

Amendment No.1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED (Y/N)
ADOPTED AS AMENDED (Y/N)
ADOPTED W/O OBJECTION (Y/N)
FAILED TO ADOPT (Y/N)
WITHDRAWN (Y/N)
OTHER

1 Committee/Subcommittee hearing bill: Judiciary Committee
2 Representative Grall offered the following:

3
4 **Amendment (with title amendment)**

5 Remove everything after the enacting clause and insert:

6
7 Section 1. Sections 627.730, 627.731, 627.7311, 627.732,
8 627.733, 627.734, 627.736, 627.737, 627.739, 627.7401, 627.7403,
9 and 627.7405, Florida Statutes, are repealed.

10 Section 2. Section 627.7407, Florida Statutes, is
11 repealed.

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

14 316.646 Security required; proof of security and display
15 thereof.-

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16 (1) Any person required by s. 324.022 to maintain
17 liability security for property damage, ~~liability security,~~
18 ~~required by s. 324.023 to maintain liability security for~~ bodily
19 ~~injury,~~ or death, ~~or required by s. 627.733 to maintain personal~~
20 ~~injury protection security on a motor vehicle~~ shall have in his
21 or her immediate possession at all times while operating a ~~such~~
22 motor vehicle proper proof of maintenance of the ~~required~~
23 security required under s. 324.021(7).

24 (a) Such proof must ~~shall~~ be in a uniform paper or
25 electronic format, as prescribed by the department, a valid
26 insurance policy, an insurance policy binder, a certificate of
27 insurance, or such other proof as may be prescribed by the
28 department.

29 (b)1. The act of presenting to a law enforcement officer
30 an electronic device displaying proof of insurance in an
31 electronic format does not constitute consent for the officer to
32 access any information on the device other than the displayed
33 proof of insurance.

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

36 Section 4. Paragraph (b) of subsection (2) of section
37 318.18, Florida Statutes, is amended to read:

38 318.18 Amount of penalties.—The penalties required for a
39 noncriminal disposition pursuant to s. 318.14 or a criminal
40 offense listed in s. 318.17 are as follows:

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41 (2) Thirty dollars for all nonmoving traffic violations
42 and:

43 (b) For all violations of ss. 320.0605, 320.07(1),
44 322.065, and 322.15(1). ~~A~~ Any person who is cited for a
45 violation of s. 320.07(1) shall be charged a delinquent fee
46 pursuant to s. 320.07(4).

47 1. If a person who is cited for a violation of s. 320.0605
48 or s. 320.07 can show proof of having a valid registration at
49 the time of arrest, the clerk of the court may dismiss the case
50 and may assess a dismissal fee of up to \$10, from which the
51 clerk shall remit \$2.50 to the Department of Revenue for deposit
52 into the General Revenue Fund. A person who finds it impossible
53 or impractical to obtain a valid registration certificate must
54 submit an affidavit detailing the reasons for the impossibility
55 or impracticality. The reasons may include, but are not limited
56 to, the fact that the vehicle was sold, stolen, or destroyed;
57 that the state in which the vehicle is registered does not issue
58 a certificate of registration; or that the vehicle is owned by
59 another person.

60 2. If a person who is cited for a violation of s. 322.03,
61 s. 322.065, or s. 322.15 can show a driver license issued to him
62 or her and valid at the time of arrest, the clerk of the court
63 may dismiss the case and may assess a dismissal fee of up to
64 \$10, from which the clerk shall remit \$2.50 to the Department of
65 Revenue for deposit into the General Revenue Fund.

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66 3. If a person who is cited for a violation of s. 316.646
67 can show proof of security as required by s. 324.021(7) ~~s.~~
68 ~~627.733~~, issued to the person and valid at the time of arrest,
69 the clerk of the court may dismiss the case and may assess a
70 dismissal fee of up to \$10, from which the clerk shall remit
71 \$2.50 to the Department of Revenue for deposit into the General
72 Revenue Fund. A person who finds it impossible or impractical to
73 obtain proof of security must submit an affidavit detailing the
74 reasons for the impracticality. The reasons may include, but are
75 not limited to, the fact that the vehicle has since been sold,
76 stolen, or destroyed; ~~that the owner or registrant of the~~
77 ~~vehicle is not required by s. 627.733 to maintain personal~~
78 ~~injury protection insurance;~~ or that the vehicle is owned by
79 another person.

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

82 320.02 Registration required; application for
83 registration; forms.—

84 (5) (a) Proof that bodily injury liability coverage and
85 property damage liability coverage ~~personal injury protection~~
86 ~~benefits~~ have been purchased if required under s. 324.022, s.
87 324.032, or s. 627.742 ~~s. 627.733~~, ~~that property damage~~
88 ~~liability coverage has been purchased as required under s.~~
89 ~~324.022~~, that bodily injury liability ~~or death~~ coverage has been
90 purchased if required under s. 324.023, and that combined bodily

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91 liability insurance and property damage liability insurance have
92 been purchased if required under s. 627.7415 must ~~shall~~ be
93 provided in the manner prescribed by law by the applicant at the
94 time of application for registration of any motor vehicle that
95 is subject to such requirements. The issuing agent may not ~~shall~~
96 ~~refuse to~~ issue registration if such proof of purchase is not
97 provided. Insurers shall furnish uniform proof-of-purchase cards
98 in a paper or electronic format in a form prescribed by the
99 department and include the name of the insured's insurance
100 company, the coverage identification number, and the make, year,
101 and vehicle identification number of the vehicle insured. The
102 card must contain a statement notifying the applicant of the
103 penalty specified under s. 316.646(4). The card or insurance
104 policy, insurance policy binder, or certificate of insurance or
105 a photocopy of any of these; an affidavit containing the name of
106 the insured's insurance company, the insured's policy number,
107 and the make and year of the vehicle insured; or such other
108 proof as may be prescribed by the department constitutes ~~shall~~
109 ~~constitute~~ sufficient proof of purchase. If an affidavit is
110 provided as proof, it must be in substantially the following
111 form:

112

113 Under penalty of perjury, I ... (Name of insured) ... do hereby
114 certify that I have ... (bodily injury liability and Personal
115 Injury Protection, property damage liability, ~~and, if required,~~

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116 ~~Bodily Injury Liability~~)... insurance currently in effect with
117 ... (Name of insurance company)... under ... (policy number)...
118 covering ... (make, year, and vehicle identification number of
119 vehicle).... ... (Signature of Insured)...

120

121 Such affidavit must include the following warning:

122

123 WARNING: GIVING FALSE INFORMATION IN ORDER TO OBTAIN A VEHICLE
124 REGISTRATION CERTIFICATE IS A CRIMINAL OFFENSE UNDER FLORIDA
125 LAW. ANYONE GIVING FALSE INFORMATION ON THIS AFFIDAVIT IS
126 SUBJECT TO PROSECUTION.

127

128 If an application is made through a licensed motor vehicle
129 dealer as required under s. 319.23, the original or a photocopy
130 ~~photostatic copy~~ of such card, insurance policy, insurance
131 policy binder, or certificate of insurance or the original
132 affidavit from the insured must ~~shall~~ be forwarded by the dealer
133 to the tax collector of the county or the Department of Highway
134 Safety and Motor Vehicles for processing. By executing the
135 ~~aforsaid~~ affidavit, a ~~ne~~ licensed motor vehicle dealer is not
136 ~~will be~~ liable in damages for any inadequacy, insufficiency, or
137 falsification of any statement contained therein. ~~A card must~~
138 ~~also indicate the existence of any bodily injury liability~~
139 ~~insurance voluntarily purchased.~~

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140 (d) The verifying of ~~proof of personal injury protection~~
141 ~~insurance, proof of property damage liability insurance, proof~~
142 ~~of combined bodily liability insurance and property damage~~
143 ~~liability insurance, or~~ proof of financial responsibility
144 insurance and the issuance or failure to issue the motor vehicle
145 registration under ~~the provisions of~~ this chapter may not be
146 construed in any court as a warranty of the reliability or
147 accuracy of the evidence of such proof or as meaning that the
148 provisions of any insurance policy furnished as proof of
149 financial responsibility comply with state law. Neither the
150 department nor any tax collector is liable in damages for any
151 inadequacy, insufficiency, falsification, or unauthorized
152 modification of any item of ~~the proof of personal injury~~
153 ~~protection insurance, proof of property damage liability~~
154 ~~insurance, proof of combined bodily liability insurance and~~
155 ~~property damage liability insurance, or~~ proof of financial
156 responsibility before ~~insurance prior to,~~ during, or subsequent
157 to the verification of the proof. The issuance of a motor
158 vehicle registration does not constitute prima facie evidence or
159 a presumption of insurance coverage.

160 Section 6. Paragraph (b) of subsection (1) of section
161 320.0609, Florida Statutes, is amended to read:

162 320.0609 Transfer and exchange of registration license
163 plates; transfer fee.-

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165 (b) The transfer of a license plate from a vehicle
166 disposed of to a newly acquired vehicle does not constitute a
167 new registration. The application for transfer must ~~shall~~ be
168 accepted without requiring proof of ~~personal injury protection~~
169 ~~or~~ liability insurance.

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

173 320.27 Motor vehicle dealers.—

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

178 (g) "Garage liability insurance" means, beginning January
179 1, 2022, combined single-limit liability coverage, including
180 property damage and bodily injury liability coverage, in the
181 amount of at least \$60,000.

182 (3) APPLICATION AND FEE.—The ~~application for the~~ license
183 application must ~~shall~~ be in such form as may be prescribed by
184 the department and is ~~shall be~~ subject to such rules ~~with~~
185 ~~respect thereto~~ as may be so prescribed by the department ~~it~~.
186 Such application must ~~shall~~ be verified by oath or affirmation
187 and must ~~shall~~ contain a full statement of the name and birth
188 date of the person or persons applying for the license ~~therefor~~;
189 the name of the firm or copartnership, with the names and places

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190 of residence of all members ~~thereof~~, if such applicant is a firm
191 or copartnership; the names and places of residence of the
192 principal officers, if the applicant is a body corporate or
193 other artificial body; the name of the state under whose laws
194 the corporation is organized; the present and former place or
195 places of residence of the applicant; and the prior business in
196 which the applicant has been engaged and its ~~the~~ location
197 ~~thereof~~. The ~~Such~~ application must ~~shall~~ describe the exact
198 location of the place of business and must ~~shall~~ state whether
199 the place of business is owned by the applicant and when
200 acquired, or, if leased, a true copy of the lease must ~~shall~~ be
201 attached to the application. The applicant shall certify that
202 the location provides an adequately equipped office and is not a
203 residence; that the location affords sufficient unoccupied space
204 upon and within which adequately to store all motor vehicles
205 offered and displayed for sale; and that the location is a
206 suitable place where the applicant can in good faith carry on
207 such business and keep and maintain books, records, and files
208 necessary to conduct such business, which must ~~shall~~ be
209 available at all reasonable hours to inspection by the
210 department or any of its inspectors or other employees. The
211 applicant shall certify that the business of a motor vehicle
212 dealer is the principal business that will ~~which shall~~ be
213 conducted at that location. The application must ~~shall~~ contain a
214 statement that the applicant is either franchised by a

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215 manufacturer of motor vehicles, in which case the name of each
216 motor vehicle that the applicant is franchised to sell must
217 ~~shall~~ be included, or an independent (nonfranchised) motor
218 vehicle dealer. The application must ~~shall~~ contain other
219 relevant information as may be required by the department. The
220 applicant shall furnish, including evidence, in a form approved
221 by the department, that the applicant is insured under a garage
222 liability insurance policy or a general liability insurance
223 policy coupled with a business automobile policy having the
224 coverages and limits of the garage liability insurance coverage
225 in accordance with paragraph (1) (g), which shall include, at a
226 minimum, \$25,000 combined single-limit liability coverage
227 including bodily injury and property damage protection and
228 \$10,000 personal injury protection. However, a salvage motor
229 vehicle dealer as defined in subparagraph (1) (c)5. is exempt
230 from the requirements for garage liability insurance ~~and~~
231 ~~personal injury protection insurance~~ on those vehicles that
232 cannot be legally operated on roads, highways, or streets in
233 this state. Franchise dealers must submit a garage liability
234 insurance policy, and all other dealers must submit a garage
235 liability insurance policy or a general liability insurance
236 policy coupled with a business automobile policy. Such policy
237 must ~~shall~~ be for the license period, and evidence of a new or
238 continued policy must ~~shall~~ be delivered to the department at
239 the beginning of each license period. Upon making an initial

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240 application, the applicant shall pay to the department a fee of
241 \$300 in addition to any other fees required by law. Applicants
242 may choose to extend the licensure period for 1 additional year
243 for a total of 2 years. An initial applicant shall pay to the
244 department a fee of \$300 for the first year and \$75 for the
245 second year, in addition to any other fees required by law. An
246 applicant for renewal shall pay to the department \$75 for a 1-
247 year renewal or \$150 for a 2-year renewal, in addition to any
248 other fees required by law. Upon making an application for a
249 change of location, the applicant ~~person~~ shall pay a fee of \$50
250 in addition to any other fees now required by law. The
251 department shall, in the case of every application for initial
252 licensure, verify whether certain facts set forth in the
253 application are true. Each applicant, general partner in the
254 case of a partnership, or corporate officer and director in the
255 case of a corporate applicant shall, ~~must~~ file a set of
256 fingerprints with the department for the purpose of determining
257 any prior criminal record or any outstanding warrants. The
258 department shall submit the fingerprints to the Department of
259 Law Enforcement for state processing and forwarding to the
260 Federal Bureau of Investigation for federal processing. The
261 actual cost of state and federal processing must ~~shall~~ be borne
262 by the applicant and is in addition to the fee for licensure.
263 The department may issue a license to an applicant pending the
264 results of the fingerprint investigation, which license is fully

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265 revocable if the department subsequently determines that any
266 facts set forth in the application are not true or correctly
267 represented.

268 Section 8. Paragraph (j) of subsection (3) of section
269 320.771, Florida Statutes, is amended to read:

270 320.771 License required of recreational vehicle dealers.-

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

275 (j) A statement that the applicant is insured under a
276 garage liability insurance policy in accordance with s.
277 320.27(1)(g), ~~which shall include, at a minimum, \$25,000~~
278 ~~combined single-limit liability coverage, including bodily~~
279 ~~injury and property damage protection, and \$10,000 personal~~
280 ~~injury protection~~, if the applicant is to be licensed as a
281 dealer in, or intends to sell, recreational vehicles. However, a
282 garage liability policy is not required for the licensure of a
283 mobile home dealer who sells only park trailers.

284
285 The department shall, if it deems necessary, cause an
286 investigation to be made to ascertain if the facts set forth in
287 the application are true and may ~~shall~~ not issue a license to
288 the applicant until it is satisfied that the facts set forth in
289 the application are true.

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

292 322.251 Notice of cancellation, suspension, revocation, or
293 disqualification of license.—

294 (1) All orders of cancellation, suspension, revocation, or
295 disqualification issued under ~~the provisions of~~ this chapter,
296 chapter 318, or chapter 324 must, ~~or ss. 627.732-627.734 shall~~
297 be given either by personal delivery thereof to the licensee
298 whose license is being canceled, suspended, revoked, or
299 disqualified or by deposit in the United States mail in an
300 envelope, first class, postage prepaid, addressed to the
301 licensee at his or her last known mailing address furnished to
302 the department. Such mailing by the department constitutes
303 notification, and any failure by the person to receive the
304 mailed order will not affect or stay the effective date or term
305 of the cancellation, suspension, revocation, or disqualification
306 of the licensee's driving privilege.

307 (2) The giving of notice and an order of cancellation,
308 suspension, revocation, or disqualification by mail is complete
309 upon expiration of 20 days after deposit in the United States
310 mail for all notices except those issued under chapter 324 ~~or~~
311 ~~ss. 627.732-627.734~~, which are complete 15 days after deposit in
312 the United States mail. Proof of the giving of notice and an
313 order of cancellation, suspension, revocation, or
314 disqualification in either manner must ~~shall~~ be made by entry in

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315 the records of the department that such notice was given. The
316 entry is admissible in the courts of this state and constitutes
317 sufficient proof that such notice was given.

318 Section 10. Paragraph (a) of subsection (8) of section
319 322.34, Florida Statutes, is amended to read:

320 322.34 Driving while license suspended, revoked, canceled,
321 or disqualified.—

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

325 1. Whether the person's driver license is suspended or
326 revoked, or the person is under suspension or revocation
327 equivalent status.

328 2. Whether the person's driver license has remained
329 suspended or revoked, or the person has been under suspension or
330 revocation equivalent status, since a conviction for the offense
331 of driving with a suspended or revoked license.

332 3. Whether the suspension, revocation, or suspension or
333 revocation equivalent status was made under s. 316.646 ~~or s.~~
334 ~~627.733~~, relating to failure to maintain required security, or
335 under s. 322.264, relating to habitual traffic offenders.

336 4. Whether the driver is the registered owner or co-owner
337 of the vehicle.

338 Section 11. Section 324.011, Florida Statutes, is amended
339 to read:

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340 324.011 Legislative intent; purpose of chapter.—It is the
341 intent of the Legislature that this chapter ensure that the
342 privilege of owning or operating a motor vehicle in this state
343 be exercised ~~to recognize the existing privilege to own or~~
344 ~~operate a motor vehicle on the public streets and highways of~~
345 ~~this state when such vehicles are used~~ with due consideration
346 for others' safety ~~others~~ and their property, promoting ~~and to~~
347 ~~promote~~ safety, and providing ~~provide~~ financial security
348 requirements for ~~such~~ owners and ~~or~~ operators whose
349 responsibility it is to recompense others for injury to person
350 or property caused by the operation of a motor vehicle.
351 Therefore, the purpose of this chapter is to require that every
352 owner or operator of a motor vehicle required to be registered
353 in this state establish, maintain, and ~~it is required herein~~
354 ~~that the operator of a motor vehicle involved in a crash or~~
355 ~~convicted of certain traffic offenses meeting the operative~~
356 ~~provisions of s. 324.051(2) shall respond for such damages and~~
357 show proof of financial ability to respond for damages arising
358 out of the ownership, maintenance, or use of a motor vehicle in
359 ~~future accidents~~ as a requisite to owning or operating a motor
360 vehicle in this state ~~his or her future exercise of such~~
361 ~~privileges.~~

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

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365 324.021 Definitions; minimum insurance required.—The
366 following words and phrases when used in this chapter shall, for
367 the purpose of this chapter, have the meanings respectively
368 ascribed to them in this section, except in those instances
369 where the context clearly indicates a different meaning:

370 (1) MOTOR VEHICLE.—Every self-propelled vehicle that is
371 designed and required to be licensed for use upon a highway,
372 including trailers and semitrailers designed for use with such
373 vehicles, except traction engines, road rollers, farm tractors,
374 power shovels, and well drillers, and every vehicle that is
375 propelled by electric power obtained from overhead wires but not
376 operated upon rails, but not including any personal delivery
377 device or mobile carrier as defined in s. 316.003, bicycle,
378 electric bicycle, or moped. ~~However, the term "motor vehicle"~~
379 ~~does not include a motor vehicle as defined in s. 627.732(3)~~
380 ~~when the owner of such vehicle has complied with the~~
381 ~~requirements of ss. 627.730-627.7405, inclusive, unless the~~
382 ~~provisions of s. 324.051 apply; and, in such case, the~~
383 ~~applicable proof of insurance provisions of s. 320.02 apply.~~

384 (7) PROOF OF FINANCIAL RESPONSIBILITY.—Beginning January
385 1, 2022, That proof of ability to respond in damages for
386 liability on account of crashes arising out of the ownership,
387 maintenance, or use of a motor vehicle:

388 (a) With respect to a motor vehicle other than a
389 commercial motor vehicle, nonpublic sector bus, or for-hire

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390 passenger transportation vehicle, in the amounts specified in s.
391 324.022(1). amount of \$10,000 because of bodily injury to, or
392 death of, one person in any one crash;

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

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

398 ~~(b)-(d) With respect to commercial motor vehicles and~~
399 ~~nonpublic sector buses, in the amounts specified in s. 627.7415~~
400 ~~ss. 627.7415 and 627.742, respectively.~~

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

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

405 (9) OWNER; OWNER/LESSOR.—

406 (c) *Application.*—

407 1. The limits on liability in subparagraphs (b)2. and 3.
408 do not apply to an owner of motor vehicles that are used for
409 commercial activity in the owner's ordinary course of business,
410 other than a rental company that rents or leases motor vehicles.
411 For purposes of this paragraph, the term "rental company"
412 includes only an entity that is engaged in the business of
413 renting or leasing motor vehicles to the general public and that
414 rents or leases a majority of its motor vehicles to persons with

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

417 a. A related rental or leasing company that is a
418 subsidiary of the same parent company as that of the renting or
419 leasing company that rented or leased the vehicle.

420 b. The holder of a motor vehicle title or an equity
421 interest in a motor vehicle title if the title or equity
422 interest is held pursuant to or to facilitate an asset-backed
423 securitization of a fleet of motor vehicles used solely in the
424 business of renting or leasing motor vehicles to the general
425 public and under the dominion and control of a rental company,
426 as described in this subparagraph, in the operation of such
427 rental company's business.

428 2. Furthermore, with respect to commercial motor vehicles
429 as defined in s. 207.002 or s. 320.01 ~~s. 627.732~~, the limits on
430 liability in subparagraphs (b)2. and 3. do not apply if, at the
431 time of the incident, the commercial motor vehicle is being used
432 in the transportation of materials found to be hazardous for the
433 purposes of the Hazardous Materials Transportation Authorization
434 Act of 1994, as amended, 49 U.S.C. ss. 5101 et seq., and that is
435 required pursuant to such act to carry placards warning others
436 of the hazardous cargo, unless at the time of lease or rental
437 either:

438 a. The lessee indicates in writing that the vehicle will
439 not be used to transport materials found to be hazardous for the

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440 purposes of the Hazardous Materials Transportation Authorization
441 Act of 1994, as amended, 49 U.S.C. ss. 5101 et seq.; or

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

446 3.a. A motor vehicle dealer, or a motor vehicle dealer's
447 leasing or rental affiliate, that provides a temporary
448 replacement vehicle at no charge or at a reasonable daily charge
449 to a service customer whose vehicle is being held for repair,
450 service, or adjustment by the motor vehicle dealer is immune
451 from any cause of action and is not liable, vicariously or
452 directly, under general law solely by reason of being the owner
453 of the temporary replacement vehicle for harm to persons or
454 property that arises out of the use, or operation, of the
455 temporary replacement vehicle by any person during the period
456 the temporary replacement vehicle has been entrusted to the
457 motor vehicle dealer's service customer if there is no
458 negligence or criminal wrongdoing on the part of the motor
459 vehicle owner, or its leasing or rental affiliate.

460 b. For purposes of this section, and notwithstanding any
461 other provision of general law, a motor vehicle dealer, or a
462 motor vehicle dealer's leasing or rental affiliate, that gives
463 possession, control, or use of a temporary replacement vehicle
464 to a motor vehicle dealer's service customer may not be adjudged

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465 liable in a civil proceeding absent negligence or criminal
466 wrongdoing on the part of the motor vehicle dealer, or the motor
467 vehicle dealer's leasing or rental affiliate, if the motor
468 vehicle dealer or the motor vehicle dealer's leasing or rental
469 affiliate executes a written rental or use agreement and obtains
470 from the person receiving the temporary replacement vehicle a
471 copy of the person's driver license and insurance information
472 reflecting at least the minimum motor vehicle insurance coverage
473 required in the state. Any subsequent determination that the
474 driver license or insurance information provided to the motor
475 vehicle dealer, or the motor vehicle dealer's leasing or rental
476 affiliate, was in any way false, fraudulent, misleading,
477 nonexistent, canceled, not in effect, or invalid does not alter
478 or diminish the protections provided by this section, unless the
479 motor vehicle dealer, or the motor vehicle dealer's leasing or
480 rental affiliate, had actual knowledge thereof at the time
481 possession of the temporary replacement vehicle was provided.

482 c. For purposes of this subparagraph, the term "service
483 customer" does not include an agent or a principal of a motor
484 vehicle dealer or a motor vehicle dealer's leasing or rental
485 affiliate, and does not include an employee of a motor vehicle
486 dealer or a motor vehicle dealer's leasing or rental affiliate
487 unless the employee was provided a temporary replacement
488 vehicle:

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

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

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

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

500 Section 13. Section 324.022, Florida Statutes, is amended
501 to read:

502 324.022 Financial responsibility requirements ~~for property~~
503 ~~damage.~~—

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

509 1. Twenty-five thousand dollars for bodily injury to, or
510 the death of, one person in any one crash and, subject to such
511 limits for one person, in the amount of \$50,000 for bodily
512 injury to, or the death of, two or more persons in any one
513 crash; and

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

516 (b) The requirements of paragraph (a) ~~this section~~ may be
517 met by one of the methods established in s. 324.031; by self-
518 insuring as authorized by s. 768.28(16); or by maintaining a
519 motor vehicle liability insurance policy that ~~an insurance~~
520 ~~policy providing coverage for property damage liability in the~~
521 ~~amount of at least \$10,000 because of damage to, or destruction~~
522 ~~of, property of others in any one accident arising out of the~~
523 ~~use of the motor vehicle. The requirements of this section may~~
524 ~~also be met by having a policy which provides~~ combined property
525 damage liability and bodily injury liability coverage for any
526 one crash arising out of the ownership, maintenance, or use of a
527 motor vehicle and that conforms to the requirements of s.
528 324.151 in the amount of at least \$60,000 for every owner or
529 operator subject to the financial responsibility required in
530 paragraph (a) ~~\$30,000 for combined property damage liability and~~
531 ~~bodily injury liability for any one crash arising out of the use~~
532 ~~of the motor vehicle. The policy, with respect to coverage for~~
533 ~~property damage liability, must meet the applicable requirements~~
534 ~~of s. 324.151, subject to the usual policy exclusions that have~~
535 ~~been approved in policy forms by the Office of Insurance~~
536 ~~Regulation. No insurer shall have any duty to defend uncovered~~
537 ~~claims irrespective of their joinder with covered claims.~~

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

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

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

545 2. A motor vehicle that is used in mass transit and
546 designed to transport more than five passengers, exclusive of
547 the operator of the motor vehicle, and that is owned by a
548 municipality, transit authority, or political subdivision of the
549 state.

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

552 4. A commercial motor vehicle as defined in s. 207.002 or
553 s. 320.01(25), which must maintain security as required under
554 ss. 324.031 and 627.7415.

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

557 ~~6.4. A vehicle providing for-hire passenger transportation~~
558 ~~vehicle, which must that is subject to the provisions of s.~~
559 ~~324.031. A taxicab shall maintain security as required under s.~~
560 ~~324.032 s. 324.032(1).~~

561 ~~7.5.~~ A personal delivery device as defined in s. 316.003.

562 (b) "Owner" means the person who holds legal title to a
563 motor vehicle or the debtor or lessee who has the right to

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564 possession of a motor vehicle that is the subject of a security
565 agreement or lease with an option to purchase.

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

573 (4) An ~~The~~ owner or registrant of a motor vehicle who is
574 ~~exempt from the requirements of this section if she or he is a~~
575 member of the United States Armed Forces and is called to or on
576 active duty outside the United States in an emergency situation
577 is exempt from this section while he or she. ~~The exemption~~
578 ~~provided by this subsection applies only as long as the member~~
579 ~~of the Armed Forces~~ is on such active duty. This exemption
580 ~~outside the United States and applies only while the vehicle~~
581 covered by the security is not operated by any person. Upon
582 receipt of a written request by the insured to whom the
583 exemption provided in this subsection applies, the insurer shall
584 cancel the coverages and return any unearned premium or suspend
585 the security required by this section. Notwithstanding s.
586 324.0221(2) ~~s. 324.0221(3)~~, the department may not suspend the
587 registration or operator's license of an ~~any~~ owner or registrant
588 of a motor vehicle during the time she or he qualifies for the

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589 ~~an~~ exemption under this subsection. ~~An~~ ~~Any~~ owner or registrant
590 of a motor vehicle who qualifies for the ~~an~~ exemption under this
591 subsection shall immediately notify the department before ~~prior~~
592 ~~to~~ and at the end of the expiration of the exemption.

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

595 324.0221 Reports by insurers to the department; suspension
596 of driver license and vehicle registrations; reinstatement.—

597 (1) (a) Each insurer that has issued a policy providing
598 ~~personal injury protection coverage or property damage~~ liability
599 coverage shall report the cancellation or nonrenewal thereof to
600 the department within 10 days after the processing date or
601 effective date of each cancellation or nonrenewal. Upon the
602 issuance of a policy providing ~~personal injury protection~~
603 ~~coverage or property damage~~ liability coverage to a named
604 insured not previously insured by the insurer during that
605 calendar year, the insurer shall report the issuance of the new
606 policy to the department within 10 days. The report must ~~shall~~
607 be in the form ~~and format~~ and contain any information required
608 by the department and must be provided in a format that is
609 compatible with the data processing capabilities of the
610 department. Failure by an insurer to file proper reports with
611 the department as required by this subsection constitutes a
612 violation of the Florida Insurance Code. These records may ~~shall~~
613 be used by the department only for enforcement and regulatory

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614 purposes, including the generation by the department of data
615 regarding compliance by owners of motor vehicles with the
616 requirements for financial responsibility coverage.

617 (b) With respect to an insurance policy providing ~~personal~~
618 ~~injury protection coverage or property damage~~ liability
619 coverage, each insurer shall notify the named insured, or the
620 first-named insured in the case of a commercial fleet policy, in
621 writing that any cancellation or nonrenewal of the policy will
622 be reported by the insurer to the department. The notice must
623 also inform the named insured that failure to maintain bodily
624 injury liability ~~personal injury protection~~ coverage and
625 property damage liability coverage on a motor vehicle when
626 required by law may result in the loss of registration and
627 driving privileges in this state and inform the named insured of
628 the amount of the reinstatement fees required by this section.
629 This notice is for informational purposes only, and an insurer
630 is not civilly liable for failing to provide this notice.

631 (2) The department shall suspend, after due notice and an
632 opportunity to be heard, the registration and driver license of
633 any owner or registrant of a motor vehicle for ~~with respect to~~
634 which security is required under s. 324.022, s. 322.023, s.
635 324.032, s. 627.7415, or s. 627.742 ~~ss. 324.022 and 627.733~~
636 upon:

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

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

642 (b) Notification by the insurer to the department, in a
643 form approved by the department, of cancellation or termination
644 of the required security.

645 Section 15. Section 324.0222, Florida Statutes, is created
646 to read:

647 324.0222 Application of suspensions for failure to
648 maintain security; reinstatement.—All suspensions for failure to
649 maintain required security as required by law in effect before
650 January 1, 2022, remain in full force and effect after January
651 1, 2022. A driver may reinstate a suspended driver license or
652 registration as provided under s. 324.0221.

653 Section 16. Section 324.023, Florida Statutes, is amended
654 to read:

655 324.023 Financial responsibility for bodily injury or
656 death.—In addition to any other financial responsibility
657 required by law, every owner or operator of a motor vehicle that
658 is required to be registered in this state, or that is located
659 within this state, and who, regardless of adjudication of guilt,
660 has been found guilty of or entered a plea of guilty or nolo
661 contendere to a charge of driving under the influence under s.
662 316.193 after October 1, 2007, shall, by one of the methods
663 established in s. 324.031(1)(a) or (b) ~~s. 324.031(1) or (2)~~,

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664 establish and maintain the ability to respond in damages for
665 liability on account of accidents arising out of the use of a
666 motor vehicle in the amount of \$100,000 because of bodily injury
667 to, or death of, one person in any one crash and, subject to
668 such limits for one person, in the amount of \$300,000 because of
669 bodily injury to, or death of, two or more persons in any one
670 crash and in the amount of \$50,000 because of property damage in
671 any one crash. If the owner or operator chooses to establish and
672 maintain such ability by furnishing a certificate of deposit
673 pursuant to s. 324.031(1)(b) ~~s. 324.031(2)~~, such certificate of
674 deposit must be at least \$350,000. Such higher limits must be
675 carried for a minimum period of 3 years. If the owner or
676 operator has not been convicted of driving under the influence
677 or a felony traffic offense for a period of 3 years from the
678 date of reinstatement of driving privileges for a violation of
679 s. 316.193, the owner or operator is ~~shall be~~ exempt from this
680 section.

681 Section 17. Section 324.031, Florida Statutes, is amended
682 to read:

683 324.031 Manner of proving financial responsibility.-

684 (1) ~~The owner or operator of a taxicab, limousine, jitney,~~
685 ~~or any other for-hire passenger transportation vehicle may prove~~
686 ~~financial responsibility by providing satisfactory evidence of~~
687 ~~holding a motor vehicle liability policy as defined in s.~~
688 ~~324.021(8) or s. 324.151, which policy is issued by an insurance~~

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689 ~~carrier which is a member of the Florida Insurance Guaranty~~
690 ~~Association.~~ The operator or owner of a motor vehicle other than
691 a for-hire passenger transportation vehicle ~~any other vehicle~~
692 may prove his or her financial responsibility by:

693 (a)(1) Furnishing satisfactory evidence of holding a motor
694 vehicle liability policy as defined in ss. 324.021(8) and
695 324.151 which provides liability coverage for the motor vehicle
696 being operated;

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

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

701 (2) Beginning January 1, 2022, any person, ~~including any~~
702 ~~firm, partnership, association, corporation, or other person,~~
703 ~~other than a natural person,~~ electing to use the method of proof
704 specified in paragraph (1)(b) subsection (2) shall do both of
705 the following:

706 (a) Furnish a certificate of deposit equal to the number
707 of vehicles owned times \$60,000 ~~\$30,000~~, up to a maximum of
708 \$240,000. ~~\$120,000;~~

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

712 1. At least \$125,000 for bodily injury to, or the death
713 of, one person in any one crash and, subject to such limits for

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714 one person, in the amount of \$250,000 for bodily injury to, or
715 the death of, two or more persons in any one crash; and \$50,000
716 for damage to, or destruction of, property of others in any one
717 crash; or

718 2. At least \$300,000 for combined bodily injury liability
719 and property damage liability for any one crash ~~in excess of~~
720 limits of \$10,000/20,000/10,000 or \$30,000 combined single
721 limits, and such excess insurance shall provide minimum limits
722 of \$125,000/250,000/50,000 or \$300,000 combined single limits.
723 ~~These increased limits shall not affect the requirements for~~
724 ~~proving financial responsibility under s. 324.032(1).~~

725 Section 18. Section 324.032, Florida Statutes, is amended
726 to read:

727 324.032 ~~Manner of proving~~ Financial responsibility for;
728 for-hire passenger transportation vehicles. ~~Notwithstanding the~~
729 provisions of s. 324.031:

730 (1) An owner or a lessee of a for-hire passenger
731 transportation vehicle that is required to be registered in this
732 state shall establish and continuously maintain the ability to
733 respond in damages for liability on account of accidents arising
734 out of the ownership, maintenance, or use of the for-hire
735 passenger transportation vehicle, in the amount of:

736 (a) One hundred twenty-five thousand dollars for bodily
737 injury to, or the death of, one person in any one crash and,
738 subject to such limits for one person, in the amount of \$250,000

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739 for bodily injury to, or the death of, two or more persons in
740 any one crash; and ~~A person who is either the owner or a lessee~~
741 ~~required to maintain insurance under s. 627.733(1)(b) and who~~
742 ~~operates one or more taxicabs, limousines, jitneys, or any other~~
743 ~~for-hire passenger transportation vehicles may prove financial~~
744 ~~responsibility by furnishing satisfactory evidence of holding a~~
745 ~~motor vehicle liability policy, but with minimum limits of~~
746 ~~\$125,000/250,000/50,000.~~

747 (b) Fifty thousand dollars for damage to, or destruction
748 of, property of others in any one crash ~~A person who is either~~
749 ~~the owner or a lessee required to maintain insurance under s.~~
750 ~~324.021(9)(b) and who operates limousines, jitneys, or any other~~
751 ~~for-hire passenger vehicles, other than taxicabs, may prove~~
752 ~~financial responsibility by furnishing satisfactory evidence of~~
753 ~~holding a motor vehicle liability policy as defined in s.~~
754 ~~324.031.~~

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

761 (3)(2) ~~An owner or a lessee who is required to maintain~~
762 ~~insurance under s. 324.021(9)(b) and who operates at least 300~~
763 ~~taxicabs, limousines, jitneys, or any other for-hire passenger~~

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764 transportation vehicles may provide financial responsibility by
765 complying with ~~the provisions of~~ s. 324.171, which must ~~such~~
766 ~~compliance~~ to be demonstrated by maintaining at its principal
767 place of business an audited financial statement, prepared in
768 accordance with generally accepted accounting principles, and
769 providing to the department a certification issued by a
770 certified public accountant that the applicant's net worth is at
771 least equal to the requirements of s. 324.171 as determined by
772 the Office of Insurance Regulation of the Financial Services
773 Commission, including claims liabilities in an amount certified
774 as adequate by a Fellow of the Casualty Actuarial Society.

775

776 Upon request by the department, the applicant shall ~~must~~ provide
777 the department at the applicant's principal place of business in
778 this state access to the applicant's underlying financial
779 information and financial statements that provide the basis of
780 the certified public accountant's certification. The applicant
781 shall reimburse the requesting department for all reasonable
782 costs incurred by it in reviewing the supporting information.
783 The maximum amount of self-insurance permissible under this
784 subsection is \$300,000 and must be stated on a per-occurrence
785 basis, and the applicant shall maintain adequate excess
786 insurance issued by an authorized or eligible insurer licensed
787 or approved by the Office of Insurance Regulation. All risks
788 self-insured shall remain with the owner or lessee providing it,

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789 and the risks are not transferable to any other person, unless a
790 policy complying with subsections (1) and (2) ~~subsection (1)~~ is
791 obtained.

792 Section 19. Subsection (2) of section 324.051, Florida
793 Statutes, is amended, and subsection (4) is added to that
794 section, to read:

795 324.051 Reports of crashes; suspensions of licenses and
796 registrations.—

797 (2) (a) Thirty days after receipt of notice of any accident
798 described in paragraph (1) (a) involving a motor vehicle within
799 this state, the department shall suspend, after due notice and
800 opportunity to be heard, the license of each operator and all
801 registrations of the owner of the vehicles operated by such
802 operator whether or not involved in such crash and, in the case
803 of a nonresident owner or operator, shall suspend such
804 nonresident's operating privilege in this state, unless such
805 operator or owner shall, prior to the expiration of such 30
806 days, be found by the department to be exempt from the operation
807 of this chapter, based upon evidence satisfactory to the
808 department that:

809 1. The motor vehicle was legally parked at the time of
810 such crash.

811 2. The motor vehicle was owned by the United States
812 Government, this state, or any political subdivision of this
813 state or any municipality therein.

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

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

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

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

827 1. To such operator or owner if such operator or owner had
828 in effect at the time of such crash or traffic conviction a
829 motor vehicle ~~an automobile~~ liability policy with respect to all
830 of the registered motor vehicles owned by such operator or
831 owner.

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

837 3. To such operator or owner if the liability of such
838 operator or owner for damages resulting from such crash is, in

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839 the judgment of the department, covered by any other form of
840 liability insurance or bond.

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

844

845 No such policy or bond shall be effective under this subsection
846 unless it contains limits of not less than those specified in s.
847 324.021(7).

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

850 Section 20. Section 324.071, Florida Statutes, is amended
851 to read:

852 324.071 Reinstatement; renewal of license; reinstatement
853 fee.—~~An~~ Any operator or owner whose license or registration has
854 been suspended pursuant to s. 324.051(2), s. 324.072, s.
855 324.081, or s. 324.121 may effect its reinstatement upon
856 compliance with ~~the provisions of~~ s. 324.051(2)(a)3. or 4., or
857 s. 324.081(2) and (3), as the case may be, and with one of the
858 provisions of s. 324.031 and upon payment to the department of a
859 nonrefundable reinstatement fee of \$15. Only one such fee may
860 ~~shall~~ be paid by any one person regardless ~~irrespective~~ of the
861 number of licenses and registrations to be then reinstated or
862 issued to such person. ~~All~~ Such fees must ~~shall~~ be deposited to
863 a department trust fund. If ~~When~~ the reinstatement of any

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864 license or registration is effected by compliance with s.
865 324.051(2)(a)3. or 4., the department may ~~shall~~ not renew the
866 license or registration within ~~a period of~~ 3 years after ~~from~~
867 such reinstatement, nor may ~~shall~~ any other license or
868 registration be issued in the name of such person, unless the
869 operator continues ~~is continuing~~ to comply with ~~one of the~~
870 ~~provisions of~~ s. 324.031.

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

873 324.091 Notice to department; notice to insurer.—

874 (1) Each owner and operator involved in a crash or
875 conviction case within the purview of this chapter shall furnish
876 evidence of ~~automobile liability insurance~~ or motor vehicle
877 liability insurance within 14 days after the date of the mailing
878 of notice of crash by the department in the form and manner as
879 it may designate. Upon receipt of evidence that a ~~an automobile~~
880 ~~liability policy~~ or motor vehicle liability policy was in effect
881 at the time of the crash or conviction case, the department
882 shall forward to the insurer such information for verification
883 in a method as determined by the department. The insurer shall
884 respond to the department within 20 days after the notice as to
885 whether ~~or not~~ such information is valid. If the department
886 determines that a ~~an automobile liability policy~~ or motor
887 vehicle liability policy was not in effect and did not provide

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

890 Section 22. Section 324.151, Florida Statutes, is amended
891 to read:

892 324.151 Motor vehicle liability policies; required
893 provisions.-

894 (1) A motor vehicle liability policy that serves as to be
895 proof of financial responsibility under s. 324.031(1) (a) must ~~s.~~
896 ~~324.031(1), shall~~ be issued to owners or operators of motor
897 vehicles under the following provisions:

898 (a) A motor vehicle ~~An owner's~~ liability insurance policy
899 issued to an owner of a motor vehicle required to be registered
900 in this state must ~~shall~~ designate by explicit description or by
901 appropriate reference all motor vehicles for ~~with respect to~~
902 which coverage is thereby granted. The policy must ~~and shall~~
903 insure the person or persons ~~owner~~ named therein and, unless
904 excluded pursuant to s. 627.747, any resident relative of a
905 named insured ~~other person as operator using such motor vehicle~~
906 ~~or motor vehicles with the express or implied permission of such~~
907 ~~owner against loss~~ from the liability imposed by law for damage
908 arising out of the ownership, maintenance, or use of any such
909 motor vehicle ~~or motor vehicles within the United States or the~~
910 ~~Dominion of Canada, subject to limits, exclusive of interest and~~
911 ~~costs with respect to each such motor vehicle as is provided for~~
912 under s. 324.021(7). The policy must also insure any person

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913 operating an insured motor vehicle with the express or implied
914 permission of a named insured against loss from the liability
915 imposed by law for damage arising out of the use of any vehicle,
916 unless that person was excluded pursuant to s. 627.747. However,
917 the insurer may include provisions in its policy excluding
918 liability coverage for a motor vehicle not designated as an
919 insured vehicle on the policy if such motor vehicle does not
920 qualify as a newly acquired vehicle or as a temporary substitute
921 vehicle and was owned by the insured or was furnished for an
922 insured's regular use for more than 30 consecutive days before
923 the event giving rise to the claim. Insurers may make available,
924 with respect to property damage liability coverage, a deductible
925 amount not to exceed \$500. In the event of a property damage
926 loss covered by a policy containing a property damage deductible
927 provision, the insurer shall pay to the third-party claimant the
928 amount of any property damage liability settlement or judgment,
929 subject to policy limits, as if no deductible existed.

930 (b) A motor vehicle liability insurance policy issued to a
931 person who does not own a motor vehicle must ~~An operator's motor~~
932 ~~vehicle liability policy of insurance shall~~ insure the person or
933 persons named therein against loss from the liability imposed
934 ~~upon him or her~~ by law for damages arising out of the use ~~by the~~
935 ~~person~~ of any motor vehicle not owned by him or her, ~~with the~~
936 ~~same territorial limits and subject to the same limits of~~

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937 ~~liability as referred to above with respect to an owner's policy~~
938 ~~of liability insurance.~~

939 (c) All such motor vehicle liability policies must provide
940 liability coverage with limits, exclusive of interest and costs,
941 as specified under s. 324.021(7) for accidents occurring within
942 the United States and Canada. The policies must ~~shall~~ state the
943 name and address of the named insured, the coverage afforded by
944 the policy, the premium charged therefor, the policy period, and
945 the limits of liability, and must ~~shall~~ contain an agreement or
946 be endorsed that insurance is provided in accordance with the
947 coverage defined in this chapter ~~as respects bodily injury and~~
948 ~~death or property damage or both~~ and is subject to all
949 ~~provisions of~~ this chapter. The ~~said~~ policies must ~~shall~~ also
950 contain a provision that the satisfaction by an insured of a
951 judgment for such injury or damage may ~~shall~~ not be a condition
952 precedent to the right or duty of the insurance carrier to make
953 payment on account of such injury or damage, and must ~~shall~~ also
954 contain a provision that bankruptcy or insolvency of the insured
955 or of the insured's estate does ~~shall~~ not relieve the insurance
956 carrier of any of its obligations under the ~~said~~ policy.

957 (2) ~~The provisions of~~ This section is ~~shall~~ not ~~be~~
958 applicable to any motor vehicle ~~automobile~~ liability policy
959 unless and until it is furnished as proof of financial
960 responsibility for the future pursuant to s. 324.031, and then

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961 applies only from ~~and after~~ the date the said policy is ~~se~~
962 furnished.

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

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

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

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

978 Section 23. Section 324.161, Florida Statutes, is amended
979 to read:

980 324.161 Proof of financial responsibility; deposit.—If a
981 person elects to prove his or her financial responsibility under
982 the method of proof specified in s. 324.031(1)(b), he or she
983 annually must obtain and submit to the department proof of a
984 certificate of deposit in the amount required under s.
985 324.031(2) from a financial institution insured by the Federal

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986 Deposit Insurance Corporation or the National Credit Union
987 Administration ~~Annually, before any certificate of insurance may~~
988 ~~be issued to a person, including any firm, partnership,~~
989 ~~association, corporation, or other person, other than a natural~~
990 ~~person, proof of a certificate of deposit of \$30,000 issued and~~
991 ~~held by a financial institution must be submitted to the~~
992 ~~department. A power of attorney will be issued to and held by~~
993 ~~the department and may be executed upon a judgment issued~~
994 ~~against such person making the deposit, for damages for ~~because~~~~
995 ~~of bodily injury to or death of any person or for damages for~~
996 ~~because of injury to or destruction of property resulting from~~
997 ~~the use or operation of any motor vehicle occurring after such~~
998 ~~deposit was made. Money so deposited is ~~shall~~ not be subject to~~
999 ~~attachment or execution unless such attachment or execution~~
1000 ~~arises ~~shall arise~~ out of a lawsuit ~~suit~~ for such damages as~~
1001 ~~aforsaid.~~

1002 Section 24. Subsections (1) and (2) of section 324.171,
1003 Florida Statutes, are amended to read:

1004 324.171 Self-insurer.—

1005 (1) A ~~Any~~ person may qualify as a self-insurer by
1006 obtaining a certificate of self-insurance from the department.
1007 ~~which may, in its discretion and~~ Upon application of such a
1008 person, the department may issue a ~~said~~ certificate of self-
1009 insurance to an applicant who satisfies ~~when such person has~~

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1010 ~~satisfied~~ the requirements of this section. Effective January 1,
1011 2022 ~~to qualify as a self-insurer under this section:~~

1012 (a) A private individual with private passenger vehicles
1013 shall possess a net unencumbered worth of at least \$100,000
1014 ~~\$40,000~~.

1015 (b) A person, including any firm, partnership,
1016 association, corporation, or other person, other than a natural
1017 person, shall:

1018 1. Possess a net unencumbered worth of at least \$100,000
1019 ~~\$40,000~~ for the first motor vehicle and \$50,000 ~~\$20,000~~ for each
1020 additional motor vehicle; or

1021 2. Maintain sufficient net worth, in an amount determined
1022 by the department, to be financially responsible for potential
1023 losses. The department annually shall determine the minimum net
1024 worth sufficient to satisfy this subparagraph ~~as determined~~
1025 ~~annually by the department,~~ pursuant to rules adopted
1026 ~~promulgated~~ by the department, with the assistance of the Office
1027 of Insurance Regulation of the Financial Services Commission, ~~to~~
1028 ~~be financially responsible for potential losses.~~ The rules must
1029 consider any ~~shall take into consideration~~ excess insurance
1030 carried by the applicant. The department's determination must
1031 ~~shall~~ be based upon reasonable actuarial principles considering
1032 the frequency, severity, and loss development of claims incurred
1033 by casualty insurers writing coverage on the type of motor
1034 vehicles for which a certificate of self-insurance is desired.

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1035 (c) The owner of a commercial motor vehicle, as defined in
1036 s. 207.002 or s. 320.01, may qualify as a self-insurer subject
1037 to the standards provided ~~for~~ in subparagraph (b)2.

1038 (2) The self-insurance certificate must ~~shall~~ provide
1039 limits of liability insurance in the amounts specified under s.
1040 324.021(7) ~~or s. 627.7415 and shall provide personal injury~~
1041 ~~protection coverage under s. 627.733(3)(b).~~

1042 Section 25. Section 324.251, Florida Statutes, is amended
1043 to read:

1044 324.251 Short title.—This chapter may be cited as the
1045 "Financial Responsibility Law of 2021 1955" and is ~~shall become~~
1046 effective at 12:01 a.m., January 1, 2022 ~~October 1, 1955~~.

1047 Section 26. Subsection (4) of section 400.9905, Florida
1048 Statutes, is amended to read:

1049 400.9905 Definitions.—

1050 (4) (a) "Clinic" means an entity where health care services
1051 are provided to individuals and which tenders charges for
1052 reimbursement for such services, including a mobile clinic and a
1053 portable equipment provider. As used in this part, the term does
1054 not include and the licensure requirements of this part do not
1055 apply to:

1056 1.(a) Entities licensed or registered by the state under
1057 chapter 395; entities licensed or registered by the state and
1058 providing only health care services within the scope of services
1059 authorized under their respective licenses under ss. 383.30-

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1060 383.332, chapter 390, chapter 394, chapter 397, this chapter
1061 except part X, chapter 429, chapter 463, chapter 465, chapter
1062 466, chapter 478, chapter 484, or chapter 651; end-stage renal
1063 disease providers authorized under 42 C.F.R. part 494; providers
1064 certified and providing only health care services within the
1065 scope of services authorized under their respective
1066 certifications under 42 C.F.R. part 485, subpart B, subpart H,
1067 or subpart J; providers certified and providing only health care
1068 services within the scope of services authorized under their
1069 respective certifications under 42 C.F.R. part 486, subpart C;
1070 providers certified and providing only health care services
1071 within the scope of services authorized under their respective
1072 certifications under 42 C.F.R. part 491, subpart A; providers
1073 certified by the Centers for Medicare and Medicaid Services
1074 under the federal Clinical Laboratory Improvement Amendments and
1075 the federal rules adopted thereunder; or any entity that
1076 provides neonatal or pediatric hospital-based health care
1077 services or other health care services by licensed practitioners
1078 solely within a hospital licensed under chapter 395.

1079 2.~~(b)~~ Entities that own, directly or indirectly, entities
1080 licensed or registered by the state pursuant to chapter 395;
1081 entities that own, directly or indirectly, entities licensed or
1082 registered by the state and providing only health care services
1083 within the scope of services authorized pursuant to their
1084 respective licenses under ss. 383.30-383.332, chapter 390,

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1085 chapter 394, chapter 397, this chapter except part X, chapter
1086 429, chapter 463, chapter 465, chapter 466, chapter 478, chapter
1087 484, or chapter 651; end-stage renal disease providers
1088 authorized under 42 C.F.R. part 494; providers certified and
1089 providing only health care services within the scope of services
1090 authorized under their respective certifications under 42 C.F.R.
1091 part 485, subpart B, subpart H, or subpart J; providers
1092 certified and providing only health care services within the
1093 scope of services authorized under their respective
1094 certifications under 42 C.F.R. part 486, subpart C; providers
1095 certified and providing only health care services within the
1096 scope of services authorized under their respective
1097 certifications under 42 C.F.R. part 491, subpart A; providers
1098 certified by the Centers for Medicare and Medicaid Services
1099 under the federal Clinical Laboratory Improvement Amendments and
1100 the federal rules adopted thereunder; or any entity that
1101 provides neonatal or pediatric hospital-based health care
1102 services by licensed practitioners solely within a hospital
1103 licensed under chapter 395.

1104 3.(e) Entities that are owned, directly or indirectly, by
1105 an entity licensed or registered by the state pursuant to
1106 chapter 395; entities that are owned, directly or indirectly, by
1107 an entity licensed or registered by the state and providing only
1108 health care services within the scope of services authorized
1109 pursuant to their respective licenses under ss. 383.30-383.332,

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1110 chapter 390, chapter 394, chapter 397, this chapter except part
1111 X, chapter 429, chapter 463, chapter 465, chapter 466, chapter
1112 478, chapter 484, or chapter 651; end-stage renal disease
1113 providers authorized under 42 C.F.R. part 494; providers
1114 certified and providing only health care services within the
1115 scope of services authorized under their respective
1116 certifications under 42 C.F.R. part 485, subpart B, subpart H,
1117 or subpart J; providers certified and providing only health care
1118 services within the scope of services authorized under their
1119 respective certifications under 42 C.F.R. part 486, subpart C;
1120 providers certified and providing only health care services
1121 within the scope of services authorized under their respective
1122 certifications under 42 C.F.R. part 491, subpart A; providers
1123 certified by the Centers for Medicare and Medicaid Services
1124 under the federal Clinical Laboratory Improvement Amendments and
1125 the federal rules adopted thereunder; or any entity that
1126 provides neonatal or pediatric hospital-based health care
1127 services by licensed practitioners solely within a hospital
1128 under chapter 395.

1129 4.(d) Entities that are under common ownership, directly
1130 or indirectly, with an entity licensed or registered by the
1131 state pursuant to chapter 395; entities that are under common
1132 ownership, directly or indirectly, with an entity licensed or
1133 registered by the state and providing only health care services
1134 within the scope of services authorized pursuant to their

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1135 respective licenses under ss. 383.30-383.332, chapter 390,
1136 chapter 394, chapter 397, this chapter except part X, chapter
1137 429, chapter 463, chapter 465, chapter 466, chapter 478, chapter
1138 484, or chapter 651; end-stage renal disease providers
1139 authorized under 42 C.F.R. part 494; providers certified and
1140 providing only health care services within the scope of services
1141 authorized under their respective certifications under 42 C.F.R.
1142 part 485, subpart B, subpart H, or subpart J; providers
1143 certified and providing only health care services within the
1144 scope of services authorized under their respective
1145 certifications under 42 C.F.R. part 486, subpart C; providers
1146 certified and providing only health care services within the
1147 scope of services authorized under their respective
1148 certifications under 42 C.F.R. part 491, subpart A; providers
1149 certified by the Centers for Medicare and Medicaid Services
1150 under the federal Clinical Laboratory Improvement Amendments and
1151 the federal rules adopted thereunder; or any entity that
1152 provides neonatal or pediatric hospital-based health care
1153 services by licensed practitioners solely within a hospital
1154 licensed under chapter 395.

1155 5.(e) An entity that is exempt from federal taxation under
1156 26 U.S.C. s. 501(c)(3) or (4), an employee stock ownership plan
1157 under 26 U.S.C. s. 409 that has a board of trustees at least
1158 two-thirds of which are Florida-licensed health care
1159 practitioners and provides only physical therapy services under

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1160 physician orders, any community college or university clinic,
1161 and any entity owned or operated by the federal or state
1162 government, including agencies, subdivisions, or municipalities
1163 thereof.

1164 6.~~(f)~~ A sole proprietorship, group practice, partnership,
1165 or corporation that provides health care services by physicians
1166 covered by s. 627.419, that is directly supervised by one or
1167 more of such physicians, and that is wholly owned by one or more
1168 of those physicians or by a physician and the spouse, parent,
1169 child, or sibling of that physician.

1170 7.~~(g)~~ A sole proprietorship, group practice, partnership,
1171 or corporation that provides health care services by licensed
1172 health care practitioners under chapter 457, chapter 458,
1173 chapter 459, chapter 460, chapter 461, chapter 462, chapter 463,
1174 chapter 466, chapter 467, chapter 480, chapter 484, chapter 486,
1175 chapter 490, chapter 491, or part I, part III, part X, part
1176 XIII, or part XIV of chapter 468, or s. 464.012, and that is
1177 wholly owned by one or more licensed health care practitioners,
1178 or the licensed health care practitioners set forth in this
1179 subparagraph ~~paragraph~~ and the spouse, parent, child, or sibling
1180 of a licensed health care practitioner if one of the owners who
1181 is a licensed health care practitioner is supervising the
1182 business activities and is legally responsible for the entity's
1183 compliance with all federal and state laws. However, a health
1184 care practitioner may not supervise services beyond the scope of

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1185 the practitioner's license, except that, for the purposes of
1186 this part, a clinic owned by a licensee in s. 456.053(3)(b)
1187 which provides only services authorized pursuant to s.
1188 456.053(3)(b) may be supervised by a licensee specified in s.
1189 456.053(3)(b).

1190 ~~8.(h)~~ Clinical facilities affiliated with an accredited
1191 medical school at which training is provided for medical
1192 students, residents, or fellows.

1193 ~~9.(i)~~ Entities that provide only oncology or radiation
1194 therapy services by physicians licensed under chapter 458 or
1195 chapter 459 or entities that provide oncology or radiation
1196 therapy services by physicians licensed under chapter 458 or
1197 chapter 459 which are owned by a corporation whose shares are
1198 publicly traded on a recognized stock exchange.

1199 ~~10.(j)~~ Clinical facilities affiliated with a college of
1200 chiropractic accredited by the Council on Chiropractic Education
1201 at which training is provided for chiropractic students.

1202 ~~11.(k)~~ Entities that provide licensed practitioners to
1203 staff emergency departments or to deliver anesthesia services in
1204 facilities licensed under chapter 395 and that derive at least
1205 90 percent of their gross annual revenues from the provision of
1206 such services. Entities claiming an exemption from licensure
1207 under this subparagraph ~~paragraph~~ must provide documentation
1208 demonstrating compliance.

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1209 12.~~(l)~~ Orthotic, prosthetic, pediatric cardiology, or
1210 perinatology clinical facilities or anesthesia clinical
1211 facilities that are not otherwise exempt under subparagraph 1.
1212 or subparagraph 11. ~~paragraph (a) or paragraph (k)~~ and that are
1213 a publicly traded corporation or are wholly owned, directly or
1214 indirectly, by a publicly traded corporation. As used in this
1215 subparagraph ~~paragraph~~, a publicly traded corporation is a
1216 corporation that issues securities traded on an exchange
1217 registered with the United States Securities and Exchange
1218 Commission as a national securities exchange.

1219 13.~~(m)~~ Entities that are owned by a corporation that has
1220 \$250 million or more in total annual sales of health care
1221 services provided by licensed health care practitioners where
1222 one or more of the persons responsible for the operations of the
1223 entity is a health care practitioner who is licensed in this
1224 state and who is responsible for supervising the business
1225 activities of the entity and is responsible for the entity's
1226 compliance with state law for purposes of this part.

1227 14.~~(n)~~ Entities that employ 50 or more licensed health
1228 care practitioners licensed under chapter 458 or chapter 459
1229 where the billing for medical services is under a single tax
1230 identification number. The application for exemption under this
1231 subsection must include ~~shall contain information that includes:~~
1232 the name, residence, and business address and telephone ~~phone~~
1233 number of the entity that owns the practice; a complete list of

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1234 the names and contact information of all the officers and
1235 directors of the corporation; the name, residence address,
1236 business address, and medical license number of each licensed
1237 Florida health care practitioner employed by the entity; the
1238 corporate tax identification number of the entity seeking an
1239 exemption; a listing of health care services to be provided by
1240 the entity at the health care clinics owned or operated by the
1241 entity; and a certified statement prepared by an independent
1242 certified public accountant which states that the entity and the
1243 health care clinics owned or operated by the entity have not
1244 received payment for health care services under medical payments
1245 ~~personal injury protection insurance~~ coverage for the preceding
1246 year. If the agency determines that an entity that ~~which~~ is
1247 exempt under this subsection has received payments for medical
1248 services under medical payments ~~personal injury protection~~
1249 ~~insurance~~ coverage, the agency may deny or revoke the exemption
1250 from licensure under this subsection.

1251 15. ~~(e)~~ Entities that are, directly or indirectly, under
1252 the common ownership of or that are subject to common control by
1253 a mutual insurance holding company, as defined in s. 628.703,
1254 with an entity issued a certificate of authority under chapter
1255 624 or chapter 641 which has \$1 billion or more in total annual
1256 sales in this state.

1257 16. ~~(p)~~ Entities that are owned by an entity that is a
1258 behavioral health care service provider in at least five other

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1259 states; that, together with its affiliates, have \$90 million or
1260 more in total annual revenues associated with the provision of
1261 behavioral health care services; and wherein one or more of the
1262 persons responsible for the operations of the entity is a health
1263 care practitioner who is licensed in this state, who is
1264 responsible for supervising the business activities of the
1265 entity, and who is responsible for the entity's compliance with
1266 state law for purposes of this part.

1267 17. ~~(a)~~ Medicaid providers.

1268 (b) Notwithstanding paragraph (a) this subsection, an
1269 entity is shall be deemed a clinic and must be licensed under
1270 this part in order to receive medical payments coverage
1271 reimbursement under s. 627.7265 unless the entity is:

1272 1. Wholly owned by a physician licensed under chapter 458
1273 or chapter 459 or by the physician and the spouse, parent,
1274 child, or sibling of the physician;

1275 2. Wholly owned by a dentist licensed under chapter 466 or
1276 by the dentist and the spouse, parent, child, or sibling of the
1277 dentist;

1278 3. Wholly owned by a chiropractic physician licensed under
1279 chapter 460 or by the chiropractic physician and the spouse,
1280 parent, child, or sibling of the chiropractic physician;

1281 4. A hospital or ambulatory surgical center licensed under
1282 chapter 395;

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1283 5. An entity that wholly owns or is wholly owned, directly
1284 or indirectly, by a hospital or hospitals licensed under chapter
1285 395;

1286 6. A clinical facility affiliated with an accredited
1287 medical school at which training is provided for medical
1288 students, residents, or fellows;

1289 7. Certified under 42 C.F.R. part 485, subpart H; or

1290 8. Owned by a publicly traded corporation, either directly
1291 or indirectly through its subsidiaries, which has \$250 million
1292 or more in total annual sales of health care services provided
1293 by licensed health care practitioners, if one or more of the
1294 persons responsible for the operations of the entity are health
1295 care practitioners who are licensed in this state and are
1296 responsible for supervising the business activities of the
1297 entity and the entity's compliance with state law for purposes
1298 of this subsection ~~the Florida Motor Vehicle No-Fault Law, ss.~~
1299 ~~627.730-627.7405, unless exempted under s. 627.736(5)(h).~~

1300 Section 27. Subsection (5) of section 400.991, Florida
1301 Statutes, is amended to read:

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

1304 (5) All agency forms for licensure application or
1305 exemption from licensure under this part must contain the
1306 following statement:
1307

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

1325 Section 28. Paragraph (g) of subsection (1) of section
1326 400.9935, Florida Statutes, is amended to read:

1327 400.9935 Clinic responsibilities.—

1328 (1) Each clinic shall appoint a medical director or clinic
1329 director who shall agree in writing to accept legal
1330 responsibility for the following activities on behalf of the
1331 clinic. The medical director or the clinic director shall:

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1332 (g) Conduct systematic reviews of clinic billings to
1333 ensure that the billings are not fraudulent or unlawful. Upon
1334 discovery of an unlawful charge, the medical director or clinic
1335 director shall take immediate corrective action. If the clinic
1336 performs only the technical component of magnetic resonance
1337 imaging, static radiographs, computed tomography, or positron
1338 emission tomography, and provides the professional
1339 interpretation of such services, in a fixed facility that is
1340 accredited by a national accrediting organization that is
1341 approved by the Centers for Medicare and Medicaid Services for
1342 magnetic resonance imaging and advanced diagnostic imaging
1343 services and if, in the preceding quarter, the percentage of
1344 scans performed by that clinic which was billed to motor vehicle
1345 ~~all personal injury protection~~ insurance carriers under medical
1346 payments coverage was less than 15 percent, the chief financial
1347 officer of the clinic may, in a written acknowledgment provided
1348 to the agency, assume the responsibility for the conduct of the
1349 systematic reviews of clinic billings to ensure that the
1350 billings are not fraudulent or unlawful.

1351 Section 29. Subsection (28) of section 409.901, Florida
1352 Statutes, is amended to read:

1353 409.901 Definitions; ss. 409.901-409.920.—As used in ss.
1354 409.901-409.920, except as otherwise specifically provided, the
1355 term:

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1356 (28) "Third-party benefit" means any benefit that is or
1357 may be available at any time through contract, court award,
1358 judgment, settlement, agreement, or any arrangement between a
1359 third party and any person or entity, including, without
1360 limitation, a Medicaid recipient, a provider, another third
1361 party, an insurer, or the agency, for any Medicaid-covered
1362 injury, illness, goods, or services, including costs of medical
1363 services related thereto, for bodily ~~personal~~ injury or for
1364 death of the recipient, but specifically excluding ~~policies of~~
1365 life insurance policies on the recipient, unless available under
1366 terms of the policy to pay medical expenses before ~~prior to~~
1367 death. The term includes, without limitation, collateral, as
1368 defined in this section; ~~health insurance;~~ any benefit under a
1369 health maintenance organization, a preferred provider
1370 arrangement, a prepaid health clinic, liability insurance,
1371 uninsured motorist insurance, or medical payments coverage; or
1372 ~~personal injury protection coverage,~~ medical benefits under
1373 workers' compensation, and any obligation under law or equity to
1374 provide medical support.

1375 Section 30. Paragraph (f) of subsection (11) of section
1376 409.910, Florida Statutes, is amended to read:

1377 409.910 Responsibility for payments on behalf of Medicaid-
1378 eligible persons when other parties are liable.-

1379 (11) The agency may, as a matter of right, in order to
1380 enforce its rights under this section, institute, intervene in,

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1381 or join any legal or administrative proceeding in its own name
1382 in one or more of the following capacities: individually, as
1383 subrogee of the recipient, as assignee of the recipient, or as
1384 lienholder of the collateral.

1385 (f) Notwithstanding any provision in this section to the
1386 contrary, in the event of an action in tort against a third
1387 party in which the recipient or his or her legal representative
1388 is a party which results in a judgment, award, or settlement
1389 from a third party, the amount recovered shall be distributed as
1390 follows:

1391 1. After attorney ~~attorney's~~ fees and taxable costs as
1392 defined by the Florida Rules of Civil Procedure, one-half of the
1393 remaining recovery shall be paid to the agency up to the total
1394 amount of medical assistance provided by Medicaid.

1395 2. The remaining amount of the recovery shall be paid to
1396 the recipient.

1397 3. For purposes of calculating the agency's recovery of
1398 medical assistance benefits paid, the fee for services of an
1399 attorney retained by the recipient or his or her legal
1400 representative shall be calculated at 25 percent of the
1401 judgment, award, or settlement.

1402 4. Notwithstanding any other provision of this section to
1403 the contrary, the agency shall be entitled to all medical
1404 coverage benefits up to the total amount of medical assistance
1405 provided by Medicaid. For purposes of this paragraph, the term

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1406 "medical coverage" means any benefits under health insurance, a
1407 health maintenance organization, a preferred provider
1408 arrangement, or a prepaid health clinic, and the portion of
1409 benefits designated for medical payments under ~~coverage for~~
1410 workers' compensation coverage, motor vehicle insurance
1411 coverage, personal injury protection, and casualty coverage.

1412 Section 31. Paragraph (k) of subsection (2) of section
1413 456.057, Florida Statutes, is repealed.

1414 Section 32. Paragraphs (ee) and (ff) of subsection (1) of
1415 section 456.072, Florida Statutes, are amended to read:

1416 456.072 Grounds for discipline; penalties; enforcement.—

1417 (1) The following acts shall constitute grounds for which
1418 the disciplinary actions specified in subsection (2) may be
1419 taken:

1420 (ee) With respect to making a medical payments coverage
1421 ~~personal injury protection~~ claim under s. 627.7265 as required
1422 ~~by s. 627.736,~~ intentionally submitting a claim, statement, or
1423 bill that has been upcoded. As used in this paragraph, the term
1424 "upcoded" means an action that submits a billing code that would
1425 result in a greater payment amount than would be paid using a
1426 billing code that accurately describes the services performed.
1427 The term does not include an otherwise lawful bill by a magnetic
1428 resonance imaging facility which globally combines both
1429 technical and professional components, if the amount of the
1430 global bill is not more than the components if billed

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1431 separately; however, payment of such a bill constitutes payment
1432 in full for all components of such service "~~un~~coded" as defined
1433 in s. 627.732.

1434 (ff) With respect to making a medical payments coverage
1435 personal injury protection claim pursuant to s. 627.7265 as
1436 required by s. 627.736, intentionally submitting a claim,
1437 statement, or bill for payment of services that were not
1438 rendered.

1439 Section 33. Paragraph (b) of subsection (1) and subsection
1440 (8) of section 624.155, Florida Statutes, are amended to read:
1441 624.155 Civil remedy.—

1442 (1) Any person may bring a civil action against an insurer
1443 when such person is damaged:

1444 (b) By the commission of any of the following acts by the
1445 insurer:

1446 1. Except for a civil action for bad faith failure to
1447 settle a third-party claim subject to s. 624.156, not attempting
1448 in good faith to settle claims when, under all the
1449 circumstances, it could and should have done so, had it acted
1450 fairly and honestly toward its insured and with due regard for
1451 her or his interests;

1452 2. Making claims payments to insureds or beneficiaries not
1453 accompanied by a statement setting forth the coverage under
1454 which payments are being made; ~~or~~

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1455 3. Except as to liability coverages, failing to promptly
1456 settle claims, when the obligation to settle a claim has become
1457 reasonably clear, under one portion of the insurance policy
1458 coverage in order to influence settlements under other portions
1459 of the insurance policy coverage; or

1460 4. When handling a first-party claim under a motor vehicle
1461 insurance policy, not attempting in good faith to settle such
1462 claim pursuant to subparagraph 1. when such failure is caused by
1463 a failure to communicate to an insured:

1464 a. The name, telephone number, e-mail address, and mailing
1465 address of the person who is adjusting the claim;

1466 b. Any issues that may impair the insured's coverage;

1467 c. Information that might resolve the coverage issue in a
1468 prompt manner;

1469 d. Any basis for the insurer's rejection or nonacceptance
1470 of any settlement demand or offer; or

1471 e. Any needed extensions to respond to a time-limited
1472 settlement offer.

1473
1474 Notwithstanding the provisions of the above to the contrary, a
1475 person pursuing a remedy under this section need not prove that
1476 such act was committed or performed with such frequency as to
1477 indicate a general business practice.

1478 (8) The civil remedy specified in this section does not
1479 preempt any other remedy or cause of action provided for

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1480 pursuant to any other statute or pursuant to the common law of
1481 this state. ~~A Any person is may obtain a judgment under either~~
1482 ~~the common-law remedy of bad faith or this statutory remedy, but~~
1483 ~~shall~~ not be entitled to a judgment under multiple bad faith
1484 ~~both~~ remedies. This section shall not be construed to create a
1485 common-law cause of action. The damages recoverable pursuant to
1486 this section shall include those damages which are a reasonably
1487 foreseeable result of a specified violation of this section by
1488 the authorized insurer and may include an award or judgment in
1489 an amount that exceeds the policy limits.

1490 Section 34. Section 624.156, Florida Statutes, is created
1491 to read:

1492 624.156 Actions against motor vehicle insurers for bad
1493 faith failure to settle third-party claims.-

1494 (1) SCOPE.-This section applies in all actions against any
1495 insurer for bad faith failure to settle a third-party claim for
1496 a loss arising out of the ownership, maintenance, or use of a
1497 motor vehicle operated or principally garaged in this state at
1498 the time of an incident or a loss, regardless of whether the
1499 insurer is authorized to do business in this state or issued a
1500 policy in this state. This section governs in any conflict with
1501 common law or any other statute.

1502 (2) DUTY OF GOOD FAITH.-In handling claims, an insurer has
1503 a duty to its insured to handle claims in good faith by
1504 complying with the best practices standards of subsection (4).

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1505 An insurer's negligence does not constitute bad faith. However,
1506 negligence is relevant to whether an insurer acted in bad faith.

1507 (3) BAD FAITH FAILURE TO SETTLE.—"Bad faith failure to
1508 settle" means an insurer's failure to meet its duty of good
1509 faith, as described in subsection (2), which is a proximate
1510 cause of the insurer not settling a third-party claim when,
1511 under all the circumstances, the insurer could and should have
1512 done so, had it acted fairly and honestly toward its insured and
1513 with due regard for the insured's interests.

1514 (4) BEST PRACTICES STANDARDS.—An insurer must meet the
1515 best practices standards of this subsection. The insurer's duty
1516 begins upon receiving actual notice of an incident or a loss
1517 that could give rise to a covered liability claim and continues
1518 until the claim is resolved. Notice may be communicated to the
1519 insurer or an agent of the insurer by any means. However, if
1520 actual notice is communicated by means other than through any
1521 manner permitted by the policy or other documents provided to
1522 the insured by the insurer, through the insurer's website, or
1523 through the e-mail address designated by the insurer under s.
1524 624.422, the notice will not be effective under this subsection
1525 if that variation causes actual prejudice to the insurer's
1526 ability to settle the claim. The burden is on the party bringing
1527 the bad faith claim to prove that the insurer had actual notice
1528 of the incident or loss giving rise to the claim that resulted

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1529 in an excess judgment and when such notice was received. After
1530 receipt of actual notice an insurer:

1531 (a) Must assign a duly licensed and appointed insurance
1532 adjuster to investigate the extent of the insured's probable
1533 exposure and diligently attempt to resolve any questions
1534 concerning the existence or extent of the insured's coverage.

1535 (b) Based on available information, must ethically
1536 evaluate every claim fairly, honestly, and with due regard for
1537 the interests of the insured; consider the extent of the
1538 claimant's recoverable damages; and consider the information in
1539 a reasonable and prudent manner.

1540 (c) Must request from the insured or claimant additional
1541 relevant information the insurer reasonably deems necessary to
1542 evaluate whether to settle a claim.

1543 (d) Must conduct all verbal and written communications
1544 with the insured with the utmost honesty and complete candor.

1545 (e) Must make reasonable efforts to explain to persons not
1546 represented by counsel matters requiring expertise beyond the
1547 level normally expected of a layperson with no training in
1548 insurance or claims-handling issues.

1549 (f) Must retain all written communications and note and
1550 retain a summary of all verbal communications in a reasonable
1551 manner for a period of not less than 5 years after the later of:

1552 1. The entry of a judgment against the insured in excess
1553 of policy limits becomes final; or

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1554 2. The conclusion of the extracontractual claim, if any,
1555 including any related appeals.

1556 (g) Must provide the insured, upon request, with all
1557 communications related to the insurer's handling of the claim
1558 which are not privileged as to the insured.

1559 (h) Must provide, at the insurer's expense, reasonable
1560 accommodations necessary to communicate effectively with an
1561 insured covered under the Americans with Disabilities Act.

1562 (i) In handling third-party claims, must communicate to an
1563 insured all of the following:

1564 1. The identity of any other person or entity the insurer
1565 has reason to believe may be liable.

1566 2. The insurer's evaluation of the claim.

1567 3. The likelihood and possible extent of an excess
1568 judgment.

1569 4. Steps the insured can take to avoid exposure to an
1570 excess judgment, including the right to secure personal counsel
1571 at the insured's expense.

1572 5. The insured's duty to cooperate with the insurer,
1573 including any specific requests required because of a settlement
1574 opportunity or by the insurer for the insured's cooperation
1575 under subsection (5), the purpose of the required cooperation,
1576 and the consequences of refusing to cooperate.

1577 6. Any settlement demands or offers.

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1578 (j) If, after the expiration of the safe harbor periods in
1579 subsection (8), the facts available to the insurer indicate that
1580 the insured's liability is likely to exceed the policy limits,
1581 must initiate settlement negotiations by tendering its policy
1582 limits to the claimant in exchange for a general release of the
1583 insured.

1584 (k)1. Must give fair consideration to a settlement offer
1585 that is not unreasonable under the facts available to the
1586 insurer and settle, if possible, when a reasonably prudent
1587 person, faced with the prospect of paying the total probable
1588 exposure of the insured, would do so. The insurer shall provide
1589 reasonable assistance to the insured to comply with the
1590 insured's obligations to cooperate and shall act reasonably to
1591 attempt to satisfy any conditions of a claimant's settlement
1592 offer. If it is not possible to settle a liability claim within
1593 the available policy limits, the insurer shall act reasonably to
1594 attempt to minimize the excess exposure to the insured.

1595 2. When multiple claims arise out of a single occurrence,
1596 the combined value of all claims exceeds the total of all
1597 applicable policy limits, and the claimants are unwilling to
1598 globally settle within the policy limits, thereafter, must
1599 attempt to minimize the magnitude of possible excess judgments
1600 against the insured. The insurer is entitled to great discretion
1601 to decide how much to offer each respective claimant in its
1602 attempt to protect the insured. The insurer may, in its effort

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1603 to minimize the excess liability of the insured, use its
1604 discretion to offer the full available policy limits to one or
1605 more claimants to the exclusion of other claimants and may leave
1606 the insured exposed to some liability after all the policy
1607 limits are paid. An insurer does not act in bad faith simply
1608 because it is unable to settle all claims in a multiple claimant
1609 case. It is a defense to a bad faith action if the insurer
1610 establishes that it used its discretion for the benefit of its
1611 insureds and complied with the other best practices standards of
1612 this subsection.

1613 (l) When a loss creates the potential for a third-party
1614 claim against more than one insured, must attempt to settle the
1615 claim on behalf of all insureds against whom a claim may be
1616 presented. If it is not possible to settle on behalf of all
1617 insureds, the insurer may, in consultation with the insureds,
1618 enter into reasonable settlements of claims against certain
1619 insureds to the exclusion of other insureds.

1620 (m) Must respond to any request for insurance information
1621 in compliance with s. 627.4137 or s. 626.9372, as applicable.

1622 (n) Where it appears the insured's probable exposure is
1623 greater than policy limits, must take reasonable measures to
1624 preserve evidence, for a reasonable period of time, which is
1625 needed for the defense of the liability claim.

1626 (o) Must comply with s. 627.426, if applicable.

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- 1627 (p) May not commit or perform with such frequency as to
1628 indicate a general business practice, any of the following:
1629 1. Failing to adopt and implement standards for the proper
1630 investigation of claims.
1631 2. Misrepresenting pertinent facts or insurance policy
1632 provisions relating to coverages at issue.
1633 3. Failing to acknowledge and act promptly upon
1634 communications with respect to claims.
1635 4. Denying claims without conducting reasonable
1636 investigations based upon available information.
1637 (5) INSURED'S DUTY TO COOPERATE.—
1638 (a) Insureds have a duty to cooperate with their insurer
1639 in the defense of the claim and in making settlements.
1640 Accordingly, the insured must take any reasonable action
1641 requested by the injured claimant or provided in the policy
1642 which is necessary to assist the insurer in settling a covered
1643 claim, including:
1644 1. Executing affidavits regarding the facts within the
1645 insured's knowledge regarding the covered loss; and
1646 2. Providing documents, including those requested pursuant
1647 to paragraph (b).
1648 (b) When it is reasonably necessary to settle a covered
1649 claim valued in excess of all applicable policy limits, upon the
1650 request of the injured claimant, an insured must disclose on a

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- 1651 form adopted by the department or provided by the claimant a
1652 summary of the following:
- 1653 1. The insured's assets at the time of the loss,
1654 including:
- 1655 a. Cash, stocks, bonds, and nonretirement-based mutual
1656 funds;
- 1657 b. Nonhomestead real property;
1658 c. All registered vehicles;
1659 d. All bank accounts;
1660 e. An estimated net accounting of all other assets; and
1661 f. Any additional information included by the department.
- 1662 2. The insured's liabilities, including:
- 1663 a. Mortgage debt;
1664 b. Credit card debt;
1665 c. Child support and alimony payments;
1666 d. Other liabilities; and
1667 e. Any additional information included by the department.
- 1668 3. For a corporate entity, information on its balance
1669 sheet, including the corporate entity's:
- 1670 a. Cash, property, equipment, and inventory;
1671 b. Liabilities, including obligations, rent, money owed to
1672 vendors, payroll, and taxes;
1673 c. Other information relevant to understanding the
1674 entity's capital and net worth; and
1675 d. Any additional information included by the department.

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1676 4. A list of all insurance policies that may provide
1677 coverage for the claim, stating the name of the insurer and
1678 policy number of each policy.

1679 5. For natural persons, a statement of whether the insured
1680 was acting in the course and scope of employment at the time of
1681 the incident or loss giving rise to the claim and, if so,
1682 providing the name and contact information for the insured's
1683 employer.

1684 (c) No later than 14 days following actual notice of an
1685 incident or a loss that could give rise to a covered liability
1686 claim, the insurer must notify the insured of the insured's
1687 duties under this subsection. The burden is on the insurer to
1688 prove it provided notice to the insured of the insured's duty to
1689 cooperate; otherwise, a presumption arises that the insured met
1690 its duty to cooperate under this subsection.

1691 (d) An insurer may terminate the defense as to any insured
1692 who unreasonably fails to meet its duties under this subsection
1693 when:

1694 1. The insurer exercised diligence and met its duties
1695 under subparagraph (4) (i) 5.;

1696 2. The insurer provided reasonable assistance to the
1697 insured to comply with the obligations of this subsection;

1698 3. The insurer gave the insured written notice of any
1699 failure to cooperate and a reasonable opportunity for the

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1700 insured to cure the lack of cooperation, consistent with any
1701 deadlines imposed by settlement negotiations;

1702 4. The insured's failure to cooperate causes the insurer
1703 to be unable to settle the claim; and

1704 5. The insurer unconditionally tenders its available
1705 coverage policy limits directly to the claimant or the
1706 claimant's attorney.

1707 (e) When an insured's defense is terminated in compliance
1708 with this subsection, the insurer is not liable for any damages
1709 caused by a failure to settle or defend the liability claim
1710 against that insured.

1711 (6) CLAIMANT COMMUNICATIONS.—The trier of fact may not
1712 attribute the insurer's failure to settle a covered third-party
1713 claim to a claimant's lack of communication with the insurer
1714 when the claimant truthfully complies with all applicable
1715 standards of this subsection by:

1716 (a) Contemporaneously with or before making a claim with
1717 the insurer, communicating in writing to the insurer:

1718 1. The date and location of loss;

1719 2. The name, address, and date of birth of the claimant;

1720 and

1721 3. A physical address, an e-mail address, and a facsimile
1722 number for further communications, including, but not limited
1723 to, responses to any settlement demand.

1724 (b) Presenting the following in writing:

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- 1725 1. The legal and factual basis of the claim; and
1726 2. A reasonably detailed description of the claimant's:
1727 a. Known injuries caused or aggravated by the incident or
1728 loss on which the claim is based;
1729 b. Medical treatment causally related to the incident or
1730 loss on which the claim is based;
1731 c. Relevant pre-accident medical conditions, if known; and
1732 d. Type and amount of known damages incurred and, if any,
1733 the damages the claimant reasonably anticipates incurring in the
1734 future.
- 1735 (c) Providing any settlement demand in writing and stating
1736 within such demand:
- 1737 1. The name of each insured to whom the demand for
1738 settlement is directed;
1739 2. The amount of the demand for settlement; and
1740 3. Any conditions the claimant is placing on acceptance of
1741 the demand for settlement.
- 1742
1743 This subsection does not reduce an insurer's duty of good faith,
1744 which is owed solely to its insured. The claimant owes no duty
1745 to the insured or the insurer, and the duties of the claimant's
1746 attorney are owed solely to their client. The claimant and the
1747 claimant's attorneys do not have a duty to comply with this
1748 subsection.

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1749 (7) CONDITIONS PRECEDENT.—It is a condition precedent to
1750 filing an action against an insurer for bad faith failure to
1751 settle a third-party claim that:

1752 (a) A third-party claimant obtained a final judgment in
1753 excess of the policy limits against the insured or the insured's
1754 estate, bankruptcy trustee, or successor in interest, unless the
1755 insurer expressly waived the requirement of a final excess
1756 judgment or wrongfully breached its duty to defend the insured;
1757 and

1758 (b) The insurer or an agent of the insurer received actual
1759 notice effective under subsection (4).

1760 (8) SAFE HARBORS.—

1761 (a) After an insurer receives actual notice of an incident
1762 or a loss that could give rise to a covered liability claim, the
1763 insurer is entitled to a reasonable opportunity to investigate
1764 and evaluate the claim. The amount of time required for the
1765 insurer's investigation and evaluation will vary depending on
1766 the circumstances of the claim. The safe harbors provided in
1767 this subsection are available to an insurer that complies with
1768 the best practices standards of subsection (4).

1769 (b) When one claim arises out of a single occurrence, and
1770 an insurer initiates settlement negotiations by tendering the
1771 applicable policy limits in exchange for a general release of
1772 the insured within 45 days after receiving actual notice of the

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1773 loss, the failure to tender the policy limits sooner does not
1774 constitute bad faith.

1775 (c) When multiple claims arise out of a single occurrence,
1776 the combined value of all claims exceeds the total of all
1777 applicable policy limits, and an insurer initiates settlement
1778 negotiations by globally tendering the applicable policy limits
1779 in exchange for a general release of the insured within 45 days
1780 after receiving actual notice of the loss, the failure to tender
1781 policy limits sooner does not constitute bad faith.

1782 (d) An insurer is not under any circumstances liable for
1783 the failure to accept a settlement offer within 45 days after
1784 receiving actual notice of the loss if:

1785 1. The settlement offer provides the insurer fewer than 15
1786 days for acceptance; or

1787 2. The settlement offer provides the insurer fewer than 30
1788 days for acceptance where the offer contains conditions for
1789 acceptance other than the insurer's disclosure of its policy
1790 limits.

1791 (e) This subsection does not require that an insurer
1792 automatically tender policy limits within 45 days in every case.

1793 (9) BURDEN OF PROOF.—In any action for bad faith failure
1794 to settle as defined in subsection (3):

1795 (a) The party bringing the bad faith claim must prove
1796 every element of the claim by the greater weight of the
1797 evidence, taking into account the totality of the circumstances.

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1798 (b) An insurer that relies upon paragraph (5)(d) as a
1799 defense to a claim for bad faith failure to settle must prove
1800 the elements of that paragraph by the greater weight of the
1801 evidence.

1802 (c) An insurer that relies upon a safe harbor provision of
1803 subsection (8) must prove the elements of the safe harbor by the
1804 greater weight of the evidence.

1805 (10) DAMAGES.—If the trier of fact finds that the party
1806 bringing the bad faith claim has met its burden of proof, the
1807 insurer is liable for the amount of any excess judgment,
1808 together with court costs and, if the party bringing the bad
1809 faith claim is the insured or an assignee of the insured, the
1810 reasonable attorney fees incurred by the party bringing the bad
1811 faith claim. Punitive damages may not be awarded.

1812 Section 35. Paragraphs (i) and (o) of subsection (1) of
1813 section 626.9541, Florida Statutes, are amended to read:

1814 626.9541 Unfair methods of competition and unfair or
1815 deceptive acts or practices defined.—

1816 (1) UNFAIR METHODS OF COMPETITION AND UNFAIR OR DECEPTIVE
1817 ACTS.—The following are defined as unfair methods of competition
1818 and unfair or deceptive acts or practices:

1819 (i) *Unfair claim settlement practices.*—

1820 1. Attempting to settle claims on the basis of an
1821 application, when serving as a binder or intended to become a
1822 part of the policy, or any other material document which was

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1823 altered without notice to, or knowledge or consent of, the
1824 insured;

1825 2. Making a material misrepresentation ~~made~~ to an insured
1826 or any other person having an interest in the proceeds payable
1827 under such contract or policy, for the purpose and with the
1828 intent of effecting settlement of such claims, loss, or damage
1829 under such contract or policy on less favorable terms than those
1830 provided in, and contemplated by, such contract or policy; ~~or~~

1831 3. Committing or performing with such frequency as to
1832 indicate a general business practice any of the following:

1833 a. Failing to adopt and implement standards for the proper
1834 investigation of claims;

1835 b. Misrepresenting pertinent facts or insurance policy
1836 provisions relating to coverages at issue;

1837 c. Failing to acknowledge and act promptly upon
1838 communications with respect to claims;

1839 d. Denying claims without conducting reasonable
1840 investigations based upon available information;

1841 e. Failing to affirm or deny full or partial coverage of
1842 claims, and, as to partial coverage, the dollar amount or extent
1843 of coverage, or failing to provide a written statement that the
1844 claim is being investigated, upon the written request of the
1845 insured within 30 days after proof-of-loss statements have been
1846 completed;

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1847 f. Failing to promptly provide a reasonable explanation in
1848 writing to the insured of the basis in the insurance policy, in
1849 relation to the facts or applicable law, for denial of a claim
1850 or for the offer of a compromise settlement;

1851 g. Failing to promptly notify the insured of any
1852 additional information necessary for the processing of a claim;
1853 or

1854 h. Failing to clearly explain the nature of the requested
1855 information and the reasons why such information is necessary.

1856 ~~i. Failing to pay personal injury protection insurance~~
1857 ~~claims within the time periods required by s. 627.736(4)(b). The~~
1858 ~~office may order the insurer to pay restitution to a~~
1859 ~~policyholder, medical provider, or other claimant, including~~
1860 ~~interest at a rate consistent with the amount set forth in s.~~
1861 ~~55.03(1), for the time period within which an insurer fails to~~
1862 ~~pay claims as required by law. Restitution is in addition to any~~
1863 ~~other penalties allowed by law, including, but not limited to,~~
1864 ~~the suspension of the insurer's certificate of authority.~~

1865 4. Failing to pay undisputed amounts of partial or full
1866 benefits owed under first-party property insurance policies
1867 within 90 days after an insurer receives notice of a residential
1868 property insurance claim, determines the amounts of partial or
1869 full benefits, and agrees to coverage, unless payment of the
1870 undisputed benefits is prevented by an act of God, prevented by
1871 the impossibility of performance, or due to actions by the

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1872 insured or claimant that constitute fraud, lack of cooperation,
1873 or intentional misrepresentation regarding the claim for which
1874 benefits are owed.

1875 (o) *Illegal dealings in premiums; excess or reduced*
1876 *charges for insurance.-*

1877 1. Knowingly collecting any sum as a premium or charge for
1878 insurance, which is not then provided, or is not in due course
1879 to be provided, subject to acceptance of the risk by the
1880 insurer, by an insurance policy issued by an insurer as
1881 permitted by this code.

1882 2. Knowingly collecting as a premium or charge for
1883 insurance any sum in excess of or less than the premium or
1884 charge applicable to such insurance, in accordance with the
1885 applicable classifications and rates as filed with and approved
1886 by the office, and as specified in the policy; or, in cases when
1887 classifications, premiums, or rates are not required by this
1888 code to be so filed and approved, premiums and charges collected
1889 from a Florida resident in excess of or less than those
1890 specified in the policy and as fixed by the insurer.

1891 Notwithstanding any other provision of law, this provision shall
1892 not be deemed to prohibit the charging and collection, by
1893 surplus lines agents licensed under part VIII of this chapter,
1894 of the amount of applicable state and federal taxes, or fees as
1895 authorized by s. 626.916(4), in addition to the premium required
1896 by the insurer or the charging and collection, by licensed

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1897 agents, of the exact amount of any discount or other such fee
1898 charged by a credit card facility in connection with the use of
1899 a credit card, as authorized by subparagraph (q)3., in addition
1900 to the premium required by the insurer. This subparagraph shall
1901 not be construed to prohibit collection of a premium for a
1902 universal life or a variable or indeterminate value insurance
1903 policy made in accordance with the terms of the contract.

1904 3.a. Imposing or requesting an additional premium for
1905 bodily injury liability coverage, property damage liability
1906 coverage ~~a policy of motor vehicle liability, personal injury~~
1907 ~~protection,~~ medical payments coverage payment, or collision
1908 coverage in a motor vehicle liability insurance policy insurance
1909 ~~or any combination thereof~~ or refusing to renew the policy
1910 solely because the insured was involved in a motor vehicle
1911 accident unless the insurer's file contains information from
1912 which the insurer in good faith determines that the insured was
1913 substantially at fault in the accident.

1914 b. An insurer which imposes and collects such a surcharge
1915 or which refuses to renew such policy shall, in conjunction with
1916 the notice of premium due or notice of nonrenewal, notify the
1917 named insured that he or she is entitled to reimbursement of
1918 such amount or renewal of the policy under the conditions listed
1919 below and will subsequently reimburse him or her or renew the
1920 policy, if the named insured demonstrates that the operator
1921 involved in the accident was:

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- 1922 (I) Lawfully parked;
- 1923 (II) Reimbursed by, or on behalf of, a person responsible
1924 for the accident or has a judgment against such person;
- 1925 (III) Struck in the rear by another vehicle headed in the
1926 same direction and was not convicted of a moving traffic
1927 violation in connection with the accident;
- 1928 (IV) Hit by a "hit-and-run" driver, if the accident was
1929 reported to the proper authorities within 24 hours after
1930 discovering the accident;
- 1931 (V) Not convicted of a moving traffic violation in
1932 connection with the accident, but the operator of the other
1933 automobile involved in such accident was convicted of a moving
1934 traffic violation;
- 1935 (VI) Finally adjudicated not to be liable by a court of
1936 competent jurisdiction;
- 1937 (VII) In receipt of a traffic citation which was dismissed
1938 or nolle prossed; or
- 1939 (VIII) Not at fault as evidenced by a written statement
1940 from the insured establishing facts demonstrating lack of fault
1941 which are not rebutted by information in the insurer's file from
1942 which the insurer in good faith determines that the insured was
1943 substantially at fault.
- 1944 c. In addition to the other provisions of this
1945 subparagraph, an insurer may not fail to renew a policy if the
1946 insured has had only one accident in which he or she was at

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1947 fault within the current 3-year period. However, an insurer may
1948 nonrenew a policy for reasons other than accidents in accordance
1949 with s. 627.728. This subparagraph does not prohibit nonrenewal
1950 of a policy under which the insured has had three or more
1951 accidents, regardless of fault, during the most recent 3-year
1952 period.

1953 4. Imposing or requesting an additional premium for, or
1954 refusing to renew, a policy for motor vehicle insurance solely
1955 because the insured committed a noncriminal traffic infraction
1956 as described in s. 318.14 unless the infraction is:

1957 a. A second infraction committed within an 18-month
1958 period, or a third or subsequent infraction committed within a
1959 36-month period.

1960 b. A violation of s. 316.183, when such violation is a
1961 result of exceeding the lawful speed limit by more than 15 miles
1962 per hour.

1963 5. Upon the request of the insured, the insurer and
1964 licensed agent shall supply to the insured the complete proof of
1965 fault or other criteria which justifies the additional charge or
1966 cancellation.

1967 6. No insurer shall impose or request an additional
1968 premium for motor vehicle insurance, cancel or refuse to issue a
1969 policy, or refuse to renew a policy because the insured or the
1970 applicant is a handicapped or physically disabled person, so
1971 long as such handicap or physical disability does not

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1972 substantially impair such person's mechanically assisted driving
1973 ability.

1974 7. No insurer may cancel or otherwise terminate any
1975 insurance contract or coverage, or require execution of a
1976 consent to rate endorsement, during the stated policy term for
1977 the purpose of offering to issue, or issuing, a similar or
1978 identical contract or coverage to the same insured with the same
1979 exposure at a higher premium rate or continuing an existing
1980 contract or coverage with the same exposure at an increased
1981 premium.

1982 8. No insurer may issue a nonrenewal notice on any
1983 insurance contract or coverage, or require execution of a
1984 consent to rate endorsement, for the purpose of offering to
1985 issue, or issuing, a similar or identical contract or coverage
1986 to the same insured at a higher premium rate or continuing an
1987 existing contract or coverage at an increased premium without
1988 meeting any applicable notice requirements.

1989 9. No insurer shall, with respect to premiums charged for
1990 motor vehicle insurance, unfairly discriminate solely on the
1991 basis of age, sex, marital status, or scholastic achievement.

1992 10. Imposing or requesting an additional premium for motor
1993 vehicle comprehensive or uninsured motorist coverage solely
1994 because the insured was involved in a motor vehicle accident or
1995 was convicted of a moving traffic violation.

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1996 11. No insurer shall cancel or issue a nonrenewal notice
1997 on any insurance policy or contract without complying with any
1998 applicable cancellation or nonrenewal provision required under
1999 the Florida Insurance Code.

2000 12. No insurer shall impose or request an additional
2001 premium, cancel a policy, or issue a nonrenewal notice on any
2002 insurance policy or contract because of any traffic infraction
2003 when adjudication has been withheld and no points have been
2004 assessed pursuant to s. 318.14(9) and (10). However, this
2005 subparagraph does not apply to traffic infractions involving
2006 accidents in which the insurer has incurred a loss due to the
2007 fault of the insured.

2008 Section 36. Paragraph (a) of subsection (1) of section
2009 626.989, Florida Statutes, is amended to read:

2010 626.989 Investigation by department or Division of
2011 Investigative and Forensic Services; compliance; immunity;
2012 confidential information; reports to division; division
2013 investigator's power of arrest.-

2014 (1) For the purposes of this section:

2015 (a) A person commits a "fraudulent insurance act" if the
2016 person:

2017 1. Knowingly and with intent to defraud presents, causes
2018 to be presented, or prepares with knowledge or belief that it
2019 will be presented, to or by an insurer, self-insurer, self-
2020 insurance fund, servicing corporation, purported insurer,

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2021 broker, or any agent thereof, any written statement as part of,
2022 or in support of, an application for the issuance of, or the
2023 rating of, any insurance policy, or a claim for payment or other
2024 benefit pursuant to any insurance policy, which the person knows
2025 to contain materially false information concerning any fact
2026 material thereto or if the person conceals, for the purpose of
2027 misleading another, information concerning any fact material
2028 thereto.

2029 2. Knowingly submits:

2030 a. A false, misleading, or fraudulent application or other
2031 document when applying for licensure as a health care clinic,
2032 seeking an exemption from licensure as a health care clinic, or
2033 demonstrating compliance with part X of chapter 400 with an
2034 intent to use the license, exemption from licensure, or
2035 demonstration of compliance to provide services or seek
2036 reimbursement under a motor vehicle liability insurance policy's
2037 medical payments coverage ~~the Florida Motor Vehicle No-Fault~~
2038 ~~Law.~~

2039 b. A claim for payment or other benefit under medical
2040 payments coverage, ~~pursuant to a personal injury protection~~
2041 ~~insurance policy under the Florida Motor Vehicle No-Fault Law~~ if
2042 the person knows that the payee knowingly submitted a false,
2043 misleading, or fraudulent application or other document when
2044 applying for licensure as a health care clinic, seeking an

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2045 exemption from licensure as a health care clinic, or
2046 demonstrating compliance with part X of chapter 400.

2047 Section 37. Subsection (1) of section 627.06501, Florida
2048 Statutes, is amended to read:

2049 627.06501 Insurance discounts for certain persons
2050 completing driver improvement course.—

2051 (1) Any rate, rating schedule, or rating manual for the
2052 liability, medical payments ~~personal injury protection~~, and
2053 collision coverages of a motor vehicle insurance policy filed
2054 with the office may provide for an appropriate reduction in
2055 premium charges as to such coverages if ~~when~~ the principal
2056 operator on the covered vehicle has successfully completed a
2057 driver improvement course approved and certified by the
2058 Department of Highway Safety and Motor Vehicles which is
2059 effective in reducing crash or violation rates, or both, as
2060 determined pursuant to s. 318.1451(5). Any discount, not to
2061 exceed 10 percent, used by an insurer is presumed to be
2062 appropriate unless credible data demonstrates otherwise.

2063 Section 38. Subsection (15) is added to section 627.0651,
2064 Florida Statutes, to read:

2065 627.0651 Making and use of rates for motor vehicle
2066 insurance.—

2067 (15) Rate filings for motor vehicle liability policies
2068 that implement the financial responsibility requirements of s.
2069 324.022 in effect January 1, 2022, except for commercial motor

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2070 vehicle insurance policies exempt under paragraph (14) (a), must
2071 reflect such financial responsibility requirements and may be
2072 approved only through the file and use process under paragraph
2073 (1) (a).

2074 Section 39. Subsection (1) of section 627.0652, Florida
2075 Statutes, is amended to read:

2076 627.0652 Insurance discounts for certain persons
2077 completing safety course.—

2078 (1) Any rates, rating schedules, or rating manuals for the
2079 liability, medical payments ~~personal injury protection~~, and
2080 collision coverages of a motor vehicle insurance policy filed
2081 with the office must ~~shall~~ provide for an appropriate reduction
2082 in premium charges as to such coverages if ~~when~~ the principal
2083 operator on the covered vehicle is an insured 55 years of age or
2084 older who has successfully completed a motor vehicle accident
2085 prevention course approved by the Department of Highway Safety
2086 and Motor Vehicles. Any discount used by an insurer is presumed
2087 to be appropriate unless credible data demonstrates otherwise.

2088 Section 40. Subsections (1), (3), and (6) of section
2089 627.0653, Florida Statutes, are amended to read:

2090 627.0653 Insurance discounts for specified motor vehicle
2091 equipment.—

2092 (1) Any rates, rating schedules, or rating manuals for the
2093 liability, medical payments ~~personal injury protection~~, and
2094 collision coverages of a motor vehicle insurance policy filed

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2095 with the office must ~~shall~~ provide a premium discount if the
2096 insured vehicle is equipped with factory-installed, four-wheel
2097 antilock brakes.

2098 (3) Any rates, rating schedules, or rating manuals for
2099 ~~personal injury protection coverage and medical payments~~
2100 ~~coverage, if offered,~~ of a motor vehicle insurance policy filed
2101 with the office must ~~shall~~ provide a premium discount if the
2102 insured vehicle is equipped with one or more air bags that ~~which~~
2103 are factory installed.

2104 (6) The Office of Insurance Regulation may approve a
2105 premium discount to any rates, rating schedules, or rating
2106 manuals for the liability, medical payments ~~personal injury~~
2107 ~~protection,~~ and collision coverages of a motor vehicle insurance
2108 policy filed with the office if the insured vehicle is equipped
2109 with an automated driving system or electronic vehicle collision
2110 avoidance technology that is factory installed or a retrofitted
2111 system and that complies with National Highway Traffic Safety
2112 Administration standards.

2113 Section 41. Section 627.4132, Florida Statutes, is amended
2114 to read:

2115 627.4132 Stacking of coverages prohibited.—If an insured
2116 or named insured is protected by any type of motor vehicle
2117 insurance policy for bodily injury and property damage
2118 ~~liability, personal injury protection, or other coverage,~~ the
2119 policy must ~~shall~~ provide that the insured or named insured is

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2120 protected only to the extent of the coverage she or he has on
2121 the vehicle involved in the accident. However, if none of the
2122 insured's or named insured's vehicles are ~~is~~ involved in the
2123 accident, coverage is available only to the extent of coverage
2124 on any one of the vehicles with applicable coverage. Coverage on
2125 any other vehicles may ~~shall~~ not be added to or stacked upon
2126 that coverage. This section does not ~~apply~~:

2127 (1) Apply to uninsured motorist coverage that ~~which~~ is
2128 separately governed by s. 627.727.

2129 (2) ~~To~~ Reduce the coverage available by reason of
2130 insurance policies insuring different named insureds.

2131 Section 42. Subsection (1) of section 627.4137, Florida
2132 Statutes, is amended to read:

2133 627.4137 Disclosure of certain information required.—

2134 (1) Each insurer which does or may provide liability
2135 insurance coverage to pay all or a portion of any claim which
2136 might be made shall provide, within 30 days of the written
2137 request of the claimant or the claimant's attorney, a statement,
2138 under oath, of a corporate officer or the insurer's claims
2139 manager or superintendent setting forth the following
2140 information with regard to each known policy of insurance,
2141 including excess or umbrella insurance:

2142 (a) The name of the insurer.

2143 (b) The name of each insured.

2144 (c) The limits of the liability coverage.

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2145 (d) A statement of any policy or coverage defense which
2146 such insurer reasonably believes is available to such insurer at
2147 the time of filing such statement.

2148 (e) A copy of the policy.

2149
2150 In addition, the insured, or her or his insurance agent, upon
2151 written request of the claimant or the claimant's attorney,
2152 shall disclose the name and coverage of each known insurer to
2153 the claimant and shall forward such request for information as
2154 required by this subsection to all affected insurers. The
2155 insurer shall then supply the information required in this
2156 subsection to the claimant within 30 days of receipt of such
2157 request. If an insurer fails to timely comply with this section,
2158 the claimant may file an action in a court of competent
2159 jurisdiction to enforce this section. If the court determines
2160 that the insurer violated this section, the claimant is entitled
2161 to an award of reasonable attorney fees and costs to be paid by
2162 the insurer.

2163 Section 43. Section 627.7263, Florida Statutes, is amended
2164 to read:

2165 627.7263 Rental and leasing driver's insurance to be
2166 primary; exception.—

2167 (1) The valid and collectible liability insurance and
2168 medical payments coverage ~~or personal injury protection~~
2169 ~~insurance providing coverage~~ for the lessor of a motor vehicle

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2170 for rent or lease is primary unless otherwise stated in at least
2171 10-point type on the face of the rental or lease agreement. Such
2172 insurance is primary for the limits of liability ~~and personal~~
2173 ~~injury protection~~ coverage as required by s. 324.021(7) and the
2174 medical payments coverage limit specified under s. 627.7265 ~~ss.~~
2175 ~~324.021(7) and 627.736.~~

2176 (2) If the lessee's coverage is to be primary, the rental
2177 or lease agreement must contain the following language, in at
2178 least 10-point type:

2179
2180 "The valid and collectible liability insurance and medical
2181 payments coverage ~~personal injury protection~~ insurance of an any
2182 authorized rental or leasing driver is primary for the limits of
2183 liability ~~and personal injury protection~~ coverage required under
2184 section 324.021(7), Florida Statutes, and the medical payments
2185 coverage limit specified under section 627.7265 ~~by ss.~~
2186 ~~324.021(7) and 627.736, Florida Statutes."~~

2187 Section 44. Section 627.7265, Florida Statutes, is created
2188 to read:

2189 627.7265 Motor vehicle insurance; medical payments
2190 coverage.-

2191 (1) Medical payments coverage must protect the named
2192 insured, resident relatives, persons operating the insured motor
2193 vehicle, passengers in the insured motor vehicle, and persons
2194 who are struck by the insured motor vehicle and suffer bodily

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2195 injury while not an occupant of a self-propelled motor vehicle
2196 at a limit of at least \$5,000 for medical expenses incurred due
2197 to bodily injury, sickness, or disease arising out of the
2198 ownership, maintenance, or use of a motor vehicle. The coverage
2199 must provide an additional death benefit of at least \$5,000.

2200 (a) Before issuing a motor vehicle liability insurance
2201 policy that is furnished as proof of financial responsibility
2202 under s. 324.031, the insurer must offer medical payments
2203 coverage at limits of \$5,000 and \$10,000. The insurer may also
2204 offer medical payments coverage at any limit greater than
2205 \$5,000.

2206 (b) The insurer must offer medical payments coverage with
2207 no deductible. The insurer may also offer medical payments
2208 coverage with a deductible not to exceed \$500.

2209 (c) Each motor vehicle liability insurance policy
2210 furnished as proof of financial responsibility under s. 324.031
2211 is deemed to have:

2212 1. Medical payments coverage to a limit of \$10,000, unless
2213 the insurer obtains a named insured's written refusal of medical
2214 payments coverage or written selection of medical payments
2215 coverage at a limit other than \$10,000. The rejection or
2216 selection of coverage at a limit other than \$10,000 must be made
2217 on a form approved by the office.

2218 2. No medical payments coverage deductible, unless the
2219 insurer obtains a named insured's written selection of a

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2220 deductible up to \$500. The selection of a deductible must be
2221 made on a form approved by the office.

2222 (d)1. The forms referenced in subparagraphs (c)1. and 2.
2223 must fully advise the applicant of the nature of the coverage
2224 being rejected or the policy limit or deductible being selected.
2225 If the form is signed by a named insured, it is conclusively
2226 presumed that there was an informed, knowing rejection of the
2227 coverage or election of the policy limit or deductible.

2228 2. Unless a named insured requests in writing the coverage
2229 specified in this section, it need not be provided in or
2230 supplemental to any other policy that renews, insures, extends,
2231 changes, supersedes, or replaces an existing policy if a named
2232 insured has rejected the coverage specified in this section or
2233 has selected an alternative coverage limit or deductible. At
2234 least annually, the insurer shall provide to the named insured a
2235 notice of the availability of such coverage in a form approved
2236 by the office. The notice must be part of, and attached to, the
2237 notice of premium and must provide for a means to allow a named
2238 insured to request medical payments coverage at the limits and
2239 deductibles required to be offered under this section. The
2240 notice must be given in a manner approved by the office. Receipt
2241 of this notice does not constitute an affirmative waiver of the
2242 insured's right to medical payments coverage if a named insured
2243 has not signed a selection or rejection form.

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2244 (e) This section may not be construed to limit any other
2245 coverage made available by an insurer.

2246 (2) Upon receiving notice of an accident that is
2247 potentially covered by medical payments coverage benefits, the
2248 insurer must reserve \$5,000 of medical payments coverage
2249 benefits for payment to physicians licensed under chapter 458 or
2250 chapter 459 or dentists licensed under chapter 466 who provide
2251 emergency services and care, as defined in s. 395.002, or who
2252 provide hospital inpatient care. The amount required to be held
2253 in reserve may be used only to pay claims from such physicians
2254 or dentists until 30 days after the date the insurer receives
2255 notice of the accident. After the 30-day period, any amount of
2256 the reserve for which the insurer has not received notice of
2257 such claims may be used by the insurer to pay other claims. This
2258 subsection does not require an insurer to establish a claim
2259 reserve for insurance accounting purposes.

2260 (3) An insurer providing medical payments coverage
2261 benefits may not:

2262 (a) Seek a lien on any recovery in tort by judgment,
2263 settlement, or otherwise for medical payments coverage benefits,
2264 regardless of whether suit has been filed or settlement has been
2265 reached without suit; or

2266 (b) Bring a cause of action against a person to whom or
2267 for whom medical payments coverage benefits were paid, except

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2268 when medical payments coverage benefits were paid by reason of
2269 fraud committed by that person.

2270 (4) An insurer providing medical payments coverage may
2271 include provisions in its policy allowing for subrogation for
2272 medical payments coverage benefits paid if the expenses giving
2273 rise to the payments were caused by the wrongful act or omission
2274 of another who is not also an insured under the policy paying
2275 the medical payments coverage benefits. However, this
2276 subrogation right is inferior to the rights of the injured
2277 insured and is available only after all the insured's damages
2278 are recovered and the insured is made whole. An insured who
2279 obtains a recovery from a third party of the full amount of the
2280 damages sustained and delivers a release or satisfaction that
2281 impairs a medical payments insurer's subrogation right is liable
2282 to the insurer for repayment of medical payments coverage
2283 benefits less any expenses of acquiring the recovery, including
2284 a prorated share of attorney fees and costs, and shall hold that
2285 net recovery in trust to be delivered to the medical payments
2286 insurer. The insurer may not include any provision in its policy
2287 allowing for subrogation for any death benefit paid.

2288
2289 Section 45. Subsections (1) and (7) of section 627.727,
2290 Florida Statutes, are amended to read:

2291 627.727 Motor vehicle insurance; uninsured and
2292 underinsured vehicle coverage; insolvent insurer protection.—

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2293 (1) A ~~No~~ motor vehicle liability insurance policy that
2294 ~~which~~ provides bodily injury liability coverage may not ~~shall~~ be
2295 delivered or issued for delivery in this state with respect to
2296 any specifically insured or identified motor vehicle registered
2297 or principally garaged in this state, unless uninsured motor
2298 vehicle coverage is provided therein or supplemental thereto for
2299 the protection of persons insured thereunder who are legally
2300 entitled to recover damages from owners or operators of
2301 uninsured motor vehicles because of bodily injury, sickness, or
2302 disease, including death, resulting therefrom. However, the
2303 coverage required under this section is not applicable if ~~when~~,
2304 or to the extent that, an insured named in the policy makes a
2305 written rejection of the coverage on behalf of all insureds
2306 under the policy. If ~~When~~ a motor vehicle is leased for ~~a period~~
2307 ~~of~~ 1 year or longer and the lessor of such vehicle, by the terms
2308 of the lease contract, provides liability coverage on the leased
2309 vehicle, the lessee of such vehicle has ~~shall have~~ the sole
2310 privilege to reject uninsured motorist coverage or to select
2311 lower limits than the bodily injury liability limits, regardless
2312 of whether the lessor is qualified as a self-insurer pursuant to
2313 s. 324.171. Unless an insured, or a lessee having the privilege
2314 of rejecting uninsured motorist coverage, requests such coverage
2315 or requests higher uninsured motorist limits in writing, the
2316 coverage or such higher uninsured motorist limits need not be
2317 provided in or supplemental to any other policy that ~~which~~

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2318 | renews, extends, changes, supersedes, or replaces an existing
2319 | policy with the same bodily injury liability limits when an
2320 | insured or lessee had rejected the coverage. When an insured or
2321 | lessee has initially selected limits of uninsured motorist
2322 | coverage lower than her or his bodily injury liability limits,
2323 | higher limits of uninsured motorist coverage need not be
2324 | provided in or supplemental to any other policy that ~~which~~
2325 | renews, extends, changes, supersedes, or replaces an existing
2326 | policy with the same bodily injury liability limits unless an
2327 | insured requests higher uninsured motorist coverage in writing.
2328 | The rejection or selection of lower limits must ~~shall~~ be made on
2329 | a form approved by the office. The form must ~~shall~~ fully advise
2330 | the applicant of the nature of the coverage and must ~~shall~~ state
2331 | that the coverage is equal to bodily injury liability limits
2332 | unless lower limits are requested or the coverage is rejected.
2333 | The heading of the form must ~~shall~~ be in 12-point bold type and
2334 | must ~~shall~~ state: "You are electing not to purchase certain
2335 | valuable coverage that ~~which~~ protects you and your family or you
2336 | are purchasing uninsured motorist limits less than your bodily
2337 | injury liability limits when you sign this form. Please read
2338 | carefully." If this form is signed by a named insured, it will
2339 | be conclusively presumed that there was an informed, knowing
2340 | rejection of coverage or election of lower limits on behalf of
2341 | all insureds. The insurer shall notify the named insured at
2342 | least annually of her or his options as to the coverage required

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2343 | by this section. Such notice must ~~shall~~ be part of, and attached
2344 | to, the notice of premium, must ~~shall~~ provide for a means to
2345 | allow the insured to request such coverage, and must ~~shall~~ be
2346 | given in a manner approved by the office. Receipt of this notice
2347 | does not constitute an affirmative waiver of the insured's right
2348 | to uninsured motorist coverage if ~~where~~ the insured has not
2349 | signed a selection or rejection form. The coverage described
2350 | under this section must ~~shall~~ be over and above, but may ~~shall~~
2351 | not duplicate, the benefits available to an insured under any
2352 | workers' compensation law, ~~personal injury protection benefits,~~
2353 | disability benefits law, or similar law; under any automobile
2354 | medical payments ~~expense~~ coverage; under any motor vehicle
2355 | liability insurance coverage; or from the owner or operator of
2356 | the uninsured motor vehicle or any other person or organization
2357 | jointly or severally liable together with such owner or operator
2358 | for the accident,^r and such coverage must ~~shall~~ cover the
2359 | difference, if any, between the sum of such benefits and the
2360 | damages sustained, up to the maximum amount of such coverage
2361 | provided under this section. The amount of coverage available
2362 | under this section may ~~shall~~ not be reduced by a setoff against
2363 | any coverage, including liability insurance. Such coverage does
2364 | ~~shall~~ not inure directly or indirectly to the benefit of any
2365 | workers' compensation or disability benefits carrier or any
2366 | person or organization qualifying as a self-insurer under any
2367 | workers' compensation or disability benefits law or similar law.

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2368 (7) The legal liability of an uninsured motorist coverage
2369 insurer includes ~~does not include~~ damages in tort for pain,
2370 suffering, disability or physical impairment, disfigurement,
2371 mental anguish, and inconvenience, and the loss of capacity for
2372 the enjoyment of life experienced in the past and to be
2373 experienced in the future unless the injury or disease is
2374 described in one or more of paragraphs (a)-(d) of s. 627.737(2).

2375 Section 46. Section 627.7275, Florida Statutes, is amended
2376 to read:

2377 627.7275 Motor vehicle liability.—

2378 (1) A motor vehicle insurance policy ~~providing personal~~
2379 ~~injury protection as set forth in s. 627.736~~ may not be
2380 delivered or issued for delivery in this state for a with
2381 ~~respect to any~~ specifically insured or identified motor vehicle
2382 registered or principally garaged in this state must provide
2383 bodily injury liability coverage and unless the policy also
2384 ~~provides coverage for~~ property damage liability coverage as
2385 required under ~~by~~ s. 324.022 and s. 324.151.

2386 (2) (a) Insurers writing motor vehicle insurance in this
2387 state shall make available, subject to the insurers' usual
2388 underwriting restrictions:

2389 1. Coverage under policies as described in subsection (1)
2390 to an applicant for private passenger motor vehicle insurance
2391 coverage who is seeking the coverage in order to reinstate the
2392 applicant's driving privileges in this state if the driving

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2393 | privileges were revoked or suspended pursuant to s. 316.646 or
2394 | s. 324.0221 due to the failure of the applicant to maintain
2395 | required security.

2396 | 2. Coverage under policies as described in subsection (1),
2397 | which includes bodily injury ~~also provides~~ liability coverage
2398 | and property damage liability coverage, ~~for bodily injury,~~
2399 | ~~death, and property damage arising out of the ownership,~~
2400 | ~~maintenance, or use of the motor vehicle~~ in an amount not less
2401 | than the minimum limits required under ~~described in~~ s.
2402 | 324.021(7) or s. 324.023 and which conforms to the requirements
2403 | of s. 324.151, to an applicant for private passenger motor
2404 | vehicle insurance coverage who is seeking the coverage in order
2405 | to reinstate the applicant's driving privileges in this state
2406 | after such privileges were revoked or suspended under s. 316.193
2407 | or s. 322.26(2) for driving under the influence.

2408 | (b) The policies described in paragraph (a) must ~~shall~~ be
2409 | issued for at least 6 months and, as to the minimum coverages
2410 | required under this section, may not be canceled by the insured
2411 | for any reason or by the insurer after 60 days, during which
2412 | period the insurer is completing the underwriting of the policy.
2413 | After the insurer has completed underwriting the policy, the
2414 | insurer shall notify the Department of Highway Safety and Motor
2415 | Vehicles that the policy is in full force and effect and is not
2416 | cancelable for the remainder of the policy period. A premium
2417 | must ~~shall~~ be collected and the coverage is in effect for the

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2418 60-day period during which the insurer is completing the
2419 underwriting of the policy, whether or not the person's driver
2420 license, motor vehicle tag, and motor vehicle registration are
2421 in effect. Once the noncancelable provisions of the policy
2422 become effective, the bodily injury liability and property
2423 damage liability coverages ~~for bodily injury, property damage,~~
2424 ~~and personal injury protection~~ may not be reduced below the
2425 minimum limits required under s. 324.021 or s. 324.023 during
2426 the policy period.

2427 (c) This subsection controls to the extent of any conflict
2428 with any other section.

2429 (d) An insurer issuing a policy subject to this section
2430 may cancel the policy if, during the policy term, the named
2431 insured, or any other operator who resides in the same household
2432 or customarily operates an automobile insured under the policy,
2433 has his or her driver license suspended or revoked.

2434 (e) This subsection does not require an insurer to offer a
2435 policy of insurance to an applicant if such offer would be
2436 inconsistent with the insurer's underwriting guidelines and
2437 procedures.

2438 Section 47. Effective upon this act becoming a law,
2439 section 627.7278, Florida Statutes, is created to read:

2440 627.7278 Applicability and construction; notice to
2441 policyholders.-

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2442 (1) As used in this section, the term "minimum security
2443 requirements" means security that enables a person to respond in
2444 damages for liability on account of crashes arising out of the
2445 ownership, maintenance, or use of a motor vehicle, in the
2446 amounts required by s. 324.022(1), as amended by this act.

2447 (2) Effective January 1, 2022:

2448 (a) Motor vehicle insurance policies issued or renewed on
2449 or after that date may not include personal injury protection.

2450 (b) All persons subject to s. 324.022, s. 324.032, s.
2451 627.7415, or s. 627.742 must maintain at least minimum security
2452 requirements.

2453 (c) Any new or renewal motor vehicle insurance policy
2454 delivered or issued for delivery in this state must provide
2455 coverage that complies with minimum security requirements.

2456 (d) An existing motor vehicle insurance policy issued
2457 before that date which provides personal injury protection and
2458 property damage liability coverage that meets the requirements
2459 of s. 324.022 on December 31, 2021, but which does not meet
2460 minimum security requirements on or after January 1, 2022, is
2461 deemed to meet minimum security requirements until such policy
2462 is renewed, nonrenewed, or canceled on or after January 1, 2022.
2463 Sections 627.730-627.7405, 400.9905, 400.991, 456.057, 456.072,
2464 627.7263, 627.727, 627.748, 626.9541(1)(i), and 817.234, Florida
2465 Statutes 2020, remain in full force and effect for motor vehicle
2466 accidents covered under a policy issued under the Florida Motor

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2467 Vehicle No-Fault Law before January 1, 2022, until the policy is
2468 renewed, nonrenewed, or canceled on or after January 1, 2022.

2469 (3) Each insurer shall allow each insured who has a new or
2470 renewal policy providing personal injury protection which
2471 becomes effective before January 1, 2022, and whose policy does
2472 not meet minimum security requirements on or after January 1,
2473 2022, to change coverages so as to eliminate personal injury
2474 protection and obtain coverage providing minimum security
2475 requirements, which shall be effective on or after January 1,
2476 2022. The insurer is not required to provide coverage complying
2477 with minimum security requirements in such policies if the
2478 insured does not pay the required premium, if any, by January 1,
2479 2022, or such later date as the insurer may allow. The insurer
2480 also shall offer each insured medical payments coverage pursuant
2481 to s. 627.7265. Any reduction in the premium must be refunded by
2482 the insurer. The insurer may not impose on the insured an
2483 additional fee or charge that applies solely to a change in
2484 coverage; however, the insurer may charge an additional required
2485 premium that is actuarially indicated.

2486 (4) By September 1, 2021, each motor vehicle insurer shall
2487 provide notice of this section to each motor vehicle
2488 policyholder who is subject to this section. The notice is
2489 subject to approval by the office and must clearly inform the
2490 policyholder that:

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2491 (a) The Florida Motor Vehicle No-Fault Law is repealed
2492 effective January 1, 2022, and that on or after that date, the
2493 insured is no longer required to maintain personal injury
2494 protection insurance coverage, that personal injury protection
2495 coverage is no longer available for purchase in this state, and
2496 that all new or renewal policies issued on or after that date
2497 will not contain that coverage.

2498 (b) Effective January 1, 2022, a person subject to the
2499 financial responsibility requirements of s. 324.022 must
2500 maintain minimum security requirements that enable the person to
2501 respond to damages for liability on account of accidents arising
2502 out of the use of a motor vehicle in the following amounts:

2503 1. Twenty-five thousand dollars for bodily injury to, or
2504 the death of, one person in any one crash and, subject to such
2505 limits for one person, in the amount of \$50,000 for bodily
2506 injury to, or the death of, two or more persons in any one
2507 crash; and

2508 2. Ten thousand dollars for damage to, or destruction of,
2509 the property of others in any one crash.

2510 (c) Bodily injury liability coverage protects the insured,
2511 up to the coverage limits, against loss if the insured is
2512 legally responsible for the death of or bodily injury to others
2513 in a motor vehicle accident.

2514 (d) Effective January 1, 2022, each policyholder of motor
2515 vehicle liability insurance purchased as proof of financial

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2516 responsibility must be offered medical payments coverage
2517 benefits that comply with s. 627.7265. The insurer must offer
2518 medical payments coverage at limits of \$5,000 and \$10,000
2519 without a deductible. The insurer may also offer medical
2520 payments coverage at other limits greater than \$5,000 and may
2521 offer coverage with a deductible of up to \$500. Medical payments
2522 coverage pays covered medical expenses incurred due to bodily
2523 injury, sickness, or disease arising out of the ownership,
2524 maintenance, or use of the motor vehicle, up to the limits of
2525 such coverage, for injuries sustained in a motor vehicle crash
2526 by the named insured, resident relatives, any person operating
2527 the insured motor vehicle, passengers in the insured motor
2528 vehicle, and persons who are struck by the insured motor vehicle
2529 and suffer bodily injury while not an occupant of a self-
2530 propelled motor vehicle as provided in s. 627.7265. Medical
2531 payments coverage also provides a death benefit of at least
2532 \$5,000.

2533 (e) The policyholder may obtain uninsured and underinsured
2534 motorist coverage that provides benefits, up to the limits of
2535 such coverage, to a policyholder or other insured entitled to
2536 recover damages for bodily injury, sickness, disease, or death
2537 resulting from a motor vehicle accident with an uninsured or
2538 underinsured owner or operator of a motor vehicle.

2539 (f) If the policyholder's new or renewal motor vehicle
2540 insurance policy is effective before January 1, 2022, and

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2541 contains personal injury protection and property damage
2542 liability coverage as required by state law before January 1,
2543 2022, but does not meet minimum security requirements on or
2544 after January 1, 2022, the policy is deemed to meet minimum
2545 security requirements until it is renewed, nonrenewed, or
2546 canceled on or after January 1, 2022.

2547 (g) A policyholder whose new or renewal policy becomes
2548 effective before January 1, 2022, but does not meet minimum
2549 security requirements on or after January 1, 2022, may change
2550 coverages under the policy so as to eliminate personal injury
2551 protection and to obtain coverage providing minimum security
2552 requirements, including bodily injury liability coverage, which
2553 are effective on or after January 1, 2022.

2554 (h) If the policyholder has any questions, he or she
2555 should contact the person named at the telephone number provided
2556 in the notice.

2557 Section 48. Paragraph (a) of subsection (1) of section
2558 627.728, Florida Statutes, is amended to read:

2559 627.728 Cancellations; nonrenewals.—

2560 (1) As used in this section, the term:

2561 (a) "Policy" means the bodily injury and property damage
2562 liability, ~~personal injury protection,~~ medical payments,
2563 comprehensive, collision, and uninsured motorist coverage
2564 portions of a policy of motor vehicle insurance delivered or
2565 issued for delivery in this state:

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2566 1. Insuring a natural person as named insured or one or
2567 more related individuals who are residents ~~resident~~ of the same
2568 household; and

2569 2. Insuring only a motor vehicle of the private passenger
2570 type or station wagon type which is not used as a public or
2571 livery conveyance for passengers or rented to others; or
2572 insuring any other four-wheel motor vehicle having a load
2573 capacity of 1,500 pounds or less which is not used in the
2574 occupation, profession, or business of the insured other than
2575 farming; other than any policy issued under an automobile
2576 insurance assigned risk plan or covering garage, automobile
2577 sales agency, repair shop, service station, or public parking
2578 place operation hazards.

2579
2580 The term "policy" does not include a binder as defined in s.
2581 627.420 unless the duration of the binder period exceeds 60
2582 days.

2583 Section 49. Subsection (1), paragraph (a) of subsection
2584 (5), and subsections (6) and (7) of section 627.7295, Florida
2585 Statutes, are amended to read:

2586 627.7295 Motor vehicle insurance contracts.—

2587 (1) As used in this section, the term:

2588 (a) "Policy" means a motor vehicle insurance policy that
2589 provides bodily injury liability ~~personal injury protection~~
2590 coverage and ~~7~~ property damage liability coverage, ~~or both.~~

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2591 (b) "Binder" means a binder that provides motor vehicle
2592 bodily injury liability coverage ~~personal injury protection~~ and
2593 property damage liability coverage.

2594 (5) (a) A licensed general lines agent may charge a per-
2595 policy fee of up to ~~not to exceed~~ \$10 to cover the
2596 administrative costs of the agent associated with selling the
2597 motor vehicle insurance policy if the policy covers only bodily
2598 injury liability coverage ~~personal injury protection coverage~~ as
2599 ~~provided by s. 627.736~~ and property damage liability coverage as
2600 provided by s. 627.7275 and if no other insurance is sold or
2601 issued in conjunction with or collateral to the policy. The fee
2602 is not ~~considered~~ part of the premium.

2603 (6) If a motor vehicle owner's driver license, license
2604 plate, and registration have previously been suspended pursuant
2605 to s. 316.646 ~~or s. 627.733~~, an insurer may cancel a new policy
2606 only as provided in s. 627.7275.

2607 (7) A policy of private passenger motor vehicle insurance
2608 or a binder for such a policy may be initially issued in this
2609 state only if, before the effective date of such binder or
2610 policy, the insurer or agent has collected from the insured an
2611 amount equal to at least 1 month's premium. An insurer, agent,
2612 or premium finance company may not, directly or indirectly, take
2613 any action that results ~~resulting~~ in the insured paying ~~having~~
2614 ~~paid~~ from the insured's own funds an amount less than the 1
2615 month's premium required by this subsection. This subsection

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2616 applies without regard to whether the premium is financed by a
2617 premium finance company or is paid pursuant to a periodic
2618 payment plan of an insurer or an insurance agent.

2619 (a) This subsection does not apply:

2620 1. If an insured or member of the insured's family is
2621 renewing or replacing a policy or a binder for such policy
2622 written by the same insurer or a member of the same insurer
2623 group. ~~This subsection does not apply~~

2624 2. To an insurer that issues private passenger motor
2625 vehicle coverage primarily to active duty or former military
2626 personnel or their dependents. ~~This subsection does not apply~~

2627 3. If all policy payments are paid pursuant to a payroll
2628 deduction plan, an automatic electronic funds transfer payment
2629 plan from the policyholder, or a recurring credit card or debit
2630 card agreement with the insurer.

2631 (b) This subsection and subsection (4) do not apply if:

2632 1. All policy payments to an insurer are paid pursuant to
2633 an automatic electronic funds transfer payment plan from an
2634 agent, a managing general agent, or a premium finance company
2635 and if the policy includes, at a minimum, bodily injury
2636 liability coverage and ~~personal injury protection pursuant to~~
2637 ~~ss. 627.730-627.7405; motor vehicle property damage liability~~
2638 coverage pursuant to s. 627.7275; or ~~and bodily injury liability~~
2639 ~~in at least the amount of \$10,000 because of bodily injury to,~~
2640 ~~or death of, one person in any one accident and in the amount of~~

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2641 ~~\$20,000 because of bodily injury to, or death of, two or more~~
2642 ~~persons in any one accident. This subsection and subsection (4)~~
2643 ~~do not apply if~~

2644 2. An insured has had a policy in effect for at least 6
2645 months, the insured's agent is terminated by the insurer that
2646 issued the policy, and the insured obtains coverage on the
2647 policy's renewal date with a new company through the terminated
2648 agent.

2649 Section 50. Section 627.7415, Florida Statutes, is amended
2650 to read:

2651 627.7415 Commercial motor vehicles; additional liability
2652 insurance coverage.—Beginning January 1, 2022, commercial motor
2653 vehicles, as defined in s. 207.002 or s. 320.01, operated upon
2654 the roads and highways of this state must ~~shall~~ be insured with
2655 the following minimum levels of combined bodily liability
2656 insurance and property damage liability insurance in addition to
2657 any other insurance requirements:

2658 (1) Sixty ~~Fifty~~ thousand dollars per occurrence for a
2659 commercial motor vehicle with a gross vehicle weight of 26,000
2660 pounds or more, but less than 35,000 pounds.

2661 (2) One hundred twenty thousand dollars per occurrence for
2662 a commercial motor vehicle with a gross vehicle weight of 35,000
2663 pounds or more, but less than 44,000 pounds.

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2664 (3) Three hundred thousand dollars per occurrence for a
2665 commercial motor vehicle with a gross vehicle weight of 44,000
2666 pounds or more.

2667 (4) All commercial motor vehicles subject to regulations
2668 of the United States Department of Transportation, 49 C.F.R.
2669 part 387, subpart A, and as may be hereinafter amended, shall be
2670 insured in an amount equivalent to the minimum levels of
2671 financial responsibility as set forth in such regulations.

2672
2673 A violation of this section is a noncriminal traffic infraction,
2674 punishable as a nonmoving violation as provided in chapter 318.

2675 Section 51. Section 627.747, Florida Statutes, is created
2676 to read:

2677 627.747 Named driver exclusion.-

2678 (1) A private passenger motor vehicle policy may exclude
2679 the following coverages for all claims or suits resulting from
2680 the operation of a motor vehicle by an identified individual who
2681 is not a named insured, provided that the identified individual
2682 is specifically excluded by name on the declarations page or by
2683 endorsement and the policyholder consents in writing to the
2684 exclusion:

2685 (a) Property damage liability coverage.

2686 (b) Bodily injury liability coverage.

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2687 (c) Uninsured motorist coverage for any damages sustained
2688 by the identified excluded individual, if the policyholder has
2689 purchased such coverage.

2690 (d) Medical payments coverage for any injuries sustained
2691 by the identified excluded individual, if the policyholder has
2692 purchased such coverage.

2693 (e) Any coverage the policyholder is not required by law
2694 to purchase.

2695 (2) A private passenger motor vehicle policy may not
2696 exclude coverage when:

2697 (a) The identified excluded individual is injured while
2698 not operating a motor vehicle;

2699 (b) The exclusion is unfairly discriminatory under the
2700 Florida Insurance Code, as determined by the office; or

2701 (c) The exclusion is inconsistent with the underwriting
2702 rules filed by the insurer pursuant to s. 627.0651(13)(a).

2703 (3) A driver excluded pursuant to this subsection must
2704 establish, maintain and show proof of financial ability to
2705 respond for damages arising out of ownership, maintenance or use
2706 of a motor vehicle as required by chapter 324.

2707 (4) Notwithstanding the requirements of subsection (3), an
2708 exclusion issued in compliance with this section remains valid.

2709 Section 52. Paragraphs (b), (c), and (g) of subsection
2710 (7), paragraphs (a) and (b) of subsection (8), and paragraph (b)

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2711 of subsection (16) of section 627.748, Florida Statutes, are
2712 amended to read:

2713 627.748 Transportation network companies.—

2714 (7) TRANSPORTATION NETWORK COMPANY AND TNC DRIVER

2715 INSURANCE REQUIREMENTS.—

2716 (b) The following automobile insurance requirements apply
2717 while a participating TNC driver is logged on to the digital
2718 network but is not engaged in a prearranged ride:

2719 1. Automobile insurance that provides:

2720 a. A primary automobile liability coverage of at least
2721 \$50,000 for death and bodily injury per person, \$100,000 for
2722 death and bodily injury per incident, and \$25,000 for property
2723 damage; and

2724 b. ~~Personal injury protection benefits that meet the~~
2725 ~~minimum coverage amounts required under ss. 627.730–627.7405;~~
2726 ~~and~~

2727 ~~e.~~ Uninsured and underinsured vehicle coverage as required
2728 by s. 627.727.

2729 2. The coverage requirements of this paragraph may be
2730 satisfied by any of the following:

2731 a. Automobile insurance maintained by the TNC driver or
2732 the TNC vehicle owner;

2733 b. Automobile insurance maintained by the TNC; or

2734 c. A combination of sub-subparagraphs a. and b.

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- 2735 (c) The following automobile insurance requirements apply
2736 while a TNC driver is engaged in a prearranged ride:
- 2737 1. Automobile insurance that provides:
- 2738 a. A primary automobile liability coverage of at least \$1
2739 million for death, bodily injury, and property damage; and
2740 b. ~~Personal injury protection benefits that meet the~~
2741 ~~minimum coverage amounts required of a limousine under ss.~~
2742 ~~627.730-627.7405; and~~
- 2743 e. Uninsured and underinsured vehicle coverage as required
2744 by s. 627.727.
- 2745 2. The coverage requirements of this paragraph may be
2746 satisfied by any of the following:
- 2747 a. Automobile insurance maintained by the TNC driver or
2748 the TNC vehicle owner;
- 2749 b. Automobile insurance maintained by the TNC; or
2750 c. A combination of sub-subparagraphs a. and b.
- 2751 (g) Insurance satisfying the requirements under this
2752 subsection is deemed to satisfy the financial responsibility
2753 requirement for a motor vehicle under chapter 324 ~~and the~~
2754 ~~security required under s. 627.733~~ for any period when the TNC
2755 driver is logged onto the digital network or engaged in a
2756 prearranged ride.
- 2757 (8) TRANSPORTATION NETWORK COMPANY AND INSURER;
2758 DISCLOSURE; EXCLUSIONS.-

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2759 (a) Before a TNC driver is allowed to accept a request for
2760 a prearranged ride on the digital network, the TNC must disclose
2761 in writing to the TNC driver:

2762 1. The insurance coverage, including the types of coverage
2763 and the limits for each coverage, which the TNC provides while
2764 the TNC driver uses a TNC vehicle in connection with the TNC's
2765 digital network.

2766 2. That the TNC driver's own automobile insurance policy
2767 might not provide any coverage while the TNC driver is logged on
2768 to the digital network or is engaged in a prearranged ride,
2769 depending on the terms of the TNC driver's own automobile
2770 insurance policy.

2771 3. That the provision of rides for compensation which are
2772 not prearranged rides subjects the driver to the coverage
2773 requirements imposed under s. 324.032(1) and (2) and that
2774 failure to meet such coverage requirements subjects the TNC
2775 driver to penalties provided in s. 324.221, up to and including
2776 a misdemeanor of the second degree.

2777 (b)1. An insurer that provides an automobile liability
2778 insurance policy under this part may exclude any and all
2779 coverage afforded under the policy issued to an owner or
2780 operator of a TNC vehicle while driving that vehicle for any
2781 loss or injury that occurs while a TNC driver is logged on to a
2782 digital network or while a TNC driver provides a prearranged
2783 ride. Exclusions imposed under this subsection are limited to

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2784 coverage while a TNC driver is logged on to a digital network or
2785 while a TNC driver provides a prearranged ride. This right to
2786 exclude all coverage may apply to any coverage included in an
2787 automobile insurance policy, including, but not limited to:

2788 a. Liability coverage for bodily injury and property
2789 damage;

2790 b. Uninsured and underinsured motorist coverage;

2791 c. Medical payments coverage;

2792 d. Comprehensive physical damage coverage; and

2793 e. Collision physical damage coverage; ~~and~~

2794 ~~f. Personal injury protection.~~

2795 2. The exclusions described in subparagraph 1. apply
2796 notwithstanding any requirement under chapter 324. These
2797 exclusions do not affect or diminish coverage otherwise
2798 available for permissive drivers or resident relatives under the
2799 personal automobile insurance policy of the TNC driver or owner
2800 of the TNC vehicle who are not occupying the TNC vehicle at the
2801 time of loss. This section does not require that a personal
2802 automobile insurance policy provide coverage while the TNC
2803 driver is logged on to a digital network, while the TNC driver
2804 is engaged in a prearranged ride, or while the TNC driver
2805 otherwise uses a vehicle to transport riders for compensation.

2806 3. This section must not be construed to require an
2807 insurer to use any particular policy language or reference to
2808 this section in order to exclude any and all coverage for any

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2809 loss or injury that occurs while a TNC driver is logged on to a
2810 digital network or while a TNC driver provides a prearranged
2811 ride.

2812 4. This section does not preclude an insurer from
2813 providing primary or excess coverage for the TNC driver's
2814 vehicle by contract or endorsement.

2815 (16) LUXURY GROUND TRANSPORTATION NETWORK COMPANIES.—

2816 (b) An entity may elect, upon written notification to the
2817 department, to be regulated as a luxury ground TNC. A luxury
2818 ground TNC must:

2819 1. Comply with all of the requirements of this section
2820 applicable to a TNC, including subsection (17), which do not
2821 conflict with subparagraph 2. or which do not prohibit the
2822 company from connecting riders to drivers who operate for-hire
2823 vehicles as defined in s. 320.01(15), including limousines and
2824 luxury sedans and excluding taxicabs.

2825 2. Maintain insurance coverage as required by subsection
2826 (7). However, if a prospective luxury ground TNC satisfies
2827 minimum financial responsibility through compliance with s.
2828 324.032(3) ~~s. 324.032(2)~~ by using self-insurance when it gives
2829 the department written notification of its election to be
2830 regulated as a luxury ground TNC, the luxury ground TNC may use
2831 self-insurance to meet the insurance requirements of subsection
2832 (7), so long as such self-insurance complies with s. 324.032(3)

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2833 ~~s. 324.032(2)~~ and provides the limits of liability required by
2834 subsection (7).

2835 Section 53. Paragraph (a) of subsection (2) of section
2836 627.749, Florida Statutes, is amended to read:

2837 627.749 Autonomous vehicles; insurance requirements.—

2838 (2) INSURANCE REQUIREMENTS.—

2839 (a) A fully autonomous vehicle with the automated driving
2840 system engaged while logged on to an on-demand autonomous
2841 vehicle network or engaged in a prearranged ride must be covered
2842 by a policy of automobile insurance which provides:

2843 1. Primary liability coverage of at least \$1 million for
2844 death, bodily injury, and property damage.

2845 2. ~~Personal injury protection benefits that meet the~~
2846 ~~minimum coverage amounts required under ss. 627.730-627.7405.~~

2847 3. Uninsured and underinsured vehicle coverage as required
2848 by s. 627.727.

2849 Section 54. Section 627.8405, Florida Statutes, is amended
2850 to read:

2851 627.8405 Prohibited acts; financing companies.—~~A No~~
2852 premium finance company ~~shall~~, in a premium finance agreement or
2853 other agreement, may not finance the cost of or otherwise
2854 provide for the collection or remittance of dues, assessments,
2855 fees, or other periodic payments of money for the cost of:

2856 (1) A membership in an automobile club. The term
2857 "automobile club" means a legal entity that ~~which~~, in

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2858 consideration of dues, assessments, or periodic payments of
2859 money, promises its members or subscribers to assist them in
2860 matters relating to the ownership, operation, use, or
2861 maintenance of a motor vehicle; however, the term ~~this~~
2862 ~~definition of "automobile club"~~ does not include persons,
2863 associations, or corporations ~~which are~~ organized and operated
2864 solely for the purpose of conducting, sponsoring, or sanctioning
2865 motor vehicle races, exhibitions, or contests upon racetracks,
2866 or upon racecourses established and marked as such for the
2867 duration of such particular events. As used in this subsection,
2868 the term ~~words~~ "motor vehicle" has ~~used herein have~~ the same
2869 meaning as ~~defined~~ in chapter 320.

2870 (2) An accidental death and dismemberment policy sold in
2871 combination with a policy providing only bodily injury liability
2872 coverage ~~personal injury protection~~ and property damage
2873 liability coverage ~~only policy~~.

2874 (3) Any product not regulated under ~~the provisions of this~~
2875 insurance code.

2876
2877 This section also applies to premium financing by any insurance
2878 agent or insurance company under part XVI. The commission shall
2879 adopt rules to assure disclosure, at the time of sale, of
2880 coverages financed ~~with personal injury protection~~ and shall
2881 prescribe the form of such disclosure.

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2882 Section 55. Subsection (1) of section 627.915, Florida
2883 Statutes, is amended to read:

2884 627.915 Insurer experience reporting.-

2885 (1) Each insurer transacting private passenger automobile
2886 insurance in this state shall report certain information
2887 annually to the office. The information will be due on or before
2888 July 1 of each year. The information must ~~shall~~ be divided into
2889 the following categories: bodily injury liability; property
2890 damage liability; uninsured motorist; ~~personal injury protection~~
2891 ~~benefits~~; medical payments; and comprehensive and collision. The
2892 information given must ~~shall~~ be on direct insurance writings in
2893 the state alone and ~~shall~~ represent total limits data. The
2894 information set forth in paragraphs (a)-(f) is applicable to
2895 voluntary private passenger and Joint Underwriting Association
2896 private passenger writings and must ~~shall~~ be reported for each
2897 of the latest 3 calendar-accident years, with an evaluation date
2898 of March 31 of the current year. The information set forth in
2899 paragraphs (g)-(j) is applicable to voluntary private passenger
2900 writings and must ~~shall~~ be reported on a calendar-accident year
2901 basis ultimately seven times at seven different stages of
2902 development.

2903 (a) Premiums earned for the latest 3 calendar-accident
2904 years.

2905 (b) Loss development factors and the historic development
2906 of those factors.

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- 2907 (c) Policyholder dividends incurred.
- 2908 (d) Expenses for other acquisition and general expense.
- 2909 (e) Expenses for agents' commissions and taxes, licenses,
2910 and fees.
- 2911 (f) Profit and contingency factors as utilized in the
2912 insurer's automobile rate filings for the applicable years.
- 2913 (g) Losses paid.
- 2914 (h) Losses unpaid.
- 2915 (i) Loss adjustment expenses paid.
- 2916 (j) Loss adjustment expenses unpaid.
- 2917 Section 56. Subsections (2) and (3) of section 628.909,
2918 Florida Statutes, are amended to read:
- 2919 628.909 Applicability of other laws.—
- 2920 (2) The following provisions of the Florida Insurance Code
2921 apply to captive insurance companies that ~~who~~ are not industrial
2922 insured captive insurance companies to the extent that such
2923 provisions are not inconsistent with this part:
- 2924 (a) Chapter 624, except for ss. 624.407, 624.408,
2925 624.4085, 624.40851, 624.4095, 624.411, 624.425, and 624.426.
- 2926 (b) Chapter 625, part II.
- 2927 (c) Chapter 626, part IX.
- 2928 (d) ~~Sections 627.730-627.7405, when no-fault coverage is~~
2929 ~~provided.~~
- 2930 ~~(e)~~ Chapter 628.

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2931 (3) The following provisions of the Florida Insurance Code
2932 ~~shall~~ apply to industrial insured captive insurance companies to
2933 the extent that such provisions are not inconsistent with this
2934 part:

2935 (a) Chapter 624, except for ss. 624.407, 624.408,
2936 624.4085, 624.40851, 624.4095, 624.411, 624.425, 624.426, and
2937 624.609(1).

2938 (b) Chapter 625, part II, if the industrial insured
2939 captive insurance company is incorporated in this state.

2940 (c) Chapter 626, part IX.

2941 (d) ~~Sections 627.730-627.7405 when no fault coverage is~~
2942 ~~provided.~~

2943 ~~(e)~~ Chapter 628, except for ss. 628.341, 628.351, and
2944 628.6018.

2945 Section 57. Subsections (2), (6), and (7) of section
2946 705.184, Florida Statutes, are amended to read:

2947 705.184 Derelict or abandoned motor vehicles on the
2948 premises of public-use airports.-

2949 (2) The airport director or the director's designee shall
2950 contact the Department of Highway Safety and Motor Vehicles to
2951 notify that department that the airport has possession of the
2952 abandoned or derelict motor vehicle and to determine the name
2953 and address of the owner of the motor vehicle, the insurance
2954 company insuring the motor vehicle, ~~notwithstanding the~~
2955 ~~provisions of s. 627.736,~~ and any person who has filed a lien on

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2956 the motor vehicle. Within 7 business days after receipt of the
2957 information, the director or the director's designee shall send
2958 notice by certified mail, return receipt requested, to the owner
2959 of the motor vehicle, the insurance company insuring the motor
2960 vehicle, ~~notwithstanding the provisions of s. 627.736,~~ and all
2961 persons of record claiming a lien against the motor vehicle. The
2962 notice must ~~shall~~ state the fact of possession of the motor
2963 vehicle, that charges for reasonable towing, storage, and
2964 parking fees, if any, have accrued and the amount thereof, that
2965 a lien as provided in subsection (6) will be claimed, that the
2966 lien is subject to enforcement pursuant to law, that the owner
2967 or lienholder, if any, has the right to a hearing as set forth
2968 in subsection (4), and that any motor vehicle which, at the end
2969 of 30 calendar days after receipt of the notice, has not been
2970 removed from the airport upon payment in full of all accrued
2971 charges for reasonable towing, storage, and parking fees, if
2972 any, may be disposed of as provided in s. 705.182(2)(a), (b),
2973 (d), or (e), including, but not limited to, the motor vehicle
2974 being sold free of all prior liens after 35 calendar days after
2975 the time the motor vehicle is stored if any prior liens on the
2976 motor vehicle are more than 5 years of age or after 50 calendar
2977 days after the time the motor vehicle is stored if any prior
2978 liens on the motor vehicle are 5 years of age or less.

2979 (6) The airport pursuant to this section or, if used, a
2980 licensed independent wrecker company pursuant to s. 713.78 shall

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2981 have a lien on an abandoned or derelict motor vehicle for all
2982 reasonable towing, storage, and accrued parking fees, if any,
2983 except that no storage fee may ~~shall~~ be charged if the motor
2984 vehicle is stored less than 6 hours. As a prerequisite to
2985 perfecting a lien under this section, the airport director or
2986 the director's designee must serve a notice in accordance with
2987 subsection (2) on the owner of the motor vehicle, the insurance
2988 company insuring the motor vehicle, ~~notwithstanding the~~
2989 ~~provisions of s. 627.736,~~ and all persons of record claiming a
2990 lien against the motor vehicle. If attempts to notify the owner,
2991 the insurance company insuring the motor vehicle,
2992 ~~notwithstanding the provisions of s. 627.736,~~ or lienholders are
2993 not successful, the requirement of notice by mail shall be
2994 considered met. Serving of the notice does not dispense with
2995 recording the claim of lien.

2996 (7) (a) For the purpose of perfecting its lien under this
2997 section, the airport shall record a claim of lien which states
2998 ~~shall state:~~

2999 1. The name and address of the airport.

3000 2. The name of the owner of the motor vehicle, the
3001 insurance company insuring the motor vehicle, ~~notwithstanding~~
3002 ~~the provisions of s. 627.736,~~ and all persons of record claiming
3003 a lien against the motor vehicle.

3004 3. The costs incurred from reasonable towing, storage, and
3005 parking fees, if any.

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3006 4. A description of the motor vehicle sufficient for
3007 identification.

3008 (b) The claim of lien must ~~shall~~ be signed and sworn to or
3009 affirmed by the airport director or the director's designee.

3010 (c) The claim of lien is ~~shall be~~ sufficient if it is in
3011 substantially the following form:

3012

3013 CLAIM OF LIEN

3014 State of

3015 County of

3016 Before me, the undersigned notary public, personally appeared

3017, who was duly sworn and says that he/she is the

3018 of, whose address is.....; and that the

3019 following described motor vehicle:

3020 ...(Description of motor vehicle)...

3021 owned by, whose address is, has accrued

3022 \$..... in fees for a reasonable tow, for storage, and for

3023 parking, if applicable; that the lienor served its notice to the

3024 owner, the insurance company insuring the motor vehicle

3025 ~~notwithstanding the provisions of s. 627.736, Florida Statutes,~~

3026 and all persons of record claiming a lien against the motor

3027 vehicle on, ...(year)...., by.....

3028 ...(Signature)...

3029 Sworn to (or affirmed) and subscribed before me this day of

3030, ...(year)...., by ...(name of person making statement)....

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3031 ... (Signature of Notary Public)..... (Print, Type, or Stamp
3032 Commissioned name of Notary Public) ...
3033 Personally Known....OR Produced....as identification.

3034

3035 However, the negligent inclusion or omission of any information
3036 in this claim of lien which does not prejudice the owner does
3037 not constitute a default that operates to defeat an otherwise
3038 valid lien.

3039 (d) The claim of lien must ~~shall~~ be served on the owner of
3040 the motor vehicle, the insurance company insuring the motor
3041 vehicle, ~~notwithstanding the provisions of s. 627.736,~~ and all
3042 persons of record claiming a lien against the motor vehicle. If
3043 attempts to notify the owner, the insurance company insuring the
3044 motor vehicle ~~notwithstanding the provisions of s. 627.736,~~ or
3045 lienholders are not successful, the requirement of notice by
3046 mail shall be considered met. The claim of lien must ~~shall~~ be so
3047 served before recordation.

3048 (e) The claim of lien must ~~shall~~ be recorded with the
3049 clerk of court in the county where the airport is located. The
3050 recording of the claim of lien shall be constructive notice to
3051 all persons of the contents and effect of such claim. The lien
3052 attaches ~~shall attach~~ at the time of recordation and takes ~~shall~~
3053 ~~take~~ priority as of that time.

3054 Section 58. Subsection (4) of section 713.78, Florida
3055 Statutes, is amended to read:

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3056 713.78 Liens for recovering, towing, or storing vehicles
3057 and vessels.—

3058 (4) (a) A person regularly engaged in the business of
3059 recovering, towing, or storing vehicles or vessels who comes
3060 into possession of a vehicle or vessel pursuant to subsection
3061 (2), and who claims a lien for recovery, towing, or storage
3062 services, shall give notice, by certified mail, to the
3063 registered owner, the insurance company insuring the vehicle
3064 ~~notwithstanding s. 627.736~~, and all persons claiming a lien
3065 thereon, as disclosed by the records in the Department of
3066 Highway Safety and Motor Vehicles or as disclosed by the records
3067 of any corresponding agency in any other state in which the
3068 vehicle is identified through a records check of the National
3069 Motor Vehicle Title Information System or an equivalent
3070 commercially available system as being titled or registered.

3071 (b) Whenever a law enforcement agency authorizes the
3072 removal of a vehicle or vessel or whenever a towing service,
3073 garage, repair shop, or automotive service, storage, or parking
3074 place notifies the law enforcement agency of possession of a
3075 vehicle or vessel pursuant to s. 715.07(2)(a)2., the law
3076 enforcement agency of the jurisdiction where the vehicle or
3077 vessel is stored shall contact the Department of Highway Safety
3078 and Motor Vehicles, or the appropriate agency of the state of
3079 registration, if known, within 24 hours through the medium of
3080 electronic communications, giving the full description of the

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3081 vehicle or vessel. Upon receipt of the full description of the
3082 vehicle or vessel, the department shall search its files to
3083 determine the owner's name, the insurance company insuring the
3084 vehicle or vessel, and whether any person has filed a lien upon
3085 the vehicle or vessel as provided in s. 319.27(2) and (3) and
3086 notify the applicable law enforcement agency within 72 hours.
3087 The person in charge of the towing service, garage, repair shop,
3088 or automotive service, storage, or parking place shall obtain
3089 such information from the applicable law enforcement agency
3090 within 5 days after the date of storage and shall give notice
3091 pursuant to paragraph (a). The department may release the
3092 insurance company information to the requestor ~~notwithstanding~~
3093 ~~s. 627.736.~~

3094 (c) The notice of lien must be sent by certified mail to
3095 the registered owner, the insurance company insuring the vehicle
3096 ~~notwithstanding s. 627.736,~~ and all other persons claiming a
3097 lien thereon within 7 business days, excluding Saturday and
3098 Sunday, after the date of storage of the vehicle or vessel.
3099 However, in no event shall the notice of lien be sent less than
3100 30 days before the sale of the vehicle or vessel. The notice
3101 must state:

3102 1. If the claim of lien is for a vehicle, the last 8
3103 digits of the vehicle identification number of the vehicle
3104 subject to the lien, or, if the claim of lien is for a vessel,
3105 the hull identification number of the vessel subject to the

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3106 | lien, clearly printed in the delivery address box and on the
3107 | outside of the envelope sent to the registered owner and all
3108 | other persons claiming an interest therein or lien thereon.

3109 | 2. The name, physical address, and telephone number of the
3110 | lienor, and the entity name, as registered with the Division of
3111 | Corporations, of the business where the towing and storage
3112 | occurred, which must also appear on the outside of the envelope
3113 | sent to the registered owner and all other persons claiming an
3114 | interest in or lien on the vehicle or vessel.

3115 | 3. The fact of possession of the vehicle or vessel.

3116 | 4. The name of the person or entity that authorized the
3117 | lienor to take possession of the vehicle or vessel.

3118 | 5. That a lien as provided in subsection (2) is claimed.

3119 | 6. That charges have accrued and include an itemized
3120 | statement of the amount thereof.

3121 | 7. That the lien is subject to enforcement under law and
3122 | that the owner or lienholder, if any, has the right to a hearing
3123 | as set forth in subsection (5).

3124 | 8. That any vehicle or vessel that remains unclaimed, or
3125 | for which the charges for recovery, towing, or storage services
3126 | remain unpaid, may be sold free of all prior liens 35 days after
3127 | the vehicle or vessel is stored by the lienor if the vehicle or
3128 | vessel is more than 3 years of age or 50 days after the vehicle
3129 | or vessel is stored by the lienor if the vehicle or vessel is 3
3130 | years of age or less.

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3131 9. The address at which the vehicle or vessel is
3132 physically located.

3133 (d) The notice of lien may not be sent to the registered
3134 owner, the insurance company insuring the vehicle or vessel, and
3135 all other persons claiming a lien thereon less than 30 days
3136 before the sale of the vehicle or vessel.

3137 (e) If attempts to locate the name and address of the
3138 owner or lienholder prove unsuccessful, the towing-storage
3139 operator shall, after 7 business days, excluding Saturday and
3140 Sunday, after the initial tow or storage, notify the public
3141 agency of jurisdiction where the vehicle or vessel is stored in
3142 writing by certified mail or acknowledged hand delivery that the
3143 towing-storage company has been unable to locate the name and
3144 address of the owner or lienholder and a physical search of the
3145 vehicle or vessel has disclosed no ownership information and a
3146 good faith effort has been made, including records checks of the
3147 Department of Highway Safety and Motor Vehicles database and the
3148 National Motor Vehicle Title Information System or an equivalent
3149 commercially available system. For purposes of this paragraph
3150 and subsection (9), the term "good faith effort" means that the
3151 following checks have been performed by the company to establish
3152 the prior state of registration and for title:

3153 1. A check of the department's database for the owner and
3154 any lienholder.

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3155 2. A check of the electronic National Motor Vehicle Title
3156 Information System or an equivalent commercially available
3157 system to determine the state of registration when there is not
3158 a current registration record for the vehicle or vessel on file
3159 with the department.

3160 3. A check of the vehicle or vessel for any type of tag,
3161 tag record, temporary tag, or regular tag.

3162 4. A check of the law enforcement report for a tag number
3163 or other information identifying the vehicle or vessel, if the
3164 vehicle or vessel was towed at the request of a law enforcement
3165 officer.

3166 5. A check of the trip sheet or tow ticket of the tow
3167 truck operator to determine whether a tag was on the vehicle or
3168 vessel at the beginning of the tow, if a private tow.

3169 6. If there is no address of the owner on the impound
3170 report, a check of the law enforcement report to determine
3171 whether an out-of-state address is indicated from driver license
3172 information.

3173 7. A check of the vehicle or vessel for an inspection
3174 sticker or other stickers and decals that may indicate a state
3175 of possible registration.

3176 8. A check of the interior of the vehicle or vessel for
3177 any papers that may be in the glove box, trunk, or other areas
3178 for a state of registration.

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3179 9. A check of the vehicle for a vehicle identification
3180 number.

3181 10. A check of the vessel for a vessel registration
3182 number.

3183 11. A check of the vessel hull for a hull identification
3184 number which should be carved, burned, stamped, embossed, or
3185 otherwise permanently affixed to the outboard side of the
3186 transom or, if there is no transom, to the outmost seaboard side
3187 at the end of the hull that bears the rudder or other steering
3188 mechanism.

3189 Section 59. Section 768.852, Florida Statutes, is created
3190 to read:

3191 768.852 Setoff on damages as a result of a motor vehicle
3192 crash while uninsured.-

3193 (1) Except as provided in subsection (2), for any award of
3194 noneconomic damages, a defendant is entitled to a setoff equal
3195 to \$10,000 if a person suffers injury while operating a motor
3196 vehicle as defined in s. 324.022(2) which lacked the coverage
3197 required by s. 324.022(1) and the person was not in compliance
3198 with s. 324.022(1) for more than 30 days immediately preceding
3199 the crash.

3200 (2) The setoff on noneconomic damages in subsection (1)
3201 does not apply if the person who is liable for the injury:

3202 (a) Was driving while under the influence of an alcoholic
3203 beverage, an inhalant, or a controlled substance;

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3204 (b) Acted intentionally, recklessly, or with gross
3205 negligence;

3206 (c) Fled from the scene of the crash; or

3207 (d) Was acting in furtherance of an offense or in
3208 immediate flight from an offense that constituted a felony at
3209 the time of the crash.

3210 (3) This section does not apply to any wrongful death
3211 claim.

3212 Section 60. Paragraph (a) of subsection (1), paragraph (c)
3213 of subsection (7), paragraphs (a), (b), and (c) of subsection
3214 (8), and subsections (9) and (10) of section 817.234, Florida
3215 Statutes, are amended to read:

3216 817.234 False and fraudulent insurance claims.—

3217 (1)(a) A person commits insurance fraud punishable as
3218 provided in subsection (11) if that person, with the intent to
3219 injure, defraud, or deceive any insurer:

3220 1. Presents or causes to be presented any written or oral
3221 statement as part of, or in support of, a claim for payment or
3222 other benefit pursuant to an insurance policy or a health
3223 maintenance organization subscriber or provider contract,
3224 knowing that such statement contains ~~any~~ false, incomplete, or
3225 misleading information concerning any fact or thing material to
3226 such claim;

3227 2. Prepares or makes any written or oral statement that is
3228 intended to be presented to an ~~any~~ insurer in connection with,

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3229 or in support of, any claim for payment or other benefit
3230 pursuant to an insurance policy or a health maintenance
3231 organization subscriber or provider contract, knowing that such
3232 statement contains ~~any~~ false, incomplete, or misleading
3233 information concerning any fact or thing material to such claim;
3234 3.a. Knowingly presents, causes to be presented, or
3235 prepares or makes with knowledge or belief that it will be
3236 presented to an ~~any~~ insurer, purported insurer, servicing
3237 corporation, insurance broker, or insurance agent, or any
3238 employee or agent thereof, ~~any~~ false, incomplete, or misleading
3239 information or a written or oral statement as part of, or in
3240 support of, an application for the issuance of, or the rating
3241 of, any insurance policy, or a health maintenance organization
3242 subscriber or provider contract; or
3243 b. Knowingly conceals information concerning any fact
3244 material to such application; or
3245 4. Knowingly presents, causes to be presented, or prepares
3246 or makes with knowledge or belief that it will be presented to
3247 any insurer a claim for payment or other benefit under medical
3248 payments coverage in a motor vehicle ~~a personal injury~~
3249 ~~protection~~ insurance policy if the person knows that the payee
3250 knowingly submitted a false, misleading, or fraudulent
3251 application or other document when applying for licensure as a
3252 health care clinic, seeking an exemption from licensure as a

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3253 health care clinic, or demonstrating compliance with part X of
3254 chapter 400.

3255 (7)

3256 ~~(c) An insurer, or any person acting at the direction of~~
3257 ~~or on behalf of an insurer, may not change an opinion in a~~
3258 ~~mental or physical report prepared under s. 627.736(7) or direct~~
3259 ~~the physician preparing the report to change such opinion;~~
3260 ~~however, this provision does not preclude the insurer from~~
3261 ~~calling to the attention of the physician errors of fact in the~~
3262 ~~report based upon information in the claim file. Any person who~~
3263 ~~violates this paragraph commits a felony of the third degree,~~
3264 ~~punishable as provided in s. 775.082, s. 775.083, or s. 775.084.~~

3265 (8) (a) It is unlawful for any person intending to defraud
3266 any other person to solicit or cause to be solicited any
3267 business from a person involved in a motor vehicle accident for
3268 the purpose of making, adjusting, or settling motor vehicle tort
3269 claims or claims for benefits under medical payments coverage in
3270 a motor vehicle insurance policy ~~personal injury protection~~
3271 ~~benefits required by s. 627.736. Any person who violates the~~
3272 ~~provisions of this paragraph commits a felony of the second~~
3273 ~~degree, punishable as provided in s. 775.082, s. 775.083, or s.~~
3274 ~~775.084. A person who is convicted of a violation of this~~
3275 ~~subsection shall be sentenced to a minimum term of imprisonment~~
3276 ~~of 2 years.~~

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3277 (b) A person may not solicit or cause to be solicited any
3278 business from a person involved in a motor vehicle accident by
3279 any means of communication other than advertising directed to
3280 the public for the purpose of making motor vehicle tort claims
3281 or claims for benefits under medical payments coverage in a
3282 motor vehicle insurance policy ~~personal injury protection~~
3283 ~~benefits required by s. 627.736,~~ within 60 days after the
3284 occurrence of the motor vehicle accident. Any person who
3285 violates this paragraph commits a felony of the third degree,
3286 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

3287 (c) A lawyer, health care practitioner as defined in s.
3288 456.001, or owner or medical director of a clinic required to be
3289 licensed pursuant to s. 400.9905 may not, at any time after 60
3290 days have elapsed from the occurrence of a motor vehicle
3291 accident, solicit or cause to be solicited any business from a
3292 person involved in a motor vehicle accident by means of in
3293 person or telephone contact at the person's residence, for the
3294 purpose of making motor vehicle tort claims or claims for
3295 benefits under medical payments coverage in a motor vehicle
3296 insurance policy ~~personal injury protection benefits required by~~
3297 ~~s. 627.736.~~ Any person who violates this paragraph commits a
3298 felony of the third degree, punishable as provided in s.
3299 775.082, s. 775.083, or s. 775.084.

3300 (9) A person may not organize, plan, or knowingly
3301 participate in an intentional motor vehicle crash or a scheme to

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3302 create documentation of a motor vehicle crash that did not occur
3303 for the purpose of making motor vehicle tort claims or claims
3304 for benefits under medical payments coverage in a motor vehicle
3305 insurance policy ~~personal injury protection benefits as required~~
3306 ~~by s. 627.736~~. Any person who violates this subsection commits a
3307 felony of the second degree, punishable as provided in s.
3308 775.082, s. 775.083, or s. 775.084. A person who is convicted of
3309 a violation of this subsection shall be sentenced to a minimum
3310 term of imprisonment of 2 years.

3311 (10) A licensed health care practitioner who is found
3312 guilty of insurance fraud under this section for an act relating
3313 to a motor vehicle ~~personal injury protection~~ insurance policy
3314 loses his or her license to practice for 5 years and may not
3315 receive reimbursement under medical payments coverage in a motor
3316 vehicle insurance policy ~~for personal injury protection benefits~~
3317 for 10 years.

3318 Section 61. For the 2021-2022 fiscal year, the sum of
3319 \$83,651 in nonrecurring funds is appropriated from the Insurance
3320 Regulatory Trust Fund to the Office of Insurance Regulation for
3321 the purpose of implementing this act.

3322 Section 62. Except as otherwise expressly provided in this
3323 act and except for this section, which shall take effect upon
3324 this act becoming a law, this act shall take effect January 1,
3325 2022.

3326

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T I T L E A M E N D M E N T

Remove everything before the enacting clause and insert:
An act relating to motor vehicle insurance; repealing ss.
627.730, 627.731, 627.7311, 627.732, 627.733, 627.734, 627.736,
627.737, 627.739, 627.7401, 627.7403, and 627.7405, F.S., which
comprise the Florida Motor Vehicle No-Fault Law; repealing s.
627.7407, F.S., relating to application of the Florida Motor
Vehicle No-Fault Law; amending s. 316.646, F.S.; revising a
requirement for proof of security on a motor vehicle and the
applicability of the requirement; amending s. 318.18, F.S.;
conforming a provision to changes made by the act; making
technical changes; amending s. 320.02, F.S.; revising the motor
vehicle insurance coverages that an applicant must show to
register certain vehicles with the Department of Highway Safety
and Motor Vehicles; conforming a provision to changes made by
the act; revising construction; amending s. 320.0609, F.S.;
conforming a provision to changes made by the act; making
technical changes; amending s. 320.27, F.S.; defining the term
"garage liability insurance"; revising garage liability
insurance requirements for motor vehicle dealer applicants;
conforming a provision to changes made by the act; amending s.
320.771, F.S.; revising garage liability insurance requirements
for recreational vehicle dealer license applicants; amending ss.

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3352 322.251 and 322.34, F.S.; conforming provisions to changes made
3353 by the act; making technical changes; amending s. 324.011, F.S.;
3354 revising legislative intent; amending s. 324.021, F.S.; revising
3355 definitions of the terms "motor vehicle" and "proof of financial
3356 responsibility"; revising minimum coverage requirements for
3357 proof of financial responsibility for specified motor vehicles;
3358 defining the term "for-hire passenger transportation vehicle";
3359 conforming provisions to changes made by the act; amending s.
3360 324.022, F.S.; revising minimum liability coverage requirements
3361 for motor vehicle owners or operators; revising authorized
3362 methods for meeting such requirements; deleting a provision
3363 relating to an insurer's duty to defend certain claims; revising
3364 the vehicles excluded from the definition of the term "motor
3365 vehicle"; providing security requirements for certain excluded
3366 vehicles; specifying circumstances when motorcycles are subject
3367 to financial responsibility requirements; conforming provisions
3368 to changes made by the act; conforming cross-references;
3369 amending s. 324.0221, F.S.; revising coverages that subject a
3370 policy to certain insurer reporting and notice requirements;
3371 conforming provisions to changes made by the act; creating s.
3372 324.0222, F.S.; providing that driver license or registration
3373 suspensions for failure to maintain required security which were
3374 in effect before a specified date remain in full force and
3375 effect; providing that such suspended licenses or registrations
3376 may be reinstated as provided in a specified section; amending

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3377 s. 324.023, F.S.; conforming cross-references; making technical
3378 changes; amending s. 324.031, F.S.; specifying a method of
3379 proving financial responsibility; revising the amount of a
3380 certificate of deposit required to elect a certain method of
3381 proof of financial responsibility; revising excess liability
3382 coverage requirements for a person electing to use such method;
3383 amending s. 324.032, F.S.; revising financial responsibility
3384 requirements for owners or lessees of for-hire passenger
3385 transportation vehicles; amending s. 324.051, F.S.; specifying
3386 that motor vehicles include motorcycles for purposes of the
3387 section; making technical changes; amending ss. 324.071 and
3388 324.091, F.S.; making technical changes; amending s. 324.151,
3389 F.S.; revising requirements for motor vehicle liability
3390 insurance policies relating to coverage, and exclusion from
3391 coverage, for certain drivers and vehicles; defining terms;
3392 conforming provisions to changes made by the act; making
3393 technical changes; amending s. 324.161, F.S.; revising
3394 requirements for a certificate of deposit that is required if a
3395 person elects a certain method of proving financial
3396 responsibility; amending s. 324.171, F.S.; revising the minimum
3397 net worth requirements to qualify certain persons as self-
3398 insurers; conforming provisions to changes made by the act;
3399 amending s. 324.251, F.S.; revising the short title and an
3400 effective date; amending s. 400.9905, F.S.; revising the
3401 definition of the term "clinic"; amending ss. 400.991 and

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3402 400.9935, F.S.; conforming provisions to changes made by the
3403 act; amending s. 409.901, F.S.; revising the definition of the
3404 term "third-party benefit"; amending s. 409.910, F.S.; revising
3405 the definition of the term "medical coverage"; amending s.
3406 456.057, F.S.; conforming a provision to changes made by the
3407 act; amending s. 456.072, F.S.; revising specified grounds for
3408 discipline for certain health professions; defining the term
3409 "upcoded"; amending s. 624.155, F.S.; providing an exception to
3410 the circumstances under which a person who is damaged may bring
3411 a civil action against an insurer; adding a cause of action
3412 against insurers in certain circumstances; providing that a
3413 person is not entitled to judgments under multiple bad faith
3414 remedies; creating s. 624.156, F.S.; providing that the section
3415 applies to bad faith failure to settle third-party claim actions
3416 against any insurer for a loss arising out of the ownership,
3417 maintenance, or use of a motor vehicle under specified
3418 circumstances; providing construction; providing that insurers
3419 have a duty of good faith; providing construction; defining the
3420 term "bad faith failure to settle"; specifying best practices
3421 standards for insurers upon receiving actual notice of certain
3422 incidents or losses; providing construction; specifying certain
3423 requirements for insurer communications to an insured; requiring
3424 an insurer to initiate settlement negotiations under certain
3425 circumstances; specifying requirements for the insurer when
3426 multiple claims arise out of a single occurrence under certain

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3427 conditions; providing construction; requiring an insurer to
3428 attempt to settle a claim on behalf of certain insureds under
3429 certain circumstances; providing for a defense to bad faith
3430 actions; providing that insureds have a duty to cooperate;
3431 requiring an insured to take certain reasonable actions
3432 necessary to settle covered claims; providing requirements for
3433 disclosures by insureds; requiring insurers to provide certain
3434 notice to insureds within a specified timeframe; providing that
3435 insurers may terminate certain defenses under certain
3436 circumstances; providing construction; providing that a trier of
3437 fact may not attribute an insurer's failure to settle certain
3438 claims to specified causes under certain circumstances;
3439 providing construction; specifying conditions precedent for
3440 claimants filing bad faith failure to settle third-party claim
3441 actions; providing that an insurer is entitled to a reasonable
3442 opportunity to investigate and evaluate claims under certain
3443 circumstances; providing construction; providing that insurers
3444 may not be held liable for the failure to accept a settlement
3445 offer within a certain timeframe if certain conditions are met;
3446 providing that an insurer is not required to automatically
3447 tender policy limits within a certain timeframe in every case;
3448 requiring the party bringing a bad faith failure to settle
3449 action to prove every element by the greater weight of the
3450 evidence; specifying burdens of proof for insurers relying on
3451 specified defenses; limiting damages under certain

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COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 719 (2021)

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3452 | circumstances; amending s. 626.9541, F.S.; conforming a
3453 | provision to changes made by the act; revising the type of
3454 | insurance coverage applicable to a certain prohibited act;
3455 | amending s. 626.989, F.S.; revising the definition of the term
3456 | "fraudulent insurance act"; amending s. 627.06501, F.S.;
3457 | revising coverages that may provide for a reduction in motor
3458 | vehicle insurance policy premium charges under certain
3459 | circumstances; amending s. 627.0651, F.S.; specifying
3460 | requirements for rate filings for motor vehicle liability
3461 | policies submitted to the Office of Insurance Regulation
3462 | implementing requirements in effect on a specified date;
3463 | requiring such filings to be approved through a certain process;
3464 | amending s. 627.0652, F.S.; revising coverages that must provide
3465 | a premium charge reduction under certain circumstances; amending
3466 | s. 627.0653, F.S.; revising coverages subject to premium
3467 | discounts for specified motor vehicle equipment; amending s.
3468 | 627.4132, F.S.; revising coverages that are subject to a
3469 | stacking prohibition; amending s. 627.4137, F.S.; requiring that
3470 | insurers disclose certain information at the request of a
3471 | claimant's attorney; authorizing a claimant to file an action
3472 | under certain circumstances; providing for the award of
3473 | reasonable attorney fees and costs under certain circumstances;
3474 | amending s. 627.7263, F.S.; revising coverages that are deemed
3475 | primary, except under certain circumstances, for the lessor of a
3476 | motor vehicle for lease or rent; revising a notice that is

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3477 required if the lessee's coverage is to be primary; creating s.
3478 627.7265, F.S.; specifying persons whom medical payments
3479 coverage must protect; specifying the minimum medical expense
3480 and death benefit limits; specifying coverage options an insurer
3481 is required and authorized to offer; providing that each motor
3482 vehicle insurance policy furnished as proof of financial
3483 responsibility is deemed to have certain coverages; requiring
3484 that certain rejections or selections be made on forms approved
3485 by the office; providing requirements for such forms; providing
3486 that certain coverage is not required to be provided in certain
3487 policies under certain circumstances; requiring insurers to
3488 provide certain notices to policyholders; providing construction
3489 relating to limits on certain other coverages; requiring
3490 insurers, upon receiving certain notice of an accident, to hold
3491 a specified reserve for certain purposes for a certain
3492 timeframe; providing that the reserve requirement does not
3493 require insurers to establish a claim reserve for accounting
3494 purposes; specifying that an insurer providing medical payments
3495 coverage benefits may not seek a lien on a certain recovery and
3496 may not bring a certain cause of action; authorizing insurers to
3497 include policy provisions allowing for subrogation, under
3498 certain circumstances, for medical payments benefits paid;
3499 providing construction; specifying a requirement for an insured
3500 for repayment of medical payments benefits under certain
3501 circumstances; prohibiting insurers from including policy

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3502 provisions allowing for subrogation for death benefits paid;
3503 amending s. 627.727, F.S.; revising the legal liability of an
3504 uninsured motorist coverage insurer; conforming provisions to
3505 changes made by the act; amending s. 627.7275, F.S.; revising
3506 required coverages for a motor vehicle insurance policy;
3507 conforming provisions to changes made by the act; creating s.
3508 627.7278, F.S.; defining the term "minimum security
3509 requirements"; providing requirements, applicability, and
3510 construction relating to motor vehicle insurance policies as of
3511 a certain date; requiring insurers to allow certain insureds to
3512 make certain coverage changes, subject to certain conditions;
3513 requiring an insurer to provide, by a specified date, a
3514 specified notice to policyholders relating to requirements under
3515 the act; amending s. 627.728, F.S.; conforming a provision to
3516 changes made by the act; making technical changes; amending s.
3517 627.7295, F.S.; revising the definitions of the terms "policy"
3518 and "binder"; revising the coverages of a motor vehicle
3519 insurance policy for which a licensed general lines agent may
3520 charge a specified fee; conforming provisions to changes made by
3521 the act; amending s. 627.7415, F.S.; revising additional
3522 liability insurance requirements for commercial motor vehicles;
3523 creating s. 627.747, F.S.; providing that private passenger
3524 motor vehicle policies may exclude specified coverages for all
3525 claims or suits resulting from the operation of a motor vehicle
3526 by an identified individual under certain circumstances;

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3527 providing that such policies may not exclude coverage under
3528 certain circumstances; providing that an excluded driver must
3529 establish, maintain and show proof of financial ability to
3530 respond for damages arising out the ownership, maintenance or
3531 use of a motor vehicle as required by law; providing that a
3532 valid named driver exclusion will not be invalidated if the
3533 excluded driver fails to show such proof; amending s. 627.748,
3534 F.S.; revising insurance requirements for transportation network
3535 company drivers; conforming provisions to changes made by the
3536 act; amending s. 627.749, F.S.; conforming a provision to
3537 changes made by the act; amending s. 627.8405, F.S.; revising
3538 coverages in a policy sold in combination with an accidental
3539 death and dismemberment policy which a premium finance company
3540 may not finance; revising rulemaking authority of the Financial
3541 Services Commission; amending ss. 627.915, 628.909, 705.184, and
3542 713.78, F.S.; conforming provisions to changes made by the act;
3543 making technical changes; creating s. 768.852, F.S.; providing
3544 for a setoff on certain damages that may be recovered by a
3545 person operating certain motor vehicles who is not in compliance
3546 with financial responsibility laws; providing exceptions;
3547 amending s. 817.234, F.S.; revising coverages that are the basis
3548 of specified prohibited false and fraudulent insurance claims;
3549 conforming provisions to changes made by the act; providing an
3550 appropriation; providing effective dates.