

By the Committees on Judiciary; and 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; providing

42 alternative minimum liability insurance coverage

43 requirements for certain motor vehicle owners or

44 operators; revising the vehicles that are excluded

45 from the definition of the term "motor vehicle";

46 providing security requirements for certain excluded

47 vehicles; specifying circumstances when motorcycles

48 are subject to financial responsibility requirements;

49 conforming provisions to changes made by the act;

50 conforming cross-references; amending s. 324.0221,

51 F.S.; revising coverages that subject a policy to

52 certain insurer reporting and notice requirements;

53 conforming provisions to changes made by the act;

54 creating s. 324.0222, F.S.; providing that driver

55 license or registration suspensions for failure to

56 maintain required security which were in effect before

57 a specified date remain in full force and effect;

58 providing that such suspended licenses or

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59 registrations may be reinstated as provided in a  
60 specified section; amending s. 324.023, F.S.;  
61 conforming cross-references; making technical changes;  
62 amending s. 324.031, F.S.; specifying a method of  
63 proving financial responsibility; revising the amount  
64 of a certificate of deposit required to elect a  
65 certain method of proof of financial responsibility;  
66 revising excess liability coverage requirements for a  
67 person electing to use such method; amending s.  
68 324.032, F.S.; revising financial responsibility  
69 requirements for owners or lessees of for-hire  
70 passenger transportation vehicles; amending s.  
71 324.051, F.S.; specifying that motor vehicles include  
72 motorcycles for purposes of the section; making  
73 technical changes; amending ss. 324.071 and 324.091,  
74 F.S.; making technical changes; amending s. 324.151,  
75 F.S.; revising requirements for motor vehicle  
76 liability insurance policies relating to coverage, and  
77 exclusion from coverage, for certain drivers and  
78 vehicles; defining terms; conforming provisions to  
79 changes made by the act; making technical changes;  
80 amending s. 324.161, F.S.; revising requirements for a  
81 certificate of deposit that is required if a person  
82 elects a certain method of proving financial  
83 responsibility; amending s. 324.171, F.S.; revising  
84 the minimum net worth requirements to qualify certain  
85 persons as self-insurers; conforming provisions to  
86 changes made by the act; amending s. 324.251, F.S.;  
87 revising the short title and an effective date;

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88 amending s. 400.9905, F.S.; revising the definition of  
89 the term "clinic"; amending ss. 400.991 and 400.9935,  
90 F.S.; conforming provisions to changes made by the  
91 act; amending s. 409.901, F.S.; revising the  
92 definition of the term "third-party benefit"; amending  
93 s. 409.910, F.S.; revising the definition of the term  
94 "medical coverage"; amending s. 456.057, F.S.;  
95 conforming a provision to changes made by the act;  
96 amending s. 456.072, F.S.; revising specified grounds  
97 for discipline for certain health professions;  
98 defining the term "upcoded"; amending s. 559.920,  
99 F.S.; prohibiting certain practices by motor vehicle  
100 repair shops or motor vehicle glass repair facilities  
101 with respect to the replacement or repair of motor  
102 vehicle windshields; amending s. 624.155, F.S.;  
103 providing an exception to the circumstances under  
104 which a person who is damaged may bring a civil action  
105 against an insurer; adding a cause of action against  
106 insurers in certain circumstances; providing that a  
107 person is not entitled to judgments under multiple bad  
108 faith remedies; creating s. 624.156, F.S.; providing  
109 that the section applies to bad faith failure to  
110 settle actions against any insurer brought by a third  
111 party for a loss arising out of the ownership,  
112 maintenance, or use of a motor vehicle under specified  
113 circumstances; providing that insurers have a duty of  
114 good faith; defining the term "bad faith failure to  
115 settle"; specifying best practice standards for  
116 insurers upon receiving notice of a claim or a demand

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117 for settlement; specifying certain requirements for  
118 insurer communications to an insured in handling  
119 third-party claims; specifying requirements for the  
120 insurer when a loss involves multiple claimants under  
121 certain conditions; specifying conditions precedent  
122 for claimants filing third-party bad faith failure to  
123 settle actions; specifying requirements for  
124 information that must be included in a demand for  
125 settlement; requiring a demand for settlement to  
126 release the insured from liability under certain  
127 conditions; requiring the demand for settlement be  
128 served upon the insurer at the address designated with  
129 the Department of Financial Services; prohibiting  
130 claimants from placing conditions on acceptance of a  
131 demand for settlement other than electing the right to  
132 examine the insured under oath regarding certain  
133 information; authorizing claimants to examine insureds  
134 under oath under certain conditions; authorizing the  
135 claimant to request the insured bring relevant  
136 documents to the examination under oath; prohibiting  
137 the claimant from examining the insured under oath  
138 regarding liability; providing an exception; requiring  
139 the claimant, insurer, and insured to cooperate in  
140 scheduling the examination under oath; specifying the  
141 timeframe within which the examination must take  
142 place; authorizing the claimant to withdraw the demand  
143 for settlement if the insured refuses to submit to an  
144 examination under oath; authorizing an insurer to  
145 accept a demand for settlement if the insured refuses

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146 to submit to an examination under oath; absolving an  
147 insurer of a duty to defend and of liability under  
148 certain circumstances; specifying the timeframe within  
149 which a claimant may withdraw a demand for settlement;  
150 providing that insurers may not be held liable in  
151 certain third-party bad faith failure to settle  
152 actions if they tender policy limits within a certain  
153 timeframe; providing that insurers may not be held  
154 liable in third-party bad faith failure to settle  
155 actions involving multiple claimants if such insurers  
156 file an interpleader action within a certain  
157 timeframe; specifying that certain provisions  
158 providing that insurers may not be held liable for a  
159 bad faith failure to settle action do not affect  
160 certain other duties of such insurers; specifying that  
161 insurers that accept demands for settlement are  
162 entitled to releases of their insureds; providing an  
163 exception; requiring claimants to prove in any third-  
164 party bad faith failure to settle action by a  
165 preponderance of the evidence that the insurer  
166 violated its duty of good faith and in bad faith  
167 failed to settle; specifying factors for the trier of  
168 fact to consider in determining whether an insurer  
169 violated its duty of good faith and in bad faith  
170 failed to settle; requiring the trier of fact to be  
171 informed of an excess judgment; prohibiting disclosure  
172 of certain judgment information to the trier of fact;  
173 limiting damages in third-party bad faith failure to  
174 settle actions; providing that judgment creditors must

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175 be subrogated to the rights of the insured under  
176 certain circumstances; prohibiting multiple bad faith  
177 remedies; amending s. 626.9541, F.S.; conforming a  
178 provision to changes made by the act; revising the  
179 type of insurance coverage applicable to a certain  
180 prohibited act; amending s. 626.989, F.S.; revising  
181 the definition of the term "fraudulent insurance act";  
182 amending s. 627.06501, F.S.; revising coverages that  
183 may provide for a reduction in motor vehicle insurance  
184 policy premium charges under certain circumstances;  
185 amending s. 627.0651, F.S.; specifying requirements  
186 for initial rate filings for motor vehicle liability  
187 policies submitted to the Office of Insurance  
188 Regulation beginning on a specified date; amending s.  
189 627.0652, F.S.; revising coverages that must provide a  
190 premium charge reduction under certain circumstances;  
191 amending s. 627.0653, F.S.; revising coverages subject  
192 to premium discounts for specified motor vehicle  
193 equipment; amending s. 627.4132, F.S.; revising  
194 coverages that are subject to a stacking prohibition;  
195 amending s. 627.4137, F.S.; requiring that insurers  
196 disclose certain information at the request of a  
197 claimant's attorney; authorizing a claimant to file an  
198 action under certain circumstances; providing for the  
199 award of reasonable attorney fees and costs under  
200 certain circumstances; amending s. 627.7263, F.S.;  
201 revising coverages that are deemed primary, except  
202 under certain circumstances, for the lessor of a motor  
203 vehicle for lease or rent; revising a notice that is

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204 required if the lessee's coverage is to be primary;  
205 creating s. 627.7265, F.S.; specifying persons whom  
206 medical payments coverage must protect; requiring  
207 medical payments coverage to cover reasonable expenses  
208 for certain medical services provided by specified  
209 providers and facilities and to provide a death  
210 benefit; specifying the minimum medical expense and  
211 death benefit limits; specifying coverage options an  
212 insurer is required or authorized to offer; providing  
213 construction relating to limits on certain other  
214 coverages; requiring insurers, upon receiving certain  
215 notice of an accident, to hold a specified reserve for  
216 certain purposes for a certain timeframe; providing  
217 that the reserve requirement does not require insurers  
218 to establish a claim reserve for accounting purposes;  
219 specifying that an insurer providing medical payments  
220 coverage benefits may not seek a lien on a certain  
221 recovery and may not bring a certain cause of action;  
222 authorizing insurers to include policy provisions  
223 allowing for subrogation, under certain circumstances,  
224 for medical payments benefits paid; providing  
225 construction; specifying a requirement for an insured  
226 for repayment of medical payments benefits under  
227 certain circumstances; prohibiting insurers from  
228 including policy provisions allowing for subrogation  
229 for death benefits paid; amending s. 627.727, F.S.;  
230 revising the legal liability of an uninsured motorist  
231 coverage insurer; conforming provisions to changes  
232 made by the act; amending s. 627.7275, F.S.; revising



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233 required coverages for a motor vehicle insurance  
234 policy; specifying that insurers must make certain  
235 coverages available under certain circumstances;  
236 requiring insurers to make certain notices to certain  
237 persons; specifying that insurers need not verify the  
238 veracity of certain representations made by an  
239 applicant or insured; prohibiting insurers from  
240 denying or excluding certain coverages in certain  
241 circumstances; conforming provisions to changes made  
242 by the act; creating s. 627.7278, F.S.; defining the  
243 term "minimum security requirements"; providing  
244 requirements, applicability, and construction relating  
245 to motor vehicle insurance policies as of a certain  
246 date; requiring insurers to allow certain insureds to  
247 make certain coverage changes, subject to certain  
248 conditions; requiring an insurer to provide, by a  
249 specified date, a specified notice to policyholders  
250 relating to requirements under the act; amending s.  
251 627.728, F.S.; conforming a provision to changes made  
252 by the act; making technical changes; amending s.  
253 627.7288, F.S.; providing that insurers must offer  
254 policies providing certain coverages for windshield  
255 loss without a deductible; providing that insurers may  
256 offer certain deductibles for windshield loss for an  
257 appropriate premium discount or credit; amending s.  
258 627.7295, F.S.; revising the definitions of the terms  
259 "policy" and "binder"; revising the coverages of a  
260 motor vehicle insurance policy for which a licensed  
261 general lines agent may charge a specified fee;

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262 conforming provisions to changes made by the act;  
263 amending s. 627.7415, F.S.; revising additional  
264 liability insurance requirements for commercial motor  
265 vehicles; creating s. 627.747, F.S.; providing that  
266 private passenger motor vehicle policies may exclude  
267 certain identified individuals from specified  
268 coverages under certain circumstances; providing that  
269 such policies may not exclude coverage under certain  
270 circumstances; amending s. 627.748, F.S.; revising  
271 insurance requirements for transportation network  
272 company drivers; conforming provisions to changes made  
273 by the act; amending s. 627.749, F.S.; conforming a  
274 provision to changes made by the act; amending s.  
275 627.8405, F.S.; revising coverages in a policy sold in  
276 combination with an accidental death and dismemberment  
277 policy which a premium finance company may not  
278 finance; revising rulemaking authority of the  
279 Financial Services Commission; amending ss. 627.915,  
280 628.909, 705.184, and 713.78, F.S.; conforming  
281 provisions to changes made by the act; making  
282 technical changes; amending s. 817.234, F.S.; revising  
283 coverages that are the basis of specified prohibited  
284 false and fraudulent insurance claims; conforming  
285 provisions to changes made by the act; providing an  
286 appropriation; providing effective dates.

287

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

289

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

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291 627.733, 627.734, 627.736, 627.737, 627.739, 627.7401, 627.7403,  
292 and 627.7405, Florida Statutes, are repealed.

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

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

296 316.646 Security required; proof of security and display  
297 thereof.-

298 (1) Any person required by s. 324.022 to maintain liability  
299 security for property damage, ~~liability security, required by s.~~  
300 ~~324.023 to maintain liability security for bodily injury,~~ or  
301 ~~death, or required by s. 627.733 to maintain personal injury~~  
302 ~~protection security on a motor vehicle~~ shall have in his or her  
303 immediate possession at all times while operating such motor  
304 vehicle proper proof of maintenance of the ~~required~~ security  
305 required under s. 324.021(7).

306 (a) Such proof must ~~shall~~ be in a uniform paper or  
307 electronic format, as prescribed by the department, a valid  
308 insurance policy, an insurance policy binder, a certificate of  
309 insurance, or such other proof as may be prescribed by the  
310 department.

311 (b)1. The act of presenting to a law enforcement officer an  
312 electronic device displaying proof of insurance in an electronic  
313 format does not constitute consent for the officer to access any  
314 information on the device other than the displayed proof of  
315 insurance.

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

318 Section 4. Paragraph (b) of subsection (2) of section  
319 318.18, Florida Statutes, is amended to read:

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320 318.18 Amount of penalties.—The penalties required for a  
321 noncriminal disposition pursuant to s. 318.14 or a criminal  
322 offense listed in s. 318.17 are as follows:

323 (2) Thirty dollars for all nonmoving traffic violations  
324 and:

325 (b) For all violations of ss. 320.0605, 320.07(1), 322.065,  
326 and 322.15(1). A ~~Any~~ person who is cited for a violation of s.  
327 320.07(1) shall be charged a delinquent fee pursuant to s.  
328 320.07(4).

329 1. If a person who is cited for a violation of s. 320.0605  
330 or s. 320.07 can show proof of having a valid registration at  
331 the time of arrest, the clerk of the court may dismiss the case  
332 and may assess a dismissal fee of up to \$10, from which the  
333 clerk shall remit \$2.50 to the Department of Revenue for deposit  
334 into the General Revenue Fund. A person who finds it impossible  
335 or impractical to obtain a valid registration certificate must  
336 submit an affidavit detailing the reasons for the impossibility  
337 or impracticality. The reasons may include, but are not limited  
338 to, the fact that the vehicle was sold, stolen, or destroyed;  
339 that the state in which the vehicle is registered does not issue  
340 a certificate of registration; or that the vehicle is owned by  
341 another person.

342 2. If a person who is cited for a violation of s. 322.03,  
343 s. 322.065, or s. 322.15 can show a driver license issued to him  
344 or her and valid at the time of arrest, the clerk of the court  
345 may dismiss the case and may assess a dismissal fee of up to  
346 \$10, from which the clerk shall remit \$2.50 to the Department of  
347 Revenue for deposit into the General Revenue Fund.

348 3. If a person who is cited for a violation of s. 316.646

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349 can show proof of security as required by s. 324.021(7) ~~s.~~  
 350 ~~627.733~~, issued to the person and valid at the time of arrest,  
 351 the clerk of the court may dismiss the case and may assess a  
 352 dismissal fee of up to \$10, from which the clerk shall remit  
 353 \$2.50 to the Department of Revenue for deposit into the General  
 354 Revenue Fund. A person who finds it impossible or impractical to  
 355 obtain proof of security must submit an affidavit detailing the  
 356 reasons for the impracticality. The reasons may include, but are  
 357 not limited to, the fact that the vehicle has since been sold,  
 358 stolen, or destroyed; ~~that the owner or registrant of the~~  
 359 ~~vehicle is not required by s. 627.733 to maintain personal~~  
 360 ~~injury protection insurance;~~ or that the vehicle is owned by  
 361 another person.

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

364 320.02 Registration required; application for registration;  
 365 forms.-

366 (5) (a) Proof that bodily injury liability coverage and  
 367 property damage liability coverage ~~personal injury protection~~  
 368 ~~benefits~~ have been purchased if required under s. 324.022, s.  
 369 324.032, or s. 627.742 ~~s. 627.733~~, ~~that property damage~~  
 370 ~~liability coverage has been purchased as required under s.~~  
 371 ~~324.022~~, that bodily injury liability ~~or death~~ coverage has been  
 372 purchased if required under s. 324.023, and that combined bodily  
 373 liability insurance and property damage liability insurance have  
 374 been purchased if required under s. 627.7415 must ~~shall~~ be  
 375 provided in the manner prescribed by law by the applicant at the  
 376 time of application for registration of any motor vehicle that  
 377 is subject to such requirements. The issuing agent may not ~~shall~~

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378 ~~refuse to~~ issue registration if such proof of purchase is not  
379 provided. Insurers shall furnish uniform proof-of-purchase cards  
380 in a paper or electronic format in a form prescribed by the  
381 department and include the name of the insured's insurance  
382 company, the coverage identification number, and the make, year,  
383 and vehicle identification number of the vehicle insured. The  
384 card must contain a statement notifying the applicant of the  
385 penalty specified under s. 316.646(4). The card or insurance  
386 policy, insurance policy binder, or certificate of insurance or  
387 a photocopy of any of these; an affidavit containing the name of  
388 the insured's insurance company, the insured's policy number,  
389 and the make and year of the vehicle insured; or such other  
390 proof as may be prescribed by the department constitutes ~~shall~~  
391 ~~constitute~~ sufficient proof of purchase. If an affidavit is  
392 provided as proof, it must be in substantially the following  
393 form:

394  
395 Under penalty of perjury, I ...(Name of insured)... do hereby  
396 certify that I have ...(bodily injury liability and Personal  
397 ~~Injury Protection~~, property damage liability, ~~and, if required,~~  
398 ~~Bodily Injury Liability~~)... insurance currently in effect with  
399 ...(Name of insurance company)... under ...(policy number)...  
400 covering ...(make, year, and vehicle identification number of  
401 vehicle).... ...(Signature of Insured)...

402  
403 Such affidavit must include the following warning:

404  
405 WARNING: GIVING FALSE INFORMATION IN ORDER TO OBTAIN A VEHICLE  
406 REGISTRATION CERTIFICATE IS A CRIMINAL OFFENSE UNDER FLORIDA

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407 LAW. ANYONE GIVING FALSE INFORMATION ON THIS AFFIDAVIT IS  
408 SUBJECT TO PROSECUTION.

409  
410 If an application is made through a licensed motor vehicle  
411 dealer as required under s. 319.23, the original or a photocopy  
412 ~~photostatic copy~~ of such card, insurance policy, insurance  
413 policy binder, or certificate of insurance or the original  
414 affidavit from the insured must ~~shall~~ be forwarded by the dealer  
415 to the tax collector of the county or the Department of Highway  
416 Safety and Motor Vehicles for processing. By executing the  
417 ~~aforsaid~~ affidavit, a ~~ne~~ licensed motor vehicle dealer is not  
418 ~~will be~~ liable in damages for any inadequacy, insufficiency, or  
419 falsification of any statement contained therein. ~~A card must~~  
420 ~~also indicate the existence of any bodily injury liability~~  
421 ~~insurance voluntarily purchased.~~

422 (d) The verifying of ~~proof of personal injury protection~~  
423 ~~insurance, proof of property damage liability insurance, proof~~  
424 ~~of combined bodily liability insurance and property damage~~  
425 ~~liability insurance, or proof of financial responsibility~~  
426 ~~insurance~~ and the issuance or failure to issue the motor vehicle  
427 registration under ~~the provisions of~~ this chapter may not be  
428 construed in any court as a warranty of the reliability or  
429 accuracy of the evidence of such proof or as meaning that the  
430 provisions of any insurance policy furnished as proof of  
431 financial responsibility comply with state law. Neither the  
432 department nor any tax collector is liable in damages for any  
433 inadequacy, insufficiency, falsification, or unauthorized  
434 modification of any item of ~~the proof of personal injury~~  
435 ~~protection insurance, proof of property damage liability~~

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436 ~~insurance, proof of combined bodily liability insurance and~~  
437 ~~property damage liability insurance, or proof of financial~~  
438 ~~responsibility before insurance prior to, during, or subsequent~~  
439 ~~to the verification of the proof. The issuance of a motor~~  
440 ~~vehicle registration does not constitute prima facie evidence or~~  
441 ~~a presumption of insurance coverage.~~

442 Section 6. Paragraph (b) of subsection (1) of section  
443 320.0609, Florida Statutes, is amended to read:

444 320.0609 Transfer and exchange of registration license  
445 plates; transfer fee.—

446 (1)

447 (b) The transfer of a license plate from a vehicle disposed  
448 of to a newly acquired vehicle does not constitute a new  
449 registration. The application for transfer must ~~shall~~ be  
450 accepted without requiring proof of ~~personal injury protection~~  
451 ~~or~~ liability insurance.

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

455 320.27 Motor vehicle dealers.—

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

460 (g) "Garage liability insurance" means, beginning January  
461 1, 2022, combined single-limit liability coverage, including  
462 property damage and bodily injury liability coverage, in the  
463 amount of at least \$60,000.

464 (3) APPLICATION AND FEE.—~~The application for the license~~



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465 application must ~~shall~~ be in such form as may be prescribed by  
466 the department and is ~~shall be~~ subject to such rules with  
467 ~~respect thereto~~ as may be so prescribed by the department ~~it~~.  
468 Such application must ~~shall~~ be verified by oath or affirmation  
469 and must ~~shall~~ contain a full statement of the name and birth  
470 date of the person or persons applying for the license ~~therefor~~;  
471 the name of the firm or copartnership, with the names and places  
472 of residence of all members ~~thereof~~, if such applicant is a firm  
473 or copartnership; the names and places of residence of the  
474 principal officers, if the applicant is a body corporate or  
475 other artificial body; the name of the state under whose laws  
476 the corporation is organized; the present and former place or  
477 places of residence of the applicant; and the prior business in  
478 which the applicant has been engaged and its ~~the~~ location  
479 ~~thereof~~. The ~~Such~~ application must ~~shall~~ describe the exact  
480 location of the place of business and must ~~shall~~ state whether  
481 the place of business is owned by the applicant and when  
482 acquired, or, if leased, a true copy of the lease must ~~shall~~ be  
483 attached to the application. The applicant shall certify that  
484 the location provides an adequately equipped office and is not a  
485 residence; that the location affords sufficient unoccupied space  
486 upon and within which adequately to store all motor vehicles  
487 offered and displayed for sale; and that the location is a  
488 suitable place where the applicant can in good faith carry on  
489 such business and keep and maintain books, records, and files  
490 necessary to conduct such business, which must ~~shall~~ be  
491 available at all reasonable hours to inspection by the  
492 department or any of its inspectors or other employees. The  
493 applicant shall certify that the business of a motor vehicle

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494 dealer is the principal business that will ~~which shall~~ be  
495 conducted at that location. The application must ~~shall~~ contain a  
496 statement that the applicant is either franchised by a  
497 manufacturer of motor vehicles, in which case the name of each  
498 motor vehicle that the applicant is franchised to sell must  
499 ~~shall~~ be included, or an independent (nonfranchised) motor  
500 vehicle dealer. The application must ~~shall~~ contain other  
501 relevant information as may be required by the department. The  
502 applicant shall furnish, including evidence, in a form approved  
503 by the department, that the applicant is insured under a garage  
504 liability insurance policy or a general liability insurance  
505 policy coupled with a business automobile policy having the  
506 coverages and limits of the garage liability insurance coverage  
507 in accordance with paragraph (1) (g), which shall include, at a  
508 minimum, \$25,000 combined single-limit liability coverage  
509 including bodily injury and property damage protection and  
510 \$10,000 personal injury protection. However, a salvage motor  
511 vehicle dealer as defined in subparagraph (1) (c)5. is exempt  
512 from the requirements for garage liability insurance ~~and~~  
513 ~~personal injury protection insurance~~ on those vehicles that  
514 cannot be legally operated on roads, highways, or streets in  
515 this state. Franchise dealers must submit a garage liability  
516 insurance policy, and all other dealers must submit a garage  
517 liability insurance policy or a general liability insurance  
518 policy coupled with a business automobile policy. Such policy  
519 must ~~shall~~ be for the license period, and evidence of a new or  
520 continued policy must ~~shall~~ be delivered to the department at  
521 the beginning of each license period. Upon making an initial  
522 application, the applicant shall pay to the department a fee of

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523 \$300 in addition to any other fees required by law. Applicants  
524 may choose to extend the licensure period for 1 additional year  
525 for a total of 2 years. An initial applicant shall pay to the  
526 department a fee of \$300 for the first year and \$75 for the  
527 second year, in addition to any other fees required by law. An  
528 applicant for renewal shall pay to the department \$75 for a 1-  
529 year renewal or \$150 for a 2-year renewal, in addition to any  
530 other fees required by law. Upon making an application for a  
531 change of location, the applicant ~~person~~ shall pay a fee of \$50  
532 in addition to any other fees now required by law. The  
533 department shall, in the case of every application for initial  
534 licensure, verify whether certain facts set forth in the  
535 application are true. Each applicant, general partner in the  
536 case of a partnership, or corporate officer and director in the  
537 case of a corporate applicant shall, ~~must~~ file a set of  
538 fingerprints with the department for the purpose of determining  
539 any prior criminal record or any outstanding warrants. The  
540 department shall submit the fingerprints to the Department of  
541 Law Enforcement for state processing and forwarding to the  
542 Federal Bureau of Investigation for federal processing. The  
543 actual cost of state and federal processing must ~~shall~~ be borne  
544 by the applicant and is in addition to the fee for licensure.  
545 The department may issue a license to an applicant pending the  
546 results of the fingerprint investigation, which license is fully  
547 revocable if the department subsequently determines that any  
548 facts set forth in the application are not true or correctly  
549 represented.

550 Section 8. Paragraph (j) of subsection (3) of section  
551 320.771, Florida Statutes, is amended to read:

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552 320.771 License required of recreational vehicle dealers.—

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

557 (j) A statement that the applicant is insured under a  
558 garage liability insurance policy in accordance with s.  
559 320.27(1)(g), ~~which shall include, at a minimum, \$25,000~~  
560 ~~combined single limit liability coverage, including bodily~~  
561 ~~injury and property damage protection, and \$10,000 personal~~  
562 ~~injury protection~~, if the applicant is to be licensed as a  
563 dealer in, or intends to sell, recreational vehicles. However, a  
564 garage liability policy is not required for the licensure of a  
565 mobile home dealer who sells only park trailers.

566  
567 The department shall, if it deems necessary, cause an  
568 investigation to be made to ascertain if the facts set forth in  
569 the application are true and may ~~shall~~ not issue a license to  
570 the applicant until it is satisfied that the facts set forth in  
571 the application are true.

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

574 322.251 Notice of cancellation, suspension, revocation, or  
575 disqualification of license.—

576 (1) All orders of cancellation, suspension, revocation, or  
577 disqualification issued under ~~the provisions of this chapter,~~  
578 chapter 318, or chapter 324 must, ~~or ss. 627.732-627.734 shall~~  
579 be given either by personal delivery thereof to the licensee  
580 whose license is being canceled, suspended, revoked, or

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581 disqualified or by deposit in the United States mail in an  
582 envelope, first class, postage prepaid, addressed to the  
583 licensee at his or her last known mailing address furnished to  
584 the department. Such mailing by the department constitutes  
585 notification, and any failure by the person to receive the  
586 mailed order will not affect or stay the effective date or term  
587 of the cancellation, suspension, revocation, or disqualification  
588 of the licensee's driving privilege.

589 (2) The giving of notice and an order of cancellation,  
590 suspension, revocation, or disqualification by mail is complete  
591 upon expiration of 20 days after deposit in the United States  
592 mail for all notices except those issued under chapter 324 ~~or~~  
593 ~~ss. 627.732-627.734~~, which are complete 15 days after deposit in  
594 the United States mail. Proof of the giving of notice and an  
595 order of cancellation, suspension, revocation, or  
596 disqualification in either manner must ~~shall~~ be made by entry in  
597 the records of the department that such notice was given. The  
598 entry is admissible in the courts of this state and constitutes  
599 sufficient proof that such notice was given.

600 Section 10. Paragraph (a) of subsection (8) of section  
601 322.34, Florida Statutes, is amended to read:

602 322.34 Driving while license suspended, revoked, canceled,  
603 or disqualified.—

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

607 1. Whether the person's driver license is suspended or  
608 revoked, or the person is under suspension or revocation  
609 equivalent status.

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610           2. Whether the person's driver license has remained  
611 suspended or revoked, or the person has been under suspension or  
612 revocation equivalent status, since a conviction for the offense  
613 of driving with a suspended or revoked license.

614           3. Whether the suspension, revocation, or suspension or  
615 revocation equivalent status was made under s. 316.646 ~~or s.~~  
616 ~~627.733~~, relating to failure to maintain required security, or  
617 under s. 322.264, relating to habitual traffic offenders.

618           4. Whether the driver is the registered owner or co-owner  
619 of the vehicle.

620           Section 11. Section 324.011, Florida Statutes, is amended  
621 to read:

622           324.011 Legislative intent; purpose of chapter.—It is the  
623 intent of the Legislature that this chapter ensure that the  
624 privilege of owning or operating a motor vehicle in this state  
625 be exercised ~~to recognize the existing privilege to own or~~  
626 ~~operate a motor vehicle on the public streets and highways of~~  
627 ~~this state when such vehicles are used~~ with due consideration  
628 for others' safety ~~others~~ and ~~their~~ property, promoting ~~and to~~  
629 ~~promote~~ safety, and providing ~~provide~~ financial security  
630 requirements for ~~such~~ owners and ~~or~~ operators whose  
631 responsibility it is to recompense others for injury to person  
632 or property caused by the operation of a motor vehicle.  
633 Therefore, the purpose of this chapter is to require that every  
634 owner or operator of a motor vehicle required to be registered  
635 in this state establish, maintain, and it is required herein  
636 ~~that the operator of a motor vehicle involved in a crash or~~  
637 ~~convicted of certain traffic offenses meeting the operative~~  
638 ~~provisions of s. 324.051(2) shall respond for such damages and~~

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639 show proof of financial ability to respond for damages arising  
640 out of the ownership, maintenance, or use of a motor vehicle in  
641 future accidents as a requisite to owning or operating a motor  
642 vehicle in this state ~~his or her future exercise of such~~  
643 ~~privileges.~~

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

647 324.021 Definitions; minimum insurance required.—The  
648 following words and phrases when used in this chapter shall, for  
649 the purpose of this chapter, have the meanings respectively  
650 ascribed to them in this section, except in those instances  
651 where the context clearly indicates a different meaning:

652 (1) MOTOR VEHICLE.—Every self-propelled vehicle that is  
653 designed and required to be licensed for use upon a highway,  
654 including trailers and semitrailers designed for use with such  
655 vehicles, except traction engines, road rollers, farm tractors,  
656 power shovels, and well drillers, and every vehicle that is  
657 propelled by electric power obtained from overhead wires but not  
658 operated upon rails, but not including any personal delivery  
659 device or mobile carrier as defined in s. 316.003, bicycle,  
660 electric bicycle, or moped. ~~However, the term "motor vehicle"~~  
661 ~~does not include a motor vehicle as defined in s. 627.732(3)~~  
662 ~~when the owner of such vehicle has complied with the~~  
663 ~~requirements of ss. 627.730-627.7405, inclusive, unless the~~  
664 ~~provisions of s. 324.051 apply; and, in such case, the~~  
665 ~~applicable proof of insurance provisions of s. 320.02 apply.~~

666 (7) PROOF OF FINANCIAL RESPONSIBILITY.—Beginning January 1,  
667 2022, ~~That~~ proof of ability to respond in damages for liability

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668 on account of crashes arising out of the ownership, maintenance,  
 669 or use of a motor vehicle:

670 (a) With respect to a motor vehicle other than a commercial  
 671 motor vehicle, nonpublic sector bus, or for-hire passenger  
 672 transportation vehicle, in the amounts specified in s.  
 673 324.022(1). ~~amount of \$10,000 because of bodily injury to, or~~  
 674 ~~death of, one person in any one crash;~~

675 ~~(b) Subject to such limits for one person, in the amount of~~  
 676 ~~\$20,000 because of bodily injury to, or death of, two or more~~  
 677 ~~persons in any one crash;~~

678 ~~(c) In the amount of \$10,000 because of injury to, or~~  
 679 ~~destruction of, property of others in any one crash; and~~

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

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

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

687 (9) OWNER; OWNER/LESSOR.—

688 (c) *Application.*—

689 1. The limits on liability in subparagraphs (b)2. and 3. do  
 690 not apply to an owner of motor vehicles that are used for  
 691 commercial activity in the owner's ordinary course of business,  
 692 other than a rental company that rents or leases motor vehicles.  
 693 For purposes of this paragraph, the term "rental company"  
 694 includes only an entity that is engaged in the business of  
 695 renting or leasing motor vehicles to the general public and that  
 696 rents or leases a majority of its motor vehicles to persons with



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697 no direct or indirect affiliation with the rental company. The  
698 term "rental company" also includes:

699 a. A related rental or leasing company that is a subsidiary  
700 of the same parent company as that of the renting or leasing  
701 company that rented or leased the vehicle.

702 b. The holder of a motor vehicle title or an equity  
703 interest in a motor vehicle title if the title or equity  
704 interest is held pursuant to or to facilitate an asset-backed  
705 securitization of a fleet of motor vehicles used solely in the  
706 business of renting or leasing motor vehicles to the general  
707 public and under the dominion and control of a rental company,  
708 as described in this subparagraph, in the operation of such  
709 rental company's business.

710 2. Furthermore, with respect to commercial motor vehicles  
711 as defined in s. 207.002 or s. 320.01 ~~s. 627.732~~, the limits on  
712 liability in subparagraphs (b)2. and 3. do not apply if, at the  
713 time of the incident, the commercial motor vehicle is being used  
714 in the transportation of materials found to be hazardous for the  
715 purposes of the Hazardous Materials Transportation Authorization  
716 Act of 1994, as amended, 49 U.S.C. ss. 5101 et seq., and that is  
717 required pursuant to such act to carry placards warning others  
718 of the hazardous cargo, unless at the time of lease or rental  
719 either:

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

724 b. The lessee or other operator of the commercial motor  
725 vehicle has in effect insurance with limits of at least \$5

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726 million ~~\$5,000,000~~ combined property damage and bodily injury  
727 liability.

728 3.a. A motor vehicle dealer, or a motor vehicle dealer's  
729 leasing or rental affiliate, that provides a temporary  
730 replacement vehicle at no charge or at a reasonable daily charge  
731 to a service customer whose vehicle is being held for repair,  
732 service, or adjustment by the motor vehicle dealer is immune  
733 from any cause of action and is not liable, vicariously or  
734 directly, under general law solely by reason of being the owner  
735 of the temporary replacement vehicle for harm to persons or  
736 property that arises out of the use, or operation, of the  
737 temporary replacement vehicle by any person during the period  
738 the temporary replacement vehicle has been entrusted to the  
739 motor vehicle dealer's service customer if there is no  
740 negligence or criminal wrongdoing on the part of the motor  
741 vehicle owner, or its leasing or rental affiliate.

742 b. For purposes of this section, and notwithstanding any  
743 other provision of general law, a motor vehicle dealer, or a  
744 motor vehicle dealer's leasing or rental affiliate, that gives  
745 possession, control, or use of a temporary replacement vehicle  
746 to a motor vehicle dealer's service customer may not be adjudged  
747 liable in a civil proceeding absent negligence or criminal  
748 wrongdoing on the part of the motor vehicle dealer, or the motor  
749 vehicle dealer's leasing or rental affiliate, if the motor  
750 vehicle dealer or the motor vehicle dealer's leasing or rental  
751 affiliate executes a written rental or use agreement and obtains  
752 from the person receiving the temporary replacement vehicle a  
753 copy of the person's driver license and insurance information  
754 reflecting at least the minimum motor vehicle insurance coverage

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755 required in the state. Any subsequent determination that the  
756 driver license or insurance information provided to the motor  
757 vehicle dealer, or the motor vehicle dealer's leasing or rental  
758 affiliate, was in any way false, fraudulent, misleading,  
759 nonexistent, canceled, not in effect, or invalid does not alter  
760 or diminish the protections provided by this section, unless the  
761 motor vehicle dealer, or the motor vehicle dealer's leasing or  
762 rental affiliate, had actual knowledge thereof at the time  
763 possession of the temporary replacement vehicle was provided.

764 c. For purposes of this subparagraph, the term "service  
765 customer" does not include an agent or a principal of a motor  
766 vehicle dealer or a motor vehicle dealer's leasing or rental  
767 affiliate, and does not include an employee of a motor vehicle  
768 dealer or a motor vehicle dealer's leasing or rental affiliate  
769 unless the employee was provided a temporary replacement  
770 vehicle:

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

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

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

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

782 Section 13. Section 324.022, Florida Statutes, is amended  
783 to read:

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784 324.022 Financial responsibility requirements ~~for property~~  
785 ~~damage.~~—

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

791 1. Twenty-five thousand dollars for bodily injury to, or  
792 the death of, one person in any one crash and, subject to such  
793 limits for one person, in the amount of \$50,000 for bodily  
794 injury to, or the death of, two or more persons in any one  
795 crash; and

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

798 (b) The requirements of paragraph (a) ~~this section~~ may be  
799 met by one of the methods established in s. 324.031; by self-  
800 insuring as authorized by s. 768.28(16); or by maintaining a  
801 motor vehicle liability insurance policy that ~~an insurance~~  
802 ~~policy providing coverage for property damage liability in the~~  
803 ~~amount of at least \$10,000 because of damage to, or destruction~~  
804 ~~of, property of others in any one accident arising out of the~~  
805 ~~use of the motor vehicle. The requirements of this section may~~  
806 ~~also be met by having a policy which provides~~ combined property  
807 damage liability and bodily injury liability coverage for any  
808 one crash arising out of the ownership, maintenance, or use of a  
809 motor vehicle and that conforms to the requirements of s.  
810 324.151 in the amount of at least \$60,000 for every owner or  
811 operator subject to the financial responsibility required in  
812 paragraph (a) ~~\$30,000 for combined property damage liability and~~

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813 ~~bodily injury liability for any one crash arising out of the use~~  
814 ~~of the motor vehicle. The policy, with respect to coverage for~~  
815 ~~property damage liability, must meet the applicable requirements~~  
816 ~~of s. 324.151, subject to the usual policy exclusions that have~~  
817 ~~been approved in policy forms by the Office of Insurance~~  
818 ~~Regulation. No insurer shall have any duty to defend uncovered~~  
819 ~~claims irrespective of their joinder with covered claims.~~

820 (c) Notwithstanding paragraph (a), the following owners or  
821 operators may instead establish and continuously maintain the  
822 ability to respond in damages for liability on account of  
823 accidents arising out of the use of the motor vehicle in the  
824 amount of \$15,000 for bodily injury to, or the death of, one  
825 person in any one crash and, subject to such limits for one  
826 person, in the amount of \$30,000 for bodily injury to, or the  
827 death of, two or more persons in any one crash; and \$10,000 for  
828 damage to, or destruction of, property of others in any one  
829 crash:

830 1. An owner or operator who has a household income that is  
831 200 percent or less of the most current federal poverty  
832 guidelines established by the United States Department of Health  
833 and Human Services; or

834 2. An owner or operator who meets the definition of a full-  
835 time student in a secondary education program under s.  
836 1011.61(1)(a) or meets the definition of a full-time student in  
837 a postsecondary education program under s. 1009.40.

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

839 (a) "Motor vehicle" means any self-propelled vehicle that  
840 has four or more wheels and that is of a type designed and  
841 required to be licensed for use on the highways of this state,

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842 and any trailer or semitrailer designed for use with such  
843 vehicle. The term does not include the following:

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

845 2. A motor vehicle that is used in mass transit and  
846 designed to transport more than five passengers, exclusive of  
847 the operator of the motor vehicle, and that is owned by a  
848 municipality, transit authority, or political subdivision of the  
849 state.

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

852 4. A commercial motor vehicle as defined in s. 207.002 or  
853 s. 320.01, which must maintain security as required under ss.  
854 324.031 and 627.7415.

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

857 ~~6.4. A vehicle providing for-hire passenger transportation~~  
858 ~~vehicle, which must that is subject to the provisions of s.~~  
859 ~~324.031. A taxicab shall maintain security as required under s.~~  
860 ~~324.032 s. 324.032(1).~~

861 ~~7.5. A personal delivery device as defined in s. 316.003.~~

862 8. A motorcycle as defined in s. 320.01(26), unless s.  
863 324.051 applies; in such case, paragraph (1)(a) and the  
864 applicable proof of insurance provisions of s. 320.02 apply.

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

869 (3) Each nonresident owner or registrant of a motor vehicle  
870 that, whether operated or not, has been physically present

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871 within this state for more than 90 days during the preceding 365  
872 days shall maintain security as required by subsection (1). The  
873 security must be ~~that is~~ in effect continuously throughout the  
874 period the motor vehicle remains within this state.

875 (4) An ~~The~~ owner or registrant of a motor vehicle who is  
876 ~~exempt from the requirements of this section if she or he is a~~  
877 member of the United States Armed Forces and is called to or on  
878 active duty outside the United States in an emergency situation  
879 is exempt from this section while he or she. ~~The exemption~~  
880 ~~provided by this subsection applies only as long as the member~~  
881 ~~of the Armed Forces~~ is on such active duty. This exemption  
882 ~~outside the United States and~~ applies only while the vehicle  
883 covered by the security is not operated by any person. Upon  
884 receipt of a written request by the insured to whom the  
885 exemption provided in this subsection applies, the insurer shall  
886 cancel the coverages and return any unearned premium or suspend  
887 the security required by this section. Notwithstanding s.  
888 324.0221(2) ~~s. 324.0221(3)~~, the department may not suspend the  
889 registration or operator's license of an ~~any~~ owner or registrant  
890 of a motor vehicle during the time she or he qualifies for the  
891 ~~an~~ exemption under this subsection. An ~~Any~~ owner or registrant  
892 of a motor vehicle who qualifies for the ~~an~~ exemption under this  
893 subsection shall immediately notify the department before ~~prior~~  
894 ~~to~~ and at the end of the expiration of the exemption.

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

897 324.0221 Reports by insurers to the department; suspension  
898 of driver license and vehicle registrations; reinstatement.—

899 (1) (a) Each insurer that has issued a policy providing

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900 ~~personal injury protection coverage or property damage~~ liability  
901 coverage shall report the cancellation or nonrenewal thereof to  
902 the department within 10 days after the processing date or  
903 effective date of each cancellation or nonrenewal. Upon the  
904 issuance of a policy providing ~~personal injury protection~~  
905 ~~coverage or property damage~~ liability coverage to a named  
906 insured not previously insured by the insurer during that  
907 calendar year, the insurer shall report the issuance of the new  
908 policy to the department within 10 days. The report must ~~shall~~  
909 be in the form ~~and format~~ and contain any information required  
910 by the department and must be provided in a format that is  
911 compatible with the data processing capabilities of the  
912 department. Failure by an insurer to file proper reports with  
913 the department as required by this subsection constitutes a  
914 violation of the Florida Insurance Code. These records may ~~shall~~  
915 be used by the department only for enforcement and regulatory  
916 purposes, including the generation by the department of data  
917 regarding compliance by owners of motor vehicles with the  
918 requirements for financial responsibility coverage.

919 (b) With respect to an insurance policy providing ~~personal~~  
920 ~~injury protection coverage or property damage~~ liability  
921 coverage, each insurer shall notify the named insured, or the  
922 first-named insured in the case of a commercial fleet policy, in  
923 writing that any cancellation or nonrenewal of the policy will  
924 be reported by the insurer to the department. The notice must  
925 also inform the named insured that failure to maintain bodily  
926 injury liability ~~personal injury protection~~ coverage and  
927 property damage liability coverage on a motor vehicle when  
928 required by law may result in the loss of registration and



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929 driving privileges in this state and inform the named insured of  
930 the amount of the reinstatement fees required by this section.  
931 This notice is for informational purposes only, and an insurer  
932 is not civilly liable for failing to provide this notice.

933 (2) The department shall suspend, after due notice and an  
934 opportunity to be heard, the registration and driver license of  
935 any owner or registrant of a motor vehicle for ~~with respect to~~  
936 which security is required under s. 324.022, s. 324.032, s.  
937 627.7415, or s. 627.742 ~~ss. 324.022 and 627.733~~ upon:

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

942 (b) Notification by the insurer to the department, in a  
943 form approved by the department, of cancellation or termination  
944 of the required security.

945 Section 15. Section 324.0222, Florida Statutes, is created  
946 to read:

947 324.0222 Application of suspensions for failure to maintain  
948 security; reinstatement.—All suspensions for failure to maintain  
949 required security as required by law in effect before January 1,  
950 2022, remain in full force and effect after January 1, 2022. A  
951 driver may reinstate a suspended driver license or registration  
952 as provided under s. 324.0221.

953 Section 16. Section 324.023, Florida Statutes, is amended  
954 to read:

955 324.023 Financial responsibility for bodily injury or  
956 death.—In addition to any other financial responsibility  
957 required by law, every owner or operator of a motor vehicle that

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958 is required to be registered in this state, or that is located  
959 within this state, and who, regardless of adjudication of guilt,  
960 has been found guilty of or entered a plea of guilty or nolo  
961 contendere to a charge of driving under the influence under s.  
962 316.193 after October 1, 2007, shall, by one of the methods  
963 established in s. 324.031(1) (a) or (b) ~~s. 324.031(1) or (2)~~,  
964 establish and maintain the ability to respond in damages for  
965 liability on account of accidents arising out of the use of a  
966 motor vehicle in the amount of \$100,000 because of bodily injury  
967 to, or death of, one person in any one crash and, subject to  
968 such limits for one person, in the amount of \$300,000 because of  
969 bodily injury to, or death of, two or more persons in any one  
970 crash and in the amount of \$50,000 because of property damage in  
971 any one crash. If the owner or operator chooses to establish and  
972 maintain such ability by furnishing a certificate of deposit  
973 pursuant to s. 324.031(1) (b) ~~s. 324.031(2)~~, such certificate of  
974 deposit must be at least \$350,000. Such higher limits must be  
975 carried for a minimum period of 3 years. If the owner or  
976 operator has not been convicted of driving under the influence  
977 or a felony traffic offense for a period of 3 years from the  
978 date of reinstatement of driving privileges for a violation of  
979 s. 316.193, the owner or operator is ~~shall be~~ exempt from this  
980 section.

981 Section 17. Section 324.031, Florida Statutes, is amended  
982 to read:

983 324.031 Manner of proving financial responsibility.—

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

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987 ~~holding a motor vehicle liability policy as defined in s.~~  
988 ~~324.021(8) or s. 324.151, which policy is issued by an insurance~~  
989 ~~carrier which is a member of the Florida Insurance Guaranty~~  
990 ~~Association.~~ The operator or owner of a motor vehicle other than  
991 a for-hire passenger transportation vehicle ~~any other vehicle~~  
992 may prove his or her financial responsibility by:

993 (a) ~~(1)~~ Furnishing satisfactory evidence of holding a motor  
994 vehicle liability policy as defined in ss. 324.021(8) and  
995 324.151 which provides liability coverage for the motor vehicle  
996 being operated;

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

999 (c) ~~(3)~~ Furnishing a certificate of self-insurance issued by  
1000 the department in accordance with s. 324.171.

1001 (2) Beginning January 1, 2022, any person, ~~including any~~  
1002 ~~firm, partnership, association, corporation, or other person,~~  
1003 ~~other than a natural person,~~ electing to use the method of proof  
1004 specified in paragraph (1) (b) subsection ~~(2)~~ shall do both of  
1005 the following:

1006 (a) Furnish a certificate of deposit equal to the number of  
1007 vehicles owned times \$60,000 ~~\$30,000~~, up to a maximum of  
1008 \$240,000. ~~\$120,000;~~

1009 (b) ~~In addition, any such person, other than a natural~~  
1010 ~~person, shall~~ Maintain insurance ~~providing~~ coverage that meets  
1011 the requirements of s. 324.151 and has limits of:

1012 1. At least \$125,000 for bodily injury to, or the death of,  
1013 one person in any one crash and, subject to such limits for one  
1014 person, in the amount of \$250,000 for bodily injury to, or the  
1015 death of, two or more persons in any one crash; and \$50,000 for

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1016 damage to, or destruction of, property of others in any one  
1017 crash; or

1018 2. At least \$300,000 for combined bodily injury liability  
1019 and property damage liability for any one crash in excess of  
1020 limits of \$10,000/20,000/10,000 or \$30,000 combined single  
1021 limits, and such excess insurance shall provide minimum limits  
1022 of \$125,000/250,000/50,000 or \$300,000 combined single limits.  
1023 ~~These increased limits shall not affect the requirements for~~  
1024 ~~proving financial responsibility under s. 324.032(1).~~

1025 Section 18. Section 324.032, Florida Statutes, is amended  
1026 to read:

1027 324.032 ~~Manner of proving~~ Financial responsibility for,  
1028 ~~for-hire passenger transportation vehicles. Notwithstanding the~~  
1029 ~~provisions of s. 324.031:~~

1030 (1) An owner or a lessee of a for-hire passenger  
1031 transportation vehicle that is required to be registered in this  
1032 state shall establish and continuously maintain the ability to  
1033 respond in damages for liability on account of accidents arising  
1034 out of the ownership, maintenance, or use of the for-hire  
1035 passenger transportation vehicle, in the amount of:

1036 (a) One hundred twenty-five thousand dollars for bodily  
1037 injury to, or the death of, one person in any one crash and,  
1038 subject to such limits for one person, in the amount of \$250,000  
1039 for bodily injury to, or the death of, two or more persons in  
1040 any one crash; and ~~A person who is either the owner or a lessee~~  
1041 ~~required to maintain insurance under s. 627.733(1)(b) and who~~  
1042 ~~operates one or more taxicabs, limousines, jitneys, or any other~~  
1043 ~~for-hire passenger transportation vehicles may prove financial~~  
1044 ~~responsibility by furnishing satisfactory evidence of holding a~~

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1045 ~~motor vehicle liability policy, but with minimum limits of~~  
1046 ~~\$125,000/250,000/50,000.~~

1047 (b) Fifty thousand dollars for damage to, or destruction  
1048 of, property of others in any one crash ~~A person who is either~~  
1049 ~~the owner or a lessee required to maintain insurance under s.~~  
1050 ~~324.021(9)(b) and who operates limousines, jitneys, or any other~~  
1051 ~~for-hire passenger vehicles, other than taxicabs, may prove~~  
1052 ~~financial responsibility by furnishing satisfactory evidence of~~  
1053 ~~holding a motor vehicle liability policy as defined in s.~~  
1054 ~~324.031.~~

1055 (2) Except as provided in subsection (3), the requirements  
1056 of this section must be met by the owner or lessee providing  
1057 satisfactory evidence of holding a motor vehicle liability  
1058 policy conforming to the requirements of s. 324.151 which is  
1059 issued by an insurance carrier that is a member of the Florida  
1060 Insurance Guaranty Association.

1061 (3)(2) ~~An owner or a lessee who is required to maintain~~  
1062 ~~insurance under s. 324.021(9)(b) and who operates at least 300~~  
1063 ~~taxicabs, limousines, jitneys, or any other for-hire passenger~~  
1064 ~~transportation vehicles may provide financial responsibility by~~  
1065 ~~complying with the provisions of s. 324.171, which must such~~  
1066 ~~compliance to be demonstrated by maintaining at its principal~~  
1067 ~~place of business an audited financial statement, prepared in~~  
1068 ~~accordance with generally accepted accounting principles, and~~  
1069 ~~providing to the department a certification issued by a~~  
1070 ~~certified public accountant that the applicant's net worth is at~~  
1071 ~~least equal to the requirements of s. 324.171 as determined by~~  
1072 ~~the Office of Insurance Regulation of the Financial Services~~  
1073 ~~Commission, including claims liabilities in an amount certified~~

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1074 as adequate by a Fellow of the Casualty Actuarial Society.

1075  
1076 Upon request by the department, the applicant shall ~~must~~ provide  
1077 the department at the applicant's principal place of business in  
1078 this state access to the applicant's underlying financial  
1079 information and financial statements that provide the basis of  
1080 the certified public accountant's certification. The applicant  
1081 shall reimburse the requesting department for all reasonable  
1082 costs incurred by it in reviewing the supporting information.  
1083 The maximum amount of self-insurance permissible under this  
1084 subsection is \$300,000 and must be stated on a per-occurrence  
1085 basis, and the applicant shall maintain adequate excess  
1086 insurance issued by an authorized or eligible insurer licensed  
1087 or approved by the Office of Insurance Regulation. All risks  
1088 self-insured shall remain with the owner or lessee providing it,  
1089 and the risks are not transferable to any other person, unless a  
1090 policy complying with subsections (1) and (2) ~~subsection (1)~~ is  
1091 obtained.

1092 Section 19. Subsection (2) of section 324.051, Florida  
1093 Statutes, is amended, and subsection (4) is added to that  
1094 section, to read:

1095 324.051 Reports of crashes; suspensions of licenses and  
1096 registrations.—

1097 (2) (a) Thirty days after receipt of notice of any accident  
1098 described in paragraph (1) (a) involving a motor vehicle within  
1099 this state, the department shall suspend, after due notice and  
1100 opportunity to be heard, the license of each operator and all  
1101 registrations of the owner of the vehicles operated by such  
1102 operator whether or not involved in such crash and, in the case

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1103 of a nonresident owner or operator, shall suspend such  
1104 nonresident's operating privilege in this state, unless such  
1105 operator or owner shall, prior to the expiration of such 30  
1106 days, be found by the department to be exempt from the operation  
1107 of this chapter, based upon evidence satisfactory to the  
1108 department that:

1109 1. The motor vehicle was legally parked at the time of such  
1110 crash.

1111 2. The motor vehicle was owned by the United States  
1112 Government, this state, or any political subdivision of this  
1113 state or any municipality therein.

1114 3. Such operator or owner has secured a duly acknowledged  
1115 written agreement providing for release from liability by all  
1116 parties injured as the result of said crash and has complied  
1117 with one of the provisions of s. 324.031.

1118 4. Such operator or owner has deposited with the department  
1119 security to conform with s. 324.061 when applicable and has  
1120 complied with one of the provisions of s. 324.031.

1121 5. One year has elapsed since such owner or operator was  
1122 suspended pursuant to subsection (3), the owner or operator has  
1123 complied with one of the provisions of s. 324.031, and no bill  
1124 of complaint of which the department has notice has been filed  
1125 in a court of competent jurisdiction.

1126 (b) This subsection does ~~shall~~ not apply:

1127 1. To such operator or owner if such operator or owner had  
1128 in effect at the time of such crash or traffic conviction a  
1129 motor vehicle ~~an automobile~~ liability policy with respect to all  
1130 of the registered motor vehicles owned by such operator or  
1131 owner.

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1132 2. To such operator, if not the owner of such motor  
 1133 vehicle, if there was in effect at the time of such crash or  
 1134 traffic conviction a motor vehicle ~~an automobile~~ liability  
 1135 policy or bond with respect to his or her operation of motor  
 1136 vehicles not owned by him or her.

1137 3. To such operator or owner if the liability of such  
 1138 operator or owner for damages resulting from such crash is, in  
 1139 the judgment of the department, covered by any other form of  
 1140 liability insurance or bond.

1141 4. To any person who has obtained from the department a  
 1142 certificate of self-insurance, in accordance with s. 324.171, or  
 1143 to any person operating a motor vehicle for such self-insurer.

1144  
 1145 No such policy or bond shall be effective under this subsection  
 1146 unless it contains limits of not less than those specified in s.  
 1147 324.021(7).

1148 (4) As used in this section, the term "motor vehicle"  
 1149 includes a motorcycle as defined in s. 320.01(26).

1150 Section 20. Section 324.071, Florida Statutes, is amended  
 1151 to read:

1152 324.071 Reinstatement; renewal of license; reinstatement  
 1153 fee.—An ~~Any~~ operator or owner whose license or registration has  
 1154 been suspended pursuant to s. 324.051(2), s. 324.072, s.  
 1155 324.081, or s. 324.121 may effect its reinstatement upon  
 1156 compliance with ~~the provisions of~~ s. 324.051(2)(a)3. or 4., or  
 1157 s. 324.081(2) and (3), as the case may be, and with one of the  
 1158 provisions of s. 324.031 and upon payment to the department of a  
 1159 nonrefundable reinstatement fee of \$15. Only one such fee may  
 1160 ~~shall~~ be paid by any one person regardless ~~irrespective~~ of the



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1161 number of licenses and registrations to be then reinstated or  
1162 issued to such person. ~~All~~ Such fees must ~~shall~~ be deposited to  
1163 a department trust fund. If ~~When~~ the reinstatement of any  
1164 license or registration is effected by compliance with s.  
1165 324.051(2)(a)3. or 4., the department may ~~shall~~ not renew the  
1166 license or registration within ~~a period of~~ 3 years after ~~from~~  
1167 such reinstatement, nor may ~~shall~~ any other license or  
1168 registration be issued in the name of such person, unless the  
1169 operator continues ~~is continuing~~ to comply with ~~one of the~~  
1170 ~~provisions of~~ s. 324.031.

1171 Section 21. Subsection (1) of section 324.091, Florida  
1172 Statutes, is amended to read:

1173 324.091 Notice to department; notice to insurer.—

1174 (1) Each owner and operator involved in a crash or  
1175 conviction case within the purview of this chapter shall furnish  
1176 evidence of ~~automobile liability insurance or~~ motor vehicle  
1177 liability insurance within 14 days after the date of the mailing  
1178 of notice of crash by the department in the form and manner as  
1179 it may designate. Upon receipt of evidence that a ~~an automobile~~  
1180 ~~liability policy or~~ motor vehicle liability policy was in effect  
1181 at the time of the crash or conviction case, the department  
1182 shall forward to the insurer such information for verification  
1183 in a method as determined by the department. The insurer shall  
1184 respond to the department within 20 days after the notice as to  
1185 whether ~~or not~~ such information is valid. If the department  
1186 determines that a ~~an automobile liability policy or~~ motor  
1187 vehicle liability policy was not in effect and did not provide  
1188 coverage for both the owner and the operator, it must ~~shall~~ take  
1189 action as it is authorized to do under this chapter.

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1190 Section 22. Section 324.151, Florida Statutes, is amended  
1191 to read:

1192 324.151 Motor vehicle liability policies; required  
1193 provisions.-

1194 (1) A motor vehicle liability policy that serves as to be  
1195 proof of financial responsibility under s. 324.031(1) (a) must s.  
1196 324.031(1), shall be issued to owners or operators of motor  
1197 vehicles under the following provisions:

1198 (a) A motor vehicle ~~An owner's~~ liability insurance policy  
1199 issued to an owner of a motor vehicle required to be registered  
1200 in this state must shall designate by explicit description or by  
1201 appropriate reference all motor vehicles for with respect to  
1202 which coverage is thereby granted. The policy must and shall  
1203 insure the person or persons owner named therein and, except for  
1204 a named driver excluded pursuant to s. 627.747, must insure any  
1205 resident relative of a named insured other person as operator  
1206 using such motor vehicle or motor vehicles with the express or  
1207 implied permission of such owner against loss from the liability  
1208 imposed by law for damage arising out of the ownership,  
1209 maintenance, or use of any such motor vehicle or motor vehicles  
1210 within the United States or the Dominion of Canada, subject to  
1211 limits, exclusive of interest and costs with respect to each  
1212 such motor vehicle as is provided for under s. 324.021(7).  
1213 Except for a named driver excluded pursuant to s. 627.747, the  
1214 policy must also insure any person operating an insured motor  
1215 vehicle with the express or implied permission of a named  
1216 insured against loss from the liability imposed by law for  
1217 damage arising out of the use of any vehicle. However, the  
1218 insurer may include provisions in its policy excluding liability

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1219 coverage for a motor vehicle not designated as an insured  
1220 vehicle on the policy if such motor vehicle does not qualify as  
1221 a newly acquired vehicle or as a temporary substitute vehicle  
1222 and was owned by the insured or was furnished for an insured's  
1223 regular use for more than 30 consecutive days before the event  
1224 giving rise to the claim. Insurers may make available, with  
1225 respect to property damage liability coverage, a deductible  
1226 amount not to exceed \$500. In the event of a property damage  
1227 loss covered by a policy containing a property damage deductible  
1228 provision, the insurer shall pay to the third-party claimant the  
1229 amount of any property damage liability settlement or judgment,  
1230 subject to policy limits, as if no deductible existed.

1231 (b) A motor vehicle liability insurance policy issued to a  
1232 person who does not own a motor vehicle must ~~An operator's motor~~  
1233 ~~vehicle liability policy of insurance shall~~ insure the person or  
1234 persons named therein against loss from the liability imposed  
1235 ~~upon him or her~~ by law for damages arising out of the use ~~by the~~  
1236 ~~person~~ of any motor vehicle not owned by him or her, ~~with the~~  
1237 ~~same territorial limits and subject to the same limits of~~  
1238 ~~liability as referred to above with respect to an owner's policy~~  
1239 ~~of liability insurance.~~

1240 (c) All such motor vehicle liability policies must provide  
1241 liability coverage with limits, exclusive of interest and costs,  
1242 as specified under s. 324.021(7) for accidents occurring within  
1243 the United States or Canada. The policies must ~~shall~~ state the  
1244 name and address of the named insured, the coverage afforded by  
1245 the policy, the premium charged therefor, the policy period, and  
1246 the limits of liability, and must ~~shall~~ contain an agreement or  
1247 be endorsed that insurance is provided in accordance with the

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1248 coverage defined in this chapter ~~as respects bodily injury and~~  
1249 ~~death or property damage or both~~ and is subject to all  
1250 ~~provisions of~~ this chapter. The ~~Said~~ policies must ~~shall~~ also  
1251 contain a provision that the satisfaction by an insured of a  
1252 judgment for such injury or damage may ~~shall~~ not be a condition  
1253 precedent to the right or duty of the insurance carrier to make  
1254 payment on account of such injury or damage, and must ~~shall~~ also  
1255 contain a provision that bankruptcy or insolvency of the insured  
1256 or of the insured's estate does ~~shall~~ not relieve the insurance  
1257 carrier of any of its obligations under the ~~said~~ policy.

1258 (2) ~~The provisions of~~ This section is ~~shall~~ not be  
1259 applicable to any motor vehicle ~~automobile~~ liability policy  
1260 unless and until it is furnished as proof of financial  
1261 responsibility for the future pursuant to s. 324.031, and then  
1262 applies only from ~~and after~~ the date the ~~said~~ policy is ~~so~~  
1263 furnished.

1264 (3) As used in this section, the term:

1265 (a) "Newly acquired vehicle" means a vehicle owned by a  
1266 named insured or resident relative of the named insured which  
1267 was acquired no more than 30 days before an accident.

1268 (b) "Resident relative" means a person related to a named  
1269 insured by any degree by blood, marriage, or adoption, including  
1270 a ward or foster child, who usually makes his or her home in the  
1271 same family unit or residence as the named insured, regardless  
1272 of whether he or she temporarily lives elsewhere.

1273 (c) "Temporary substitute vehicle" means any motor vehicle  
1274 as defined in s. 320.01(1) which is not owned by the named  
1275 insured and which is temporarily used with the permission of the  
1276 owner as a substitute for the owned motor vehicle designated on

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1277 the policy when the owned vehicle is withdrawn from normal use  
1278 because of breakdown, repair, servicing, loss, or destruction.

1279 Section 23. Section 324.161, Florida Statutes, is amended  
1280 to read:

1281 324.161 Proof of financial responsibility; deposit.—If a  
1282 person elects to prove his or her financial responsibility under  
1283 the method of proof specified in s. 324.031(1)(b), he or she  
1284 annually must obtain and submit to the department proof of a  
1285 certificate of deposit in the amount required under s.  
1286 324.031(2) from a financial institution insured by the Federal  
1287 Deposit Insurance Corporation or the National Credit Union  
1288 Administration ~~Annually, before any certificate of insurance may~~  
1289 ~~be issued to a person, including any firm, partnership,~~  
1290 ~~association, corporation, or other person, other than a natural~~  
1291 ~~person, proof of a certificate of deposit of \$30,000 issued and~~  
1292 ~~held by a financial institution must be submitted to the~~  
1293 ~~department.~~ A power of attorney will be issued to and held by  
1294 the department and may be executed upon a judgment issued  
1295 against such person making the deposit, for damages for ~~because~~  
1296 ~~of~~ bodily injury to or death of any person or for damages for  
1297 ~~because of~~ injury to or destruction of property resulting from  
1298 the use or operation of any motor vehicle occurring after such  
1299 deposit was made. Money so deposited is ~~shall~~ not ~~be~~ subject to  
1300 attachment or execution unless such attachment or execution  
1301 arises ~~shall arise~~ out of a lawsuit ~~suit~~ for such damages as  
1302 aforesaid.

1303 Section 24. Subsections (1) and (2) of section 324.171,  
1304 Florida Statutes, are amended to read:

1305 324.171 Self-insurer.—

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1306 (1) A ~~Any~~ person may qualify as a self-insurer by obtaining  
1307 a certificate of self-insurance from the department. ~~which may,~~  
1308 ~~in its discretion and~~ Upon application of such a person, the  
1309 department may issue a ~~said~~ certificate of self-insurance to an  
1310 applicant who satisfies ~~when such person has satisfied~~ the  
1311 requirements of this section. Effective January 1, 2022 ~~to~~  
1312 ~~qualify as a self-insurer under this section:~~

1313 (a) A private individual with private passenger vehicles  
1314 shall possess a net unencumbered worth of at least \$100,000  
1315 ~~\$40,000~~.

1316 (b) A person, including any firm, partnership, association,  
1317 corporation, or other person, other than a natural person,  
1318 shall:

1319 1. Possess a net unencumbered worth of at least \$100,000  
1320 ~~\$40,000~~ for the first motor vehicle and \$50,000 ~~\$20,000~~ for each  
1321 additional motor vehicle; or

1322 2. Maintain sufficient net worth, in an amount determined  
1323 by the department, to be financially responsible for potential  
1324 losses. The department annually shall determine the minimum net  
1325 worth sufficient to satisfy this subparagraph ~~as determined~~  
1326 ~~annually by the department,~~ pursuant to rules adopted  
1327 ~~promulgated~~ by the department, with the assistance of the Office  
1328 of Insurance Regulation of the Financial Services Commission, ~~to~~  
1329 ~~be financially responsible for potential losses.~~ The rules must  
1330 consider any ~~shall take into consideration~~ excess insurance  
1331 carried by the applicant. The department's determination must  
1332 ~~shall~~ be based upon reasonable actuarial principles considering  
1333 the frequency, severity, and loss development of claims incurred  
1334 by casualty insurers writing coverage on the type of motor

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1335 vehicles for which a certificate of self-insurance is desired.

1336 (c) The owner of a commercial motor vehicle, as defined in  
1337 s. 207.002 or s. 320.01, may qualify as a self-insurer subject  
1338 to the standards provided ~~for~~ in subparagraph (b)2.

1339 (2) The self-insurance certificate must ~~shall~~ provide  
1340 limits of liability insurance in the amounts specified under s.  
1341 324.021(7) ~~or s. 627.7415 and shall provide personal injury~~  
1342 ~~protection coverage under s. 627.733(3)(b).~~

1343 Section 25. Section 324.251, Florida Statutes, is amended  
1344 to read:

1345 324.251 Short title.—This chapter may be cited as the  
1346 “Financial Responsibility Law of 2021 1955” and is ~~shall become~~  
1347 effective at 12:01 a.m., January 1, 2022 ~~October 1, 1955~~.

1348 Section 26. Subsection (4) of section 400.9905, Florida  
1349 Statutes, is amended to read:

1350 400.9905 Definitions.—

1351 (4) (a) “Clinic” means an entity where health care services  
1352 are provided to individuals and which tenders charges for  
1353 reimbursement for such services, including a mobile clinic and a  
1354 portable equipment provider. As used in this part, the term does  
1355 not include and the licensure requirements of this part do not  
1356 apply to:

1357 1.(a) Entities licensed or registered by the state under  
1358 chapter 395; entities licensed or registered by the state and  
1359 providing only health care services within the scope of services  
1360 authorized under their respective licenses under ss. 383.30-  
1361 383.332, chapter 390, chapter 394, chapter 397, this chapter  
1362 except part X, chapter 429, chapter 463, chapter 465, chapter  
1363 466, chapter 478, chapter 484, or chapter 651; end-stage renal

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1364 disease providers authorized under 42 C.F.R. part 494; providers  
1365 certified and providing only health care services within the  
1366 scope of services authorized under their respective  
1367 certifications under 42 C.F.R. part 485, subpart B, subpart H,  
1368 or subpart J; providers certified and providing only health care  
1369 services within the scope of services authorized under their  
1370 respective certifications under 42 C.F.R. part 486, subpart C;  
1371 providers certified and providing only health care services  
1372 within the scope of services authorized under their respective  
1373 certifications under 42 C.F.R. part 491, subpart A; providers  
1374 certified by the Centers for Medicare and Medicaid Services  
1375 under the federal Clinical Laboratory Improvement Amendments and  
1376 the federal rules adopted thereunder; or any entity that  
1377 provides neonatal or pediatric hospital-based health care  
1378 services or other health care services by licensed practitioners  
1379 solely within a hospital licensed under chapter 395.

1380 2.~~(b)~~ Entities that own, directly or indirectly, entities  
1381 licensed or registered by the state pursuant to chapter 395;  
1382 entities that own, directly or indirectly, entities licensed or  
1383 registered by the state and providing only health care services  
1384 within the scope of services authorized pursuant to their  
1385 respective licenses under ss. 383.30-383.332, chapter 390,  
1386 chapter 394, chapter 397, this chapter except part X, chapter  
1387 429, chapter 463, chapter 465, chapter 466, chapter 478, chapter  
1388 484, or chapter 651; end-stage renal disease providers  
1389 authorized under 42 C.F.R. part 494; providers certified and  
1390 providing only health care services within the scope of services  
1391 authorized under their respective certifications under 42 C.F.R.  
1392 part 485, subpart B, subpart H, or subpart J; providers



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1393 certified and providing only health care services within the  
1394 scope of services authorized under their respective  
1395 certifications under 42 C.F.R. part 486, subpart C; providers  
1396 certified and providing only health care services within the  
1397 scope of services authorized under their respective  
1398 certifications under 42 C.F.R. part 491, subpart A; providers  
1399 certified by the Centers for Medicare and Medicaid Services  
1400 under the federal Clinical Laboratory Improvement Amendments and  
1401 the federal rules adopted thereunder; or any entity that  
1402 provides neonatal or pediatric hospital-based health care  
1403 services by licensed practitioners solely within a hospital  
1404 licensed under chapter 395.

1405 3.(e) Entities that are owned, directly or indirectly, by  
1406 an entity licensed or registered by the state pursuant to  
1407 chapter 395; entities that are owned, directly or indirectly, by  
1408 an entity licensed or registered by the state and providing only  
1409 health care services within the scope of services authorized  
1410 pursuant to their respective licenses under ss. 383.30-383.332,  
1411 chapter 390, chapter 394, chapter 397, this chapter except part  
1412 X, chapter 429, chapter 463, chapter 465, chapter 466, chapter  
1413 478, chapter 484, or chapter 651; end-stage renal disease  
1414 providers authorized under 42 C.F.R. part 494; providers  
1415 certified and providing only health care services within the  
1416 scope of services authorized under their respective  
1417 certifications under 42 C.F.R. part 485, subpart B, subpart H,  
1418 or subpart J; providers certified and providing only health care  
1419 services within the scope of services authorized under their  
1420 respective certifications under 42 C.F.R. part 486, subpart C;  
1421 providers certified and providing only health care services

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1422 within the scope of services authorized under their respective  
1423 certifications under 42 C.F.R. part 491, subpart A; providers  
1424 certified by the Centers for Medicare and Medicaid Services  
1425 under the federal Clinical Laboratory Improvement Amendments and  
1426 the federal rules adopted thereunder; or any entity that  
1427 provides neonatal or pediatric hospital-based health care  
1428 services by licensed practitioners solely within a hospital  
1429 under chapter 395.

1430 4.(d) Entities that are under common ownership, directly  
1431 or indirectly, with an entity licensed or registered by the  
1432 state pursuant to chapter 395; entities that are under common  
1433 ownership, directly or indirectly, with an entity licensed or  
1434 registered by the state and providing only health care services  
1435 within the scope of services authorized pursuant to their  
1436 respective licenses under ss. 383.30-383.332, chapter 390,  
1437 chapter 394, chapter 397, this chapter except part X, chapter  
1438 429, chapter 463, chapter 465, chapter 466, chapter 478, chapter  
1439 484, or chapter 651; end-stage renal disease providers  
1440 authorized under 42 C.F.R. part 494; providers certified and  
1441 providing only health care services within the scope of services  
1442 authorized under their respective certifications under 42 C.F.R.  
1443 part 485, subpart B, subpart H, or subpart J; providers  
1444 certified and providing only health care services within the  
1445 scope of services authorized under their respective  
1446 certifications under 42 C.F.R. part 486, subpart C; providers  
1447 certified and providing only health care services within the  
1448 scope of services authorized under their respective  
1449 certifications under 42 C.F.R. part 491, subpart A; providers  
1450 certified by the Centers for Medicare and Medicaid Services

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1451 under the federal Clinical Laboratory Improvement Amendments and  
1452 the federal rules adopted thereunder; or any entity that  
1453 provides neonatal or pediatric hospital-based health care  
1454 services by licensed practitioners solely within a hospital  
1455 licensed under chapter 395.

1456 5.~~(e)~~ An entity that is exempt from federal taxation under  
1457 26 U.S.C. s. 501(c)(3) or (4), an employee stock ownership plan  
1458 under 26 U.S.C. s. 409 that has a board of trustees at least  
1459 two-thirds of which are Florida-licensed health care  
1460 practitioners and provides only physical therapy services under  
1461 physician orders, any community college or university clinic,  
1462 and any entity owned or operated by the federal or state  
1463 government, including agencies, subdivisions, or municipalities  
1464 thereof.

1465 6.~~(f)~~ A sole proprietorship, group practice, partnership,  
1466 or corporation that provides health care services by physicians  
1467 covered by s. 627.419, that is directly supervised by one or  
1468 more of such physicians, and that is wholly owned by one or more  
1469 of those physicians or by a physician and the spouse, parent,  
1470 child, or sibling of that physician.

1471 7.~~(g)~~ A sole proprietorship, group practice, partnership,  
1472 or corporation that provides health care services by licensed  
1473 health care practitioners under chapter 457, chapter 458,  
1474 chapter 459, chapter 460, chapter 461, chapter 462, chapter 463,  
1475 chapter 466, chapter 467, chapter 480, chapter 484, chapter 486,  
1476 chapter 490, chapter 491, or part I, part III, part X, part  
1477 XIII, or part XIV of chapter 468, or s. 464.012, and that is  
1478 wholly owned by one or more licensed health care practitioners,  
1479 or the licensed health care practitioners set forth in this

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1480 ~~subparagraph~~ ~~paragraph~~ and the spouse, parent, child, or sibling  
1481 of a licensed health care practitioner if one of the owners who  
1482 is a licensed health care practitioner is supervising the  
1483 business activities and is legally responsible for the entity's  
1484 compliance with all federal and state laws. However, a health  
1485 care practitioner may not supervise services beyond the scope of  
1486 the practitioner's license, except that, for the purposes of  
1487 this part, a clinic owned by a licensee in s. 456.053(3)(b)  
1488 which provides only services authorized pursuant to s.  
1489 456.053(3)(b) may be supervised by a licensee specified in s.  
1490 456.053(3)(b).

1491 8.~~(h)~~ Clinical facilities affiliated with an accredited  
1492 medical school at which training is provided for medical  
1493 students, residents, or fellows.

1494 9.~~(i)~~ Entities that provide only oncology or radiation  
1495 therapy services by physicians licensed under chapter 458 or  
1496 chapter 459 or entities that provide oncology or radiation  
1497 therapy services by physicians licensed under chapter 458 or  
1498 chapter 459 which are owned by a corporation whose shares are  
1499 publicly traded on a recognized stock exchange.

1500 10.~~(j)~~ Clinical facilities affiliated with a college of  
1501 chiropractic accredited by the Council on Chiropractic Education  
1502 at which training is provided for chiropractic students.

1503 11.~~(k)~~ Entities that provide licensed practitioners to  
1504 staff emergency departments or to deliver anesthesia services in  
1505 facilities licensed under chapter 395 and that derive at least  
1506 90 percent of their gross annual revenues from the provision of  
1507 such services. Entities claiming an exemption from licensure  
1508 under this ~~subparagraph~~ ~~paragraph~~ must provide documentation

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1509 demonstrating compliance.

1510 12.~~(l)~~ Orthotic, prosthetic, pediatric cardiology, or  
1511 perinatology clinical facilities or anesthesia clinical  
1512 facilities that are not otherwise exempt under subparagraph 1.  
1513 or subparagraph 11. ~~paragraph (a) or paragraph (k)~~ and that are  
1514 a publicly traded corporation or are wholly owned, directly or  
1515 indirectly, by a publicly traded corporation. As used in this  
1516 subparagraph ~~paragraph~~, a publicly traded corporation is a  
1517 corporation that issues securities traded on an exchange  
1518 registered with the United States Securities and Exchange  
1519 Commission as a national securities exchange.

1520 13.~~(m)~~ Entities that are owned by a corporation that has  
1521 \$250 million or more in total annual sales of health care  
1522 services provided by licensed health care practitioners where  
1523 one or more of the persons responsible for the operations of the  
1524 entity is a health care practitioner who is licensed in this  
1525 state and who is responsible for supervising the business  
1526 activities of the entity and is responsible for the entity's  
1527 compliance with state law for purposes of this part.

1528 14.~~(n)~~ Entities that employ 50 or more licensed health care  
1529 practitioners licensed under chapter 458 or chapter 459 where  
1530 the billing for medical services is under a single tax  
1531 identification number. The application for exemption under this  
1532 subsection must include ~~shall contain information that includes:~~  
1533 the name, residence, and business address and telephone ~~phone~~  
1534 number of the entity that owns the practice; a complete list of  
1535 the names and contact information of all the officers and  
1536 directors of the corporation; the name, residence address,  
1537 business address, and medical license number of each licensed

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1538 Florida health care practitioner employed by the entity; the  
1539 corporate tax identification number of the entity seeking an  
1540 exemption; a listing of health care services to be provided by  
1541 the entity at the health care clinics owned or operated by the  
1542 entity; and a certified statement prepared by an independent  
1543 certified public accountant which states that the entity and the  
1544 health care clinics owned or operated by the entity have not  
1545 received payment for health care services under medical payments  
1546 ~~personal injury protection insurance~~ coverage for the preceding  
1547 year. If the agency determines that an entity that ~~which~~ is  
1548 exempt under this subsection has received payments for medical  
1549 services under medical payments ~~personal injury protection~~  
1550 ~~insurance~~ coverage, the agency may deny or revoke the exemption  
1551 from licensure under this subsection.

1552 15. ~~(e)~~ Entities that are, directly or indirectly, under the  
1553 common ownership of or that are subject to common control by a  
1554 mutual insurance holding company, as defined in s. 628.703, with  
1555 an entity issued a certificate of authority under chapter 624 or  
1556 chapter 641 which has \$1 billion or more in total annual sales  
1557 in this state.

1558 16. ~~(p)~~ Entities that are owned by an entity that is a  
1559 behavioral health care service provider in at least five other  
1560 states; that, together with its affiliates, have \$90 million or  
1561 more in total annual revenues associated with the provision of  
1562 behavioral health care services; and wherein one or more of the  
1563 persons responsible for the operations of the entity is a health  
1564 care practitioner who is licensed in this state, who is  
1565 responsible for supervising the business activities of the  
1566 entity, and who is responsible for the entity's compliance with

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1567 state law for purposes of this part.

1568 ~~17.(g)~~ Medicaid providers.

1569 (b) Notwithstanding paragraph (a) this subsection, an  
1570 entity is shall be deemed a clinic and must be licensed under  
1571 this part in order to receive medical payments coverage  
1572 reimbursement under s. 627.7265 unless the entity is:

1573 1. Wholly owned by a physician licensed under chapter 458  
1574 or chapter 459 or by the physician and the spouse, parent,  
1575 child, or sibling of the physician;

1576 2. Wholly owned by a dentist licensed under chapter 466 or  
1577 by the dentist and the spouse, parent, child, or sibling of the  
1578 dentist;

1579 3. Wholly owned by a chiropractic physician licensed under  
1580 chapter 460 or by the chiropractic physician and the spouse,  
1581 parent, child, or sibling of the chiropractic physician;

1582 4. A hospital or ambulatory surgical center licensed under  
1583 chapter 395;

1584 5. An entity that wholly owns or is wholly owned, directly  
1585 or indirectly, by a hospital or hospitals licensed under chapter  
1586 395;

1587 6. A clinical facility affiliated with an accredited  
1588 medical school at which training is provided for medical  
1589 students, residents, or fellows;

1590 7. Certified under 42 C.F.R. part 485, subpart H; or

1591 8. Owned by a publicly traded corporation, either directly  
1592 or indirectly through its subsidiaries, which has \$250 million  
1593 or more in total annual sales of health care services provided  
1594 by licensed health care practitioners, if one or more of the  
1595 persons responsible for the operations of the entity are health

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1596 care practitioners who are licensed in this state and are  
1597 responsible for supervising the business activities of the  
1598 entity and the entity's compliance with state law for purposes  
1599 of this subsection ~~the Florida Motor Vehicle No-Fault Law, ss.~~  
1600 ~~627.730-627.7405, unless exempted under s. 627.736(5)(h).~~

1601 Section 27. Subsection (5) of section 400.991, Florida  
1602 Statutes, is amended to read:

1603 400.991 License requirements; background screenings;  
1604 prohibitions.-

1605 (5) All agency forms for licensure application or exemption  
1606 from licensure under this part must contain the following  
1607 statement:

1608  
1609 INSURANCE FRAUD NOTICE.-A person commits a fraudulent insurance  
1610 act, as defined in s. 626.989, Florida Statutes, if the person  
1611 ~~who~~ knowingly submits a false, misleading, or fraudulent  
1612 application or other document when applying for licensure as a  
1613 health care clinic, seeking an exemption from licensure as a  
1614 health care clinic, or demonstrating compliance with part X of  
1615 chapter 400, Florida Statutes, with the intent to use the  
1616 license, exemption from licensure, or demonstration of  
1617 compliance to provide services or seek reimbursement under a  
1618 motor vehicle liability insurance policy's medical payments  
1619 coverage ~~the Florida Motor Vehicle No-Fault Law, commits a~~  
1620 ~~fraudulent insurance act, as defined in s. 626.989, Florida~~  
1621 ~~Statutes.~~ A person who presents a claim for benefits under  
1622 medical payments coverage ~~personal injury protection benefits~~  
1623 knowing that the payee knowingly submitted such health care  
1624 clinic application or document, commits insurance fraud, as



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1625 defined in s. 817.234, Florida Statutes.

1626 Section 28. Paragraph (g) of subsection (1) of section  
1627 400.9935, Florida Statutes, is amended to read:

1628 400.9935 Clinic responsibilities.—

1629 (1) Each clinic shall appoint a medical director or clinic  
1630 director who shall agree in writing to accept legal  
1631 responsibility for the following activities on behalf of the  
1632 clinic. The medical director or the clinic director shall:

1633 (g) Conduct systematic reviews of clinic billings to ensure  
1634 that the billings are not fraudulent or unlawful. Upon discovery  
1635 of an unlawful charge, the medical director or clinic director  
1636 shall take immediate corrective action. If the clinic performs  
1637 only the technical component of magnetic resonance imaging,  
1638 static radiographs, computed tomography, or positron emission  
1639 tomography, and provides the professional interpretation of such  
1640 services, in a fixed facility that is accredited by a national  
1641 accrediting organization that is approved by the Centers for  
1642 Medicare and Medicaid Services for magnetic resonance imaging  
1643 and advanced diagnostic imaging services and if, in the  
1644 preceding quarter, the percentage of scans performed by that  
1645 clinic which was billed to motor vehicle ~~all personal injury~~  
1646 ~~protection~~ insurance carriers under medical payments coverage  
1647 was less than 15 percent, the chief financial officer of the  
1648 clinic may, in a written acknowledgment provided to the agency,  
1649 assume the responsibility for the conduct of the systematic  
1650 reviews of clinic billings to ensure that the billings are not  
1651 fraudulent or unlawful.

1652 Section 29. Subsection (28) of section 409.901, Florida  
1653 Statutes, is amended to read:

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1654 409.901 Definitions; ss. 409.901-409.920.—As used in ss.  
 1655 409.901-409.920, except as otherwise specifically provided, the  
 1656 term:

1657 (28) "Third-party benefit" means any benefit that is or may  
 1658 be available at any time through contract, court award,  
 1659 judgment, settlement, agreement, or any arrangement between a  
 1660 third party and any person or entity, including, without  
 1661 limitation, a Medicaid recipient, a provider, another third  
 1662 party, an insurer, or the agency, for any Medicaid-covered  
 1663 injury, illness, goods, or services, including costs of medical  
 1664 services related thereto, for bodily personal injury or for  
 1665 death of the recipient, but specifically excluding ~~policies of~~  
 1666 life insurance policies on the recipient, unless available under  
 1667 terms of the policy to pay medical expenses before ~~prior to~~  
 1668 death. The term includes, without limitation, collateral, as  
 1669 defined in this section; health insurance; any benefit under a  
 1670 health maintenance organization, a preferred provider  
 1671 arrangement, a prepaid health clinic, liability insurance,  
 1672 uninsured motorist insurance, or medical payments coverage; or  
 1673 ~~personal injury protection coverage~~, medical benefits under  
 1674 workers' compensation, and any obligation under law or equity to  
 1675 provide medical support.

1676 Section 30. Paragraph (f) of subsection (11) of section  
 1677 409.910, Florida Statutes, is amended to read:

1678 409.910 Responsibility for payments on behalf of Medicaid-  
 1679 eligible persons when other parties are liable.—

1680 (11) The agency may, as a matter of right, in order to  
 1681 enforce its rights under this section, institute, intervene in,  
 1682 or join any legal or administrative proceeding in its own name

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1683 in one or more of the following capacities: individually, as  
1684 subrogee of the recipient, as assignee of the recipient, or as  
1685 lienholder of the collateral.

1686 (f) Notwithstanding any provision in this section to the  
1687 contrary, in the event of an action in tort against a third  
1688 party in which the recipient or his or her legal representative  
1689 is a party which results in a judgment, award, or settlement  
1690 from a third party, the amount recovered shall be distributed as  
1691 follows:

1692 1. After attorney ~~attorney's~~ fees and taxable costs as  
1693 defined by the Florida Rules of Civil Procedure, one-half of the  
1694 remaining recovery shall be paid to the agency up to the total  
1695 amount of medical assistance provided by Medicaid.

1696 2. The remaining amount of the recovery shall be paid to  
1697 the recipient.

1698 3. For purposes of calculating the agency's recovery of  
1699 medical assistance benefits paid, the fee for services of an  
1700 attorney retained by the recipient or his or her legal  
1701 representative shall be calculated at 25 percent of the  
1702 judgment, award, or settlement.

1703 4. Notwithstanding any other provision of this section to  
1704 the contrary, the agency shall be entitled to all medical  
1705 coverage benefits up to the total amount of medical assistance  
1706 provided by Medicaid. For purposes of this paragraph, the term  
1707 "medical coverage" means any benefits under health insurance, a  
1708 health maintenance organization, a preferred provider  
1709 arrangement, or a prepaid health clinic, and the portion of  
1710 benefits designated for medical payments under ~~coverage for~~  
1711 workers' compensation coverage, motor vehicle insurance

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1712 coverage, ~~personal injury protection~~, and casualty coverage.

1713 Section 31. Paragraph (k) of subsection (2) of section  
1714 456.057, Florida Statutes, is amended to read:

1715 456.057 Ownership and control of patient records; report or  
1716 copies of records to be furnished; disclosure of information.—

1717 (2) As used in this section, the terms "records owner,"  
1718 "health care practitioner," and "health care practitioner's  
1719 employer" do not include any of the following persons or  
1720 entities; furthermore, the following persons or entities are not  
1721 authorized to acquire or own medical records, but are authorized  
1722 under the confidentiality and disclosure requirements of this  
1723 section to maintain those documents required by the part or  
1724 chapter under which they are licensed or regulated:

1725 (k) Persons or entities practicing under s. 627.7265 ~~s.~~  
1726 ~~627.736(7)~~.

1727 Section 32. Paragraphs (ee) and (ff) of subsection (1) of  
1728 section 456.072, Florida Statutes, are amended to read:

1729 456.072 Grounds for discipline; penalties; enforcement.—

1730 (1) The following acts shall constitute grounds for which  
1731 the disciplinary actions specified in subsection (2) may be  
1732 taken:

1733 (ee) With respect to making a medical payments coverage  
1734 ~~personal injury protection~~ claim under s. 627.7265 as required  
1735 ~~by s. 627.736~~, intentionally submitting a claim, statement, or  
1736 bill that has been upcoded. As used in this paragraph, the term  
1737 "upcoded" means an action that submits a billing code that would  
1738 result in a greater payment amount than would be paid using a  
1739 billing code that accurately describes the services performed.  
1740 The term does not include an otherwise lawful bill by a magnetic

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1741 resonance imaging facility which globally combines both  
1742 technical and professional components, if the amount of the  
1743 global bill is not more than the components if billed  
1744 separately; however, payment of such a bill constitutes payment  
1745 in full for all components of such service ~~“upcoded” as defined~~  
1746 ~~in s. 627.732.~~

1747 (ff) With respect to making a medical payments coverage  
1748 ~~personal injury protection~~ claim pursuant to s. 627.7265 ~~as~~  
1749 ~~required by s. 627.736~~, intentionally submitting a claim,  
1750 statement, or bill for payment of services that were not  
1751 rendered.

1752 Section 33. Section 559.920, Florida Statutes, is reordered  
1753 and amended to read:

1754 559.920 Unlawful acts and practices.—It shall be a  
1755 violation of this act for any motor vehicle repair shop or  
1756 employee thereof to do any of the following:

1757 (1) Engage or attempt to engage in repair work for  
1758 compensation of any type without first being registered with or  
1759 having submitted an affidavit of exemption to the department. †

1760 (2) Make or charge for repairs which have not been  
1761 expressly or impliedly authorized by the customer. †

1762 (3) Misrepresent that repairs have been made to a motor  
1763 vehicle. †

1764 (4) Misrepresent that certain parts and repairs are  
1765 necessary to repair a vehicle. †

1766 (5) Misrepresent that the vehicle being inspected or  
1767 diagnosed is in a dangerous condition or that the customer's  
1768 continued use of the vehicle may be harmful or cause great  
1769 damage to the vehicle. †

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1770 (6) Fraudulently alter any customer contract, estimate,  
1771 invoice, or other document.†

1772 (7) Fraudulently misuse any customer's credit card.†

1773 (8) Make or authorize in any manner or by any means  
1774 whatever any written or oral statement which is untrue,  
1775 deceptive or misleading, and which is known, or which by the  
1776 exercise of reasonable care should be known, to be untrue,  
1777 deceptive or misleading.†

1778 (9) Make false promises of a character likely to influence,  
1779 persuade, or induce a customer to authorize the repair, service,  
1780 or maintenance of a motor vehicle.†

1781 (10) Substitute used, rebuilt, salvaged, or straightened  
1782 parts for new replacement parts without notice to the motor  
1783 vehicle owner and to her or his insurer if the cost of repair is  
1784 to be paid pursuant to an insurance policy and the identity of  
1785 the insurer or its claims adjuster is disclosed to the motor  
1786 vehicle repair shop.†

1787 (11) Cause or allow a customer to sign any work order that  
1788 does not state the repairs requested by the customer or the  
1789 automobile's odometer reading at the time of repair.†

1790 (12) Fail or refuse to give to a customer a copy of any  
1791 document requiring the customer's signature upon completion or  
1792 cancellation of the repair work.†

1793 (13) Willfully depart from or disregard accepted practices  
1794 and professional standards.†

1795 (14) Have repair work subcontracted without the knowledge  
1796 or consent of the customer unless the motor vehicle repair shop  
1797 or employee thereof demonstrates that the customer could not  
1798 reasonably have been notified.†

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1799 (15) Conduct the business of motor vehicle repair in a  
 1800 location other than that stated on the registration  
 1801 certificate.~~†~~

1802 (16) Rebuild or restore a rebuilt vehicle without the  
 1803 knowledge of the owner in such a manner that it does not conform  
 1804 to the original vehicle manufacturer's established repair  
 1805 procedures or specifications and allowable tolerances for the  
 1806 particular model and year.~~†~~~~or~~

1807 (17) With respect to the replacement or repair of a motor  
 1808 vehicle windshield:

1809 (a) Threaten, coerce, or intimidate an insured into  
 1810 selecting a particular motor vehicle glass repair facility or  
 1811 motor vehicle repair shop;

1812 (b) Waive or offer to waive the insured's deductible or  
 1813 offer a rebate, gift, gift card, cash, coupon, or anything of  
 1814 value to a third party in exchange for a referral of an insured  
 1815 to the motor vehicle glass repair facility or motor vehicle  
 1816 repair shop in connection with any claim under an insurance  
 1817 policy; or

1818 (c) Waive or offer to waive the insured's deductible or  
 1819 offer a rebate, gift, gift card, cash, coupon, or anything of  
 1820 value to an insured in exchange for the insured filing a motor  
 1821 vehicle windshield claim under an insurance policy.

1822 ~~(19)~~~~(17)~~ Perform any other act that is a violation of this  
 1823 part or that constitutes fraud or misrepresentation.

1824 (18) Violate any provision of s. 713.585.

1825 Section 34. Paragraph (b) of subsection (1) and subsection  
 1826 (8) of section 624.155, Florida Statutes, are amended to read:  
 1827 624.155 Civil remedy.-

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1828 (1) Any person may bring a civil action against an insurer  
1829 when such person is damaged:

1830 (b) By the commission of any of the following acts by the  
1831 insurer:

1832 1. Except for a third-party bad faith failure to settle  
1833 claim subject to s. 624.156, not attempting in good faith to  
1834 settle claims when, under all the circumstances, it could and  
1835 should have done so, had it acted fairly and honestly toward its  
1836 insured and with due regard for her or his interests;

1837 2. Making claims payments to insureds or beneficiaries not  
1838 accompanied by a statement setting forth the coverage under  
1839 which payments are being made; ~~or~~

1840 3. Except as to liability coverages, failing to promptly  
1841 settle claims, when the obligation to settle a claim has become  
1842 reasonably clear, under one portion of the insurance policy  
1843 coverage in order to influence settlements under other portions  
1844 of the insurance policy coverage; or

1845 4. When handling a first-party claim under a motor vehicle  
1846 insurance policy, not attempting in good faith to settle such  
1847 claim pursuant to subparagraph 1. when such failure is caused by  
1848 a failure to communicate to an insured:

1849 a. Information on who is adjusting the claim;

1850 b. Any issues that may impair the insured's coverage;

1851 c. Information that might resolve the issue in a prompt  
1852 manner;

1853 d. Any basis for the insurer's rejection or nonacceptance  
1854 of any settlement offer; or

1855 e. Any needed extensions to respond to a time-limited  
1856 settlement offer.



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1857

1858 Notwithstanding the provisions of the above to the contrary, a  
1859 person pursuing a remedy under this section need not prove that  
1860 such act was committed or performed with such frequency as to  
1861 indicate a general business practice.

1862 (8) The civil remedy specified in this section does not  
1863 preempt any other remedy or cause of action provided for  
1864 pursuant to any other statute or pursuant to the common law of  
1865 this state. A Any person is ~~may obtain a judgment under either~~  
1866 ~~the common-law remedy of bad faith or this statutory remedy, but~~  
1867 ~~shall not be~~ entitled to a judgment under multiple bad faith  
1868 ~~both~~ remedies, whether under statute or common law. This section  
1869 shall not be construed to create a common-law cause of action.  
1870 The damages recoverable pursuant to this section shall include  
1871 those damages which are a reasonably foreseeable result of a  
1872 specified violation of this section by the authorized insurer  
1873 and may include an award or judgment in an amount that exceeds  
1874 the policy limits.

1875 Section 35. Section 624.156, Florida Statutes, is created  
1876 to read:

1877 624.156 Bad faith failure to settle actions against motor  
1878 vehicle insurers by third-party claimants.-

1879 (1) SCOPE.-This section applies in all actions against any  
1880 insurer by a third party for bad faith failure to settle,  
1881 whether under statute or common law, for a loss arising out of  
1882 the ownership, maintenance, or use of a motor vehicle operated  
1883 or principally garaged in this state at the time of an accident,  
1884 regardless of whether the insurer is authorized to do business  
1885 in this state or issued a policy in this state.

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1886       (2) DUTY OF GOOD FAITH.—In handling claims, an insurer has  
1887 a fiduciary duty to its insured and must handle claims in good  
1888 faith. The insurer shall comply with the best practice standards  
1889 of subsection (4) using the same degree of care and diligence as  
1890 a person of ordinary care and prudence would exercise in the  
1891 management of his or her own business.

1892       (3) BAD FAITH FAILURE TO SETTLE.—“Bad faith failure to  
1893 settle” means an insurer’s failure to settle a claim when, under  
1894 all the circumstances, it could and should have done so, had it  
1895 acted fairly and honestly toward its insured and with due regard  
1896 for the insured’s interests.

1897       (4) BEST PRACTICE STANDARDS.—Upon the earlier of receiving  
1898 notice of a claim or, under subsection (6), a demand for  
1899 settlement, an insurer must do all of the following:

1900       (a) Assign a duly licensed and appointed insurance adjuster  
1901 to investigate the claim and resolve any questions concerning  
1902 the existence or extent of the insured’s coverage.

1903       (b) Evaluate every claim fairly, honestly, and with due  
1904 regard for the interests of its insured, consider the full  
1905 extent of the claimant’s recoverable damages, and consider the  
1906 information in a reasonable and prudent manner.

1907       (c) Request from the insured or claimant additional  
1908 relevant information deemed necessary.

1909       (d) Conduct all verbal and written communications with the  
1910 utmost honesty and complete candor.

1911       (e) Make reasonable efforts to explain to nonattorneys  
1912 matters requiring expertise beyond the level normally expected  
1913 of a layperson with no training in insurance or claims-handling  
1914 issues.

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1915 (f) Save all written communications and note and save all  
1916 verbal communications in a reasonable manner.

1917 (g) Provide the insured, upon request, with all  
1918 nonprivileged communications related to the insurer's handling  
1919 of the claim.

1920 (h) Provide, at the insurer's expense, reasonable  
1921 accommodations necessary to communicate effectively with an  
1922 insured covered under the Americans with Disabilities Act.

1923 (i) In handling third-party claims, communicate to an  
1924 insured:

1925 1. The identity of any other person or entity the insurer  
1926 knows may be liable;

1927 2. The insurer's activity on and evaluation of the claim;

1928 3. The likelihood and possible extent of an excess  
1929 judgment;

1930 4. Steps the insured can take to avoid exposure to an  
1931 excess judgment;

1932 5. Requests for examinations under oath and an explanation  
1933 of the consequences of an insured's failure to submit to an  
1934 examination under oath; and

1935 6. Any demands for settlement under subsection (6) or  
1936 settlement offers.

1937 (j) When a loss involves multiple claimants and the  
1938 claimants are unwilling to settle cumulatively within the policy  
1939 limits and release the insured from further liability, in  
1940 addition to fulfilling the requirements of paragraphs (a)-(i),  
1941 attempt to minimize the risk of excess judgments against the  
1942 insured and settle as many claims as possible within the policy  
1943 limits in exchange for a release of the insured from further

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1944 liability.

1945 (5) CONDITIONS PRECEDENT.—It is a condition precedent to  
1946 filing a third-party action for bad faith failure to settle  
1947 against an insurer that the claimant must:

1948 (a) Serve a demand for settlement, as provided in  
1949 subsection (6), within the insurer's limits of liability in  
1950 exchange for a release of further liability against the insured;  
1951 and

1952 (b) Obtain a final judgment in excess of the policy limits  
1953 against the insured.

1954 (6) DEMAND FOR SETTLEMENT.—A demand for settlement must do  
1955 all of the following:

1956 (a) Identify the:

1957 1. Date and location of loss;

1958 2. Name, address, and date of birth of the claimant;

1959 3. Name of each insured to whom the demand for settlement  
1960 is directed; and

1961 4. Legal and factual basis of the claim.

1962 (b) Provide a reasonably detailed description of the  
1963 claimant's:

1964 1. Known injuries caused or aggravated by the incident on  
1965 which the claim is based;

1966 2. Medical treatment causally related to the incident on  
1967 which the claim is based; and

1968 3. Type and amount of known damages incurred and, if any,  
1969 the damages the claimant reasonably anticipates incurring in the  
1970 future.

1971 (c) State the amount of the demand for settlement.

1972 (d) State whether the demand for settlement is conditioned

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1973 on the completion of an examination under oath, as authorized by  
1974 subsection (8).

1975 (e) Provide a physical address, an e-mail address, and a  
1976 facsimile number for further communications, including, but not  
1977 limited to, responses to the demand for settlement.

1978 (f) Release the insured from any further liability upon the  
1979 insurer's acceptance of a demand for settlement which is not  
1980 withdrawn pursuant to paragraph (8) (e) or paragraph (8) (g) or  
1981 accepted pursuant to paragraph (8) (f).

1982 (g) Be served upon the insurer by certified mail at the  
1983 address designated by the insurer with the Department of  
1984 Financial Services under s. 624.422(2).

1985 (7) LIMITATIONS ON CONDITIONS OF ACCEPTANCE OF A DEMAND.—A  
1986 claimant may not place any conditions on acceptance of a demand  
1987 for settlement other than electing the right to examine the  
1988 insured under oath regarding any of the following:

1989 (a) Whether the insured has the ability to satisfy a claim  
1990 for damages in excess of the insurer's limits of liability.

1991 (b) Whether any other person or entity may have actual or  
1992 potential direct or vicarious liability for the insured's  
1993 negligence.

1994 (c) Whether any other insurance exists that may cover some  
1995 or all of the damages sustained by the claimant.

1996 (8) EXAMINATION UNDER OATH.—After serving a demand for  
1997 settlement, a claimant may examine the insured under oath, on  
1998 one occasion for a period of time not to exceed 2 hours,  
1999 regarding only the issues in subsection (7).

2000 (a) The claimant may request that the insured bring to the  
2001 examination relevant documents in the insured's possession,

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2002 custody, or control, including, but not limited to, credit  
2003 reports, insurance policies, bank statements, tax returns,  
2004 deeds, titles, and other proof of assets or liabilities.

2005 (b) Except as provided in paragraph (7)(b), the claimant  
2006 may not examine the insured regarding liability.

2007 (c) The claimant, the insurer, and the insured shall  
2008 cooperate in scheduling the examination under oath. The insurer  
2009 shall notify the insured of the date, time, and location of the  
2010 examination under oath.

2011 (d) The examination under oath must occur within 30 days  
2012 after the insurer's acceptance of the settlement demand.

2013 (e) The claimant may withdraw the demand for settlement if  
2014 the insured refuses to submit to an examination under oath.

2015 (f) If the insured refuses to submit to an examination  
2016 under oath, the insurer may accept the demand for settlement  
2017 without requiring a release of the insured. An insurer that  
2018 accepts the demand for settlement pursuant to this paragraph  
2019 does not have any further duty to defend the insured and may not  
2020 be held liable for damages to the insured if the claimant  
2021 thereafter obtains an excess judgment against the insured.

2022 (g) Within 7 days after the examination under oath, the  
2023 claimant may withdraw the demand for settlement.

2024 (9) SAFE HARBOR.—When one claim arises out of a single  
2025 occurrence, an insurer is not liable in a bad faith failure to  
2026 settle action if the insurer tenders its policy limits within 60  
2027 days after receiving a demand for settlement under subsection  
2028 (6).

2029 (a) When competing claims arise out of a single occurrence  
2030 and the sum of the competing claims exceeds the policy limits,

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2031 an insurer is not liable in a bad faith failure to settle action  
2032 if the insurer initiates an interpleader action at policy limits  
2033 within 60 days after receiving notice of the competing claims.  
2034 If the court finds for one or more of the claimants, the court  
2035 must award the claimants their respective pro rata share of the  
2036 interpleaded funds.

2037 (b) This subsection does not affect an insurer's duties to  
2038 its insured other than duties related to bad faith failure to  
2039 settle.

2040 (10) RELEASE.—An insurer that accepts a demand for  
2041 settlement under subsection (6) shall be entitled to a release  
2042 of its insured, except as provided in paragraph (8)(f).

2043 (11) BURDEN OF PROOF.—In any third-party action for bad  
2044 faith failure to settle, the claimant must prove by the  
2045 preponderance of the evidence that the insurer violated its duty  
2046 of good faith under subsection (2) and that the insurer in bad  
2047 faith failed to settle, as defined in subsection (3).

2048 (a) In determining whether an insurer violated its duty of  
2049 good faith under subsection (2) and in bad faith failed to  
2050 settle, as defined in subsection (3), the trier of fact shall  
2051 consider all of the following:

2052 1. Whether the insurer complied with the best practice  
2053 standards of subsection (4) using the same degree of care and  
2054 diligence as a person of ordinary care and prudence would  
2055 exercise in the management of his or her own business.

2056 2. Whether the insurer failed to settle a claim when, under  
2057 all the circumstances, it could and should have done so, had it  
2058 acted fairly and honestly toward its insured and with due regard  
2059 for the insured's interests.

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2060       3. Whether the claimant or insured failed to provide  
2061 relevant information to the insurer on a timely basis.

2062       4. Whether the claimant or insured misrepresented material  
2063 facts to the insurer or made material omissions of fact to the  
2064 insurer.

2065       5. Whether the insured denied liability or requested that  
2066 the case be defended after the insurer fully advised the insured  
2067 as to the facts and risks.

2068       6. Whether the insurer timely informed the insured of a  
2069 demand to settle within the limits of coverage, the right to  
2070 retain personal counsel, and the risk of litigation.

2071       7. The insurer's willingness to negotiate with the claimant  
2072 in anticipation of settlement.

2073       8. The amount of damages the claimant incurred or was  
2074 likely to incur in the future under the facts known or  
2075 reasonably available at the time of the insurer's response.

2076       9. If applicable, whether there were multiple third-party  
2077 claimants seeking, in the aggregate, compensation in excess of  
2078 the policy limits from the insured; and, if so, whether the  
2079 insurer breached its duty to attempt to minimize the magnitude  
2080 of possible excess judgments against the insured and to attempt  
2081 to settle as many claims as possible within the policy limits in  
2082 exchange for a release of the insured from further liability.

2083       10. Additional factors that the court determines to be  
2084 relevant.

2085       (b) The trier of fact, in determining whether an insurer in  
2086 bad faith failed to settle, must be informed that an excess  
2087 judgment occurred but may not be informed of the amount of the  
2088 excess judgment.



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2089       (12) DAMAGES.—An insurer that is found to have violated its  
2090 duty of good faith under subsection (2) and in bad faith failed  
2091 to settle, as defined in subsection (3), is liable for the  
2092 amount of any excess judgment. No other damages, including, but  
2093 not limited to, punitive damages, may be awarded in a third-  
2094 party bad faith failure to settle action.

2095       (13) ENFORCEMENT.—If a judgment creditor has served a  
2096 demand for settlement under subsection (6) and the judgment  
2097 exceeds the insured's limits of liability, the judgment creditor  
2098 must be subrogated to the rights of the insured against the  
2099 insurer for common law bad faith.

2100       (14) LIMITATION ON MULTIPLE REMEDIES.—A person is not  
2101 entitled to a judgment under multiple bad faith remedies,  
2102 whether under statute or common law.

2103       Section 36. Paragraphs (i) and (o) of subsection (1) of  
2104 section 626.9541, Florida Statutes, are amended to read:

2105       626.9541 Unfair methods of competition and unfair or  
2106 deceptive acts or practices defined.—

2107       (1) UNFAIR METHODS OF COMPETITION AND UNFAIR OR DECEPTIVE  
2108 ACTS.—The following are defined as unfair methods of competition  
2109 and unfair or deceptive acts or practices:

2110       (i) *Unfair claim settlement practices.*—

2111       1. Attempting to settle claims on the basis of an  
2112 application, when serving as a binder or intended to become a  
2113 part of the policy, or any other material document which was  
2114 altered without notice to, or knowledge or consent of, the  
2115 insured;

2116       2. Making a material misrepresentation ~~made~~ to an insured  
2117 or any other person having an interest in the proceeds payable

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2118 under such contract or policy, for the purpose and with the  
2119 intent of effecting settlement of such claims, loss, or damage  
2120 under such contract or policy on less favorable terms than those  
2121 provided in, and contemplated by, such contract or policy; ~~or~~

2122 3. Committing or performing with such frequency as to  
2123 indicate a general business practice any of the following:

2124 a. Failing to adopt and implement standards for the proper  
2125 investigation of claims;

2126 b. Misrepresenting pertinent facts or insurance policy  
2127 provisions relating to coverages at issue;

2128 c. Failing to acknowledge and act promptly upon  
2129 communications with respect to claims;

2130 d. Denying claims without conducting reasonable  
2131 investigations based upon available information;

2132 e. Failing to affirm or deny full or partial coverage of  
2133 claims, and, as to partial coverage, the dollar amount or extent  
2134 of coverage, or failing to provide a written statement that the  
2135 claim is being investigated, upon the written request of the  
2136 insured within 30 days after proof-of-loss statements have been  
2137 completed;

2138 f. Failing to promptly provide a reasonable explanation in  
2139 writing to the insured of the basis in the insurance policy, in  
2140 relation to the facts or applicable law, for denial of a claim  
2141 or for the offer of a compromise settlement;

2142 g. Failing to promptly notify the insured of any additional  
2143 information necessary for the processing of a claim; or

2144 h. Failing to clearly explain the nature of the requested  
2145 information and the reasons why such information is necessary.

2146 ~~i. Failing to pay personal injury protection insurance~~

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2147 ~~claims within the time periods required by s. 627.736(4)(b). The~~  
2148 ~~office may order the insurer to pay restitution to a~~  
2149 ~~policyholder, medical provider, or other claimant, including~~  
2150 ~~interest at a rate consistent with the amount set forth in s.~~  
2151 ~~55.03(1), for the time period within which an insurer fails to~~  
2152 ~~pay claims as required by law. Restitution is in addition to any~~  
2153 ~~other penalties allowed by law, including, but not limited to,~~  
2154 ~~the suspension of the insurer's certificate of authority.~~

2155 4. Failing to pay undisputed amounts of partial or full  
2156 benefits owed under first-party property insurance policies  
2157 within 90 days after an insurer receives notice of a residential  
2158 property insurance claim, determines the amounts of partial or  
2159 full benefits, and agrees to coverage, unless payment of the  
2160 undisputed benefits is prevented by an act of God, prevented by  
2161 the impossibility of performance, or due to actions by the  
2162 insured or claimant that constitute fraud, lack of cooperation,  
2163 or intentional misrepresentation regarding the claim for which  
2164 benefits are owed.

2165 (o) *Illegal dealings in premiums; excess or reduced charges*  
2166 *for insurance.—*

2167 1. Knowingly collecting any sum as a premium or charge for  
2168 insurance, which is not then provided, or is not in due course  
2169 to be provided, subject to acceptance of the risk by the  
2170 insurer, by an insurance policy issued by an insurer as  
2171 permitted by this code.

2172 2. Knowingly collecting as a premium or charge for  
2173 insurance any sum in excess of or less than the premium or  
2174 charge applicable to such insurance, in accordance with the  
2175 applicable classifications and rates as filed with and approved

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2176 by the office, and as specified in the policy; or, in cases when  
2177 classifications, premiums, or rates are not required by this  
2178 code to be so filed and approved, premiums and charges collected  
2179 from a Florida resident in excess of or less than those  
2180 specified in the policy and as fixed by the insurer.

2181 Notwithstanding any other provision of law, this provision shall  
2182 not be deemed to prohibit the charging and collection, by  
2183 surplus lines agents licensed under part VIII of this chapter,  
2184 of the amount of applicable state and federal taxes, or fees as  
2185 authorized by s. 626.916(4), in addition to the premium required  
2186 by the insurer or the charging and collection, by licensed  
2187 agents, of the exact amount of any discount or other such fee  
2188 charged by a credit card facility in connection with the use of  
2189 a credit card, as authorized by subparagraph (q)3., in addition  
2190 to the premium required by the insurer. This subparagraph shall  
2191 not be construed to prohibit collection of a premium for a  
2192 universal life or a variable or indeterminate value insurance  
2193 policy made in accordance with the terms of the contract.

2194 3.a. Imposing or requesting an additional premium for  
2195 bodily injury liability coverage, property damage liability  
2196 coverage ~~a policy of motor vehicle liability, personal injury~~  
2197 ~~protection, medical payments coverage payment, or collision~~  
2198 coverage in a motor vehicle liability insurance policy insurance  
2199 ~~or any combination thereof~~ or refusing to renew the policy  
2200 solely because the insured was involved in a motor vehicle  
2201 accident unless the insurer's file contains information from  
2202 which the insurer in good faith determines that the insured was  
2203 substantially at fault in the accident.

2204 b. An insurer which imposes and collects such a surcharge

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2205 or which refuses to renew such policy shall, in conjunction with  
2206 the notice of premium due or notice of nonrenewal, notify the  
2207 named insured that he or she is entitled to reimbursement of  
2208 such amount or renewal of the policy under the conditions listed  
2209 below and will subsequently reimburse him or her or renew the  
2210 policy, if the named insured demonstrates that the operator  
2211 involved in the accident was:

2212 (I) Lawfully parked;

2213 (II) Reimbursed by, or on behalf of, a person responsible  
2214 for the accident or has a judgment against such person;

2215 (III) Struck in the rear by another vehicle headed in the  
2216 same direction and was not convicted of a moving traffic  
2217 violation in connection with the accident;

2218 (IV) Hit by a "hit-and-run" driver, if the accident was  
2219 reported to the proper authorities within 24 hours after  
2220 discovering the accident;

2221 (V) Not convicted of a moving traffic violation in  
2222 connection with the accident, but the operator of the other  
2223 automobile involved in such accident was convicted of a moving  
2224 traffic violation;

2225 (VI) Finally adjudicated not to be liable by a court of  
2226 competent jurisdiction;

2227 (VII) In receipt of a traffic citation which was dismissed  
2228 or nolle prossed; or

2229 (VIII) Not at fault as evidenced by a written statement  
2230 from the insured establishing facts demonstrating lack of fault  
2231 which are not rebutted by information in the insurer's file from  
2232 which the insurer in good faith determines that the insured was  
2233 substantially at fault.

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2234 c. In addition to the other provisions of this  
2235 subparagraph, an insurer may not fail to renew a policy if the  
2236 insured has had only one accident in which he or she was at  
2237 fault within the current 3-year period. However, an insurer may  
2238 nonrenew a policy for reasons other than accidents in accordance  
2239 with s. 627.728. This subparagraph does not prohibit nonrenewal  
2240 of a policy under which the insured has had three or more  
2241 accidents, regardless of fault, during the most recent 3-year  
2242 period.

2243 4. Imposing or requesting an additional premium for, or  
2244 refusing to renew, a policy for motor vehicle insurance solely  
2245 because the insured committed a noncriminal traffic infraction  
2246 as described in s. 318.14 unless the infraction is:

2247 a. A second infraction committed within an 18-month period,  
2248 or a third or subsequent infraction committed within a 36-month  
2249 period.

2250 b. A violation of s. 316.183, when such violation is a  
2251 result of exceeding the lawful speed limit by more than 15 miles  
2252 per hour.

2253 5. Upon the request of the insured, the insurer and  
2254 licensed agent shall supply to the insured the complete proof of  
2255 fault or other criteria which justifies the additional charge or  
2256 cancellation.

2257 6. No insurer shall impose or request an additional premium  
2258 for motor vehicle insurance, cancel or refuse to issue a policy,  
2259 or refuse to renew a policy because the insured or the applicant  
2260 is a handicapped or physically disabled person, so long as such  
2261 handicap or physical disability does not substantially impair  
2262 such person's mechanically assisted driving ability.

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2263           7. No insurer may cancel or otherwise terminate any  
2264 insurance contract or coverage, or require execution of a  
2265 consent to rate endorsement, during the stated policy term for  
2266 the purpose of offering to issue, or issuing, a similar or  
2267 identical contract or coverage to the same insured with the same  
2268 exposure at a higher premium rate or continuing an existing  
2269 contract or coverage with the same exposure at an increased  
2270 premium.

2271           8. No insurer may issue a nonrenewal notice on any  
2272 insurance contract or coverage, or require execution of a  
2273 consent to rate endorsement, for the purpose of offering to  
2274 issue, or issuing, a similar or identical contract or coverage  
2275 to the same insured at a higher premium rate or continuing an  
2276 existing contract or coverage at an increased premium without  
2277 meeting any applicable notice requirements.

2278           9. No insurer shall, with respect to premiums charged for  
2279 motor vehicle insurance, unfairly discriminate solely on the  
2280 basis of age, sex, marital status, or scholastic achievement.

2281           10. Imposing or requesting an additional premium for motor  
2282 vehicle comprehensive or uninsured motorist coverage solely  
2283 because the insured was involved in a motor vehicle accident or  
2284 was convicted of a moving traffic violation.

2285           11. No insurer shall cancel or issue a nonrenewal notice on  
2286 any insurance policy or contract without complying with any  
2287 applicable cancellation or nonrenewal provision required under  
2288 the Florida Insurance Code.

2289           12. No insurer shall impose or request an additional  
2290 premium, cancel a policy, or issue a nonrenewal notice on any  
2291 insurance policy or contract because of any traffic infraction

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2292 when adjudication has been withheld and no points have been  
2293 assessed pursuant to s. 318.14(9) and (10). However, this  
2294 subparagraph does not apply to traffic infractions involving  
2295 accidents in which the insurer has incurred a loss due to the  
2296 fault of the insured.

2297 Section 37. Paragraph (a) of subsection (1) of section  
2298 626.989, Florida Statutes, is amended to read:

2299 626.989 Investigation by department or Division of  
2300 Investigative and Forensic Services; compliance; immunity;  
2301 confidential information; reports to division; division  
2302 investigator's power of arrest.—

2303 (1) For the purposes of this section:

2304 (a) A person commits a "fraudulent insurance act" if the  
2305 person:

2306 1. Knowingly and with intent to defraud presents, causes to  
2307 be presented, or prepares with knowledge or belief that it will  
2308 be presented, to or by an insurer, self-insurer, self-insurance  
2309 fund, servicing corporation, purported insurer, broker, or any  
2310 agent thereof, any written statement as part of, or in support  
2311 of, an application for the issuance of, or the rating of, any  
2312 insurance policy, or a claim for payment or other benefit  
2313 pursuant to any insurance policy, which the person knows to  
2314 contain materially false information concerning any fact  
2315 material thereto or if the person conceals, for the purpose of  
2316 misleading another, information concerning any fact material  
2317 thereto.

2318 2. Knowingly submits:

2319 a. A false, misleading, or fraudulent application or other  
2320 document when applying for licensure as a health care clinic,



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2321 seeking an exemption from licensure as a health care clinic, or  
2322 demonstrating compliance with part X of chapter 400 with an  
2323 intent to use the license, exemption from licensure, or  
2324 demonstration of compliance to provide services or seek  
2325 reimbursement under a motor vehicle liability insurance policy's  
2326 medical payments coverage ~~the Florida Motor Vehicle No-Fault~~  
2327 ~~Law.~~

2328 b. A claim for payment or other benefit under medical  
2329 payments coverage, ~~pursuant to a personal injury protection~~  
2330 ~~insurance policy under the Florida Motor Vehicle No-Fault Law~~ if  
2331 the person knows that the payee knowingly submitted a false,  
2332 misleading, or fraudulent application or other document when  
2333 applying for licensure as a health care clinic, seeking an  
2334 exemption from licensure as a health care clinic, or  
2335 demonstrating compliance with part X of chapter 400.

2336 Section 38. Subsection (1) of section 627.06501, Florida  
2337 Statutes, is amended to read:

2338 627.06501 Insurance discounts for certain persons  
2339 completing driver improvement course.—

2340 (1) Any rate, rating schedule, or rating manual for the  
2341 liability, medical payments ~~personal injury protection,~~ and  
2342 collision coverages of a motor vehicle insurance policy filed  
2343 with the office may provide for an appropriate reduction in  
2344 premium charges as to such coverages if ~~when~~ the principal  
2345 operator on the covered vehicle has successfully completed a  
2346 driver improvement course approved and certified by the  
2347 Department of Highway Safety and Motor Vehicles which is  
2348 effective in reducing crash or violation rates, or both, as  
2349 determined pursuant to s. 318.1451(5). Any discount, not to

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2350 exceed 10 percent, used by an insurer is presumed to be  
2351 appropriate unless credible data demonstrates otherwise.

2352 Section 39. Subsection (15) is added to section 627.0651,  
2353 Florida Statutes, to read:

2354 627.0651 Making and use of rates for motor vehicle  
2355 insurance.—

2356 (15) Initial rate filings for motor vehicle liability  
2357 policies which are submitted to the office on or after January  
2358 1, 2022, must reflect the financial responsibility requirements  
2359 in s. 324.022 then in effect and may be approved only through  
2360 the file and use process under s. 627.0651(1) (a).

2361 Section 40. Subsection (1) of section 627.0652, Florida  
2362 Statutes, is amended to read:

2363 627.0652 Insurance discounts for certain persons completing  
2364 safety course.—

2365 (1) Any rates, rating schedules, or rating manuals for the  
2366 liability, medical payments ~~personal injury protection~~, and  
2367 collision coverages of a motor vehicle insurance policy filed  
2368 with the office must ~~shall~~ provide for an appropriate reduction  
2369 in premium charges as to such coverages if ~~when~~ the principal  
2370 operator on the covered vehicle is an insured 55 years of age or  
2371 older who has successfully completed a motor vehicle accident  
2372 prevention course approved by the Department of Highway Safety  
2373 and Motor Vehicles. Any discount used by an insurer is presumed  
2374 to be appropriate unless credible data demonstrates otherwise.

2375 Section 41. Subsections (1), (3), and (6) of section  
2376 627.0653, Florida Statutes, are amended to read:

2377 627.0653 Insurance discounts for specified motor vehicle  
2378 equipment.—

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2379 (1) Any rates, rating schedules, or rating manuals for the  
2380 liability, medical payments ~~personal injury protection~~, and  
2381 collision coverages of a motor vehicle insurance policy filed  
2382 with the office must ~~shall~~ provide a premium discount if the  
2383 insured vehicle is equipped with factory-installed, four-wheel  
2384 antilock brakes.

2385 (3) Any rates, rating schedules, or rating manuals for  
2386 ~~personal injury protection coverage and~~ medical payments  
2387 coverage, ~~if offered~~, of a motor vehicle insurance policy filed  
2388 with the office must ~~shall~~ provide a premium discount if the  
2389 insured vehicle is equipped with one or more air bags that ~~which~~  
2390 are factory installed.

2391 (6) The Office of Insurance Regulation may approve a  
2392 premium discount to any rates, rating schedules, or rating  
2393 manuals for the liability, medical payments ~~personal injury~~  
2394 ~~protection~~, and collision coverages of a motor vehicle insurance  
2395 policy filed with the office if the insured vehicle is equipped  
2396 with an automated driving system or electronic vehicle collision  
2397 avoidance technology that is factory installed or a retrofitted  
2398 system and that complies with National Highway Traffic Safety  
2399 Administration standards.

2400 Section 42. Section 627.4132, Florida Statutes, is amended  
2401 to read:

2402 627.4132 Stacking of coverages prohibited.—If an insured or  
2403 named insured is protected by any type of motor vehicle  
2404 insurance policy for bodily injury and property damage  
2405 liability, ~~personal injury protection, or other coverage~~, the  
2406 policy must ~~shall~~ provide that the insured or named insured is  
2407 protected only to the extent of the coverage she or he has on

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2408 the vehicle involved in the accident. However, if none of the  
2409 insured's or named insured's vehicles are ~~is~~ involved in the  
2410 accident, coverage is available only to the extent of coverage  
2411 on any one of the vehicles with applicable coverage. Coverage on  
2412 any other vehicles may ~~shall~~ not be added to or stacked upon  
2413 that coverage. This section does not ~~apply~~:

2414 (1) Apply to uninsured motorist coverage that ~~which~~ is  
2415 separately governed by s. 627.727.

2416 (2) ~~To~~ Reduce the coverage available by reason of insurance  
2417 policies insuring different named insureds.

2418 Section 43. Subsection (1) of section 627.4137, Florida  
2419 Statutes, is amended to read:

2420 627.4137 Disclosure of certain information required.—

2421 (1) Each insurer which does or may provide liability  
2422 insurance coverage to pay all or a portion of any claim which  
2423 might be made shall provide, within 30 days of the written  
2424 request of the claimant or the claimant's attorney, a statement,  
2425 under oath, of a corporate officer or the insurer's claims  
2426 manager or superintendent setting forth the following  
2427 information with regard to each known policy of insurance,  
2428 including excess or umbrella insurance:

2429 (a) The name of the insurer.

2430 (b) The name of each insured.

2431 (c) The limits of the liability coverage.

2432 (d) A statement of any policy or coverage defense which  
2433 such insurer reasonably believes is available to such insurer at  
2434 the time of filing such statement.

2435 (e) A copy of the policy.

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2437 In addition, the insured, or her or his insurance agent, upon  
2438 written request of the claimant or the claimant's attorney,  
2439 shall disclose the name and coverage of each known insurer to  
2440 the claimant and shall forward such request for information as  
2441 required by this subsection to all affected insurers. The  
2442 insurer shall then supply the information required in this  
2443 subsection to the claimant within 30 days of receipt of such  
2444 request. If an insurer fails to timely comply with this section,  
2445 the claimant may file an action in a court of competent  
2446 jurisdiction to enforce this section. If the court determines  
2447 that the insurer violated this section, the claimant is entitled  
2448 to an award of reasonable attorney fees and costs to be paid by  
2449 the insurer.

2450 Section 44. Section 627.7263, Florida Statutes, is amended  
2451 to read:

2452 627.7263 Rental and leasing driver's insurance to be  
2453 primary; exception.—

2454 (1) The valid and collectible liability insurance and  
2455 medical payments coverage ~~or personal injury protection~~  
2456 ~~insurance providing coverage~~ for the lessor of a motor vehicle  
2457 for rent or lease is primary unless otherwise stated in at least  
2458 10-point type on the face of the rental or lease agreement. Such  
2459 insurance is primary for the limits of liability ~~and personal~~  
2460 ~~injury protection~~ coverage as required by s. 324.021(7) and the  
2461 medical payments coverage limit specified under s. 627.7265 ~~ss.~~  
2462 ~~324.021(7) and 627.736.~~

2463 (2) If the lessee's coverage is to be primary, the rental  
2464 or lease agreement must contain the following language, in at  
2465 least 10-point type:

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

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

627.7265 Motor vehicle insurance; medical payments coverage.—

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

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2495 (a) Before issuing a motor vehicle liability insurance  
2496 policy that is furnished as proof of financial responsibility  
2497 under s. 324.031, the insurer must offer medical payments  
2498 coverage at limits of \$5,000 and \$10,000. The insurer may also  
2499 offer medical payments coverage at any limit greater than  
2500 \$5,000.

2501 (b) The medical payments coverage must be offered with an  
2502 option with no deductible. The insurer may also offer medical  
2503 payments coverage with a deductible not to exceed \$500.

2504 (c) This section may not be construed to limit any other  
2505 coverage made available by an insurer.

2506 (2) Upon receiving notice of an accident that is  
2507 potentially covered by medical payments coverage benefits, the  
2508 insurer must reserve \$5,000 of medical payments coverage  
2509 benefits for payment to physicians licensed under chapter 458 or  
2510 chapter 459 or dentists licensed under chapter 466 who provide  
2511 emergency services and care, as defined in s. 395.002, or who  
2512 provide hospital inpatient care. The amount required to be held  
2513 in reserve may be used only to pay claims from such physicians  
2514 or dentists until 30 days after the date the insurer receives  
2515 notice of the accident. After the 30-day period, any amount of  
2516 the reserve for which the insurer has not received notice of  
2517 such claims may be used by the insurer to pay other claims. This  
2518 subsection does not require an insurer to establish a claim  
2519 reserve for insurance accounting purposes.

2520 (3) An insurer providing medical payments coverage benefits  
2521 may not:

2522 (a) Seek a lien on any recovery in tort by judgment,  
2523 settlement, or otherwise for medical payments coverage benefits,

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2524 regardless of whether suit has been filed or settlement has been  
2525 reached without suit; or

2526 (b) Bring a cause of action against a person to whom or for  
2527 whom medical payments coverage benefits were paid, except when  
2528 medical payments coverage benefits were paid by reason of fraud  
2529 committed by that person.

2530 (4) An insurer providing medical payments coverage may  
2531 include provisions in its policy allowing for subrogation for  
2532 medical payments coverage benefits paid if the expenses giving  
2533 rise to the payments were caused by the wrongful act or omission  
2534 of another who is not also an insured under the policy paying  
2535 the medical payments coverage benefits. However, this  
2536 subrogation right is inferior to the rights of the injured  
2537 insured and is available only after all the insured's damages  
2538 are recovered and the insured is made whole. An insured who  
2539 obtains a recovery from a third party of the full amount of the  
2540 damages sustained and delivers a release or satisfaction that  
2541 impairs a medical payments insurer's subrogation right is liable  
2542 to the insurer for repayment of medical payments coverage  
2543 benefits less any expenses of acquiring the recovery, including  
2544 a prorated share of attorney fees and costs, and shall hold that  
2545 net recovery in trust to be delivered to the medical payments  
2546 insurer. The insurer may not include any provision in its policy  
2547 allowing for subrogation for any death benefit paid.

2548 Section 46. Subsections (1) and (7) of section 627.727,  
2549 Florida Statutes, are amended to read:

2550 627.727 Motor vehicle insurance; uninsured and underinsured  
2551 vehicle coverage; insolvent insurer protection.-

2552 (1) A ~~No~~ motor vehicle liability insurance policy that



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2553 ~~which~~ provides bodily injury liability coverage may not ~~shall~~ be  
2554 delivered or issued for delivery in this state with respect to  
2555 any specifically insured or identified motor vehicle registered  
2556 or principally garaged in this state, unless uninsured motor  
2557 vehicle coverage is provided therein or supplemental thereto for  
2558 the protection of persons insured thereunder who are legally  
2559 entitled to recover damages from owners or operators of  
2560 uninsured motor vehicles because of bodily injury, sickness, or  
2561 disease, including death, resulting therefrom. However, the  
2562 coverage required under this section is not applicable if ~~when~~,  
2563 or to the extent that, an insured named in the policy makes a  
2564 written rejection of the coverage on behalf of all insureds  
2565 under the policy. If ~~When~~ a motor vehicle is leased for ~~a period~~  
2566 ~~of~~ 1 year or longer and the lessor of such vehicle, by the terms  
2567 of the lease contract, provides liability coverage on the leased  
2568 vehicle, the lessee of such vehicle has ~~shall have~~ the sole  
2569 privilege to reject uninsured motorist coverage or to select  
2570 lower limits than the bodily injury liability limits, regardless  
2571 of whether the lessor is qualified as a self-insurer pursuant to  
2572 s. 324.171. Unless an insured, or a lessee having the privilege  
2573 of rejecting uninsured motorist coverage, requests such coverage  
2574 or requests higher uninsured motorist limits in writing, the  
2575 coverage or such higher uninsured motorist limits need not be  
2576 provided in or supplemental to any other policy that ~~which~~  
2577 renews, extends, changes, supersedes, or replaces an existing  
2578 policy with the same bodily injury liability limits when an  
2579 insured or lessee had rejected the coverage. When an insured or  
2580 lessee has initially selected limits of uninsured motorist  
2581 coverage lower than her or his bodily injury liability limits,

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2582 higher limits of uninsured motorist coverage need not be  
2583 provided in or supplemental to any other policy that ~~which~~  
2584 renews, extends, changes, supersedes, or replaces an existing  
2585 policy with the same bodily injury liability limits unless an  
2586 insured requests higher uninsured motorist coverage in writing.  
2587 The rejection or selection of lower limits must ~~shall~~ be made on  
2588 a form approved by the office. The form must ~~shall~~ fully advise  
2589 the applicant of the nature of the coverage and must ~~shall~~ state  
2590 that the coverage is equal to bodily injury liability limits  
2591 unless lower limits are requested or the coverage is rejected.  
2592 The heading of the form must ~~shall~~ be in 12-point bold type and  
2593 must ~~shall~~ state: "You are electing not to purchase certain  
2594 valuable coverage that ~~which~~ protects you and your family or you  
2595 are purchasing uninsured motorist limits less than your bodily  
2596 injury liability limits when you sign this form. Please read  
2597 carefully." If this form is signed by a named insured, it will  
2598 be conclusively presumed that there was an informed, knowing  
2599 rejection of coverage or election of lower limits on behalf of  
2600 all insureds. The insurer shall notify the named insured at  
2601 least annually of her or his options as to the coverage required  
2602 by this section. Such notice must ~~shall~~ be part of, and attached  
2603 to, the notice of premium, must ~~shall~~ provide for a means to  
2604 allow the insured to request such coverage, and must ~~shall~~ be  
2605 given in a manner approved by the office. Receipt of this notice  
2606 does not constitute an affirmative waiver of the insured's right  
2607 to uninsured motorist coverage if ~~where~~ the insured has not  
2608 signed a selection or rejection form. The coverage described  
2609 under this section must ~~shall~~ be over and above, but may ~~shall~~  
2610 not duplicate, the benefits available to an insured under any

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2611 workers' compensation law, ~~personal injury protection benefits,~~  
2612 disability benefits law, or similar law; under any automobile  
2613 medical payments ~~expense~~ coverage; under any motor vehicle  
2614 liability insurance coverage; or from the owner or operator of  
2615 the uninsured motor vehicle or any other person or organization  
2616 jointly or severally liable together with such owner or operator  
2617 for the accident, ~~and~~ and such coverage must ~~shall~~ cover the  
2618 difference, if any, between the sum of such benefits and the  
2619 damages sustained, up to the maximum amount of such coverage  
2620 provided under this section. The amount of coverage available  
2621 under this section may ~~shall~~ not be reduced by a setoff against  
2622 any coverage, including liability insurance. Such coverage does  
2623 ~~shall~~ not inure directly or indirectly to the benefit of any  
2624 workers' compensation or disability benefits carrier or any  
2625 person or organization qualifying as a self-insurer under any  
2626 workers' compensation or disability benefits law or similar law.

2627 (7) The legal liability of an uninsured motorist coverage  
2628 insurer includes ~~does not include~~ damages in tort for pain,  
2629 suffering, disability or physical impairment, disfigurement,  
2630 mental anguish, ~~and~~ inconvenience, and the loss of capacity for  
2631 the enjoyment of life experienced in the past and to be  
2632 experienced in the future ~~unless the injury or disease is~~  
2633 ~~described in one or more of paragraphs (a) - (d) of s. 627.737(2).~~

2634 Section 47. Section 627.7275, Florida Statutes, is amended  
2635 to read:

2636 627.7275 Motor vehicle liability.-

2637 (1) A motor vehicle insurance policy ~~providing personal~~  
2638 ~~injury protection as set forth in s. 627.736~~ may not be  
2639 delivered or issued for delivery in this state for a ~~with~~

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2640 ~~respect to any~~ specifically insured or identified motor vehicle  
2641 registered or principally garaged in this state must provide  
2642 bodily injury liability coverage and ~~unless the policy also~~  
2643 ~~provides coverage for~~ property damage liability coverage as  
2644 required under ~~by~~ s. 324.022.

2645 (2) (a) Insurers writing motor vehicle insurance in this  
2646 state shall make available, subject to the insurers' usual  
2647 underwriting restrictions:

2648 1. Coverage under policies as described in subsection (1)  
2649 to an applicant for private passenger motor vehicle insurance  
2650 coverage who is seeking the coverage in order to reinstate the  
2651 applicant's driving privileges in this state if the driving  
2652 privileges were revoked or suspended pursuant to s. 316.646 or  
2653 s. 324.0221 due to the failure of the applicant to maintain  
2654 required security.

2655 2. Coverage under policies as described in subsection (1),  
2656 which includes bodily injury ~~also provides~~ liability coverage  
2657 and property damage liability coverage, ~~for bodily injury,~~  
2658 ~~death, and property damage arising out of the ownership,~~  
2659 ~~maintenance, or use of the motor vehicle~~ in an amount not less  
2660 than the minimum limits required under ~~described in~~ s.  
2661 324.021(7) or s. 324.023 and which conforms to the requirements  
2662 of s. 324.151, to an applicant for private passenger motor  
2663 vehicle insurance coverage who is seeking the coverage in order  
2664 to reinstate the applicant's driving privileges in this state  
2665 after such privileges were revoked or suspended under s. 316.193  
2666 or s. 322.26(2) for driving under the influence.

2667 3. Coverage that provides bodily injury liability coverage  
2668 and property damage liability coverage in the amounts specified

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2669 in s. 324.022(1)(c). An insurer may deliver or issue for  
2670 delivery only a policy providing such coverage to an applicant  
2671 or insured who, before the issuance or renewal of the policy,  
2672 represents to the insurer in writing or electronically that such  
2673 person:

2674 a. Has a household income that is 200 percent or less of  
2675 the most current federal poverty guidelines established by the  
2676 United States Department of Health and Human Services. An  
2677 insurer must, before accepting such representation, provide  
2678 written or electronic notice to the applicant or insured  
2679 regarding the dollar amounts that constitute a household income  
2680 that is 200 percent of the most current federal poverty  
2681 guidelines. An insurer is not required to verify the veracity of  
2682 the applicant's or insured's representation. However, an insurer  
2683 may not deny or exclude liability coverage under the policy  
2684 solely because such representation of the applicant or insured  
2685 was false.

2686 b. Meets the definition of a full-time student in a  
2687 secondary education program under s. 1011.61(1)(a), or meets the  
2688 definition of a full-time student in a postsecondary education  
2689 program under s. 1009.40. An insurer must, before accepting such  
2690 representation, provide written or electronic notice to the  
2691 applicant or insured regarding the number of educational hours  
2692 that meet the definition of a full-time student. An insurer is  
2693 not required to verify the veracity of the applicant's or  
2694 insured's representation. However, an insurer may not deny or  
2695 exclude liability coverage under the policy solely because such  
2696 representation of the applicant or insured was false.

2697 (b) The policies described in subparagraphs (a)1. and (a)2.

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2698 ~~must~~ ~~paragraph (a)~~ shall be issued for at least 6 months and, as  
2699 to the minimum coverages required under this section, may not be  
2700 canceled by the insured for any reason or by the insurer after  
2701 60 days, during which period the insurer is completing the  
2702 underwriting of the policy. After the insurer has completed  
2703 underwriting the policy, the insurer shall notify the Department  
2704 of Highway Safety and Motor Vehicles that the policy is in full  
2705 force and effect and is not cancelable for the remainder of the  
2706 policy period. A premium must ~~shall~~ be collected and the  
2707 coverage is in effect for the 60-day period during which the  
2708 insurer is completing the underwriting of the policy, whether or  
2709 not the person's driver license, motor vehicle tag, and motor  
2710 vehicle registration are in effect. Once the noncancelable  
2711 provisions of the policy become effective, the bodily injury  
2712 liability and property damage liability coverages ~~for bodily~~  
2713 ~~injury, property damage, and personal injury protection~~ may not  
2714 be reduced below the minimum limits required under s. 324.021 or  
2715 s. 324.023 during the policy period.

2716 (c) This subsection controls to the extent of any conflict  
2717 with any other section.

2718 (d) An insurer issuing a policy subject to this section may  
2719 cancel the policy if, during the policy term, the named insured,  
2720 or any other operator who resides in the same household or  
2721 customarily operates an automobile insured under the policy, has  
2722 his or her driver license suspended or revoked.

2723 (e) This subsection does not require an insurer to offer a  
2724 policy of insurance to an applicant if such offer would be  
2725 inconsistent with the insurer's underwriting guidelines and  
2726 procedures.

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2727 Section 48. Effective upon this act becoming a law, section  
2728 627.7278, Florida Statutes, is created to read:

2729 627.7278 Applicability and construction; notice to  
2730 policyholders.—

2731 (1) As used in this section, the term “minimum security  
2732 requirements” means security that enables a person to respond in  
2733 damages for liability on account of crashes arising out of the  
2734 ownership, maintenance, or use of a motor vehicle, in the  
2735 amounts required by s. 324.022(1), as amended by this act.

2736 (2) Effective January 1, 2022:

2737 (a) Motor vehicle insurance policies issued or renewed on  
2738 or after that date may not include personal injury protection.

2739 (b) All persons subject to s. 324.022, s. 324.032, s.  
2740 627.7415, or s. 627.742 must maintain at least minimum security  
2741 requirements.

2742 (c) Any new or renewal motor vehicle insurance policy  
2743 delivered or issued for delivery in this state must provide  
2744 coverage that complies with minimum security requirements.

2745 (d) An existing motor vehicle insurance policy issued  
2746 before that date which provides personal injury protection and  
2747 property damage liability coverage that meets the requirements  
2748 of s. 324.022 on December 31, 2021, but which does not meet  
2749 minimum security requirements on or after January 1, 2022, is  
2750 deemed to meet minimum security requirements until such policy  
2751 is renewed, nonrenewed, or canceled on or after January 1, 2022.  
2752 Sections 627.730-627.7405, 400.9905, 400.991, 456.057, 456.072,  
2753 627.7263, 627.727, 627.748, 627.9541(1)(i), and 817.234, Florida  
2754 Statutes 2020, remain in full force and effect for motor vehicle  
2755 accidents covered under a policy issued under the Florida Motor

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2756 Vehicle No-Fault Law before January 1, 2022, until the policy is  
2757 renewed, nonrenewed, or canceled.

2758 (3) Each insurer shall allow each insured who has a new or  
2759 renewal policy providing personal injury protection which  
2760 becomes effective before January 1, 2022, and whose policy does  
2761 not meet minimum security requirements on or after January 1,  
2762 2022, to change coverages so as to eliminate personal injury  
2763 protection and obtain coverage providing minimum security  
2764 requirements, which shall be effective on or after January 1,  
2765 2022. The insurer is not required to provide coverage complying  
2766 with minimum security requirements in such policies if the  
2767 insured does not pay the required premium, if any, by January 1,  
2768 2022, or such later date as the insurer may allow. The insurer  
2769 also shall offer each insured medical payments coverage pursuant  
2770 to s. 627.7265. Any reduction in the premium must be refunded by  
2771 the insurer. The insurer may not impose on the insured an  
2772 additional fee or charge that applies solely to a change in  
2773 coverage; however, the insurer may charge an additional required  
2774 premium that is actuarially indicated.

2775 (4) By September 1, 2021, each motor vehicle insurer shall  
2776 provide notice of this section to each motor vehicle  
2777 policyholder who is subject to this section. The notice is  
2778 subject to approval by the office and must clearly inform the  
2779 policyholder that:

2780 (a) The Florida Motor Vehicle No-Fault Law is repealed  
2781 effective January 1, 2022, and that on or after that date, the  
2782 insured is no longer required to maintain personal injury  
2783 protection insurance coverage, that personal injury protection  
2784 coverage is no longer available for purchase in this state, and



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2785 that all new or renewal policies issued on or after that date  
2786 will not contain that coverage.

2787 (b) Effective January 1, 2022, a person subject to the  
2788 financial responsibility requirements of s. 324.022 must  
2789 maintain minimum security requirements that enable the person to  
2790 respond to damages for liability on account of accidents arising  
2791 out of the use of a motor vehicle in the following amounts:

2792 1. Twenty-five thousand dollars for bodily injury to, or  
2793 the death of, one person in any one crash and, subject to such  
2794 limits for one person, in the amount of \$50,000 for bodily  
2795 injury to, or the death of, two or more persons in any one  
2796 crash; and

2797 2. Ten thousand dollars for damage to, or destruction of,  
2798 the property of others in any one crash.

2799 (c) Persons subject to the financial responsibility  
2800 requirements of s. 324.022 who have a household income of 200  
2801 percent or less of the federal poverty guidelines or who are  
2802 full-time secondary or postsecondary students may instead  
2803 maintain minimum security requirements that enable the person to  
2804 respond to damages for liability on account of accidents arising  
2805 out of the use of a motor vehicle in the following amounts:

2806 1. Fifteen thousand dollars for bodily injury to, or the  
2807 death of, one person in any one crash and, subject to such  
2808 limits for one person, in the amount of \$30,000 for bodily  
2809 injury to, or the death of, two or more persons in any one  
2810 crash; and

2811 2. Ten thousand dollars for damage to, or destruction of,  
2812 the property of others in any one crash.

2813 (d) Bodily injury liability coverage protects the insured,

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2814 up to the coverage limits, against loss if the insured is  
2815 legally responsible for the death of or bodily injury to others  
2816 in a motor vehicle accident.

2817 (e) Effective January 1, 2022, each policyholder of motor  
2818 vehicle liability insurance purchased as proof of financial  
2819 responsibility must be offered medical payments coverage  
2820 benefits that comply with s. 627.7265. The insurer must offer  
2821 medical payments coverage at limits of \$5,000 and \$10,000  
2822 without a deductible. The insurer may also offer medical  
2823 payments coverage at other limits greater than \$5,000 and may  
2824 offer coverage with a deductible of up to \$500. Medical payments  
2825 coverage pays covered medical expenses, up to the limits of such  
2826 coverage, for injuries sustained in a motor vehicle crash by the  
2827 named insured, resident relatives, persons operating the insured  
2828 motor vehicle, passengers in the insured motor vehicle, and  
2829 persons who are struck by the insured motor vehicle and suffer  
2830 bodily injury while not an occupant of a self-propelled motor  
2831 vehicle as provided in s. 627.7265. Medical payments coverage  
2832 pays for reasonable expenses for necessary medical, diagnostic,  
2833 and rehabilitative services that are lawfully provided,  
2834 supervised, ordered, or prescribed by a physician licensed under  
2835 chapter 458 or chapter 459, by a dentist licensed under chapter  
2836 466, or by a chiropractic physician licensed under chapter 460  
2837 or that are provided in a hospital or in a facility that owns,  
2838 or is wholly owned by, a hospital. Medical payments coverage  
2839 also provides a death benefit of at least \$5,000.

2840 (f) The policyholder may obtain uninsured and underinsured  
2841 motorist coverage that provides benefits, up to the limits of  
2842 such coverage, to a policyholder or other insured entitled to

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2843 recover damages for bodily injury, sickness, disease, or death  
2844 resulting from a motor vehicle accident with an uninsured or  
2845 underinsured owner or operator of a motor vehicle.

2846 (g) If the policyholder's new or renewal motor vehicle  
2847 insurance policy is effective before January 1, 2022, and  
2848 contains personal injury protection and property damage  
2849 liability coverage as required by state law before January 1,  
2850 2022, but does not meet minimum security requirements on or  
2851 after January 1, 2022, the policy is deemed to meet minimum  
2852 security requirements until it is renewed, nonrenewed, or  
2853  canceled on or after January 1, 2022.

2854 (h) A policyholder whose new or renewal policy becomes  
2855 effective before January 1, 2022, but does not meet minimum  
2856 security requirements on or after January 1, 2022, may change  
2857 coverages under the policy so as to eliminate personal injury  
2858 protection and to obtain coverage providing minimum security  
2859 requirements, including bodily injury liability coverage, which  
2860 are effective on or after January 1, 2022.

2861 (i) If the policyholder has any questions, he or she should  
2862 contact the person named at the telephone number provided in the  
2863 notice.

2864 Section 49. Paragraph (a) of subsection (1) of section  
2865 627.728, Florida Statutes, is amended to read:

2866 627.728 Cancellations; nonrenewals.—

2867 (1) As used in this section, the term:

2868 (a) "Policy" means the bodily injury and property damage  
2869 liability, ~~personal injury protection,~~ medical payments,  
2870 comprehensive, collision, and uninsured motorist coverage  
2871 portions of a policy of motor vehicle insurance delivered or

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2872 issued for delivery in this state:

2873 1. Insuring a natural person as named insured or one or  
2874 more related individuals who are residents ~~resident~~ of the same  
2875 household; and

2876 2. Insuring only a motor vehicle of the private passenger  
2877 type or station wagon type which is not used as a public or  
2878 livery conveyance for passengers or rented to others; or  
2879 insuring any other four-wheel motor vehicle having a load  
2880 capacity of 1,500 pounds or less which is not used in the  
2881 occupation, profession, or business of the insured other than  
2882 farming; other than any policy issued under an automobile  
2883 insurance assigned risk plan or covering garage, automobile  
2884 sales agency, repair shop, service station, or public parking  
2885 place operation hazards.

2886

2887 The term "policy" does not include a binder as defined in s.  
2888 627.420 unless the duration of the binder period exceeds 60  
2889 days.

2890 Section 50. Section 627.7288, Florida Statutes, is amended  
2891 to read:

2892 627.7288 Comprehensive coverage; deductibles for ~~deductible~~  
2893 ~~not to apply to~~ motor vehicle glass.-

2894 (1) Authorized insurers must offer motor vehicle insurance  
2895 that does not apply any ~~The~~ deductible provisions of the ~~any~~  
2896 policy of motor vehicle insurance to, ~~delivered or issued in~~  
2897 ~~this state by an authorized insurer, providing~~ comprehensive  
2898 coverage or combined additional coverage that is ~~shall not be~~  
2899 applicable to damage to the windshield of any motor vehicle  
2900 covered under such policy.

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2901       (2) An insurer may also offer, for an actuarially  
2902 reasonable premium credit or discount, a separate deductible no  
2903 greater than \$200 for damage to the windshield of any motor  
2904 vehicle covered under a motor vehicle insurance policy delivered  
2905 or issued by the insurer in this state.

2906       Section 51. Subsection (1), paragraph (a) of subsection  
2907 (5), and subsections (6) and (7) of section 627.7295, Florida  
2908 Statutes, are amended to read:

2909       627.7295 Motor vehicle insurance contracts.—

2910       (1) As used in this section, the term:

2911       (a) "Policy" means a motor vehicle insurance policy that  
2912 provides bodily injury liability ~~personal injury protection~~  
2913 coverage and, ~~property damage liability coverage, or both.~~

2914       (b) "Binder" means a binder that provides motor vehicle  
2915 bodily injury liability coverage ~~personal injury protection~~ and  
2916 property damage liability coverage.

2917       (5) (a) A licensed general lines agent may charge a per-  
2918 policy fee of up to ~~not to exceed~~ \$10 to cover the  
2919 administrative costs of the agent associated with selling the  
2920 motor vehicle insurance policy if the policy covers only bodily  
2921 injury liability coverage ~~personal injury protection coverage as~~  
2922 ~~provided by s. 627.736~~ and property damage liability coverage as  
2923 provided by s. 627.7275 and if no other insurance is sold or  
2924 issued in conjunction with or collateral to the policy. The fee  
2925 is not ~~considered~~ part of the premium.

2926       (6) If a motor vehicle owner's driver license, license  
2927 plate, and registration have previously been suspended pursuant  
2928 to s. 316.646 ~~or s. 627.733~~, an insurer may cancel a new policy  
2929 only as provided in s. 627.7275.

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2930 (7) A policy of private passenger motor vehicle insurance  
2931 or a binder for such a policy may be initially issued in this  
2932 state only if, before the effective date of such binder or  
2933 policy, the insurer or agent has collected from the insured an  
2934 amount equal to at least 1 month's premium. An insurer, agent,  
2935 or premium finance company may not, directly or indirectly, take  
2936 any action that results ~~resulting~~ in the insured paying ~~having~~  
2937 ~~paid~~ from the insured's own funds an amount less than the 1  
2938 month's premium required by this subsection. This subsection  
2939 applies without regard to whether the premium is financed by a  
2940 premium finance company or is paid pursuant to a periodic  
2941 payment plan of an insurer or an insurance agent.

2942 (a) This subsection does not apply:

2943 1. If an insured or member of the insured's family is  
2944 renewing or replacing a policy or a binder for such policy  
2945 written by the same insurer or a member of the same insurer  
2946 group. ~~This subsection does not apply~~

2947 2. To an insurer that issues private passenger motor  
2948 vehicle coverage primarily to active duty or former military  
2949 personnel or their dependents. ~~This subsection does not apply~~

2950 3. If all policy payments are paid pursuant to a payroll  
2951 deduction plan, an automatic electronic funds transfer payment  
2952 plan from the policyholder, or a recurring credit card or debit  
2953 card agreement with the insurer.

2954 (b) This subsection and subsection (4) do not apply if:

2955 1. All policy payments to an insurer are paid pursuant to  
2956 an automatic electronic funds transfer payment plan from an  
2957 agent, a managing general agent, or a premium finance company  
2958 and if the policy includes, at a minimum, bodily injury

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2959 ~~liability coverage and personal injury protection pursuant to~~  
2960 ~~ss. 627.730-627.7405; motor vehicle property damage liability~~  
2961 ~~coverage pursuant to s. 627.7275; or and bodily injury liability~~  
2962 ~~in at least the amount of \$10,000 because of bodily injury to,~~  
2963 ~~or death of, one person in any one accident and in the amount of~~  
2964 ~~\$20,000 because of bodily injury to, or death of, two or more~~  
2965 ~~persons in any one accident. This subsection and subsection (4)~~  
2966 ~~do not apply if~~

2967       2. An insured has had a policy in effect for at least 6  
2968 months, the insured's agent is terminated by the insurer that  
2969 issued the policy, and the insured obtains coverage on the  
2970 policy's renewal date with a new company through the terminated  
2971 agent.

2972       Section 52. Section 627.7415, Florida Statutes, is amended  
2973 to read:

2974       627.7415 Commercial motor vehicles; additional liability  
2975 insurance coverage.—Beginning January 1, 2022, commercial motor  
2976 vehicles, as defined in s. 207.002 or s. 320.01, operated upon  
2977 the roads and highways of this state must ~~shall~~ be insured with  
2978 the following minimum levels of combined bodily liability  
2979 insurance and property damage liability insurance in addition to  
2980 any other insurance requirements:

2981       (1) Sixty ~~Fifty~~ thousand dollars per occurrence for a  
2982 commercial motor vehicle with a gross vehicle weight of 26,000  
2983 pounds or more, but less than 35,000 pounds.

2984       (2) One hundred twenty thousand dollars per occurrence for  
2985 a commercial motor vehicle with a gross vehicle weight of 35,000  
2986 pounds or more, but less than 44,000 pounds.

2987       (3) Three hundred thousand dollars per occurrence for a

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2988 commercial motor vehicle with a gross vehicle weight of 44,000  
2989 pounds or more.

2990 (4) All commercial motor vehicles subject to regulations of  
2991 the United States Department of Transportation, 49 C.F.R. part  
2992 387, subpart A, and as may be hereinafter amended, shall be  
2993 insured in an amount equivalent to the minimum levels of  
2994 financial responsibility as set forth in such regulations.

2995

2996 A violation of this section is a noncriminal traffic infraction,  
2997 punishable as a nonmoving violation as provided in chapter 318.

2998 Section 53. Section 627.747, Florida Statutes, is created  
2999 to read:

3000 627.747 Named driver exclusion.—

3001 (1) A private passenger motor vehicle policy may exclude an  
3002 identified individual from the following coverages while the  
3003 identified individual is operating a motor vehicle, provided  
3004 that the identified individual is specifically excluded by name  
3005 on the declarations page or by endorsement and the policyholder  
3006 consents in writing to the exclusion:

3007 (a) Property damage liability coverage.

3008 (b) Bodily injury liability coverage.

3009 (c) Uninsured motorist coverage for any damages sustained  
3010 by the identified excluded individual, if the policyholder has  
3011 purchased such coverage.

3012 (d) Any coverage the policyholder is not required by law to  
3013 purchase.

3014 (2) A private passenger motor vehicle policy may not  
3015 exclude coverage when:

3016 (a) The identified excluded individual is injured while not



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3017 operating a motor vehicle;

3018 (b) The exclusion is unfairly discriminatory under the  
 3019 Florida Insurance Code, as determined by the office; or

3020 (c) The exclusion is inconsistent with the underwriting  
 3021 rules filed by the insurer pursuant to s. 627.0651(13)(a).

3022 Section 54. Paragraphs (b), (c), and (g) of subsection (7),  
 3023 paragraphs (a) and (b) of subsection (8), and paragraph (b) of  
 3024 subsection (16) of section 627.748, Florida Statutes, are  
 3025 amended to read:

3026 627.748 Transportation network companies.—

3027 (7) TRANSPORTATION NETWORK COMPANY AND TNC DRIVER INSURANCE  
 3028 REQUIREMENTS.—

3029 (b) The following automobile insurance requirements apply  
 3030 while a participating TNC driver is logged on to the digital  
 3031 network but is not engaged in a prearranged ride:

3032 1. Automobile insurance that provides:

3033 a. A primary automobile liability coverage of at least  
 3034 \$50,000 for death and bodily injury per person, \$100,000 for  
 3035 death and bodily injury per incident, and \$25,000 for property  
 3036 damage; and

3037 ~~b. Personal injury protection benefits that meet the~~  
 3038 ~~minimum coverage amounts required under ss. 627.730-627.7405;~~  
 3039 ~~and~~

3040 ~~e.~~ Uninsured and underinsured vehicle coverage as required  
 3041 by s. 627.727.

3042 2. The coverage requirements of this paragraph may be  
 3043 satisfied by any of the following:

3044 a. Automobile insurance maintained by the TNC driver or the  
 3045 TNC vehicle owner;

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- 3046           b. Automobile insurance maintained by the TNC; or
- 3047           c. A combination of sub-subparagraphs a. and b.
- 3048           (c) The following automobile insurance requirements apply
- 3049 while a TNC driver is engaged in a prearranged ride:
- 3050           1. Automobile insurance that provides:
- 3051           a. A primary automobile liability coverage of at least \$1
- 3052 million for death, bodily injury, and property damage; and
- 3053           b. ~~Personal injury protection benefits that meet the~~
- 3054 ~~minimum coverage amounts required of a limousine under ss.~~
- 3055 ~~627.730-627.7405; and~~
- 3056           ~~e.~~ Uninsured and underinsured vehicle coverage as required
- 3057 by s. 627.727.
- 3058           2. The coverage requirements of this paragraph may be
- 3059 satisfied by any of the following:
- 3060           a. Automobile insurance maintained by the TNC driver or the
- 3061 TNC vehicle owner;
- 3062           b. Automobile insurance maintained by the TNC; or
- 3063           c. A combination of sub-subparagraphs a. and b.
- 3064           (g) Insurance satisfying the requirements under this
- 3065 subsection is deemed to satisfy the financial responsibility
- 3066 requirement for a motor vehicle under chapter 324 ~~and the~~
- 3067 ~~security required under s. 627.733~~ for any period when the TNC
- 3068 driver is logged onto the digital network or engaged in a
- 3069 prearranged ride.
- 3070           (8) TRANSPORTATION NETWORK COMPANY AND INSURER; DISCLOSURE;
- 3071 EXCLUSIONS.—
- 3072           (a) Before a TNC driver is allowed to accept a request for
- 3073 a prearranged ride on the digital network, the TNC must disclose
- 3074 in writing to the TNC driver:

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3075 1. The insurance coverage, including the types of coverage  
3076 and the limits for each coverage, which the TNC provides while  
3077 the TNC driver uses a TNC vehicle in connection with the TNC's  
3078 digital network.

3079 2. That the TNC driver's own automobile insurance policy  
3080 might not provide any coverage while the TNC driver is logged on  
3081 to the digital network or is engaged in a prearranged ride,  
3082 depending on the terms of the TNC driver's own automobile  
3083 insurance policy.

3084 3. That the provision of rides for compensation which are  
3085 not prearranged rides subjects the driver to the coverage  
3086 requirements imposed under s. 324.032(1) and (2) and that  
3087 failure to meet such coverage requirements subjects the TNC  
3088 driver to penalties provided in s. 324.221, up to and including  
3089 a misdemeanor of the second degree.

3090 (b)1. An insurer that provides an automobile liability  
3091 insurance policy under this part may exclude any and all  
3092 coverage afforded under the policy issued to an owner or  
3093 operator of a TNC vehicle while driving that vehicle for any  
3094 loss or injury that occurs while a TNC driver is logged on to a  
3095 digital network or while a TNC driver provides a prearranged  
3096 ride. Exclusions imposed under this subsection are limited to  
3097 coverage while a TNC driver is logged on to a digital network or  
3098 while a TNC driver provides a prearranged ride. This right to  
3099 exclude all coverage may apply to any coverage included in an  
3100 automobile insurance policy, including, but not limited to:

3101 a. Liability coverage for bodily injury and property  
3102 damage;

3103 b. Uninsured and underinsured motorist coverage;

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- 3104 c. Medical payments coverage;
- 3105 d. Comprehensive physical damage coverage; and
- 3106 e. Collision physical damage coverage; ~~and~~
- 3107 ~~f. Personal injury protection.~~
- 3108 2. The exclusions described in subparagraph 1. apply
- 3109 notwithstanding any requirement under chapter 324. These
- 3110 exclusions do not affect or diminish coverage otherwise
- 3111 available for permissive drivers or resident relatives under the
- 3112 personal automobile insurance policy of the TNC driver or owner
- 3113 of the TNC vehicle who are not occupying the TNC vehicle at the
- 3114 time of loss. This section does not require that a personal
- 3115 automobile insurance policy provide coverage while the TNC
- 3116 driver is logged on to a digital network, while the TNC driver
- 3117 is engaged in a prearranged ride, or while the TNC driver
- 3118 otherwise uses a vehicle to transport riders for compensation.
- 3119 3. This section must not be construed to require an insurer
- 3120 to use any particular policy language or reference to this
- 3121 section in order to exclude any and all coverage for any loss or
- 3122 injury that occurs while a TNC driver is logged on to a digital
- 3123 network or while a TNC driver provides a prearranged ride.
- 3124 4. This section does not preclude an insurer from providing
- 3125 primary or excess coverage for the TNC driver's vehicle by
- 3126 contract or endorsement.
- 3127 (16) LUXURY GROUND TRANSPORTATION NETWORK COMPANIES.—
- 3128 (b) An entity may elect, upon written notification to the
- 3129 department, to be regulated as a luxury ground TNC. A luxury
- 3130 ground TNC must:
- 3131 1. Comply with all of the requirements of this section
- 3132 applicable to a TNC, including subsection (17), which do not

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3133 conflict with subparagraph 2. or which do not prohibit the  
3134 company from connecting riders to drivers who operate for-hire  
3135 vehicles as defined in s. 320.01(15), including limousines and  
3136 luxury sedans and excluding taxicabs.

3137 2. Maintain insurance coverage as required by subsection  
3138 (7). However, if a prospective luxury ground TNC satisfies  
3139 minimum financial responsibility through compliance with s.  
3140 324.032(3) ~~s. 324.032(2)~~ by using self-insurance when it gives  
3141 the department written notification of its election to be  
3142 regulated as a luxury ground TNC, the luxury ground TNC may use  
3143 self-insurance to meet the insurance requirements of subsection  
3144 (7), so long as such self-insurance complies with s. 324.032(3)  
3145 ~~s. 324.032(2)~~ and provides the limits of liability required by  
3146 subsection (7).

3147 Section 55. Paragraph (a) of subsection (2) of section  
3148 627.749, Florida Statutes, is amended to read:

3149 627.749 Autonomous vehicles; insurance requirements.—

3150 (2) INSURANCE REQUIREMENTS.—

3151 (a) A fully autonomous vehicle with the automated driving  
3152 system engaged while logged on to an on-demand autonomous  
3153 vehicle network or engaged in a prearranged ride must be covered  
3154 by a policy of automobile insurance which provides:

3155 1. Primary liability coverage of at least \$1 million for  
3156 death, bodily injury, and property damage.

3157 2. ~~Personal injury protection benefits that meet the~~  
3158 ~~minimum coverage amounts required under ss. 627.730–627.7405.~~

3159 3. ~~Uninsured and underinsured vehicle coverage as required~~  
3160 ~~by s. 627.727.~~

3161 Section 56. Section 627.8405, Florida Statutes, is amended

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3162 to read:

3163           627.8405 Prohibited acts; financing companies.—~~A No~~ premium  
3164 finance company ~~shall~~, in a premium finance agreement or other  
3165 agreement, may not finance the cost of or otherwise provide for  
3166 the collection or remittance of dues, assessments, fees, or  
3167 other periodic payments of money for the cost of:

3168           (1) A membership in an automobile club. The term  
3169 "automobile club" means a legal entity that ~~which~~, in  
3170 consideration of dues, assessments, or periodic payments of  
3171 money, promises its members or subscribers to assist them in  
3172 matters relating to the ownership, operation, use, or  
3173 maintenance of a motor vehicle; however, the term ~~this~~  
3174 ~~definition of "automobile club"~~ does not include persons,  
3175 associations, or corporations ~~which are~~ organized and operated  
3176 solely for the purpose of conducting, sponsoring, or sanctioning  
3177 motor vehicle races, exhibitions, or contests upon racetracks,  
3178 or upon racecourses established and marked as such for the  
3179 duration of such particular events. As used in this subsection,  
3180 the term ~~words~~ "motor vehicle" has ~~used herein~~ have the same  
3181 meaning as ~~defined~~ in chapter 320.

3182           (2) An accidental death and dismemberment policy sold in  
3183 combination with a policy providing only bodily injury liability  
3184 coverage ~~personal injury protection~~ and property damage  
3185 liability coverage only policy.

3186           (3) Any product not regulated under ~~the provisions of~~ this  
3187 insurance code.

3188  
3189 This section also applies to premium financing by any insurance  
3190 agent or insurance company under part XVI. The commission shall

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3191 adopt rules to assure disclosure, at the time of sale, of  
3192 coverages financed ~~with personal injury protection~~ and shall  
3193 prescribe the form of such disclosure.

3194 Section 57. Subsection (1) of section 627.915, Florida  
3195 Statutes, is amended to read:

3196 627.915 Insurer experience reporting.—

3197 (1) Each insurer transacting private passenger automobile  
3198 insurance in this state shall report certain information  
3199 annually to the office. The information will be due on or before  
3200 July 1 of each year. The information must ~~shall~~ be divided into  
3201 the following categories: bodily injury liability; property  
3202 damage liability; uninsured motorist; ~~personal injury protection~~  
3203 ~~benefits~~; medical payments; and comprehensive and collision. The  
3204 information given must ~~shall~~ be on direct insurance writings in  
3205 the state alone and ~~shall~~ represent total limits data. The  
3206 information set forth in paragraphs (a)-(f) is applicable to  
3207 voluntary private passenger and Joint Underwriting Association  
3208 private passenger writings and must ~~shall~~ be reported for each  
3209 of the latest 3 calendar-accident years, with an evaluation date  
3210 of March 31 of the current year. The information set forth in  
3211 paragraphs (g)-(j) is applicable to voluntary private passenger  
3212 writings and must ~~shall~~ be reported on a calendar-accident year  
3213 basis ultimately seven times at seven different stages of  
3214 development.

3215 (a) Premiums earned for the latest 3 calendar-accident  
3216 years.

3217 (b) Loss development factors and the historic development  
3218 of those factors.

3219 (c) Policyholder dividends incurred.

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- 3220 (d) Expenses for other acquisition and general expense.
- 3221 (e) Expenses for agents' commissions and taxes, licenses,  
3222 and fees.
- 3223 (f) Profit and contingency factors as utilized in the  
3224 insurer's automobile rate filings for the applicable years.
- 3225 (g) Losses paid.
- 3226 (h) Losses unpaid.
- 3227 (i) Loss adjustment expenses paid.
- 3228 (j) Loss adjustment expenses unpaid.
- 3229 Section 58. Subsections (2) and (3) of section 628.909,  
3230 Florida Statutes, are amended to read:
- 3231 628.909 Applicability of other laws.—
- 3232 (2) The following provisions of the Florida Insurance Code  
3233 apply to captive insurance companies that ~~who~~ are not industrial  
3234 insured captive insurance companies to the extent that such  
3235 provisions are not inconsistent with this part:
- 3236 (a) Chapter 624, except for ss. 624.407, 624.408, 624.4085,  
3237 624.40851, 624.4095, 624.411, 624.425, and 624.426.
- 3238 (b) Chapter 625, part II.
- 3239 (c) Chapter 626, part IX.
- 3240 (d) ~~Sections 627.730-627.7405, when no fault coverage is~~  
3241 ~~provided.~~
- 3242 ~~(e) Chapter 628.~~
- 3243 (3) The following provisions of the Florida Insurance Code  
3244 ~~shall~~ apply to industrial insured captive insurance companies to  
3245 the extent that such provisions are not inconsistent with this  
3246 part:
- 3247 (a) Chapter 624, except for ss. 624.407, 624.408, 624.4085,  
3248 624.40851, 624.4095, 624.411, 624.425, 624.426, and 624.609(1).



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3249 (b) Chapter 625, part II, if the industrial insured captive  
3250 insurance company is incorporated in this state.

3251 (c) Chapter 626, part IX.

3252 (d) ~~Sections 627.730-627.7405 when no fault coverage is~~  
3253 ~~provided.~~

3254 ~~(e)~~ Chapter 628, except for ss. 628.341, 628.351, and  
3255 628.6018.

3256 Section 59. Subsections (2), (6), and (7) of section  
3257 705.184, Florida Statutes, are amended to read:

3258 705.184 Derelict or abandoned motor vehicles on the  
3259 premises of public-use airports.-

3260 (2) The airport director or the director's designee shall  
3261 contact the Department of Highway Safety and Motor Vehicles to  
3262 notify that department that the airport has possession of the  
3263 abandoned or derelict motor vehicle and to determine the name  
3264 and address of the owner of the motor vehicle, the insurance  
3265 company insuring the motor vehicle, ~~notwithstanding the~~  
3266 ~~provisions of s. 627.736,~~ and any person who has filed a lien on  
3267 the motor vehicle. Within 7 business days after receipt of the  
3268 information, the director or the director's designee shall send  
3269 notice by certified mail, return receipt requested, to the owner  
3270 of the motor vehicle, the insurance company insuring the motor  
3271 vehicle, ~~notwithstanding the provisions of s. 627.736,~~ and all  
3272 persons of record claiming a lien against the motor vehicle. The  
3273 notice must ~~shall~~ state the fact of possession of the motor  
3274 vehicle, that charges for reasonable towing, storage, and  
3275 parking fees, if any, have accrued and the amount thereof, that  
3276 a lien as provided in subsection (6) will be claimed, that the  
3277 lien is subject to enforcement pursuant to law, that the owner

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3278 or lienholder, if any, has the right to a hearing as set forth  
3279 in subsection (4), and that any motor vehicle which, at the end  
3280 of 30 calendar days after receipt of the notice, has not been  
3281 removed from the airport upon payment in full of all accrued  
3282 charges for reasonable towing, storage, and parking fees, if  
3283 any, may be disposed of as provided in s. 705.182(2)(a), (b),  
3284 (d), or (e), including, but not limited to, the motor vehicle  
3285 being sold free of all prior liens after 35 calendar days after  
3286 the time the motor vehicle is stored if any prior liens on the  
3287 motor vehicle are more than 5 years of age or after 50 calendar  
3288 days after the time the motor vehicle is stored if any prior  
3289 liens on the motor vehicle are 5 years of age or less.

3290 (6) The airport pursuant to this section or, if used, a  
3291 licensed independent wrecker company pursuant to s. 713.78 shall  
3292 have a lien on an abandoned or derelict motor vehicle for all  
3293 reasonable towing, storage, and accrued parking fees, if any,  
3294 except that no storage fee may ~~shall~~ be charged if the motor  
3295 vehicle is stored less than 6 hours. As a prerequisite to  
3296 perfecting a lien under this section, the airport director or  
3297 the director's designee must serve a notice in accordance with  
3298 subsection (2) on the owner of the motor vehicle, the insurance  
3299 company insuring the motor vehicle, ~~notwithstanding the~~  
3300 ~~provisions of s. 627.736,~~ and all persons of record claiming a  
3301 lien against the motor vehicle. If attempts to notify the owner,  
3302 the insurance company insuring the motor vehicle,  
3303 ~~notwithstanding the provisions of s. 627.736,~~ or lienholders are  
3304 not successful, the requirement of notice by mail shall be  
3305 considered met. Serving of the notice does not dispense with  
3306 recording the claim of lien.

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3307 (7) (a) For the purpose of perfecting its lien under this  
3308 section, the airport shall record a claim of lien which states  
3309 ~~shall state~~:

3310 1. The name and address of the airport.

3311 2. The name of the owner of the motor vehicle, the  
3312 insurance company insuring the motor vehicle, ~~notwithstanding~~  
3313 ~~the provisions of s. 627.736,~~ and all persons of record claiming  
3314 a lien against the motor vehicle.

3315 3. The costs incurred from reasonable towing, storage, and  
3316 parking fees, if any.

3317 4. A description of the motor vehicle sufficient for  
3318 identification.

3319 (b) The claim of lien must ~~shall~~ be signed and sworn to or  
3320 affirmed by the airport director or the director's designee.

3321 (c) The claim of lien is ~~shall be~~ sufficient if it is in  
3322 substantially the following form:

3323

3324 CLAIM OF LIEN

3325 State of .....

3326 County of .....

3327 Before me, the undersigned notary public, personally appeared  
3328 ....., who was duly sworn and says that he/she is the

3329 ..... of ....., whose address is.....; and that the  
3330 following described motor vehicle:

3331 ...(Description of motor vehicle)...

3332 owned by ....., whose address is ....., has accrued

3333 \$..... in fees for a reasonable tow, for storage, and for

3334 parking, if applicable; that the lienor served its notice to the

3335 owner, the insurance company insuring the motor vehicle

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3336 ~~notwithstanding the provisions of s. 627.736, Florida Statutes,~~  
 3337 and all persons of record claiming a lien against the motor  
 3338 vehicle on . . . ., ... (year) . . . ., by . . . . .  
 3339 ... (Signature) . . . .  
 3340 Sworn to (or affirmed) and subscribed before me this . . . . day of  
 3341 . . . ., ... (year) . . . ., by ... (name of person making statement) . . . .  
 3342 ... (Signature of Notary Public) . . . . (Print, Type, or Stamp  
 3343 Commissioned name of Notary Public) . . . .  
 3344 Personally Known . . . . OR Produced . . . . as identification.

3345  
 3346 However, the negligent inclusion or omission of any information  
 3347 in this claim of lien which does not prejudice the owner does  
 3348 not constitute a default that operates to defeat an otherwise  
 3349 valid lien.

3350 (d) The claim of lien must ~~shall~~ be served on the owner of  
 3351 the motor vehicle, the insurance company insuring the motor  
 3352 vehicle, ~~notwithstanding the provisions of s. 627.736,~~ and all  
 3353 persons of record claiming a lien against the motor vehicle. If  
 3354 attempts to notify the owner, the insurance company insuring the  
 3355 motor vehicle ~~notwithstanding the provisions of s. 627.736,~~ or  
 3356 lienholders are not successful, the requirement of notice by  
 3357 mail shall be considered met. The claim of lien must ~~shall~~ be so  
 3358 served before recordation.

3359 (e) The claim of lien must ~~shall~~ be recorded with the clerk  
 3360 of court in the county where the airport is located. The  
 3361 recording of the claim of lien shall be constructive notice to  
 3362 all persons of the contents and effect of such claim. The lien  
 3363 attaches ~~shall attach~~ at the time of recordation and takes ~~shall~~  
 3364 ~~take~~ priority as of that time.

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3365 Section 60. Subsection (4) of section 713.78, Florida  
3366 Statutes, is amended to read:

3367 713.78 Liens for recovering, towing, or storing vehicles  
3368 and vessels.—

3369 (4) (a) A person regularly engaged in the business of  
3370 recovering, towing, or storing vehicles or vessels who comes  
3371 into possession of a vehicle or vessel pursuant to subsection  
3372 (2), and who claims a lien for recovery, towing, or storage  
3373 services, shall give notice, by certified mail, to the  
3374 registered owner, the insurance company insuring the vehicle  
3375 ~~notwithstanding s. 627.736~~, and all persons claiming a lien  
3376 thereon, as disclosed by the records in the Department of  
3377 Highway Safety and Motor Vehicles or as disclosed by the records  
3378 of any corresponding agency in any other state in which the  
3379 vehicle is identified through a records check of the National  
3380 Motor Vehicle Title Information System or an equivalent  
3381 commercially available system as being titled or registered.

3382 (b) Whenever a law enforcement agency authorizes the  
3383 removal of a vehicle or vessel or whenever a towing service,  
3384 garage, repair shop, or automotive service, storage, or parking  
3385 place notifies the law enforcement agency of possession of a  
3386 vehicle or vessel pursuant to s. 715.07(2)(a)2., the law  
3387 enforcement agency of the jurisdiction where the vehicle or  
3388 vessel is stored shall contact the Department of Highway Safety  
3389 and Motor Vehicles, or the appropriate agency of the state of  
3390 registration, if known, within 24 hours through the medium of  
3391 electronic communications, giving the full description of the  
3392 vehicle or vessel. Upon receipt of the full description of the  
3393 vehicle or vessel, the department shall search its files to

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3394 determine the owner's name, the insurance company insuring the  
3395 vehicle or vessel, and whether any person has filed a lien upon  
3396 the vehicle or vessel as provided in s. 319.27(2) and (3) and  
3397 notify the applicable law enforcement agency within 72 hours.  
3398 The person in charge of the towing service, garage, repair shop,  
3399 or automotive service, storage, or parking place shall obtain  
3400 such information from the applicable law enforcement agency  
3401 within 5 days after the date of storage and shall give notice  
3402 pursuant to paragraph (a). The department may release the  
3403 insurance company information to the requestor ~~notwithstanding~~  
3404 ~~s. 627.736.~~

3405 (c) The notice of lien must be sent by certified mail to  
3406 the registered owner, the insurance company insuring the vehicle  
3407 ~~notwithstanding s. 627.736~~, and all other persons claiming a  
3408 lien thereon within 7 business days, excluding Saturday and  
3409 Sunday, after the date of storage of the vehicle or vessel.  
3410 However, in no event shall the notice of lien be sent less than  
3411 30 days before the sale of the vehicle or vessel. The notice  
3412 must state:

3413 1. If the claim of lien is for a vehicle, the last 8 digits  
3414 of the vehicle identification number of the vehicle subject to  
3415 the lien, or, if the claim of lien is for a vessel, the hull  
3416 identification number of the vessel subject to the lien, clearly  
3417 printed in the delivery address box and on the outside of the  
3418 envelope sent to the registered owner and all other persons  
3419 claiming an interest therein or lien thereon.

3420 2. The name, physical address, and telephone number of the  
3421 lienor, and the entity name, as registered with the Division of  
3422 Corporations, of the business where the towing and storage

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3423 occurred, which must also appear on the outside of the envelope  
3424 sent to the registered owner and all other persons claiming an  
3425 interest in or lien on the vehicle or vessel.

3426 3. The fact of possession of the vehicle or vessel.

3427 4. The name of the person or entity that authorized the  
3428 lienor to take possession of the vehicle or vessel.

3429 5. That a lien as provided in subsection (2) is claimed.

3430 6. That charges have accrued and include an itemized  
3431 statement of the amount thereof.

3432 7. That the lien is subject to enforcement under law and  
3433 that the owner or lienholder, if any, has the right to a hearing  
3434 as set forth in subsection (5).

3435 8. That any vehicle or vessel that remains unclaimed, or  
3436 for which the charges for recovery, towing, or storage services  
3437 remain unpaid, may be sold free of all prior liens 35 days after  
3438 the vehicle or vessel is stored by the lienor if the vehicle or  
3439 vessel is more than 3 years of age or 50 days after the vehicle  
3440 or vessel is stored by the lienor if the vehicle or vessel is 3  
3441 years of age or less.

3442 9. The address at which the vehicle or vessel is physically  
3443 located.

3444 (d) The notice of lien may not be sent to the registered  
3445 owner, the insurance company insuring the vehicle or vessel, and  
3446 all other persons claiming a lien thereon less than 30 days  
3447 before the sale of the vehicle or vessel.

3448 (e) If attempts to locate the name and address of the owner  
3449 or lienholder prove unsuccessful, the towing-storage operator  
3450 shall, after 7 business days, excluding Saturday and Sunday,  
3451 after the initial tow or storage, notify the public agency of

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3452 jurisdiction where the vehicle or vessel is stored in writing by  
3453 certified mail or acknowledged hand delivery that the towing-  
3454 storage company has been unable to locate the name and address  
3455 of the owner or lienholder and a physical search of the vehicle  
3456 or vessel has disclosed no ownership information and a good  
3457 faith effort has been made, including records checks of the  
3458 Department of Highway Safety and Motor Vehicles database and the  
3459 National Motor Vehicle Title Information System or an equivalent  
3460 commercially available system. For purposes of this paragraph  
3461 and subsection (9), the term "good faith effort" means that the  
3462 following checks have been performed by the company to establish  
3463 the prior state of registration and for title:

3464 1. A check of the department's database for the owner and  
3465 any lienholder.

3466 2. A check of the electronic National Motor Vehicle Title  
3467 Information System or an equivalent commercially available  
3468 system to determine the state of registration when there is not  
3469 a current registration record for the vehicle or vessel on file  
3470 with the department.

3471 3. A check of the vehicle or vessel for any type of tag,  
3472 tag record, temporary tag, or regular tag.

3473 4. A check of the law enforcement report for a tag number  
3474 or other information identifying the vehicle or vessel, if the  
3475 vehicle or vessel was towed at the request of a law enforcement  
3476 officer.

3477 5. A check of the trip sheet or tow ticket of the tow truck  
3478 operator to determine whether a tag was on the vehicle or vessel  
3479 at the beginning of the tow, if a private tow.

3480 6. If there is no address of the owner on the impound



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3481 report, a check of the law enforcement report to determine  
3482 whether an out-of-state address is indicated from driver license  
3483 information.

3484 7. A check of the vehicle or vessel for an inspection  
3485 sticker or other stickers and decals that may indicate a state  
3486 of possible registration.

3487 8. A check of the interior of the vehicle or vessel for any  
3488 papers that may be in the glove box, trunk, or other areas for a  
3489 state of registration.

3490 9. A check of the vehicle for a vehicle identification  
3491 number.

3492 10. A check of the vessel for a vessel registration number.

3493 11. A check of the vessel hull for a hull identification  
3494 number which should be carved, burned, stamped, embossed, or  
3495 otherwise permanently affixed to the outboard side of the  
3496 transom or, if there is no transom, to the outmost seaboard side  
3497 at the end of the hull that bears the rudder or other steering  
3498 mechanism.

3499 Section 61. Paragraph (a) of subsection (1), paragraph (c)  
3500 of subsection (7), paragraphs (a), (b), and (c) of subsection  
3501 (8), and subsections (9) and (10) of section 817.234, Florida  
3502 Statutes, are amended to read:

3503 817.234 False and fraudulent insurance claims.—

3504 (1) (a) A person commits insurance fraud punishable as  
3505 provided in subsection (11) if that person, with the intent to  
3506 injure, defraud, or deceive any insurer:

3507 1. Presents or causes to be presented any written or oral  
3508 statement as part of, or in support of, a claim for payment or  
3509 other benefit pursuant to an insurance policy or a health

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3510 maintenance organization subscriber or provider contract,  
3511 knowing that such statement contains ~~any~~ false, incomplete, or  
3512 misleading information concerning any fact or thing material to  
3513 such claim;

3514 2. Prepares or makes any written or oral statement that is  
3515 intended to be presented to an ~~any~~ insurer in connection with,  
3516 or in support of, any claim for payment or other benefit  
3517 pursuant to an insurance policy or a health maintenance  
3518 organization subscriber or provider contract, knowing that such  
3519 statement contains ~~any~~ false, incomplete, or misleading  
3520 information concerning any fact or thing material to such claim;

3521 3.a. Knowingly presents, causes to be presented, or  
3522 prepares or makes with knowledge or belief that it will be  
3523 presented to an ~~any~~ insurer, purported insurer, servicing  
3524 corporation, insurance broker, or insurance agent, or any  
3525 employee or agent thereof, ~~any~~ false, incomplete, or misleading  
3526 information or a written or oral statement as part of, or in  
3527 support of, an application for the issuance of, or the rating  
3528 of, any insurance policy, or a health maintenance organization  
3529 subscriber or provider contract; or

3530 b. Knowingly conceals information concerning any fact  
3531 material to such application; or

3532 4. Knowingly presents, causes to be presented, or prepares  
3533 or makes with knowledge or belief that it will be presented to  
3534 any insurer a claim for payment or other benefit under medical  
3535 payments coverage in a motor vehicle ~~a personal injury~~  
3536 ~~protection~~ insurance policy if the person knows that the payee  
3537 knowingly submitted a false, misleading, or fraudulent  
3538 application or other document when applying for licensure as a

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3539 health care clinic, seeking an exemption from licensure as a  
3540 health care clinic, or demonstrating compliance with part X of  
3541 chapter 400.

3542 (7)

3543 ~~(c) An insurer, or any person acting at the direction of or~~  
3544 ~~on behalf of an insurer, may not change an opinion in a mental~~  
3545 ~~or physical report prepared under s. 627.736(7) or direct the~~  
3546 ~~physician preparing the report to change such opinion; however,~~  
3547 ~~this provision does not preclude the insurer from calling to the~~  
3548 ~~attention of the physician errors of fact in the report based~~  
3549 ~~upon information in the claim file. Any person who violates this~~  
3550 ~~paragraph commits a felony of the third degree, punishable as~~  
3551 ~~provided in s. 775.082, s. 775.083, or s. 775.084.~~

3552 (8) (a) It is unlawful for any person intending to defraud  
3553 any other person to solicit or cause to be solicited any  
3554 business from a person involved in a motor vehicle accident for  
3555 the purpose of making, adjusting, or settling motor vehicle tort  
3556 claims or claims for benefits under medical payments coverage in  
3557 a motor vehicle insurance policy ~~personal injury protection~~  
3558 ~~benefits required by s. 627.736.~~ Any person who violates ~~the~~  
3559 ~~provisions of~~ this paragraph commits a felony of the second  
3560 degree, punishable as provided in s. 775.082, s. 775.083, or s.  
3561 775.084. A person who is convicted of a violation of this  
3562 subsection shall be sentenced to a minimum term of imprisonment  
3563 of 2 years.

3564 (b) A person may not solicit or cause to be solicited any  
3565 business from a person involved in a motor vehicle accident by  
3566 any means of communication other than advertising directed to  
3567 the public for the purpose of making motor vehicle tort claims

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3568 or claims for benefits under medical payments coverage in a  
3569 motor vehicle insurance policy ~~personal injury protection~~  
3570 ~~benefits required by s. 627.736,~~ within 60 days after the  
3571 occurrence of the motor vehicle accident. Any person who  
3572 violates this paragraph commits a felony of the third degree,  
3573 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

3574 (c) A lawyer, health care practitioner as defined in s.  
3575 456.001, or owner or medical director of a clinic required to be  
3576 licensed pursuant to s. 400.9905 may not, at any time after 60  
3577 days have elapsed from the occurrence of a motor vehicle  
3578 accident, solicit or cause to be solicited any business from a  
3579 person involved in a motor vehicle accident by means of in  
3580 person or telephone contact at the person's residence, for the  
3581 purpose of making motor vehicle tort claims or claims for  
3582 benefits under medical payments coverage in a motor vehicle  
3583 insurance policy ~~personal injury protection benefits required by~~  
3584 ~~s. 627.736.~~ Any person who violates this paragraph commits a  
3585 felony of the third degree, punishable as provided in s.  
3586 775.082, s. 775.083, or s. 775.084.

3587 (9) A person may not organize, plan, or knowingly  
3588 participate in an intentional motor vehicle crash or a scheme to  
3589 create documentation of a motor vehicle crash that did not occur  
3590 for the purpose of making motor vehicle tort claims or claims  
3591 for benefits under medical payments coverage in a motor vehicle  
3592 insurance policy ~~personal injury protection benefits as required~~  
3593 ~~by s. 627.736.~~ Any person who violates this subsection commits a  
3594 felony of the second degree, punishable as provided in s.  
3595 775.082, s. 775.083, or s. 775.084. A person who is convicted of  
3596 a violation of this subsection shall be sentenced to a minimum

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3597 term of imprisonment of 2 years.

3598 (10) A licensed health care practitioner who is found  
3599 guilty of insurance fraud under this section for an act relating  
3600 to a motor vehicle ~~personal injury protection~~ insurance policy  
3601 loses his or her license to practice for 5 years and may not  
3602 receive reimbursement under medical payments coverage in a motor  
3603 vehicle insurance policy ~~for personal injury protection benefits~~  
3604 for 10 years.

3605 Section 62. For the 2021-2022 fiscal year, the sum of  
3606 \$83,651 in nonrecurring funds is appropriated from the Insurance  
3607 Regulatory Trust Fund to the Office of Insurance Regulation for  
3608 the purpose of implementing this act.

3609 Section 63. Except as otherwise expressly provided in this  
3610 act and except for this section, which shall take effect upon  
3611 this act becoming a law, this act shall take effect January 1,  
3612 2022.