

By the Committee on Banking and Insurance; and Senators Burgess and Rouson

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

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

31 revising definitions of the terms "motor vehicle" and

32 "proof of financial responsibility"; revising minimum

33 coverage requirements for proof of financial

34 responsibility for specified motor vehicles; defining

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

36 conforming provisions to changes made by the act;

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

38 coverage requirements for motor vehicle owners or

39 operators; revising authorized methods for meeting

40 such requirements; deleting a provision relating to an

41 insurer's duty to defend certain claims; revising the

42 vehicles that are excluded from the definition of the

43 term "motor vehicle"; providing security requirements

44 for certain excluded vehicles; conforming provisions

45 to changes made by the act; conforming cross-

46 references; amending s. 324.0221, F.S.; revising

47 coverages that subject a policy to certain insurer

48 reporting and notice requirements; conforming

49 provisions to changes made by the act; creating s.

50 324.0222, F.S.; providing that driver license or

51 registration suspensions for failure to maintain

52 required security which were in effect before a

53 specified date remain in full force and effect;

54 providing that such suspended licenses or

55 registrations may be reinstated as provided in a

56 specified section; amending s. 324.023, F.S.;

57 conforming cross-references; making technical changes;

58 amending s. 324.031, F.S.; specifying a method of

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

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88 coverage"; amending s. 456.057, F.S.; conforming a
89 provision to changes made by the act; amending s.
90 456.072, F.S.; revising specified grounds for
91 discipline for certain health professions; defining
92 the term "upcoded"; amending s. 624.155, F.S.;
93 providing an exception to the circumstances under
94 which a person who is damaged may bring a civil action
95 against an insurer; adding a cause of action against
96 insurers in certain circumstances; providing that a
97 person is not entitled to judgments under multiple bad
98 faith remedies; creating s. 624.156, F.S.; providing
99 that the section applies to bad faith failure to
100 settle actions against any insurer brought by a third
101 party for a loss arising out of the ownership,
102 maintenance, or use of a motor vehicle under specified
103 circumstances; providing that insurers have a duty of
104 good faith; defining the term "bad faith failure to
105 settle"; specifying best practice standards for
106 insurers upon receiving notice of a claim or a demand
107 for settlement; specifying certain requirements for
108 insurer communications to an insured in handling
109 third-party claims; specifying requirements for the
110 insurer when a loss involves multiple claimants under
111 certain conditions; specifying conditions precedent
112 for claimants filing third-party bad faith failure to
113 settle actions; specifying requirements for
114 information that must be included in a demand for
115 settlement; requiring a demand for settlement to
116 release the insured from liability under certain

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117 conditions; requiring the demand for settlement be
118 served upon the insurer at the address designated with
119 the Department of Financial Services; prohibiting
120 claimants from placing conditions on acceptance of a
121 demand for settlement other than electing the right to
122 examine the insured under oath regarding certain
123 information; authorizing claimants to examine insureds
124 under oath under certain conditions; authorizing the
125 claimant to request the insured bring relevant
126 documents to the examination under oath; prohibiting
127 the claimant from examining the insured under oath
128 regarding liability; requiring the claimant, insurer,
129 and insured to cooperate in scheduling the examination
130 under oath; specifying the timeframe within which the
131 examination must take place; authorizing the claimant
132 to withdraw the demand for settlement if the insured
133 refuses to submit to an examination under oath;
134 authorizing an insurer to accept a demand for
135 settlement if the insured refuses to submit to an
136 examination under oath; absolving an insurer of a duty
137 to defend and of liability under certain
138 circumstances; specifying the timeframe within which a
139 claimant may withdraw a demand for settlement;
140 providing that insurers may not be held liable in a
141 third-party bad faith failure to settle action if they
142 tender policy limits within a certain timeframe;
143 specifying that insurers that accept demands for
144 settlement are entitled to releases of their insureds;
145 providing an exception; requiring claimants to prove

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146 in any third-party bad faith failure to settle action
147 by a preponderance of the evidence that the insurer
148 violated its duty of good faith and in bad faith
149 failed to settle; specifying factors for the trier of
150 fact to consider in determining whether an insurer
151 violated its duty of good faith and in bad faith
152 failed to settle; requiring the trier of fact to be
153 informed of an excess judgment; prohibiting disclosure
154 of certain judgment information to the trier of fact;
155 limiting damages in third-party bad faith failure to
156 settle actions; providing that judgment creditors must
157 be subrogated to the rights of the insured under
158 certain circumstances; prohibiting multiple bad faith
159 remedies; amending s. 626.9541, F.S.; conforming a
160 provision to changes made by the act; revising the
161 type of insurance coverage applicable to a certain
162 prohibited act; amending s. 626.989, F.S.; revising
163 the definition of the term "fraudulent insurance act";
164 amending s. 627.06501, F.S.; revising coverages that
165 may provide for a reduction in motor vehicle insurance
166 policy premium charges under certain circumstances;
167 amending s. 627.0651, F.S.; specifying requirements
168 for initial rate filings for motor vehicle liability
169 policies submitted to the Office of Insurance
170 Regulation beginning on a specified date; amending s.
171 627.0652, F.S.; revising coverages that must provide a
172 premium charge reduction under certain circumstances;
173 amending s. 627.0653, F.S.; revising coverages subject
174 to premium discounts for specified motor vehicle

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175 equipment; amending s. 627.4132, F.S.; revising
176 coverages that are subject to a stacking prohibition;
177 amending s. 627.4137, F.S.; requiring that insurers
178 disclose certain information at the request of a
179 claimant's attorney; authorizing a claimant to file an
180 action under certain circumstances; providing for the
181 award of reasonable attorney fees and costs under
182 certain circumstances; amending s. 627.7263, F.S.;
183 revising coverages that are deemed primary, except
184 under certain circumstances, for the lessor of a motor
185 vehicle for lease or rent; revising a notice that is
186 required if the lessee's coverage is to be primary;
187 creating s. 627.7265, F.S.; specifying persons whom
188 medical payments coverage must protect; requiring
189 medical payments coverage to cover reasonable expenses
190 for certain medical services provided by specified
191 providers and facilities and to provide a death
192 benefit; specifying the minimum medical expense and
193 death benefit limits; specifying coverage options an
194 insurer is required or authorized to offer; providing
195 construction relating to limits on certain other
196 coverages; requiring insurers, upon receiving certain
197 notice of an accident, to hold a specified reserve for
198 certain purposes for a certain timeframe; providing
199 that the reserve requirement does not require insurers
200 to establish a claim reserve for accounting purposes;
201 specifying that an insurer providing medical payments
202 coverage benefits may not seek a lien on a certain
203 recovery and may not bring a certain cause of action;

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204 authorizing insurers to include policy provisions
205 allowing for subrogation, under certain circumstances,
206 for medical payments benefits paid; providing
207 construction; specifying a requirement for an insured
208 for repayment of medical payments benefits under
209 certain circumstances; prohibiting insurers from
210 including policy provisions allowing for subrogation
211 for death benefits paid; amending s. 627.727, F.S.;
212 revising the legal liability of an uninsured motorist
213 coverage insurer; conforming provisions to changes
214 made by the act; amending s. 627.7275, F.S.; revising
215 required coverages for a motor vehicle insurance
216 policy; conforming provisions to changes made by the
217 act; creating s. 627.7278, F.S.; defining the term
218 "minimum security requirements"; providing
219 requirements, applicability, and construction relating
220 to motor vehicle insurance policies as of a certain
221 date; requiring insurers to allow certain insureds to
222 make certain coverage changes, subject to certain
223 conditions; requiring an insurer to provide, by a
224 specified date, a specified notice to policyholders
225 relating to requirements under the act; amending s.
226 627.728, F.S.; conforming a provision to changes made
227 by the act; making technical changes; amending s.
228 627.7295, F.S.; revising the definitions of the terms
229 "policy" and "binder"; revising the coverages of a
230 motor vehicle insurance policy for which a licensed
231 general lines agent may charge a specified fee;
232 conforming provisions to changes made by the act;

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233 amending s. 627.7415, F.S.; revising additional
234 liability insurance requirements for commercial motor
235 vehicles; creating s. 627.747, F.S.; providing that
236 private passenger motor vehicle policies may exclude
237 certain identified individuals from specified
238 coverages under certain circumstances; providing that
239 such policies may not exclude coverage under certain
240 circumstances; amending s. 627.748, F.S.; revising
241 insurance requirements for transportation network
242 company drivers; conforming provisions to changes made
243 by the act; amending s. 627.749, F.S.; conforming a
244 provision to changes made by the act; amending s.
245 627.8405, F.S.; revising coverages in a policy sold in
246 combination with an accidental death and dismemberment
247 policy which a premium finance company may not
248 finance; revising rulemaking authority of the
249 Financial Services Commission; amending ss. 627.915,
250 628.909, 705.184, and 713.78, F.S.; conforming
251 provisions to changes made by the act; making
252 technical changes; amending s. 817.234, F.S.; revising
253 coverages that are the basis of specified prohibited
254 false and fraudulent insurance claims; conforming
255 provisions to changes made by the act; providing an
256 appropriation; providing effective dates.

257

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

259

260 Section 1. Sections 627.730, 627.731, 627.7311, 627.732,
261 627.733, 627.734, 627.736, 627.737, 627.739, 627.7401, 627.7403,

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262 and 627.7405, Florida Statutes, are repealed.

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

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

266 316.646 Security required; proof of security and display
267 thereof.—

268 (1) Any person required by s. 324.022 to maintain liability
269 security for property damage, ~~liability security, required by s.~~
270 ~~324.023 to maintain liability security for bodily injury,~~ or
271 ~~death, or required by s. 627.733 to maintain personal injury~~
272 ~~protection security on a motor vehicle~~ shall have in his or her
273 immediate possession at all times while operating such motor
274 vehicle proper proof of maintenance of the ~~required~~ security
275 required under s. 324.021(7).

276 (a) Such proof must ~~shall~~ be in a uniform paper or
277 electronic format, as prescribed by the department, a valid
278 insurance policy, an insurance policy binder, a certificate of
279 insurance, or such other proof as may be prescribed by the
280 department.

281 (b)1. The act of presenting to a law enforcement officer an
282 electronic device displaying proof of insurance in an electronic
283 format does not constitute consent for the officer to access any
284 information on the device other than the displayed proof of
285 insurance.

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

288 Section 4. Paragraph (b) of subsection (2) of section
289 318.18, Florida Statutes, is amended to read:

290 318.18 Amount of penalties.—The penalties required for a

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291 noncriminal disposition pursuant to s. 318.14 or a criminal
292 offense listed in s. 318.17 are as follows:

293 (2) Thirty dollars for all nonmoving traffic violations
294 and:

295 (b) For all violations of ss. 320.0605, 320.07(1), 322.065,
296 and 322.15(1). A ~~Any~~ person who is cited for a violation of s.
297 320.07(1) shall be charged a delinquent fee pursuant to s.
298 320.07(4).

299 1. If a person who is cited for a violation of s. 320.0605
300 or s. 320.07 can show proof of having a valid registration at
301 the time of arrest, the clerk of the court may dismiss the case
302 and may assess a dismissal fee of up to \$10, from which the
303 clerk shall remit \$2.50 to the Department of Revenue for deposit
304 into the General Revenue Fund. A person who finds it impossible
305 or impractical to obtain a valid registration certificate must
306 submit an affidavit detailing the reasons for the impossibility
307 or impracticality. The reasons may include, but are not limited
308 to, the fact that the vehicle was sold, stolen, or destroyed;
309 that the state in which the vehicle is registered does not issue
310 a certificate of registration; or that the vehicle is owned by
311 another person.

312 2. If a person who is cited for a violation of s. 322.03,
313 s. 322.065, or s. 322.15 can show a driver license issued to him
314 or her and valid at the time of arrest, the clerk of the court
315 may dismiss the case and may assess a dismissal fee of up to
316 \$10, from which the clerk shall remit \$2.50 to the Department of
317 Revenue for deposit into the General Revenue Fund.

318 3. If a person who is cited for a violation of s. 316.646
319 can show proof of security as required by s. 324.021(7) ~~s.~~

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320 ~~627.733~~, issued to the person and valid at the time of arrest,
321 the clerk of the court may dismiss the case and may assess a
322 dismissal fee of up to \$10, from which the clerk shall remit
323 \$2.50 to the Department of Revenue for deposit into the General
324 Revenue Fund. A person who finds it impossible or impractical to
325 obtain proof of security must submit an affidavit detailing the
326 reasons for the impracticality. The reasons may include, but are
327 not limited to, the fact that the vehicle has since been sold,
328 stolen, or destroyed; ~~that the owner or registrant of the~~
329 ~~vehicle is not required by s. 627.733 to maintain personal~~
330 ~~injury protection insurance;~~ or that the vehicle is owned by
331 another person.

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

334 320.02 Registration required; application for registration;
335 forms.—

336 (5) (a) Proof that bodily injury liability coverage and
337 property damage liability coverage ~~personal injury protection~~
338 ~~benefits~~ have been purchased if required under s. 324.022, s.
339 324.032, or s. 627.742 ~~s. 627.733~~, ~~that property damage~~
340 ~~liability coverage has been purchased as required under s.~~
341 ~~324.022~~, that bodily injury liability ~~or death~~ coverage has been
342 purchased if required under s. 324.023, and that combined bodily
343 liability insurance and property damage liability insurance have
344 been purchased if required under s. 627.7415 must ~~shall~~ be
345 provided in the manner prescribed by law by the applicant at the
346 time of application for registration of any motor vehicle that
347 is subject to such requirements. The issuing agent may not ~~shall~~
348 ~~refuse to~~ issue registration if such proof of purchase is not

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349 provided. Insurers shall furnish uniform proof-of-purchase cards
350 in a paper or electronic format in a form prescribed by the
351 department and include the name of the insured's insurance
352 company, the coverage identification number, and the make, year,
353 and vehicle identification number of the vehicle insured. The
354 card must contain a statement notifying the applicant of the
355 penalty specified under s. 316.646(4). The card or insurance
356 policy, insurance policy binder, or certificate of insurance or
357 a photocopy of any of these; an affidavit containing the name of
358 the insured's insurance company, the insured's policy number,
359 and the make and year of the vehicle insured; or such other
360 proof as may be prescribed by the department constitutes ~~shall~~
361 ~~constitute~~ sufficient proof of purchase. If an affidavit is
362 provided as proof, it must be in substantially the following
363 form:

364
365 Under penalty of perjury, I ...(Name of insured)... do hereby
366 certify that I have ...(bodily injury liability and Personal
367 ~~Injury Protection~~, property damage liability, ~~and, if required,~~
368 ~~Bodily Injury Liability~~)... insurance currently in effect with
369 ...(Name of insurance company)... under ...(policy number)...
370 covering ...(make, year, and vehicle identification number of
371 vehicle).... ...(Signature of Insured)...

372
373 Such affidavit must include the following warning:

374
375 WARNING: GIVING FALSE INFORMATION IN ORDER TO OBTAIN A VEHICLE
376 REGISTRATION CERTIFICATE IS A CRIMINAL OFFENSE UNDER FLORIDA
377 LAW. ANYONE GIVING FALSE INFORMATION ON THIS AFFIDAVIT IS

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378 SUBJECT TO PROSECUTION.

379

380 If an application is made through a licensed motor vehicle
381 dealer as required under s. 319.23, the original or a photocopy
382 ~~photostatic copy~~ of such card, insurance policy, insurance
383 policy binder, or certificate of insurance or the original
384 affidavit from the insured must ~~shall~~ be forwarded by the dealer
385 to the tax collector of the county or the Department of Highway
386 Safety and Motor Vehicles for processing. By executing the
387 ~~afesaid~~ affidavit, a ~~no~~ licensed motor vehicle dealer is not
388 ~~will be~~ liable in damages for any inadequacy, insufficiency, or
389 falsification of any statement contained therein. ~~A card must~~
390 ~~also indicate the existence of any bodily injury liability~~
391 ~~insurance voluntarily purchased.~~

392 (d) The verifying of ~~proof of personal injury protection~~
393 ~~insurance, proof of property damage liability insurance, proof~~
394 ~~of combined bodily liability insurance and property damage~~
395 ~~liability insurance, or proof of financial responsibility~~
396 ~~insurance~~ and the issuance or failure to issue the motor vehicle
397 registration under ~~the provisions of~~ this chapter may not be
398 construed in any court as a warranty of the reliability or
399 accuracy of the evidence of such proof, or as meaning that the
400 provisions of any insurance policy furnished as proof of
401 financial responsibility comply with state law. Neither the
402 department nor any tax collector is liable in damages for any
403 inadequacy, insufficiency, falsification, or unauthorized
404 modification of any item of ~~the proof of personal injury~~
405 ~~protection insurance, proof of property damage liability~~
406 ~~insurance, proof of combined bodily liability insurance and~~

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407 ~~property damage liability insurance, or~~ proof of financial
408 responsibility before ~~insurance prior to~~, during, or subsequent
409 to the verification of the proof. The issuance of a motor
410 vehicle registration does not constitute prima facie evidence or
411 a presumption of insurance coverage.

412 Section 6. Paragraph (b) of subsection (1) of section
413 320.0609, Florida Statutes, is amended to read:

414 320.0609 Transfer and exchange of registration license
415 plates; transfer fee.—

416 (1)

417 (b) The transfer of a license plate from a vehicle disposed
418 of to a newly acquired vehicle does not constitute a new
419 registration. The application for transfer must ~~shall~~ be
420 accepted without requiring proof of ~~personal injury protection~~
421 ~~or~~ liability insurance.

422 Section 7. Subsection (3) of section 320.27, Florida
423 Statutes, is amended, and paragraph (g) is added to subsection
424 (1) of that section, to read:

425 320.27 Motor vehicle dealers.—

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

430 (g) "Garage liability insurance" means, beginning January
431 1, 2022, combined single-limit liability coverage, including
432 property damage and bodily injury liability coverage, in the
433 amount of at least \$60,000.

434 (3) APPLICATION AND FEE.—The ~~application for the license~~
435 application must ~~shall~~ be in such form as may be prescribed by

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436 the department and is ~~shall be~~ subject to such rules with
437 ~~respect thereto~~ as may be so prescribed by the department ~~it~~.
438 Such application must ~~shall~~ be verified by oath or affirmation
439 and must ~~shall~~ contain a full statement of the name and birth
440 date of the person or persons applying for the license ~~therefor~~;
441 the name of the firm or copartnership, with the names and places
442 of residence of all members ~~thereof~~, if such applicant is a firm
443 or copartnership; the names and places of residence of the
444 principal officers, if the applicant is a body corporate or
445 other artificial body; the name of the state under whose laws
446 the corporation is organized; the present and former place or
447 places of residence of the applicant; and the prior business in
448 which the applicant has been engaged and its ~~the~~ location
449 ~~thereof~~. The ~~Such~~ application must ~~shall~~ describe the exact
450 location of the place of business and must ~~shall~~ state whether
451 the place of business is owned by the applicant and when
452 acquired, or, if leased, a true copy of the lease must ~~shall~~ be
453 attached to the application. The applicant shall certify that
454 the location provides an adequately equipped office and is not a
455 residence; that the location affords sufficient unoccupied space
456 upon and within which adequately to store all motor vehicles
457 offered and displayed for sale; and that the location is a
458 suitable place where the applicant can in good faith carry on
459 such business and keep and maintain books, records, and files
460 necessary to conduct such business, which must ~~shall~~ be
461 available at all reasonable hours to inspection by the
462 department or any of its inspectors or other employees. The
463 applicant shall certify that the business of a motor vehicle
464 dealer is the principal business that will ~~which shall~~ be

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465 conducted at that location. The application must ~~shall~~ contain a
466 statement that the applicant is either franchised by a
467 manufacturer of motor vehicles, in which case the name of each
468 motor vehicle that the applicant is franchised to sell must
469 ~~shall~~ be included, or an independent (nonfranchised) motor
470 vehicle dealer. The application must ~~shall~~ contain other
471 relevant information as may be required by the department. The
472 applicant shall furnish, including evidence, in a form approved
473 by the department, that the applicant is insured under a garage
474 liability insurance policy or a general liability insurance
475 policy coupled with a business automobile policy having the
476 coverages and limits of the garage liability insurance coverage
477 in accordance with paragraph (1) (g), which shall include, at a
478 minimum, \$25,000 combined single-limit liability coverage
479 including bodily injury and property damage protection and
480 \$10,000 personal injury protection. However, a salvage motor
481 vehicle dealer as defined in subparagraph (1) (c)5. is exempt
482 from the requirements for garage liability insurance ~~and~~
483 ~~personal injury protection insurance~~ on those vehicles that
484 cannot be legally operated on roads, highways, or streets in
485 this state. Franchise dealers must submit a garage liability
486 insurance policy, and all other dealers must submit a garage
487 liability insurance policy or a general liability insurance
488 policy coupled with a business automobile policy. Such policy
489 must ~~shall~~ be for the license period, and evidence of a new or
490 continued policy must ~~shall~~ be delivered to the department at
491 the beginning of each license period. Upon making an initial
492 application, the applicant shall pay to the department a fee of
493 \$300 in addition to any other fees required by law. Applicants

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494 may choose to extend the licensure period for 1 additional year
495 for a total of 2 years. An initial applicant shall pay to the
496 department a fee of \$300 for the first year and \$75 for the
497 second year, in addition to any other fees required by law. An
498 applicant for renewal shall pay to the department \$75 for a 1-
499 year renewal or \$150 for a 2-year renewal, in addition to any
500 other fees required by law. Upon making an application for a
501 change of location, the applicant ~~person~~ shall pay a fee of \$50
502 in addition to any other fees now required by law. The
503 department shall, in the case of every application for initial
504 licensure, verify whether certain facts set forth in the
505 application are true. Each applicant, general partner in the
506 case of a partnership, or corporate officer and director in the
507 case of a corporate applicant shall, ~~must~~ file a set of
508 fingerprints with the department for the purpose of determining
509 any prior criminal record or any outstanding warrants. The
510 department shall submit the fingerprints to the Department of
511 Law Enforcement for state processing and forwarding to the
512 Federal Bureau of Investigation for federal processing. The
513 actual cost of state and federal processing must ~~shall~~ be borne
514 by the applicant and is in addition to the fee for licensure.
515 The department may issue a license to an applicant pending the
516 results of the fingerprint investigation, which license is fully
517 revocable if the department subsequently determines that any
518 facts set forth in the application are not true or correctly
519 represented.

520 Section 8. Paragraph (j) of subsection (3) of section
521 320.771, Florida Statutes, is amended to read:

522 320.771 License required of recreational vehicle dealers.-

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

527 (j) A statement that the applicant is insured under a
528 garage liability insurance policy in accordance with s.
529 320.27(1)(g), ~~which shall include, at a minimum, \$25,000~~
530 ~~combined single limit liability coverage, including bodily~~
531 ~~injury and property damage protection, and \$10,000 personal~~
532 ~~injury protection~~, if the applicant is to be licensed as a
533 dealer in, or intends to sell, recreational vehicles. However, a
534 garage liability policy is not required for the licensure of a
535 mobile home dealer who sells only park trailers.

536
537 The department shall, if it deems necessary, cause an
538 investigation to be made to ascertain if the facts set forth in
539 the application are true and may ~~shall~~ not issue a license to
540 the applicant until it is satisfied that the facts set forth in
541 the application are true.

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

544 322.251 Notice of cancellation, suspension, revocation, or
545 disqualification of license.—

546 (1) All orders of cancellation, suspension, revocation, or
547 disqualification issued under ~~the provisions of this chapter,~~
548 ~~chapter 318, or chapter 324~~ must, ~~or ss. 627.732-627.734 shall~~
549 be given either by personal delivery thereof to the licensee
550 whose license is being canceled, suspended, revoked, or
551 disqualified or by deposit in the United States mail in an

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552 envelope, first class, postage prepaid, addressed to the
553 licensee at his or her last known mailing address furnished to
554 the department. Such mailing by the department constitutes
555 notification, and any failure by the person to receive the
556 mailed order will not affect or stay the effective date or term
557 of the cancellation, suspension, revocation, or disqualification
558 of the licensee's driving privilege.

559 (2) The giving of notice and an order of cancellation,
560 suspension, revocation, or disqualification by mail is complete
561 upon expiration of 20 days after deposit in the United States
562 mail for all notices except those issued under chapter 324 ~~or~~
563 ~~ss. 627.732-627.734~~, which are complete 15 days after deposit in
564 the United States mail. Proof of the giving of notice and an
565 order of cancellation, suspension, revocation, or
566 disqualification in either manner must ~~shall~~ be made by entry in
567 the records of the department that such notice was given. The
568 entry is admissible in the courts of this state and constitutes
569 sufficient proof that such notice was given.

570 Section 10. Paragraph (a) of subsection (8) of section
571 322.34, Florida Statutes, is amended to read:

572 322.34 Driving while license suspended, revoked, canceled,
573 or disqualified.—

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

577 1. Whether the person's driver license is suspended or
578 revoked, or the person is under suspension or revocation
579 equivalent status.

580 2. Whether the person's driver license has remained

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581 suspended or revoked, or the person has been under suspension or
582 revocation equivalent status, since a conviction for the offense
583 of driving with a suspended or revoked license.

584 3. Whether the suspension, revocation, or suspension or
585 revocation equivalent status was made under s. 316.646 ~~or s.~~
586 ~~627.733~~, relating to failure to maintain required security, or
587 under s. 322.264, relating to habitual traffic offenders.

588 4. Whether the driver is the registered owner or co-owner
589 of the vehicle.

590 Section 11. Section 324.011, Florida Statutes, is amended
591 to read:

592 324.011 Legislative intent; purpose of chapter.—It is the
593 intent of the Legislature that this chapter ensure that the
594 privilege of owning or operating a motor vehicle in this state
595 be exercised ~~to recognize the existing privilege to own or~~
596 ~~operate a motor vehicle on the public streets and highways of~~
597 ~~this state when such vehicles are used~~ with due consideration
598 for others' safety ~~others~~ and ~~their~~ property, promoting ~~and to~~
599 ~~promote~~ safety, and providing ~~provide~~ financial security
600 requirements for ~~such~~ owners and ~~or~~ operators whose
601 responsibility it is to recompense others for injury to person
602 or property caused by the operation of a motor vehicle.
603 Therefore, the purpose of this chapter is to require that every
604 owner or operator of a motor vehicle required to be registered
605 in this state establish, maintain, and ~~it is required herein~~
606 ~~that the operator of a motor vehicle involved in a crash or~~
607 ~~convicted of certain traffic offenses meeting the operative~~
608 ~~provisions of s. 324.051(2) shall respond for such damages and~~
609 show proof of financial ability to respond for damages arising

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610 out of the ownership, maintenance, or use of a motor vehicle in
611 ~~future accidents~~ as a requisite to owning or operating a motor
612 vehicle in this state ~~his or her future exercise of such~~
613 ~~privileges.~~

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

617 324.021 Definitions; minimum insurance required.—The
618 following words and phrases when used in this chapter shall, for
619 the purpose of this chapter, have the meanings respectively
620 ascribed to them in this section, except in those instances
621 where the context clearly indicates a different meaning:

622 (1) MOTOR VEHICLE.—Every self-propelled vehicle that is
623 designed and required to be licensed for use upon a highway,
624 including trailers and semitrailers designed for use with such
625 vehicles, except traction engines, road rollers, farm tractors,
626 power shovels, and well drillers, and every vehicle that is
627 propelled by electric power obtained from overhead wires but not
628 operated upon rails, but not including any personal delivery
629 device or mobile carrier as defined in s. 316.003, bicycle,
630 electric bicycle, or moped. ~~However, the term "motor vehicle"~~
631 ~~does not include a motor vehicle as defined in s. 627.732(3)~~
632 ~~when the owner of such vehicle has complied with the~~
633 ~~requirements of ss. 627.730–627.7405, inclusive, unless the~~
634 ~~provisions of s. 324.051 apply; and, in such case, the~~
635 ~~applicable proof of insurance provisions of s. 320.02 apply.~~

636 (7) PROOF OF FINANCIAL RESPONSIBILITY.—Beginning January 1,
637 2022, ~~That~~ proof of ability to respond in damages for liability
638 on account of crashes arising out of the ownership, maintenance,

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639 or use of a motor vehicle:

640 (a) With respect to a motor vehicle other than a commercial
641 motor vehicle, nonpublic sector bus, or for-hire passenger
642 transportation vehicle, in the amount of:

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

646 ~~(b)~~ subject to such limits for one person, in the amount of
647 \$50,000 for ~~\$20,000~~ because of bodily injury to, or the death
648 of, two or more persons in any one crash; and

649 2. ~~(c)~~ Ten thousand dollars for damage ~~In the amount of~~
650 ~~\$10,000~~ because of injury to, or destruction of, property of
651 others in any one crash. ~~;~~ and

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

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

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

659 (9) OWNER; OWNER/LESSOR.—

660 (c) *Application.*—

661 1. The limits on liability in subparagraphs (b)2. and 3. do
662 not apply to an owner of motor vehicles that are used for
663 commercial activity in the owner's ordinary course of business,
664 other than a rental company that rents or leases motor vehicles.
665 For purposes of this paragraph, the term "rental company"
666 includes only an entity that is engaged in the business of
667 renting or leasing motor vehicles to the general public and that

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668 rents or leases a majority of its motor vehicles to persons with
669 no direct or indirect affiliation with the rental company. The
670 term "rental company" also includes:

671 a. A related rental or leasing company that is a subsidiary
672 of the same parent company as that of the renting or leasing
673 company that rented or leased the vehicle.

674 b. The holder of a motor vehicle title or an equity
675 interest in a motor vehicle title if the title or equity
676 interest is held pursuant to or to facilitate an asset-backed
677 securitization of a fleet of motor vehicles used solely in the
678 business of renting or leasing motor vehicles to the general
679 public and under the dominion and control of a rental company,
680 as described in this subparagraph, in the operation of such
681 rental company's business.

682 2. Furthermore, with respect to commercial motor vehicles
683 as defined in s. 207.002 or s. 320.01 ~~s. 627.732~~, the limits on
684 liability in subparagraphs (b)2. and 3. do not apply if, at the
685 time of the incident, the commercial motor vehicle is being used
686 in the transportation of materials found to be hazardous for the
687 purposes of the Hazardous Materials Transportation Authorization
688 Act of 1994, as amended, 49 U.S.C. ss. 5101 et seq., and that is
689 required pursuant to such act to carry placards warning others
690 of the hazardous cargo, unless at the time of lease or rental
691 either:

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

696 b. The lessee or other operator of the commercial motor

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697 vehicle has in effect insurance with limits of at least \$5
698 million ~~\$5,000,000~~ combined property damage and bodily injury
699 liability.

700 3.a. A motor vehicle dealer, or a motor vehicle dealer's
701 leasing or rental affiliate, that provides a temporary
702 replacement vehicle at no charge or at a reasonable daily charge
703 to a service customer whose vehicle is being held for repair,
704 service, or adjustment by the motor vehicle dealer is immune
705 from any cause of action and is not liable, vicariously or
706 directly, under general law solely by reason of being the owner
707 of the temporary replacement vehicle for harm to persons or
708 property that arises out of the use, or operation, of the
709 temporary replacement vehicle by any person during the period
710 the temporary replacement vehicle has been entrusted to the
711 motor vehicle dealer's service customer if there is no
712 negligence or criminal wrongdoing on the part of the motor
713 vehicle owner, or its leasing or rental affiliate.

714 b. For purposes of this section, and notwithstanding any
715 other provision of general law, a motor vehicle dealer, or a
716 motor vehicle dealer's leasing or rental affiliate, that gives
717 possession, control, or use of a temporary replacement vehicle
718 to a motor vehicle dealer's service customer may not be adjudged
719 liable in a civil proceeding absent negligence or criminal
720 wrongdoing on the part of the motor vehicle dealer, or the motor
721 vehicle dealer's leasing or rental affiliate, if the motor
722 vehicle dealer or the motor vehicle dealer's leasing or rental
723 affiliate executes a written rental or use agreement and obtains
724 from the person receiving the temporary replacement vehicle a
725 copy of the person's driver license and insurance information

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726 reflecting at least the minimum motor vehicle insurance coverage
727 required in the state. Any subsequent determination that the
728 driver license or insurance information provided to the motor
729 vehicle dealer, or the motor vehicle dealer's leasing or rental
730 affiliate, was in any way false, fraudulent, misleading,
731 nonexistent, canceled, not in effect, or invalid does not alter
732 or diminish the protections provided by this section, unless the
733 motor vehicle dealer, or the motor vehicle dealer's leasing or
734 rental affiliate, had actual knowledge thereof at the time
735 possession of the temporary replacement vehicle was provided.

736 c. For purposes of this subparagraph, the term "service
737 customer" does not include an agent or a principal of a motor
738 vehicle dealer or a motor vehicle dealer's leasing or rental
739 affiliate, and does not include an employee of a motor vehicle
740 dealer or a motor vehicle dealer's leasing or rental affiliate
741 unless the employee was provided a temporary replacement
742 vehicle:

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

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

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

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

754 Section 13. Section 324.022, Florida Statutes, is amended

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755 to read:

756 324.022 Financial responsibility requirements ~~for property~~
757 ~~damage.~~

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

763 1. Twenty-five thousand dollars for bodily injury to, or
764 the death of, one person in any one crash and, subject to such
765 limits for one person, in the amount of \$50,000 for bodily
766 injury to, or the death of, two or more persons in any one
767 crash; and

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

770 (b) The requirements of paragraph (a) ~~this section~~ may be
771 met by one of the methods established in s. 324.031; by self-
772 insuring as authorized by s. 768.28(16); or by maintaining a
773 motor vehicle liability insurance policy that ~~an insurance~~
774 ~~policy providing coverage for property damage liability in the~~
775 ~~amount of at least \$10,000 because of damage to, or destruction~~
776 ~~of, property of others in any one accident arising out of the~~
777 ~~use of the motor vehicle. The requirements of this section may~~
778 ~~also be met by having a policy which provides~~ combined property
779 damage liability and bodily injury liability coverage for any
780 one crash arising out of the ownership, maintenance, or use of a
781 motor vehicle and that conforms to the requirements of s.
782 324.151 in the amount of at least \$60,000 for every owner or
783 operator subject to the financial responsibility required in

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784 ~~paragraph (a) \$30,000 for combined property damage liability and~~
785 ~~bodily injury liability for any one crash arising out of the use~~
786 ~~of the motor vehicle. The policy, with respect to coverage for~~
787 ~~property damage liability, must meet the applicable requirements~~
788 ~~of s. 324.151, subject to the usual policy exclusions that have~~
789 ~~been approved in policy forms by the Office of Insurance~~
790 ~~Regulation. No insurer shall have any duty to defend uncovered~~
791 ~~claims irrespective of their joinder with covered claims.~~

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

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

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

799 2. A motor vehicle that is used in mass transit and
800 designed to transport more than five passengers, exclusive of
801 the operator of the motor vehicle, and that is owned by a
802 municipality, transit authority, or political subdivision of the
803 state.

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

806 4. A commercial motor vehicle as defined in s. 207.002 or
807 s. 320.01, which must maintain security as required under ss.
808 324.031 and 627.7415.

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

811 6.4. A vehicle providing for-hire passenger transportation
812 vehicle, which must ~~that is subject to the provisions of s.~~

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813 ~~324.031. A taxicab shall~~ maintain security as required under s.
814 324.032 ~~s. 324.032(1)~~.

815 ~~7.5.~~ A personal delivery device as defined in s. 316.003.

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

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

826 (4) An ~~The~~ owner or registrant of a motor vehicle who is
827 ~~exempt from the requirements of this section if she or he is a~~
828 member of the United States Armed Forces and is called to or on
829 active duty outside the United States in an emergency situation
830 is exempt from this section while he or she. ~~The exemption~~
831 ~~provided by this subsection applies only as long as the member~~
832 ~~of the Armed Forces is on such active duty. This exemption~~
833 ~~outside the United States and applies only while the vehicle~~
834 covered by the security is not operated by any person. Upon
835 receipt of a written request by the insured to whom the
836 exemption provided in this subsection applies, the insurer shall
837 cancel the coverages and return any unearned premium or suspend
838 the security required by this section. Notwithstanding s.
839 324.0221(2) ~~s. 324.0221(3)~~, the department may not suspend the
840 registration or operator's license of an ~~any~~ owner or registrant
841 of a motor vehicle during the time she or he qualifies for the

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842 ~~an~~ exemption under this subsection. An ~~Any~~ owner or registrant
843 of a motor vehicle who qualifies for the ~~an~~ exemption under this
844 subsection shall immediately notify the department before ~~prior~~
845 ~~to~~ and at the end of the expiration of the exemption.

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

848 324.0221 Reports by insurers to the department; suspension
849 of driver license and vehicle registrations; reinstatement.—

850 (1) (a) Each insurer that has issued a policy providing
851 ~~personal injury protection coverage or property damage~~ liability
852 coverage shall report the cancellation or nonrenewal thereof to
853 the department within 10 days after the processing date or
854 effective date of each cancellation or nonrenewal. Upon the
855 issuance of a policy providing ~~personal injury protection~~
856 ~~coverage or property damage~~ liability coverage to a named
857 insured not previously insured by the insurer during that
858 calendar year, the insurer shall report the issuance of the new
859 policy to the department within 10 days. The report must ~~shall~~
860 be in the form ~~and format~~ and contain any information required
861 by the department and must be provided in a format that is
862 compatible with the data processing capabilities of the
863 department. Failure by an insurer to file proper reports with
864 the department as required by this subsection constitutes a
865 violation of the Florida Insurance Code. These records may ~~shall~~
866 be used by the department only for enforcement and regulatory
867 purposes, including the generation by the department of data
868 regarding compliance by owners of motor vehicles with the
869 requirements for financial responsibility coverage.

870 (b) With respect to an insurance policy providing ~~personal~~

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871 ~~injury protection coverage or property damage~~ liability
872 coverage, each insurer shall notify the named insured, or the
873 first-named insured in the case of a commercial fleet policy, in
874 writing that any cancellation or nonrenewal of the policy will
875 be reported by the insurer to the department. The notice must
876 also inform the named insured that failure to maintain bodily
877 injury liability ~~personal injury protection~~ coverage and
878 property damage liability coverage on a motor vehicle when
879 required by law may result in the loss of registration and
880 driving privileges in this state and inform the named insured of
881 the amount of the reinstatement fees required by this section.
882 This notice is for informational purposes only, and an insurer
883 is not civilly liable for failing to provide this notice.

884 (2) The department shall suspend, after due notice and an
885 opportunity to be heard, the registration and driver license of
886 any owner or registrant of a motor vehicle for ~~with respect to~~
887 which security is required under s. 324.022, s. 324.032, s.
888 627.7415, or s. 627.742 ~~ss. 324.022 and 627.733~~ upon:

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

893 (b) Notification by the insurer to the department, in a
894 form approved by the department, of cancellation or termination
895 of the required security.

896 Section 15. Section 324.0222, Florida Statutes, is created
897 to read:

898 324.0222 Application of suspensions for failure to maintain
899 security; reinstatement.—All suspensions for failure to maintain

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900 required security as required by law in effect before January 1,
901 2022, remain in full force and effect after January 1, 2022. A
902 driver may reinstate a suspended driver license or registration
903 as provided under s. 324.0221.

904 Section 16. Section 324.023, Florida Statutes, is amended
905 to read:

906 324.023 Financial responsibility for bodily injury or
907 death.—In addition to any other financial responsibility
908 required by law, every owner or operator of a motor vehicle that
909 is required to be registered in this state, or that is located
910 within this state, and who, regardless of adjudication of guilt,
911 has been found guilty of or entered a plea of guilty or nolo
912 contendere to a charge of driving under the influence under s.
913 316.193 after October 1, 2007, shall, by one of the methods
914 established in s. 324.031(1)(a) or (b) ~~s. 324.031(1) or (2)~~,
915 establish and maintain the ability to respond in damages for
916 liability on account of accidents arising out of the use of a
917 motor vehicle in the amount of \$100,000 because of bodily injury
918 to, or death of, one person in any one crash and, subject to
919 such limits for one person, in the amount of \$300,000 because of
920 bodily injury to, or death of, two or more persons in any one
921 crash and in the amount of \$50,000 because of property damage in
922 any one crash. If the owner or operator chooses to establish and
923 maintain such ability by furnishing a certificate of deposit
924 pursuant to s. 324.031(1)(b) ~~s. 324.031(2)~~, such certificate of
925 deposit must be at least \$350,000. Such higher limits must be
926 carried for a minimum period of 3 years. If the owner or
927 operator has not been convicted of driving under the influence
928 or a felony traffic offense for a period of 3 years from the

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929 date of reinstatement of driving privileges for a violation of
930 s. 316.193, the owner or operator is ~~shall be~~ exempt from this
931 section.

932 Section 17. Section 324.031, Florida Statutes, is amended
933 to read:

934 324.031 Manner of proving financial responsibility.—

935 ~~(1) The owner or operator of a taxicab, limousine, jitney,~~
936 ~~or any other for-hire passenger transportation vehicle may prove~~
937 ~~financial responsibility by providing satisfactory evidence of~~
938 ~~holding a motor vehicle liability policy as defined in s.~~
939 ~~324.021(8) or s. 324.151, which policy is issued by an insurance~~
940 ~~carrier which is a member of the Florida Insurance Guaranty~~
941 ~~Association. The operator or owner of a motor vehicle other than~~
942 ~~a for-hire passenger transportation vehicle any other vehicle~~
943 may prove his or her financial responsibility by:

944 (a) (1) ~~Furnishing satisfactory evidence of holding a motor~~
945 ~~vehicle liability policy as defined in ss. 324.021(8) and~~
946 ~~324.151 which provides liability coverage for the motor vehicle~~
947 ~~being operated;~~

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

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

952 (2) Beginning January 1, 2022, ~~any person, including any~~
953 ~~firm, partnership, association, corporation, or other person,~~
954 ~~other than a natural person,~~ electing to use the method of proof
955 specified in paragraph (1) (b) subsection (2) shall do both of
956 the following:

957 (a) ~~Furnish a certificate of deposit equal to the number of~~

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958 vehicles owned times \$60,000 ~~\$30,000~~, up to a maximum of
959 \$240,000. ~~\$120,000;~~

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

963 1. At least \$125,000 for bodily injury to, or the death of,
964 one person in any one crash and, subject to such limits for one
965 person, in the amount of \$250,000 for bodily injury to, or the
966 death of, two or more persons in any one crash, and \$50,000 for
967 damage to, or destruction of, property of others in any one
968 crash; or

969 2. At least \$300,000 for combined bodily injury liability
970 and property damage liability for any one crash in excess of
971 limits of \$10,000/20,000/10,000 or \$30,000 combined single
972 limits, and such excess insurance shall provide minimum limits
973 of \$125,000/250,000/50,000 or \$300,000 combined single limits.
974 These increased limits shall not affect the requirements for
975 proving financial responsibility under s. 324.032(1).

976 Section 18. Section 324.032, Florida Statutes, is amended
977 to read:

978 324.032 ~~Manner of proving~~ Financial responsibility for
979 for-hire passenger transportation vehicles. ~~Notwithstanding the~~
980 ~~provisions of s. 324.031:~~

981 (1) An owner or a lessee of a for-hire passenger
982 transportation vehicle that is required to be registered in this
983 state shall establish and continuously maintain the ability to
984 respond in damages for liability on account of accidents arising
985 out of the ownership, maintenance, or use of the for-hire
986 passenger transportation vehicle, in the amount of:

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987 (a) One hundred twenty-five thousand dollars for bodily
988 injury to, or the death of, one person in any one crash and,
989 subject to such limits for one person, in the amount of \$250,000
990 for bodily injury to, or the death of, two or more persons in
991 any one crash; and ~~A person who is either the owner or a lessee~~
992 ~~required to maintain insurance under s. 627.733(1)(b) and who~~
993 ~~operates one or more taxicabs, limousines, jitneys, or any other~~
994 ~~for-hire passenger transportation vehicles may prove financial~~
995 ~~responsibility by furnishing satisfactory evidence of holding a~~
996 ~~motor vehicle liability policy, but with minimum limits of~~
997 ~~\$125,000/250,000/50,000.~~

998 (b) Fifty thousand dollars for damage to, or destruction
999 of, property of others in any one crash ~~A person who is either~~
1000 ~~the owner or a lessee required to maintain insurance under s.~~
1001 ~~324.021(9)(b) and who operates limousines, jitneys, or any other~~
1002 ~~for-hire passenger vehicles, other than taxicabs, may prove~~
1003 ~~financial responsibility by furnishing satisfactory evidence of~~
1004 ~~holding a motor vehicle liability policy as defined in s.~~
1005 ~~324.031.~~

1006 (2) Except as provided in subsection (3), the requirements
1007 of this section must be met by the owner or lessee providing
1008 satisfactory evidence of holding a motor vehicle liability
1009 policy conforming to the requirements of s. 324.151 which is
1010 issued by an insurance carrier that is a member of the Florida
1011 Insurance Guaranty Association.

1012 (3) ~~(2)~~ ~~An owner or a lessee who is required to maintain~~
1013 ~~insurance under s. 324.021(9)(b) and who operates at least 300~~
1014 ~~taxicabs, limousines, jitneys, or any other for-hire passenger~~
1015 ~~transportation vehicles may provide financial responsibility by~~

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1016 complying with ~~the provisions of~~ s. 324.171, which must ~~such~~
1017 ~~compliance~~ to be demonstrated by maintaining at its principal
1018 place of business an audited financial statement, prepared in
1019 accordance with generally accepted accounting principles, and
1020 providing to the department a certification issued by a
1021 certified public accountant that the applicant's net worth is at
1022 least equal to the requirements of s. 324.171 as determined by
1023 the Office of Insurance Regulation of the Financial Services
1024 Commission, including claims liabilities in an amount certified
1025 as adequate by a Fellow of the Casualty Actuarial Society.

1026
1027 Upon request by the department, the applicant shall ~~must~~ provide
1028 the department at the applicant's principal place of business in
1029 this state access to the applicant's underlying financial
1030 information and financial statements that provide the basis of
1031 the certified public accountant's certification. The applicant
1032 shall reimburse the requesting department for all reasonable
1033 costs incurred by it in reviewing the supporting information.
1034 The maximum amount of self-insurance permissible under this
1035 subsection is \$300,000 and must be stated on a per-occurrence
1036 basis, and the applicant shall maintain adequate excess
1037 insurance issued by an authorized or eligible insurer licensed
1038 or approved by the Office of Insurance Regulation. All risks
1039 self-insured shall remain with the owner or lessee providing it,
1040 and the risks are not transferable to any other person, unless a
1041 policy complying with subsections (1) and (2) ~~subsection (1)~~ is
1042 obtained.

1043 Section 19. Paragraph (b) of subsection (2) of section
1044 324.051, Florida Statutes, is amended to read:

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1045 324.051 Reports of crashes; suspensions of licenses and
1046 registrations.—

1047 (2)

1048 (b) This subsection does ~~shall~~ not apply:

1049 1. To such operator or owner if such operator or owner had
1050 in effect at the time of such crash or traffic conviction a
1051 motor vehicle ~~an automobile~~ liability policy with respect to all
1052 of the registered motor vehicles owned by such operator or
1053 owner.

1054 2. To such operator, if not the owner of such motor
1055 vehicle, if there was in effect at the time of such crash or
1056 traffic conviction a motor vehicle ~~an automobile~~ liability
1057 policy or bond with respect to his or her operation of motor
1058 vehicles not owned by him or her.

1059 3. To such operator or owner if the liability of such
1060 operator or owner for damages resulting from such crash is, in
1061 the judgment of the department, covered by any other form of
1062 liability insurance or bond.

1063 4. To any person who has obtained from the department a
1064 certificate of self-insurance, in accordance with s. 324.171, or
1065 to any person operating a motor vehicle for such self-insurer.

1066

1067 No such policy or bond shall be effective under this subsection
1068 unless it contains limits of not less than those specified in s.
1069 324.021(7).

1070 Section 20. Section 324.071, Florida Statutes, is amended
1071 to read:

1072 324.071 Reinstatement; renewal of license; reinstatement
1073 fee.—An ~~Any~~ operator or owner whose license or registration has

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1074 been suspended pursuant to s. 324.051(2), s. 324.072, s.
1075 324.081, or s. 324.121 may effect its reinstatement upon
1076 compliance with ~~the provisions of~~ s. 324.051(2)(a)3. or 4., or
1077 s. 324.081(2) and (3), as the case may be, and with one of the
1078 provisions of s. 324.031 and upon payment to the department of a
1079 nonrefundable reinstatement fee of \$15. Only one such fee may
1080 ~~shall~~ be paid by any one person regardless ~~irrespective~~ of the
1081 number of licenses and registrations to be then reinstated or
1082 issued to such person. ~~All~~ Such fees must ~~shall~~ be deposited to
1083 a department trust fund. If ~~When~~ the reinstatement of any
1084 license or registration is effected by compliance with s.
1085 324.051(2)(a)3. or 4., the department may ~~shall~~ not renew the
1086 license or registration within ~~a period of~~ 3 years after ~~from~~
1087 such reinstatement, nor may ~~shall~~ any other license or
1088 registration be issued in the name of such person, unless the
1089 operator continues ~~is continuing~~ to comply with ~~one of the~~
1090 ~~provisions of~~ s. 324.031.

1091 Section 21. Subsection (1) of section 324.091, Florida
1092 Statutes, is amended to read:

1093 324.091 Notice to department; notice to insurer.-

1094 (1) Each owner and operator involved in a crash or
1095 conviction case within the purview of this chapter shall furnish
1096 evidence of ~~automobile liability insurance or~~ motor vehicle
1097 liability insurance within 14 days after the date of the mailing
1098 of notice of crash by the department in the form and manner as
1099 it may designate. Upon receipt of evidence that a ~~an~~ automobile
1100 ~~liability policy or~~ motor vehicle liability policy was in effect
1101 at the time of the crash or conviction case, the department
1102 shall forward to the insurer such information for verification

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1103 in a method as determined by the department. The insurer shall
1104 respond to the department within 20 days after the notice as to
1105 whether ~~or not~~ such information is valid. If the department
1106 determines that a ~~an automobile liability policy or~~ motor
1107 vehicle liability policy was not in effect and did not provide
1108 coverage for both the owner and the operator, it must ~~shall~~ take
1109 action as it is authorized to do under this chapter.

1110 Section 22. Section 324.151, Florida Statutes, is amended
1111 to read:

1112 324.151 Motor vehicle liability policies; required
1113 provisions.-

1114 (1) A motor vehicle liability policy that serves as ~~to be~~
1115 proof of financial responsibility under s. 324.031(1)(a) ~~must s.~~
1116 ~~324.031(1), shall~~ be issued to owners or operators of motor
1117 vehicles under the following provisions:

1118 (a) A motor vehicle ~~An owner's~~ liability insurance policy
1119 issued to an owner of a motor vehicle required to be registered
1120 in this state must ~~shall~~ designate by explicit description or by
1121 appropriate reference all motor vehicles for ~~with respect to~~
1122 which coverage is thereby granted. The policy must ~~and shall~~
1123 insure the person or persons ~~owner~~ named therein and, except for
1124 a named driver excluded pursuant to s. 627.747, must insure any
1125 resident relative of a named insured ~~other person as operator~~
1126 ~~using such motor vehicle or motor vehicles with the express or~~
1127 ~~implied permission of such owner against loss from the liability~~
1128 imposed by law for damage arising out of the ownership,
1129 maintenance, or use of any ~~such~~ motor vehicle ~~or motor vehicles~~
1130 ~~within the United States or the Dominion of Canada, subject to~~
1131 ~~limits, exclusive of interest and costs with respect to each~~

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1132 ~~such motor vehicle as is provided for under s. 324.021(7).~~
1133 Except for a named driver excluded pursuant to s. 627.747, the
1134 policy must also insure any person operating an insured motor
1135 vehicle with the express or implied permission of a named
1136 insured against loss from the liability imposed by law for
1137 damage arising out of the use of any vehicle. However, the
1138 insurer may include provisions in its policy excluding liability
1139 coverage for a motor vehicle not designated as an insured
1140 vehicle on the policy if such motor vehicle does not qualify as
1141 a newly acquired vehicle or as a temporary substitute vehicle
1142 and was owned by the insured or was furnished for an insured's
1143 regular use for more than 30 consecutive days before the event
1144 giving rise to the claim. Insurers may make available, with
1145 respect to property damage liability coverage, a deductible
1146 amount not to exceed \$500. In the event of a property damage
1147 loss covered by a policy containing a property damage deductible
1148 provision, the insurer shall pay to the third-party claimant the
1149 amount of any property damage liability settlement or judgment,
1150 subject to policy limits, as if no deductible existed.

1151 (b) A motor vehicle liability insurance policy issued to a
1152 person who does not own a motor vehicle must ~~An operator's motor~~
1153 ~~vehicle liability policy of insurance shall~~ insure the person or
1154 persons named therein against loss from the liability imposed
1155 ~~upon him or her~~ by law for damages arising out of the use ~~by the~~
1156 ~~person~~ of any motor vehicle not owned by him or her, ~~with the~~
1157 ~~same territorial limits and subject to the same limits of~~
1158 ~~liability as referred to above with respect to an owner's policy~~
1159 ~~of liability insurance.~~

1160 (c) All such motor vehicle liability policies must provide

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1161 liability coverage with limits, exclusive of interest and costs,
1162 as specified under s. 324.021(7) for accidents occurring within
1163 the United States or Canada. The policies must ~~shall~~ state the
1164 name and address of the named insured, the coverage afforded by
1165 the policy, the premium charged therefor, the policy period, and
1166 the limits of liability, and must ~~shall~~ contain an agreement or
1167 be endorsed that insurance is provided in accordance with the
1168 coverage defined in this chapter ~~as respects bodily injury and~~
1169 ~~death or property damage or both~~ and is subject to all
1170 ~~provisions of~~ this chapter. The said policies must ~~shall~~ also
1171 contain a provision that the satisfaction by an insured of a
1172 judgment for such injury or damage may ~~shall~~ not be a condition
1173 precedent to the right or duty of the insurance carrier to make
1174 payment on account of such injury or damage, and must ~~shall~~ also
1175 contain a provision that bankruptcy or insolvency of the insured
1176 or of the insured's estate does ~~shall~~ not relieve the insurance
1177 carrier of any of its obligations under the said policy.

1178 (2) ~~The provisions of~~ This section is ~~shall~~ not be
1179 applicable to any motor vehicle ~~automobile~~ liability policy
1180 unless and until it is furnished as proof of financial
1181 responsibility for the future pursuant to s. 324.031, and then
1182 applies only from ~~and after~~ the date the said policy is ~~se~~
1183 furnished.

1184 (3) As used in this section, the term:

1185 (a) "Newly acquired vehicle" means a vehicle owned by a
1186 named insured or resident relative of the named insured which
1187 was acquired no more than 30 days before an accident.

1188 (b) "Resident relative" means a person related to a named
1189 insured by any degree by blood, marriage, or adoption, including

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1190 a ward or foster child, who usually makes his or her home in the
1191 same family unit or residence as the named insured, regardless
1192 of whether he or she temporarily lives elsewhere.

1193 (c) "Temporary substitute vehicle" means any motor vehicle
1194 as defined in s. 320.01(1) which is not owned by the named
1195 insured and which is temporarily used with the permission of the
1196 owner as a substitute for the owned motor vehicle designated on
1197 the policy when the owned vehicle is withdrawn from normal use
1198 because of breakdown, repair, servicing, loss, or destruction.

1199 Section 23. Section 324.161, Florida Statutes, is amended
1200 to read:

1201 324.161 Proof of financial responsibility; deposit.—If a
1202 person elects to prove his or her financial responsibility under
1203 the method of proof specified in s. 324.031(1) (b), he or she
1204 annually must obtain and submit to the department proof of a
1205 certificate of deposit in the amount required under s.
1206 324.031(2) from a financial institution insured by the Federal
1207 Deposit Insurance Corporation or the National Credit Union
1208 Administration ~~Annually, before any certificate of insurance may~~
1209 ~~be issued to a person, including any firm, partnership,~~
1210 ~~association, corporation, or other person, other than a natural~~
1211 ~~person, proof of a certificate of deposit of \$30,000 issued and~~
1212 ~~held by a financial institution must be submitted to the~~
1213 ~~department.~~ A power of attorney will be issued to and held by
1214 the department and may be executed upon a judgment issued
1215 against such person making the deposit, for damages for ~~because~~
1216 ~~of~~ bodily injury to or death of any person or for damages for
1217 ~~because of~~ injury to or destruction of property resulting from
1218 the use or operation of any motor vehicle occurring after such

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1219 deposit was made. Money so deposited is ~~shall~~ not ~~be~~ subject to
1220 attachment or execution unless such attachment or execution
1221 arises ~~shall arise~~ out of a lawsuit ~~suit~~ for such damages as
1222 ~~aforsaid~~.

1223 Section 24. Subsections (1) and (2) of section 324.171,
1224 Florida Statutes, are amended to read:

1225 324.171 Self-insurer.—

1226 (1) A ~~Any~~ person may qualify as a self-insurer by obtaining
1227 a certificate of self-insurance from the department. ~~which may,~~
1228 ~~in its discretion and~~ Upon application of such a person, the
1229 department may issue a said certificate of self-insurance to an
1230 applicant who satisfies ~~when such person has satisfied~~ the
1231 requirements of this section. Effective January 1, 2022 ~~to~~
1232 ~~qualify as a self-insurer under this section:~~

1233 (a) A private individual with private passenger vehicles
1234 shall possess a net unencumbered worth of at least \$100,000
1235 ~~\$40,000~~.

1236 (b) A person, including any firm, partnership, association,
1237 corporation, or other person, other than a natural person,
1238 shall:

1239 1. Possess a net unencumbered worth of at least \$100,000
1240 ~~\$40,000~~ for the first motor vehicle and \$50,000 ~~\$20,000~~ for each
1241 additional motor vehicle; or

1242 2. Maintain sufficient net worth, in an amount determined
1243 by the department, to be financially responsible for potential
1244 losses. The department annually shall determine the minimum net
1245 worth sufficient to satisfy this subparagraph ~~as determined~~
1246 ~~annually by the department,~~ pursuant to rules adopted
1247 ~~promulgated~~ by the department, with the assistance of the Office

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1248 of Insurance Regulation of the Financial Services Commission, ~~to~~
1249 ~~be financially responsible for potential losses~~. The rules must
1250 consider any ~~shall take into consideration~~ excess insurance
1251 carried by the applicant. The department's determination must
1252 ~~shall~~ be based upon reasonable actuarial principles considering
1253 the frequency, severity, and loss development of claims incurred
1254 by casualty insurers writing coverage on the type of motor
1255 vehicles for which a certificate of self-insurance is desired.

1256 (c) The owner of a commercial motor vehicle, as defined in
1257 s. 207.002 or s. 320.01, may qualify as a self-insurer subject
1258 to the standards provided ~~for~~ in subparagraph (b)2.

1259 (2) The self-insurance certificate must ~~shall~~ provide
1260 limits of liability insurance in the amounts specified under s.
1261 324.021(7) ~~or s. 627.7415 and shall provide personal injury~~
1262 ~~protection coverage under s. 627.733(3)(b)~~.

1263 Section 25. Section 324.251, Florida Statutes, is amended
1264 to read:

1265 324.251 Short title.—This chapter may be cited as the
1266 "Financial Responsibility Law of 2021 1955" and is ~~shall become~~
1267 effective at 12:01 a.m., January 1, 2022 ~~October 1, 1955~~.

1268 Section 26. Subsection (4) of section 400.9905, Florida
1269 Statutes, is amended to read:

1270 400.9905 Definitions.—

1271 (4) (a) "Clinic" means an entity where health care services
1272 are provided to individuals and which tenders charges for
1273 reimbursement for such services, including a mobile clinic and a
1274 portable equipment provider. As used in this part, the term does
1275 not include and the licensure requirements of this part do not
1276 apply to:

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1277 1.~~(a)~~ Entities licensed or registered by the state under
1278 chapter 395; entities licensed or registered by the state and
1279 providing only health care services within the scope of services
1280 authorized under their respective licenses under ss. 383.30-
1281 383.332, chapter 390, chapter 394, chapter 397, this chapter
1282 except part X, chapter 429, chapter 463, chapter 465, chapter
1283 466, chapter 478, chapter 484, or chapter 651; end-stage renal
1284 disease providers authorized under 42 C.F.R. part 494; providers
1285 certified and providing only health care services within the
1286 scope of services authorized under their respective
1287 certifications under 42 C.F.R. part 485, subpart B, subpart H,
1288 or subpart J; providers certified and providing only health care
1289 services within the scope of services authorized under their
1290 respective certifications under 42 C.F.R. part 486, subpart C;
1291 providers certified and providing only health care services
1292 within the scope of services authorized under their respective
1293 certifications under 42 C.F.R. part 491, subpart A; providers
1294 certified by the Centers for Medicare and Medicaid Services
1295 under the federal Clinical Laboratory Improvement Amendments and
1296 the federal rules adopted thereunder; or any entity that
1297 provides neonatal or pediatric hospital-based health care
1298 services or other health care services by licensed practitioners
1299 solely within a hospital licensed under chapter 395.

1300 2.~~(b)~~ Entities that own, directly or indirectly, entities
1301 licensed or registered by the state pursuant to chapter 395;
1302 entities that own, directly or indirectly, entities licensed or
1303 registered by the state and providing only health care services
1304 within the scope of services authorized pursuant to their
1305 respective licenses under ss. 383.30-383.332, chapter 390,

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1306 chapter 394, chapter 397, this chapter except part X, chapter
1307 429, chapter 463, chapter 465, chapter 466, chapter 478, chapter
1308 484, or chapter 651; end-stage renal disease providers
1309 authorized under 42 C.F.R. part 494; providers certified and
1310 providing only health care services within the scope of services
1311 authorized under their respective certifications under 42 C.F.R.
1312 part 485, subpart B, subpart H, or subpart J; providers
1313 certified and providing only health care services within the
1314 scope of services authorized under their respective
1315 certifications under 42 C.F.R. part 486, subpart C; providers
1316 certified and providing only health care services within the
1317 scope of services authorized under their respective
1318 certifications under 42 C.F.R. part 491, subpart A; providers
1319 certified by the Centers for Medicare and Medicaid Services
1320 under the federal Clinical Laboratory Improvement Amendments and
1321 the federal rules adopted thereunder; or any entity that
1322 provides neonatal or pediatric hospital-based health care
1323 services by licensed practitioners solely within a hospital
1324 licensed under chapter 395.

1325 3.(e) Entities that are owned, directly or indirectly, by
1326 an entity licensed or registered by the state pursuant to
1327 chapter 395; entities that are owned, directly or indirectly, by
1328 an entity licensed or registered by the state and providing only
1329 health care services within the scope of services authorized
1330 pursuant to their respective licenses under ss. 383.30-383.332,
1331 chapter 390, chapter 394, chapter 397, this chapter except part
1332 X, chapter 429, chapter 463, chapter 465, chapter 466, chapter
1333 478, chapter 484, or chapter 651; end-stage renal disease
1334 providers authorized under 42 C.F.R. part 494; providers

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1335 certified and providing only health care services within the
1336 scope of services authorized under their respective
1337 certifications under 42 C.F.R. part 485, subpart B, subpart H,
1338 or subpart J; providers certified and providing only health care
1339 services within the scope of services authorized under their
1340 respective certifications under 42 C.F.R. part 486, subpart C;
1341 providers certified and providing only health care services
1342 within the scope of services authorized under their respective
1343 certifications under 42 C.F.R. part 491, subpart A; providers
1344 certified by the Centers for Medicare and Medicaid Services
1345 under the federal Clinical Laboratory Improvement Amendments and
1346 the federal rules adopted thereunder; or any entity that
1347 provides neonatal or pediatric hospital-based health care
1348 services by licensed practitioners solely within a hospital
1349 under chapter 395.

1350 4.~~(d)~~ Entities that are under common ownership, directly
1351 or indirectly, with an entity licensed or registered by the
1352 state pursuant to chapter 395; entities that are under common
1353 ownership, directly or indirectly, with an entity licensed or
1354 registered by the state and providing only health care services
1355 within the scope of services authorized pursuant to their
1356 respective licenses under ss. 383.30-383.332, chapter 390,
1357 chapter 394, chapter 397, this chapter except part X, chapter
1358 429, chapter 463, chapter 465, chapter 466, chapter 478, chapter
1359 484, or chapter 651; end-stage renal disease providers
1360 authorized under 42 C.F.R. part 494; providers certified and
1361 providing only health care services within the scope of services
1362 authorized under their respective certifications under 42 C.F.R.
1363 part 485, subpart B, subpart H, or subpart J; providers

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1364 certified and providing only health care services within the
1365 scope of services authorized under their respective
1366 certifications under 42 C.F.R. part 486, subpart C; providers
1367 certified and providing only health care services within the
1368 scope of services authorized under their respective
1369 certifications under 42 C.F.R. part 491, subpart A; providers
1370 certified by the Centers for Medicare and Medicaid Services
1371 under the federal Clinical Laboratory Improvement Amendments and
1372 the federal rules adopted thereunder; or any entity that
1373 provides neonatal or pediatric hospital-based health care
1374 services by licensed practitioners solely within a hospital
1375 licensed under chapter 395.

1376 5.~~(e)~~ An entity that is exempt from federal taxation under
1377 26 U.S.C. s. 501(c)(3) or (4), an employee stock ownership plan
1378 under 26 U.S.C. s. 409 that has a board of trustees at least
1379 two-thirds of which are Florida-licensed health care
1380 practitioners and provides only physical therapy services under
1381 physician orders, any community college or university clinic,
1382 and any entity owned or operated by the federal or state
1383 government, including agencies, subdivisions, or municipalities
1384 thereof.

1385 6.~~(f)~~ A sole proprietorship, group practice, partnership,
1386 or corporation that provides health care services by physicians
1387 covered by s. 627.419, that is directly supervised by one or
1388 more of such physicians, and that is wholly owned by one or more
1389 of those physicians or by a physician and the spouse, parent,
1390 child, or sibling of that physician.

1391 7.~~(g)~~ A sole proprietorship, group practice, partnership,
1392 or corporation that provides health care services by licensed

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1393 health care practitioners under chapter 457, chapter 458,
1394 chapter 459, chapter 460, chapter 461, chapter 462, chapter 463,
1395 chapter 466, chapter 467, chapter 480, chapter 484, chapter 486,
1396 chapter 490, chapter 491, or part I, part III, part X, part
1397 XIII, or part XIV of chapter 468, or s. 464.012, and that is
1398 wholly owned by one or more licensed health care practitioners,
1399 or the licensed health care practitioners set forth in this
1400 subparagraph ~~paragraph~~ and the spouse, parent, child, or sibling
1401 of a licensed health care practitioner if one of the owners who
1402 is a licensed health care practitioner is supervising the
1403 business activities and is legally responsible for the entity's
1404 compliance with all federal and state laws. However, a health
1405 care practitioner may not supervise services beyond the scope of
1406 the practitioner's license, except that, for the purposes of
1407 this part, a clinic owned by a licensee in s. 456.053(3)(b)
1408 which provides only services authorized pursuant to s.
1409 456.053(3)(b) may be supervised by a licensee specified in s.
1410 456.053(3)(b).

1411 8.~~(h)~~ Clinical facilities affiliated with an accredited
1412 medical school at which training is provided for medical
1413 students, residents, or fellows.

1414 9.~~(i)~~ Entities that provide only oncology or radiation
1415 therapy services by physicians licensed under chapter 458 or
1416 chapter 459 or entities that provide oncology or radiation
1417 therapy services by physicians licensed under chapter 458 or
1418 chapter 459 which are owned by a corporation whose shares are
1419 publicly traded on a recognized stock exchange.

1420 10.~~(j)~~ Clinical facilities affiliated with a college of
1421 chiropractic accredited by the Council on Chiropractic Education

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1422 at which training is provided for chiropractic students.

1423 11.~~(k)~~ Entities that provide licensed practitioners to
1424 staff emergency departments or to deliver anesthesia services in
1425 facilities licensed under chapter 395 and that derive at least
1426 90 percent of their gross annual revenues from the provision of
1427 such services. Entities claiming an exemption from licensure
1428 under this subparagraph ~~paragraph~~ must provide documentation
1429 demonstrating compliance.

1430 12.~~(l)~~ Orthotic, prosthetic, pediatric cardiology, or
1431 perinatology clinical facilities or anesthesia clinical
1432 facilities that are not otherwise exempt under subparagraph 1.
1433 or subparagraph 11. ~~paragraph (a) or paragraph (k)~~ and that are
1434 a publicly traded corporation or are wholly owned, directly or
1435 indirectly, by a publicly traded corporation. As used in this
1436 subparagraph ~~paragraph~~, a publicly traded corporation is a
1437 corporation that issues securities traded on an exchange
1438 registered with the United States Securities and Exchange
1439 Commission as a national securities exchange.

1440 13.~~(m)~~ Entities that are owned by a corporation that has
1441 \$250 million or more in total annual sales of health care
1442 services provided by licensed health care practitioners where
1443 one or more of the persons responsible for the operations of the
1444 entity is a health care practitioner who is licensed in this
1445 state and who is responsible for supervising the business
1446 activities of the entity and is responsible for the entity's
1447 compliance with state law for purposes of this part.

1448 14.~~(n)~~ Entities that employ 50 or more licensed health care
1449 practitioners licensed under chapter 458 or chapter 459 where
1450 the billing for medical services is under a single tax

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1451 identification number. The application for exemption under this
1452 subsection must include ~~shall contain information that includes:~~
1453 the name, residence, and business address and telephone ~~phone~~
1454 number of the entity that owns the practice; a complete list of
1455 the names and contact information of all the officers and
1456 directors of the corporation; the name, residence address,
1457 business address, and medical license number of each licensed
1458 Florida health care practitioner employed by the entity; the
1459 corporate tax identification number of the entity seeking an
1460 exemption; a listing of health care services to be provided by
1461 the entity at the health care clinics owned or operated by the
1462 entity; and a certified statement prepared by an independent
1463 certified public accountant which states that the entity and the
1464 health care clinics owned or operated by the entity have not
1465 received payment for health care services under medical payments
1466 ~~personal injury protection insurance~~ coverage for the preceding
1467 year. If the agency determines that an entity that ~~which~~ is
1468 exempt under this subsection has received payments for medical
1469 services under medical payments ~~personal injury protection~~
1470 ~~insurance~~ coverage, the agency may deny or revoke the exemption
1471 from licensure under this subsection.

1472 15. ~~(e)~~ Entities that are, directly or indirectly, under the
1473 common ownership of or that are subject to common control by a
1474 mutual insurance holding company, as defined in s. 628.703, with
1475 an entity issued a certificate of authority under chapter 624 or
1476 chapter 641 which has \$1 billion or more in total annual sales
1477 in this state.

1478 16. ~~(p)~~ Entities that are owned by an entity that is a
1479 behavioral health care service provider in at least five other

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1480 states; that, together with its affiliates, have \$90 million or
1481 more in total annual revenues associated with the provision of
1482 behavioral health care services; and wherein one or more of the
1483 persons responsible for the operations of the entity is a health
1484 care practitioner who is licensed in this state, who is
1485 responsible for supervising the business activities of the
1486 entity, and who is responsible for the entity's compliance with
1487 state law for purposes of this part.

1488 17. ~~(g)~~ Medicaid providers.

1489 (b) Notwithstanding paragraph (a) ~~this subsection~~, an
1490 entity is ~~shall be~~ deemed a clinic and must be licensed under
1491 this part in order to receive medical payments coverage
1492 reimbursement under s. 627.7265 unless the entity is:

1493 1. Wholly owned by a physician licensed under chapter 458
1494 or chapter 459, or by the physician and the spouse, parent,
1495 child, or sibling of the physician;

1496 2. Wholly owned by a dentist licensed under chapter 466, or
1497 by the dentist and the spouse, parent, child, or sibling of the
1498 dentist;

1499 3. Wholly owned by a chiropractic physician licensed under
1500 chapter 460, or by the chiropractic physician and the spouse,
1501 parent, child, or sibling of the chiropractic physician;

1502 4. A hospital or ambulatory surgical center licensed under
1503 chapter 395;

1504 5. An entity that wholly owns or is wholly owned, directly
1505 or indirectly, by a hospital or hospitals licensed under chapter
1506 395;

1507 6. A clinical facility affiliated with an accredited
1508 medical school at which training is provided for medical

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1509 students, residents, or fellows;

1510 7. Certified under 42 C.F.R. part 485, subpart H; or

1511 8. Owned by a publicly traded corporation, either directly
1512 or indirectly through its subsidiaries, which has \$250 million
1513 or more in total annual sales of health care services provided
1514 by licensed health care practitioners, if one or more of the
1515 persons responsible for the operations of the entity are health
1516 care practitioners who are licensed in this state and are
1517 responsible for supervising the business activities of the
1518 entity and the entity's compliance with state law for purposes
1519 of this subsection ~~the Florida Motor Vehicle No-Fault Law, ss.~~
1520 ~~627.730-627.7405, unless exempted under s. 627.736(5)(h).~~

1521 Section 27. Subsection (5) of section 400.991, Florida
1522 Statutes, is amended to read:

1523 400.991 License requirements; background screenings;
1524 prohibitions.—

1525 (5) All agency forms for licensure application or exemption
1526 from licensure under this part must contain the following
1527 statement:

1528
1529 INSURANCE FRAUD NOTICE.—A person commits a fraudulent
1530 insurance act, as defined in s. 626.989, Florida
1531 Statutes, if the person ~~who~~ knowingly submits a false,
1532 misleading, or fraudulent application or other
1533 document when applying for licensure as a health care
1534 clinic, seeking an exemption from licensure as a
1535 health care clinic, or demonstrating compliance with
1536 part X of chapter 400, Florida Statutes, with the
1537 intent to use the license, exemption from licensure,

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1538 or demonstration of compliance to provide services or
1539 seek reimbursement under a motor vehicle liability
1540 insurance policy's medical payments coverage ~~the~~
1541 ~~Florida Motor Vehicle No-Fault Law, commits a~~
1542 ~~fraudulent insurance act, as defined in s. 626.989,~~
1543 ~~Florida Statutes.~~ A person who presents a claim for
1544 benefits under medical payments coverage ~~personal~~
1545 ~~injury protection benefits~~ knowing that the payee
1546 knowingly submitted such health care clinic
1547 application or document, commits insurance fraud, as
1548 defined in s. 817.234, Florida Statutes.

1549 Section 28. Paragraph (g) of subsection (1) of section
1550 400.9935, Florida Statutes, is amended to read:

1551 400.9935 Clinic responsibilities.-

1552 (1) Each clinic shall appoint a medical director or clinic
1553 director who shall agree in writing to accept legal
1554 responsibility for the following activities on behalf of the
1555 clinic. The medical director or the clinic director shall:

1556 (g) Conduct systematic reviews of clinic billings to ensure
1557 that the billings are not fraudulent or unlawful. Upon discovery
1558 of an unlawful charge, the medical director or clinic director
1559 shall take immediate corrective action. If the clinic performs
1560 only the technical component of magnetic resonance imaging,
1561 static radiographs, computed tomography, or positron emission
1562 tomography, and provides the professional interpretation of such
1563 services, in a fixed facility that is accredited by a national
1564 accrediting organization that is approved by the Centers for
1565 Medicare and Medicaid Services for magnetic resonance imaging
1566 and advanced diagnostic imaging services and if, in the

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1567 preceding quarter, the percentage of scans performed by that
1568 clinic which was billed to motor vehicle ~~all personal injury~~
1569 ~~protection~~ insurance carriers under medical payments coverage
1570 was less than 15 percent, the chief financial officer of the
1571 clinic may, in a written acknowledgment provided to the agency,
1572 assume the responsibility for the conduct of the systematic
1573 reviews of clinic billings to ensure that the billings are not
1574 fraudulent or unlawful.

1575 Section 29. Subsection (28) of section 409.901, Florida
1576 Statutes, is amended to read:

1577 409.901 Definitions; ss. 409.901-409.920.—As used in ss.
1578 409.901-409.920, except as otherwise specifically provided, the
1579 term:

1580 (28) "Third-party benefit" means any benefit that is or may
1581 be available at any time through contract, court award,
1582 judgment, settlement, agreement, or any arrangement between a
1583 third party and any person or entity, including, without
1584 limitation, a Medicaid recipient, a provider, another third
1585 party, an insurer, or the agency, for any Medicaid-covered
1586 injury, illness, goods, or services, including costs of medical
1587 services related thereto, for bodily ~~personal~~ injury or for
1588 death of the recipient, but specifically excluding ~~policies of~~
1589 life insurance policies on the recipient, unless available under
1590 terms of the policy to pay medical expenses before ~~prior to~~
1591 death. The term includes, without limitation, collateral, as
1592 defined in this section; ~~;~~ health insurance; ~~;~~ any benefit under a
1593 health maintenance organization, a preferred provider
1594 arrangement, a prepaid health clinic, liability insurance,
1595 uninsured motorist insurance, or medical payments coverage; or

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1596 ~~personal injury protection coverage,~~ medical benefits under
1597 workers' compensation, and any obligation under law or equity to
1598 provide medical support.

1599 Section 30. Paragraph (f) of subsection (11) of section
1600 409.910, Florida Statutes, is amended to read:

1601 409.910 Responsibility for payments on behalf of Medicaid-
1602 eligible persons when other parties are liable.-

1603 (11) The agency may, as a matter of right, in order to
1604 enforce its rights under this section, institute, intervene in,
1605 or join any legal or administrative proceeding in its own name
1606 in one or more of the following capacities: individually, as
1607 subrogee of the recipient, as assignee of the recipient, or as
1608 lienholder of the collateral.

1609 (f) Notwithstanding any provision in this section to the
1610 contrary, in the event of an action in tort against a third
1611 party in which the recipient or his or her legal representative
1612 is a party which results in a judgment, award, or settlement
1613 from a third party, the amount recovered shall be distributed as
1614 follows:

1615 1. After attorney ~~attorney's~~ fees and taxable costs as
1616 defined by the Florida Rules of Civil Procedure, one-half of the
1617 remaining recovery shall be paid to the agency up to the total
1618 amount of medical assistance provided by Medicaid.

1619 2. The remaining amount of the recovery shall be paid to
1620 the recipient.

1621 3. For purposes of calculating the agency's recovery of
1622 medical assistance benefits paid, the fee for services of an
1623 attorney retained by the recipient or his or her legal
1624 representative shall be calculated at 25 percent of the

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1625 judgment, award, or settlement.

1626 4. Notwithstanding any other provision of this section to
1627 the contrary, the agency shall be entitled to all medical
1628 coverage benefits up to the total amount of medical assistance
1629 provided by Medicaid. For purposes of this paragraph, the term
1630 "medical coverage" means any benefits under health insurance, a
1631 health maintenance organization, a preferred provider
1632 arrangement, or a prepaid health clinic, and the portion of
1633 benefits designated for medical payments under ~~coverage for~~
1634 workers' compensation coverage, motor vehicle insurance
1635 coverage, personal injury protection, and casualty coverage.

1636 Section 31. Paragraph (k) of subsection (2) of section
1637 456.057, Florida Statutes, is amended to read:

1638 456.057 Ownership and control of patient records; report or
1639 copies of records to be furnished; disclosure of information.—

1640 (2) As used in this section, the terms "records owner,"
1641 "health care practitioner," and "health care practitioner's
1642 employer" do not include any of the following persons or
1643 entities; furthermore, the following persons or entities are not
1644 authorized to acquire or own medical records, but are authorized
1645 under the confidentiality and disclosure requirements of this
1646 section to maintain those documents required by the part or
1647 chapter under which they are licensed or regulated:

1648 (k) Persons or entities practicing under s. 627.7265 ~~s.~~
1649 ~~627.736(7)~~.

1650 Section 32. Paragraphs (ee) and (ff) of subsection (1) of
1651 section 456.072, Florida Statutes, are amended to read:

1652 456.072 Grounds for discipline; penalties; enforcement.—

1653 (1) The following acts shall constitute grounds for which

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1654 the disciplinary actions specified in subsection (2) may be
1655 taken:

1656 (ee) With respect to making a medical payments coverage
1657 ~~personal injury protection~~ claim under s. 627.7265 as required
1658 ~~by s. 627.736~~, intentionally submitting a claim, statement, or
1659 bill that has been upcoded. As used in this paragraph, the term
1660 "upcoded" means an action that submits a billing code that would
1661 result in a greater payment amount than would be paid using a
1662 billing code that accurately describes the services performed.
1663 The term does not include an otherwise lawful bill by a magnetic
1664 resonance imaging facility which globally combines both
1665 technical and professional components, if the amount of the
1666 global bill is not more than the components if billed
1667 separately; however, payment of such a bill constitutes payment
1668 in full for all components of such service ~~"upcoded"~~ as defined
1669 ~~in s. 627.732.~~

1670 (ff) With respect to making a medical payments coverage
1671 ~~personal injury protection~~ claim pursuant to s. 627.7265 as
1672 ~~required by s. 627.736~~, intentionally submitting a claim,
1673 statement, or bill for payment of services that were not
1674 rendered.

1675 Section 33. Paragraph (b) of subsection (1) and subsection
1676 (8) of section 624.155, Florida Statutes, are amended to read:

1677 624.155 Civil remedy.—

1678 (1) Any person may bring a civil action against an insurer
1679 when such person is damaged:

1680 (b) By the commission of any of the following acts by the
1681 insurer:

1682 1. Except for a third-party bad faith failure to settle a

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1683 claim subject to s. 624.156, not attempting in good faith to
1684 settle claims when, under all the circumstances, it could and
1685 should have done so, had it acted fairly and honestly toward its
1686 insured and with due regard for her or his interests;

1687 2. Making claims payments to insureds or beneficiaries not
1688 accompanied by a statement setting forth the coverage under
1689 which payments are being made; ~~or~~

1690 3. Except as to liability coverages, failing to promptly
1691 settle claims, when the obligation to settle a claim has become
1692 reasonably clear, under one portion of the insurance policy
1693 coverage in order to influence settlements under other portions
1694 of the insurance policy coverage; or

1695 4. When handling a first-party claim under a motor vehicle
1696 insurance policy, not attempting in good faith to settle such
1697 claim pursuant to subparagraph 1. when such failure is caused by
1698 a failure to communicate to an insured:

1699 a. Information on who is adjusting the claim;

1700 b. Any issues that may impair the insured's coverage;

1701 c. Information that might resolve the issue in a prompt
1702 manner;

1703 d. Any basis for the insurer's rejection or nonacceptance
1704 of any settlement offer; or

1705 e. Any needed extensions to respond to a time-limited
1706 settlement offer.

1707
1708 Notwithstanding the provisions of the above to the contrary, a
1709 person pursuing a remedy under this section need not prove that
1710 such act was committed or performed with such frequency as to
1711 indicate a general business practice.

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1712 (8) The civil remedy specified in this section does not
1713 preempt any other remedy or cause of action provided for
1714 pursuant to any other statute or pursuant to the common law of
1715 this state. ~~A Any person is may obtain a judgment under either~~
1716 ~~the common law remedy of bad faith or this statutory remedy, but~~
1717 ~~shall not be~~ entitled to a judgment under multiple bad faith
1718 ~~both~~ remedies, whether under statute or common law. This section
1719 shall not be construed to create a common-law cause of action.
1720 The damages recoverable pursuant to this section shall include
1721 those damages which are a reasonably foreseeable result of a
1722 specified violation of this section by the authorized insurer
1723 and may include an award or judgment in an amount that exceeds
1724 the policy limits.

1725 Section 34. Section 624.156, Florida Statutes, is created
1726 to read:

1727 624.156 Bad faith failure to settle actions against motor
1728 vehicle insurers by third-party claimants.-

1729 (1) SCOPE.-This section applies in all actions against any
1730 insurer by a third party for bad faith failure to settle,
1731 whether under statute or common law, for a loss arising out of
1732 the ownership, maintenance, or use of a motor vehicle operated
1733 or principally garaged in this state at the time of an accident,
1734 regardless of whether the insurer is authorized to do business
1735 in this state or issued a policy in this state.

1736 (2) DUTY OF GOOD FAITH.-In handling claims, an insurer
1737 stands as a fiduciary for its insured and must handle claims in
1738 good faith. The insurer shall comply with the best practice
1739 standards of subsection (4) using the same degree of care and
1740 diligence as a person of ordinary care and prudence would

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1741 exercise in the management of his or her own business.

1742 (3) BAD FAITH FAILURE TO SETTLE.—“Bad faith failure to
1743 settle” means an insurer’s failure to settle a claim when, under
1744 all the circumstances, it could and should have done so, had it
1745 acted fairly and honestly toward its insured and with due regard
1746 for the insured’s interests.

1747 (4) BEST PRACTICE STANDARDS.—Upon the earlier of receiving
1748 notice of a claim or, under subsection (6), a demand for
1749 settlement, an insurer must do all of the following:

1750 (a) Assign a duly licensed and appointed insurance adjuster
1751 to investigate the claim and resolve any questions concerning
1752 the existence or extent of the insured’s coverage.

1753 (b) Evaluate every claim fairly, honestly, and with due
1754 regard for the interests of its insured, consider the full
1755 extent of the claimant’s recoverable damages, and consider the
1756 information in a reasonable and prudent manner.

1757 (c) Request from the insured or claimant additional
1758 relevant information deemed necessary.

1759 (d) Conduct all verbal and written communications with the
1760 utmost honesty and complete candor.

1761 (e) Make reasonable efforts to explain to nonattorneys
1762 matters requiring expertise beyond the level normally expected
1763 of a layperson with no training in insurance or claims-handling
1764 issues.

1765 (f) Save all written communications and note and save all
1766 verbal communications in a reasonable manner.

1767 (g) Provide the insured, upon request, with all
1768 nonprivileged communications related to the insurer’s handling
1769 of the claim.

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1770 (h) Provide, at the insurer's expense, reasonable
1771 accommodations necessary to communicate effectively with an
1772 insured covered under the Americans with Disabilities Act.

1773 (i) In handling third-party claims, communicate to an
1774 insured:

1775 1. The identity of any other person or entity the insurer
1776 knows may be liable;

1777 2. The insurer's activity on and evaluation of the claim;

1778 3. The likelihood and possible extent of an excess
1779 judgment;

1780 4. Steps the insured can take to avoid exposure to an
1781 excess judgment;

1782 5. Requests for examinations under oath and an explanation
1783 of the consequences of an insured's failure to submit to an
1784 examination under oath; and

1785 6. Any demands for settlement under subsection (6) or
1786 settlement offers.

1787 (j) When a loss involves multiple claimants and the
1788 claimants are unwilling to settle cumulatively within the policy
1789 limits and release the insured from further liability, in
1790 addition to fulfilling the requirements of paragraphs (a)-(i),
1791 attempt to minimize the risk of excess judgments against the
1792 insured and settle as many claims as possible within the policy
1793 limits in exchange for a release of the insured from further
1794 liability.

1795 (5) CONDITIONS PRECEDENT.—It is a condition precedent to
1796 filing a third-party action for bad faith failure to settle
1797 against an insurer that the claimant must:

1798 (a) Serve a demand for settlement, as provided in

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1799 subsection (6), within the insurer's limits of liability in
1800 exchange for a release of further liability against the insured;
1801 and

1802 (b) Obtain a final judgment in excess of the policy limits
1803 against the insured.

1804 (6) DEMAND FOR SETTLEMENT.—A demand for settlement must do
1805 all of the following:

1806 (a) Identify the:

1807 1. Date and location of loss;

1808 2. Name, address, and date of birth of the claimant;

1809 3. Name of each insured to whom the demand for settlement
1810 is directed; and

1811 4. Legal and factual basis of the claim.

1812 (b) Provide a reasonably detailed description of the
1813 claimant's:

1814 1. Known injuries caused or aggravated by the incident on
1815 which the claim is based;

1816 2. Medical treatment causally related to the incident on
1817 which the claim is based; and

1818 3. Type and amount of known damages incurred and, if any,
1819 the damages the claimant reasonably anticipates incurring in the
1820 future.

1821 (c) State the amount of the demand for settlement.

1822 (d) State whether the demand for settlement is conditioned
1823 on the completion of an examination under oath, as authorized by
1824 subsection (8).

1825 (e) Provide a physical address, an e-mail address, and a
1826 facsimile number for further communications, including, but not
1827 limited to, responses to the demand for settlement.

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1828 (f) Release the insured from any further liability upon the
1829 insurer's acceptance of a demand for settlement which is not
1830 withdrawn pursuant to paragraph (8) (e) or paragraph (8) (g), or
1831 accepted pursuant to paragraph (8) (f).

1832 (g) Be served upon the insurer by certified mail at the
1833 address designated by the insurer with the Department of
1834 Financial Services under s. 624.422(2).

1835 (7) LIMITATIONS ON CONDITIONS OF ACCEPTANCE OF A DEMAND.—A
1836 claimant may not place any conditions on acceptance of a demand
1837 for settlement other than electing the right to examine the
1838 insured under oath regarding any of the following:

1839 (a) Whether the insured has the ability to satisfy a claim
1840 for damages in excess of the insurer's limits of liability.

1841 (b) Whether any other person or entity may have actual or
1842 potential direct or vicarious liability for the insured's
1843 negligence.

1844 (c) Whether any other insurance exists which may cover some
1845 or all of the damages sustained by the claimant.

1846 (8) EXAMINATION UNDER OATH.—After serving a demand for
1847 settlement, a claimant may examine the insured under oath, on
1848 one occasion for a period of time not to exceed 2 hours,
1849 regarding only the issues in subsection (7).

1850 (a) The claimant may request that the insured bring to the
1851 examination relevant documents in the insured's possession,
1852 custody, or control, including, but not limited to, credit
1853 reports, insurance policies, bank statements, tax returns,
1854 deeds, titles, and other proof of assets or liabilities.

1855 (b) The claimant may not examine the insured regarding
1856 liability.

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1857 (c) The claimant, the insurer, and the insured shall
1858 cooperate in scheduling the examination under oath. The insurer
1859 shall notify the insured of the date, time, and location of the
1860 examination under oath.

1861 (d) The examination under oath must occur within 30 days
1862 after the insurer's acceptance of the settlement demand.

1863 (e) The claimant may withdraw the demand for settlement if
1864 the insured refuses to submit to an examination under oath.

1865 (f) If the insured refuses to submit to an examination
1866 under oath, the insurer may accept the demand for settlement
1867 without requiring a release of the insured. An insurer that
1868 accepts the demand for settlement pursuant to this paragraph
1869 does not have any further duty to defend the insured and may not
1870 be held liable for damages to the insured if the claimant
1871 thereafter obtains an excess judgment against the insured.

1872 (g) Within 7 days after the examination under oath, the
1873 claimant may withdraw the demand for settlement.

1874 (9) SAFE HARBOR.—In any third-party action for bad faith
1875 failure to settle, an insurer may not be held liable if it
1876 tenders its policy limits within 30 days of receiving a demand
1877 for settlement under subsection (6).

1878 (10) RELEASE.—An insurer that accepts a demand for
1879 settlement under subsection (6) shall be entitled to a release
1880 of its insured, except as provided in paragraph (8)(f).

1881 (11) BURDEN OF PROOF.—In any third-party action for bad
1882 faith failure to settle, the claimant must prove by the
1883 preponderance of the evidence that the insurer violated its duty
1884 of good faith under subsection (2) and that the insurer in bad
1885 faith failed to settle, as defined in subsection (3).

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1886 (a) In determining whether an insurer violated its duty of
1887 good faith under subsection (2) and in bad faith failed to
1888 settle, as defined in subsection (3), the trier of fact shall
1889 consider all of the following:

1890 1. Whether the insurer complied with the best practice
1891 standards of subsection (4) using the same degree of care and
1892 diligence as a person of ordinary care and prudence would
1893 exercise in the management of his or her own business.

1894 2. Whether the insurer failed to settle a claim when, under
1895 all the circumstances, it could and should have done so, had it
1896 acted fairly and honestly toward its insured and with due regard
1897 for the insured's interests.

1898 3. Whether the claimant or insured failed to provide
1899 relevant information to the insurer on a timely basis.

1900 4. Whether the claimant or insured misrepresented material
1901 facts to the insurer or made material omissions of fact to the
1902 insurer.

1903 5. Whether the insured denied liability or requested that
1904 the case be defended after the insurer fully advised the insured
1905 as to the facts and risks.

1906 6. Whether the insurer timely informed the insured of a
1907 demand to settle within the limits of coverage, the right to
1908 retain personal counsel, and the risk of litigation.

1909 7. The insurer's willingness to negotiate with the claimant
1910 in anticipation of settlement.

1911 8. The amount of damages the claimant incurred or was
1912 likely to incur in the future under the facts known or
1913 reasonably available at the time of the insurer's response.

1914 9. If applicable, whether there were multiple third-party

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1915 claimants seeking, in the aggregate, compensation in excess of
1916 the policy limits from the insured; and, if so, whether the
1917 insurer breached its duty to attempt to minimize the magnitude
1918 of possible excess judgments against the insured and to attempt
1919 to settle as many claims as possible within the policy limits in
1920 exchange for a release of the insured from further liability.

1921 10. Additional factors that the court determines to be
1922 relevant.

1923 (b) The trier of fact, in determining whether an insurer in
1924 bad faith failed to settle, must be informed that an excess
1925 judgment occurred but may not be informed of the amount of the
1926 excess judgment.

1927 (12) DAMAGES.—An insurer that is found to have violated its
1928 duty of good faith under subsection (2) and in bad faith failed
1929 to settle, as defined in subsection (3), is liable for the
1930 amount of any excess judgment. No other damages, including but
1931 not limited to punitive damages, may be awarded in a third-party
1932 bad faith failure to settle action.

1933 (13) ENFORCEMENT.—If a judgment creditor has served a
1934 demand for settlement under subsection (6), and the judgment
1935 exceeds the insured's limits of liability, the judgment creditor
1936 must be subrogated to the rights of the insured against the
1937 insurer for common law bad faith.

1938 (14) LIMITATION ON MULTIPLE REMEDIES.—A person is not
1939 entitled to a judgment under multiple bad faith remedies,
1940 whether under statute or common law.

1941 Section 35. Paragraphs (i) and (o) of subsection (1) of
1942 section 626.9541, Florida Statutes, are amended to read:

1943 626.9541 Unfair methods of competition and unfair or

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1944 deceptive acts or practices defined.—

1945 (1) UNFAIR METHODS OF COMPETITION AND UNFAIR OR DECEPTIVE
1946 ACTS.—The following are defined as unfair methods of competition
1947 and unfair or deceptive acts or practices:

1948 (i) *Unfair claim settlement practices*.—

1949 1. Attempting to settle claims on the basis of an
1950 application, when serving as a binder or intended to become a
1951 part of the policy, or any other material document which was
1952 altered without notice to, or knowledge or consent of, the
1953 insured;

1954 2. Making a material misrepresentation ~~made~~ to an insured
1955 or any other person having an interest in the proceeds payable
1956 under such contract or policy, for the purpose and with the
1957 intent of effecting settlement of such claims, loss, or damage
1958 under such contract or policy on less favorable terms than those
1959 provided in, and contemplated by, such contract or policy; ~~or~~

1960 3. Committing or performing with such frequency as to
1961 indicate a general business practice any of the following:

1962 a. Failing to adopt and implement standards for the proper
1963 investigation of claims;

1964 b. Misrepresenting pertinent facts or insurance policy
1965 provisions relating to coverages at issue;

1966 c. Failing to acknowledge and act promptly upon
1967 communications with respect to claims;

1968 d. Denying claims without conducting reasonable
1969 investigations based upon available information;

1970 e. Failing to affirm or deny full or partial coverage of
1971 claims, and, as to partial coverage, the dollar amount or extent
1972 of coverage, or failing to provide a written statement that the

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1973 claim is being investigated, upon the written request of the
1974 insured within 30 days after proof-of-loss statements have been
1975 completed;

1976 f. Failing to promptly provide a reasonable explanation in
1977 writing to the insured of the basis in the insurance policy, in
1978 relation to the facts or applicable law, for denial of a claim
1979 or for the offer of a compromise settlement;

1980 g. Failing to promptly notify the insured of any additional
1981 information necessary for the processing of a claim; or

1982 h. Failing to clearly explain the nature of the requested
1983 information and the reasons why such information is necessary.

1984 ~~i. Failing to pay personal injury protection insurance~~
1985 ~~claims within the time periods required by s. 627.736(4) (b). The~~
1986 ~~office may order the insurer to pay restitution to a~~
1987 ~~policyholder, medical provider, or other claimant, including~~
1988 ~~interest at a rate consistent with the amount set forth in s.~~
1989 ~~55.03(1), for the time period within which an insurer fails to~~
1990 ~~pay claims as required by law. Restitution is in addition to any~~
1991 ~~other penalties allowed by law, including, but not limited to,~~
1992 ~~the suspension of the insurer's certificate of authority.~~

1993 4. Failing to pay undisputed amounts of partial or full
1994 benefits owed under first-party property insurance policies
1995 within 90 days after an insurer receives notice of a residential
1996 property insurance claim, determines the amounts of partial or
1997 full benefits, and agrees to coverage, unless payment of the
1998 undisputed benefits is prevented by an act of God, prevented by
1999 the impossibility of performance, or due to actions by the
2000 insured or claimant that constitute fraud, lack of cooperation,
2001 or intentional misrepresentation regarding the claim for which

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2002 benefits are owed.

2003 (o) *Illegal dealings in premiums; excess or reduced charges*
2004 *for insurance.*—

2005 1. Knowingly collecting any sum as a premium or charge for
2006 insurance, which is not then provided, or is not in due course
2007 to be provided, subject to acceptance of the risk by the
2008 insurer, by an insurance policy issued by an insurer as
2009 permitted by this code.

2010 2. Knowingly collecting as a premium or charge for
2011 insurance any sum in excess of or less than the premium or
2012 charge applicable to such insurance, in accordance with the
2013 applicable classifications and rates as filed with and approved
2014 by the office, and as specified in the policy; or, in cases when
2015 classifications, premiums, or rates are not required by this
2016 code to be so filed and approved, premiums and charges collected
2017 from a Florida resident in excess of or less than those
2018 specified in the policy and as fixed by the insurer.

2019 Notwithstanding any other provision of law, this provision shall
2020 not be deemed to prohibit the charging and collection, by
2021 surplus lines agents licensed under part VIII of this chapter,
2022 of the amount of applicable state and federal taxes, or fees as
2023 authorized by s. 626.916(4), in addition to the premium required
2024 by the insurer or the charging and collection, by licensed
2025 agents, of the exact amount of any discount or other such fee
2026 charged by a credit card facility in connection with the use of
2027 a credit card, as authorized by subparagraph (q)3., in addition
2028 to the premium required by the insurer. This subparagraph shall
2029 not be construed to prohibit collection of a premium for a
2030 universal life or a variable or indeterminate value insurance

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2031 policy made in accordance with the terms of the contract.

2032 3.a. Imposing or requesting an additional premium for
2033 bodily injury liability coverage, property damage liability
2034 coverage ~~a policy of motor vehicle liability, personal injury~~
2035 ~~protection~~, medical payments coverage ~~payment~~, or collision
2036 coverage in a motor vehicle liability insurance policy ~~insurance~~
2037 ~~or any combination thereof~~ or refusing to renew the policy
2038 solely because the insured was involved in a motor vehicle
2039 accident unless the insurer's file contains information from
2040 which the insurer in good faith determines that the insured was
2041 substantially at fault in the accident.

2042 b. An insurer which imposes and collects such a surcharge
2043 or which refuses to renew such policy shall, in conjunction with
2044 the notice of premium due or notice of nonrenewal, notify the
2045 named insured that he or she is entitled to reimbursement of
2046 such amount or renewal of the policy under the conditions listed
2047 below and will subsequently reimburse him or her or renew the
2048 policy, if the named insured demonstrates that the operator
2049 involved in the accident was:

2050 (I) Lawfully parked;

2051 (II) Reimbursed by, or on behalf of, a person responsible
2052 for the accident or has a judgment against such person;

2053 (III) Struck in the rear by another vehicle headed in the
2054 same direction and was not convicted of a moving traffic
2055 violation in connection with the accident;

2056 (IV) Hit by a "hit-and-run" driver, if the accident was
2057 reported to the proper authorities within 24 hours after
2058 discovering the accident;

2059 (V) Not convicted of a moving traffic violation in

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2060 connection with the accident, but the operator of the other
2061 automobile involved in such accident was convicted of a moving
2062 traffic violation;

2063 (VI) Finally adjudicated not to be liable by a court of
2064 competent jurisdiction;

2065 (VII) In receipt of a traffic citation which was dismissed
2066 or nolle prossed; or

2067 (VIII) Not at fault as evidenced by a written statement
2068 from the insured establishing facts demonstrating lack of fault
2069 which are not rebutted by information in the insurer's file from
2070 which the insurer in good faith determines that the insured was
2071 substantially at fault.

2072 c. In addition to the other provisions of this
2073 subparagraph, an insurer may not fail to renew a policy if the
2074 insured has had only one accident in which he or she was at
2075 fault within the current 3-year period. However, an insurer may
2076 nonrenew a policy for reasons other than accidents in accordance
2077 with s. 627.728. This subparagraph does not prohibit nonrenewal
2078 of a policy under which the insured has had three or more
2079 accidents, regardless of fault, during the most recent 3-year
2080 period.

2081 4. Imposing or requesting an additional premium for, or
2082 refusing to renew, a policy for motor vehicle insurance solely
2083 because the insured committed a noncriminal traffic infraction
2084 as described in s. 318.14 unless the infraction is:

2085 a. A second infraction committed within an 18-month period,
2086 or a third or subsequent infraction committed within a 36-month
2087 period.

2088 b. A violation of s. 316.183, when such violation is a

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2089 result of exceeding the lawful speed limit by more than 15 miles
2090 per hour.

2091 5. Upon the request of the insured, the insurer and
2092 licensed agent shall supply to the insured the complete proof of
2093 fault or other criteria which justifies the additional charge or
2094 cancellation.

2095 6. No insurer shall impose or request an additional premium
2096 for motor vehicle insurance, cancel or refuse to issue a policy,
2097 or refuse to renew a policy because the insured or the applicant
2098 is a handicapped or physically disabled person, so long as such
2099 handicap or physical disability does not substantially impair
2100 such person's mechanically assisted driving ability.

2101 7. No insurer may cancel or otherwise terminate any
2102 insurance contract or coverage, or require execution of a
2103 consent to rate endorsement, during the stated policy term for
2104 the purpose of offering to issue, or issuing, a similar or
2105 identical contract or coverage to the same insured with the same
2106 exposure at a higher premium rate or continuing an existing
2107 contract or coverage with the same exposure at an increased
2108 premium.

2109 8. No insurer may issue a nonrenewal notice on any
2110 insurance contract or coverage, or require execution of a
2111 consent to rate endorsement, for the purpose of offering to
2112 issue, or issuing, a similar or identical contract or coverage
2113 to the same insured at a higher premium rate or continuing an
2114 existing contract or coverage at an increased premium without
2115 meeting any applicable notice requirements.

2116 9. No insurer shall, with respect to premiums charged for
2117 motor vehicle insurance, unfairly discriminate solely on the

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2118 basis of age, sex, marital status, or scholastic achievement.

2119 10. Imposing or requesting an additional premium for motor
2120 vehicle comprehensive or uninsured motorist coverage solely
2121 because the insured was involved in a motor vehicle accident or
2122 was convicted of a moving traffic violation.

2123 11. No insurer shall cancel or issue a nonrenewal notice on
2124 any insurance policy or contract without complying with any
2125 applicable cancellation or nonrenewal provision required under
2126 the Florida Insurance Code.

2127 12. No insurer shall impose or request an additional
2128 premium, cancel a policy, or issue a nonrenewal notice on any
2129 insurance policy or contract because of any traffic infraction
2130 when adjudication has been withheld and no points have been
2131 assessed pursuant to s. 318.14(9) and (10). However, this
2132 subparagraph does not apply to traffic infractions involving
2133 accidents in which the insurer has incurred a loss due to the
2134 fault of the insured.

2135 Section 36. Paragraph (a) of subsection (1) of section
2136 626.989, Florida Statutes, is amended to read:

2137 626.989 Investigation by department or Division of
2138 Investigative and Forensic Services; compliance; immunity;
2139 confidential information; reports to division; division
2140 investigator's power of arrest.—

2141 (1) For the purposes of this section:

2142 (a) A person commits a "fraudulent insurance act" if the
2143 person:

2144 1. Knowingly and with intent to defraud presents, causes to
2145 be presented, or prepares with knowledge or belief that it will
2146 be presented, to or by an insurer, self-insurer, self-insurance

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2147 fund, servicing corporation, purported insurer, broker, or any
2148 agent thereof, any written statement as part of, or in support
2149 of, an application for the issuance of, or the rating of, any
2150 insurance policy, or a claim for payment or other benefit
2151 pursuant to any insurance policy, which the person knows to
2152 contain materially false information concerning any fact
2153 material thereto or if the person conceals, for the purpose of
2154 misleading another, information concerning any fact material
2155 thereto.

2156 2. Knowingly submits:

2157 a. A false, misleading, or fraudulent application or other
2158 document when applying for licensure as a health care clinic,
2159 seeking an exemption from licensure as a health care clinic, or
2160 demonstrating compliance with part X of chapter 400 with an
2161 intent to use the license, exemption from licensure, or
2162 demonstration of compliance to provide services or seek
2163 reimbursement under a motor vehicle liability insurance policy's
2164 medical payments coverage ~~the Florida Motor Vehicle No-Fault~~
2165 ~~Law~~.

2166 b. A claim for payment or other benefit under medical
2167 payments coverage, ~~pursuant to a personal injury protection~~
2168 ~~insurance policy under the Florida Motor Vehicle No-Fault Law~~ if
2169 the person knows that the payee knowingly submitted a false,
2170 misleading, or fraudulent application or other document when
2171 applying for licensure as a health care clinic, seeking an
2172 exemption from licensure as a health care clinic, or
2173 demonstrating compliance with part X of chapter 400.

2174 Section 37. Subsection (1) of section 627.06501, Florida
2175 Statutes, is amended to read:

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2176 627.06501 Insurance discounts for certain persons
2177 completing driver improvement course.-

2178 (1) Any rate, rating schedule, or rating manual for the
2179 liability, medical payments ~~personal injury protection~~, and
2180 collision coverages of a motor vehicle insurance policy filed
2181 with the office may provide for an appropriate reduction in
2182 premium charges as to such coverages if when the principal
2183 operator on the covered vehicle has successfully completed a
2184 driver improvement course approved and certified by the
2185 Department of Highway Safety and Motor Vehicles which is
2186 effective in reducing crash or violation rates, or both, as
2187 determined pursuant to s. 318.1451(5). Any discount, not to
2188 exceed 10 percent, used by an insurer is presumed to be
2189 appropriate unless credible data demonstrates otherwise.

2190 Section 38. Subsection (15) is added to section 627.0651,
2191 Florida Statutes, to read:

2192 627.0651 Making and use of rates for motor vehicle
2193 insurance.-

2194 (15) Initial rate filings for motor vehicle liability
2195 policies which are submitted to the office on or after January
2196 1, 2022, must reflect the financial responsibility requirements
2197 in s. 324.022 then in effect and may be approved only through
2198 the file and use process under s. 627.0651(1)(a).

2199 Section 39. Subsection (1) of section 627.0652, Florida
2200 Statutes, is amended to read:

2201 627.0652 Insurance discounts for certain persons completing
2202 safety course.-

2203 (1) Any rates, rating schedules, or rating manuals for the
2204 liability, medical payments ~~personal injury protection~~, and

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2205 collision coverages of a motor vehicle insurance policy filed
2206 with the office must ~~shall~~ provide for an appropriate reduction
2207 in premium charges as to such coverages if ~~when~~ the principal
2208 operator on the covered vehicle is an insured 55 years of age or
2209 older who has successfully completed a motor vehicle accident
2210 prevention course approved by the Department of Highway Safety
2211 and Motor Vehicles. Any discount used by an insurer is presumed
2212 to be appropriate unless credible data demonstrates otherwise.

2213 Section 40. Subsections (1), (3), and (6) of section
2214 627.0653, Florida Statutes, are amended to read:

2215 627.0653 Insurance discounts for specified motor vehicle
2216 equipment.—

2217 (1) Any rates, rating schedules, or rating manuals for the
2218 liability, medical payments ~~personal injury protection~~, and
2219 collision coverages of a motor vehicle insurance policy filed
2220 with the office must ~~shall~~ provide a premium discount if the
2221 insured vehicle is equipped with factory-installed, four-wheel
2222 antilock brakes.

2223 (3) Any rates, rating schedules, or rating manuals for
2224 ~~personal injury protection coverage and~~ medical payments
2225 coverage, ~~if offered~~, of a motor vehicle insurance policy filed
2226 with the office must ~~shall~~ provide a premium discount if the
2227 insured vehicle is equipped with one or more air bags that ~~which~~
2228 are factory installed.

2229 (6) The Office of Insurance Regulation may approve a
2230 premium discount to any rates, rating schedules, or rating
2231 manuals for the liability, medical payments ~~personal injury~~
2232 ~~protection~~, and collision coverages of a motor vehicle insurance
2233 policy filed with the office if the insured vehicle is equipped

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2234 with an automated driving system or electronic vehicle collision
2235 avoidance technology that is factory installed or a retrofitted
2236 system and that complies with National Highway Traffic Safety
2237 Administration standards.

2238 Section 41. Section 627.4132, Florida Statutes, is amended
2239 to read:

2240 627.4132 Stacking of coverages prohibited.—If an insured or
2241 named insured is protected by any type of motor vehicle
2242 insurance policy for bodily injury and property damage
2243 liability, ~~personal injury protection, or other coverage~~, the
2244 policy must ~~shall~~ provide that the insured or named insured is
2245 protected only to the extent of the coverage she or he has on
2246 the vehicle involved in the accident. However, if none of the
2247 insured's or named insured's vehicles are ~~is~~ involved in the
2248 accident, coverage is available only to the extent of coverage
2249 on any one of the vehicles with applicable coverage. Coverage on
2250 any other vehicles may ~~shall~~ not be added to or stacked upon
2251 that coverage. This section does not ~~apply~~:

2252 (1) Apply to uninsured motorist coverage that ~~which~~ is
2253 separately governed by s. 627.727.

2254 (2) ~~To~~ Reduce the coverage available by reason of insurance
2255 policies insuring different named insureds.

2256 Section 42. Subsection (1) of section 627.4137, Florida
2257 Statutes, is amended to read:

2258 627.4137 Disclosure of certain information required.—

2259 (1) Each insurer which does or may provide liability
2260 insurance coverage to pay all or a portion of any claim which
2261 might be made shall provide, within 30 days of the written
2262 request of the claimant or the claimant's attorney, a statement,

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2263 under oath, of a corporate officer or the insurer's claims
2264 manager or superintendent setting forth the following
2265 information with regard to each known policy of insurance,
2266 including excess or umbrella insurance:

2267 (a) The name of the insurer.

2268 (b) The name of each insured.

2269 (c) The limits of the liability coverage.

2270 (d) A statement of any policy or coverage defense which
2271 such insurer reasonably believes is available to such insurer at
2272 the time of filing such statement.

2273 (e) A copy of the policy.

2274

2275 In addition, the insured, or her or his insurance agent, upon
2276 written request of the claimant or the claimant's attorney,
2277 shall disclose the name and coverage of each known insurer to
2278 the claimant and shall forward such request for information as
2279 required by this subsection to all affected insurers. The
2280 insurer shall then supply the information required in this
2281 subsection to the claimant within 30 days of receipt of such
2282 request. If an insurer fails to timely comply with this section,
2283 the claimant may file an action in a court of competent
2284 jurisdiction to enforce this section. If the court determines
2285 that the insurer violated this section, the claimant is entitled
2286 to an award of reasonable attorney fees and costs to be paid by
2287 the insurer.

2288 Section 43. Section 627.7263, Florida Statutes, is amended
2289 to read:

2290 627.7263 Rental and leasing driver's insurance to be
2291 primary; exception.-

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2292 (1) The valid and collectible liability insurance and
2293 medical payments coverage ~~or personal injury protection~~
2294 ~~insurance providing coverage~~ for the lessor of a motor vehicle
2295 for rent or lease is primary unless otherwise stated in at least
2296 10-point type on the face of the rental or lease agreement. Such
2297 insurance is primary for the limits of liability ~~and personal~~
2298 ~~injury protection~~ coverage as required by s. 324.021(7) and the
2299 medical payments coverage limit specified under s. 627.7265 ~~ss.~~
2300 ~~324.021(7) and 627.736.~~

2301 (2) If the lessee's coverage is to be primary, the rental
2302 or lease agreement must contain the following language, in at
2303 least 10-point type:

2304
2305 "The valid and collectible liability insurance and
2306 medical payments coverage ~~personal injury protection~~
2307 ~~insurance~~ of an ~~any~~ authorized rental or leasing
2308 driver is primary for the limits of liability ~~and~~
2309 ~~personal injury protection~~ coverage required under
2310 section 324.021(7), Florida Statutes, and the medical
2311 payments coverage limit specified under section
2312 627.7265 ~~by ss. 324.021(7) and 627.736,~~ Florida
2313 Statutes."

2314 Section 44. Section 627.7265, Florida Statutes, is created
2315 to read:

2316 627.7265 Motor vehicle insurance; medical payments
2317 coverage.—

2318 (1) Medical payments coverage must protect the named
2319 insured, resident relatives, persons operating the insured motor
2320 vehicle, passengers in the insured motor vehicle, and persons

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2321 who are struck by the insured motor vehicle and suffer bodily
2322 injury while not an occupant of a self-propelled motor vehicle
2323 at a limit of at least \$5,000 for medical expense incurred due
2324 to bodily injury, sickness, or disease arising out of the
2325 ownership, maintenance, or use of a motor vehicle. Medical
2326 payments coverage must pay for reasonable expenses for necessary
2327 medical, diagnostic, and rehabilitative services that are
2328 lawfully provided, supervised, ordered, or prescribed by a
2329 physician licensed under chapter 458 or chapter 459, by a
2330 dentist licensed under chapter 466, or by a chiropractic
2331 physician licensed under chapter 460 or that are provided in a
2332 hospital or in a facility that owns, or is wholly owned by, a
2333 hospital. The coverage must provide an additional death benefit
2334 of at least \$5,000.

2335 (a) Before issuing a motor vehicle liability insurance
2336 policy that is furnished as proof of financial responsibility
2337 under s. 324.031, the insurer must offer medical payments
2338 coverage at limits of \$5,000 and \$10,000. The insurer may also
2339 offer medical payments coverage at any limit greater than
2340 \$5,000.

2341 (b) The medical payments coverage must be offered with an
2342 option with no deductible. The insurer may also offer medical
2343 payments coverage with a deductible not to exceed \$500.

2344 (c) This section may not be construed to limit any other
2345 coverage made available by an insurer.

2346 (2) Upon receiving notice of an accident that is
2347 potentially covered by medical payments coverage benefits, the
2348 insurer must reserve \$5,000 of medical payments coverage
2349 benefits for payment to physicians licensed under chapter 458 or

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2350 chapter 459 or dentists licensed under chapter 466 who provide
2351 emergency services and care, as defined in s. 395.002, or who
2352 provide hospital inpatient care. The amount required to be held
2353 in reserve may be used only to pay claims from such physicians
2354 or dentists until 30 days after the date the insurer receives
2355 notice of the accident. After the 30-day period, any amount of
2356 the reserve for which the insurer has not received notice of
2357 such claims may be used by the insurer to pay other claims. This
2358 subsection does not require an insurer to establish a claim
2359 reserve for insurance accounting purposes.

2360 (3) An insurer providing medical payments coverage benefits
2361 may not:

2362 (a) Seek a lien on any recovery in tort by judgment,
2363 settlement, or otherwise for medical payments coverage benefits,
2364 regardless of whether suit has been filed or settlement has been
2365 reached without suit; or

2366 (b) Bring a cause of action against a person to whom or for
2367 whom medical payments coverage benefits were paid, except when
2368 medical payments coverage benefits were paid by reason of fraud
2369 committed by that person.

2370 (4) An insurer providing medical payments coverage may
2371 include provisions in its policy allowing for subrogation for
2372 medical payments coverage benefits paid if the expenses giving
2373 rise to the payments were caused by the wrongful act or omission
2374 of another who is not also an insured under the policy paying
2375 the medical payments coverage benefits. However, this
2376 subrogation right is inferior to the rights of the injured
2377 insured and is available only after all the insured's damages
2378 are recovered and the insured is made whole. An insured who

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2379 obtains a recovery from a third party of the full amount of the
2380 damages sustained and delivers a release or satisfaction that
2381 impairs a medical payments insurer's subrogation right is liable
2382 to the insurer for repayment of medical payments coverage
2383 benefits less any expenses of acquiring the recovery, including
2384 a prorated share of attorney fees and costs, and shall hold that
2385 net recovery in trust to be delivered to the medical payments
2386 insurer. The insurer may not include any provision in its policy
2387 allowing for subrogation for any death benefit paid.

2388 Section 45. Subsections (1) and (7) of section 627.727,
2389 Florida Statutes, are amended to read:

2390 627.727 Motor vehicle insurance; uninsured and underinsured
2391 vehicle coverage; insolvent insurer protection.—

2392 (1) A ~~No~~ motor vehicle liability insurance policy that
2393 ~~which~~ provides bodily injury liability coverage may not shall be
2394 delivered or issued for delivery in this state with respect to
2395 any specifically insured or identified motor vehicle registered
2396 or principally garaged in this state, unless uninsured motor
2397 vehicle coverage is provided therein or supplemental thereto for
2398 the protection of persons insured thereunder who are legally
2399 entitled to recover damages from owners or operators of
2400 uninsured motor vehicles because of bodily injury, sickness, or
2401 disease, including death, resulting therefrom. However, the
2402 coverage required under this section is not applicable if when,
2403 or to the extent that, an insured named in the policy makes a
2404 written rejection of the coverage on behalf of all insureds
2405 under the policy. If when a motor vehicle is leased for ~~a period~~
2406 ~~of~~ 1 year or longer and the lessor of such vehicle, by the terms
2407 of the lease contract, provides liability coverage on the leased

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2408 vehicle, the lessee of such vehicle has ~~shall have~~ the sole
2409 privilege to reject uninsured motorist coverage or to select
2410 lower limits than the bodily injury liability limits, regardless
2411 of whether the lessor is qualified as a self-insurer pursuant to
2412 s. 324.171. Unless an insured, or a lessee having the privilege
2413 of rejecting uninsured motorist coverage, requests such coverage
2414 or requests higher uninsured motorist limits in writing, the
2415 coverage or such higher uninsured motorist limits need not be
2416 provided in or supplemental to any other policy that ~~which~~
2417 renews, extends, changes, supersedes, or replaces an existing
2418 policy with the same bodily injury liability limits when an
2419 insured or lessee had rejected the coverage. When an insured or
2420 lessee has initially selected limits of uninsured motorist
2421 coverage lower than her or his bodily injury liability limits,
2422 higher limits of uninsured motorist coverage need not be
2423 provided in or supplemental to any other policy that ~~which~~
2424 renews, extends, changes, supersedes, or replaces an existing
2425 policy with the same bodily injury liability limits unless an
2426 insured requests higher uninsured motorist coverage in writing.
2427 The rejection or selection of lower limits must ~~shall~~ be made on
2428 a form approved by the office. The form must ~~shall~~ fully advise
2429 the applicant of the nature of the coverage and must ~~shall~~ state
2430 that the coverage is equal to bodily injury liability limits
2431 unless lower limits are requested or the coverage is rejected.
2432 The heading of the form must ~~shall~~ be in 12-point bold type and
2433 must ~~shall~~ state: "You are electing not to purchase certain
2434 valuable coverage that ~~which~~ protects you and your family or you
2435 are purchasing uninsured motorist limits less than your bodily
2436 injury liability limits when you sign this form. Please read

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2437 carefully." If this form is signed by a named insured, it will
2438 be conclusively presumed that there was an informed, knowing
2439 rejection of coverage or election of lower limits on behalf of
2440 all insureds. The insurer shall notify the named insured at
2441 least annually of her or his options as to the coverage required
2442 by this section. Such notice must ~~shall~~ be part of, and attached
2443 to, the notice of premium, must ~~shall~~ provide for a means to
2444 allow the insured to request such coverage, and must ~~shall~~ be
2445 given in a manner approved by the office. Receipt of this notice
2446 does not constitute an affirmative waiver of the insured's right
2447 to uninsured motorist coverage if ~~where~~ the insured has not
2448 signed a selection or rejection form. The coverage described
2449 under this section must ~~shall~~ be over and above, but may ~~shall~~
2450 not duplicate, the benefits available to an insured under any
2451 workers' compensation law, ~~personal injury protection benefits,~~
2452 disability benefits law, or similar law; under any automobile
2453 medical payments ~~expense~~ coverage; under any motor vehicle
2454 liability insurance coverage; or from the owner or operator of
2455 the uninsured motor vehicle or any other person or organization
2456 jointly or severally liable together with such owner or operator
2457 for the accident, ~~+~~ and such coverage must ~~shall~~ cover the
2458 difference, if any, between the sum of such benefits and the
2459 damages sustained, up to the maximum amount of such coverage
2460 provided under this section. The amount of coverage available
2461 under this section may ~~shall~~ not be reduced by a setoff against
2462 any coverage, including liability insurance. Such coverage does
2463 ~~shall~~ not inure directly or indirectly to the benefit of any
2464 workers' compensation or disability benefits carrier or any
2465 person or organization qualifying as a self-insurer under any

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2466 workers' compensation or disability benefits law or similar law.

2467 (7) The legal liability of an uninsured motorist coverage
2468 insurer includes ~~does not include~~ damages in tort for pain,
2469 suffering, disability or physical impairment, disfigurement,
2470 mental anguish, ~~and~~ inconvenience, and the loss of capacity for
2471 the enjoyment of life experienced in the past and to be
2472 experienced in the future unless the injury or disease is
2473 described in one or more of paragraphs (a)-(d) of s. 627.737(2).

2474 Section 46. Subsection (1) and paragraphs (a) and (b) of
2475 subsection (2) of section 627.7275, Florida Statutes, are
2476 amended to read:

2477 627.7275 Motor vehicle liability.—

2478 (1) A motor vehicle insurance policy ~~providing personal~~
2479 ~~injury protection as set forth in s. 627.736~~ may not be
2480 delivered or issued for delivery in this state for a with
2481 ~~respect to any~~ specifically insured or identified motor vehicle
2482 registered or principally garaged in this state must provide
2483 bodily injury liability coverage and unless the policy also
2484 ~~provides coverage for~~ property damage liability coverage as
2485 required under ~~by~~ s. 324.022.

2486 (2) (a) Insurers writing motor vehicle insurance in this
2487 state shall make available, subject to the insurers' usual
2488 underwriting restrictions:

2489 1. Coverage under policies as described in subsection (1)
2490 to an applicant for private passenger motor vehicle insurance
2491 coverage who is seeking the coverage in order to reinstate the
2492 applicant's driving privileges in this state if the driving
2493 privileges were revoked or suspended pursuant to s. 316.646 or
2494 s. 324.0221 due to the failure of the applicant to maintain

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2495 required security.

2496 2. Coverage under policies as described in subsection (1),
2497 which includes bodily injury ~~also provides~~ liability coverage
2498 and property damage liability coverage, ~~for bodily injury,~~
2499 ~~death, and property damage arising out of the ownership,~~
2500 ~~maintenance, or use of the motor vehicle~~ in an amount not less
2501 than the minimum limits required under ~~described in~~ s.
2502 324.021(7) or s. 324.023 and which conforms to the requirements
2503 of s. 324.151, to an applicant for private passenger motor
2504 vehicle insurance coverage who is seeking the coverage in order
2505 to reinstate the applicant's driving privileges in this state
2506 after such privileges were revoked or suspended under s. 316.193
2507 or s. 322.26(2) for driving under the influence.

2508 (b) The policies described in paragraph (a) must ~~shall~~ be
2509 issued for at least 6 months and, as to the minimum coverages
2510 required under this section, may not be canceled by the insured
2511 for any reason or by the insurer after 60 days, during which
2512 period the insurer is completing the underwriting of the policy.
2513 After the insurer has completed underwriting the policy, the
2514 insurer shall notify the Department of Highway Safety and Motor
2515 Vehicles that the policy is in full force and effect and is not
2516 cancelable for the remainder of the policy period. A premium
2517 must ~~shall~~ be collected and the coverage is in effect for the
2518 60-day period during which the insurer is completing the
2519 underwriting of the policy, whether or not the person's driver
2520 license, motor vehicle tag, and motor vehicle registration are
2521 in effect. Once the noncancelable provisions of the policy
2522 become effective, the bodily injury liability and property
2523 damage liability coverages ~~for bodily injury, property damage,~~

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2524 ~~and personal injury protection~~ may not be reduced below the
2525 minimum limits required under s. 324.021 or s. 324.023 during
2526 the policy period.

2527 Section 47. Effective upon this act becoming a law, section
2528 627.7278, Florida Statutes, is created to read:

2529 627.7278 Applicability and construction; notice to
2530 policyholders.-

2531 (1) As used in this section, the term "minimum security
2532 requirements" means security that enables a person to respond in
2533 damages for liability on account of crashes arising out of the
2534 ownership, maintenance, or use of a motor vehicle, in the
2535 amounts required by s. 324.021(7).

2536 (2) Effective January 1, 2022:

2537 (a) Motor vehicle insurance policies issued or renewed on
2538 or after that date may not include personal injury protection.

2539 (b) All persons subject to s. 324.022, s. 324.032, s.
2540 627.7415, or s. 627.742 must maintain at least minimum security
2541 requirements.

2542 (c) Any new or renewal motor vehicle insurance policy
2543 delivered or issued for delivery in this state must provide
2544 coverage that complies with minimum security requirements.

2545 (d) An existing motor vehicle insurance policy issued
2546 before that date which provides personal injury protection and
2547 property damage liability coverage that meets the requirements
2548 of s. 324.022 on December 31, 2021, but which does not meet
2549 minimum security requirements on or after January 1, 2022, is
2550 deemed to meet the security requirements of s. 324.022 until
2551 such policy is renewed, nonrenewed, or canceled on or after
2552 January 1, 2022. Sections 627.730-627.7405, 400.9905, 400.991,

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2553 456.057, 456.072, 627.7263, 627.727, 627.748, 627.9541(1)(i),
2554 and 817.234, Florida Statutes 2020, remain in full force and
2555 effect for motor vehicle accidents covered under a policy issued
2556 under the Florida Motor Vehicle No-Fault Law before January 1,
2557 2022, until the policy is renewed, nonrenewed, or canceled.

2558 (3) Each insurer shall allow each insured who has a new or
2559 renewal policy providing personal injury protection which
2560 becomes effective before January 1, 2022, and whose policy does
2561 not meet minimum security requirements on or after January 1,
2562 2022, to change coverages so as to eliminate personal injury
2563 protection and obtain coverage providing minimum security
2564 requirements, which shall be effective on or after January 1,
2565 2022. The insurer is not required to provide coverage complying
2566 with minimum security requirements in such policies if the
2567 insured does not pay the required premium, if any, by January 1,
2568 2022, or such later date as the insurer may allow. The insurer
2569 also shall offer each insured medical payments coverage pursuant
2570 to s. 627.7265. Any reduction in the premium must be refunded by
2571 the insurer. The insurer may not impose on the insured an
2572 additional fee or charge that applies solely to a change in
2573 coverage; however, the insurer may charge an additional required
2574 premium that is actuarially indicated.

2575 (4) By September 1, 2021, each motor vehicle insurer shall
2576 provide notice of this section to each motor vehicle
2577 policyholder who is subject to this section. The notice is
2578 subject to approval by the office and must clearly inform the
2579 policyholder that:

2580 (a) The Florida Motor Vehicle No-Fault Law is repealed
2581 effective January 1, 2022, and that on or after that date, the

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2582 insured is no longer required to maintain personal injury
2583 protection insurance coverage, that personal injury protection
2584 coverage is no longer available for purchase in this state, and
2585 that all new or renewal policies issued on or after that date
2586 will not contain that coverage.

2587 (b) Effective January 1, 2022, a person subject to the
2588 financial responsibility requirements of s. 324.022 must
2589 maintain minimum security requirements that enable the person to
2590 respond to damages for liability on account of accidents arising
2591 out of the use of a motor vehicle in the following amounts:

2592 1. Twenty-five thousand dollars for bodily injury to, or
2593 the death of, one person in any one crash and, subject to such
2594 limits for one person, in the amount of \$50,000 for bodily
2595 injury to, or the death of, two or more persons in any one
2596 crash; and

2597 2. Ten thousand dollars for damage to, or destruction of,
2598 the property of others in any one crash.

2599 (c) Bodily injury liability coverage protects the insured,
2600 up to the coverage limits, against loss if the insured is
2601 legally responsible for the death of or bodily injury to others
2602 in a motor vehicle accident.

2603 (d) Effective January 1, 2022, each policyholder of motor
2604 vehicle liability insurance purchased as proof of financial
2605 responsibility must be offered medical payments coverage
2606 benefits that comply with s. 627.7265. The insurer must offer
2607 medical payments coverage at limits of \$5,000 and \$10,000
2608 without a deductible. The insurer may also offer medical
2609 payments coverage at other limits greater than \$5,000, and may
2610 offer coverage with a deductible of up to \$500. Medical payments

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2611 coverage pays covered medical expenses, up to the limits of such
2612 coverage, for injuries sustained in a motor vehicle crash by the
2613 named insured, resident relatives, persons operating the insured
2614 motor vehicle, passengers in the insured motor vehicle, and
2615 persons who are struck by the insured motor vehicle and suffer
2616 bodily injury while not an occupant of a self-propelled motor
2617 vehicle as provided in s. 627.7265. Medical payments coverage
2618 pays for reasonable expenses for necessary medical, diagnostic,
2619 and rehabilitative services that are lawfully provided,
2620 supervised, ordered, or prescribed by a physician licensed under
2621 chapter 458 or chapter 459, by a dentist licensed under chapter
2622 466, or by a chiropractic physician licensed under chapter 460
2623 or that are provided in a hospital or in a facility that owns,
2624 or is wholly owned by, a hospital. Medical payments coverage
2625 also provides a death benefit of at least \$5,000.

2626 (e) The policyholder may obtain uninsured and underinsured
2627 motorist coverage, which provides benefits, up to the limits of
2628 such coverage, to a policyholder or other insured entitled to
2629 recover damages for bodily injury, sickness, disease, or death
2630 resulting from a motor vehicle accident with an uninsured or
2631 underinsured owner or operator of a motor vehicle.

2632 (f) If the policyholder's new or renewal motor vehicle
2633 insurance policy is effective before January 1, 2022, and
2634 contains personal injury protection and property damage
2635 liability coverage as required by state law before January 1,
2636 2022, but does not meet minimum security requirements on or
2637 after January 1, 2022, the policy is deemed to meet minimum
2638 security requirements until it is renewed, nonrenewed, or
2639 canceled on or after January 1, 2022.

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2640 (g) A policyholder whose new or renewal policy becomes
2641 effective before January 1, 2022, but does not meet minimum
2642 security requirements on or after January 1, 2022, may change
2643 coverages under the policy so as to eliminate personal injury
2644 protection and to obtain coverage providing minimum security
2645 requirements, including bodily injury liability coverage, which
2646 are effective on or after January 1, 2022.

2647 (h) If the policyholder has any questions, he or she should
2648 contact the person named at the telephone number provided in the
2649 notice.

2650 Section 48. Paragraph (a) of subsection (1) of section
2651 627.728, Florida Statutes, is amended to read:

2652 627.728 Cancellations; nonrenewals.—

2653 (1) As used in this section, the term:

2654 (a) "Policy" means the bodily injury and property damage
2655 liability, ~~personal injury protection~~, medical payments,
2656 comprehensive, collision, and uninsured motorist coverage
2657 portions of a policy of motor vehicle insurance delivered or
2658 issued for delivery in this state:

2659 1. Insuring a natural person as named insured or one or
2660 more related individuals who are residents ~~resident~~ of the same
2661 household; and

2662 2. Insuring only a motor vehicle of the private passenger
2663 type or station wagon type which is not used as a public or
2664 livery conveyance for passengers or rented to others; or
2665 insuring any other four-wheel motor vehicle having a load
2666 capacity of 1,500 pounds or less which is not used in the
2667 occupation, profession, or business of the insured other than
2668 farming; other than any policy issued under an automobile

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2669 insurance assigned risk plan or covering garage, automobile
 2670 sales agency, repair shop, service station, or public parking
 2671 place operation hazards.

2672
 2673 The term "policy" does not include a binder as defined in s.
 2674 627.420 unless the duration of the binder period exceeds 60
 2675 days.

2676 Section 49. Subsection (1), paragraph (a) of subsection
 2677 (5), and subsections (6) and (7) of section 627.7295, Florida
 2678 Statutes, are amended to read:

2679 627.7295 Motor vehicle insurance contracts.—

2680 (1) As used in this section, the term:

2681 (a) "Policy" means a motor vehicle insurance policy that
 2682 provides bodily injury liability ~~personal injury protection~~
 2683 coverage ~~and~~ property damage liability coverage, ~~or both~~.

2684 (b) "Binder" means a binder that provides motor vehicle
 2685 bodily injury liability coverage ~~personal injury protection~~ and
 2686 property damage liability coverage.

2687 (5) (a) A licensed general lines agent may charge a per-
 2688 policy fee of up to ~~not to exceed~~ \$10 to cover the
 2689 administrative costs of the agent associated with selling the
 2690 motor vehicle insurance policy if the policy covers only bodily
 2691 injury liability coverage ~~personal injury protection coverage~~ ~~as~~
 2692 ~~provided by s. 627.736~~ and property damage liability coverage as
 2693 provided by s. 627.7275 and if no other insurance is sold or
 2694 issued in conjunction with or collateral to the policy. The fee
 2695 is not ~~considered~~ part of the premium.

2696 (6) If a motor vehicle owner's driver license, license
 2697 plate, and registration have previously been suspended pursuant

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2698 to s. 316.646 ~~or s. 627.733~~, an insurer may cancel a new policy
2699 only as provided in s. 627.7275.

2700 (7) A policy of private passenger motor vehicle insurance
2701 or a binder for such a policy may be initially issued in this
2702 state only if, before the effective date of such binder or
2703 policy, the insurer or agent has collected from the insured an
2704 amount equal to at least 1 month's premium. An insurer, agent,
2705 or premium finance company may not, directly or indirectly, take
2706 any action that results ~~resulting~~ in the insured paying ~~having~~
2707 ~~paid~~ from the insured's own funds an amount less than the 1
2708 month's premium required by this subsection. This subsection
2709 applies without regard to whether the premium is financed by a
2710 premium finance company or is paid pursuant to a periodic
2711 payment plan of an insurer or an insurance agent.

2712 (a) This subsection does not apply:

2713 1. If an insured or member of the insured's family is
2714 renewing or replacing a policy or a binder for such policy
2715 written by the same insurer or a member of the same insurer
2716 group. ~~This subsection does not apply~~

2717 2. To an insurer that issues private passenger motor
2718 vehicle coverage primarily to active duty or former military
2719 personnel or their dependents. ~~This subsection does not apply~~

2720 3. If all policy payments are paid pursuant to a payroll
2721 deduction plan, an automatic electronic funds transfer payment
2722 plan from the policyholder, or a recurring credit card or debit
2723 card agreement with the insurer.

2724 (b) This subsection and subsection (4) do not apply if:

2725 1. All policy payments to an insurer are paid pursuant to
2726 an automatic electronic funds transfer payment plan from an

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2727 agent, a managing general agent, or a premium finance company
2728 and if the policy includes, at a minimum, bodily injury
2729 liability coverage and ~~personal injury protection pursuant to~~
2730 ~~ss. 627.730-627.7405; motor vehicle property damage liability~~
2731 coverage pursuant to s. 627.7275; or and ~~bodily injury liability~~
2732 ~~in at least the amount of \$10,000 because of bodily injury to,~~
2733 ~~or death of, one person in any one accident and in the amount of~~
2734 ~~\$20,000 because of bodily injury to, or death of, two or more~~
2735 ~~persons in any one accident. This subsection and subsection (4)~~
2736 ~~do not apply if~~

2737 2. An insured has had a policy in effect for at least 6
2738 months, the insured's agent is terminated by the insurer that
2739 issued the policy, and the insured obtains coverage on the
2740 policy's renewal date with a new company through the terminated
2741 agent.

2742 Section 50. Section 627.7415, Florida Statutes, is amended
2743 to read:

2744 627.7415 Commercial motor vehicles; additional liability
2745 insurance coverage.—Beginning January 1, 2022, commercial motor
2746 vehicles, as defined in s. 207.002 or s. 320.01, operated upon
2747 the roads and highways of this state must ~~shall~~ be insured with
2748 the following minimum levels of combined bodily liability
2749 insurance and property damage liability insurance in addition to
2750 any other insurance requirements:

2751 (1) Sixty ~~Fifty~~ thousand dollars per occurrence for a
2752 commercial motor vehicle with a gross vehicle weight of 26,000
2753 pounds or more, but less than 35,000 pounds.

2754 (2) One hundred twenty thousand dollars per occurrence for
2755 a commercial motor vehicle with a gross vehicle weight of 35,000

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2756 pounds or more, but less than 44,000 pounds.

2757 (3) Three hundred thousand dollars per occurrence for a
2758 commercial motor vehicle with a gross vehicle weight of 44,000
2759 pounds or more.

2760 (4) All commercial motor vehicles subject to regulations of
2761 the United States Department of Transportation, 49 C.F.R. part
2762 387, subpart A, and as may be hereinafter amended, shall be
2763 insured in an amount equivalent to the minimum levels of
2764 financial responsibility as set forth in such regulations.

2765
2766 A violation of this section is a noncriminal traffic infraction,
2767 punishable as a nonmoving violation as provided in chapter 318.

2768 Section 51. Section 627.747, Florida Statutes, is created
2769 to read:

2770 627.747 Named driver exclusion.-

2771 (1) A private passenger motor vehicle policy may exclude an
2772 identified individual from the following coverages while the
2773 identified individual is operating a motor vehicle, provided
2774 that the identified individual is specifically excluded by name
2775 on the declarations page or by endorsement, and the policyholder
2776 consents in writing to the exclusion:

2777 (a) Property damage liability coverage.

2778 (b) Bodily injury liability coverage.

2779 (c) Uninsured motorist coverage for any damages sustained
2780 by the identified excluded individual, if the policyholder has
2781 purchased such coverage.

2782 (d) Any coverage the policyholder is not required by law to
2783 purchase.

2784 (2) A private passenger motor vehicle policy may not

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2785 exclude coverage when:

2786 (a) The identified excluded individual is injured while not
2787 operating a motor vehicle;

2788 (b) The exclusion is unfairly discriminatory under the
2789 Florida Insurance Code, as determined by the office; or

2790 (c) The exclusion is inconsistent with the underwriting
2791 rules filed by the insurer pursuant to s. 627.0651(13)(a).

2792 Section 52. Paragraphs (b), (c), and (g) of subsection (7),
2793 paragraphs (a) and (b) of subsection (8), and paragraph (b) of
2794 subsection (16) of section 627.748, Florida Statutes, are
2795 amended to read:

2796 627.748 Transportation network companies.—

2797 (7) TRANSPORTATION NETWORK COMPANY AND TNC DRIVER INSURANCE
2798 REQUIREMENTS.—

2799 (b) The following automobile insurance requirements apply
2800 while a participating TNC driver is logged on to the digital
2801 network but is not engaged in a prearranged ride:

2802 1. Automobile insurance that provides:

2803 a. A primary automobile liability coverage of at least
2804 \$50,000 for death and bodily injury per person, \$100,000 for
2805 death and bodily injury per incident, and \$25,000 for property
2806 damage; and

2807 ~~b. Personal injury protection benefits that meet the~~
2808 ~~minimum coverage amounts required under ss. 627.730-627.7405;~~
2809 ~~and~~

2810 ~~e.~~ Uninsured and underinsured vehicle coverage as required
2811 by s. 627.727.

2812 2. The coverage requirements of this paragraph may be
2813 satisfied by any of the following:

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2814 a. Automobile insurance maintained by the TNC driver or the
2815 TNC vehicle owner;

2816 b. Automobile insurance maintained by the TNC; or

2817 c. A combination of sub-subparagraphs a. and b.

2818 (c) The following automobile insurance requirements apply
2819 while a TNC driver is engaged in a prearranged ride:

2820 1. Automobile insurance that provides:

2821 a. A primary automobile liability coverage of at least \$1
2822 million for death, bodily injury, and property damage; and

2823 b. ~~Personal injury protection benefits that meet the~~
2824 ~~minimum coverage amounts required of a limousine under ss.~~
2825 ~~627.730-627.7405; and~~

2826 e. ~~Uninsured and underinsured vehicle coverage as required~~
2827 ~~by s. 627.727.~~

2828 2. The coverage requirements of this paragraph may be
2829 satisfied by any of the following:

2830 a. Automobile insurance maintained by the TNC driver or the
2831 TNC vehicle owner;

2832 b. Automobile insurance maintained by the TNC; or

2833 c. A combination of sub-subparagraphs a. and b.

2834 (g) Insurance satisfying the requirements under this
2835 subsection is deemed to satisfy the financial responsibility
2836 requirement for a motor vehicle under chapter 324 ~~and the~~
2837 ~~security required under s. 627.733~~ for any period when the TNC
2838 driver is logged onto the digital network or engaged in a
2839 prearranged ride.

2840 (8) TRANSPORTATION NETWORK COMPANY AND INSURER; DISCLOSURE;
2841 EXCLUSIONS.-

2842 (a) Before a TNC driver is allowed to accept a request for

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2843 a prearranged ride on the digital network, the TNC must disclose
2844 in writing to the TNC driver:

2845 1. The insurance coverage, including the types of coverage
2846 and the limits for each coverage, which the TNC provides while
2847 the TNC driver uses a TNC vehicle in connection with the TNC's
2848 digital network.

2849 2. That the TNC driver's own automobile insurance policy
2850 might not provide any coverage while the TNC driver is logged on
2851 to the digital network or is engaged in a prearranged ride,
2852 depending on the terms of the TNC driver's own automobile
2853 insurance policy.

2854 3. That the provision of rides for compensation which are
2855 not prearranged rides subjects the driver to the coverage
2856 requirements imposed under s. 324.032(1) and (2) and that
2857 failure to meet such coverage requirements subjects the TNC
2858 driver to penalties provided in s. 324.221, up to and including
2859 a misdemeanor of the second degree.

2860 (b)1. An insurer that provides an automobile liability
2861 insurance policy under this part may exclude any and all
2862 coverage afforded under the policy issued to an owner or
2863 operator of a TNC vehicle while driving that vehicle for any
2864 loss or injury that occurs while a TNC driver is logged on to a
2865 digital network or while a TNC driver provides a prearranged
2866 ride. Exclusions imposed under this subsection are limited to
2867 coverage while a TNC driver is logged on to a digital network or
2868 while a TNC driver provides a prearranged ride. This right to
2869 exclude all coverage may apply to any coverage included in an
2870 automobile insurance policy, including, but not limited to:

2871 a. Liability coverage for bodily injury and property

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2872 damage;

2873 b. Uninsured and underinsured motorist coverage;

2874 c. Medical payments coverage;

2875 d. Comprehensive physical damage coverage; and

2876 e. Collision physical damage coverage; ~~and~~

2877 ~~f. Personal injury protection.~~

2878 2. The exclusions described in subparagraph 1. apply

2879 notwithstanding any requirement under chapter 324. These

2880 exclusions do not affect or diminish coverage otherwise

2881 available for permissive drivers or resident relatives under the

2882 personal automobile insurance policy of the TNC driver or owner

2883 of the TNC vehicle who are not occupying the TNC vehicle at the

2884 time of loss. This section does not require that a personal

2885 automobile insurance policy provide coverage while the TNC

2886 driver is logged on to a digital network, while the TNC driver

2887 is engaged in a prearranged ride, or while the TNC driver

2888 otherwise uses a vehicle to transport riders for compensation.

2889 3. This section must not be construed to require an insurer

2890 to use any particular policy language or reference to this

2891 section in order to exclude any and all coverage for any loss or

2892 injury that occurs while a TNC driver is logged on to a digital

2893 network or while a TNC driver provides a prearranged ride.

2894 4. This section does not preclude an insurer from providing

2895 primary or excess coverage for the TNC driver's vehicle by

2896 contract or endorsement.

2897 (16) LUXURY GROUND TRANSPORTATION NETWORK COMPANIES.—

2898 (b) An entity may elect, upon written notification to the

2899 department, to be regulated as a luxury ground TNC. A luxury

2900 ground TNC must:

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2901 1. Comply with all of the requirements of this section
2902 applicable to a TNC, including subsection (17), which do not
2903 conflict with subparagraph 2. or which do not prohibit the
2904 company from connecting riders to drivers who operate for-hire
2905 vehicles as defined in s. 320.01(15), including limousines and
2906 luxury sedans and excluding taxicabs.

2907 2. Maintain insurance coverage as required by subsection
2908 (7). However, if a prospective luxury ground TNC satisfies
2909 minimum financial responsibility through compliance with s.
2910 324.032(3) ~~s. 324.032(2)~~ by using self-insurance when it gives
2911 the department written notification of its election to be
2912 regulated as a luxury ground TNC, the luxury ground TNC may use
2913 self-insurance to meet the insurance requirements of subsection
2914 (7), so long as such self-insurance complies with s. 324.032(3)
2915 ~~s. 324.032(2)~~ and provides the limits of liability required by
2916 subsection (7).

2917 Section 53. Paragraph (a) of subsection (2) of section
2918 627.749, Florida Statutes, is amended to read:

2919 627.749 Autonomous vehicles; insurance requirements.—

2920 (2) INSURANCE REQUIREMENTS.—

2921 (a) A fully autonomous vehicle with the automated driving
2922 system engaged while logged on to an on-demand autonomous
2923 vehicle network or engaged in a prearranged ride must be covered
2924 by a policy of automobile insurance which provides:

2925 1. Primary liability coverage of at least \$1 million for
2926 death, bodily injury, and property damage.

2927 2. ~~Personal injury protection benefits that meet the~~
2928 ~~minimum coverage amounts required under ss. 627.730-627.7405.~~

2929 ~~3.~~ Uninsured and underinsured vehicle coverage as required

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2930 by s. 627.727.

2931 Section 54. Section 627.8405, Florida Statutes, is amended
2932 to read:

2933 627.8405 Prohibited acts; financing companies.—A ~~No~~ premium
2934 finance company ~~shall~~, in a premium finance agreement or other
2935 agreement, may not finance the cost of or otherwise provide for
2936 the collection or remittance of dues, assessments, fees, or
2937 other periodic payments of money for the cost of:

2938 (1) A membership in an automobile club. The term
2939 "automobile club" means a legal entity that ~~which~~, in
2940 consideration of dues, assessments, or periodic payments of
2941 money, promises its members or subscribers to assist them in
2942 matters relating to the ownership, operation, use, or
2943 maintenance of a motor vehicle; however, the term ~~this~~
2944 ~~definition of "automobile club"~~ does not include persons,
2945 associations, or corporations ~~which are~~ organized and operated
2946 solely for the purpose of conducting, sponsoring, or sanctioning
2947 motor vehicle races, exhibitions, or contests upon racetracks,
2948 or upon racecourses established and marked as such for the
2949 duration of such particular events. As used in this subsection,
2950 the term ~~words~~ "motor vehicle" has ~~used herein have~~ the same
2951 meaning as ~~defined~~ in chapter 320.

2952 (2) An accidental death and dismemberment policy sold in
2953 combination with a policy providing only bodily injury liability
2954 coverage ~~personal injury protection~~ and property damage
2955 liability coverage ~~only policy~~.

2956 (3) Any product not regulated under ~~the provisions of~~ this
2957 insurance code.

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2959 This section also applies to premium financing by any insurance
2960 agent or insurance company under part XVI. The commission shall
2961 adopt rules to assure disclosure, at the time of sale, of
2962 coverages financed ~~with personal injury protection~~ and shall
2963 prescribe the form of such disclosure.

2964 Section 55. Subsection (1) of section 627.915, Florida
2965 Statutes, is amended to read:

2966 627.915 Insurer experience reporting.-

2967 (1) Each insurer transacting private passenger automobile
2968 insurance in this state shall report certain information
2969 annually to the office. The information will be due on or before
2970 July 1 of each year. The information must ~~shall~~ be divided into
2971 the following categories: bodily injury liability; property
2972 damage liability; uninsured motorist; ~~personal injury protection~~
2973 ~~benefits~~; and medical payments; and comprehensive and collision. The
2974 information given must ~~shall~~ be on direct insurance writings in
2975 the state alone and ~~shall~~ represent total limits data. The
2976 information set forth in paragraphs (a)-(f) is applicable to
2977 voluntary private passenger and Joint Underwriting Association
2978 private passenger writings and must ~~shall~~ be reported for each
2979 of the latest 3 calendar-accident years, with an evaluation date
2980 of March 31 of the current year. The information set forth in
2981 paragraphs (g)-(j) is applicable to voluntary private passenger
2982 writings and must ~~shall~~ be reported on a calendar-accident year
2983 basis ultimately seven times at seven different stages of
2984 development.

2985 (a) Premiums earned for the latest 3 calendar-accident
2986 years.

2987 (b) Loss development factors and the historic development

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2988 of those factors.

2989 (c) Policyholder dividends incurred.

2990 (d) Expenses for other acquisition and general expense.

2991 (e) Expenses for agents' commissions and taxes, licenses,
2992 and fees.

2993 (f) Profit and contingency factors as utilized in the
2994 insurer's automobile rate filings for the applicable years.

2995 (g) Losses paid.

2996 (h) Losses unpaid.

2997 (i) Loss adjustment expenses paid.

2998 (j) Loss adjustment expenses unpaid.

2999 Section 56. Subsections (2) and (3) of section 628.909,
3000 Florida Statutes, are amended to read:

3001 628.909 Applicability of other laws.—

3002 (2) The following provisions of the Florida Insurance Code
3003 apply to captive insurance companies that ~~who~~ are not industrial
3004 insured captive insurance companies to the extent that such
3005 provisions are not inconsistent with this part:

3006 (a) Chapter 624, except for ss. 624.407, 624.408, 624.4085,
3007 624.40851, 624.4095, 624.411, 624.425, and 624.426.

3008 (b) Chapter 625, part II.

3009 (c) Chapter 626, part IX.

3010 (d) ~~Sections 627.730-627.7405, when no fault coverage is~~
3011 ~~provided.~~

3012 ~~(e) Chapter 628.~~

3013 (3) The following provisions of the Florida Insurance Code
3014 ~~shall~~ apply to industrial insured captive insurance companies to
3015 the extent that such provisions are not inconsistent with this
3016 part:

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3017 (a) Chapter 624, except for ss. 624.407, 624.408, 624.4085,
3018 624.40851, 624.4095, 624.411, 624.425, 624.426, and 624.609(1).

3019 (b) Chapter 625, part II, if the industrial insured captive
3020 insurance company is incorporated in this state.

3021 (c) Chapter 626, part IX.

3022 (d) ~~Sections 627.730-627.7405 when no-fault coverage is~~
3023 ~~provided.~~

3024 ~~(e)~~ Chapter 628, except for ss. 628.341, 628.351, and
3025 628.6018.

3026 Section 57. Subsections (2), (6), and (7) of section
3027 705.184, Florida Statutes, are amended to read:

3028 705.184 Derelict or abandoned motor vehicles on the
3029 premises of public-use airports.—

3030 (2) The airport director or the director's designee shall
3031 contact the Department of Highway Safety and Motor Vehicles to
3032 notify that department that the airport has possession of the
3033 abandoned or derelict motor vehicle and to determine the name
3034 and address of the owner of the motor vehicle, the insurance
3035 company insuring the motor vehicle, ~~notwithstanding the~~
3036 ~~provisions of s. 627.736,~~ and any person who has filed a lien on
3037 the motor vehicle. Within 7 business days after receipt of the
3038 information, the director or the director's designee shall send
3039 notice by certified mail, return receipt requested, to the owner
3040 of the motor vehicle, the insurance company insuring the motor
3041 vehicle, ~~notwithstanding the provisions of s. 627.736,~~ and all
3042 persons of record claiming a lien against the motor vehicle. The
3043 notice must ~~shall~~ state the fact of possession of the motor
3044 vehicle, that charges for reasonable towing, storage, and
3045 parking fees, if any, have accrued and the amount thereof, that

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3046 a lien as provided in subsection (6) will be claimed, that the
3047 lien is subject to enforcement pursuant to law, that the owner
3048 or lienholder, if any, has the right to a hearing as set forth
3049 in subsection (4), and that any motor vehicle which, at the end
3050 of 30 calendar days after receipt of the notice, has not been
3051 removed from the airport upon payment in full of all accrued
3052 charges for reasonable towing, storage, and parking fees, if
3053 any, may be disposed of as provided in s. 705.182(2)(a), (b),
3054 (d), or (e), including, but not limited to, the motor vehicle
3055 being sold free of all prior liens after 35 calendar days after
3056 the time the motor vehicle is stored if any prior liens on the
3057 motor vehicle are more than 5 years of age or after 50 calendar
3058 days after the time the motor vehicle is stored if any prior
3059 liens on the motor vehicle are 5 years of age or less.

3060 (6) The airport pursuant to this section or, if used, a
3061 licensed independent wrecker company pursuant to s. 713.78 shall
3062 have a lien on an abandoned or derelict motor vehicle for all
3063 reasonable towing, storage, and accrued parking fees, if any,
3064 except that no storage fee may ~~shall~~ be charged if the motor
3065 vehicle is stored less than 6 hours. As a prerequisite to
3066 perfecting a lien under this section, the airport director or
3067 the director's designee must serve a notice in accordance with
3068 subsection (2) on the owner of the motor vehicle, the insurance
3069 company insuring the motor vehicle, ~~notwithstanding the~~
3070 ~~provisions of s. 627.736,~~ and all persons of record claiming a
3071 lien against the motor vehicle. If attempts to notify the owner,
3072 the insurance company insuring the motor vehicle,
3073 ~~notwithstanding the provisions of s. 627.736,~~ or lienholders are
3074 not successful, the requirement of notice by mail shall be

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3075 considered met. Serving of the notice does not dispense with
3076 recording the claim of lien.

3077 (7) (a) For the purpose of perfecting its lien under this
3078 section, the airport shall record a claim of lien which states
3079 ~~shall state~~:

3080 1. The name and address of the airport.

3081 2. The name of the owner of the motor vehicle, the
3082 insurance company insuring the motor vehicle, ~~notwithstanding~~
3083 ~~the provisions of s. 627.736,~~ and all persons of record claiming
3084 a lien against the motor vehicle.

3085 3. The costs incurred from reasonable towing, storage, and
3086 parking fees, if any.

3087 4. A description of the motor vehicle sufficient for
3088 identification.

3089 (b) The claim of lien must ~~shall~~ be signed and sworn to or
3090 affirmed by the airport director or the director's designee.

3091 (c) The claim of lien is ~~shall be~~ sufficient if it is in
3092 substantially the following form:

3093

3094 CLAIM OF LIEN

3095 State of

3096 County of

3097 Before me, the undersigned notary public, personally appeared

3098, who was duly sworn and says that he/she is the

3099 of, whose address is.....; and that the

3100 following described motor vehicle:

3101 ...(Description of motor vehicle)...

3102 owned by, whose address is, has accrued

3103 \$..... in fees for a reasonable tow, for storage, and for

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3104 parking, if applicable; that the lienor served its notice to the
 3105 owner, the insurance company insuring the motor vehicle
 3106 ~~notwithstanding the provisions of s. 627.736, Florida Statutes,~~
 3107 and all persons of record claiming a lien against the motor
 3108 vehicle on, ... (year) ..., by.....

3109 ... (Signature) ...

3110 Sworn to (or affirmed) and subscribed before me this day of
 3111, ... (year) ..., by ... (name of person making statement)

3112 ... (Signature of Notary Public) (Print, Type, or Stamp

3113 Commissioned name of Notary Public) ...

3114 Personally Known....OR Produced....as identification.

3115

3116 However, the negligent inclusion or omission of any information
 3117 in this claim of lien which does not prejudice the owner does
 3118 not constitute a default that operates to defeat an otherwise
 3119 valid lien.

3120 (d) The claim of lien must ~~shall~~ be served on the owner of
 3121 the motor vehicle, the insurance company insuring the motor
 3122 vehicle, ~~notwithstanding the provisions of s. 627.736,~~ and all
 3123 persons of record claiming a lien against the motor vehicle. If
 3124 attempts to notify the owner, the insurance company insuring the
 3125 motor vehicle ~~notwithstanding the provisions of s. 627.736,~~ or
 3126 lienholders are not successful, the requirement of notice by
 3127 mail shall be considered met. The claim of lien must ~~shall~~ be so
 3128 served before recordation.

3129 (e) The claim of lien must ~~shall~~ be recorded with the clerk
 3130 of court in the county where the airport is located. The
 3131 recording of the claim of lien shall be constructive notice to
 3132 all persons of the contents and effect of such claim. The lien

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3133 attaches ~~shall attach~~ at the time of recordation and takes ~~shall~~
3134 ~~take~~ priority as of that time.

3135 Section 58. Subsection (4) of section 713.78, Florida
3136 Statutes, is amended to read:

3137 713.78 Liens for recovering, towing, or storing vehicles
3138 and vessels.—

3139 (4) (a) A person regularly engaged in the business of
3140 recovering, towing, or storing vehicles or vessels who comes
3141 into possession of a vehicle or vessel pursuant to subsection
3142 (2), and who claims a lien for recovery, towing, or storage
3143 services, shall give notice, by certified mail, to the
3144 registered owner, the insurance company insuring the vehicle
3145 ~~notwithstanding s. 627.736~~, and all persons claiming a lien
3146 thereon, as disclosed by the records in the Department of
3147 Highway Safety and Motor Vehicles or as disclosed by the records
3148 of any corresponding agency in any other state in which the
3149 vehicle is identified through a records check of the National
3150 Motor Vehicle Title Information System or an equivalent
3151 commercially available system as being titled or registered.

3152 (b) Whenever a law enforcement agency authorizes the
3153 removal of a vehicle or vessel or whenever a towing service,
3154 garage, repair shop, or automotive service, storage, or parking
3155 place notifies the law enforcement agency of possession of a
3156 vehicle or vessel pursuant to s. 715.07(2)(a)2., the law
3157 enforcement agency of the jurisdiction where the vehicle or
3158 vessel is stored shall contact the Department of Highway Safety
3159 and Motor Vehicles, or the appropriate agency of the state of
3160 registration, if known, within 24 hours through the medium of
3161 electronic communications, giving the full description of the

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3162 vehicle or vessel. Upon receipt of the full description of the
3163 vehicle or vessel, the department shall search its files to
3164 determine the owner's name, the insurance company insuring the
3165 vehicle or vessel, and whether any person has filed a lien upon
3166 the vehicle or vessel as provided in s. 319.27(2) and (3) and
3167 notify the applicable law enforcement agency within 72 hours.
3168 The person in charge of the towing service, garage, repair shop,
3169 or automotive service, storage, or parking place shall obtain
3170 such information from the applicable law enforcement agency
3171 within 5 days after the date of storage and shall give notice
3172 pursuant to paragraph (a). The department may release the
3173 insurance company information to the requestor ~~notwithstanding~~
3174 ~~s. 627.736.~~

3175 (c) The notice of lien must be sent by certified mail to
3176 the registered owner, the insurance company insuring the vehicle
3177 ~~notwithstanding s. 627.736,~~ and all other persons claiming a
3178 lien thereon within 7 business days, excluding Saturday and
3179 Sunday, after the date of storage of the vehicle or vessel.
3180 However, in no event shall the notice of lien be sent less than
3181 30 days before the sale of the vehicle or vessel. The notice
3182 must state:

3183 1. If the claim of lien is for a vehicle, the last 8 digits
3184 of the vehicle identification number of the vehicle subject to
3185 the lien, or, if the claim of lien is for a vessel, the hull
3186 identification number of the vessel subject to the lien, clearly
3187 printed in the delivery address box and on the outside of the
3188 envelope sent to the registered owner and all other persons
3189 claiming an interest therein or lien thereon.

3190 2. The name, physical address, and telephone number of the

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3191 lienor, and the entity name, as registered with the Division of
3192 Corporations, of the business where the towing and storage
3193 occurred, which must also appear on the outside of the envelope
3194 sent to the registered owner and all other persons claiming an
3195 interest in or lien on the vehicle or vessel.

3196 3. The fact of possession of the vehicle or vessel.

3197 4. The name of the person or entity that authorized the
3198 lienor to take possession of the vehicle or vessel.

3199 5. That a lien as provided in subsection (2) is claimed.

3200 6. That charges have accrued and include an itemized
3201 statement of the amount thereof.

3202 7. That the lien is subject to enforcement under law and
3203 that the owner or lienholder, if any, has the right to a hearing
3204 as set forth in subsection (5).

3205 8. That any vehicle or vessel that remains unclaimed, or
3206 for which the charges for recovery, towing, or storage services
3207 remain unpaid, may be sold free of all prior liens 35 days after
3208 the vehicle or vessel is stored by the lienor if the vehicle or
3209 vessel is more than 3 years of age or 50 days after the vehicle
3210 or vessel is stored by the lienor if the vehicle or vessel is 3
3211 years of age or less.

3212 9. The address at which the vehicle or vessel is physically
3213 located.

3214 (d) The notice of lien may not be sent to the registered
3215 owner, the insurance company insuring the vehicle or vessel, and
3216 all other persons claiming a lien thereon less than 30 days
3217 before the sale of the vehicle or vessel.

3218 (e) If attempts to locate the name and address of the owner
3219 or lienholder prove unsuccessful, the towing-storage operator

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3220 shall, after 7 business days, excluding Saturday and Sunday,
3221 after the initial tow or storage, notify the public agency of
3222 jurisdiction where the vehicle or vessel is stored in writing by
3223 certified mail or acknowledged hand delivery that the towing-
3224 storage company has been unable to locate the name and address
3225 of the owner or lienholder and a physical search of the vehicle
3226 or vessel has disclosed no ownership information and a good
3227 faith effort has been made, including records checks of the
3228 Department of Highway Safety and Motor Vehicles database and the
3229 National Motor Vehicle Title Information System or an equivalent
3230 commercially available system. For purposes of this paragraph
3231 and subsection (9), the term "good faith effort" means that the
3232 following checks have been performed by the company to establish
3233 the prior state of registration and for title:

3234 1. A check of the department's database for the owner and
3235 any lienholder.

3236 2. A check of the electronic National Motor Vehicle Title
3237 Information System or an equivalent commercially available
3238 system to determine the state of registration when there is not
3239 a current registration record for the vehicle or vessel on file
3240 with the department.

3241 3. A check of the vehicle or vessel for any type of tag,
3242 tag record, temporary tag, or regular tag.

3243 4. A check of the law enforcement report for a tag number
3244 or other information identifying the vehicle or vessel, if the
3245 vehicle or vessel was towed at the request of a law enforcement
3246 officer.

3247 5. A check of the trip sheet or tow ticket of the tow truck
3248 operator to determine whether a tag was on the vehicle or vessel

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3249 at the beginning of the tow, if a private tow.

3250 6. If there is no address of the owner on the impound
3251 report, a check of the law enforcement report to determine
3252 whether an out-of-state address is indicated from driver license
3253 information.

3254 7. A check of the vehicle or vessel for an inspection
3255 sticker or other stickers and decals that may indicate a state
3256 of possible registration.

3257 8. A check of the interior of the vehicle or vessel for any
3258 papers that may be in the glove box, trunk, or other areas for a
3259 state of registration.

3260 9. A check of the vehicle for a vehicle identification
3261 number.

3262 10. A check of the vessel for a vessel registration number.

3263 11. A check of the vessel hull for a hull identification
3264 number which should be carved, burned, stamped, embossed, or
3265 otherwise permanently affixed to the outboard side of the
3266 transom or, if there is no transom, to the outmost seaboard side
3267 at the end of the hull that bears the rudder or other steering
3268 mechanism.

3269 Section 59. Paragraph (a) of subsection (1), paragraph (c)
3270 of subsection (7), paragraphs (a), (b), and (c) of subsection
3271 (8), and subsections (9) and (10) of section 817.234, Florida
3272 Statutes, are amended to read:

3273 817.234 False and fraudulent insurance claims.—

3274 (1)(a) A person commits insurance fraud punishable as
3275 provided in subsection (11) if that person, with the intent to
3276 injure, defraud, or deceive any insurer:

3277 1. Presents or causes to be presented any written or oral

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3278 statement as part of, or in support of, a claim for payment or
3279 other benefit pursuant to an insurance policy or a health
3280 maintenance organization subscriber or provider contract,
3281 knowing that such statement contains ~~any~~ false, incomplete, or
3282 misleading information concerning any fact or thing material to
3283 such claim;

3284 2. Prepares or makes any written or oral statement that is
3285 intended to be presented to an ~~any~~ insurer in connection with,
3286 or in support of, any claim for payment or other benefit
3287 pursuant to an insurance policy or a health maintenance
3288 organization subscriber or provider contract, knowing that such
3289 statement contains ~~any~~ false, incomplete, or misleading
3290 information concerning any fact or thing material to such claim;

3291 3.a. Knowingly presents, causes to be presented, or
3292 prepares or makes with knowledge or belief that it will be
3293 presented to an ~~any~~ insurer, purported insurer, servicing
3294 corporation, insurance broker, or insurance agent, or any
3295 employee or agent thereof, ~~any~~ false, incomplete, or misleading
3296 information or a written or oral statement as part of, or in
3297 support of, an application for the issuance of, or the rating
3298 of, any insurance policy, or a health maintenance organization
3299 subscriber or provider contract; or

3300 b. Knowingly conceals information concerning any fact
3301 material to such application; or

3302 4. Knowingly presents, causes to be presented, or prepares
3303 or makes with knowledge or belief that it will be presented to
3304 any insurer a claim for payment or other benefit under medical
3305 payments coverage in a motor vehicle ~~a personal injury~~
3306 ~~protection~~ insurance policy if the person knows that the payee

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3307 knowingly submitted a false, misleading, or fraudulent
3308 application or other document when applying for licensure as a
3309 health care clinic, seeking an exemption from licensure as a
3310 health care clinic, or demonstrating compliance with part X of
3311 chapter 400.

3312 (7)

3313 ~~(c) An insurer, or any person acting at the direction of or~~
3314 ~~on behalf of an insurer, may not change an opinion in a mental~~
3315 ~~or physical report prepared under s. 627.736(7) or direct the~~
3316 ~~physician preparing the report to change such opinion; however,~~
3317 ~~this provision does not preclude the insurer from calling to the~~
3318 ~~attention of the physician errors of fact in the report based~~
3319 ~~upon information in the claim file. Any person who violates this~~
3320 ~~paragraph commits a felony of the third degree, punishable as~~
3321 ~~provided in s. 775.082, s. 775.083, or s. 775.084.~~

3322 (8) (a) It is unlawful for any person intending to defraud
3323 any other person to solicit or cause to be solicited any
3324 business from a person involved in a motor vehicle accident for
3325 the purpose of making, adjusting, or settling motor vehicle tort
3326 claims or claims for benefits under medical payments coverage in
3327 a motor vehicle insurance policy ~~personal injury protection~~
3328 ~~benefits required by s. 627.736.~~ Any person who violates ~~the~~
3329 ~~provisions of~~ this paragraph commits a felony of the second
3330 degree, punishable as provided in s. 775.082, s. 775.083, or s.
3331 775.084. A person who is convicted of a violation of this
3332 subsection shall be sentenced to a minimum term of imprisonment
3333 of 2 years.

3334 (b) A person may not solicit or cause to be solicited any
3335 business from a person involved in a motor vehicle accident by

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3336 any means of communication other than advertising directed to
3337 the public for the purpose of making motor vehicle tort claims
3338 or claims for benefits under medical payments coverage in a
3339 motor vehicle insurance policy ~~personal injury protection~~
3340 ~~benefits required by s. 627.736,~~ within 60 days after the
3341 occurrence of the motor vehicle accident. Any person who
3342 violates this paragraph commits a felony of the third degree,
3343 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

3344 (c) A lawyer, health care practitioner as defined in s.
3345 456.001, or owner or medical director of a clinic required to be
3346 licensed pursuant to s. 400.9905 may not, at any time after 60
3347 days have elapsed from the occurrence of a motor vehicle
3348 accident, solicit or cause to be solicited any business from a
3349 person involved in a motor vehicle accident by means of in
3350 person or telephone contact at the person's residence, for the
3351 purpose of making motor vehicle tort claims or claims for
3352 benefits under medical payments coverage in a motor vehicle
3353 insurance policy ~~personal injury protection benefits required by~~
3354 ~~s. 627.736.~~ Any person who violates this paragraph commits a
3355 felony of the third degree, punishable as provided in s.
3356 775.082, s. 775.083, or s. 775.084.

3357 (9) A person may not organize, plan, or knowingly
3358 participate in an intentional motor vehicle crash or a scheme to
3359 create documentation of a motor vehicle crash that did not occur
3360 for the purpose of making motor vehicle tort claims or claims
3361 for benefits under medical payments coverage in a motor vehicle
3362 insurance policy ~~personal injury protection benefits as required~~
3363 ~~by s. 627.736.~~ Any person who violates this subsection commits a
3364 felony of the second degree, punishable as provided in s.

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3365 775.082, s. 775.083, or s. 775.084. A person who is convicted of
3366 a violation of this subsection shall be sentenced to a minimum
3367 term of imprisonment of 2 years.

3368 (10) A licensed health care practitioner who is found
3369 guilty of insurance fraud under this section for an act relating
3370 to a motor vehicle ~~personal injury protection~~ insurance policy
3371 loses his or her license to practice for 5 years and may not
3372 receive reimbursement under medical payments coverage in a motor
3373 vehicle insurance policy ~~for personal injury protection benefits~~
3374 for 10 years.

3375 Section 60. For the 2021-2022 fiscal year, the sum of
3376 \$83,651 in nonrecurring funds is appropriated from the Insurance
3377 Regulatory Trust Fund to the Office of Insurance Regulation for
3378 the purpose of implementing this act.

3379 Section 61. Except as otherwise expressly provided in this
3380 act and except for this section, which shall take effect upon
3381 this act becoming a law, this act shall take effect January 1,
3382 2022.