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LEGISLATIVE ACTION

Senate

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House

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The Committee on Judiciary (Broxson and Brandes) recommended the following:

**Senate Amendment (with title amendment)**

Delete lines 614 - 3268

and insert:

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

324.021 Definitions; minimum insurance required.—The following words and phrases when used in this chapter shall, for the purpose of this chapter, have the meanings respectively



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11 ascribed to them in this section, except in those instances  
12 where the context clearly indicates a different meaning:

13 (1) MOTOR VEHICLE.—Every self-propelled vehicle that is  
14 designed and required to be licensed for use upon a highway,  
15 including trailers and semitrailers designed for use with such  
16 vehicles, except traction engines, road rollers, farm tractors,  
17 power shovels, and well drillers, and every vehicle that is  
18 propelled by electric power obtained from overhead wires but not  
19 operated upon rails, but not including any personal delivery  
20 device or mobile carrier as defined in s. 316.003, bicycle,  
21 electric bicycle, or moped. ~~However, the term "motor vehicle"~~  
22 ~~does not include a motor vehicle as defined in s. 627.732(3)~~  
23 ~~when the owner of such vehicle has complied with the~~  
24 ~~requirements of ss. 627.730–627.7405, inclusive, unless the~~  
25 ~~provisions of s. 324.051 apply; and, in such case, the~~  
26 ~~applicable proof of insurance provisions of s. 320.02 apply.~~

27 (7) PROOF OF FINANCIAL RESPONSIBILITY.—Beginning January 1,  
28 2022, That proof of ability to respond in damages for liability  
29 on account of crashes arising out of the ownership, maintenance,  
30 or use of a motor vehicle:

31 (a) With respect to a motor vehicle other than a commercial  
32 motor vehicle, nonpublic sector bus, or for-hire passenger  
33 transportation vehicle, in the amounts specified in s.  
34 324.022(1). amount of \$10,000 because of bodily injury to, or  
35 death of, one person in any one crash;

36 ~~(b) Subject to such limits for one person, in the amount of~~  
37 ~~\$20,000 because of bodily injury to, or death of, two or more~~  
38 ~~persons in any one crash;~~

39 ~~(c) In the amount of \$10,000 because of injury to, or~~



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40 ~~destruction of, property of others in any one crash; and~~  
41 ~~(b) (d)~~ With respect to commercial motor vehicles ~~and~~  
42 ~~nonpublic sector buses~~, in the amounts specified in s. 627.7415  
43 ~~ss. 627.7415 and 627.742, respectively.~~  
44 (c) With respect to nonpublic sector buses, in the amounts  
45 specified in s. 627.742.  
46 (d) With respect to for-hire passenger transportation  
47 vehicles, in the amounts specified in s. 324.032.  
48 (9) OWNER; OWNER/LESSOR.—  
49 (c) *Application.*—  
50 1. The limits on liability in subparagraphs (b)2. and 3. do  
51 not apply to an owner of motor vehicles that are used for  
52 commercial activity in the owner's ordinary course of business,  
53 other than a rental company that rents or leases motor vehicles.  
54 For purposes of this paragraph, the term "rental company"  
55 includes only an entity that is engaged in the business of  
56 renting or leasing motor vehicles to the general public and that  
57 rents or leases a majority of its motor vehicles to persons with  
58 no direct or indirect affiliation with the rental company. The  
59 term "rental company" also includes:  
60 a. A related rental or leasing company that is a subsidiary  
61 of the same parent company as that of the renting or leasing  
62 company that rented or leased the vehicle.  
63 b. The holder of a motor vehicle title or an equity  
64 interest in a motor vehicle title if the title or equity  
65 interest is held pursuant to or to facilitate an asset-backed  
66 securitization of a fleet of motor vehicles used solely in the  
67 business of renting or leasing motor vehicles to the general  
68 public and under the dominion and control of a rental company,



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

71 2. Furthermore, with respect to commercial motor vehicles  
72 as defined in s. 207.002 or s. 320.01 ~~s. 627.732~~, the limits on  
73 liability in subparagraphs (b)2. and 3. do not apply if, at the  
74 time of the incident, the commercial motor vehicle is being used  
75 in the transportation of materials found to be hazardous for the  
76 purposes of the Hazardous Materials Transportation Authorization  
77 Act of 1994, as amended, 49 U.S.C. ss. 5101 et seq., and that is  
78 required pursuant to such act to carry placards warning others  
79 of the hazardous cargo, unless at the time of lease or rental  
80 either:

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

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

89 3.a. A motor vehicle dealer, or a motor vehicle dealer's  
90 leasing or rental affiliate, that provides a temporary  
91 replacement vehicle at no charge or at a reasonable daily charge  
92 to a service customer whose vehicle is being held for repair,  
93 service, or adjustment by the motor vehicle dealer is immune  
94 from any cause of action and is not liable, vicariously or  
95 directly, under general law solely by reason of being the owner  
96 of the temporary replacement vehicle for harm to persons or  
97 property that arises out of the use, or operation, of the



98 temporary replacement vehicle by any person during the period  
99 the temporary replacement vehicle has been entrusted to the  
100 motor vehicle dealer's service customer if there is no  
101 negligence or criminal wrongdoing on the part of the motor  
102 vehicle owner, or its leasing or rental affiliate.

103       b. For purposes of this section, and notwithstanding any  
104 other provision of general law, a motor vehicle dealer, or a  
105 motor vehicle dealer's leasing or rental affiliate, that gives  
106 possession, control, or use of a temporary replacement vehicle  
107 to a motor vehicle dealer's service customer may not be adjudged  
108 liable in a civil proceeding absent negligence or criminal  
109 wrongdoing on the part of the motor vehicle dealer, or the motor  
110 vehicle dealer's leasing or rental affiliate, if the motor  
111 vehicle dealer or the motor vehicle dealer's leasing or rental  
112 affiliate executes a written rental or use agreement and obtains  
113 from the person receiving the temporary replacement vehicle a  
114 copy of the person's driver license and insurance information  
115 reflecting at least the minimum motor vehicle insurance coverage  
116 required in the state. Any subsequent determination that the  
117 driver license or insurance information provided to the motor  
118 vehicle dealer, or the motor vehicle dealer's leasing or rental  
119 affiliate, was in any way false, fraudulent, misleading,  
120 nonexistent, canceled, not in effect, or invalid does not alter  
121 or diminish the protections provided by this section, unless the  
122 motor vehicle dealer, or the motor vehicle dealer's leasing or  
123 rental affiliate, had actual knowledge thereof at the time  
124 possession of the temporary replacement vehicle was provided.

125       c. For purposes of this subparagraph, the term "service  
126 customer" does not include an agent or a principal of a motor



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127 vehicle dealer or a motor vehicle dealer's leasing or rental  
128 affiliate, and does not include an employee of a motor vehicle  
129 dealer or a motor vehicle dealer's leasing or rental affiliate  
130 unless the employee was provided a temporary replacement  
131 vehicle:

132 (I) While the employee's personal vehicle was being held  
133 for repair, service, or adjustment by the motor vehicle dealer;

134 (II) In the same manner as other customers who are provided  
135 a temporary replacement vehicle while the customer's vehicle is  
136 being held for repair, service, or adjustment; and

137 (III) The employee was not acting within the course and  
138 scope of their employment.

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

143 Section 13. Section 324.022, Florida Statutes, is amended  
144 to read:

145 324.022 Financial responsibility requirements ~~for property~~  
146 ~~damage.~~—

147 (1) (a) Beginning January 1, 2022, every owner or operator  
148 of a motor vehicle required to be registered in this state shall  
149 establish and continuously maintain the ability to respond in  
150 damages for liability on account of accidents arising out of the  
151 use of the motor vehicle in the amount of:

152 1. Twenty-five thousand dollars for bodily injury to, or  
153 the death of, one person in any one crash and, subject to such  
154 limits for one person, in the amount of \$50,000 for bodily  
155 injury to, or the death of, two or more persons in any one



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156 crash; and

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

159 (b) The requirements of paragraph (a) ~~this section~~ may be  
160 met by one of the methods established in s. 324.031; by self-  
161 insuring as authorized by s. 768.28(16); or by maintaining a  
162 motor vehicle liability insurance policy that ~~an insurance~~  
163 ~~policy providing coverage for property damage liability in the~~  
164 ~~amount of at least \$10,000 because of damage to, or destruction~~  
165 ~~of, property of others in any one accident arising out of the~~  
166 ~~use of the motor vehicle. The requirements of this section may~~  
167 ~~also be met by having a policy which provides combined property~~  
168 ~~damage liability and bodily injury liability coverage for any~~  
169 ~~one crash arising out of the ownership, maintenance, or use of a~~  
170 ~~motor vehicle and that conforms to the requirements of s.~~  
171 ~~324.151 in the amount of at least \$60,000 for every owner or~~  
172 ~~operator subject to the financial responsibility required in~~  
173 ~~paragraph (a) \$30,000 for combined property damage liability and~~  
174 ~~bodily injury liability for any one crash arising out of the use~~  
175 ~~of the motor vehicle. The policy, with respect to coverage for~~  
176 ~~property damage liability, must meet the applicable requirements~~  
177 ~~of s. 324.151, subject to the usual policy exclusions that have~~  
178 ~~been approved in policy forms by the Office of Insurance~~  
179 ~~Regulation. No insurer shall have any duty to defend uncovered~~  
180 ~~claims irrespective of their joinder with covered claims.~~

181 (c) Notwithstanding paragraph (a), the following owners or  
182 operators may instead establish and continuously maintain the  
183 ability to respond in damages for liability on account of  
184 accidents arising out of the use of the motor vehicle in the



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185 amount of \$15,000 for bodily injury to, or the death of, one  
186 person in any one crash and, subject to such limits for one  
187 person, in the amount of \$30,000 for bodily injury to, or the  
188 death of, two or more persons in any one crash; and \$10,000 for  
189 damage to, or destruction of, property of others in any one  
190 crash:

191 1. An owner or operator who has a household income that is  
192 200 percent or less of the most current federal poverty  
193 guidelines established by the United States Department of Health  
194 and Human Services; or

195 2. An owner or operator who meets the definition of a full-  
196 time student in a secondary education program under s.  
197 1011.61(1)(a) or meets the definition of a full-time student in  
198 a postsecondary education program under s. 1009.40.

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

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

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

206 2. A motor vehicle that is used in mass transit and  
207 designed to transport more than five passengers, exclusive of  
208 the operator of the motor vehicle, and that is owned by a  
209 municipality, transit authority, or political subdivision of the  
210 state.

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

213 4. A commercial motor vehicle as defined in s. 207.002 or





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214 s. 320.01, which must maintain security as required under ss.  
215 324.031 and 627.7415.

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

218 6.4. A ~~vehicle providing~~ for-hire passenger transportation  
219 vehicle, which must ~~that is subject to the provisions of s.~~  
220 324.031. A ~~taxicab shall~~ maintain security as required under s.  
221 324.032 ~~s. 324.032(1).~~

222 7.5. A personal delivery device as defined in s. 316.003.

223 8. A motorcycle as defined in s. 320.01(26), unless s.  
224 324.051 applies; in such case, paragraph (1)(a) and the  
225 applicable proof of insurance provisions of s. 320.02 apply.

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

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

236 (4) An ~~The~~ owner or registrant of a motor vehicle who is  
237 ~~exempt from the requirements of this section if she or he is~~ a  
238 member of the United States Armed Forces and is called to or on  
239 active duty outside the United States in an emergency situation  
240 is exempt from this section while he or she. ~~The exemption~~  
241 ~~provided by this subsection applies only as long as the member~~  
242 ~~of the Armed Forces is on such active duty. This exemption~~



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243 ~~outside the United States~~ and applies only while the vehicle  
244 covered by the security is not operated by any person. Upon  
245 receipt of a written request by the insured to whom the  
246 exemption provided in this subsection applies, the insurer shall  
247 cancel the coverages and return any unearned premium or suspend  
248 the security required by this section. Notwithstanding s.  
249 324.0221(2) ~~s. 324.0221(3)~~, the department may not suspend the  
250 registration or operator's license of an ~~any~~ owner or registrant  
251 of a motor vehicle during the time she or he qualifies for the  
252 ~~an~~ exemption under this subsection. An ~~Any~~ owner or registrant  
253 of a motor vehicle who qualifies for the ~~an~~ exemption under this  
254 subsection shall immediately notify the department before ~~prior~~  
255 ~~to~~ and at the end of the expiration of the exemption.

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

258 324.0221 Reports by insurers to the department; suspension  
259 of driver license and vehicle registrations; reinstatement.—

260 (1) (a) Each insurer that has issued a policy providing  
261 ~~personal injury protection coverage or property damage~~ liability  
262 coverage shall report the cancellation or nonrenewal thereof to  
263 the department within 10 days after the processing date or  
264 effective date of each cancellation or nonrenewal. Upon the  
265 issuance of a policy providing ~~personal injury protection~~  
266 ~~coverage or property damage~~ liability coverage to a named  
267 insured not previously insured by the insurer during that  
268 calendar year, the insurer shall report the issuance of the new  
269 policy to the department within 10 days. The report must ~~shall~~  
270 be in the form ~~and format~~ and contain any information required  
271 by the department and must be provided in a format that is



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272 compatible with the data processing capabilities of the  
273 department. Failure by an insurer to file proper reports with  
274 the department as required by this subsection constitutes a  
275 violation of the Florida Insurance Code. These records may ~~shall~~  
276 be used by the department only for enforcement and regulatory  
277 purposes, including the generation by the department of data  
278 regarding compliance by owners of motor vehicles with the  
279 requirements for financial responsibility coverage.

280 (b) With respect to an insurance policy providing ~~personal~~  
281 ~~injury protection coverage or property damage~~ liability  
282 coverage, each insurer shall notify the named insured, or the  
283 first-named insured in the case of a commercial fleet policy, in  
284 writing that any cancellation or nonrenewal of the policy will  
285 be reported by the insurer to the department. The notice must  
286 also inform the named insured that failure to maintain bodily  
287 injury liability ~~personal injury protection~~ coverage and  
288 property damage liability coverage on a motor vehicle when  
289 required by law may result in the loss of registration and  
290 driving privileges in this state and inform the named insured of  
291 the amount of the reinstatement fees required by this section.  
292 This notice is for informational purposes only, and an insurer  
293 is not civilly liable for failing to provide this notice.

294 (2) The department shall suspend, after due notice and an  
295 opportunity to be heard, the registration and driver license of  
296 any owner or registrant of a motor vehicle for ~~with respect to~~  
297 which security is required under s. 324.022, s. 324.032, s.  
298 627.7415, or s. 627.742 ~~ss. 324.022 and 627.733~~ upon:

299 (a) The department's records showing that the owner or  
300 registrant of such motor vehicle did not have the ~~in full force~~



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301 ~~and effect when required security in full force and effect that~~  
302 ~~complies with the requirements of ss. 324.022 and 627.733; or~~

303 (b) Notification by the insurer to the department, in a  
304 form approved by the department, of cancellation or termination  
305 of the required security.

306 Section 15. Section 324.0222, Florida Statutes, is created  
307 to read:

308 324.0222 Application of suspensions for failure to maintain  
309 security; reinstatement.—All suspensions for failure to maintain  
310 required security as required by law in effect before January 1,  
311 2022, remain in full force and effect after January 1, 2022. A  
312 driver may reinstate a suspended driver license or registration  
313 as provided under s. 324.0221.

314 Section 16. Section 324.023, Florida Statutes, is amended  
315 to read:

316 324.023 Financial responsibility for bodily injury or  
317 death.—In addition to any other financial responsibility  
318 required by law, every owner or operator of a motor vehicle that  
319 is required to be registered in this state, or that is located  
320 within this state, and who, regardless of adjudication of guilt,  
321 has been found guilty of or entered a plea of guilty or nolo  
322 contendere to a charge of driving under the influence under s.  
323 316.193 after October 1, 2007, shall, by one of the methods  
324 established in s. 324.031(1)(a) or (b) ~~s. 324.031(1) or (2)~~,  
325 establish and maintain the ability to respond in damages for  
326 liability on account of accidents arising out of the use of a  
327 motor vehicle in the amount of \$100,000 because of bodily injury  
328 to, or death of, one person in any one crash and, subject to  
329 such limits for one person, in the amount of \$300,000 because of



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330 bodily injury to, or death of, two or more persons in any one  
331 crash and in the amount of \$50,000 because of property damage in  
332 any one crash. If the owner or operator chooses to establish and  
333 maintain such ability by furnishing a certificate of deposit  
334 pursuant to s. 324.031(1)(b) ~~s. 324.031(2)~~, such certificate of  
335 deposit must be at least \$350,000. Such higher limits must be  
336 carried for a minimum period of 3 years. If the owner or  
337 operator has not been convicted of driving under the influence  
338 or a felony traffic offense for a period of 3 years from the  
339 date of reinstatement of driving privileges for a violation of  
340 s. 316.193, the owner or operator is ~~shall be~~ exempt from this  
341 section.

342 Section 17. Section 324.031, Florida Statutes, is amended  
343 to read:

344 324.031 Manner of proving financial responsibility.-

345 ~~(1) The owner or operator of a taxicab, limousine, jitney,~~  
346 ~~or any other for-hire passenger transportation vehicle may prove~~  
347 ~~financial responsibility by providing satisfactory evidence of~~  
348 ~~holding a motor vehicle liability policy as defined in s.~~  
349 ~~324.021(8) or s. 324.151, which policy is issued by an insurance~~  
350 ~~carrier which is a member of the Florida Insurance Guaranty~~  
351 ~~Association. The operator or owner of a motor vehicle other than~~  
352 ~~a for-hire passenger transportation vehicle any other vehicle~~  
353 may prove his or her financial responsibility by:

354 (a) ~~(1)~~ Furnishing satisfactory evidence of holding a motor  
355 vehicle liability policy as defined in ss. 324.021(8) and  
356 324.151 which provides liability coverage for the motor vehicle  
357 being operated;

358 (b) ~~(2)~~ Furnishing a certificate of self-insurance showing a



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359 deposit of cash in accordance with s. 324.161; or

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

362 (2) Beginning January 1, 2022, any person, ~~including any~~  
363 ~~firm, partnership, association, corporation, or other person,~~  
364 ~~other than a natural person,~~ electing to use the method of proof  
365 specified in paragraph (1) (b) subsection (2) shall do both of  
366 the following:

367 (a) Furnish a certificate of deposit equal to the number of  
368 vehicles owned times \$60,000 ~~\$30,000~~, up to a maximum of  
369 \$240,000. ~~\$120,000;~~

370 (b) ~~In addition, any such person, other than a natural~~  
371 ~~person, shall~~ Maintain insurance providing coverage that meets  
372 the requirements of s. 324.151 and has limits of:

373 1. At least \$125,000 for bodily injury to, or the death of,  
374 one person in any one crash and, subject to such limits for one  
375 person, in the amount of \$250,000 for bodily injury to, or the  
376 death of, two or more persons in any one crash, and \$50,000 for  
377 damage to, or destruction of, property of others in any one  
378 crash; or

379 2. At least \$300,000 for combined bodily injury liability  
380 and property damage liability for any one crash ~~in excess of~~  
381 ~~limits of \$10,000/20,000/10,000 or \$30,000 combined single~~  
382 ~~limits, and such excess insurance shall provide minimum limits~~  
383 ~~of \$125,000/250,000/50,000 or \$300,000 combined single limits.~~  
384 ~~These increased limits shall not affect the requirements for~~  
385 ~~proving financial responsibility under s. 324.032(1).~~

386 Section 18. Section 324.032, Florida Statutes, is amended  
387 to read:



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388           324.032 ~~Manner of proving~~ Financial responsibility ~~for~~  
389 for-hire passenger transportation vehicles. ~~Notwithstanding the~~  
390 ~~provisions of s. 324.031:~~

391           (1) An owner or a lessee of a for-hire passenger  
392 transportation vehicle that is required to be registered in this  
393 state shall establish and continuously maintain the ability to  
394 respond in damages for liability on account of accidents arising  
395 out of the ownership, maintenance, or use of the for-hire  
396 passenger transportation vehicle, in the amount of:

397           (a) One hundred twenty-five thousand dollars for bodily  
398 injury to, or the death of, one person in any one crash and,  
399 subject to such limits for one person, in the amount of \$250,000  
400 for bodily injury to, or the death of, two or more persons in  
401 any one crash; and ~~A person who is either the owner or a lessee~~  
402 ~~required to maintain insurance under s. 627.733(1)(b) and who~~  
403 ~~operates one or more taxicabs, limousines, jitneys, or any other~~  
404 ~~for-hire passenger transportation vehicles may prove financial~~  
405 ~~responsibility by furnishing satisfactory evidence of holding a~~  
406 ~~motor vehicle liability policy, but with minimum limits of~~  
407 ~~\$125,000/250,000/50,000.~~

408           (b) Fifty thousand dollars for damage to, or destruction  
409 of, property of others in any one crash ~~A person who is either~~  
410 ~~the owner or a lessee required to maintain insurance under s.~~  
411 ~~324.021(9)(b) and who operates limousines, jitneys, or any other~~  
412 ~~for-hire passenger vehicles, other than taxicabs, may prove~~  
413 ~~financial responsibility by furnishing satisfactory evidence of~~  
414 ~~holding a motor vehicle liability policy as defined in s.~~  
415 ~~324.031.~~

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



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417 of this section must be met by the owner or lessee providing  
418 satisfactory evidence of holding a motor vehicle liability  
419 policy conforming to the requirements of s. 324.151 which is  
420 issued by an insurance carrier that is a member of the Florida  
421 Insurance Guaranty Association.

422 (3) ~~(2)~~ An owner or a lessee who ~~is required to maintain~~  
423 ~~insurance under s. 324.021(9)(b) and who operates at least 300~~  
424 ~~taxicabs, limousines, jitneys, or any other for-hire passenger~~  
425 transportation vehicles may provide financial responsibility by  
426 complying with ~~the provisions of~~ s. 324.171, which must such  
427 ~~compliance~~ to be demonstrated by maintaining at its principal  
428 place of business an audited financial statement, prepared in  
429 accordance with generally accepted accounting principles, and  
430 providing to the department a certification issued by a  
431 certified public accountant that the applicant's net worth is at  
432 least equal to the requirements of s. 324.171 as determined by  
433 the Office of Insurance Regulation of the Financial Services  
434 Commission, including claims liabilities in an amount certified  
435 as adequate by a Fellow of the Casualty Actuarial Society.

436  
437 Upon request by the department, the applicant ~~shall~~ must  
438 provide the department at the applicant's principal place of  
439 business in this state access to the applicant's underlying  
440 financial information and financial statements that provide the  
441 basis of the certified public accountant's certification. The  
442 applicant shall reimburse the requesting department for all  
443 reasonable costs incurred by it in reviewing the supporting  
444 information. The maximum amount of self-insurance permissible  
445 under this subsection is \$300,000 and must be stated on a per-





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446 occurrence basis, and the applicant shall maintain adequate  
447 excess insurance issued by an authorized or eligible insurer  
448 licensed or approved by the Office of Insurance Regulation. All  
449 risks self-insured shall remain with the owner or lessee  
450 providing it, and the risks are not transferable to any other  
451 person, unless a policy complying with subsections (1) and (2)  
452 ~~subsection (1)~~ is obtained.

453 Section 19. Subsection (2) of section 324.051, Florida  
454 Statutes, is amended, and subsection (4) is added to that  
455 section, to read:

456 324.051 Reports of crashes; suspensions of licenses and  
457 registrations.—

458 (2) (a) Thirty days after receipt of notice of any accident  
459 described in paragraph (1) (a) involving a motor vehicle within  
460 this state, the department shall suspend, after due notice and  
461 opportunity to be heard, the license of each operator and all  
462 registrations of the owner of the vehicles operated by such  
463 operator whether or not involved in such crash and, in the case  
464 of a nonresident owner or operator, shall suspend such  
465 nonresident's operating privilege in this state, unless such  
466 operator or owner shall, prior to the expiration of such 30  
467 days, be found by the department to be exempt from the operation  
468 of this chapter, based upon evidence satisfactory to the  
469 department that:

470 1. The motor vehicle was legally parked at the time of such  
471 crash.

472 2. The motor vehicle was owned by the United States  
473 Government, this state, or any political subdivision of this  
474 state or any municipality therein.



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475           3. Such operator or owner has secured a duly acknowledged  
476 written agreement providing for release from liability by all  
477 parties injured as the result of said crash and has complied  
478 with one of the provisions of s. 324.031.

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

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

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

488           1. To such operator or owner if such operator or owner had  
489 in effect at the time of such crash or traffic conviction a  
490 motor vehicle ~~an automobile~~ liability policy with respect to all  
491 of the registered motor vehicles owned by such operator or  
492 owner.

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

498           3. To such operator or owner if the liability of such  
499 operator or owner for damages resulting from such crash is, in  
500 the judgment of the department, covered by any other form of  
501 liability insurance or bond.

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



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

505

506 No such policy or bond shall be effective under this subsection  
507 unless it contains limits of not less than those specified in s.  
508 324.021(7).

509 (4) As used in this section, the term "motor vehicle"  
510 includes a motorcycle as defined in s. 320.01(26).

511 Section 20. Section 324.071, Florida Statutes, is amended  
512 to read:

513 324.071 Reinstatement; renewal of license; reinstatement  
514 fee.—~~An~~ Any operator or owner whose license or registration has  
515 been suspended pursuant to s. 324.051(2), s. 324.072, s.  
516 324.081, or s. 324.121 may effect its reinstatement upon  
517 compliance with ~~the provisions of~~ s. 324.051(2)(a)3. or 4., or  
518 s. 324.081(2) and (3), as the case may be, and with one of the  
519 provisions of s. 324.031 and upon payment to the department of a  
520 nonrefundable reinstatement fee of \$15. Only one such fee may  
521 ~~shall~~ be paid by any one person regardless ~~irrespective~~ of the  
522 number of licenses and registrations to be then reinstated or  
523 issued to such person. ~~All~~ Such fees must ~~shall~~ be deposited to  
524 a department trust fund. ~~If~~ ~~When~~ the reinstatement of any  
525 license or registration is effected by compliance with s.  
526 324.051(2)(a)3. or 4., the department may ~~shall~~ not renew the  
527 license or registration within ~~a period of~~ 3 years after ~~from~~  
528 such reinstatement, nor may ~~shall~~ any other license or  
529 registration be issued in the name of such person, unless the  
530 operator continues ~~is continuing~~ to comply with ~~one of the~~  
531 ~~provisions of~~ s. 324.031.

532 Section 21. Subsection (1) of section 324.091, Florida



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533 Statutes, is amended to read:

534 324.091 Notice to department; notice to insurer.—

535 (1) Each owner and operator involved in a crash or  
536 conviction case within the purview of this chapter shall furnish  
537 evidence of ~~automobile liability insurance~~ or motor vehicle  
538 liability insurance within 14 days after the date of the mailing  
539 of notice of crash by the department in the form and manner as  
540 it may designate. Upon receipt of evidence that a ~~an automobile~~  
541 ~~liability policy~~ or motor vehicle liability policy was in effect  
542 at the time of the crash or conviction case, the department  
543 shall forward to the insurer such information for verification  
544 in a method as determined by the department. The insurer shall  
545 respond to the department within 20 days after the notice as to  
546 whether ~~or not~~ such information is valid. If the department  
547 determines that a ~~an automobile liability policy~~ or motor  
548 vehicle liability policy was not in effect and did not provide  
549 coverage for both the owner and the operator, it must ~~shall~~ take  
550 action as it is authorized to do under this chapter.

551 Section 22. Section 324.151, Florida Statutes, is amended  
552 to read:

553 324.151 Motor vehicle liability policies; required  
554 provisions.—

555 (1) A motor vehicle liability policy that serves as ~~to be~~  
556 proof of financial responsibility under s. 324.031(1)(a) must ~~s.~~  
557 ~~324.031(1), shall~~ be issued to owners or operators of motor  
558 vehicles under the following provisions:

559 (a) A motor vehicle ~~An owner's~~ liability insurance policy  
560 issued to an owner of a motor vehicle required to be registered  
561 in this state must ~~shall~~ designate by explicit description or by



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562 appropriate reference all motor vehicles for ~~with respect to~~  
563 which coverage is thereby granted. The policy must ~~and shall~~  
564 insure the person or persons ~~owner~~ named therein and, except for  
565 a named driver excluded pursuant to s. 627.747, must insure any  
566 resident relative of a named insured ~~other person as operator~~  
567 ~~using such motor vehicle or motor vehicles with the express or~~  
568 ~~implied permission of such owner against loss~~ from the liability  
569 imposed by law for damage arising out of the ownership,  
570 maintenance, or use of any such motor vehicle ~~or motor vehicles~~  
571 ~~within the United States or the Dominion of Canada, subject to~~  
572 ~~limits, exclusive of interest and costs with respect to each~~  
573 ~~such motor vehicle as is provided for under s. 324.021(7).~~  
574 Except for a named driver excluded pursuant to s. 627.747, the  
575 policy must also insure any person operating an insured motor  
576 vehicle with the express or implied permission of a named  
577 insured against loss from the liability imposed by law for  
578 damage arising out of the use of any vehicle. However, the  
579 insurer may include provisions in its policy excluding liability  
580 coverage for a motor vehicle not designated as an insured  
581 vehicle on the policy if such motor vehicle does not qualify as  
582 a newly acquired vehicle or as a temporary substitute vehicle  
583 and was owned by the insured or was furnished for an insured's  
584 regular use for more than 30 consecutive days before the event  
585 giving rise to the claim. Insurers may make available, with  
586 respect to property damage liability coverage, a deductible  
587 amount not to exceed \$500. In the event of a property damage  
588 loss covered by a policy containing a property damage deductible  
589 provision, the insurer shall pay to the third-party claimant the  
590 amount of any property damage liability settlement or judgment,



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591 subject to policy limits, as if no deductible existed.

592 (b) A motor vehicle liability insurance policy issued to a  
593 person who does not own a motor vehicle must ~~An operator's motor~~  
594 ~~vehicle liability policy of insurance shall~~ insure the person or  
595 persons named therein against loss from the liability imposed  
596 ~~upon him or her~~ by law for damages arising out of the use ~~by the~~  
597 ~~person~~ of any motor vehicle not owned by him or her, ~~with the~~  
598 ~~same territorial limits and subject to the same limits of~~  
599 ~~liability as referred to above with respect to an owner's policy~~  
600 ~~of liability insurance.~~

601 (c) All such motor vehicle liability policies must provide  
602 liability coverage with limits, exclusive of interest and costs,  
603 as specified under s. 324.021(7) for accidents occurring within  
604 the United States or Canada. The policies must ~~shall~~ state the  
605 name and address of the named insured, the coverage afforded by  
606 the policy, the premium charged therefor, the policy period, and  
607 the limits of liability, and must ~~shall~~ contain an agreement or  
608 be endorsed that insurance is provided in accordance with the  
609 coverage defined in this chapter ~~as respects bodily injury and~~  
610 ~~death or property damage or both~~ and is subject to ~~all~~  
611 ~~provisions of~~ this chapter. The said policies must ~~shall~~ also  
612 contain a provision that the satisfaction by an insured of a  
613 judgment for such injury or damage may ~~shall~~ not be a condition  
614 precedent to the right or duty of the insurance carrier to make  
615 payment on account of such injury or damage, and must ~~shall~~ also  
616 contain a provision that bankruptcy or insolvency of the insured  
617 or of the insured's estate does ~~shall~~ not relieve the insurance  
618 carrier of any of its obligations under the said policy.

619 ~~(2) The provisions of~~ This section is ~~shall~~ not be



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620 applicable to any motor vehicle ~~automobile~~ liability policy  
621 unless and until it is furnished as proof of financial  
622 responsibility for the future pursuant to s. 324.031, and then  
623 applies only from ~~and after~~ the date the ~~said~~ policy is ~~so~~  
624 furnished.

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

626 (a) "Newly acquired vehicle" means a vehicle owned by a  
627 named insured or resident relative of the named insured which  
628 was acquired no more than 30 days before an accident.

629 (b) "Resident relative" means a person related to a named  
630 insured by any degree by blood, marriage, or adoption, including  
631 a ward or foster child, who usually makes his or her home in the  
632 same family unit or residence as the named insured, regardless  
633 of whether he or she temporarily lives elsewhere.

634 (c) "Temporary substitute vehicle" means any motor vehicle  
635 as defined in s. 320.01(1) which is not owned by the named  
636 insured and which is temporarily used with the permission of the  
637 owner as a substitute for the owned motor vehicle designated on  
638 the policy when the owned vehicle is withdrawn from normal use  
639 because of breakdown, repair, servicing, loss, or destruction.

640 Section 23. Section 324.161, Florida Statutes, is amended  
641 to read:

642 324.161 Proof of financial responsibility; deposit.—If a  
643 person elects to prove his or her financial responsibility under  
644 the method of proof specified in s. 324.031(1)(b), he or she  
645 annually must obtain and submit to the department proof of a  
646 certificate of deposit in the amount required under s.  
647 324.031(2) from a financial institution insured by the Federal  
648 Deposit Insurance Corporation or the National Credit Union



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649 ~~Administration~~ ~~Annually, before any certificate of insurance may~~  
650 ~~be issued to a person, including any firm, partnership,~~  
651 ~~association, corporation, or other person, other than a natural~~  
652 ~~person, proof of a certificate of deposit of \$30,000 issued and~~  
653 ~~held by a financial institution must be submitted to the~~  
654 ~~department.~~ A power of attorney will be issued to and held by  
655 the department and may be executed upon a judgment issued  
656 against such person making the deposit, for damages for ~~because~~  
657 ~~of~~ bodily injury to or death of any person or for damages for  
658 ~~because of~~ injury to or destruction of property resulting from  
659 the use or operation of any motor vehicle occurring after such  
660 deposit was made. Money so deposited is ~~shall~~ not ~~be~~ subject to  
661 attachment or execution unless such attachment or execution  
662 arises ~~shall arise~~ out of a lawsuit ~~suit~~ for such damages ~~as~~  
663 ~~aforsaid.~~

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

666 324.171 Self-insurer.-

667 (1) A ~~Any~~ person may qualify as a self-insurer by obtaining  
668 a certificate of self-insurance from the department. ~~which may,~~  
669 ~~in its discretion and~~ Upon application of such a person, the  
670 department may issue a said certificate of self-insurance to an  
671 applicant who satisfies ~~when such person has satisfied~~ the  
672 requirements of this section. Effective January 1, 2022 ~~to~~  
673 ~~qualify as a self-insurer under this section:~~

674 (a) A private individual with private passenger vehicles  
675 shall possess a net unencumbered worth of at least \$100,000  
676 ~~\$40,000.~~

677 (b) A person, including any firm, partnership, association,





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678 corporation, or other person, other than a natural person,  
679 shall:

680 1. Possess a net unencumbered worth of at least \$100,000  
681 ~~\$40,000~~ for the first motor vehicle and \$50,000 ~~\$20,000~~ for each  
682 additional motor vehicle; or

683 2. Maintain sufficient net worth, in an amount determined  
684 by the department, to be financially responsible for potential  
685 losses. The department annually shall determine the minimum net  
686 worth sufficient to satisfy this subparagraph as determined  
687 annually by the department, pursuant to rules adopted  
688 ~~promulgated~~ by the department, with the assistance of the Office  
689 of Insurance Regulation of the Financial Services Commission, ~~to~~  
690 ~~be financially responsible for potential losses.~~ The rules must  
691 consider any ~~shall take into consideration~~ excess insurance  
692 carried by the applicant. The department's determination must  
693 ~~shall~~ be based upon reasonable actuarial principles considering  
694 the frequency, severity, and loss development of claims incurred  
695 by casualty insurers writing coverage on the type of motor  
696 vehicles for which a certificate of self-insurance is desired.

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

700 (2) The self-insurance certificate must ~~shall~~ provide  
701 limits of liability insurance in the amounts specified under s.  
702 324.021(7) ~~or s. 627.7415~~ and ~~shall provide personal injury~~  
703 ~~protection coverage under s. 627.733(3)(b).~~

704 Section 25. Section 324.251, Florida Statutes, is amended  
705 to read:

706 324.251 Short title.—This chapter may be cited as the



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707 "Financial Responsibility Law of 2021 ~~1955~~" and is ~~shall become~~  
708 effective at 12:01 a.m., January 1, 2022 ~~October 1, 1955~~.

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

711 400.9905 Definitions.—

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

718 1. ~~(a)~~ Entities licensed or registered by the state under  
719 chapter 395; entities licensed or registered by the state and  
720 providing only health care services within the scope of services  
721 authorized under their respective licenses under ss. 383.30-  
722 383.332, chapter 390, chapter 394, chapter 397, this chapter  
723 except part X, chapter 429, chapter 463, chapter 465, chapter  
724 466, chapter 478, chapter 484, or chapter 651; end-stage renal  
725 disease providers authorized under 42 C.F.R. part 494; providers  
726 certified and providing only health care services within the  
727 scope of services authorized under their respective  
728 certifications under 42 C.F.R. part 485, subpart B, subpart H,  
729 or subpart J; providers certified and providing only health care  
730 services within the scope of services authorized under their  
731 respective certifications under 42 C.F.R. part 486, subpart C;  
732 providers certified and providing only health care services  
733 within the scope of services authorized under their respective  
734 certifications under 42 C.F.R. part 491, subpart A; providers  
735 certified by the Centers for Medicare and Medicaid Services



736 under the federal Clinical Laboratory Improvement Amendments and  
737 the federal rules adopted thereunder; or any entity that  
738 provides neonatal or pediatric hospital-based health care  
739 services or other health care services by licensed practitioners  
740 solely within a hospital licensed under chapter 395.

741 2.~~(b)~~ Entities that own, directly or indirectly, entities  
742 licensed or registered by the state pursuant to chapter 395;  
743 entities that own, directly or indirectly, entities licensed or  
744 registered by the state and providing only health care services  
745 within the scope of services authorized pursuant to their  
746 respective licenses under ss. 383.30-383.332, chapter 390,  
747 chapter 394, chapter 397, this chapter except part X, chapter  
748 429, chapter 463, chapter 465, chapter 466, chapter 478, chapter  
749 484, or chapter 651; end-stage renal disease providers  
750 authorized under 42 C.F.R. part 494; providers certified and  
751 providing only health care services within the scope of services  
752 authorized under their respective certifications under 42 C.F.R.  
753 part 485, subpart B, subpart H, or subpart J; providers  
754 certified and providing only health care services within the  
755 scope of services authorized under their respective  
756 certifications under 42 C.F.R. part 486, subpart C; providers  
757 certified and providing only health care services within the  
758 scope of services authorized under their respective  
759 certifications under 42 C.F.R. part 491, subpart A; providers  
760 certified by the Centers for Medicare and Medicaid Services  
761 under the federal Clinical Laboratory Improvement Amendments and  
762 the federal rules adopted thereunder; or any entity that  
763 provides neonatal or pediatric hospital-based health care  
764 services by licensed practitioners solely within a hospital



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765 licensed under chapter 395.

766 ~~3.(e)~~ Entities that are owned, directly or indirectly, by  
767 an entity licensed or registered by the state pursuant to  
768 chapter 395; entities that are owned, directly or indirectly, by  
769 an entity licensed or registered by the state and providing only  
770 health care services within the scope of services authorized  
771 pursuant to their respective licenses under ss. 383.30-383.332,  
772 chapter 390, chapter 394, chapter 397, this chapter except part  
773 X, chapter 429, chapter 463, chapter 465, chapter 466, chapter  
774 478, chapter 484, or chapter 651; end-stage renal disease  
775 providers authorized under 42 C.F.R. part 494; providers  
776 certified and providing only health care services within the  
777 scope of services authorized under their respective  
778 certifications under 42 C.F.R. part 485, subpart B, subpart H,  
779 or subpart J; providers certified and providing only health care  
780 services within the scope of services authorized under their  
781 respective certifications under 42 C.F.R. part 486, subpart C;  
782 providers certified and providing only health care services  
783 within the scope of services authorized under their respective  
784 certifications under 42 C.F.R. part 491, subpart A; providers  
785 certified by the Centers for Medicare and Medicaid Services  
786 under the federal Clinical Laboratory Improvement Amendments and  
787 the federal rules adopted thereunder; or any entity that  
788 provides neonatal or pediatric hospital-based health care  
789 services by licensed practitioners solely within a hospital  
790 under chapter 395.

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



794 ownership, directly or indirectly, with an entity licensed or  
795 registered by the state and providing only health care services  
796 within the scope of services authorized pursuant to their  
797 respective licenses under ss. 383.30-383.332, chapter 390,  
798 chapter 394, chapter 397, this chapter except part X, chapter  
799 429, chapter 463, chapter 465, chapter 466, chapter 478, chapter  
800 484, or chapter 651; end-stage renal disease providers  
801 authorized under 42 C.F.R. part 494; providers certified and  
802 providing only health care services within the scope of services  
803 authorized under their respective certifications under 42 C.F.R.  
804 part 485, subpart B, subpart H, or subpart J; providers  
805 certified and providing only health care services within the  
806 scope of services authorized under their respective  
807 certifications under 42 C.F.R. part 486, subpart C; providers  
808 certified and providing only health care services within the  
809 scope of services authorized under their respective  
810 certifications under 42 C.F.R. part 491, subpart A; providers  
811 certified by the Centers for Medicare and Medicaid Services  
812 under the federal Clinical Laboratory Improvement Amendments and  
813 the federal rules adopted thereunder; or any entity that  
814 provides neonatal or pediatric hospital-based health care  
815 services by licensed practitioners solely within a hospital  
816 licensed under chapter 395.

817 5.(e) An entity that is exempt from federal taxation under  
818 26 U.S.C. s. 501(c)(3) or (4), an employee stock ownership plan  
819 under 26 U.S.C. s. 409 that has a board of trustees at least  
820 two-thirds of which are Florida-licensed health care  
821 practitioners and provides only physical therapy services under  
822 physician orders, any community college or university clinic,



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823 and any entity owned or operated by the federal or state  
824 government, including agencies, subdivisions, or municipalities  
825 thereof.

826 6.~~(f)~~ A sole proprietorship, group practice, partnership,  
827 or corporation that provides health care services by physicians  
828 covered by s. 627.419, that is directly supervised by one or  
829 more of such physicians, and that is wholly owned by one or more  
830 of those physicians or by a physician and the spouse, parent,  
831 child, or sibling of that physician.

832 7.~~(g)~~ A sole proprietorship, group practice, partnership,  
833 or corporation that provides health care services by licensed  
834 health care practitioners under chapter 457, chapter 458,  
835 chapter 459, chapter 460, chapter 461, chapter 462, chapter 463,  
836 chapter 466, chapter 467, chapter 480, chapter 484, chapter 486,  
837 chapter 490, chapter 491, or part I, part III, part X, part  
838 XIII, or part XIV of chapter 468, or s. 464.012, and that is  
839 wholly owned by one or more licensed health care practitioners,  
840 or the licensed health care practitioners set forth in this  
841 subparagraph ~~paragraph~~ and the spouse, parent, child, or sibling  
842 of a licensed health care practitioner if one of the owners who  
843 is a licensed health care practitioner is supervising the  
844 business activities and is legally responsible for the entity's  
845 compliance with all federal and state laws. However, a health  
846 care practitioner may not supervise services beyond the scope of  
847 the practitioner's license, except that, for the purposes of  
848 this part, a clinic owned by a licensee in s. 456.053(3)(b)  
849 which provides only services authorized pursuant to s.  
850 456.053(3)(b) may be supervised by a licensee specified in s.  
851 456.053(3)(b).



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

855           9.~~(i)~~ Entities that provide only oncology or radiation  
856 therapy services by physicians licensed under chapter 458 or  
857 chapter 459 or entities that provide oncology or radiation  
858 therapy services by physicians licensed under chapter 458 or  
859 chapter 459 which are owned by a corporation whose shares are  
860 publicly traded on a recognized stock exchange.

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

864           11.~~(k)~~ Entities that provide licensed practitioners to  
865 staff emergency departments or to deliver anesthesia services in  
866 facilities licensed under chapter 395 and that derive at least  
867 90 percent of their gross annual revenues from the provision of  
868 such services. Entities claiming an exemption from licensure  
869 under this subparagraph ~~paragraph~~ must provide documentation  
870 demonstrating compliance.

871           12.~~(l)~~ Orthotic, prosthetic, pediatric cardiology, or  
872 perinatology clinical facilities or anesthesia clinical  
873 facilities that are not otherwise exempt under subparagraph 1.  
874 or subparagraph 11. ~~paragraph (a) or paragraph (k)~~ and that are  
875 a publicly traded corporation or are wholly owned, directly or  
876 indirectly, by a publicly traded corporation. As used in this  
877 subparagraph ~~paragraph~~, a publicly traded corporation is a  
878 corporation that issues securities traded on an exchange  
879 registered with the United States Securities and Exchange  
880 Commission as a national securities exchange.



881            13.~~(m)~~ Entities that are owned by a corporation that has  
882 \$250 million or more in total annual sales of health care  
883 services provided by licensed health care practitioners where  
884 one or more of the persons responsible for the operations of the  
885 entity is a health care practitioner who is licensed in this  
886 state and who is responsible for supervising the business  
887 activities of the entity and is responsible for the entity's  
888 compliance with state law for purposes of this part.

889            14.~~(n)~~ Entities that employ 50 or more licensed health care  
890 practitioners licensed under chapter 458 or chapter 459 where  
891 the billing for medical services is under a single tax  
892 identification number. The application for exemption under this  
893 subsection must include ~~shall contain information that includes:~~  
894 the name, residence, and business address and telephone ~~phone~~  
895 number of the entity that owns the practice; a complete list of  
896 the names and contact information of all the officers and  
897 directors of the corporation; the name, residence address,  
898 business address, and medical license number of each licensed  
899 Florida health care practitioner employed by the entity; the  
900 corporate tax identification number of the entity seeking an  
901 exemption; a listing of health care services to be provided by  
902 the entity at the health care clinics owned or operated by the  
903 entity; and a certified statement prepared by an independent  
904 certified public accountant which states that the entity and the  
905 health care clinics owned or operated by the entity have not  
906 received payment for health care services under medical payments  
907 ~~personal injury protection insurance~~ coverage for the preceding  
908 year. If the agency determines that an entity that ~~which~~ is  
909 exempt under this subsection has received payments for medical





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910 services under medical payments ~~personal injury protection~~  
911 ~~insurance~~ coverage, the agency may deny or revoke the exemption  
912 from licensure under this subsection.

913 15.~~(e)~~ Entities that are, directly or indirectly, under the  
914 common ownership of or that are subject to common control by a  
915 mutual insurance holding company, as defined in s. 628.703, with  
916 an entity issued a certificate of authority under chapter 624 or  
917 chapter 641 which has \$1 billion or more in total annual sales  
918 in this state.

919 16.~~(p)~~ Entities that are owned by an entity that is a  
920 behavioral health care service provider in at least five other  
921 states; that, together with its affiliates, have \$90 million or  
922 more in total annual revenues associated with the provision of  
923 behavioral health care services; and wherein one or more of the  
924 persons responsible for the operations of the entity is a health  
925 care practitioner who is licensed in this state, who is  
926 responsible for supervising the business activities of the  
927 entity, and who is responsible for the entity's compliance with  
928 state law for purposes of this part.

929 17.~~(q)~~ Medicaid providers.

930 (b) Notwithstanding paragraph (a) ~~this subsection~~, an  
931 entity ~~is shall be~~ deemed a clinic and must be licensed under  
932 this part in order to receive medical payments coverage  
933 reimbursement under s. 627.7265 unless the entity is:

934 1. Wholly owned by a physician licensed under chapter 458  
935 or chapter 459, or by the physician and the spouse, parent,  
936 child, or sibling of the physician;

937 2. Wholly owned by a dentist licensed under chapter 466, or  
938 by the dentist and the spouse, parent, child, or sibling of the



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939 dentist;

940 3. Wholly owned by a chiropractic physician licensed under  
941 chapter 460, or by the chiropractic physician and the spouse,  
942 parent, child, or sibling of the chiropractic physician;

943 4. A hospital or ambulatory surgical center licensed under  
944 chapter 395;

945 5. An entity that wholly owns or is wholly owned, directly  
946 or indirectly, by a hospital or hospitals licensed under chapter  
947 395;

948 6. A clinical facility affiliated with an accredited  
949 medical school at which training is provided for medical  
950 students, residents, or fellows;

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

952 8. Owned by a publicly traded corporation, either directly  
953 or indirectly through its subsidiaries, which has \$250 million  
954 or more in total annual sales of health care services provided  
955 by licensed health care practitioners, if one or more of the  
956 persons responsible for the operations of the entity are health  
957 care practitioners who are licensed in this state and are  
958 responsible for supervising the business activities of the  
959 entity and the entity's compliance with state law for purposes  
960 of this subsection ~~the Florida Motor Vehicle No-Fault Law, ss.~~  
961 ~~627.730-627.7405, unless exempted under s. 627.736(5)(h).~~

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

964 400.991 License requirements; background screenings;  
965 prohibitions.-

966 (5) All agency forms for licensure application or exemption  
967 from licensure under this part must contain the following



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968 statement:

969

970 INSURANCE FRAUD NOTICE.—A person commits a fraudulent insurance  
971 act, as defined in s. 626.989, Florida Statutes, if the person  
972 ~~who~~ knowingly submits a false, misleading, or fraudulent  
973 application or other document when applying for licensure as a  
974 health care clinic, seeking an exemption from licensure as a  
975 health care clinic, or demonstrating compliance with part X of  
976 chapter 400, Florida Statutes, with the intent to use the  
977 license, exemption from licensure, or demonstration of  
978 compliance to provide services or seek reimbursement under a  
979 motor vehicle liability insurance policy's medical payments  
980 coverage ~~the Florida Motor Vehicle No-Fault Law, commits a~~  
981 ~~fraudulent insurance act, as defined in s. 626.989, Florida~~  
982 ~~Statutes.~~ A person who presents a claim for benefits under  
983 medical payments coverage ~~personal injury protection benefits~~  
984 knowing that the payee knowingly submitted such health care  
985 clinic application or document, commits insurance fraud, as  
986 defined in s. 817.234, Florida Statutes.

987 Section 28. Paragraph (g) of subsection (1) of section  
988 400.9935, Florida Statutes, is amended to read:

989 400.9935 Clinic responsibilities.—

990 (1) Each clinic shall appoint a medical director or clinic  
991 director who shall agree in writing to accept legal  
992 responsibility for the following activities on behalf of the  
993 clinic. The medical director or the clinic director shall:

994 (g) Conduct systematic reviews of clinic billings to ensure  
995 that the billings are not fraudulent or unlawful. Upon discovery  
996 of an unlawful charge, the medical director or clinic director



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997 shall take immediate corrective action. If the clinic performs  
998 only the technical component of magnetic resonance imaging,  
999 static radiographs, computed tomography, or positron emission  
1000 tomography, and provides the professional interpretation of such  
1001 services, in a fixed facility that is accredited by a national  
1002 accrediting organization that is approved by the Centers for  
1003 Medicare and Medicaid Services for magnetic resonance imaging  
1004 and advanced diagnostic imaging services and if, in the  
1005 preceding quarter, the percentage of scans performed by that  
1006 clinic which was billed to motor vehicle ~~all personal injury~~  
1007 ~~protection~~ insurance carriers under medical payments coverage  
1008 was less than 15 percent, the chief financial officer of the  
1009 clinic may, in a written acknowledgment provided to the agency,  
1010 assume the responsibility for the conduct of the systematic  
1011 reviews of clinic billings to ensure that the billings are not  
1012 fraudulent or unlawful.

1013 Section 29. Subsection (28) of section 409.901, Florida  
1014 Statutes, is amended to read:

1015 409.901 Definitions; ss. 409.901-409.920.—As used in ss.  
1016 409.901-409.920, except as otherwise specifically provided, the  
1017 term:

1018 (28) "Third-party benefit" means any benefit that is or may  
1019 be available at any time through contract, court award,  
1020 judgment, settlement, agreement, or any arrangement between a  
1021 third party and any person or entity, including, without  
1022 limitation, a Medicaid recipient, a provider, another third  
1023 party, an insurer, or the agency, for any Medicaid-covered  
1024 injury, illness, goods, or services, including costs of medical  
1025 services related thereto, for bodily ~~personal~~ injury or for



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1026 death of the recipient, but specifically excluding ~~policies of~~  
1027 life insurance policies on the recipient, unless available under  
1028 terms of the policy to pay medical expenses before ~~prior to~~  
1029 death. The term includes, without limitation, collateral, as  
1030 defined in this section; ~~health insurance;~~ any benefit under a  
1031 health maintenance organization, a preferred provider  
1032 arrangement, a prepaid health clinic, liability insurance,  
1033 uninsured motorist insurance, or medical payments coverage; or  
1034 ~~personal injury protection coverage,~~ medical benefits under  
1035 workers' compensation, and any obligation under law or equity to  
1036 provide medical support.

1037 Section 30. Paragraph (f) of subsection (11) of section  
1038 409.910, Florida Statutes, is amended to read:

1039 409.910 Responsibility for payments on behalf of Medicaid-  
1040 eligible persons when other parties are liable.-

1041 (11) The agency may, as a matter of right, in order to  
1042 enforce its rights under this section, institute, intervene in,  
1043 or join any legal or administrative proceeding in its own name  
1044 in one or more of the following capacities: individually, as  
1045 subrogee of the recipient, as assignee of the recipient, or as  
1046 lienholder of the collateral.

1047 (f) Notwithstanding any provision in this section to the  
1048 contrary, in the event of an action in tort against a third  
1049 party in which the recipient or his or her legal representative  
1050 is a party which results in a judgment, award, or settlement  
1051 from a third party, the amount recovered shall be distributed as  
1052 follows:

1053 1. After attorney ~~attorney's~~ fees and taxable costs as  
1054 defined by the Florida Rules of Civil Procedure, one-half of the



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1055 remaining recovery shall be paid to the agency up to the total  
1056 amount of medical assistance provided by Medicaid.

1057 2. The remaining amount of the recovery shall be paid to  
1058 the recipient.

1059 3. For purposes of calculating the agency's recovery of  
1060 medical assistance benefits paid, the fee for services of an  
1061 attorney retained by the recipient or his or her legal  
1062 representative shall be calculated at 25 percent of the  
1063 judgment, award, or settlement.

1064 4. Notwithstanding any other provision of this section to  
1065 the contrary, the agency shall be entitled to all medical  
1066 coverage benefits up to the total amount of medical assistance  
1067 provided by Medicaid. For purposes of this paragraph, the term  
1068 "medical coverage" means any benefits under health insurance, a  
1069 health maintenance organization, a preferred provider  
1070 arrangement, or a prepaid health clinic, and the portion of  
1071 benefits designated for medical payments under ~~coverage for~~  
1072 workers' compensation coverage, motor vehicle insurance  
1073 coverage, personal injury protection, and casualty coverage.

1074 Section 31. Paragraph (k) of subsection (2) of section  
1075 456.057, Florida Statutes, is amended to read:

1076 456.057 Ownership and control of patient records; report or  
1077 copies of records to be furnished; disclosure of information.-

1078 (2) As used in this section, the terms "records owner,"  
1079 "health care practitioner," and "health care practitioner's  
1080 employer" do not include any of the following persons or  
1081 entities; furthermore, the following persons or entities are not  
1082 authorized to acquire or own medical records, but are authorized  
1083 under the confidentiality and disclosure requirements of this



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1084 section to maintain those documents required by the part or  
1085 chapter under which they are licensed or regulated:

1086 (k) Persons or entities practicing under s. 627.7265 ~~s.~~  
1087 ~~627.736(7)~~.

1088 Section 32. Paragraphs (ee) and (ff) of subsection (1) of  
1089 section 456.072, Florida Statutes, are amended to read:

1090 456.072 Grounds for discipline; penalties; enforcement.—

1091 (1) The following acts shall constitute grounds for which  
1092 the disciplinary actions specified in subsection (2) may be  
1093 taken:

1094 (ee) With respect to making a medical payments coverage  
1095 ~~personal injury protection~~ claim under s. 627.7265 ~~as required~~  
1096 ~~by s. 627.736~~, intentionally submitting a claim, statement, or  
1097 bill that has been upcoded. As used in this paragraph, the term  
1098 “upcoded” means an action that submits a billing code that would  
1099 result in a greater payment amount than would be paid using a  
1100 billing code that accurately describes the services performed.  
1101 The term does not include an otherwise lawful bill by a magnetic  
1102 resonance imaging facility which globally combines both  
1103 technical and professional components, if the amount of the  
1104 global bill is not more than the components if billed  
1105 separately; however, payment of such a bill constitutes payment  
1106 in full for all components of such service ~~“upcoded”~~ ~~as defined~~  
1107 ~~in s. 627.732~~.

1108 (ff) With respect to making a medical payments coverage  
1109 ~~personal injury protection~~ claim pursuant to s. 627.7265 ~~as~~  
1110 ~~required by s. 627.736~~, intentionally submitting a claim,  
1111 statement, or bill for payment of services that were not  
1112 rendered.



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1113           Section 33. Section 559.920, Florida Statutes, is reordered  
1114 and amended to read:

1115           559.920 Unlawful acts and practices.—It shall be a  
1116 violation of this act for any motor vehicle repair shop or  
1117 employee thereof to do any of the following:

1118           (1) Engage or attempt to engage in repair work for  
1119 compensation of any type without first being registered with or  
1120 having submitted an affidavit of exemption to the department.†

1121           (2) Make or charge for repairs which have not been  
1122 expressly or impliedly authorized by the customer.†

1123           (3) Misrepresent that repairs have been made to a motor  
1124 vehicle.†

1125           (4) Misrepresent that certain parts and repairs are  
1126 necessary to repair a vehicle.†

1127           (5) Misrepresent that the vehicle being inspected or  
1128 diagnosed is in a dangerous condition or that the customer's  
1129 continued use of the vehicle may be harmful or cause great  
1130 damage to the vehicle.†

1131           (6) Fraudulently alter any customer contract, estimate,  
1132 invoice, or other document.†

1133           (7) Fraudulently misuse any customer's credit card.†

1134           (8) Make or authorize in any manner or by any means  
1135 whatever any written or oral statement which is untrue,  
1136 deceptive or misleading, and which is known, or which by the  
1137 exercise of reasonable care should be known, to be untrue,  
1138 deceptive or misleading.†

1139           (9) Make false promises of a character likely to influence,  
1140 persuade, or induce a customer to authorize the repair, service,  
1141 or maintenance of a motor vehicle.†





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1142           (10) Substitute used, rebuilt, salvaged, or straightened  
1143 parts for new replacement parts without notice to the motor  
1144 vehicle owner and to her or his insurer if the cost of repair is  
1145 to be paid pursuant to an insurance policy and the identity of  
1146 the insurer or its claims adjuster is disclosed to the motor  
1147 vehicle repair shop.~~†~~

1148           (11) Cause or allow a customer to sign any work order that  
1149 does not state the repairs requested by the customer or the  
1150 automobile's odometer reading at the time of repair.~~†~~

1151           (12) Fail or refuse to give to a customer a copy of any  
1152 document requiring the customer's signature upon completion or  
1153 cancellation of the repair work.~~†~~

1154           (13) Willfully depart from or disregard accepted practices  
1155 and professional standards.~~†~~

1156           (14) Have repair work subcontracted without the knowledge  
1157 or consent of the customer unless the motor vehicle repair shop  
1158 or employee thereof demonstrates that the customer could not  
1159 reasonably have been notified.~~†~~

1160           (15) Conduct the business of motor vehicle repair in a  
1161 location other than that stated on the registration  
1162 certificate.~~†~~

1163           (16) Rebuild or restore a rebuilt vehicle without the  
1164 knowledge of the owner in such a manner that it does not conform  
1165 to the original vehicle manufacturer's established repair  
1166 procedures or specifications and allowable tolerances for the  
1167 particular model and year.~~†~~~~or~~

1168           (17) With respect to the replacement or repair of a motor  
1169 vehicle windshield:

1170           (a) Threaten, coerce, or intimidate an insured into



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1171 selecting a particular motor vehicle glass repair facility or  
1172 motor vehicle repair shop;

1173 (b) Waive or offer to waive the insured's deductible or  
1174 offer a rebate, gift, gift card, cash, coupon, or anything of  
1175 value to a third party in exchange for a referral of an insured  
1176 to the motor vehicle glass repair facility or motor vehicle  
1177 repair shop in connection with any claim under an insurance  
1178 policy; or

1179 (c) Waive or offer to waive the insured's deductible or  
1180 offer a rebate, gift, gift card, cash, coupon or anything of  
1181 value to an insured in exchange for the insured filing a motor  
1182 vehicle windshield claim under an insurance policy.

1183 (19)~~(17)~~ Perform any other act that is a violation of this  
1184 part or that constitutes fraud or misrepresentation.

1185 (18)~~(18)~~ Violate any provision of s. 713.585.

1186 Section 34. Paragraph (b) of subsection (1) and subsection  
1187 (8) of section 624.155, Florida Statutes, are amended to read:  
1188 624.155 Civil remedy.—

1189 (1) Any person may bring a civil action against an insurer  
1190 when such person is damaged:

1191 (b) By the commission of any of the following acts by the  
1192 insurer:

1193 1. Except for a third-party bad faith failure to settle  
1194 claim subject to s. 624.156, not attempting in good faith to  
1195 settle claims when, under all the circumstances, it could and  
1196 should have done so, had it acted fairly and honestly toward its  
1197 insured and with due regard for her or his interests;

1198 2. Making claims payments to insureds or beneficiaries not  
1199 accompanied by a statement setting forth the coverage under



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1200 which payments are being made; ~~or~~

1201       3. Except as to liability coverages, failing to promptly  
1202 settle claims, when the obligation to settle a claim has become  
1203 reasonably clear, under one portion of the insurance policy  
1204 coverage in order to influence settlements under other portions  
1205 of the insurance policy coverage; or

1206       4. When handling a first-party claim under a motor vehicle  
1207 insurance policy, not attempting in good faith to settle such  
1208 claim pursuant to subparagraph 1. when such failure is caused by  
1209 a failure to communicate to an insured:

1210       a. Information on who is adjusting the claim;

1211       b. Any issues that may impair the insured's coverage;

1212       c. Information that might resolve the issue in a prompt  
1213 manner;

1214       d. Any basis for the insurer's rejection or nonacceptance  
1215 of any settlement offer; or

1216       e. Any needed extensions to respond to a time-limited  
1217 settlement offer.

1218  
1219 Notwithstanding the provisions of the above to the contrary, a  
1220 person pursuing a remedy under this section need not prove that  
1221 such act was committed or performed with such frequency as to  
1222 indicate a general business practice.

1223       (8) The civil remedy specified in this section does not  
1224 preempt any other remedy or cause of action provided for  
1225 pursuant to any other statute or pursuant to the common law of  
1226 this state. A Any person is ~~may obtain a judgment under either~~  
1227 ~~the common-law remedy of bad faith or this statutory remedy, but~~  
1228 ~~shall~~ ~~not be~~ entitled to a judgment under multiple bad faith



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1229 ~~both~~ remedies, whether under statute or common law. This section  
1230 shall not be construed to create a common-law cause of action.  
1231 The damages recoverable pursuant to this section shall include  
1232 those damages which are a reasonably foreseeable result of a  
1233 specified violation of this section by the authorized insurer  
1234 and may include an award or judgment in an amount that exceeds  
1235 the policy limits.

1236 Section 35. Section 624.156, Florida Statutes, is created  
1237 to read:

1238 624.156 Bad faith failure to settle actions against motor  
1239 vehicle insurers by third-party claimants.-

1240 (1) SCOPE.-This section applies in all actions against any  
1241 insurer by a third party for bad faith failure to settle,  
1242 whether under statute or common law, for a loss arising out of  
1243 the ownership, maintenance, or use of a motor vehicle operated  
1244 or principally garaged in this state at the time of an accident,  
1245 regardless of whether the insurer is authorized to do business  
1246 in this state or issued a policy in this state.

1247 (2) DUTY OF GOOD FAITH.-In handling claims, an insurer has  
1248 a fiduciary duty to its insured and must handle claims in good  
1249 faith. The insurer shall comply with the best practice standards  
1250 of subsection (4) using the same degree of care and diligence as  
1251 a person of ordinary care and prudence would exercise in the  
1252 management of his or her own business.

1253 (3) BAD FAITH FAILURE TO SETTLE.-"Bad faith failure to  
1254 settle" means an insurer's failure to settle a claim when, under  
1255 all the circumstances, it could and should have done so, had it  
1256 acted fairly and honestly toward its insured and with due regard  
1257 for the insured's interests.



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1258           (4) BEST PRACTICE STANDARDS.—Upon the earlier of receiving  
1259 notice of a claim or, under subsection (6), a demand for  
1260 settlement, an insurer must do all of the following:  
1261           (a) Assign a duly licensed and appointed insurance adjuster  
1262 to investigate the claim and resolve any questions concerning  
1263 the existence or extent of the insured's coverage.  
1264           (b) Evaluate every claim fairly, honestly, and with due  
1265 regard for the interests of its insured, consider the full  
1266 extent of the claimant's recoverable damages, and consider the  
1267 information in a reasonable and prudent manner.  
1268           (c) Request from the insured or claimant additional  
1269 relevant information deemed necessary.  
1270           (d) Conduct all verbal and written communications with the  
1271 utmost honesty and complete candor.  
1272           (e) Make reasonable efforts to explain to nonattorneys  
1273 matters requiring expertise beyond the level normally expected  
1274 of a layperson with no training in insurance or claims-handling  
1275 issues.  
1276           (f) Save all written communications and note and save all  
1277 verbal communications in a reasonable manner.  
1278           (g) Provide the insured, upon request, with all  
1279 nonprivileged communications related to the insurer's handling  
1280 of the claim.  
1281           (h) Provide, at the insurer's expense, reasonable  
1282 accommodations necessary to communicate effectively with an  
1283 insured covered under the Americans with Disabilities Act.  
1284           (i) In handling third-party claims, communicate to an  
1285 insured:  
1286           1. The identity of any other person or entity the insurer



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1287 knows may be liable;  
1288 2. The insurer's activity on and evaluation of the claim;  
1289 3. The likelihood and possible extent of an excess  
1290 judgment;  
1291 4. Steps the insured can take to avoid exposure to an  
1292 excess judgment;  
1293 5. Requests for examinations under oath and an explanation  
1294 of the consequences of an insured's failure to submit to an  
1295 examination under oath; and  
1296 6. Any demands for settlement under subsection (6) or  
1297 settlement offers.  
1298 (j) When a loss involves multiple claimants and the  
1299 claimants are unwilling to settle cumulatively within the policy  
1300 limits and release the insured from further liability, in  
1301 addition to fulfilling the requirements of paragraphs (a)-(i),  
1302 attempt to minimize the risk of excess judgments against the  
1303 insured and settle as many claims as possible within the policy  
1304 limits in exchange for a release of the insured from further  
1305 liability.  
1306 (5) CONDITIONS PRECEDENT.—It is a condition precedent to  
1307 filing a third-party action for bad faith failure to settle  
1308 against an insurer that the claimant must:  
1309 (a) Serve a demand for settlement, as provided in  
1310 subsection (6), within the insurer's limits of liability in  
1311 exchange for a release of further liability against the insured;  
1312 and  
1313 (b) Obtain a final judgment in excess of the policy limits  
1314 against the insured.  
1315 (6) DEMAND FOR SETTLEMENT.—A demand for settlement must do



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1316 all of the following:  
1317       (a) Identify the:  
1318           1. Date and location of loss;  
1319           2. Name, address, and date of birth of the claimant;  
1320           3. Name of each insured to whom the demand for settlement  
1321 is directed; and  
1322           4. Legal and factual basis of the claim.  
1323       (b) Provide a reasonably detailed description of the  
1324 claimant's:  
1325           1. Known injuries caused or aggravated by the incident on  
1326 which the claim is based;  
1327           2. Medical treatment causally related to the incident on  
1328 which the claim is based; and  
1329           3. Type and amount of known damages incurred and, if any,  
1330 the damages the claimant reasonably anticipates incurring in the  
1331 future.  
1332       (c) State the amount of the demand for settlement.  
1333       (d) State whether the demand for settlement is conditioned  
1334 on the completion of an examination under oath, as authorized by  
1335 subsection (8).  
1336       (e) Provide a physical address, an e-mail address, and a  
1337 facsimile number for further communications, including, but not  
1338 limited to, responses to the demand for settlement.  
1339       (f) Release the insured from any further liability upon the  
1340 insurer's acceptance of a demand for settlement which is not  
1341 withdrawn pursuant to paragraph (8) (e) or paragraph (8) (g), or  
1342 accepted pursuant to paragraph (8) (f).  
1343       (g) Be served upon the insurer by certified mail at the  
1344 address designated by the insurer with the Department of



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1345 Financial Services under s. 624.422(2).

1346 (7) LIMITATIONS ON CONDITIONS OF ACCEPTANCE OF A DEMAND.—A  
1347 claimant may not place any conditions on acceptance of a demand  
1348 for settlement other than electing the right to examine the  
1349 insured under oath regarding any of the following:

1350 (a) Whether the insured has the ability to satisfy a claim  
1351 for damages in excess of the insurer's limits of liability.

1352 (b) Whether any other person or entity may have actual or  
1353 potential direct or vicarious liability for the insured's  
1354 negligence.

1355 (c) Whether any other insurance exists which may cover some  
1356 or all of the damages sustained by the claimant.

1357 (8) EXAMINATION UNDER OATH.—After serving a demand for  
1358 settlement, a claimant may examine the insured under oath, on  
1359 one occasion for a period of time not to exceed 2 hours,  
1360 regarding only the issues in subsection (7).

1361 (a) The claimant may request that the insured bring to the  
1362 examination relevant documents in the insured's possession,  
1363 custody, or control, including, but not limited to, credit  
1364 reports, insurance policies, bank statements, tax returns,  
1365 deeds, titles, and other proof of assets or liabilities.

1366 (b) Except as provided in paragraph (7)(b), the claimant  
1367 may not examine the insured regarding liability.

1368 (c) The claimant, the insurer, and the insured shall  
1369 cooperate in scheduling the examination under oath. The insurer  
1370 shall notify the insured of the date, time, and location of the  
1371 examination under oath.

1372 (d) The examination under oath must occur within 30 days  
1373 after the insurer's acceptance of the settlement demand.





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1374           (e) The claimant may withdraw the demand for settlement if  
1375 the insured refuses to submit to an examination under oath.

1376           (f) If the insured refuses to submit to an examination  
1377 under oath, the insurer may accept the demand for settlement  
1378 without requiring a release of the insured. An insurer that  
1379 accepts the demand for settlement pursuant to this paragraph  
1380 does not have any further duty to defend the insured and may not  
1381 be held liable for damages to the insured if the claimant  
1382 thereafter obtains an excess judgment against the insured.

1383           (g) Within 7 days after the examination under oath, the  
1384 claimant may withdraw the demand for settlement.

1385           (9) SAFE HARBOR.—When one claim arises out of a single  
1386 occurrence, an insurer is not liable in a bad faith failure to  
1387 settle action if the insurer tenders its policy limits within 60  
1388 days after receiving a demand for settlement under subsection  
1389 (6).

1390           (a) When competing claims arise out of a single occurrence  
1391 and the sum of the competing claims exceeds the policy limits,  
1392 an insurer is not liable in a bad faith failure to settle action  
1393 if the insurer initiates an interpleader action at policy limits  
1394 within 60 days after receiving notice of the competing claims.  
1395 If the court finds for one or more of the claimants, the court  
1396 must award the claimants their respective pro rata share of the  
1397 interpleaded funds.

1398           (b) This subsection does not affect an insurer's duties to  
1399 its insured other than duties related to bad faith failure to  
1400 settle.

1401           (10) RELEASE.—An insurer that accepts a demand for  
1402 settlement under subsection (6) shall be entitled to a release



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1403 of its insured, except as provided in paragraph (8)(f).

1404 (11) BURDEN OF PROOF.—In any third-party action for bad  
1405 faith failure to settle, the claimant must prove by the  
1406 preponderance of the evidence that the insurer violated its duty  
1407 of good faith under subsection (2) and that the insurer in bad  
1408 faith failed to settle, as defined in subsection (3).

1409 (a) In determining whether an insurer violated its duty of  
1410 good faith under subsection (2) and in bad faith failed to  
1411 settle, as defined in subsection (3), the trier of fact shall  
1412 consider all of the following:

1413 1. Whether the insurer complied with the best practice  
1414 standards of subsection (4) using the same degree of care and  
1415 diligence as a person of ordinary care and prudence would  
1416 exercise in the management of his or her own business.

1417 2. Whether the insurer failed to settle a claim when, under  
1418 all the circumstances, it could and should have done so, had it  
1419 acted fairly and honestly toward its insured and with due regard  
1420 for the insured's interests.

1421 3. Whether the claimant or insured failed to provide  
1422 relevant information to the insurer on a timely basis.

1423 4. Whether the claimant or insured misrepresented material  
1424 facts to the insurer or made material omissions of fact to the  
1425 insurer.

1426 5. Whether the insured denied liability or requested that  
1427 the case be defended after the insurer fully advised the insured  
1428 as to the facts and risks.

1429 6. Whether the insurer timely informed the insured of a  
1430 demand to settle within the limits of coverage, the right to  
1431 retain personal counsel, and the risk of litigation.



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1432           7. The insurer's willingness to negotiate with the claimant  
1433 in anticipation of settlement.

1434           8. The amount of damages the claimant incurred or was  
1435 likely to incur in the future under the facts known or  
1436 reasonably available at the time of the insurer's response.

1437           9. If applicable, whether there were multiple third-party  
1438 claimants seeking, in the aggregate, compensation in excess of  
1439 the policy limits from the insured; and, if so, whether the  
1440 insurer breached its duty to attempt to minimize the magnitude  
1441 of possible excess judgments against the insured and to attempt  
1442 to settle as many claims as possible within the policy limits in  
1443 exchange for a release of the insured from further liability.

1444           10. Additional factors that the court determines to be  
1445 relevant.

1446           (b) The trier of fact, in determining whether an insurer in  
1447 bad faith failed to settle, must be informed that an excess  
1448 judgment occurred but may not be informed of the amount of the  
1449 excess judgment.

1450           (12) DAMAGES.—An insurer that is found to have violated its  
1451 duty of good faith under subsection (2) and in bad faith failed  
1452 to settle, as defined in subsection (3), is liable for the  
1453 amount of any excess judgment. No other damages, including but  
1454 not limited to punitive damages, may be awarded in a third-party  
1455 bad faith failure to settle action.

1456           (13) ENFORCEMENT.—If a judgment creditor has served a  
1457 demand for settlement under subsection (6), and the judgment  
1458 exceeds the insured's limits of liability, the judgment creditor  
1459 must be subrogated to the rights of the insured against the  
1460 insurer for common law bad faith.



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1461           (14) LIMITATION ON MULTIPLE REMEDIES.—A person is not  
1462 entitled to a judgment under multiple bad faith remedies,  
1463 whether under statute or common law.

1464           Section 36. Paragraphs (i) and (o) of subsection (1) of  
1465 section 626.9541, Florida Statutes, are amended to read:

1466           626.9541 Unfair methods of competition and unfair or  
1467 deceptive acts or practices defined.—

1468           (1) UNFAIR METHODS OF COMPETITION AND UNFAIR OR DECEPTIVE  
1469 ACTS.—The following are defined as unfair methods of competition  
1470 and unfair or deceptive acts or practices:

1471           (i) *Unfair claim settlement practices.*—

1472           1. Attempting to settle claims on the basis of an  
1473 application, when serving as a binder or intended to become a  
1474 part of the policy, or any other material document which was  
1475 altered without notice to, or knowledge or consent of, the  
1476 insured;

1477           2. Making a material misrepresentation ~~made~~ to an insured  
1478 or any other person having an interest in the proceeds payable  
1479 under such contract or policy, for the purpose and with the  
1480 intent of effecting settlement of such claims, loss, or damage  
1481 under such contract or policy on less favorable terms than those  
1482 provided in, and contemplated by, such contract or policy; ~~or~~

1483           3. Committing or performing with such frequency as to  
1484 indicate a general business practice any of the following:

1485           a. Failing to adopt and implement standards for the proper  
1486 investigation of claims;

1487           b. Misrepresenting pertinent facts or insurance policy  
1488 provisions relating to coverages at issue;

1489           c. Failing to acknowledge and act promptly upon



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1490 communications with respect to claims;

1491       d. Denying claims without conducting reasonable  
1492 investigations based upon available information;

1493       e. Failing to affirm or deny full or partial coverage of  
1494 claims, and, as to partial coverage, the dollar amount or extent  
1495 of coverage, or failing to provide a written statement that the  
1496 claim is being investigated, upon the written request of the  
1497 insured within 30 days after proof-of-loss statements have been  
1498 completed;

1499       f. Failing to promptly provide a reasonable explanation in  
1500 writing to the insured of the basis in the insurance policy, in  
1501 relation to the facts or applicable law, for denial of a claim  
1502 or for the offer of a compromise settlement;

1503       g. Failing to promptly notify the insured of any additional  
1504 information necessary for the processing of a claim; or

1505       h. Failing to clearly explain the nature of the requested  
1506 information and the reasons why such information is necessary.

1507       ~~i. Failing to pay personal injury protection insurance~~  
1508 ~~claims within the time periods required by s. 627.736(4)(b). The~~  
1509 ~~office may order the insurer to pay restitution to a~~  
1510 ~~policyholder, medical provider, or other claimant, including~~  
1511 ~~interest at a rate consistent with the amount set forth in s.~~  
1512 ~~55.03(1), for the time period within which an insurer fails to~~  
1513 ~~pay claims as required by law. Restitution is in addition to any~~  
1514 ~~other penalties allowed by law, including, but not limited to,~~  
1515 ~~the suspension of the insurer's certificate of authority.~~

1516       4. Failing to pay undisputed amounts of partial or full  
1517 benefits owed under first-party property insurance policies  
1518 within 90 days after an insurer receives notice of a residential



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1519 property insurance claim, determines the amounts of partial or  
1520 full benefits, and agrees to coverage, unless payment of the  
1521 undisputed benefits is prevented by an act of God, prevented by  
1522 the impossibility of performance, or due to actions by the  
1523 insured or claimant that constitute fraud, lack of cooperation,  
1524 or intentional misrepresentation regarding the claim for which  
1525 benefits are owed.

1526 (o) *Illegal dealings in premiums; excess or reduced charges*  
1527 *for insurance.*—

1528 1. Knowingly collecting any sum as a premium or charge for  
1529 insurance, which is not then provided, or is not in due course  
1530 to be provided, subject to acceptance of the risk by the  
1531 insurer, by an insurance policy issued by an insurer as  
1532 permitted by this code.

1533 2. Knowingly collecting as a premium or charge for  
1534 insurance any sum in excess of or less than the premium or  
1535 charge applicable to such insurance, in accordance with the  
1536 applicable classifications and rates as filed with and approved  
1537 by the office, and as specified in the policy; or, in cases when  
1538 classifications, premiums, or rates are not required by this  
1539 code to be so filed and approved, premiums and charges collected  
1540 from a Florida resident in excess of or less than those  
1541 specified in the policy and as fixed by the insurer.

1542 Notwithstanding any other provision of law, this provision shall  
1543 not be deemed to prohibit the charging and collection, by  
1544 surplus lines agents licensed under part VIII of this chapter,  
1545 of the amount of applicable state and federal taxes, or fees as  
1546 authorized by s. 626.916(4), in addition to the premium required  
1547 by the insurer or the charging and collection, by licensed



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1548 agents, of the exact amount of any discount or other such fee  
1549 charged by a credit card facility in connection with the use of  
1550 a credit card, as authorized by subparagraph (q)3., in addition  
1551 to the premium required by the insurer. This subparagraph shall  
1552 not be construed to prohibit collection of a premium for a  
1553 universal life or a variable or indeterminate value insurance  
1554 policy made in accordance with the terms of the contract.

1555 3.a. Imposing or requesting an additional premium for  
1556 bodily injury liability coverage, property damage liability  
1557 coverage ~~a policy of motor vehicle liability, personal injury~~  
1558 ~~protection~~, medical payments coverage ~~payment~~, or collision  
1559 coverage in a motor vehicle liability insurance policy ~~insurance~~  
1560 ~~or any combination thereof~~ or refusing to renew the policy  
1561 solely because the insured was involved in a motor vehicle  
1562 accident unless the insurer's file contains information from  
1563 which the insurer in good faith determines that the insured was  
1564 substantially at fault in the accident.

1565 b. An insurer which imposes and collects such a surcharge  
1566 or which refuses to renew such policy shall, in conjunction with  
1567 the notice of premium due or notice of nonrenewal, notify the  
1568 named insured that he or she is entitled to reimbursement of  
1569 such amount or renewal of the policy under the conditions listed  
1570 below and will subsequently reimburse him or her or renew the  
1571 policy, if the named insured demonstrates that the operator  
1572 involved in the accident was:

1573 (I) Lawfully parked;

1574 (II) Reimbursed by, or on behalf of, a person responsible  
1575 for the accident or has a judgment against such person;

1576 (III) Struck in the rear by another vehicle headed in the



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1577 same direction and was not convicted of a moving traffic  
1578 violation in connection with the accident;

1579 (IV) Hit by a "hit-and-run" driver, if the accident was  
1580 reported to the proper authorities within 24 hours after  
1581 discovering the accident;

1582 (V) Not convicted of a moving traffic violation in  
1583 connection with the accident, but the operator of the other  
1584 automobile involved in such accident was convicted of a moving  
1585 traffic violation;

1586 (VI) Finally adjudicated not to be liable by a court of  
1587 competent jurisdiction;

1588 (VII) In receipt of a traffic citation which was dismissed  
1589 or nolle prossed; or

1590 (VIII) Not at fault as evidenced by a written statement  
1591 from the insured establishing facts demonstrating lack of fault  
1592 which are not rebutted by information in the insurer's file from  
1593 which the insurer in good faith determines that the insured was  
1594 substantially at fault.

1595 c. In addition to the other provisions of this  
1596 subparagraph, an insurer may not fail to renew a policy if the  
1597 insured has had only one accident in which he or she was at  
1598 fault within the current 3-year period. However, an insurer may  
1599 nonrenew a policy for reasons other than accidents in accordance  
1600 with s. 627.728. This subparagraph does not prohibit nonrenewal  
1601 of a policy under which the insured has had three or more  
1602 accidents, regardless of fault, during the most recent 3-year  
1603 period.

1604 4. Imposing or requesting an additional premium for, or  
1605 refusing to renew, a policy for motor vehicle insurance solely





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1606 because the insured committed a noncriminal traffic infraction  
1607 as described in s. 318.14 unless the infraction is:

1608       a. A second infraction committed within an 18-month period,  
1609 or a third or subsequent infraction committed within a 36-month  
1610 period.

1611       b. A violation of s. 316.183, when such violation is a  
1612 result of exceeding the lawful speed limit by more than 15 miles  
1613 per hour.

1614       5. Upon the request of the insured, the insurer and  
1615 licensed agent shall supply to the insured the complete proof of  
1616 fault or other criteria which justifies the additional charge or  
1617 cancellation.

1618       6. No insurer shall impose or request an additional premium  
1619 for motor vehicle insurance, cancel or refuse to issue a policy,  
1620 or refuse to renew a policy because the insured or the applicant  
1621 is a handicapped or physically disabled person, so long as such  
1622 handicap or physical disability does not substantially impair  
1623 such person's mechanically assisted driving ability.

1624       7. No insurer may cancel or otherwise terminate any  
1625 insurance contract or coverage, or require execution of a  
1626 consent to rate endorsement, during the stated policy term for  
1627 the purpose of offering to issue, or issuing, a similar or  
1628 identical contract or coverage to the same insured with the same  
1629 exposure at a higher premium rate or continuing an existing  
1630 contract or coverage with the same exposure at an increased  
1631 premium.

1632       8. No insurer may issue a nonrenewal notice on any  
1633 insurance contract or coverage, or require execution of a  
1634 consent to rate endorsement, for the purpose of offering to



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1635 issue, or issuing, a similar or identical contract or coverage  
1636 to the same insured at a higher premium rate or continuing an  
1637 existing contract or coverage at an increased premium without  
1638 meeting any applicable notice requirements.

1639 9. No insurer shall, with respect to premiums charged for  
1640 motor vehicle insurance, unfairly discriminate solely on the  
1641 basis of age, sex, marital status, or scholastic achievement.

1642 10. Imposing or requesting an additional premium for motor  
1643 vehicle comprehensive or uninsured motorist coverage solely  
1644 because the insured was involved in a motor vehicle accident or  
1645 was convicted of a moving traffic violation.

1646 11. No insurer shall cancel or issue a nonrenewal notice on  
1647 any insurance policy or contract without complying with any  
1648 applicable cancellation or nonrenewal provision required under  
1649 the Florida Insurance Code.

1650 12. No insurer shall impose or request an additional  
1651 premium, cancel a policy, or issue a nonrenewal notice on any  
1652 insurance policy or contract because of any traffic infraction  
1653 when adjudication has been withheld and no points have been  
1654 assessed pursuant to s. 318.14(9) and (10). However, this  
1655 subparagraph does not apply to traffic infractions involving  
1656 accidents in which the insurer has incurred a loss due to the  
1657 fault of the insured.

1658 Section 37. Paragraph (a) of subsection (1) of section  
1659 626.989, Florida Statutes, is amended to read:

1660 626.989 Investigation by department or Division of  
1661 Investigative and Forensic Services; compliance; immunity;  
1662 confidential information; reports to division; division  
1663 investigator's power of arrest.-



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1664 (1) For the purposes of this section:  
1665 (a) A person commits a "fraudulent insurance act" if the  
1666 person:  
1667 1. Knowingly and with intent to defraud presents, causes to  
1668 be presented, or prepares with knowledge or belief that it will  
1669 be presented, to or by an insurer, self-insurer, self-insurance  
1670 fund, servicing corporation, purported insurer, broker, or any  
1671 agent thereof, any written statement as part of, or in support  
1672 of, an application for the issuance of, or the rating of, any  
1673 insurance policy, or a claim for payment or other benefit  
1674 pursuant to any insurance policy, which the person knows to  
1675 contain materially false information concerning any fact  
1676 material thereto or if the person conceals, for the purpose of  
1677 misleading another, information concerning any fact material  
1678 thereto.  
1679 2. Knowingly submits:  
1680 a. A false, misleading, or fraudulent application or other  
1681 document when applying for licensure as a health care clinic,  
1682 seeking an exemption from licensure as a health care clinic, or  
1683 demonstrating compliance with part X of chapter 400 with an  
1684 intent to use the license, exemption from licensure, or  
1685 demonstration of compliance to provide services or seek  
1686 reimbursement under a motor vehicle liability insurance policy's  
1687 medical payments coverage ~~the Florida Motor Vehicle No-Fault~~  
1688 ~~Law~~.  
1689 b. A claim for payment or other benefit under medical  
1690 payments coverage, ~~pursuant to a personal injury protection~~  
1691 ~~insurance policy under the Florida Motor Vehicle No-Fault Law~~ if  
1692 the person knows that the payee knowingly submitted a false,



1693 misleading, or fraudulent application or other document when  
1694 applying for licensure as a health care clinic, seeking an  
1695 exemption from licensure as a health care clinic, or  
1696 demonstrating compliance with part X of chapter 400.

1697 Section 38. Subsection (1) of section 627.06501, Florida  
1698 Statutes, is amended to read:

1699 627.06501 Insurance discounts for certain persons  
1700 completing driver improvement course.—

1701 (1) Any rate, rating schedule, or rating manual for the  
1702 liability, medical payments ~~personal injury protection~~, and  
1703 collision coverages of a motor vehicle insurance policy filed  
1704 with the office may provide for an appropriate reduction in  
1705 premium charges as to such coverages if when the principal  
1706 operator on the covered vehicle has successfully completed a  
1707 driver improvement course approved and certified by the  
1708 Department of Highway Safety and Motor Vehicles which is  
1709 effective in reducing crash or violation rates, or both, as  
1710 determined pursuant to s. 318.1451(5). Any discount, not to  
1711 exceed 10 percent, used by an insurer is presumed to be  
1712 appropriate unless credible data demonstrates otherwise.

1713 Section 39. Subsection (15) is added to section 627.0651,  
1714 Florida Statutes, to read:

1715 627.0651 Making and use of rates for motor vehicle  
1716 insurance.—

1717 (15) Initial rate filings for motor vehicle liability  
1718 policies which are submitted to the office on or after January  
1719 1, 2022, must reflect the financial responsibility requirements  
1720 in s. 324.022 then in effect and may be approved only through  
1721 the file and use process under s. 627.0651(1)(a).



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1722 Section 40. Subsection (1) of section 627.0652, Florida  
1723 Statutes, is amended to read:

1724 627.0652 Insurance discounts for certain persons completing  
1725 safety course.—

1726 (1) Any rates, rating schedules, or rating manuals for the  
1727 liability, medical payments ~~personal injury protection~~, and  
1728 collision coverages of a motor vehicle insurance policy filed  
1729 with the office must ~~shall~~ provide for an appropriate reduction  
1730 in premium charges as to such coverages if ~~when~~ the principal  
1731 operator on the covered vehicle is an insured 55 years of age or  
1732 older who has successfully completed a motor vehicle accident  
1733 prevention course approved by the Department of Highway Safety  
1734 and Motor Vehicles. Any discount used by an insurer is presumed  
1735 to be appropriate unless credible data demonstrates otherwise.

1736 Section 41. Subsections (1), (3), and (6) of section  
1737 627.0653, Florida Statutes, are amended to read:

1738 627.0653 Insurance discounts for specified motor vehicle  
1739 equipment.—

1740 (1) Any rates, rating schedules, or rating manuals for the  
1741 liability, medical payments ~~personal injury protection~~, and  
1742 collision coverages of a motor vehicle insurance policy filed  
1743 with the office must ~~shall~~ provide a premium discount if the  
1744 insured vehicle is equipped with factory-installed, four-wheel  
1745 antilock brakes.

1746 (3) Any rates, rating schedules, or rating manuals for  
1747 ~~personal injury protection coverage~~ and medical payments  
1748 coverage, ~~if offered~~, of a motor vehicle insurance policy filed  
1749 with the office must ~~shall~~ provide a premium discount if the  
1750 insured vehicle is equipped with one or more air bags that ~~which~~



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1751 are factory installed.

1752 (6) The Office of Insurance Regulation may approve a  
1753 premium discount to any rates, rating schedules, or rating  
1754 manuals for the liability, medical payments ~~personal injury~~  
1755 ~~protection~~, and collision coverages of a motor vehicle insurance  
1756 policy filed with the office if the insured vehicle is equipped  
1757 with an automated driving system or electronic vehicle collision  
1758 avoidance technology that is factory installed or a retrofitted  
1759 system and that complies with National Highway Traffic Safety  
1760 Administration standards.

1761 Section 42. Section 627.4132, Florida Statutes, is amended  
1762 to read:

1763 627.4132 Stacking of coverages prohibited.—If an insured or  
1764 named insured is protected by any type of motor vehicle  
1765 insurance policy for bodily injury and property damage  
1766 ~~liability, personal injury protection, or other coverage~~, the  
1767 policy must ~~shall~~ provide that the insured or named insured is  
1768 protected only to the extent of the coverage she or he has on  
1769 the vehicle involved in the accident. However, if none of the  
1770 insured's or named insured's vehicles are ~~is~~ involved in the  
1771 accident, coverage is available only to the extent of coverage  
1772 on any one of the vehicles with applicable coverage. Coverage on  
1773 any other vehicles may ~~shall~~ not be added to or stacked upon  
1774 that coverage. This section does not ~~apply~~:

1775 (1) Apply to uninsured motorist coverage that ~~which~~ is  
1776 separately governed by s. 627.727.

1777 (2) ~~To~~ Reduce the coverage available by reason of insurance  
1778 policies insuring different named insureds.

1779 Section 43. Subsection (1) of section 627.4137, Florida



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1780 Statutes, is amended to read:

1781 627.4137 Disclosure of certain information required.—

1782 (1) Each insurer which does or may provide liability  
1783 insurance coverage to pay all or a portion of any claim which  
1784 might be made shall provide, within 30 days of the written  
1785 request of the claimant or the claimant's attorney, a statement,  
1786 under oath, of a corporate officer or the insurer's claims  
1787 manager or superintendent setting forth the following  
1788 information with regard to each known policy of insurance,  
1789 including excess or umbrella insurance:

1790 (a) The name of the insurer.

1791 (b) The name of each insured.

1792 (c) The limits of the liability coverage.

1793 (d) A statement of any policy or coverage defense which  
1794 such insurer reasonably believes is available to such insurer at  
1795 the time of filing such statement.

1796 (e) A copy of the policy.

1797

1798 In addition, the insured, or her or his insurance agent, upon  
1799 written request of the claimant or the claimant's attorney,  
1800 shall disclose the name and coverage of each known insurer to  
1801 the claimant and shall forward such request for information as  
1802 required by this subsection to all affected insurers. The  
1803 insurer shall then supply the information required in this  
1804 subsection to the claimant within 30 days of receipt of such  
1805 request. If an insurer fails to timely comply with this section,  
1806 the claimant may file an action in a court of competent  
1807 jurisdiction to enforce this section. If the court determines  
1808 that the insurer violated this section, the claimant is entitled



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1809 to an award of reasonable attorney fees and costs to be paid by  
1810 the insurer.

1811 Section 44. Section 627.7263, Florida Statutes, is amended  
1812 to read:

1813 627.7263 Rental and leasing driver's insurance to be  
1814 primary; exception.—

1815 (1) The valid and collectible liability insurance and  
1816 medical payments coverage ~~or personal injury protection~~  
1817 ~~insurance providing coverage~~ for the lessor of a motor vehicle  
1818 for rent or lease is primary unless otherwise stated in at least  
1819 10-point type on the face of the rental or lease agreement. Such  
1820 insurance is primary for the limits of liability ~~and personal~~  
1821 ~~injury protection~~ coverage as required by s. 324.021(7) and the  
1822 medical payments coverage limit specified under s. 627.7265 ~~ss.~~  
1823 ~~324.021(7) and 627.736.~~

1824 (2) If the lessee's coverage is to be primary, the rental  
1825 or lease agreement must contain the following language, in at  
1826 least 10-point type:

1827  
1828 "The valid and collectible liability insurance and medical  
1829 payments coverage ~~personal injury protection insurance~~ of an ~~any~~  
1830 authorized rental or leasing driver is primary for the limits of  
1831 liability ~~and personal injury protection~~ coverage required under  
1832 section 324.021(7), Florida Statutes, and the medical payments  
1833 coverage limit specified under section 627.7265 ~~by ss.~~  
1834 ~~324.021(7) and 627.736, Florida Statutes."~~

1835 Section 45. Section 627.7265, Florida Statutes, is created  
1836 to read:

1837 627.7265 Motor vehicle insurance; medical payments





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1838 coverage.-

1839 (1) Medical payments coverage must protect the named  
1840 insured, resident relatives, persons operating the insured motor  
1841 vehicle, passengers in the insured motor vehicle, and persons  
1842 who are struck by the insured motor vehicle and suffer bodily  
1843 injury while not an occupant of a self-propelled motor vehicle  
1844 at a limit of at least \$5,000 for medical expense incurred due  
1845 to bodily injury, sickness, or disease arising out of the  
1846 ownership, maintenance, or use of a motor vehicle. Medical  
1847 payments coverage must pay for reasonable expenses for necessary  
1848 medical, diagnostic, and rehabilitative services that are  
1849 lawfully provided, supervised, ordered, or prescribed by a  
1850 physician licensed under chapter 458 or chapter 459, by a  
1851 dentist licensed under chapter 466, or by a chiropractic  
1852 physician licensed under chapter 460 or that are provided in a  
1853 hospital or in a facility that owns, or is wholly owned by, a  
1854 hospital. The coverage must provide an additional death benefit  
1855 of at least \$5,000.

1856 (a) Before issuing a motor vehicle liability insurance  
1857 policy that is furnished as proof of financial responsibility  
1858 under s. 324.031, the insurer must offer medical payments  
1859 coverage at limits of \$5,000 and \$10,000. The insurer may also  
1860 offer medical payments coverage at any limit greater than  
1861 \$5,000.

1862 (b) The medical payments coverage must be offered with an  
1863 option with no deductible. The insurer may also offer medical  
1864 payments coverage with a deductible not to exceed \$500.

1865 (c) This section may not be construed to limit any other  
1866 coverage made available by an insurer.



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1867           (2) Upon receiving notice of an accident that is  
1868 potentially covered by medical payments coverage benefits, the  
1869 insurer must reserve \$5,000 of medical payments coverage  
1870 benefits for payment to physicians licensed under chapter 458 or  
1871 chapter 459 or dentists licensed under chapter 466 who provide  
1872 emergency services and care, as defined in s. 395.002, or who  
1873 provide hospital inpatient care. The amount required to be held  
1874 in reserve may be used only to pay claims from such physicians  
1875 or dentists until 30 days after the date the insurer receives  
1876 notice of the accident. After the 30-day period, any amount of  
1877 the reserve for which the insurer has not received notice of  
1878 such claims may be used by the insurer to pay other claims. This  
1879 subsection does not require an insurer to establish a claim  
1880 reserve for insurance accounting purposes.

1881           (3) An insurer providing medical payments coverage benefits  
1882 may not:

1883           (a) Seek a lien on any recovery in tort by judgment,  
1884 settlement, or otherwise for medical payments coverage benefits,  
1885 regardless of whether suit has been filed or settlement has been  
1886 reached without suit; or

1887           (b) Bring a cause of action against a person to whom or for  
1888 whom medical payments coverage benefits were paid, except when  
1889 medical payments coverage benefits were paid by reason of fraud  
1890 committed by that person.

1891           (4) An insurer providing medical payments coverage may  
1892 include provisions in its policy allowing for subrogation for  
1893 medical payments coverage benefits paid if the expenses giving  
1894 rise to the payments were caused by the wrongful act or omission  
1895 of another who is not also an insured under the policy paying



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1896 the medical payments coverage benefits. However, this  
1897 subrogation right is inferior to the rights of the injured  
1898 insured and is available only after all the insured's damages  
1899 are recovered and the insured is made whole. An insured who  
1900 obtains a recovery from a third party of the full amount of the  
1901 damages sustained and delivers a release or satisfaction that  
1902 impairs a medical payments insurer's subrogation right is liable  
1903 to the insurer for repayment of medical payments coverage  
1904 benefits less any expenses of acquiring the recovery, including  
1905 a prorated share of attorney fees and costs, and shall hold that  
1906 net recovery in trust to be delivered to the medical payments  
1907 insurer. The insurer may not include any provision in its policy  
1908 allowing for subrogation for any death benefit paid.

1909 Section 46. Subsections (1) and (7) of section 627.727,  
1910 Florida Statutes, are amended to read:

1911 627.727 Motor vehicle insurance; uninsured and underinsured  
1912 vehicle coverage; insolvent insurer protection.-

1913 (1) A ~~No~~ motor vehicle liability insurance policy that  
1914 ~~which~~ provides bodily injury liability coverage may not shall be  
1915 delivered or issued for delivery in this state with respect to  
1916 any specifically insured or identified motor vehicle registered  
1917 or principally garaged in this state, unless uninsured motor  
1918 vehicle coverage is provided therein or supplemental thereto for  
1919 the protection of persons insured thereunder who are legally  
1920 entitled to recover damages from owners or operators of  
1921 uninsured motor vehicles because of bodily injury, sickness, or  
1922 disease, including death, resulting therefrom. However, the  
1923 coverage required under this section is not applicable if when,  
1924 or to the extent that, an insured named in the policy makes a



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1925 written rejection of the coverage on behalf of all insureds  
1926 under the policy. If ~~When~~ a motor vehicle is leased for a ~~period~~  
1927 ~~of~~ 1 year or longer and the lessor of such vehicle, by the terms  
1928 of the lease contract, provides liability coverage on the leased  
1929 vehicle, the lessee of such vehicle has ~~shall have~~ the sole  
1930 privilege to reject uninsured motorist coverage or to select  
1931 lower limits than the bodily injury liability limits, regardless  
1932 of whether the lessor is qualified as a self-insurer pursuant to  
1933 s. 324.171. Unless an insured, or a lessee having the privilege  
1934 of rejecting uninsured motorist coverage, requests such coverage  
1935 or requests higher uninsured motorist limits in writing, the  
1936 coverage or such higher uninsured motorist limits need not be  
1937 provided in or supplemental to any other policy that ~~which~~  
1938 renews, extends, changes, supersedes, or replaces an existing  
1939 policy with the same bodily injury liability limits when an  
1940 insured or lessee had rejected the coverage. When an insured or  
1941 lessee has initially selected limits of uninsured motorist  
1942 coverage lower than her or his bodily injury liability limits,  
1943 higher limits of uninsured motorist coverage need not be  
1944 provided in or supplemental to any other policy that ~~which~~  
1945 renews, extends, changes, supersedes, or replaces an existing  
1946 policy with the same bodily injury liability limits unless an  
1947 insured requests higher uninsured motorist coverage in writing.  
1948 The rejection or selection of lower limits must ~~shall~~ be made on  
1949 a form approved by the office. The form must ~~shall~~ fully advise  
1950 the applicant of the nature of the coverage and must ~~shall~~ state  
1951 that the coverage is equal to bodily injury liability limits  
1952 unless lower limits are requested or the coverage is rejected.  
1953 The heading of the form must ~~shall~~ be in 12-point bold type and



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1954 must ~~shall~~ state: "You are electing not to purchase certain  
1955 valuable coverage that ~~which~~ protects you and your family or you  
1956 are purchasing uninsured motorist limits less than your bodily  
1957 injury liability limits when you sign this form. Please read  
1958 carefully." If this form is signed by a named insured, it will  
1959 be conclusively presumed that there was an informed, knowing  
1960 rejection of coverage or election of lower limits on behalf of  
1961 all insureds. The insurer shall notify the named insured at  
1962 least annually of her or his options as to the coverage required  
1963 by this section. Such notice must ~~shall~~ be part of, and attached  
1964 to, the notice of premium, must ~~shall~~ provide for a means to  
1965 allow the insured to request such coverage, and must ~~shall~~ be  
1966 given in a manner approved by the office. Receipt of this notice  
1967 does not constitute an affirmative waiver of the insured's right  
1968 to uninsured motorist coverage if ~~where~~ the insured has not  
1969 signed a selection or rejection form. The coverage described  
1970 under this section must ~~shall~~ be over and above, but may ~~shall~~  
1971 not duplicate, the benefits available to an insured under any  
1972 workers' compensation law, ~~personal injury protection benefits,~~  
1973 disability benefits law, or similar law; under any automobile  
1974 medical payments ~~expense~~ coverage; under any motor vehicle  
1975 liability insurance coverage; or from the owner or operator of  
1976 the uninsured motor vehicle or any other person or organization  
1977 jointly or severally liable together with such owner or operator  
1978 for the accident,~~+~~ and such coverage must ~~shall~~ cover the  
1979 difference, if any, between the sum of such benefits and the  
1980 damages sustained, up to the maximum amount of such coverage  
1981 provided under this section. The amount of coverage available  
1982 under this section may ~~shall~~ not be reduced by a setoff against



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1983 any coverage, including liability insurance. Such coverage does  
1984 ~~shall~~ not inure directly or indirectly to the benefit of any  
1985 workers' compensation or disability benefits carrier or any  
1986 person or organization qualifying as a self-insurer under any  
1987 workers' compensation or disability benefits law or similar law.

1988 (7) The legal liability of an uninsured motorist coverage  
1989 insurer includes ~~does not include~~ damages in tort for pain,  
1990 suffering, disability or physical impairment, disfigurement,  
1991 mental anguish, and inconvenience, and the loss of capacity for  
1992 the enjoyment of life experienced in the past and to be  
1993 experienced in the future unless the injury or disease is  
1994 described in one or more of paragraphs (a) - (d) of s. 627.737(2).

1995 Section 47. Section 627.7275, Florida Statutes, is amended  
1996 to read:

1997 627.7275 Motor vehicle liability.-

1998 (1) A motor vehicle insurance policy ~~providing personal~~  
1999 ~~injury protection as set forth in s. 627.736 may not be~~  
2000 delivered or issued for delivery in this state for a with  
2001 ~~respect to any~~ specifically insured or identified motor vehicle  
2002 registered or principally garaged in this state must provide  
2003 bodily injury liability coverage and unless the policy also  
2004 ~~provides coverage for~~ property damage liability coverage as  
2005 required under ~~by~~ s. 324.022.

2006 (2) (a) Insurers writing motor vehicle insurance in this  
2007 state shall make available, subject to the insurers' usual  
2008 underwriting restrictions:

2009 1. Coverage under policies as described in subsection (1)  
2010 to an applicant for private passenger motor vehicle insurance  
2011 coverage who is seeking the coverage in order to reinstate the



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2012 applicant's driving privileges in this state if the driving  
2013 privileges were revoked or suspended pursuant to s. 316.646 or  
2014 s. 324.0221 due to the failure of the applicant to maintain  
2015 required security.

2016       2. Coverage under policies as described in subsection (1),  
2017 which includes bodily injury ~~also provides~~ liability coverage  
2018 and property damage liability coverage, for bodily injury,  
2019 ~~death, and property damage arising out of the ownership,~~  
2020 ~~maintenance, or use of the motor vehicle~~ in an amount not less  
2021 than the minimum limits required under ~~described in~~ s.  
2022 324.021(7) or s. 324.023 and which conforms to the requirements  
2023 of s. 324.151, to an applicant for private passenger motor  
2024 vehicle insurance coverage who is seeking the coverage in order  
2025 to reinstate the applicant's driving privileges in this state  
2026 after such privileges were revoked or suspended under s. 316.193  
2027 or s. 322.26(2) for driving under the influence.

2028       3. Coverage that provides bodily injury liability coverage  
2029 and property damage liability coverage in the amounts specified  
2030 in s. 324.022(1)(c). An insurer may only deliver or issue for  
2031 delivery a policy providing such coverage to an applicant or  
2032 insured who, before the issuance or renewal of the policy,  
2033 represents to the insurer in writing or electronically that such  
2034 person:

2035       a. Has a household income that is 200 percent or less of  
2036 the most current federal poverty guidelines established by the  
2037 United States Department of Health and Human Services. An  
2038 insurer must, before accepting such representation, provide  
2039 written or electronic notice to the applicant or insured  
2040 regarding the dollar amounts that constitute a household income



2041 that is 200 percent of the most current federal poverty  
2042 guidelines. An insurer is not required to verify the veracity of  
2043 the applicant's or insured's representation. However, an insurer  
2044 may not deny or exclude liability coverage under the policy  
2045 solely because such representation of the applicant or insured  
2046 was false.

2047 b. Meets the definition of a full-time student in a  
2048 secondary education program under s. 1011.61(1)(a), or meets the  
2049 definition of a full-time student in a postsecondary education  
2050 program under s. 1009.40. An insurer must, before accepting such  
2051 representation, provide written or electronic notice to the  
2052 applicant or insured regarding the number of educational hours  
2053 that meet the definition of a full-time student. An insurer is  
2054 not required to verify the veracity of the applicant's or  
2055 insured's representation. However, an insurer may not deny or  
2056 exclude liability coverage under the policy solely because such  
2057 representation of the applicant or insured was false.

2058 (b) The policies described in subparagraphs (a)1. and (a)2.  
2059 must ~~paragraph (a) shall~~ be issued for at least 6 months and, as  
2060 to the minimum coverages required under this section, may not be  
2061 canceled by the insured for any reason or by the insurer after  
2062 60 days, during which period the insurer is completing the  
2063 underwriting of the policy. After the insurer has completed  
2064 underwriting the policy, the insurer shall notify the Department  
2065 of Highway Safety and Motor Vehicles that the policy is in full  
2066 force and effect and is not cancelable for the remainder of the  
2067 policy period. A premium must ~~shall~~ be collected and the  
2068 coverage is in effect for the 60-day period during which the  
2069 insurer is completing the underwriting of the policy, whether or





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2070 not the person's driver license, motor vehicle tag, and motor  
2071 vehicle registration are in effect. Once the noncancelable  
2072 provisions of the policy become effective, the bodily injury  
2073 liability and property damage liability coverages ~~for bodily~~  
2074 ~~injury, property damage, and personal injury protection~~ may not  
2075 be reduced below the minimum limits required under s. 324.021 or  
2076 s. 324.023 during the policy period.

2077 (c) This subsection controls to the extent of any conflict  
2078 with any other section.

2079 (d) An insurer issuing a policy subject to this section may  
2080 cancel the policy if, during the policy term, the named insured,  
2081 or any other operator who resides in the same household or  
2082 customarily operates an automobile insured under the policy, has  
2083 his or her driver license suspended or revoked.

2084 (e) This subsection does not require an insurer to offer a  
2085 policy of insurance to an applicant if such offer would be  
2086 inconsistent with the insurer's underwriting guidelines and  
2087 procedures.

2088 Section 48. Effective upon this act becoming a law, section  
2089 627.7278, Florida Statutes, is created to read:

2090 627.7278 Applicability and construction; notice to  
2091 policyholders.-

2092 (1) As used in this section, the term "minimum security  
2093 requirements" means security that enables a person to respond in  
2094 damages for liability on account of crashes arising out of the  
2095 ownership, maintenance, or use of a motor vehicle, in the  
2096 amounts required by s. 324.022(1), as amended by this act.

2097 (2) Effective January 1, 2022:

2098 (a) Motor vehicle insurance policies issued or renewed on



2099 or after that date may not include personal injury protection.

2100 (b) All persons subject to s. 324.022, s. 324.032, s.  
2101 627.7415, or s. 627.742 must maintain at least minimum security  
2102 requirements.

2103 (c) Any new or renewal motor vehicle insurance policy  
2104 delivered or issued for delivery in this state must provide  
2105 coverage that complies with minimum security requirements.

2106 (d) An existing motor vehicle insurance policy issued  
2107 before that date which provides personal injury protection and  
2108 property damage liability coverage that meets the requirements  
2109 of s. 324.022 on December 31, 2021, but which does not meet  
2110 minimum security requirements on or after January 1, 2022, is  
2111 deemed to meet minimum security requirements until such policy  
2112 is renewed, nonrenewed, or canceled on or after January 1, 2022.  
2113 Sections 627.730-627.7405, 400.9905, 400.991, 456.057, 456.072,  
2114 627.7263, 627.727, 627.748, 627.9541(1)(i), and 817.234, Florida  
2115 Statutes 2020, remain in full force and effect for motor vehicle  
2116 accidents covered under a policy issued under the Florida Motor  
2117 Vehicle No-Fault Law before January 1, 2022, until the policy is  
2118 renewed, nonrenewed, or canceled.

2119 (3) Each insurer shall allow each insured who has a new or  
2120 renewal policy providing personal injury protection which  
2121 becomes effective before January 1, 2022, and whose policy does  
2122 not meet minimum security requirements on or after January 1,  
2123 2022, to change coverages so as to eliminate personal injury  
2124 protection and obtain coverage providing minimum security  
2125 requirements, which shall be effective on or after January 1,  
2126 2022. The insurer is not required to provide coverage complying  
2127 with minimum security requirements in such policies if the



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2128 insured does not pay the required premium, if any, by January 1,  
2129 2022, or such later date as the insurer may allow. The insurer  
2130 also shall offer each insured medical payments coverage pursuant  
2131 to s. 627.7265. Any reduction in the premium must be refunded by  
2132 the insurer. The insurer may not impose on the insured an  
2133 additional fee or charge that applies solely to a change in  
2134 coverage; however, the insurer may charge an additional required  
2135 premium that is actuarially indicated.

2136 (4) By September 1, 2021, each motor vehicle insurer shall  
2137 provide notice of this section to each motor vehicle  
2138 policyholder who is subject to this section. The notice is  
2139 subject to approval by the office and must clearly inform the  
2140 policyholder that:

2141 (a) The Florida Motor Vehicle No-Fault Law is repealed  
2142 effective January 1, 2022, and that on or after that date, the  
2143 insured is no longer required to maintain personal injury  
2144 protection insurance coverage, that personal injury protection  
2145 coverage is no longer available for purchase in this state, and  
2146 that all new or renewal policies issued on or after that date  
2147 will not contain that coverage.

2148 (b) Effective January 1, 2022, a person subject to the  
2149 financial responsibility requirements of s. 324.022 must  
2150 maintain minimum security requirements that enable the person to  
2151 respond to damages for liability on account of accidents arising  
2152 out of the use of a motor vehicle in the following amounts:

2153 1. Twenty-five thousand dollars for bodily injury to, or  
2154 the death of, one person in any one crash and, subject to such  
2155 limits for one person, in the amount of \$50,000 for bodily  
2156 injury to, or the death of, two or more persons in any one



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2157 crash; and  
2158 2. Ten thousand dollars for damage to, or destruction of,  
2159 the property of others in any one crash.  
2160 (c) Persons subject to the financial responsibility  
2161 requirements of s. 324.022 who have a household income of 200  
2162 percent or less of the federal poverty guidelines or who are  
2163 full-time secondary or postsecondary students may instead  
2164 maintain minimum security requirements that enable the person to  
2165 respond to damages for liability on account of accidents arising  
2166 out of the use of a motor vehicle in the following amounts:  
2167 1. Fifteen thousand dollars for bodily injury to, or the  
2168 death of, one person in any one crash and, subject to such  
2169 limits for one person, in the amount of \$30,000 for bodily  
2170 injury to, or the death of, two or more persons in any one  
2171 crash; and  
2172 2. Ten thousand dollars for damage to, or destruction of,  
2173 the property of others in any one crash.  
2174 (d) Bodily injury liability coverage protects the insured,  
2175 up to the coverage limits, against loss if the insured is  
2176 legally responsible for the death of or bodily injury to others  
2177 in a motor vehicle accident.  
2178 (e) Effective January 1, 2022, each policyholder of motor  
2179 vehicle liability insurance purchased as proof of financial  
2180 responsibility must be offered medical payments coverage  
2181 benefits that comply with s. 627.7265. The insurer must offer  
2182 medical payments coverage at limits of \$5,000 and \$10,000  
2183 without a deductible. The insurer may also offer medical  
2184 payments coverage at other limits greater than \$5,000, and may  
2185 offer coverage with a deductible of up to \$500. Medical payments



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2186 coverage pays covered medical expenses, up to the limits of such  
2187 coverage, for injuries sustained in a motor vehicle crash by the  
2188 named insured, resident relatives, persons operating the insured  
2189 motor vehicle, passengers in the insured motor vehicle, and  
2190 persons who are struck by the insured motor vehicle and suffer  
2191 bodily injury while not an occupant of a self-propelled motor  
2192 vehicle as provided in s. 627.7265. Medical payments coverage  
2193 pays for reasonable expenses for necessary medical, diagnostic,  
2194 and rehabilitative services that are lawfully provided,  
2195 supervised, ordered, or prescribed by a physician licensed under  
2196 chapter 458 or chapter 459, by a dentist licensed under chapter  
2197 466, or by a chiropractic physician licensed under chapter 460  
2198 or that are provided in a hospital or in a facility that owns,  
2199 or is wholly owned by, a hospital. Medical payments coverage  
2200 also provides a death benefit of at least \$5,000.

2201 (f) The policyholder may obtain uninsured and underinsured  
2202 motorist coverage, which provides benefits, up to the limits of  
2203 such coverage, to a policyholder or other insured entitled to  
2204 recover damages for bodily injury, sickness, disease, or death  
2205 resulting from a motor vehicle accident with an uninsured or  
2206 underinsured owner or operator of a motor vehicle.

2207 (g) If the policyholder's new or renewal motor vehicle  
2208 insurance policy is effective before January 1, 2022, and  
2209 contains personal injury protection and property damage  
2210 liability coverage as required by state law before January 1,  
2211 2022, but does not meet minimum security requirements on or  
2212 after January 1, 2022, the policy is deemed to meet minimum  
2213 security requirements until it is renewed, nonrenewed, or  
2214 canceled on or after January 1, 2022.



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2215           (h) A policyholder whose new or renewal policy becomes  
2216 effective before January 1, 2022, but does not meet minimum  
2217 security requirements on or after January 1, 2022, may change  
2218 coverages under the policy so as to eliminate personal injury  
2219 protection and to obtain coverage providing minimum security  
2220 requirements, including bodily injury liability coverage, which  
2221 are effective on or after January 1, 2022.

2222           (i) If the policyholder has any questions, he or she should  
2223 contact the person named at the telephone number provided in the  
2224 notice.

2225           Section 49. Paragraph (a) of subsection (1) of section  
2226 627.728, Florida Statutes, is amended to read:

2227           627.728 Cancellations; nonrenewals.—

2228           (1) As used in this section, the term:

2229           (a) "Policy" means the bodily injury and property damage  
2230 liability, ~~personal injury protection~~, medical payments,  
2231 comprehensive, collision, and uninsured motorist coverage  
2232 portions of a policy of motor vehicle insurance delivered or  
2233 issued for delivery in this state:

2234           1. Insuring a natural person as named insured or one or  
2235 more related individuals who are residents ~~resident~~ of the same  
2236 household; and

2237           2. Insuring only a motor vehicle of the private passenger  
2238 type or station wagon type which is not used as a public or  
2239 livery conveyance for passengers or rented to others; or  
2240 insuring any other four-wheel motor vehicle having a load  
2241 capacity of 1,500 pounds or less which is not used in the  
2242 occupation, profession, or business of the insured other than  
2243 farming; other than any policy issued under an automobile



2244 insurance assigned risk plan or covering garage, automobile  
2245 sales agency, repair shop, service station, or public parking  
2246 place operation hazards.

2247  
2248 The term "policy" does not include a binder as defined in  
2249 s. 627.420 unless the duration of the binder period exceeds 60  
2250 days.

2251 Section 50. Section 627.7288, Florida Statutes, is amended  
2252 to read:

2253 627.7288 Comprehensive coverage; deductibles for deductible  
2254 ~~not to apply to~~ motor vehicle glass.-

2255 (1) Authorized insurers must offer motor vehicle insurance  
2256 that does not apply any ~~The~~ deductible provisions of the any  
2257 policy of motor vehicle insurance, delivered or issued in this  
2258 state by an authorized insurer, providing to comprehensive  
2259 coverage or combined additional coverage that is ~~shall not be~~  
2260 applicable to damage to the windshield of any motor vehicle  
2261 covered under such policy.

2262 (2) An insurer may also offer, for an actuarially  
2263 reasonable premium credit or discount, a separate deductible no  
2264 greater than \$200 for damage to the windshield of any motor  
2265 vehicle covered under a motor vehicle insurance policy delivered  
2266 or issued by the insurer in this state.

2267 Section 51. Subsection (1), paragraph (a) of subsection  
2268 (5), and subsections (6) and (7) of section 627.7295, Florida  
2269 Statutes, are amended to read:

2270 627.7295 Motor vehicle insurance contracts.-

2271 (1) As used in this section, the term:

2272 (a) "Policy" means a motor vehicle insurance policy that



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2273 provides bodily injury liability ~~personal injury protection~~  
2274 coverage ~~and~~, property damage liability coverage, ~~or both~~.

2275 (b) "Binder" means a binder that provides motor vehicle  
2276 bodily injury liability coverage ~~personal injury protection~~ and  
2277 property damage liability coverage.

2278 (5) (a) A licensed general lines agent may charge a per-  
2279 policy fee of up to not to exceed \$10 to cover the  
2280 administrative costs of the agent associated with selling the  
2281 motor vehicle insurance policy if the policy covers only bodily  
2282 injury liability coverage ~~personal injury protection coverage as~~  
2283 ~~provided by s. 627.736~~ and property damage liability coverage as  
2284 provided by s. 627.7275 and if no other insurance is sold or  
2285 issued in conjunction with or collateral to the policy. The fee  
2286 is not ~~considered~~ part of the premium.

2287 (6) If a motor vehicle owner's driver license, license  
2288 plate, and registration have previously been suspended pursuant  
2289 to s. 316.646 ~~or s. 627.733~~, an insurer may cancel a new policy  
2290 only as provided in s. 627.7275.

2291 (7) A policy of private passenger motor vehicle insurance  
2292 or a binder for such a policy may be initially issued in this  
2293 state only if, before the effective date of such binder or  
2294 policy, the insurer or agent has collected from the insured an  
2295 amount equal to at least 1 month's premium. An insurer, agent,  
2296 or premium finance company may not, directly or indirectly, take  
2297 any action that results ~~resulting~~ in the insured paying ~~having~~  
2298 ~~paid~~ from the insured's own funds an amount less than the 1  
2299 month's premium required by this subsection. This subsection  
2300 applies without regard to whether the premium is financed by a  
2301 premium finance company or is paid pursuant to a periodic





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2302 payment plan of an insurer or an insurance agent.

2303 (a) This subsection does not apply:

2304 1. If an insured or member of the insured's family is  
2305 renewing or replacing a policy or a binder for such policy  
2306 written by the same insurer or a member of the same insurer  
2307 group. ~~This subsection does not apply~~

2308 2. To an insurer that issues private passenger motor  
2309 vehicle coverage primarily to active duty or former military  
2310 personnel or their dependents. ~~This subsection does not apply~~

2311 3. If all policy payments are paid pursuant to a payroll  
2312 deduction plan, an automatic electronic funds transfer payment  
2313 plan from the policyholder, or a recurring credit card or debit  
2314 card agreement with the insurer.

2315 (b) This subsection and subsection (4) do not apply if:

2316 1. All policy payments to an insurer are paid pursuant to  
2317 an automatic electronic funds transfer payment plan from an  
2318 agent, a managing general agent, or a premium finance company  
2319 and if the policy includes, at a minimum, bodily injury  
2320 liability coverage and ~~personal injury protection pursuant to~~  
2321 ~~ss. 627.730-627.7405; motor vehicle property damage liability~~  
2322 coverage pursuant to s. 627.7275; or ~~and bodily injury liability~~  
2323 ~~in at least the amount of \$10,000 because of bodily injury to,~~  
2324 ~~or death of, one person in any one accident and in the amount of~~  
2325 ~~\$20,000 because of bodily injury to, or death of, two or more~~  
2326 ~~persons in any one accident. This subsection and subsection (4)~~  
2327 ~~do not apply if~~

2328 2. An insured has had a policy in effect for at least 6  
2329 months, the insured's agent is terminated by the insurer that  
2330 issued the policy, and the insured obtains coverage on the



2331 policy's renewal date with a new company through the terminated  
2332 agent.

2333 Section 52. Section 627.7415, Florida Statutes, is amended  
2334 to read:

2335 627.7415 Commercial motor vehicles; additional liability  
2336 insurance coverage.—Beginning January 1, 2022, commercial motor  
2337 vehicles, as defined in s. 207.002 or s. 320.01, operated upon  
2338 the roads and highways of this state must ~~shall~~ be insured with  
2339 the following minimum levels of combined bodily liability  
2340 insurance and property damage liability insurance in addition to  
2341 any other insurance requirements:

2342 (1) Sixty ~~Fifty~~ thousand dollars per occurrence for a  
2343 commercial motor vehicle with a gross vehicle weight of 26,000  
2344 pounds or more, but less than 35,000 pounds.

2345 (2) One hundred twenty thousand dollars per occurrence for  
2346 a commercial motor vehicle with a gross vehicle weight of 35,000  
2347 pounds or more, but less than 44,000 pounds.

2348 (3) Three hundred thousand dollars per occurrence for a  
2349 commercial motor vehicle with a gross vehicle weight of 44,000  
2350 pounds or more.

2351 (4) All commercial motor vehicles subject to regulations of  
2352 the United States Department of Transportation, 49 C.F.R. part  
2353 387, subpart A, and as may be hereinafter amended, shall be  
2354 insured in an amount equivalent to the minimum levels of  
2355 financial responsibility as set forth in such regulations.

2356  
2357 A violation of this section is a noncriminal traffic  
2358 infraction, punishable as a nonmoving violation as provided in  
2359 chapter 318.



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2360 Section 53. Section 627.747, Florida Statutes, is created  
2361 to read:

2362 627.747 Named driver exclusion.-

2363 (1) A private passenger motor vehicle policy may exclude an  
2364 identified individual from the following coverages while the  
2365 identified individual is operating a motor vehicle, provided  
2366 that the identified individual is specifically excluded by name  
2367 on the declarations page or by endorsement, and the policyholder  
2368 consents in writing to the exclusion:

2369 (a) Property damage liability coverage.

2370 (b) Bodily injury liability coverage.

2371 (c) Uninsured motorist coverage for any damages sustained  
2372 by the identified excluded individual, if the policyholder has  
2373 purchased such coverage.

2374 (d) Any coverage the policyholder is not required by law to  
2375 purchase.

2376 (2) A private passenger motor vehicle policy may not  
2377 exclude coverage when:

2378 (a) The identified excluded individual is injured while not  
2379 operating a motor vehicle;

2380 (b) The exclusion is unfairly discriminatory under the  
2381 Florida Insurance Code, as determined by the office; or

2382 (c) The exclusion is inconsistent with the underwriting  
2383 rules filed by the insurer pursuant to s. 627.0651(13)(a).

2384 Section 54. Paragraphs (b), (c), and (g) of subsection (7),  
2385 paragraphs (a) and (b) of subsection (8), and paragraph (b) of  
2386 subsection (16) of section 627.748, Florida Statutes, are  
2387 amended to read:

2388 627.748 Transportation network companies.-



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2389 (7) TRANSPORTATION NETWORK COMPANY AND TNC DRIVER INSURANCE  
2390 REQUIREMENTS.—

2391 (b) The following automobile insurance requirements apply  
2392 while a participating TNC driver is logged on to the digital  
2393 network but is not engaged in a prearranged ride:

2394 1. Automobile insurance that provides:

2395 a. A primary automobile liability coverage of at least  
2396 \$50,000 for death and bodily injury per person, \$100,000 for  
2397 death and bodily injury per incident, and \$25,000 for property  
2398 damage; and

2399 ~~b. Personal injury protection benefits that meet the~~  
2400 ~~minimum coverage amounts required under ss. 627.730-627.7405;~~  
2401 ~~and~~

2402 ~~e.~~ Uninsured and underinsured vehicle coverage as required  
2403 by s. 627.727.

2404 2. The coverage requirements of this paragraph may be  
2405 satisfied by any of the following:

2406 a. Automobile insurance maintained by the TNC driver or the  
2407 TNC vehicle owner;

2408 b. Automobile insurance maintained by the TNC; or

2409 c. A combination of sub-subparagraphs a. and b.

2410 (c) The following automobile insurance requirements apply  
2411 while a TNC driver is engaged in a prearranged ride:

2412 1. Automobile insurance that provides:

2413 a. A primary automobile liability coverage of at least \$1  
2414 million for death, bodily injury, and property damage; and

2415 ~~b. Personal injury protection benefits that meet the~~  
2416 ~~minimum coverage amounts required of a limousine under ss.~~  
2417 ~~627.730-627.7405; and~~



2418           ~~e.~~ Uninsured and underinsured vehicle coverage as required  
2419 by s. 627.727.

2420           2. The coverage requirements of this paragraph may be  
2421 satisfied by any of the following:

2422           a. Automobile insurance maintained by the TNC driver or the  
2423 TNC vehicle owner;

2424           b. Automobile insurance maintained by the TNC; or

2425           c. A combination of sub-subparagraphs a. and b.

2426           (g) Insurance satisfying the requirements under this  
2427 subsection is deemed to satisfy the financial responsibility  
2428 requirement for a motor vehicle under chapter 324 ~~and the~~  
2429 ~~security required under s. 627.733~~ for any period when the TNC  
2430 driver is logged onto the digital network or engaged in a  
2431 prearranged ride.

2432           (8) TRANSPORTATION NETWORK COMPANY AND INSURER; DISCLOSURE;  
2433 EXCLUSIONS.—

2434           (a) Before a TNC driver is allowed to accept a request for  
2435 a prearranged ride on the digital network, the TNC must disclose  
2436 in writing to the TNC driver:

2437           1. The insurance coverage, including the types of coverage  
2438 and the limits for each coverage, which the TNC provides while  
2439 the TNC driver uses a TNC vehicle in connection with the TNC's  
2440 digital network.

2441           2. That the TNC driver's own automobile insurance policy  
2442 might not provide any coverage while the TNC driver is logged on  
2443 to the digital network or is engaged in a prearranged ride,  
2444 depending on the terms of the TNC driver's own automobile  
2445 insurance policy.

2446           3. That the provision of rides for compensation which are



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2447 not prearranged rides subjects the driver to the coverage  
2448 requirements imposed under s. 324.032(1) and (2) and that  
2449 failure to meet such coverage requirements subjects the TNC  
2450 driver to penalties provided in s. 324.221, up to and including  
2451 a misdemeanor of the second degree.

2452 (b)1. An insurer that provides an automobile liability  
2453 insurance policy under this part may exclude any and all  
2454 coverage afforded under the policy issued to an owner or  
2455 operator of a TNC vehicle while driving that vehicle for any  
2456 loss or injury that occurs while a TNC driver is logged on to a  
2457 digital network or while a TNC driver provides a prearranged  
2458 ride. Exclusions imposed under this subsection are limited to  
2459 coverage while a TNC driver is logged on to a digital network or  
2460 while a TNC driver provides a prearranged ride. This right to  
2461 exclude all coverage may apply to any coverage included in an  
2462 automobile insurance policy, including, but not limited to:

- 2463 a. Liability coverage for bodily injury and property  
2464 damage;  
2465 b. Uninsured and underinsured motorist coverage;  
2466 c. Medical payments coverage;  
2467 d. Comprehensive physical damage coverage; and  
2468 e. Collision physical damage coverage; ~~and~~  
2469 ~~f. Personal injury protection.~~

2470 2. The exclusions described in subparagraph 1. apply  
2471 notwithstanding any requirement under chapter 324. These  
2472 exclusions do not affect or diminish coverage otherwise  
2473 available for permissive drivers or resident relatives under the  
2474 personal automobile insurance policy of the TNC driver or owner  
2475 of the TNC vehicle who are not occupying the TNC vehicle at the



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2476 time of loss. This section does not require that a personal  
2477 automobile insurance policy provide coverage while the TNC  
2478 driver is logged on to a digital network, while the TNC driver  
2479 is engaged in a prearranged ride, or while the TNC driver  
2480 otherwise uses a vehicle to transport riders for compensation.

2481 3. This section must not be construed to require an insurer  
2482 to use any particular policy language or reference to this  
2483 section in order to exclude any and all coverage for any loss or  
2484 injury that occurs while a TNC driver is logged on to a digital  
2485 network or while a TNC driver provides a prearranged ride.

2486 4. This section does not preclude an insurer from providing  
2487 primary or excess coverage for the TNC driver's vehicle by  
2488 contract or endorsement.

2489 (16) LUXURY GROUND TRANSPORTATION NETWORK COMPANIES.—

2490 (b) An entity may elect, upon written notification to the  
2491 department, to be regulated as a luxury ground TNC. A luxury  
2492 ground TNC must:

2493 1. Comply with all of the requirements of this section  
2494 applicable to a TNC, including subsection (17), which do not  
2495 conflict with subparagraph 2. or which do not prohibit the  
2496 company from connecting riders to drivers who operate for-hire  
2497 vehicles as defined in s. 320.01(15), including limousines and  
2498 luxury sedans and excluding taxicabs.

2499 2. Maintain insurance coverage as required by subsection  
2500 (7). However, if a prospective luxury ground TNC satisfies  
2501 minimum financial responsibility through compliance with s.  
2502 324.032(3) ~~s. 324.032(2)~~ by using self-insurance when it gives  
2503 the department written notification of its election to be  
2504 regulated as a luxury ground TNC, the luxury ground TNC may use



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2505 self-insurance to meet the insurance requirements of subsection  
2506 (7), so long as such self-insurance complies with s. 324.032(3)  
2507 ~~s. 324.032(2)~~ and provides the limits of liability required by  
2508 subsection (7).

2509 Section 55. Paragraph (a) of subsection (2) of section  
2510 627.749, Florida Statutes, is amended to read:

2511 627.749 Autonomous vehicles; insurance requirements.-

2512 (2) INSURANCE REQUIREMENTS.-

2513 (a) A fully autonomous vehicle with the automated driving  
2514 system engaged while logged on to an on-demand autonomous  
2515 vehicle network or engaged in a prearranged ride must be covered  
2516 by a policy of automobile insurance which provides:

2517 1. Primary liability coverage of at least \$1 million for  
2518 death, bodily injury, and property damage.

2519 2. ~~Personal injury protection benefits that meet the~~  
2520 ~~minimum coverage amounts required under ss. 627.730-627.7405.~~

2521 3. Uninsured and underinsured vehicle coverage as required  
2522 by s. 627.727.

2523 Section 56. Section 627.8405, Florida Statutes, is amended  
2524 to read:

2525 627.8405 Prohibited acts; financing companies.-A ~~No~~ premium  
2526 finance company ~~shall~~, in a premium finance agreement or other  
2527 agreement, may not finance the cost of or otherwise provide for  
2528 the collection or remittance of dues, assessments, fees, or  
2529 other periodic payments of money for the cost of:

2530 (1) A membership in an automobile club. The term  
2531 "automobile club" means a legal entity that ~~which~~, in  
2532 consideration of dues, assessments, or periodic payments of  
2533 money, promises its members or subscribers to assist them in





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2534 matters relating to the ownership, operation, use, or  
2535 maintenance of a motor vehicle; however, the term ~~this~~  
2536 ~~definition of "automobile club"~~ does not include persons,  
2537 associations, or corporations ~~which are~~ organized and operated  
2538 solely for the purpose of conducting, sponsoring, or sanctioning  
2539 motor vehicle races, exhibitions, or contests upon racetracks,  
2540 or upon racecourses established and marked as such for the  
2541 duration of such particular events. As used in this subsection,  
2542 the term ~~words~~ "motor vehicle" has ~~used herein have~~ the same  
2543 meaning as ~~defined~~ in chapter 320.

2544 (2) An accidental death and dismemberment policy sold in  
2545 combination with a policy providing only bodily injury liability  
2546 coverage ~~personal injury protection~~ and property damage  
2547 liability coverage only policy.

2548 (3) Any product not regulated under ~~the provisions of this~~  
2549 insurance code.

2550

2551 This section also applies to premium financing by any  
2552 insurance agent or insurance company under part XVI. The  
2553 commission shall adopt rules to assure disclosure, at the time  
2554 of sale, of coverages financed ~~with personal injury protection~~  
2555 and shall prescribe the form of such disclosure.

2556 Section 57. Subsection (1) of section 627.915, Florida  
2557 Statutes, is amended to read:

2558 627.915 Insurer experience reporting.—

2559 (1) Each insurer transacting private passenger automobile  
2560 insurance in this state shall report certain information  
2561 annually to the office. The information will be due on or before  
2562 July 1 of each year. The information must ~~shall~~ be divided into



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2563 the following categories: bodily injury liability; property  
2564 damage liability; uninsured motorist; ~~personal injury protection~~  
2565 ~~benefits~~; medical payments; and comprehensive and collision. The  
2566 information given must ~~shall~~ be on direct insurance writings in  
2567 the state alone and ~~shall~~ represent total limits data. The  
2568 information set forth in paragraphs (a)-(f) is applicable to  
2569 voluntary private passenger and Joint Underwriting Association  
2570 private passenger writings and must ~~shall~~ be reported for each  
2571 of the latest 3 calendar-accident years, with an evaluation date  
2572 of March 31 of the current year. The information set forth in  
2573 paragraphs (g)-(j) is applicable to voluntary private passenger  
2574 writings and must ~~shall~~ be reported on a calendar-accident year  
2575 basis ultimately seven times at seven different stages of  
2576 development.

2577 (a) Premiums earned for the latest 3 calendar-accident  
2578 years.

2579 (b) Loss development factors and the historic development  
2580 of those factors.

2581 (c) Policyholder dividends incurred.

2582 (d) Expenses for other acquisition and general expense.

2583 (e) Expenses for agents' commissions and taxes, licenses,  
2584 and fees.

2585 (f) Profit and contingency factors as utilized in the  
2586 insurer's automobile rate filings for the applicable years.

2587 (g) Losses paid.

2588 (h) Losses unpaid.

2589 (i) Loss adjustment expenses paid.

2590 (j) Loss adjustment expenses unpaid.

2591 Section 58. Subsections (2) and (3) of section 628.909,



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2592 Florida Statutes, are amended to read:  
2593       628.909 Applicability of other laws.—  
2594       (2) The following provisions of the Florida Insurance Code  
2595 apply to captive insurance companies that ~~who~~ are not industrial  
2596 insured captive insurance companies to the extent that such  
2597 provisions are not inconsistent with this part:  
2598       (a) Chapter 624, except for ss. 624.407, 624.408, 624.4085,  
2599 624.40851, 624.4095, 624.411, 624.425, and 624.426.  
2600       (b) Chapter 625, part II.  
2601       (c) Chapter 626, part IX.  
2602       (d) ~~Sections 627.730-627.7405, when no fault coverage is~~  
2603 ~~provided.~~  
2604       ~~(e) Chapter 628.~~  
2605       (3) The following provisions of the Florida Insurance Code  
2606 ~~shall~~ apply to industrial insured captive insurance companies to  
2607 the extent that such provisions are not inconsistent with this  
2608 part:  
2609       (a) Chapter 624, except for ss. 624.407, 624.408, 624.4085,  
2610 624.40851, 624.4095, 624.411, 624.425, 624.426, and 624.609(1).  
2611       (b) Chapter 625, part II, if the industrial insured captive  
2612 insurance company is incorporated in this state.  
2613       (c) Chapter 626, part IX.  
2614       (d) ~~Sections 627.730-627.7405 when no fault coverage is~~  
2615 ~~provided.~~  
2616       ~~(e) Chapter 628, except for ss. 628.341, 628.351, and~~  
2617 ~~628.6018.~~  
2618       Section 59. Subsections (2), (6), and (7) of section  
2619 705.184, Florida Statutes, are amended to read:  
2620       705.184 Derelict or abandoned motor vehicles on the



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2621 premises of public-use airports.-

2622           (2) The airport director or the director's designee shall  
2623 contact the Department of Highway Safety and Motor Vehicles to  
2624 notify that department that the airport has possession of the  
2625 abandoned or derelict motor vehicle and to determine the name  
2626 and address of the owner of the motor vehicle, the insurance  
2627 company insuring the motor vehicle, ~~notwithstanding the~~  
2628 ~~provisions of s. 627.736,~~ and any person who has filed a lien on  
2629 the motor vehicle. Within 7 business days after receipt of the  
2630 information, the director or the director's designee shall send  
2631 notice by certified mail, return receipt requested, to the owner  
2632 of the motor vehicle, the insurance company insuring the motor  
2633 vehicle, ~~notwithstanding the provisions of s. 627.736,~~ and all  
2634 persons of record claiming a lien against the motor vehicle. The  
2635 notice must ~~shall~~ state the fact of possession of the motor  
2636 vehicle, that charges for reasonable towing, storage, and  
2637 parking fees, if any, have accrued and the amount thereof, that  
2638 a lien as provided in subsection (6) will be claimed, that the  
2639 lien is subject to enforcement pursuant to law, that the owner  
2640 or lienholder, if any, has the right to a hearing as set forth  
2641 in subsection (4), and that any motor vehicle which, at the end  
2642 of 30 calendar days after receipt of the notice, has not been  
2643 removed from the airport upon payment in full of all accrued  
2644 charges for reasonable towing, storage, and parking fees, if  
2645 any, may be disposed of as provided in s. 705.182(2)(a), (b),  
2646 (d), or (e), including, but not limited to, the motor vehicle  
2647 being sold free of all prior liens after 35 calendar days after  
2648 the time the motor vehicle is stored if any prior liens on the  
2649 motor vehicle are more than 5 years of age or after 50 calendar



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2650 days after the time the motor vehicle is stored if any prior  
2651 liens on the motor vehicle are 5 years of age or less.

2652 (6) The airport pursuant to this section or, if used, a  
2653 licensed independent wrecker company pursuant to s. 713.78 shall  
2654 have a lien on an abandoned or derelict motor vehicle for all  
2655 reasonable towing, storage, and accrued parking fees, if any,  
2656 except that no storage fee may ~~shall~~ be charged if the motor  
2657 vehicle is stored less than 6 hours. As a prerequisite to  
2658 perfecting a lien under this section, the airport director or  
2659 the director's designee must serve a notice in accordance with  
2660 subsection (2) on the owner of the motor vehicle, the insurance  
2661 company insuring the motor vehicle, ~~notwithstanding the~~  
2662 ~~provisions of s. 627.736,~~ and all persons of record claiming a  
2663 lien against the motor vehicle. If attempts to notify the owner,  
2664 the insurance company insuring the motor vehicle,  
2665 ~~notwithstanding the provisions of s. 627.736,~~ or lienholders are  
2666 not successful, the requirement of notice by mail shall be  
2667 considered met. Serving of the notice does not dispense with  
2668 recording the claim of lien.

2669 (7) (a) For the purpose of perfecting its lien under this  
2670 section, the airport shall record a claim of lien which states  
2671 ~~shall state:~~

- 2672 1. The name and address of the airport.
- 2673 2. The name of the owner of the motor vehicle, the  
2674 insurance company insuring the motor vehicle, ~~notwithstanding~~  
2675 ~~the provisions of s. 627.736,~~ and all persons of record claiming  
2676 a lien against the motor vehicle.
- 2677 3. The costs incurred from reasonable towing, storage, and  
2678 parking fees, if any.



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2679 4. A description of the motor vehicle sufficient for  
2680 identification.

2681 (b) The claim of lien must ~~shall~~ be signed and sworn to or  
2682 affirmed by the airport director or the director's designee.

2683 (c) The claim of lien is ~~shall be~~ sufficient if it is in  
2684 substantially the following form:

2685

2686 CLAIM OF LIEN

2687 State of .....

2688 County of .....

2689 Before me, the undersigned notary public, personally appeared

2690 ....., who was duly sworn and says that he/she is the

2691 ..... of ....., whose address is.....; and that the

2692 following described motor vehicle:

2693 ...(Description of motor vehicle)...

2694 owned by ....., whose address is ....., has accrued

2695 \$..... in fees for a reasonable tow, for storage, and for

2696 parking, if applicable; that the lienor served its notice to the

2697 owner, the insurance company insuring the motor vehicle

2698 ~~notwithstanding the provisions of s. 627.736, Florida Statutes,~~

2699 and all persons of record claiming a lien against the motor

2700 vehicle on ....., ...(year)...., by.....

2701 ...(Signature)...

2702 Sworn to (or affirmed) and subscribed before me this .... day of

2703 ....., ...(year)...., by ...(name of person making statement)....

2704 ...(Signature of Notary Public).....(Print, Type, or Stamp

2705 Commissioned name of Notary Public)...

2706 Personally Known...OR Produced...as identification.

2707



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2708 However, the negligent inclusion or omission of any information  
2709 in this claim of lien which does not prejudice the owner does  
2710 not constitute a default that operates to defeat an otherwise  
2711 valid lien.

2712 (d) The claim of lien must ~~shall~~ be served on the owner of  
2713 the motor vehicle, the insurance company insuring the motor  
2714 vehicle, ~~notwithstanding the provisions of s. 627.736,~~ and all  
2715 persons of record claiming a lien against the motor vehicle. If  
2716 attempts to notify the owner, the insurance company insuring the  
2717 motor vehicle ~~notwithstanding the provisions of s. 627.736,~~ or  
2718 lienholders are not successful, the requirement of notice by  
2719 mail shall be considered met. The claim of lien must ~~shall~~ be so  
2720 served before recordation.

2721 (e) The claim of lien must ~~shall~~ be recorded with the clerk  
2722 of court in the county where the airport is located. The  
2723 recording of the claim of lien shall be constructive notice to  
2724 all persons of the contents and effect of such claim. The lien  
2725 attaches ~~shall attach~~ at the time of recordation and takes ~~shall~~  
2726 ~~take~~ priority as of that time.

2727 Section 60. Subsection (4) of section 713.78, Florida  
2728 Statutes, is amended to read:

2729 713.78 Liens for recovering, towing, or storing vehicles  
2730 and vessels.-

2731 (4) (a) A person regularly engaged in the business of  
2732 recovering, towing, or storing vehicles or vessels who comes  
2733 into possession of a vehicle or vessel pursuant to subsection  
2734 (2), and who claims a lien for recovery, towing, or storage  
2735 services, shall give notice, by certified mail, to the  
2736 registered owner, the insurance company insuring the vehicle



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2737 ~~notwithstanding s. 627.736~~, and all persons claiming a lien  
2738 thereon, as disclosed by the records in the Department of  
2739 Highway Safety and Motor Vehicles or as disclosed by the records  
2740 of any corresponding agency in any other state in which the  
2741 vehicle is identified through a records check of the National  
2742 Motor Vehicle Title Information System or an equivalent  
2743 commercially available system as being titled or registered.

2744 (b) Whenever a law enforcement agency authorizes the  
2745 removal of a vehicle or vessel or whenever a towing service,  
2746 garage, repair shop, or automotive service, storage, or parking  
2747 place notifies the law enforcement agency of possession of a  
2748 vehicle or vessel pursuant to s. 715.07(2)(a)2., the law  
2749 enforcement agency of the jurisdiction where the vehicle or  
2750 vessel is stored shall contact the Department of Highway Safety  
2751 and Motor Vehicles, or the appropriate agency of the state of  
2752 registration, if known, within 24 hours through the medium of  
2753 electronic communications, giving the full description of the  
2754 vehicle or vessel. Upon receipt of the full description of the  
2755 vehicle or vessel, the department shall search its files to  
2756 determine the owner's name, the insurance company insuring the  
2757 vehicle or vessel, and whether any person has filed a lien upon  
2758 the vehicle or vessel as provided in s. 319.27(2) and (3) and  
2759 notify the applicable law enforcement agency within 72 hours.  
2760 The person in charge of the towing service, garage, repair shop,  
2761 or automotive service, storage, or parking place shall obtain  
2762 such information from the applicable law enforcement agency  
2763 within 5 days after the date of storage and shall give notice  
2764 pursuant to paragraph (a). The department may release the  
2765 insurance company information to the requestor ~~notwithstanding~~





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2766 ~~s. 627.736.~~

2767 (c) The notice of lien must be sent by certified mail to  
2768 the registered owner, the insurance company insuring the vehicle  
2769 ~~notwithstanding s. 627.736,~~ and all other persons claiming a  
2770 lien thereon within 7 business days, excluding Saturday and  
2771 Sunday, after the date of storage of the vehicle or vessel.  
2772 However, in no event shall the notice of lien be sent less than  
2773 30 days before the sale of the vehicle or vessel. The notice  
2774 must state:

2775 1. If the claim of lien is for a vehicle, the last 8 digits  
2776 of the vehicle identification number of the vehicle subject to  
2777 the lien, or, if the claim of lien is for a vessel, the hull  
2778 identification number of the vessel subject to the lien, clearly  
2779 printed in the delivery address box and on the outside of the  
2780 envelope sent to the registered owner and all other persons  
2781 claiming an interest therein or lien thereon.

2782 2. The name, physical address, and telephone number of the  
2783 lienor, and the entity name, as registered with the Division of  
2784 Corporations, of the business where the towing and storage  
2785 occurred, which must also appear on the outside of the envelope  
2786 sent to the registered owner and all other persons claiming an  
2787 interest in or lien on the vehicle or vessel.

2788 3. The fact of possession of the vehicle or vessel.

2789 4. The name of the person or entity that authorized the  
2790 lienor to take possession of the vehicle or vessel.

2791 5. That a lien as provided in subsection (2) is claimed.

2792 6. That charges have accrued and include an itemized  
2793 statement of the amount thereof.

2794 7. That the lien is subject to enforcement under law and



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2795 that the owner or lienholder, if any, has the right to a hearing  
2796 as set forth in subsection (5).

2797 8. That any vehicle or vessel that remains unclaimed, or  
2798 for which the charges for recovery, towing, or storage services  
2799 remain unpaid, may be sold free of all prior liens 35 days after  
2800 the vehicle or vessel is stored by the lienor if the vehicle or  
2801 vessel is more than 3 years of age or 50 days after the vehicle  
2802 or vessel is stored by the lienor if the vehicle or vessel is 3  
2803 years of age or less.

2804 9. The address at which the vehicle or vessel is physically  
2805 located.

2806 (d) The notice of lien may not be sent to the registered  
2807 owner, the insurance company insuring the vehicle or vessel, and  
2808 all other persons claiming a lien thereon less than 30 days  
2809 before the sale of the vehicle or vessel.

2810 (e) If attempts to locate the name and address of the owner  
2811 or lienholder prove unsuccessful, the towing-storage operator  
2812 shall, after 7 business days, excluding Saturday and Sunday,  
2813 after the initial tow or storage, notify the public agency of  
2814 jurisdiction where the vehicle or vessel is stored in writing by  
2815 certified mail or acknowledged hand delivery that the towing-  
2816 storage company has been unable to locate the name and address  
2817 of the owner or lienholder and a physical search of the vehicle  
2818 or vessel has disclosed no ownership information and a good  
2819 faith effort has been made, including records checks of the  
2820 Department of Highway Safety and Motor Vehicles database and the  
2821 National Motor Vehicle Title Information System or an equivalent  
2822 commercially available system. For purposes of this paragraph  
2823 and subsection (9), the term "good faith effort" means that the



2824 following checks have been performed by the company to establish  
2825 the prior state of registration and for title:

2826 1. A check of the department's database for the owner and  
2827 any lienholder.

2828 2. A check of the electronic National Motor Vehicle Title  
2829 Information System or an equivalent commercially available  
2830 system to determine the state of registration when there is not  
2831 a current registration record for the vehicle or vessel on file  
2832 with the department.

2833 3. A check of the vehicle or vessel for any type of tag,  
2834 tag record, temporary tag, or regular tag.

2835 4. A check of the law enforcement report for a tag number  
2836 or other information identifying the vehicle or vessel, if the  
2837 vehicle or vessel was towed at the request of a law enforcement  
2838 officer.

2839 5. A check of the trip sheet or tow ticket of the tow truck  
2840 operator to determine whether a tag was on the vehicle or vessel  
2841 at the beginning of the tow, if a private tow.

2842 6. If there is no address of the owner on the impound  
2843 report, a check of the law enforcement report to determine  
2844 whether an out-of-state address is indicated from driver license  
2845 information.

2846 7. A check of the vehicle or vessel for an inspection  
2847 sticker or other stickers and decals that may indicate a state  
2848 of possible registration.

2849 8. A check of the interior of the vehicle or vessel for any  
2850 papers that may be in the glove box, trunk, or other areas for a  
2851 state of registration.

2852 9. A check of the vehicle for a vehicle identification



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2853 number.

2854 10. A check of the vessel for a vessel registration number.

2855 11. A check of the vessel hull for a hull identification  
2856 number which should be carved, burned, stamped, embossed, or  
2857 otherwise permanently affixed to the outboard side of the  
2858 transom or, if there is no transom, to the outmost seaboard side  
2859 at the end of the hull that bears the rudder or other steering  
2860 mechanism.

2861 Section 61. Section 768.852, Florida Statutes, is created  
2862 to read:

2863 768.852 Limitation on damages due to operating a motor  
2864 vehicle while uninsured.-

2865 (1) Except as provided in subsection (2), if a person  
2866 suffers an injury or death while operating a motor vehicle and  
2867 the person knew or should have known that he or she was not in  
2868 compliance with applicable laws requiring the maintenance of  
2869 insurance coverage or other forms of financial responsibility,  
2870 the person or the person's personal representative may recover  
2871 damages only for personal injury or wrongful death, and the  
2872 amount of damages recovered may not exceed the minimum financial  
2873 responsibility required under s. 324.022(1)(a)1.

2874 (2) The limitation on damages in subsection (1) does not  
2875 apply if the person who is liable for the personal injury or  
2876 wrongful death:

2877 (a) Was driving while under the influence of an alcoholic  
2878 beverage, inhalant, or controlled substance;

2879 (b) Acted intentionally, recklessly, or with gross  
2880 negligence;

2881 (c) Fled from the scene of the accident; or



2882           (d) Was acting in furtherance of an offense or in immediate  
2883 flight from an offense that constitutes a felony at the time of  
2884 the accident.

2885  
2886 ===== T I T L E   A M E N D M E N T =====

2887 And the title is amended as follows:

2888           Delete lines 30 - 252

2889 and insert:

2890           legislative intent; amending s. 324.021, F.S.;

2891           revising definitions of the terms "motor vehicle" and

2892           "proof of financial responsibility"; revising minimum

2893           coverage requirements for proof of financial

2894           responsibility for specified motor vehicles; defining

2895           the term "for-hire passenger transportation vehicle";

2896           conforming provisions to changes made by the act;

2897           amending s. 324.022, F.S.; revising minimum liability

2898           coverage requirements for motor vehicle owners or

2899           operators; revising authorized methods for meeting

2900           such requirements; providing alternative minimum

2901           liability insurance coverage requirements for certain

2902           motor vehicle owners or operators; deleting a

2903           provision relating to an insurer's duty to defend

2904           certain claims; revising the vehicles that are

2905           excluded from the definition of the term "motor

2906           vehicle"; providing security requirements for certain

2907           excluded vehicles; specifying circumstances when

2908           motorcycles are subject to financial responsibility

2909           requirements; conforming provisions to changes made by

2910           the act; conforming cross-references; amending s.



2911 324.0221, F.S.; revising coverages that subject a  
2912 policy to certain insurer reporting and notice  
2913 requirements; conforming provisions to changes made by  
2914 the act; creating s. 324.0222, F.S.; providing that  
2915 driver license or registration suspensions for failure  
2916 to maintain required security which were in effect  
2917 before a specified date remain in full force and  
2918 effect; providing that such suspended licenses or  
2919 registrations may be reinstated as provided in a  
2920 specified section; amending s. 324.023, F.S.;

2921 conforming cross-references; making technical changes;  
2922 amending s. 324.031, F.S.; specifying a method of  
2923 proving financial responsibility; revising the amount  
2924 of a certificate of deposit required to elect a  
2925 certain method of proof of financial responsibility;  
2926 revising excess liability coverage requirements for a  
2927 person electing to use such method; amending s.  
2928 324.032, F.S.; revising financial responsibility  
2929 requirements for owners or lessees of for-hire  
2930 passenger transportation vehicles; amending s.  
2931 324.051, F.S.; specifying that motor vehicles include  
2932 motorcycles for purposes of the section; making  
2933 technical changes; amending ss. 324.071, and 324.091,  
2934 F.S.; making technical changes; amending s. 324.151,  
2935 F.S.; revising requirements for motor vehicle  
2936 liability insurance policies relating to coverage, and  
2937 exclusion from coverage, for certain drivers and  
2938 vehicles; defining terms; conforming provisions to  
2939 changes made by the act; making technical changes;



2940 amending s. 324.161, F.S.; revising requirements for a  
2941 certificate of deposit that is required if a person  
2942 elects a certain method of proving financial  
2943 responsibility; amending s. 324.171, F.S.; revising  
2944 the minimum net worth requirements to qualify certain  
2945 persons as self-insurers; conforming provisions to  
2946 changes made by the act; amending s. 324.251, F.S.;

2947 revising the short title and an effective date;  
2948 amending s. 400.9905, F.S.; revising the definition of  
2949 the term "clinic"; amending ss. 400.991 and 400.9935,  
2950 F.S.; conforming provisions to changes made by the  
2951 act; amending s. 409.901, F.S.; revising the  
2952 definition of the term "third-party benefit"; amending  
2953 s. 409.910, F.S.; revising the definition of the term  
2954 "medical coverage"; amending s. 456.057, F.S.;

2955 conforming a provision to changes made by the act;  
2956 amending s. 456.072, F.S.; revising specified grounds  
2957 for discipline for certain health professions;  
2958 defining the term "upcoded"; amending s. 559.920,  
2959 F.S.; prohibiting certain practices by motor vehicle  
2960 repair shops or motor vehicle glass repair facilities  
2961 with respect to the replacement or repair of motor  
2962 vehicle windshields; amending s. 624.155, F.S.;

2963 providing an exception to the circumstances under  
2964 which a person who is damaged may bring a civil action  
2965 against an insurer; adding a cause of action against  
2966 insurers in certain circumstances; providing that a  
2967 person is not entitled to judgments under multiple bad  
2968 faith remedies; creating s. 624.156, F.S.; providing



2969 that the section applies to bad faith failure to  
2970 settle actions against any insurer brought by a third  
2971 party for a loss arising out of the ownership,  
2972 maintenance, or use of a motor vehicle under specified  
2973 circumstances; providing that insurers have a duty of  
2974 good faith; defining the term "bad faith failure to  
2975 settle"; specifying best practice standards for  
2976 insurers upon receiving notice of a claim or a demand  
2977 for settlement; specifying certain requirements for  
2978 insurer communications to an insured in handling  
2979 third-party claims; specifying requirements for the  
2980 insurer when a loss involves multiple claimants under  
2981 certain conditions; specifying conditions precedent  
2982 for claimants filing third-party bad faith failure to  
2983 settle actions; specifying requirements for  
2984 information that must be included in a demand for  
2985 settlement; requiring a demand for settlement to  
2986 release the insured from liability under certain  
2987 conditions; requiring the demand for settlement be  
2988 served upon the insurer at the address designated with  
2989 the Department of Financial Services; prohibiting  
2990 claimants from placing conditions on acceptance of a  
2991 demand for settlement other than electing the right to  
2992 examine the insured under oath regarding certain  
2993 information; authorizing claimants to examine insureds  
2994 under oath under certain conditions; authorizing the  
2995 claimant to request the insured bring relevant  
2996 documents to the examination under oath; prohibiting  
2997 the claimant from examining the insured under oath





2998 regarding liability; providing an exception; requiring  
2999 the claimant, insurer, and insured to cooperate in  
3000 scheduling the examination under oath; specifying the  
3001 timeframe within which the examination must take  
3002 place; authorizing the claimant to withdraw the demand  
3003 for settlement if the insured refuses to submit to an  
3004 examination under oath; authorizing an insurer to  
3005 accept a demand for settlement if the insured refuses  
3006 to submit to an examination under oath; absolving an  
3007 insurer of a duty to defend and of liability under  
3008 certain circumstances; specifying the timeframe within  
3009 which a claimant may withdraw a demand for settlement;  
3010 providing that insurers may not be held liable in  
3011 certain third-party bad faith failure to settle  
3012 actions if they tender policy limits within a certain  
3013 timeframe; providing that insurers may not be held  
3014 liable in third-party bad faith failure to settle  
3015 actions involving multiple claimants if such insurers  
3016 file an interpleader action within a certain time  
3017 frame; specifying that certain provisions providing  
3018 that insurers may not be held liable for a bad faith  
3019 failure to settle do not affect certain other duties  
3020 of such insurers; specifying that insurers that accept  
3021 demands for settlement are entitled to releases of  
3022 their insureds; providing an exception; requiring  
3023 claimants to prove in any third-party bad faith  
3024 failure to settle action by a preponderance of the  
3025 evidence that the insurer violated its duty of good  
3026 faith and in bad faith failed to settle; specifying



3027 factors for the trier of fact to consider in  
3028 determining whether an insurer violated its duty of  
3029 good faith and in bad faith failed to settle;  
3030 requiring the trier of fact to be informed of an  
3031 excess judgment; prohibiting disclosure of certain  
3032 judgment information to the trier of fact; limiting  
3033 damages in third-party bad faith failure to settle  
3034 actions; providing that judgment creditors must be  
3035 subrogated to the rights of the insured under certain  
3036 circumstances; prohibiting multiple bad faith  
3037 remedies; amending s. 626.9541, F.S.; conforming a  
3038 provision to changes made by the act; revising the  
3039 type of insurance coverage applicable to a certain  
3040 prohibited act; amending s. 626.989, F.S.; revising  
3041 the definition of the term "fraudulent insurance act";  
3042 amending s. 627.06501, F.S.; revising coverages that  
3043 may provide for a reduction in motor vehicle insurance  
3044 policy premium charges under certain circumstances;  
3045 amending s. 627.0651, F.S.; specifying requirements  
3046 for initial rate filings for motor vehicle liability  
3047 policies submitted to the Office of Insurance  
3048 Regulation beginning on a specified date; amending s.  
3049 627.0652, F.S.; revising coverages that must provide a  
3050 premium charge reduction under certain circumstances;  
3051 amending s. 627.0653, F.S.; revising coverages subject  
3052 to premium discounts for specified motor vehicle  
3053 equipment; amending s. 627.4132, F.S.; revising  
3054 coverages that are subject to a stacking prohibition;  
3055 amending s. 627.4137, F.S.; requiring that insurers



3056 disclose certain information at the request of a  
3057 claimant's attorney; authorizing a claimant to file an  
3058 action under certain circumstances; providing for the  
3059 award of reasonable attorney fees and costs under  
3060 certain circumstances; amending s. 627.7263, F.S.;  
3061 revising coverages that are deemed primary, except  
3062 under certain circumstances, for the lessor of a motor  
3063 vehicle for lease or rent; revising a notice that is  
3064 required if the lessee's coverage is to be primary;  
3065 creating s. 627.7265, F.S.; specifying persons whom  
3066 medical payments coverage must protect; requiring  
3067 medical payments coverage to cover reasonable expenses  
3068 for certain medical services provided by specified  
3069 providers and facilities and to provide a death  
3070 benefit; specifying the minimum medical expense and  
3071 death benefit limits; specifying coverage options an  
3072 insurer is required or authorized to offer; providing  
3073 construction relating to limits on certain other  
3074 coverages; requiring insurers, upon receiving certain  
3075 notice of an accident, to hold a specified reserve for  
3076 certain purposes for a certain timeframe; providing  
3077 that the reserve requirement does not require insurers  
3078 to establish a claim reserve for accounting purposes;  
3079 specifying that an insurer providing medical payments  
3080 coverage benefits may not seek a lien on a certain  
3081 recovery and may not bring a certain cause of action;  
3082 authorizing insurers to include policy provisions  
3083 allowing for subrogation, under certain circumstances,  
3084 for medical payments benefits paid; providing



3085 construction; specifying a requirement for an insured  
3086 for repayment of medical payments benefits under  
3087 certain circumstances; prohibiting insurers from  
3088 including policy provisions allowing for subrogation  
3089 for death benefits paid; amending s. 627.727, F.S.;  
3090 revising the legal liability of an uninsured motorist  
3091 coverage insurer; conforming provisions to changes  
3092 made by the act; amending s. 627.7275, F.S.; revising  
3093 required coverages for a motor vehicle insurance  
3094 policy; specifying that insurers must make certain  
3095 coverages available under certain circumstances;  
3096 requiring insurers to make certain notices to certain  
3097 persons; specifying that insurers need not verify the  
3098 veracity of certain representations made by an  
3099 applicant or insured; prohibiting insurers from  
3100 denying or excluding certain coverages in certain  
3101 circumstances; conforming provisions to changes made  
3102 by the act; creating s. 627.7278, F.S.; defining the  
3103 term "minimum security requirements"; providing  
3104 requirements, applicability, and construction relating  
3105 to motor vehicle insurance policies as of a certain  
3106 date; requiring insurers to allow certain insureds to  
3107 make certain coverage changes, subject to certain  
3108 conditions; requiring an insurer to provide, by a  
3109 specified date, a specified notice to policyholders  
3110 relating to requirements under the act; amending s.  
3111 627.728, F.S.; conforming a provision to changes made  
3112 by the act; making technical changes; amending s.  
3113 627.7288, F.S.; providing that insurers must offer



3114 policies providing certain coverages for windshield  
3115 loss without a deductible; providing that insurers may  
3116 offer certain deductibles for windshield loss for an  
3117 appropriate premium discount or credit; amending s.  
3118 627.7295, F.S.; revising the definitions of the terms  
3119 "policy" and "binder"; revising the coverages of a  
3120 motor vehicle insurance policy for which a licensed  
3121 general lines agent may charge a specified fee;  
3122 conforming provisions to changes made by the act;  
3123 amending s. 627.7415, F.S.; revising additional  
3124 liability insurance requirements for commercial motor  
3125 vehicles; creating s. 627.747, F.S.; providing that  
3126 private passenger motor vehicle policies may exclude  
3127 certain identified individuals from specified  
3128 coverages under certain circumstances; providing that  
3129 such policies may not exclude coverage under certain  
3130 circumstances; amending s. 627.748, F.S.; revising  
3131 insurance requirements for transportation network  
3132 company drivers; conforming provisions to changes made  
3133 by the act; amending s. 627.749, F.S.; conforming a  
3134 provision to changes made by the act; amending s.  
3135 627.8405, F.S.; revising coverages in a policy sold in  
3136 combination with an accidental death and dismemberment  
3137 policy which a premium finance company may not  
3138 finance; revising rulemaking authority of the  
3139 Financial Services Commission; amending ss. 627.915,  
3140 628.909, 705.184, and 713.78, F.S.; conforming  
3141 provisions to changes made by the act; making  
3142 technical changes; creating s. 768.852, F.S.;



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3143 providing that when certain persons do not comply with  
3144 certain insurance or financial responsibility  
3145 requirements, such persons or their personal  
3146 representatives may not obtain recovery in excess of  
3147 certain amounts for the person's bodily injuries or  
3148 death; providing exceptions; amending s. 817.234,  
3149 F.S.; revising