 amount of medical assistance provided by Medicaid.

1452 2. The remaining amount of the recovery shall be paid to
1453 the recipient.

1454 3. For purposes of calculating the agency's recovery of
1455 medical assistance benefits paid, the fee for services of an
1456 attorney retained by the recipient or his or her legal
1457 representative shall be calculated at 25 percent of the
1458 judgment, award, or settlement.

1459 4. Notwithstanding any other provision of this section to
1460 the contrary, the agency shall be entitled to all medical
1461 coverage benefits up to the total amount of medical assistance
1462 provided by Medicaid. For purposes of this paragraph, the term
1463 "medical coverage" means any benefits under health insurance, a
1464 health maintenance organization, a preferred provider
1465 arrangement, or a prepaid health clinic, and the portion of
1466 benefits designated for medical payments under ~~coverage for~~
1467 workers' compensation coverage, motor vehicle insurance
1468 coverage, personal injury protection, and casualty coverage.

1469 Section 31. Paragraph (k) of subsection (2) of section
1470 456.057, Florida Statutes, is amended to read:

1471 456.057 Ownership and control of patient records; report or
1472 copies of records to be furnished; disclosure of information.-

1473 (2) As used in this section, the terms "records owner,"
1474 "health care practitioner," and "health care practitioner's
1475 employer" do not include any of the following persons or
1476 entities; furthermore, the following persons or entities are not
1477 authorized to acquire or own medical records, but are authorized
1478 under the confidentiality and disclosure requirements of this
1479 section to maintain those documents required by the part or

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1480 chapter under which they are licensed or regulated:

1481 (k) Persons or entities practicing under s. 627.7265 ~~s.~~
1482 ~~627.736(7)~~.

1483 Section 32. Paragraphs (ee) and (ff) of subsection (1) of
1484 section 456.072, Florida Statutes, are amended to read:

1485 456.072 Grounds for discipline; penalties; enforcement.—

1486 (1) The following acts shall constitute grounds for which
1487 the disciplinary actions specified in subsection (2) may be
1488 taken:

1489 (ee) With respect to making a medical payments coverage
1490 ~~personal injury protection~~ claim under s. 627.7265 as required
1491 ~~by s. 627.736~~, intentionally submitting a claim, statement, or
1492 bill that has been upcoded. As used in this paragraph, the term
1493 "upcoded" means an action that submits a billing code that would
1494 result in a greater payment amount than would be paid using a
1495 billing code that accurately describes the services performed.
1496 The term does not include an otherwise lawful bill by a magnetic
1497 resonance imaging facility, which globally combines both
1498 technical and professional components, if the amount of the
1499 global bill is not more than the components if billed
1500 separately; however, payment of such a bill constitutes payment
1501 in full for all components of such service "upcoded" as defined
1502 in s. 627.732.

1503 (ff) With respect to making a medical payments coverage
1504 ~~personal injury protection~~ claim as required under s. 627.7265
1505 ~~by s. 627.736~~, intentionally submitting a claim, statement, or
1506 bill for payment of services that were not rendered.

1507 Section 33. Paragraphs (i) and (o) of subsection (1) of
1508 section 626.9541, Florida Statutes, are amended to read:

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1509 626.9541 Unfair methods of competition and unfair or
1510 deceptive acts or practices defined.—

1511 (1) UNFAIR METHODS OF COMPETITION AND UNFAIR OR DECEPTIVE
1512 ACTS.—The following are defined as unfair methods of competition
1513 and unfair or deceptive acts or practices:

1514 (i) *Unfair claim settlement practices.*—

1515 1. Attempting to settle claims on the basis of an
1516 application, when serving as a binder or intended to become a
1517 part of the policy, or any other material document which was
1518 altered without notice to, or knowledge or consent of, the
1519 insured;

1520 2. A material misrepresentation made to an insured or any
1521 other person having an interest in the proceeds payable under
1522 such contract or policy, for the purpose and with the intent of
1523 effecting settlement of such claims, loss, or damage under such
1524 contract or policy on less favorable terms than those provided
1525 in, and contemplated by, such contract or policy; ~~or~~

1526 3. Committing or performing with such frequency as to
1527 indicate a general business practice any of the following:

1528 a. Failing to adopt and implement standards for the proper
1529 investigation of claims;

1530 b. Misrepresenting pertinent facts or insurance policy
1531 provisions relating to coverages at issue;

1532 c. Failing to acknowledge and act promptly upon
1533 communications with respect to claims;

1534 d. Denying claims without conducting reasonable
1535 investigations based upon available information;

1536 e. Failing to affirm or deny full or partial coverage of
1537 claims, and, as to partial coverage, the dollar amount or extent

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1538 of coverage, or failing to provide a written statement that the
1539 claim is being investigated, upon the written request of the
1540 insured within 30 days after proof-of-loss statements have been
1541 completed;

1542 f. Failing to promptly provide a reasonable explanation in
1543 writing to the insured of the basis in the insurance policy, in
1544 relation to the facts or applicable law, for denial of a claim
1545 or for the offer of a compromise settlement;

1546 g. Failing to promptly notify the insured of any additional
1547 information necessary for the processing of a claim; or

1548 h. Failing to clearly explain the nature of the requested
1549 information and the reasons why such information is necessary.

1550 ~~i. Failing to pay personal injury protection insurance~~
1551 ~~claims within the time periods required by s. 627.736(4)(b). The~~
1552 ~~office may order the insurer to pay restitution to a~~
1553 ~~policyholder, medical provider, or other claimant, including~~
1554 ~~interest at a rate consistent with the amount set forth in s.~~
1555 ~~55.03(1), for the time period within which an insurer fails to~~
1556 ~~pay claims as required by law. Restitution is in addition to any~~
1557 ~~other penalties allowed by law, including, but not limited to,~~
1558 ~~the suspension of the insurer's certificate of authority.~~

1559 4. Failing to pay undisputed amounts of partial or full
1560 benefits owed under first-party property insurance policies
1561 within 90 days after an insurer receives notice of a residential
1562 property insurance claim, determines the amounts of partial or
1563 full benefits, and agrees to coverage, unless payment of the
1564 undisputed benefits is prevented by an act of God, prevented by
1565 the impossibility of performance, or due to actions by the
1566 insured or claimant that constitute fraud, lack of cooperation,

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1567 or intentional misrepresentation regarding the claim for which
1568 benefits are owed.

1569 (o) *Illegal dealings in premiums; excess or reduced charges*
1570 *for insurance.*—

1571 1. Knowingly collecting any sum as a premium or charge for
1572 insurance, which is not then provided, or is not in due course
1573 to be provided, subject to acceptance of the risk by the
1574 insurer, by an insurance policy issued by an insurer as
1575 permitted by this code.

1576 2. Knowingly collecting as a premium or charge for
1577 insurance any sum in excess of or less than the premium or
1578 charge applicable to such insurance, in accordance with the
1579 applicable classifications and rates as filed with and approved
1580 by the office, and as specified in the policy; or, in cases when
1581 classifications, premiums, or rates are not required by this
1582 code to be so filed and approved, premiums and charges collected
1583 from a Florida resident in excess of or less than those
1584 specified in the policy and as fixed by the insurer.

1585 Notwithstanding any other provision of law, this provision shall
1586 not be deemed to prohibit the charging and collection, by
1587 surplus lines agents licensed under part VIII of this chapter,
1588 of the amount of applicable state and federal taxes, or fees as
1589 authorized by s. 626.916(4), in addition to the premium required
1590 by the insurer or the charging and collection, by licensed
1591 agents, of the exact amount of any discount or other such fee
1592 charged by a credit card facility in connection with the use of
1593 a credit card, as authorized by subparagraph (q)3., in addition
1594 to the premium required by the insurer. This subparagraph shall
1595 not be construed to prohibit collection of a premium for a

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1596 universal life or a variable or indeterminate value insurance
1597 policy made in accordance with the terms of the contract.

1598 3.a. Imposing or requesting an additional premium for
1599 bodily injury liability coverage, property damage liability
1600 coverage ~~a policy of motor vehicle liability, personal injury~~
1601 ~~protection,~~ medical payments coverage ~~payment,~~ or collision
1602 coverage in a motor vehicle liability insurance policy ~~insurance~~
1603 ~~or any combination thereof~~ or refusing to renew the policy
1604 solely because the insured was involved in a motor vehicle
1605 accident unless the insurer's file contains information from
1606 which the insurer in good faith determines that the insured was
1607 substantially at fault in the accident.

1608 b. An insurer which imposes and collects such a surcharge
1609 or which refuses to renew such policy shall, in conjunction with
1610 the notice of premium due or notice of nonrenewal, notify the
1611 named insured that he or she is entitled to reimbursement of
1612 such amount or renewal of the policy under the conditions listed
1613 below and will subsequently reimburse him or her or renew the
1614 policy, if the named insured demonstrates that the operator
1615 involved in the accident was:

1616 (I) Lawfully parked;

1617 (II) Reimbursed by, or on behalf of, a person responsible
1618 for the accident or has a judgment against such person;

1619 (III) Struck in the rear by another vehicle headed in the
1620 same direction and was not convicted of a moving traffic
1621 violation in connection with the accident;

1622 (IV) Hit by a "hit-and-run" driver, if the accident was
1623 reported to the proper authorities within 24 hours after
1624 discovering the accident;

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1625 (V) Not convicted of a moving traffic violation in
1626 connection with the accident, but the operator of the other
1627 automobile involved in such accident was convicted of a moving
1628 traffic violation;

1629 (VI) Finally adjudicated not to be liable by a court of
1630 competent jurisdiction;

1631 (VII) In receipt of a traffic citation which was dismissed
1632 or nolle prossed; or

1633 (VIII) Not at fault as evidenced by a written statement
1634 from the insured establishing facts demonstrating lack of fault
1635 which are not rebutted by information in the insurer's file from
1636 which the insurer in good faith determines that the insured was
1637 substantially at fault.

1638 c. In addition to the other provisions of this
1639 subparagraph, an insurer may not fail to renew a policy if the
1640 insured has had only one accident in which he or she was at
1641 fault within the current 3-year period. However, an insurer may
1642 nonrenew a policy for reasons other than accidents in accordance
1643 with s. 627.728. This subparagraph does not prohibit nonrenewal
1644 of a policy under which the insured has had three or more
1645 accidents, regardless of fault, during the most recent 3-year
1646 period.

1647 4. Imposing or requesting an additional premium for, or
1648 refusing to renew, a policy for motor vehicle insurance solely
1649 because the insured committed a noncriminal traffic infraction
1650 as described in s. 318.14 unless the infraction is:

1651 a. A second infraction committed within an 18-month period,
1652 or a third or subsequent infraction committed within a 36-month
1653 period.

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1654 b. A violation of s. 316.183, when such violation is a
1655 result of exceeding the lawful speed limit by more than 15 miles
1656 per hour.

1657 5. Upon the request of the insured, the insurer and
1658 licensed agent shall supply to the insured the complete proof of
1659 fault or other criteria which justifies the additional charge or
1660 cancellation.

1661 6. No insurer shall impose or request an additional premium
1662 for motor vehicle insurance, cancel or refuse to issue a policy,
1663 or refuse to renew a policy because the insured or the applicant
1664 is a handicapped or physically disabled person, so long as such
1665 handicap or physical disability does not substantially impair
1666 such person's mechanically assisted driving ability.

1667 7. No insurer may cancel or otherwise terminate any
1668 insurance contract or coverage, or require execution of a
1669 consent to rate endorsement, during the stated policy term for
1670 the purpose of offering to issue, or issuing, a similar or
1671 identical contract or coverage to the same insured with the same
1672 exposure at a higher premium rate or continuing an existing
1673 contract or coverage with the same exposure at an increased
1674 premium.

1675 8. No insurer may issue a nonrenewal notice on any
1676 insurance contract or coverage, or require execution of a
1677 consent to rate endorsement, for the purpose of offering to
1678 issue, or issuing, a similar or identical contract or coverage
1679 to the same insured at a higher premium rate or continuing an
1680 existing contract or coverage at an increased premium without
1681 meeting any applicable notice requirements.

1682 9. No insurer shall, with respect to premiums charged for

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1683 motor vehicle insurance, unfairly discriminate solely on the
1684 basis of age, sex, marital status, or scholastic achievement.

1685 10. Imposing or requesting an additional premium for motor
1686 vehicle comprehensive or uninsured motorist coverage solely
1687 because the insured was involved in a motor vehicle accident or
1688 was convicted of a moving traffic violation.

1689 11. No insurer shall cancel or issue a nonrenewal notice on
1690 any insurance policy or contract without complying with any
1691 applicable cancellation or nonrenewal provision required under
1692 the Florida Insurance Code.

1693 12. No insurer shall impose or request an additional
1694 premium, cancel a policy, or issue a nonrenewal notice on any
1695 insurance policy or contract because of any traffic infraction
1696 when adjudication has been withheld and no points have been
1697 assessed pursuant to s. 318.14(9) and (10). However, this
1698 subparagraph does not apply to traffic infractions involving
1699 accidents in which the insurer has incurred a loss due to the
1700 fault of the insured.

1701 Section 34. Paragraph (a) of subsection (1) of section
1702 626.989, Florida Statutes, is amended to read:

1703 626.989 Investigation by department or Division of
1704 Investigative and Forensic Services; compliance; immunity;
1705 confidential information; reports to division; division
1706 investigator's power of arrest.—

1707 (1) For the purposes of this section:

1708 (a) A person commits a "fraudulent insurance act" if the
1709 person:

1710 1. Knowingly and with intent to defraud presents, causes to
1711 be presented, or prepares with knowledge or belief that it will

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1712 be presented, to or by an insurer, self-insurer, self-insurance
 1713 fund, servicing corporation, purported insurer, broker, or any
 1714 agent thereof, any written statement as part of, or in support
 1715 of, an application for the issuance of, or the rating of, any
 1716 insurance policy, or a claim for payment or other benefit
 1717 pursuant to any insurance policy, which the person knows to
 1718 contain materially false information concerning any fact
 1719 material thereto or if the person conceals, for the purpose of
 1720 misleading another, information concerning any fact material
 1721 thereto.

1722 2. Knowingly submits:

1723 a. A false, misleading, or fraudulent application or other
 1724 document when applying for licensure as a health care clinic,
 1725 seeking an exemption from licensure as a health care clinic, or
 1726 demonstrating compliance with part X of chapter 400 with an
 1727 intent to use the license, exemption from licensure, or
 1728 demonstration of compliance to provide services or seek
 1729 reimbursement under a motor vehicle liability insurance policy's
 1730 medical payments coverage ~~the Florida Motor Vehicle No-Fault~~
 1731 ~~Law~~.

1732 b. A claim for payment or other benefit under medical
 1733 payments coverage ~~pursuant to a personal injury protection~~
 1734 ~~insurance policy under the Florida Motor Vehicle No-Fault Law~~ if
 1735 the person knows that the payee knowingly submitted a false,
 1736 misleading, or fraudulent application or other document when
 1737 applying for licensure as a health care clinic, seeking an
 1738 exemption from licensure as a health care clinic, or
 1739 demonstrating compliance with part X of chapter 400.

1740 Section 35. Subsection (1) of section 627.06501, Florida

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1741 Statutes, is amended to read:

1742 627.06501 Insurance discounts for certain persons
1743 completing driver improvement course.—

1744 (1) Any rate, rating schedule, or rating manual for the
1745 liability, medical payments ~~personal injury protection~~, and
1746 collision coverages of a motor vehicle insurance policy filed
1747 with the office may provide for an appropriate reduction in
1748 premium charges as to such coverages if ~~when~~ the principal
1749 operator on the covered vehicle has successfully completed a
1750 driver improvement course approved and certified by the
1751 Department of Highway Safety and Motor Vehicles which is
1752 effective in reducing crash or violation rates, or both, as
1753 determined pursuant to s. 318.1451(5). Any discount, not to
1754 exceed 10 percent, used by an insurer is presumed to be
1755 appropriate unless credible data demonstrates otherwise.

1756 Section 36. Subsection (15) is added to section 627.0651,
1757 Florida Statutes, to read:

1758 627.0651 Making and use of rates for motor vehicle
1759 insurance.—

1760 (15) Initial rate filings for motor vehicle liability
1761 policies which are submitted to the office on or after January
1762 1, 2021, must reflect the financial responsibility requirements
1763 in s. 324.022, as amended, and may be approved only through the
1764 file and use process under s. 627.0651(1) (a).

1765 Section 37. Subsection (1) of section 627.0652, Florida
1766 Statutes, is amended to read:

1767 627.0652 Insurance discounts for certain persons completing
1768 safety course.—

1769 (1) Any rates, rating schedules, or rating manuals for the

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1770 liability, medical payments ~~personal injury protection~~, and
1771 collision coverages of a motor vehicle insurance policy filed
1772 with the office must ~~shall~~ provide for an appropriate reduction
1773 in premium charges as to such coverages if ~~when~~ the principal
1774 operator on the covered vehicle is an insured 55 years of age or
1775 older who has successfully completed a motor vehicle accident
1776 prevention course approved by the Department of Highway Safety
1777 and Motor Vehicles. Any discount used by an insurer is presumed
1778 to be appropriate unless credible data demonstrates otherwise.

1779 Section 38. Subsections (1), (3), and (6) of section
1780 627.0653, Florida Statutes, are amended to read:

1781 627.0653 Insurance discounts for specified motor vehicle
1782 equipment.—

1783 (1) Any rates, rating schedules, or rating manuals for the
1784 liability, medical payments ~~personal injury protection~~, and
1785 collision coverages of a motor vehicle insurance policy filed
1786 with the office must ~~shall~~ provide a premium discount if the
1787 insured vehicle is equipped with factory-installed, four-wheel
1788 antilock brakes.

1789 (3) Any rates, rating schedules, or rating manuals for
1790 ~~personal injury protection coverage and medical payments~~
1791 ~~coverage, if offered,~~ of a motor vehicle insurance policy filed
1792 with the office must ~~shall~~ provide a premium discount if the
1793 insured vehicle is equipped with one or more air bags that ~~which~~
1794 are factory installed.

1795 (6) The Office of Insurance Regulation may approve a
1796 premium discount to any rates, rating schedules, or rating
1797 manuals for the liability, medical payments ~~personal injury~~
1798 ~~protection~~, and collision coverages of a motor vehicle insurance

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1799 policy filed with the office if the insured vehicle is equipped
 1800 with an automated driving system or electronic vehicle collision
 1801 avoidance technology that is factory installed or a retrofitted
 1802 system and that complies with National Highway Traffic Safety
 1803 Administration standards.

1804 Section 39. Section 627.4132, Florida Statutes, is amended
 1805 to read:

1806 627.4132 Stacking of coverages prohibited.—If an insured or
 1807 named insured is protected by any type of motor vehicle
 1808 insurance policy for bodily injury and property damage
 1809 liability, ~~personal injury protection, or other coverage~~, the
 1810 policy must ~~shall~~ provide that the insured or named insured is
 1811 protected only to the extent of the coverage she or he has on
 1812 the vehicle involved in the accident. However, if none of the
 1813 insured's or named insured's vehicles are ~~is~~ involved in the
 1814 accident, coverage is available only to the extent of coverage
 1815 on any one of the vehicles with applicable coverage. Coverage on
 1816 any other vehicles may ~~shall~~ not be added to or stacked upon
 1817 that coverage. This section does not apply:

1818 (1) To uninsured motorist coverage that ~~which~~ is separately
 1819 governed by s. 627.727.

1820 (2) To reduce the coverage available by reason of insurance
 1821 policies insuring different named insureds.

1822 Section 40. Section 627.7263, Florida Statutes, is amended
 1823 to read:

1824 627.7263 Rental and leasing driver's insurance to be
 1825 primary; exception.—

1826 (1) The valid and collectible liability insurance and
 1827 medical payments coverage ~~or personal injury protection~~

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1828 ~~insurance providing coverage~~ for the lessor of a motor vehicle
1829 for rent or lease is primary unless otherwise stated in at least
1830 10-point type on the face of the rental or lease agreement. Such
1831 insurance is primary for the limits of liability ~~and personal~~
1832 ~~injury protection~~ coverage as required by s. 324.021(7) and the
1833 medical payments coverage limit specified under s. 627.7265 ~~ss.~~
1834 ~~324.021(7) and 627.736~~.

1835 (2) If the lessee's coverage is to be primary, the rental
1836 or lease agreement must contain the following language, in at
1837 least 10-point type:

1838
1839 "The valid and collectible liability insurance and
1840 medical payments coverage ~~personal injury protection~~
1841 ~~insurance of an~~ any authorized rental or leasing
1842 driver is primary for the limits of liability ~~and~~
1843 ~~personal injury protection~~ coverage required under
1844 section 324.021(7), Florida Statutes, and the medical
1845 payments coverage limit specified under section
1846 627.7265 ~~by ss. 324.021(7) and 627.736~~, Florida
1847 Statutes."

1848 Section 41. Section 627.7265, Florida Statutes, is created
1849 to read:

1850 627.7265 Motor vehicle insurance; medical payments
1851 coverage.

1852 (1) Medical payments coverage must protect the named
1853 insured, resident relatives, persons operating the insured motor
1854 vehicle, passengers in the insured motor vehicle, and persons
1855 who are struck by the insured motor vehicle and suffer bodily
1856 injury while not an occupant of a self-propelled motor vehicle

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1857 at a limit of at least \$5,000 for medical expense incurred due
1858 to bodily injury, sickness, or disease arising out of the
1859 ownership, maintenance, or use of a motor vehicle. Medical
1860 payments coverage must pay for reasonable expenses for necessary
1861 medical, diagnostic, and rehabilitative services that are
1862 lawfully provided, supervised, ordered, or prescribed by a
1863 physician licensed under chapter 458 or chapter 459, by a
1864 dentist licensed under chapter 466, or by a chiropractic
1865 physician licensed under chapter 460 or that are provided in a
1866 hospital or in a facility that owns, or is wholly owned by, a
1867 hospital. The coverage must provide an additional death benefit
1868 of at least \$5,000.

1869 (a) Before issuing a motor vehicle liability insurance
1870 policy that is furnished as proof of financial responsibility
1871 under s. 324.031, the insurer must offer medical payments
1872 coverage at limits of \$5,000 and \$10,000. The insurer may also
1873 offer medical payments coverage at any limit greater than
1874 \$5,000.

1875 (b) The medical payments coverage must be offered with an
1876 option with no deductible. The insurer may also offer medical
1877 payments coverage with a deductible not to exceed \$500.

1878 (c) Each motor vehicle liability insurance policy that is
1879 furnished as proof of financial responsibility under s. 324.031
1880 is deemed to have:

1881 1. Medical payments coverage to a limit of \$10,000, unless
1882 the insurer obtains the policyholder's written refusal of
1883 medical payments coverage or written selection of medical
1884 payments coverage at a limit other than \$10,000. The rejection
1885 or selection of coverage at a limit other than \$10,000 must be

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1886 made on a form approved by the office.

1887 2. No medical payments coverage deductible, unless the
1888 insurer obtains the policyholder's written selection of a
1889 deductible of up to \$500. The selection of a deductible must be
1890 made on a form approved by the office.

1891 (d)1. The forms in subparagraphs (c)1. and 2. must fully
1892 advise the applicant of the nature of the coverage being
1893 rejected or the policy limit or deductible being selected. If
1894 the form is signed by a named insured, it is conclusively
1895 presumed that there was an informed, knowing rejection of the
1896 coverage or election of the policy limit or deductible selected.

1897 2. Unless the policyholder requests in writing the coverage
1898 specified in this section, it need not be provided in or
1899 supplemental to any other policy that renews, insures, extends,
1900 changes, supersedes, or replaces an existing policy if the
1901 policyholder has rejected the coverage specified in this section
1902 or has selected an alternative coverage limit or deductible. At
1903 least annually, the insurer shall provide the policyholder with
1904 a notice of the availability of such coverage in a form approved
1905 by the office. The notice must be part of, and attached to, the
1906 notice of premium and must provide for a means to allow the
1907 insured to request medical payments coverage at the limits and
1908 deductibles required to be offered under this section. The
1909 notice must be given in a manner approved by the office. Receipt
1910 of this notice does not constitute an affirmative waiver of the
1911 insured's right to medical payments coverage if the insured has
1912 not signed a selection or rejection form.

1913 (e) This section may not be construed to limit any other
1914 coverage made available by an insurer.

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1915 (2) Upon receiving notice of an accident that is
1916 potentially covered by medical payments coverage benefits, the
1917 insurer must reserve \$5,000 of medical payments coverage
1918 benefits for payment to physicians licensed under chapter 458 or
1919 chapter 459 or dentists licensed under chapter 466 who provide
1920 emergency services and care, as defined in s. 395.002, or who
1921 provide hospital inpatient care. The amount required to be held
1922 in reserve may be used only to pay claims from such physicians
1923 or dentists until 30 days after the date the insurer receives
1924 notice of the accident. After the 30-day period, any amount of
1925 the reserve for which the insurer has not received notice of
1926 such claims may be used by the insurer to pay other claims. This
1927 subsection does not require an insurer to establish a claim
1928 reserve for insurance accounting purposes.

1929 (3) An insurer providing medical payments coverage benefits
1930 may not have a:

1931 (a) Lien on any recovery in tort by judgment, settlement,
1932 or otherwise for medical payments coverage benefits, whether
1933 suit has been filed or settlement has been reached without suit;
1934 or

1935 (b) Cause of action against a person to whom or for whom
1936 medical payments coverage benefits were paid, except when
1937 medical payments coverage benefits are paid by reason of fraud
1938 the person commits.

1939 (4) An insurer providing medical payments coverage may
1940 include provisions in its policy allowing for subrogation for
1941 medical payments benefits paid if the expenses giving rise to
1942 the payments were caused by the wrongful act or omission of
1943 another who is not also an insured under the policy paying the

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1944 medical payments benefits. However, this subrogation right is
 1945 inferior to the rights of the injured insured and is available
 1946 only after all the insured's damages are recovered and the
 1947 insured is made whole. An insured who obtains a recovery from a
 1948 third party of the full amount of the damages sustained and
 1949 delivers a release or satisfaction that impairs a medical
 1950 payments insurer's subrogation right is liable to the insurer
 1951 for repayment of medical payments benefits less any expenses of
 1952 acquiring the recovery, including a prorated share of attorney
 1953 fees and costs, and shall hold that net recovery in trust to be
 1954 delivered to the medical payments insurer. The insurer may not
 1955 include any provision in its policy allowing for subrogation for
 1956 any death benefit paid.

1957 Section 42. Subsections (1) and (7) of section 627.727,
 1958 Florida Statutes, are amended to read:

1959 627.727 Motor vehicle insurance; uninsured and underinsured
 1960 vehicle coverage; insolvent insurer protection.-

1961 (1) A ~~No~~ motor vehicle liability insurance policy that
 1962 ~~which~~ provides bodily injury liability coverage may not ~~shall~~ be
 1963 delivered or issued for delivery in this state with respect to
 1964 any specifically insured or identified motor vehicle registered
 1965 or principally garaged in this state, unless uninsured motor
 1966 vehicle coverage is provided therein or supplemental thereto for
 1967 the protection of persons insured thereunder who are legally
 1968 entitled to recover damages from owners or operators of
 1969 uninsured motor vehicles because of bodily injury, sickness, or
 1970 disease, including death, resulting therefrom. However, the
 1971 coverage required under this section is not applicable if ~~when~~,
 1972 or to the extent that, an insured named in the policy makes a

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1973 written rejection of the coverage on behalf of all insureds
 1974 under the policy. If ~~When~~ a motor vehicle is leased for a ~~period~~
 1975 ~~of~~ 1 year or longer and the lessor of such vehicle, by the terms
 1976 of the lease contract, provides liability coverage on the leased
 1977 vehicle, the lessee of such vehicle has ~~shall have~~ the sole
 1978 privilege to reject uninsured motorist coverage or to select
 1979 lower limits than the bodily injury liability limits, regardless
 1980 of whether the lessor is qualified as a self-insurer pursuant to
 1981 s. 324.171. Unless an insured, or a lessee having the privilege
 1982 of rejecting uninsured motorist coverage, requests such coverage
 1983 or requests higher uninsured motorist limits in writing, the
 1984 coverage or such higher uninsured motorist limits need not be
 1985 provided in or supplemental to any other policy that ~~which~~
 1986 renews, extends, changes, supersedes, or replaces an existing
 1987 policy with the same bodily injury liability limits when an
 1988 insured or lessee had rejected the coverage. When an insured or
 1989 lessee has initially selected limits of uninsured motorist
 1990 coverage lower than her or his bodily injury liability limits,
 1991 higher limits of uninsured motorist coverage need not be
 1992 provided in or supplemental to any other policy that ~~which~~
 1993 renews, extends, changes, supersedes, or replaces an existing
 1994 policy with the same bodily injury liability limits unless an
 1995 insured requests higher uninsured motorist coverage in writing.
 1996 The rejection or selection of lower limits must ~~shall~~ be made on
 1997 a form approved by the office. The form must ~~shall~~ fully advise
 1998 the applicant of the nature of the coverage and must ~~shall~~ state
 1999 that the coverage is equal to bodily injury liability limits
 2000 unless lower limits are requested or the coverage is rejected.
 2001 The heading of the form must ~~shall~~ be in 12-point bold type and

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2002 must ~~shall~~ state: "You are electing not to purchase certain
2003 valuable coverage that ~~which~~ protects you and your family or you
2004 are purchasing uninsured motorist limits less than your bodily
2005 injury liability limits when you sign this form. Please read
2006 carefully." If this form is signed by a named insured, it will
2007 be conclusively presumed that there was an informed, knowing
2008 rejection of coverage or election of lower limits on behalf of
2009 all insureds. The insurer shall notify the named insured at
2010 least annually of her or his options as to the coverage required
2011 by this section. Such notice must ~~shall~~ be part of, and attached
2012 to, the notice of premium, must ~~shall~~ provide for a means to
2013 allow the insured to request such coverage, and must ~~shall~~ be
2014 given in a manner approved by the office. Receipt of this notice
2015 does not constitute an affirmative waiver of the insured's right
2016 to uninsured motorist coverage if ~~where~~ the insured has not
2017 signed a selection or rejection form. The coverage described
2018 under this section must ~~shall~~ be over and above, but may ~~shall~~
2019 not duplicate, the benefits available to an insured under any
2020 workers' compensation law, ~~personal injury protection benefits,~~
2021 disability benefits law, or similar law; under any automobile
2022 medical payments ~~expense~~ coverage; under any motor vehicle
2023 liability insurance coverage; or from the owner or operator of
2024 the uninsured motor vehicle or any other person or organization
2025 jointly or severally liable together with such owner or operator
2026 for the accident, ~~+~~ and such coverage must ~~shall~~ cover the
2027 difference, if any, between the sum of such benefits and the
2028 damages sustained, up to the maximum amount of such coverage
2029 provided under this section. The amount of coverage available
2030 under this section may ~~shall~~ not be reduced by a setoff against

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2031 any coverage, including liability insurance. Such coverage does
2032 ~~shall~~ not inure directly or indirectly to the benefit of any
2033 workers' compensation or disability benefits carrier or any
2034 person or organization qualifying as a self-insurer under any
2035 workers' compensation or disability benefits law or similar law.

2036 (7) The legal liability of an uninsured motorist coverage
2037 insurer includes ~~does not include~~ damages in tort for pain,
2038 suffering, disability or physical impairment, disfigurement,
2039 mental anguish, ~~and inconvenience,~~ and the loss of capacity for
2040 the enjoyment of life experienced in the past and to be
2041 experienced in the future unless the injury or disease is
2042 ~~described in one or more of paragraphs (a) - (d) of s. 627.737(2).~~

2043 Section 43. Subsection (1) and paragraphs (a) and (b) of
2044 subsection (2) of section 627.7275, Florida Statutes, are
2045 amended to read:

2046 627.7275 Motor vehicle liability.—

2047 (1) A motor vehicle insurance policy ~~providing personal~~
2048 ~~injury protection as set forth in s. 627.736~~ may not be
2049 delivered or issued for delivery in this state for a ~~with~~
2050 ~~respect to any~~ specifically insured or identified motor vehicle
2051 registered or principally garaged in this state must provide
2052 bodily injury liability coverage and unless the policy also
2053 ~~provides coverage for~~ property damage liability coverage as
2054 required under ~~by~~ s. 324.022.

2055 (2) (a) Insurers writing motor vehicle insurance in this
2056 state shall make available, subject to the insurers' usual
2057 underwriting restrictions:

2058 1. Coverage under policies as described in subsection (1)
2059 to an applicant for private passenger motor vehicle insurance

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2060 coverage who is seeking the coverage in order to reinstate the
2061 applicant's driving privileges in this state if the driving
2062 privileges were revoked or suspended pursuant to s. 316.646 or
2063 s. 324.0221 due to the failure of the applicant to maintain
2064 required security.

2065 2. Coverage under policies as described in subsection (1),
2066 which includes bodily injury ~~also provides~~ liability coverage
2067 and property damage liability coverage, ~~for bodily injury,~~
2068 ~~death, and property damage arising out of the ownership,~~
2069 ~~maintenance, or use of the motor vehicle~~ in an amount not less
2070 than the minimum limits required under ~~described in~~ s.
2071 324.021(7) or s. 324.023 and which conforms to the requirements
2072 of s. 324.151, to an applicant for private passenger motor
2073 vehicle insurance coverage who is seeking the coverage in order
2074 to reinstate the applicant's driving privileges in this state
2075 after such privileges were revoked or suspended under s. 316.193
2076 or s. 322.26(2) for driving under the influence.

2077 (b) The policies described in paragraph (a) must ~~shall~~ be
2078 issued for at least 6 months and, as to the minimum coverages
2079 required under this section, may not be canceled by the insured
2080 for any reason or by the insurer after 60 days, during which
2081 period the insurer is completing the underwriting of the policy.
2082 After the insurer has completed underwriting the policy, the
2083 insurer shall notify the Department of Highway Safety and Motor
2084 Vehicles that the policy is in full force and effect and is not
2085 cancelable for the remainder of the policy period. A premium
2086 must ~~shall~~ be collected and the coverage is in effect for the
2087 60-day period during which the insurer is completing the
2088 underwriting of the policy, whether or not the person's driver

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2089 license, motor vehicle tag, and motor vehicle registration are
2090 in effect. Once the noncancelable provisions of the policy
2091 become effective, the bodily injury liability and property
2092 damage liability coverages ~~for bodily injury, property damage,~~
2093 ~~and personal injury protection~~ may not be reduced below the
2094 minimum limits required under s. 324.021 or s. 324.023 during
2095 the policy period.

2096 Section 44. Effective upon this act becoming a law, section
2097 627.7278, Florida Statutes, is created to read:

2098 627.7278 Applicability and construction; notice to
2099 policyholders.-

2100 (1) As used in this section, the term "minimum security
2101 requirements" means security that enables a person to respond in
2102 damages for liability on account of crashes arising out of the
2103 ownership, maintenance, or use of a motor vehicle, in the
2104 amounts required by s. 324.021(7).

2105 (2) Effective January 1, 2021:

2106 (a) Motor vehicle insurance policies issued or renewed on
2107 or after that date may not include personal injury protection.

2108 (b) All persons subject to s. 324.022, s. 324.032, s.
2109 627.7415, or s. 627.742 must maintain at least minimum security
2110 requirements.

2111 (c) Any new or renewal motor vehicle insurance policy
2112 delivered or issued for delivery in this state must provide
2113 coverage that complies with minimum security requirements.

2114 (d) An existing motor vehicle insurance policy issued
2115 before that date which provides personal injury protection and
2116 property damage liability coverage that meets the requirements
2117 of s. 324.022 on December 31, 2020, but which does not meet

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2118 minimum security requirements on or after January 1, 2021, is
2119 deemed to meet the security requirements of s. 324.022 until
2120 such policy is renewed, nonrenewed, or canceled on or after
2121 January 1, 2021. Sections 627.730-627.7405, 400.9905, 400.991,
2122 456.057, 456.072, 627.7263, 627.727, 627.748, 627.9541(1)(i),
2123 and 817.234, Florida Statutes 2019, remain in full force and
2124 effect for motor vehicle accidents covered under a policy issued
2125 under the Florida Motor Vehicle No-Fault Law before January 1,
2126 2021, until the policy is renewed, nonrenewed, or canceled.

2127 (3) Each insurer shall allow each insured who has a new or
2128 renewal policy providing personal injury protection which
2129 becomes effective before January 1, 2021, and whose policy does
2130 not meet minimum security requirements on or after January 1,
2131 2021, to change coverages so as to eliminate personal injury
2132 protection and obtain coverage providing minimum security
2133 requirements, which shall be effective on or after January 1,
2134 2021. The insurer is not required to provide coverage complying
2135 with minimum security requirements in such policies if the
2136 insured does not pay the required premium, if any, by January 1,
2137 2021, or such later date as the insurer may allow. The insurer
2138 must also offer each insured medical payments coverage pursuant
2139 to s. 627.7265. Any reduction in the premium must be refunded by
2140 the insurer. The insurer may not impose on the insured an
2141 additional fee or charge that applies solely to a change in
2142 coverage; however, the insurer may charge an additional required
2143 premium that is actuarially indicated.

2144 (4) By September 1, 2020, each motor vehicle insurer shall
2145 provide notice of this section to each motor vehicle
2146 policyholder who is subject to this section. The notice is

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2147 subject to approval by the office and must clearly inform the
2148 policyholder that:

2149 (a) The Florida Motor Vehicle No-Fault Law is repealed
2150 effective January 1, 2021, and that on or after that date, the
2151 insured is no longer required to maintain personal injury
2152 protection insurance coverage, that personal injury protection
2153 coverage is no longer available for purchase in this state, and
2154 that all new or renewal policies issued on or after that date
2155 will not contain that coverage.

2156 (b) Effective January 1, 2021, a person subject to the
2157 financial responsibility requirements of s. 324.022 must
2158 maintain minimum security requirements that enable the person to
2159 respond to damages for liability on account of accidents arising
2160 out of the use of a motor vehicle in the following amounts:

2161 1. Twenty-five thousand dollars for bodily injury to, or
2162 the death of, one person in any one crash and, subject to such
2163 limits for one person, in the amount of \$50,000 for bodily
2164 injury to, or the death of, two or more persons in any one
2165 crash; and

2166 2. Ten thousand dollars for damage to, or destruction of,
2167 the property of others in any one crash.

2168 (c) Bodily injury liability coverage protects the insured,
2169 up to the coverage limits, against loss if the insured is
2170 legally responsible for the death of or bodily injury to others
2171 in a motor vehicle accident.

2172 (d) Effective January 1, 2021, each policyholder of motor
2173 vehicle liability insurance purchased as proof of financial
2174 responsibility must be offered medical payments coverage
2175 benefits that comply with s. 627.7265. The insurer must offer

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2176 medical payments coverage at limits of \$5,000 and \$10,000
2177 without a deductible. The insurer may also offer medical
2178 payments coverage at other limits greater than \$5,000, and may
2179 offer coverage with a deductible of up to \$500. Medical payments
2180 coverage pays covered medical expenses, up to the limits of such
2181 coverage, for injuries sustained in a motor vehicle crash by the
2182 named insured, resident relatives, persons operating the insured
2183 motor vehicle, passengers in the insured motor vehicle, and
2184 persons who are struck by the insured motor vehicle and suffer
2185 bodily injury while not an occupant of a self-propelled motor
2186 vehicle as provided in s. 627.7265. Medical payments coverage
2187 pays for reasonable expenses for necessary medical, diagnostic,
2188 and rehabilitative services that are lawfully provided,
2189 supervised, ordered, or prescribed by a physician licensed under
2190 chapter 458 or chapter 459, by a dentist licensed under chapter
2191 466, or by a chiropractic physician licensed under chapter 460
2192 or that are provided in a hospital or in a facility that owns,
2193 or is wholly owned by, a hospital. Medical payments coverage
2194 also provides a death benefit of at least \$5,000.

2195 (e) The policyholder may obtain uninsured and underinsured
2196 motorist coverage, which provides benefits, up to the limits of
2197 such coverage, to a policyholder or other insured entitled to
2198 recover damages for bodily injury, sickness, disease, or death
2199 resulting from a motor vehicle accident with an uninsured or
2200 underinsured owner or operator of a motor vehicle.

2201 (f) If the policyholder's new or renewal motor vehicle
2202 insurance policy is effective before January 1, 2021, and
2203 contains personal injury protection and property damage
2204 liability coverage as required by state law before January 1,

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2205 2021, but does not meet minimum security requirements on or
2206 after January 1, 2021, the policy is deemed to meet minimum
2207 security requirements until it is renewed, nonrenewed, or
2208 canceled on or after January 1, 2021.

2209 (g) A policyholder whose new or renewal policy becomes
2210 effective before January 1, 2021, but does not meet minimum
2211 security requirements on or after January 1, 2021, may change
2212 coverages under the policy so as to eliminate personal injury
2213 protection and to obtain coverage providing minimum security
2214 requirements, including bodily injury liability coverage, which
2215 are effective on or after January 1, 2021.

2216 (h) If the policyholder has any questions, he or she should
2217 contact the person named at the telephone number provided in the
2218 notice.

2219 Section 45. Paragraph (a) of subsection (1) of section
2220 627.728, Florida Statutes, is amended to read:

2221 627.728 Cancellations; nonrenewals.—

2222 (1) As used in this section, the term:

2223 (a) "Policy" means the bodily injury and property damage
2224 liability, ~~personal injury protection~~, medical payments,
2225 comprehensive, collision, and uninsured motorist coverage
2226 portions of a policy of motor vehicle insurance delivered or
2227 issued for delivery in this state:

2228 1. Insuring a natural person as named insured or one or
2229 more related individuals who are residents ~~resident~~ of the same
2230 household; and

2231 2. Insuring only a motor vehicle of the private passenger
2232 type or station wagon type which is not used as a public or
2233 livery conveyance for passengers or rented to others; or

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2234 insuring any other four-wheel motor vehicle having a load
2235 capacity of 1,500 pounds or less which is not used in the
2236 occupation, profession, or business of the insured other than
2237 farming; other than any policy issued under an automobile
2238 insurance assigned risk plan or covering garage, automobile
2239 sales agency, repair shop, service station, or public parking
2240 place operation hazards.

2241
2242 The term "policy" does not include a binder as defined in s.
2243 627.420 unless the duration of the binder period exceeds 60
2244 days.

2245 Section 46. Subsection (1), paragraph (a) of subsection
2246 (5), and subsections (6) and (7) of section 627.7295, Florida
2247 Statutes, are amended to read:

2248 627.7295 Motor vehicle insurance contracts.—

2249 (1) As used in this section, the term:

2250 (a) "Policy" means a motor vehicle insurance policy that
2251 provides bodily injury liability ~~personal injury protection~~
2252 coverage and, ~~property damage liability coverage, or both.~~

2253 (b) "Binder" means a binder that provides motor vehicle
2254 bodily injury liability coverage ~~personal injury protection~~ and
2255 property damage liability coverage.

2256 (5) (a) A licensed general lines agent may charge a per-
2257 policy fee of up to ~~not to exceed~~ \$10 to cover the
2258 administrative costs of the agent associated with selling the
2259 motor vehicle insurance policy if the policy covers only bodily
2260 injury liability coverage ~~personal injury protection coverage as~~
2261 ~~provided by s. 627.736~~ and property damage liability coverage as
2262 provided by s. 627.7275 and if no other insurance is sold or

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2263 issued in conjunction with or collateral to the policy. The fee
2264 is not ~~considered~~ part of the premium.

2265 (6) If a motor vehicle owner's driver license, license
2266 plate, and registration have previously been suspended pursuant
2267 to s. 316.646 ~~or s. 627.733~~, an insurer may cancel a new policy
2268 only as provided in s. 627.7275.

2269 (7) A policy of private passenger motor vehicle insurance
2270 or a binder for such a policy may be initially issued in this
2271 state only if, before the effective date of such binder or
2272 policy, the insurer or agent has collected from the insured an
2273 amount equal to at least 1 month's premium. An insurer, agent,
2274 or premium finance company may not, directly or indirectly, take
2275 any action that results ~~resulting~~ in the insured paying ~~having~~
2276 ~~paid~~ from the insured's own funds an amount less than the 1
2277 month's premium required by this subsection. This subsection
2278 applies without regard to whether the premium is financed by a
2279 premium finance company or is paid pursuant to a periodic
2280 payment plan of an insurer or an insurance agent.

2281 (a) This subsection does not apply:

2282 1. If an insured or member of the insured's family is
2283 renewing or replacing a policy or a binder for such policy
2284 written by the same insurer or a member of the same insurer
2285 group. ~~This subsection does not apply~~

2286 2. To an insurer that issues private passenger motor
2287 vehicle coverage primarily to active duty or former military
2288 personnel or their dependents. ~~This subsection does not apply~~

2289 3. If all policy payments are paid pursuant to a payroll
2290 deduction plan, an automatic electronic funds transfer payment
2291 plan from the policyholder, or a recurring credit card or debit

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2292 card agreement with the insurer.

2293 (b) This subsection and subsection (4) do not apply if:

2294 1. All policy payments to an insurer are paid pursuant to
2295 an automatic electronic funds transfer payment plan from an
2296 agent, a managing general agent, or a premium finance company
2297 and if the policy includes, at a minimum, bodily injury
2298 liability coverage and personal injury protection pursuant to
2299 ss. ~~627.730-627.7405~~; motor vehicle property damage liability
2300 coverage pursuant to s. 627.7275; or and ~~bodily injury liability~~
2301 in at least the amount of \$10,000 because of bodily injury to,
2302 or death of, one person in any one accident and in the amount of
2303 \$20,000 because of bodily injury to, or death of, two or more
2304 persons in any one accident. This subsection and subsection (4)
2305 do not apply if

2306 2. An insured has had a policy in effect for at least 6
2307 months, the insured's agent is terminated by the insurer that
2308 issued the policy, and the insured obtains coverage on the
2309 policy's renewal date with a new company through the terminated
2310 agent.

2311 Section 47. Section 627.7415, Florida Statutes, is amended
2312 to read:

2313 627.7415 Commercial motor vehicles; additional liability
2314 insurance coverage.—Beginning January 1, 2021, commercial motor
2315 vehicles, as defined in s. 207.002 or s. 320.01, operated upon
2316 the roads and highways of this state must ~~shall~~ be insured with
2317 the following minimum levels of combined bodily liability
2318 insurance and property damage liability insurance in addition to
2319 any other insurance requirements:

2320 (1) Sixty ~~Fifty~~ thousand dollars per occurrence for a

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2321 commercial motor vehicle with a gross vehicle weight of 26,000
2322 pounds or more, but less than 35,000 pounds.

2323 (2) One hundred twenty thousand dollars per occurrence for
2324 a commercial motor vehicle with a gross vehicle weight of 35,000
2325 pounds or more, but less than 44,000 pounds.

2326 (3) Three hundred thousand dollars per occurrence for a
2327 commercial motor vehicle with a gross vehicle weight of 44,000
2328 pounds or more.

2329 (4) All commercial motor vehicles subject to regulations of
2330 the United States Department of Transportation, 49 C.F.R. part
2331 387, subpart A, and as may be hereinafter amended, shall be
2332 insured in an amount equivalent to the minimum levels of
2333 financial responsibility as set forth in such regulations.

2334
2335 A violation of this section is a noncriminal traffic infraction,
2336 punishable as a nonmoving violation as provided in chapter 318.

2337 Section 48. Section 627.747, Florida Statutes, is created
2338 to read:

2339 627.747 Named driver exclusion.-

2340 (1) A private passenger motor vehicle policy may exclude an
2341 identified individual from the following coverages while the
2342 identified individual is operating a motor vehicle, provided
2343 that the identified individual is specifically excluded by name
2344 on the declarations page or by endorsement, and the policyholder
2345 consents in writing to the exclusion:

2346 (a) Property damage liability coverage.

2347 (b) Bodily injury liability coverage.

2348 (c) Uninsured motorist coverage for any damages sustained
2349 by the identified excluded individual, if the policyholder has

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2350 purchased such coverage.

2351 (d) Any coverage the policyholder is not required by law to
2352 purchase.

2353 (2) A private passenger motor vehicle policy may not
2354 exclude coverage when:

2355 (a) The identified excluded individual is injured while not
2356 operating a motor vehicle;

2357 (b) The exclusion is unfairly discriminatory under the
2358 Florida Insurance Code, as determined by the office; or

2359 (c) The exclusion is inconsistent with the underwriting
2360 rules filed by the insurer pursuant to s. 627.0651(13)(a).

2361 Section 49. Paragraphs (b), (c), and (g) of subsection (7)
2362 and paragraphs (a) and (b) of subsection (8) of section 627.748,
2363 Florida Statutes, are amended to read:

2364 627.748 Transportation network companies.—

2365 (7) TRANSPORTATION NETWORK COMPANY AND TNC DRIVER INSURANCE
2366 REQUIREMENTS.—

2367 (b) The following automobile insurance requirements apply
2368 while a participating TNC driver is logged on to the digital
2369 network but is not engaged in a prearranged ride:

2370 1. Automobile insurance that provides:

2371 a. A primary automobile liability coverage of at least
2372 \$50,000 for death and bodily injury per person, \$100,000 for
2373 death and bodily injury per incident, and \$25,000 for property
2374 damage; and

2375 ~~b. Personal injury protection benefits that meet the~~
2376 ~~minimum coverage amounts required under ss. 627.730-627.7405;~~
2377 ~~and~~

2378 ~~e.~~ Uninsured and underinsured vehicle coverage as required

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2379 by s. 627.727.

2380 2. The coverage requirements of this paragraph may be
2381 satisfied by any of the following:

2382 a. Automobile insurance maintained by the TNC driver;

2383 b. Automobile insurance maintained by the TNC; or

2384 c. A combination of sub-subparagraphs a. and b.

2385 (c) The following automobile insurance requirements apply
2386 while a TNC driver is engaged in a prearranged ride:

2387 1. Automobile insurance that provides:

2388 a. A primary automobile liability coverage of at least \$1
2389 million for death, bodily injury, and property damage; and

2390 b. ~~Personal injury protection benefits that meet the~~
2391 ~~minimum coverage amounts required of a limousine under ss.~~
2392 ~~627.730-627.7405; and~~

2393 e. Uninsured and underinsured vehicle coverage as required
2394 by s. 627.727.

2395 2. The coverage requirements of this paragraph may be
2396 satisfied by any of the following:

2397 a. Automobile insurance maintained by the TNC driver;

2398 b. Automobile insurance maintained by the TNC; or

2399 c. A combination of sub-subparagraphs a. and b.

2400 (g) Insurance satisfying the requirements under this
2401 subsection is deemed to satisfy the financial responsibility
2402 requirement for a motor vehicle under chapter 324 ~~and the~~
2403 ~~security required under s. 627.733~~ for any period when the TNC
2404 driver is logged onto the digital network or engaged in a
2405 prearranged ride.

2406 (8) TRANSPORTATION NETWORK COMPANY AND INSURER; DISCLOSURE;
2407 EXCLUSIONS.-

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2408 (a) Before a TNC driver is allowed to accept a request for
2409 a prearranged ride on the digital network, the TNC must disclose
2410 in writing to the TNC driver:

2411 1. The insurance coverage, including the types of coverage
2412 and the limits for each coverage, which the TNC provides while
2413 the TNC driver uses a TNC vehicle in connection with the TNC's
2414 digital network.

2415 2. That the TNC driver's own automobile insurance policy
2416 might not provide any coverage while the TNC driver is logged on
2417 to the digital network or is engaged in a prearranged ride,
2418 depending on the terms of the TNC driver's own automobile
2419 insurance policy.

2420 3. That the provision of rides for compensation which are
2421 not prearranged rides subjects the driver to the coverage
2422 requirements imposed under s. 324.032(1) and (2) and that
2423 failure to meet such coverage requirements subjects the TNC
2424 driver to penalties provided in s. 324.221, up to and including
2425 a misdemeanor of the second degree.

2426 (b)1. An insurer that provides an automobile liability
2427 insurance policy under this part may exclude any and all
2428 coverage afforded under the policy issued to an owner or
2429 operator of a TNC vehicle while driving that vehicle for any
2430 loss or injury that occurs while a TNC driver is logged on to a
2431 digital network or while a TNC driver provides a prearranged
2432 ride. Exclusions imposed under this subsection are limited to
2433 coverage while a TNC driver is logged on to a digital network or
2434 while a TNC driver provides a prearranged ride. This right to
2435 exclude all coverage may apply to any coverage included in an
2436 automobile insurance policy, including, but not limited to:

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- 2437 a. Liability coverage for bodily injury and property
2438 damage;
- 2439 b. Uninsured and underinsured motorist coverage;
- 2440 c. Medical payments coverage;
- 2441 d. Comprehensive physical damage coverage; and
- 2442 e. Collision physical damage coverage; ~~and~~
- 2443 ~~f. Personal injury protection.~~
- 2444 2. The exclusions described in subparagraph 1. apply
2445 notwithstanding any requirement under chapter 324. These
2446 exclusions do not affect or diminish coverage otherwise
2447 available for permissive drivers or resident relatives under the
2448 personal automobile insurance policy of the TNC driver or owner
2449 of the TNC vehicle who are not occupying the TNC vehicle at the
2450 time of loss. This section does not require that a personal
2451 automobile insurance policy provide coverage while the TNC
2452 driver is logged on to a digital network, while the TNC driver
2453 is engaged in a prearranged ride, or while the TNC driver
2454 otherwise uses a vehicle to transport riders for compensation.
- 2455 3. This section must not be construed to require an insurer
2456 to use any particular policy language or reference to this
2457 section in order to exclude any and all coverage for any loss or
2458 injury that occurs while a TNC driver is logged on to a digital
2459 network or while a TNC driver provides a prearranged ride.
- 2460 4. This section does not preclude an insurer from providing
2461 primary or excess coverage for the TNC driver's vehicle by
2462 contract or endorsement.
- 2463 Section 50. Paragraph (a) of subsection (2) of section
2464 627.749, Florida Statutes, is amended to read:
- 2465 627.749 Autonomous vehicles; insurance requirements.-

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2466 (2) INSURANCE REQUIREMENTS.—

2467 (a) A fully autonomous vehicle with the automated driving
2468 system engaged while logged on to an on-demand autonomous
2469 vehicle network or engaged in a prearranged ride must be covered
2470 by a policy of automobile insurance which provides:

2471 1. Primary liability coverage of at least \$1 million for
2472 death, bodily injury, and property damage.

2473 2. ~~Personal injury protection benefits that meet the~~
2474 ~~minimum coverage amounts required under ss. 627.730-627.7405.~~

2475 3. Uninsured and underinsured vehicle coverage as required
2476 by s. 627.727.

2477 Section 51. Section 627.8405, Florida Statutes, is amended
2478 to read:

2479 627.8405 Prohibited acts; financing companies.—A ~~No~~ premium
2480 finance company ~~shall~~, in a premium finance agreement or other
2481 agreement, may not finance the cost of or otherwise provide for
2482 the collection or remittance of dues, assessments, fees, or
2483 other periodic payments of money for the cost of:

2484 (1) A membership in an automobile club. The term
2485 "automobile club" means a legal entity that ~~which~~, in
2486 consideration of dues, assessments, or periodic payments of
2487 money, promises its members or subscribers to assist them in
2488 matters relating to the ownership, operation, use, or
2489 maintenance of a motor vehicle; however, the term ~~this~~
2490 ~~definition of "automobile club"~~ does not include persons,
2491 associations, or corporations ~~which are~~ organized and operated
2492 solely for the purpose of conducting, sponsoring, or sanctioning
2493 motor vehicle races, exhibitions, or contests upon racetracks,
2494 or upon racecourses established and marked as such for the

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2495 duration of such particular events. The term ~~words~~ "motor
2496 vehicle" used herein has ~~have~~ the same meaning as defined in
2497 chapter 320.

2498 (2) An accidental death and dismemberment policy sold in
2499 combination with a policy providing only bodily injury liability
2500 coverage ~~personal injury protection~~ and property damage
2501 liability coverage ~~only policy~~.

2502 (3) Any product not regulated under ~~the provisions of this~~
2503 insurance code.

2504

2505 This section also applies to premium financing by any insurance
2506 agent or insurance company under part XVI. The commission shall
2507 adopt rules to assure disclosure, at the time of sale, of
2508 coverages financed ~~with personal injury protection~~ and shall
2509 prescribe the form of such disclosure.

2510 Section 52. Subsection (1) of section 627.915, Florida
2511 Statutes, is amended to read:

2512 627.915 Insurer experience reporting.—

2513 (1) Each insurer transacting private passenger automobile
2514 insurance in this state shall report certain information
2515 annually to the office. The information will be due on or before
2516 July 1 of each year. The information must ~~shall~~ be divided into
2517 the following categories: bodily injury liability; property
2518 damage liability; uninsured motorist; ~~personal injury protection~~
2519 ~~benefits~~; medical payments; and comprehensive and collision. The
2520 information given must ~~shall~~ be on direct insurance writings in
2521 the state alone and ~~shall~~ represent total limits data. The
2522 information set forth in paragraphs (a)-(f) is applicable to
2523 voluntary private passenger and Joint Underwriting Association

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2524 private passenger writings and must ~~shall~~ be reported for each
2525 of the latest 3 calendar-accident years, with an evaluation date
2526 of March 31 of the current year. The information set forth in
2527 paragraphs (g)-(j) is applicable to voluntary private passenger
2528 writings and must ~~shall~~ be reported on a calendar-accident year
2529 basis ultimately seven times at seven different stages of
2530 development.

2531 (a) Premiums earned for the latest 3 calendar-accident
2532 years.

2533 (b) Loss development factors and the historic development
2534 of those factors.

2535 (c) Policyholder dividends incurred.

2536 (d) Expenses for other acquisition and general expense.

2537 (e) Expenses for agents' commissions and taxes, licenses,
2538 and fees.

2539 (f) Profit and contingency factors as utilized in the
2540 insurer's automobile rate filings for the applicable years.

2541 (g) Losses paid.

2542 (h) Losses unpaid.

2543 (i) Loss adjustment expenses paid.

2544 (j) Loss adjustment expenses unpaid.

2545 Section 53. Subsections (2) and (3) of section 628.909,
2546 Florida Statutes, are amended to read:

2547 628.909 Applicability of other laws.—

2548 (2) The following provisions of the Florida Insurance Code
2549 apply to captive insurance companies that ~~who~~ are not industrial
2550 insured captive insurance companies to the extent that such
2551 provisions are not inconsistent with this part:

2552 (a) Chapter 624, except for ss. 624.407, 624.408, 624.4085,

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2553 624.40851, 624.4095, 624.411, 624.425, and 624.426.

2554 (b) Chapter 625, part II.

2555 (c) Chapter 626, part IX.

2556 (d) ~~Sections 627.730-627.7405, when no fault coverage is~~
2557 ~~provided.~~

2558 ~~(e) Chapter 628.~~

2559 (3) The following provisions of the Florida Insurance Code
2560 shall apply to industrial insured captive insurance companies to
2561 the extent that such provisions are not inconsistent with this
2562 part:

2563 (a) Chapter 624, except for ss. 624.407, 624.408, 624.4085,
2564 624.40851, 624.4095, 624.411, 624.425, 624.426, and 624.609(1).

2565 (b) Chapter 625, part II, if the industrial insured captive
2566 insurance company is incorporated in this state.

2567 (c) Chapter 626, part IX.

2568 (d) ~~Sections 627.730-627.7405 when no fault coverage is~~
2569 ~~provided.~~

2570 ~~(e) Chapter 628, except for ss. 628.341, 628.351, and~~
2571 ~~628.6018.~~

2572 Section 54. Subsections (2), (6), and (7) of section
2573 705.184, Florida Statutes, are amended to read:

2574 705.184 Derelict or abandoned motor vehicles on the
2575 premises of public-use airports.—

2576 (2) The airport director or the director's designee shall
2577 contact the Department of Highway Safety and Motor Vehicles to
2578 notify that department that the airport has possession of the
2579 abandoned or derelict motor vehicle and to determine the name
2580 and address of the owner of the motor vehicle, the insurance
2581 company insuring the motor vehicle, ~~notwithstanding the~~

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2582 ~~provisions of s. 627.736,~~ and any person who has filed a lien on
2583 the motor vehicle. Within 7 business days after receipt of the
2584 information, the director or the director's designee shall send
2585 notice by certified mail, return receipt requested, to the owner
2586 of the motor vehicle, the insurance company insuring the motor
2587 vehicle, ~~notwithstanding the provisions of s. 627.736,~~ and all
2588 persons of record claiming a lien against the motor vehicle. The
2589 notice must ~~shall~~ state the fact of possession of the motor
2590 vehicle, that charges for reasonable towing, storage, and
2591 parking fees, if any, have accrued and the amount thereof, that
2592 a lien as provided in subsection (6) will be claimed, that the
2593 lien is subject to enforcement pursuant to law, that the owner
2594 or lienholder, if any, has the right to a hearing as set forth
2595 in subsection (4), and that any motor vehicle which, at the end
2596 of 30 calendar days after receipt of the notice, has not been
2597 removed from the airport upon payment in full of all accrued
2598 charges for reasonable towing, storage, and parking fees, if
2599 any, may be disposed of as provided in s. 705.182(2)(a), (b),
2600 (d), or (e), including, but not limited to, the motor vehicle
2601 being sold free of all prior liens after 35 calendar days after
2602 the time the motor vehicle is stored if any prior liens on the
2603 motor vehicle are more than 5 years of age or after 50 calendar
2604 days after the time the motor vehicle is stored if any prior
2605 liens on the motor vehicle are 5 years of age or less.

2606 (6) The airport pursuant to this section or, if used, a
2607 licensed independent wrecker company pursuant to s. 713.78 shall
2608 have a lien on an abandoned or derelict motor vehicle for all
2609 reasonable towing, storage, and accrued parking fees, if any,
2610 except that no storage fee may ~~shall~~ be charged if the motor

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2611 vehicle is stored less than 6 hours. As a prerequisite to
2612 perfecting a lien under this section, the airport director or
2613 the director's designee must serve a notice in accordance with
2614 subsection (2) on the owner of the motor vehicle, the insurance
2615 company insuring the motor vehicle, ~~notwithstanding the~~
2616 ~~provisions of s. 627.736,~~ and all persons of record claiming a
2617 lien against the motor vehicle. If attempts to notify the owner,
2618 the insurance company insuring the motor vehicle,
2619 ~~notwithstanding the provisions of s. 627.736,~~ or lienholders are
2620 not successful, the requirement of notice by mail shall be
2621 considered met. Serving of the notice does not dispense with
2622 recording the claim of lien.

2623 (7) (a) For the purpose of perfecting its lien under this
2624 section, the airport shall record a claim of lien which states
2625 ~~shall state:~~

2626 1. The name and address of the airport.

2627 2. The name of the owner of the motor vehicle, the
2628 insurance company insuring the motor vehicle, ~~notwithstanding~~
2629 ~~the provisions of s. 627.736,~~ and all persons of record claiming
2630 a lien against the motor vehicle.

2631 3. The costs incurred from reasonable towing, storage, and
2632 parking fees, if any.

2633 4. A description of the motor vehicle sufficient for
2634 identification.

2635 (b) The claim of lien must ~~shall~~ be signed and sworn to or
2636 affirmed by the airport director or the director's designee.

2637 (c) The claim of lien is ~~shall be~~ sufficient if it is in
2638 substantially the following form:

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CLAIM OF LIEN

State of

County of

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

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

...(Signature)...
Sworn to (or affirmed) and subscribed before me this day of
....., ...(year)..., by ...(name of person making statement)....
...(Signature of Notary Public).....(Print, Type, or Stamp
Commissioned name of Notary Public)...

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

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

(d) The claim of lien must ~~shall~~ be served on the owner of
the motor vehicle, the insurance company insuring the motor
vehicle, ~~notwithstanding the provisions of s. 627.736,~~ and all

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2669 persons of record claiming a lien against the motor vehicle. If
2670 attempts to notify the owner, the insurance company insuring the
2671 motor vehicle ~~notwithstanding the provisions of s. 627.736~~, or
2672 lienholders are not successful, the requirement of notice by
2673 mail shall be considered met. The claim of lien must ~~shall~~ be so
2674 served before recordation.

2675 (e) The claim of lien must ~~shall~~ be recorded with the clerk
2676 of court in the county where the airport is located. The
2677 recording of the claim of lien shall be constructive notice to
2678 all persons of the contents and effect of such claim. The lien
2679 attaches ~~shall attach~~ at the time of recordation and takes ~~shall~~
2680 ~~take~~ priority as of that time.

2681 Section 55. Subsection (4) of section 713.78, Florida
2682 Statutes, is amended to read:

2683 713.78 Liens for recovering, towing, or storing vehicles
2684 and vessels.—

2685 (4) (a) A person regularly engaged in the business of
2686 recovering, towing, or storing vehicles or vessels who comes
2687 into possession of a vehicle or vessel pursuant to subsection
2688 (2), and who claims a lien for recovery, towing, or storage
2689 services, shall give notice, by certified mail, to the
2690 registered owner, the insurance company insuring the vehicle
2691 ~~notwithstanding s. 627.736~~, and all persons claiming a lien
2692 thereon, as disclosed by the records in the Department of
2693 Highway Safety and Motor Vehicles or as disclosed by the records
2694 of any corresponding agency in any other state in which the
2695 vehicle is identified through a records check of the National
2696 Motor Vehicle Title Information System or an equivalent
2697 commercially available system as being titled or registered.

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2698 (b) Whenever a law enforcement agency authorizes the
2699 removal of a vehicle or vessel or whenever a towing service,
2700 garage, repair shop, or automotive service, storage, or parking
2701 place notifies the law enforcement agency of possession of a
2702 vehicle or vessel pursuant to s. 715.07(2)(a)2., the law
2703 enforcement agency of the jurisdiction where the vehicle or
2704 vessel is stored shall contact the Department of Highway Safety
2705 and Motor Vehicles, or the appropriate agency of the state of
2706 registration, if known, within 24 hours through the medium of
2707 electronic communications, giving the full description of the
2708 vehicle or vessel. Upon receipt of the full description of the
2709 vehicle or vessel, the department shall search its files to
2710 determine the owner's name, the insurance company insuring the
2711 vehicle or vessel, and whether any person has filed a lien upon
2712 the vehicle or vessel as provided in s. 319.27(2) and (3) and
2713 notify the applicable law enforcement agency within 72 hours.
2714 The person in charge of the towing service, garage, repair shop,
2715 or automotive service, storage, or parking place shall obtain
2716 such information from the applicable law enforcement agency
2717 within 5 days after the date of storage and shall give notice
2718 pursuant to paragraph (a). The department may release the
2719 insurance company information to the requestor ~~notwithstanding~~
2720 ~~s. 627.736.~~

2721 (c) The notice of lien must be sent by certified mail to
2722 the registered owner, the insurance company insuring the vehicle
2723 ~~notwithstanding s. 627.736,~~ and all other persons claiming a
2724 lien thereon within 7 business days, excluding Saturday and
2725 Sunday, after the date of storage of the vehicle or vessel.
2726 However, in no event shall the notice of lien be sent less than

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2727 30 days before the sale of the vehicle or vessel. The notice
2728 must state:

2729 1. If the claim of lien is for a vehicle, the last 8 digits
2730 of the vehicle identification number of the vehicle subject to
2731 the lien, or, if the claim of lien is for a vessel, the hull
2732 identification number of the vessel subject to the lien, clearly
2733 printed in the delivery address box and on the outside of the
2734 envelope sent to the registered owner and all other persons
2735 claiming an interest therein or lien thereon.

2736 2. The name, physical address, and telephone number of the
2737 lienor, and the entity name, as registered with the Division of
2738 Corporations, of the business where the towing and storage
2739 occurred, which must also appear on the outside of the envelope
2740 sent to the registered owner and all other persons claiming an
2741 interest in or lien on the vehicle or vessel.

2742 3. The fact of possession of the vehicle or vessel.

2743 4. The name of the person or entity that authorized the
2744 lienor to take possession of the vehicle or vessel.

2745 5. That a lien as provided in subsection (2) is claimed.

2746 6. That charges have accrued and include an itemized
2747 statement of the amount thereof.

2748 7. That the lien is subject to enforcement under law and
2749 that the owner or lienholder, if any, has the right to a hearing
2750 as set forth in subsection (5).

2751 8. That any vehicle or vessel that remains unclaimed, or
2752 for which the charges for recovery, towing, or storage services
2753 remain unpaid, may be sold free of all prior liens 35 days after
2754 the vehicle or vessel is stored by the lienor if the vehicle or
2755 vessel is more than 3 years of age or 50 days after the vehicle

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2756 or vessel is stored by the lienor if the vehicle or vessel is 3
2757 years of age or less.

2758 9. The address at which the vehicle or vessel is physically
2759 located.

2760 (d) The notice of lien may not be sent to the registered
2761 owner, the insurance company insuring the vehicle or vessel, and
2762 all other persons claiming a lien thereon less than 30 days
2763 before the sale of the vehicle or vessel.

2764 (e) If attempts to locate the name and address of the owner
2765 or lienholder prove unsuccessful, the towing-storage operator
2766 shall, after 7 business days, excluding Saturday and Sunday,
2767 after the initial tow or storage, notify the public agency of
2768 jurisdiction where the vehicle or vessel is stored in writing by
2769 certified mail or acknowledged hand delivery that the towing-
2770 storage company has been unable to locate the name and address
2771 of the owner or lienholder and a physical search of the vehicle
2772 or vessel has disclosed no ownership information and a good
2773 faith effort has been made, including records checks of the
2774 Department of Highway Safety and Motor Vehicles database and the
2775 National Motor Vehicle Title Information System or an equivalent
2776 commercially available system. For purposes of this paragraph
2777 and subsection (9), the term "good faith effort" means that the
2778 following checks have been performed by the company to establish
2779 the prior state of registration and for title:

2780 1. A check of the department's database for the owner and
2781 any lienholder.

2782 2. A check of the electronic National Motor Vehicle Title
2783 Information System or an equivalent commercially available
2784 system to determine the state of registration when there is not

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2785 a current registration record for the vehicle or vessel on file
2786 with the department.

2787 3. A check of the vehicle or vessel for any type of tag,
2788 tag record, temporary tag, or regular tag.

2789 4. A check of the law enforcement report for a tag number
2790 or other information identifying the vehicle or vessel, if the
2791 vehicle or vessel was towed at the request of a law enforcement
2792 officer.

2793 5. A check of the trip sheet or tow ticket of the tow truck
2794 operator to determine whether a tag was on the vehicle or vessel
2795 at the beginning of the tow, if a private tow.

2796 6. If there is no address of the owner on the impound
2797 report, a check of the law enforcement report to determine
2798 whether an out-of-state address is indicated from driver license
2799 information.

2800 7. A check of the vehicle or vessel for an inspection
2801 sticker or other stickers and decals that may indicate a state
2802 of possible registration.

2803 8. A check of the interior of the vehicle or vessel for any
2804 papers that may be in the glove box, trunk, or other areas for a
2805 state of registration.

2806 9. A check of the vehicle for a vehicle identification
2807 number.

2808 10. A check of the vessel for a vessel registration number.

2809 11. A check of the vessel hull for a hull identification
2810 number which should be carved, burned, stamped, embossed, or
2811 otherwise permanently affixed to the outboard side of the
2812 transom or, if there is no transom, to the outmost seaboard side
2813 at the end of the hull that bears the rudder or other steering

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2814 mechanism.

2815 Section 56. Paragraph (a) of subsection (1), paragraph (c)
2816 of subsection (7), paragraphs (a), (b), and (c) of subsection
2817 (8), and subsections (9) and (10) of section 817.234, Florida
2818 Statutes, are amended to read:

2819 817.234 False and fraudulent insurance claims.—

2820 (1) (a) A person commits insurance fraud punishable as
2821 provided in subsection (11) if that person, with the intent to
2822 injure, defraud, or deceive any insurer:

2823 1. Presents or causes to be presented any written or oral
2824 statement as part of, or in support of, a claim for payment or
2825 other benefit pursuant to an insurance policy or a health
2826 maintenance organization subscriber or provider contract,
2827 knowing that such statement contains ~~any~~ false, incomplete, or
2828 misleading information concerning any fact or thing material to
2829 such claim;

2830 2. Prepares or makes any written or oral statement that is
2831 intended to be presented to an ~~any~~ insurer in connection with,
2832 or in support of, any claim for payment or other benefit
2833 pursuant to an insurance policy or a health maintenance
2834 organization subscriber or provider contract, knowing that such
2835 statement contains ~~any~~ false, incomplete, or misleading
2836 information concerning any fact or thing material to such claim;

2837 3.a. Knowingly presents, causes to be presented, or
2838 prepares or makes with knowledge or belief that it will be
2839 presented to an ~~any~~ insurer, purported insurer, servicing
2840 corporation, insurance broker, or insurance agent, or any
2841 employee or agent thereof, ~~any~~ false, incomplete, or misleading
2842 information or a written or oral statement as part of, or in

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2843 support of, an application for the issuance of, or the rating
2844 of, any insurance policy, or a health maintenance organization
2845 subscriber or provider contract; or

2846 b. Knowingly conceals information concerning any fact
2847 material to such application; or

2848 4. Knowingly presents, causes to be presented, or prepares
2849 or makes with knowledge or belief that it will be presented to
2850 any insurer a claim for payment or other benefit under medical
2851 payments coverage in a motor vehicle ~~a personal injury~~
2852 ~~protection~~ insurance policy if the person knows that the payee
2853 knowingly submitted a false, misleading, or fraudulent
2854 application or other document when applying for licensure as a
2855 health care clinic, seeking an exemption from licensure as a
2856 health care clinic, or demonstrating compliance with part X of
2857 chapter 400.

2858 (7)

2859 ~~(c) An insurer, or any person acting at the direction of or~~
2860 ~~on behalf of an insurer, may not change an opinion in a mental~~
2861 ~~or physical report prepared under s. 627.736(7) or direct the~~
2862 ~~physician preparing the report to change such opinion; however,~~
2863 ~~this provision does not preclude the insurer from calling to the~~
2864 ~~attention of the physician errors of fact in the report based~~
2865 ~~upon information in the claim file. Any person who violates this~~
2866 ~~paragraph commits a felony of the third degree, punishable as~~
2867 ~~provided in s. 775.082, s. 775.083, or s. 775.084.~~

2868 (8) (a) It is unlawful for any person intending to defraud
2869 any other person to solicit or cause to be solicited any
2870 business from a person involved in a motor vehicle accident for
2871 the purpose of making, adjusting, or settling motor vehicle tort

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2872 claims or claims for benefits under medical payments coverage in
2873 a motor vehicle insurance policy ~~personal injury protection~~
2874 ~~benefits required by s. 627.736~~. Any person who violates ~~the~~
2875 ~~provisions of~~ this paragraph commits a felony of the second
2876 degree, punishable as provided in s. 775.082, s. 775.083, or s.
2877 775.084. A person who is convicted of a violation of this
2878 subsection shall be sentenced to a minimum term of imprisonment
2879 of 2 years.

2880 (b) A person may not solicit or cause to be solicited any
2881 business from a person involved in a motor vehicle accident by
2882 any means of communication other than advertising directed to
2883 the public for the purpose of making motor vehicle tort claims
2884 or claims for benefits under medical payments coverage in a
2885 motor vehicle insurance policy ~~personal injury protection~~
2886 ~~benefits required by s. 627.736~~, within 60 days after the
2887 occurrence of the motor vehicle accident. Any person who
2888 violates this paragraph commits a felony of the third degree,
2889 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

2890 (c) A lawyer, health care practitioner as defined in s.
2891 456.001, or owner or medical director of a clinic required to be
2892 licensed pursuant to s. 400.9905 may not, at any time after 60
2893 days have elapsed from the occurrence of a motor vehicle
2894 accident, solicit or cause to be solicited any business from a
2895 person involved in a motor vehicle accident by means of in
2896 person or telephone contact at the person's residence, for the
2897 purpose of making motor vehicle tort claims or claims for
2898 benefits under medical payments coverage in a motor vehicle
2899 insurance policy ~~personal injury protection benefits required by~~
2900 ~~s. 627.736~~. Any person who violates this paragraph commits a

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2901 felony of the third degree, punishable as provided in s.
2902 775.082, s. 775.083, or s. 775.084.

2903 (9) A person may not organize, plan, or knowingly
2904 participate in an intentional motor vehicle crash or a scheme to
2905 create documentation of a motor vehicle crash that did not occur
2906 for the purpose of making motor vehicle tort claims or claims
2907 for benefits under medical payments coverage in a motor vehicle
2908 insurance policy ~~personal injury protection benefits as required~~
2909 ~~by s. 627.736~~. Any person who violates this subsection commits a
2910 felony of the second degree, punishable as provided in s.
2911 775.082, s. 775.083, or s. 775.084. A person who is convicted of
2912 a violation of this subsection shall be sentenced to a minimum
2913 term of imprisonment of 2 years.

2914 (10) A licensed health care practitioner who is found
2915 guilty of insurance fraud under this section for an act relating
2916 to a motor vehicle ~~personal injury protection~~ insurance policy
2917 loses his or her license to practice for 5 years and may not
2918 receive reimbursement under medical payments coverage in a motor
2919 vehicle insurance policy ~~for personal injury protection benefits~~
2920 for 10 years.

2921 Section 57. For the 2020-2021 fiscal year, the sum of
2922 \$83,651 in nonrecurring funds is appropriated from the Insurance
2923 Regulatory Trust Fund to the Office of Insurance Regulation for
2924 the purpose of implementing this act.

2925 Section 58. Except as otherwise expressly provided in this
2926 act and except for this section, which shall take effect upon
2927 this act becoming a law, this act shall take effect January 1,
2928 2021.