

By Senator Burgess

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1 A bill to be entitled
2 An act relating to motor vehicle insurance; repealing
3 ss. 627.730, 627.731, 627.7311, 627.732, 627.733,
4 627.734, 627.736, 627.737, 627.739, 627.7401,
5 627.7403, and 627.7405, F.S., which comprise the
6 Florida Motor Vehicle No-Fault Law; repealing s.
7 627.7407, F.S., relating to application of the Florida
8 Motor Vehicle No-Fault Law; amending s. 316.2122,
9 F.S.; conforming a cross-reference; amending s.
10 316.646, F.S.; revising a requirement for proof of
11 security on a motor vehicle and the applicability of
12 the requirement; amending s. 318.18, F.S.; conforming
13 a provision to changes made by the act; amending s.
14 320.02, F.S.; revising the motor vehicle insurance
15 coverages that an applicant must show to register
16 certain vehicles with the Department of Highway Safety
17 and Motor Vehicles; conforming a provision to changes
18 made by the act; revising construction; amending s.
19 320.0609, F.S.; conforming a provision to changes made
20 by the act; amending s. 320.27, F.S.; defining the
21 term "garage liability insurance"; revising garage
22 liability insurance requirements for motor vehicle
23 dealer license applicants; conforming a provision to
24 changes made by the act; amending s. 320.771, F.S.;
25 revising garage liability insurance requirements for
26 recreational vehicle dealer license applicants;
27 amending ss. 322.251 and 322.34, F.S.; conforming
28 provisions to changes made by the act; amending s.
29 324.011, F.S.; revising legislative intent; amending

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30 s. 324.021, F.S.; revising and providing definitions;
31 revising minimum coverage requirements for proof of
32 financial responsibility for specified motor vehicles;
33 conforming provisions to changes made by the act;
34 amending s. 324.022, F.S.; revising minimum liability
35 coverage requirements for motor vehicle owners or
36 operators; revising authorized methods for meeting
37 such requirements; deleting a provision relating to an
38 insurer's duty to defend certain claims; revising the
39 vehicles that are excluded from the definition of the
40 term "motor vehicle"; providing security requirements
41 for certain excluded vehicles; conforming provisions
42 to changes made by the act; amending s. 324.0221,
43 F.S.; revising coverages that subject a policy to
44 certain insurer reporting and notice requirements;
45 conforming provisions to changes made by the act;
46 creating s. 324.0222, F.S.; providing that driver
47 license or motor vehicle registration suspensions for
48 failure to maintain required security which are in
49 effect before a specified date remain in full force
50 and effect; providing that such suspended licenses or
51 registrations may be reinstated as provided in a
52 specified section; amending s. 324.023, F.S.;
53 conforming cross-references; amending s. 324.031,
54 F.S.; specifying a method of proving financial
55 responsibility by owners or operators of motor
56 vehicles other than for-hire passenger transportation
57 vehicles; revising the amount of a certificate of
58 deposit required to elect a certain method of proof of

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

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88 conforming a provision to changes made by the act;
89 amending s. 456.072, F.S.; revising specified grounds
90 for discipline for certain health professions;
91 defining the term "upcode"; amending s. 624.155, F.S.;
92 providing an exception to the circumstances under
93 which a person who is damaged may bring a civil action
94 against an insurer; adding a cause of action against
95 insurers in certain circumstances; providing that a
96 person is not entitled to judgments under multiple bad
97 faith remedies; creating s. 624.156, F.S.; providing
98 that the section applies to bad faith failure to
99 settle third-party claim actions against any insurer
100 for a loss arising out of the ownership, maintenance,
101 or use of a motor vehicle under specified
102 circumstances; providing construction; providing that
103 insurers have a duty of good faith; providing
104 construction; defining the term "bad faith failure to
105 settle"; requiring insurers to meet best practices
106 standards; providing circumstances under which a
107 notice is not effective; providing that the burden is
108 on the party bringing the bad faith claim; specifying
109 best practices standards for insurers upon receiving
110 actual notice of certain incidents or losses;
111 specifying certain requirements for insurer
112 communications to an insured; requiring an insurer to
113 initiate settlement negotiations under certain
114 circumstances; specifying requirements for the insurer
115 when multiple claims arise out of a single occurrence
116 under certain conditions; providing construction;

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117 requiring an insurer to attempt to settle a claim on
118 behalf of certain insureds under certain
119 circumstances; providing for a defense to bad faith
120 actions; providing that insureds have a duty to
121 cooperate; requiring an insured to take certain
122 reasonable actions necessary to settle covered claims;
123 providing requirements for disclosures by insureds;
124 requiring insurers to provide certain notice to
125 insureds within a specified timeframe; providing that
126 insurers may terminate certain defenses under certain
127 circumstances; providing construction; providing that
128 a trier of fact may not attribute an insurer's failure
129 to settle certain claims to specified causes under
130 certain circumstances; providing construction;
131 specifying conditions precedent for claimants filing
132 bad faith failure to settle third-party claim actions;
133 providing that an insurer is entitled to a reasonable
134 opportunity to investigate and evaluate claims under
135 certain circumstances; providing construction;
136 providing that insurers may not be held liable for the
137 failure to accept a settlement offer within a certain
138 timeframe if certain conditions are met; providing
139 that an insurer is not required to automatically
140 tender policy limits within a certain timeframe in
141 every case; requiring the party bringing a bad faith
142 failure to settle action to prove every element by the
143 greater weight of the evidence; specifying burdens of
144 proof for insurers relying on specified defenses;
145 limiting damages under certain circumstances;

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146 providing construction; amending s. 626.9541, F.S.;

147 conforming a provision to changes made by the act;

148 revising certain prohibited acts related to specified

149 insurance coverage payment requirements; amending s.

150 626.989, F.S.; revising the definition of the term

151 "fraudulent insurance act"; amending s. 627.06501,

152 F.S.; revising coverages that may provide for a

153 reduction in motor vehicle insurance policy premium

154 charges under certain circumstances; amending s.

155 627.0651, F.S.; specifying requirements for rate

156 filings for motor vehicle liability policies that

157 implement requirements in effect on a specified date;

158 requiring such filings to be approved through a

159 certain process; amending s. 627.0652, F.S.; revising

160 coverages that must provide a premium charge reduction

161 under certain circumstances; amending s. 627.0653,

162 F.S.; revising coverages that are subject to premium

163 discounts for specified motor vehicle equipment;

164 amending s. 627.4132, F.S.; revising coverages that

165 are subject to a stacking prohibition; amending s.

166 627.4137, F.S.; requiring that insurers disclose

167 certain information at the request of a claimant's

168 attorney; authorizing a claimant to file an action

169 under certain circumstances; providing for the award

170 of reasonable attorney fees and costs under certain

171 circumstances; amending s. 627.7263, F.S.; revising

172 coverages that are deemed primary, except under

173 certain circumstances, for the lessor of a motor

174 vehicle for lease or rent; revising a notice that is

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175 required if the lessee's coverage is to be primary;
176 creating s. 627.7265, F.S.; specifying persons whom
177 medical payments coverage must protect; specifying the
178 minimum medical expense limits; specifying coverage
179 options that an insurer is required and authorized to
180 offer; providing construction relating to limits on
181 certain other coverages; requiring insurers, upon
182 receiving certain notice of an accident, to hold a
183 specified reserve for certain purposes for a certain
184 timeframe; providing that the reserve requirement does
185 not require insurers to establish a claim reserve for
186 accounting purposes; prohibiting an insurer providing
187 medical payments coverage benefits from seeking a lien
188 on a certain recovery and bringing a certain cause of
189 action; authorizing insurers to include policy
190 provisions allowing for subrogation, under certain
191 circumstances, for medical payments benefits paid;
192 providing construction; specifying a requirement for
193 an insured for repayment of medical payments benefits
194 under certain circumstances; prohibiting insurers from
195 including policy provisions allowing for subrogation
196 for death benefits paid; amending s. 627.727, F.S.;

197 conforming provisions to changes made by the act;
198 revising the legal liability of an uninsured motorist
199 coverage insurer; amending s. 627.7275, F.S.; revising
200 required coverages for a motor vehicle insurance
201 policy; conforming provisions to changes made by the
202 act; creating s. 627.72761, F.S.; requiring motor
203 vehicle insurance policies to provide death benefits;

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204 specifying requirements for such benefits; specifying
205 persons to whom such benefits may and may not be paid;
206 creating s. 627.7278, F.S.; defining the term "minimum
207 security requirements"; providing a prohibition,
208 requirements, applicability, and construction relating
209 to motor vehicle insurance policies as of a certain
210 date; requiring insurers to allow certain insureds to
211 make certain coverage changes, subject to certain
212 conditions; requiring an insurer to provide, by a
213 specified date, a specified notice to policyholders
214 relating to requirements under the act; amending s.
215 627.728, F.S.; conforming a provision to changes made
216 by the act; amending s. 627.7295, F.S.; revising the
217 definitions of the terms "policy" and "binder";
218 revising the coverages of a motor vehicle insurance
219 policy for which a licensed general lines agent may
220 charge a specified fee; conforming provisions to
221 changes made by the act; amending s. 627.7415, F.S.;
222 revising additional liability insurance requirements
223 for commercial motor vehicles; amending s. 627.747,
224 F.S.; conforming provisions to changes made by the
225 act; amending s. 627.748, F.S.; revising insurance
226 requirements for transportation network company
227 drivers; conforming provisions to changes made by the
228 act; conforming cross-references; amending s.
229 627.7483, F.S.; conforming provisions to changes made
230 by the act; conforming cross-references; amending s.
231 627.749, F.S.; conforming a provision to changes made
232 by the act; amending s. 627.8405, F.S.; revising

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233 coverages in a policy sold in combination with an
234 accidental death and dismemberment policy which a
235 premium finance company may not finance; revising
236 rulemaking authority of the Financial Services
237 Commission; amending ss. 627.915, 628.909, 705.184,
238 and 713.78, F.S.; conforming provisions to changes
239 made by the act; creating s. 768.852, F.S.; providing
240 for a setoff on certain damages that may be recovered
241 by a person operating certain motor vehicles who is
242 not in compliance with financial responsibility laws;
243 providing exceptions; amending s. 817.234, F.S.;

244 revising coverages that are the basis of specified
245 prohibited false and fraudulent insurance claims;
246 conforming provisions to changes made by the act;
247 deleting provisions relating to prohibited changes in
248 certain mental or physical reports; providing an
249 appropriation; providing effective dates.

250

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

252

253 Section 1. Sections 627.730, 627.731, 627.7311, 627.732,
254 627.733, 627.734, 627.736, 627.737, 627.739, 627.7401, 627.7403,
255 and 627.7405, Florida Statutes, are repealed.

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

257 Section 3. Paragraph (e) of subsection (2) of section
258 316.2122, Florida Statutes, is amended to read:

259 316.2122 Operation of a low-speed vehicle, mini truck, or
260 low-speed autonomous delivery vehicle on certain roadways.—

261 (2) The operation of a low-speed autonomous delivery

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262 vehicle on any road is authorized with the following
263 restrictions:

264 (e) A low-speed autonomous delivery vehicle must be covered
265 by a policy of automobile insurance which provides the coverage
266 required by s. 627.749(2)(a)1. and, ~~2., and 3.~~ The coverage
267 requirements of this paragraph may be satisfied by automobile
268 insurance maintained by the owner of a low-speed autonomous
269 delivery vehicle, the owner of the teleoperation system, the
270 remote human operator, or a combination thereof.

271 Section 4. Subsection (1) of section 316.646, Florida
272 Statutes, is amended to read:

273 316.646 Security required; proof of security and display
274 thereof.—

275 (1) Any person required by s. 324.022 to maintain liability
276 security for property damage, ~~liability security, required by s.~~
277 ~~324.023 to maintain liability security for bodily injury, or~~
278 ~~death, or required by s. 627.733 to maintain personal injury~~
279 ~~protection security on a motor vehicle~~ shall have in his or her
280 immediate possession at all times while operating a such motor
281 vehicle proper proof of maintenance of the ~~required~~ security
282 required under s. 324.021(7).

283 (a) Such proof must ~~shall~~ be in a uniform paper or
284 electronic format, as prescribed by the department, a valid
285 insurance policy, an insurance policy binder, a certificate of
286 insurance, or such other proof as may be prescribed by the
287 department.

288 (b)1. The act of presenting to a law enforcement officer an
289 electronic device displaying proof of insurance in an electronic
290 format does not constitute consent for the officer to access any

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291 information on the device other than the displayed proof of
292 insurance.

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

295 Section 5. Paragraph (b) of subsection (2) of section
296 318.18, Florida Statutes, is amended to read:

297 318.18 Amount of penalties.—The penalties required for a
298 noncriminal disposition pursuant to s. 318.14 or a criminal
299 offense listed in s. 318.17 are as follows:

300 (2) Thirty dollars for all nonmoving traffic violations
301 and:

302 (b) For all violations of ss. 320.0605, 320.07(1), 322.065,
303 and 322.15(1). A ~~Any~~ person who is cited for a violation of s.
304 320.07(1) shall be charged a delinquent fee pursuant to s.
305 320.07(4).

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

319 2. If a person who is cited for a violation of s. 322.03,

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320 s. 322.065, or s. 322.15 can show a driver license issued to him
321 or her and valid at the time of arrest, the clerk of the court
322 may dismiss the case and may assess a dismissal fee of up to
323 \$10, from which the clerk shall remit \$2.50 to the Department of
324 Revenue for deposit into the General Revenue Fund.

325 3. If a person who is cited for a violation of s. 316.646
326 can show proof of security as required by s. 324.021(7) ~~s.~~
327 ~~627.733~~, issued to the person and valid at the time of arrest,
328 the clerk of the court may dismiss the case and may assess a
329 dismissal fee of up to \$10, from which the clerk shall remit
330 \$2.50 to the Department of Revenue for deposit into the General
331 Revenue Fund. A person who finds it impossible or impractical to
332 obtain proof of security must submit an affidavit detailing the
333 reasons for the impracticality. The reasons may include, but are
334 not limited to, the fact that the vehicle has since been sold,
335 stolen, or destroyed; ~~that the owner or registrant of the~~
336 ~~vehicle is not required by s. 627.733 to maintain personal~~
337 ~~injury protection insurance;~~ or that the vehicle is owned by
338 another person.

339 Section 6. Paragraphs (a) and (d) of subsection (5) of
340 section 320.02, Florida Statutes, are amended to read:

341 320.02 Registration required; application for registration;
342 forms.-

343 (5) (a) Proof that bodily injury liability coverage and
344 property damage liability coverage ~~personal injury protection~~
345 ~~benefits~~ have been purchased if required under s. 324.022, s.
346 324.032, or s. 627.742 ~~s. 627.733, that property damage~~
347 ~~liability coverage has been purchased as required under s.~~
348 324.022, that bodily injury liability ~~or death~~ coverage has been

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349 purchased if required under s. 324.023, and that combined bodily
350 liability insurance and property damage liability insurance have
351 been purchased if required under s. 627.7415 must ~~shall~~ be
352 provided in the manner prescribed by law by the applicant at the
353 time of application for registration of any motor vehicle that
354 is subject to such requirements. The issuing agent may not ~~shall~~
355 ~~refuse to~~ issue registration if such proof of purchase is not
356 provided. Insurers shall furnish uniform proof-of-purchase cards
357 in a paper or electronic format in a form prescribed by the
358 department and include the name of the insured's insurance
359 company, the coverage identification number, and the make, year,
360 and vehicle identification number of the vehicle insured. The
361 card must contain a statement notifying the applicant of the
362 penalty specified under s. 316.646(4). The card or insurance
363 policy, insurance policy binder, or certificate of insurance or
364 a photocopy of any of these; an affidavit containing the name of
365 the insured's insurance company, the insured's policy number,
366 and the make and year of the vehicle insured; or such other
367 proof as may be prescribed by the department constitutes ~~shall~~
368 ~~constitute~~ sufficient proof of purchase. If an affidavit is
369 provided as proof, it must be in substantially the following
370 form:

371
372 Under penalty of perjury, I ...(Name of insured)... do hereby
373 certify that I have ...(bodily injury liability and Personal
374 ~~Injury Protection~~, property damage liability, ~~and, if required,~~
375 ~~Bodily Injury Liability~~)... insurance currently in effect with
376 ...(Name of insurance company)... under ...(policy number)...
377 covering ...(make, year, and vehicle identification number of

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378 vehicle).... ...(Signature of Insured)...

379

380 Such affidavit must include the following warning:

381

382 WARNING: GIVING FALSE INFORMATION IN ORDER TO OBTAIN A VEHICLE
383 REGISTRATION CERTIFICATE IS A CRIMINAL OFFENSE UNDER FLORIDA
384 LAW. ANYONE GIVING FALSE INFORMATION ON THIS AFFIDAVIT IS
385 SUBJECT TO PROSECUTION.

386

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

399 (d) The verifying of ~~proof of personal injury protection~~
400 ~~insurance, proof of property damage liability insurance, proof~~
401 ~~of combined bodily liability insurance and property damage~~
402 ~~liability insurance, or proof of financial responsibility~~
403 ~~insurance~~ and the issuance or failure to issue the motor vehicle
404 registration under ~~the provisions of~~ this chapter may not be
405 construed in any court as a warranty of the reliability or
406 accuracy of the evidence of such proof or as meaning that the

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407 provisions of any insurance policy furnished as proof of
408 financial responsibility comply with state law. Neither the
409 department nor any tax collector is liable in damages for any
410 inadequacy, insufficiency, falsification, or unauthorized
411 modification of any item of ~~the proof of personal injury~~
412 ~~protection insurance, proof of property damage liability~~
413 ~~insurance, proof of combined bodily liability insurance and~~
414 ~~property damage liability insurance, or proof of financial~~
415 responsibility before ~~insurance prior to~~, during, or subsequent
416 to the verification of the proof. The issuance of a motor
417 vehicle registration does not constitute prima facie evidence or
418 a presumption of insurance coverage.

419 Section 7. Paragraph (b) of subsection (1) of section
420 320.0609, Florida Statutes, is amended to read:

421 320.0609 Transfer and exchange of registration license
422 plates; transfer fee.—

423 (1)

424 (b) The transfer of a license plate from a vehicle disposed
425 of to a newly acquired vehicle does not constitute a new
426 registration. The application for transfer must ~~shall~~ be
427 accepted without requiring proof of ~~personal injury protection~~
428 ~~or~~ liability insurance.

429 Section 8. Subsection (3) of section 320.27, Florida
430 Statutes, is amended, and paragraph (g) is added to subsection
431 (1) of that section, to read:

432 320.27 Motor vehicle dealers.—

433 (1) DEFINITIONS.—The following words, terms, and phrases
434 when used in this section have the meanings respectively
435 ascribed to them in this subsection, except where the context

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436 clearly indicates a different meaning:

437 (g) "Garage liability insurance" means, beginning July 1,
438 2023, combined single-limit liability coverage, including
439 property damage and bodily injury liability coverage, in the
440 amount of at least \$60,000.

441 (3) APPLICATION AND FEE.—~~The application for the license~~
442 application must ~~shall~~ be in such form as may be prescribed by
443 the department and is ~~shall be~~ subject to such rules ~~with~~
444 ~~respect thereto~~ as may be so prescribed by the department ~~it~~.
445 Such application must ~~shall~~ be verified by oath or affirmation
446 and must ~~shall~~ contain a full statement of the name and birth
447 date of the person or persons applying for the license ~~therefor~~;
448 the name of the firm or copartnership, with the names and places
449 of residence of all members ~~thereof~~, if such applicant is a firm
450 or copartnership; the names and places of residence of the
451 principal officers, if the applicant is a body corporate or
452 other artificial body; the name of the state under whose laws
453 the corporation is organized; the present and former place or
454 places of residence of the applicant; and the prior business in
455 which the applicant has been engaged and its ~~the~~ location
456 ~~thereof~~. ~~The~~ ~~Such~~ application must ~~shall~~ describe the exact
457 location of the place of business and must ~~shall~~ state whether
458 the place of business is owned by the applicant and when
459 acquired, or, if leased, a true copy of the lease must ~~shall~~ be
460 attached to the application. The applicant shall certify that
461 the location provides an adequately equipped office and is not a
462 residence; that the location affords sufficient unoccupied space
463 upon and within which adequately to store all motor vehicles
464 offered and displayed for sale; and that the location is a

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465 suitable place where the applicant can in good faith carry on
466 such business and keep and maintain books, records, and files
467 necessary to conduct such business, which must ~~shall~~ be
468 available at all reasonable hours to inspection by the
469 department or any of its inspectors or other employees. The
470 applicant shall certify that the business of a motor vehicle
471 dealer is the principal business that will ~~which shall~~ be
472 conducted at that location. The application must ~~shall~~ contain a
473 statement that the applicant is either franchised by a
474 manufacturer of motor vehicles, in which case the name of each
475 motor vehicle that the applicant is franchised to sell must
476 ~~shall~~ be included, or an independent (nonfranchised) motor
477 vehicle dealer. The application must ~~shall~~ contain other
478 relevant information as may be required by the department. The
479 applicant shall furnish, including evidence, in a form approved
480 by the department, that the applicant is insured under a garage
481 liability insurance policy or a general liability insurance
482 policy coupled with a business automobile policy having the
483 coverages and limits of the garage liability insurance coverage
484 in accordance with paragraph (1) (g), ~~which shall include, at a~~
485 ~~minimum, \$25,000 combined single limit liability coverage~~
486 ~~including bodily injury and property damage protection and~~
487 ~~\$10,000 personal injury protection.~~ However, a salvage motor
488 vehicle dealer as defined in subparagraph (1)(c)5. is exempt
489 from the requirements for garage liability insurance ~~and~~
490 ~~personal injury protection insurance~~ on those vehicles that
491 cannot be legally operated on roads, highways, or streets in
492 this state. Franchise dealers must submit a garage liability
493 insurance policy, and all other dealers must submit a garage

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494 liability insurance policy or a general liability insurance
495 policy coupled with a business automobile policy. Such policy
496 must ~~shall~~ be for the license period, and evidence of a new or
497 continued policy must ~~shall~~ be delivered to the department at
498 the beginning of each license period. A licensee shall deliver
499 to the department, in the manner prescribed by the department,
500 within 10 calendar days after any renewal or continuation of or
501 change in such policy or within 10 calendar days after any
502 issuance of a new policy, a copy of the renewed, continued,
503 changed, or new policy. Upon making an initial application, the
504 applicant shall pay to the department a fee of \$300 in addition
505 to any other fees required by law. Applicants may choose to
506 extend the licensure period for 1 additional year for a total of
507 2 years. An initial applicant shall pay to the department a fee
508 of \$300 for the first year and \$75 for the second year, in
509 addition to any other fees required by law. An applicant for
510 renewal shall pay to the department \$75 for a 1-year renewal or
511 \$150 for a 2-year renewal, in addition to any other fees
512 required by law. Upon making an application for a change of
513 location, the applicant ~~person~~ shall pay a fee of \$50 in
514 addition to any other fees now required by law. The department
515 shall, in the case of every application for initial licensure,
516 verify whether certain facts set forth in the application are
517 true. Each applicant, general partner in the case of a
518 partnership, or corporate officer and director in the case of a
519 corporate applicant shall, ~~must~~ file a set of fingerprints with
520 the department for the purpose of determining any prior criminal
521 record or any outstanding warrants. The department shall submit
522 the fingerprints to the Department of Law Enforcement for state

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523 processing and forwarding to the Federal Bureau of Investigation
524 for federal processing. The actual cost of state and federal
525 processing must ~~shall~~ be borne by the applicant and is in
526 addition to the fee for licensure. The department may issue a
527 license to an applicant pending the results of the fingerprint
528 investigation, which license is fully revocable if the
529 department subsequently determines that any facts set forth in
530 the application are not true or correctly represented.

531 Section 9. Paragraph (j) of subsection (3) of section
532 320.771, Florida Statutes, is amended to read:

533 320.771 License required of recreational vehicle dealers.-

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

538 (j) A statement that the applicant is insured under a
539 garage liability insurance policy in accordance with s.
540 320.27(1)(g), ~~which shall include, at a minimum, \$25,000~~
541 ~~combined single limit liability coverage, including bodily~~
542 ~~injury and property damage protection, and \$10,000 personal~~
543 ~~injury protection~~, if the applicant is to be licensed as a
544 dealer in, or intends to sell, recreational vehicles. However, a
545 garage liability policy is not required for the licensure of a
546 mobile home dealer who sells only park trailers.

547
548 The department shall, if it deems necessary, cause an
549 investigation to be made to ascertain if the facts set forth in
550 the application are true and shall not issue a license to the
551 applicant until it is satisfied that the facts set forth in the

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552 application are true.

553 Section 10. Subsections (1) and (2) of section 322.251,
554 Florida Statutes, are amended to read:

555 322.251 Notice of cancellation, suspension, revocation, or
556 disqualification of license.—

557 (1) All orders of cancellation, suspension, revocation, or
558 disqualification issued under ~~the provisions of~~ this chapter,
559 chapter 318, or chapter 324 must, ~~or ss. 627.732-627.734 shall~~
560 be given either by personal delivery ~~thereof~~ to the licensee
561 whose license is being canceled, suspended, revoked, or
562 disqualified or by deposit in the United States mail in an
563 envelope, first class, postage prepaid, addressed to the
564 licensee at his or her last known mailing address furnished to
565 the department. Such mailing by the department constitutes
566 notification, and any failure by the person to receive the
567 mailed order will not affect or stay the effective date or term
568 of the cancellation, suspension, revocation, or disqualification
569 of the licensee's driving privilege.

570 (2) The giving of notice and an order of cancellation,
571 suspension, revocation, or disqualification by mail is complete
572 upon expiration of 20 days after deposit in the United States
573 mail for all notices except those issued under chapter 324 ~~or~~
574 ~~ss. 627.732-627.734~~, which are complete 15 days after deposit in
575 the United States mail. Proof of the giving of notice and an
576 order of cancellation, suspension, revocation, or
577 disqualification in either manner must ~~shall~~ be made by entry in
578 the records of the department that such notice was given. The
579 entry is admissible in the courts of this state and constitutes
580 sufficient proof that such notice was given.

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581 Section 11. Paragraph (a) of subsection (8) of section
582 322.34, Florida Statutes, is amended to read:

583 322.34 Driving while license suspended, revoked, canceled,
584 or disqualified.—

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

588 1. Whether the person's driver license is suspended or
589 revoked, or the person is under suspension or revocation
590 equivalent status.

591 2. Whether the person's driver license has remained
592 suspended or revoked, or the person has been under suspension or
593 revocation equivalent status, since a conviction for the offense
594 of driving with a suspended or revoked license.

595 3. Whether the suspension, revocation, or suspension or
596 revocation equivalent status was made under s. 316.646 ~~or s.~~
597 ~~627.733~~, relating to failure to maintain required security, or
598 under s. 322.264, relating to habitual traffic offenders.

599 4. Whether the driver is the registered owner or co-owner
600 of the vehicle.

601 Section 12. Section 324.011, Florida Statutes, is amended
602 to read:

603 324.011 Legislative intent; purpose of chapter.—

604 (1) It is the intent of the Legislature that this chapter:

605 (a) Ensure that the privilege of owning or operating a
606 motor vehicle in this state is exercised ~~to recognize the~~
607 ~~existing privilege to own or operate a motor vehicle on the~~
608 ~~public streets and highways of this state when such vehicles are~~
609 ~~used~~ with due consideration for the safety of others and their

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610 property, ~~and to~~

611 (b) Promote safety. ~~and~~

612 (c) Provide financial security requirements for such owners
613 and ~~or~~ operators whose responsibility it is to recompense others
614 for injury to person or property caused by the operation of a
615 motor vehicle.

616 (2) The purpose of this chapter is to require that every
617 owner or operator of a motor vehicle required to be registered
618 in this state establish, maintain, ~~Therefore, it is required~~
619 ~~herein that the operator of a motor vehicle involved in a crash~~
620 ~~or convicted of certain traffic offenses meeting the operative~~
621 ~~provisions of s. 324.051(2) shall respond for such damages and~~
622 show proof of financial ability to respond for damages arising
623 out of the ownership, maintenance, or use of a motor vehicle in
624 future accidents as a requisite to owning or operating a motor
625 vehicle in this state ~~his or her future exercise of such~~
626 ~~privileges.~~

627 Section 13. Subsections (1) and (7) and paragraph (c) of
628 subsection (9) of section 324.021, Florida Statutes, are
629 amended, and subsection (12) is added to that section, to read:

630 324.021 Definitions; minimum insurance required.—The
631 following words and phrases when used in this chapter shall, for
632 the purpose of this chapter, have the meanings respectively
633 ascribed to them in this section, except in those instances
634 where the context clearly indicates a different meaning:

635 (1) MOTOR VEHICLE.—Every self-propelled vehicle that is
636 designed and required to be licensed for use upon a highway,
637 including trailers and semitrailers designed for use with such
638 vehicles, except traction engines, road rollers, farm tractors,

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639 power shovels, and well drillers, and every vehicle that is
640 propelled by electric power obtained from overhead wires but not
641 operated upon rails, but not including any personal delivery
642 device or mobile carrier as defined in s. 316.003, bicycle,
643 electric bicycle, or moped. ~~However, the term "motor vehicle"~~
644 ~~does not include a motor vehicle as defined in s. 627.732(3)~~
645 ~~when the owner of such vehicle has complied with the~~
646 ~~requirements of ss. 627.730-627.7405, inclusive, unless the~~
647 ~~provisions of s. 324.051 apply; and, in such case, the~~
648 ~~applicable proof of insurance provisions of s. 320.02 apply.~~

649 (7) PROOF OF FINANCIAL RESPONSIBILITY.—Beginning July 1,
650 2023, That proof of ability to respond in damages for liability
651 on account of crashes arising out of the ownership, maintenance,
652 or use of a motor vehicle:

653 (a) With respect to a motor vehicle other than a commercial
654 motor vehicle, nonpublic sector bus, or for-hire passenger
655 transportation vehicle, in the amounts specified in s.
656 324.022(1). ~~in the amount of \$10,000 because of bodily injury~~
657 ~~to, or death of, one person in any one crash;~~

658 ~~(b) Subject to such limits for one person, in the amount of~~
659 ~~\$20,000 because of bodily injury to, or death of, two or more~~
660 ~~persons in any one crash;~~

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

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

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

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

670 (9) OWNER; OWNER/LESSOR.—

671 (c) *Application*.—

672 1. The limits on liability in subparagraphs (b)2. and 3. do
673 not apply to an owner of motor vehicles that are used for
674 commercial activity in the owner's ordinary course of business,
675 other than a rental company that rents or leases motor vehicles.
676 For purposes of this paragraph, the term "rental company"
677 includes only an entity that is engaged in the business of
678 renting or leasing motor vehicles to the general public and that
679 rents or leases a majority of its motor vehicles to persons with
680 no direct or indirect affiliation with the rental company. The
681 term "rental company" also includes:

682 a. A related rental or leasing company that is a subsidiary
683 of the same parent company as that of the renting or leasing
684 company that rented or leased the vehicle.

685 b. The holder of a motor vehicle title or an equity
686 interest in a motor vehicle title if the title or equity
687 interest is held pursuant to or to facilitate an asset-backed
688 securitization of a fleet of motor vehicles used solely in the
689 business of renting or leasing motor vehicles to the general
690 public and under the dominion and control of a rental company,
691 as described in this subparagraph, in the operation of such
692 rental company's business.

693 2. Furthermore, with respect to commercial motor vehicles
694 as defined in s. 207.002 or s. 320.01(25) ~~s. 627.732~~, the limits
695 on liability in subparagraphs (b)2. and 3. do not apply if, at
696 the time of the incident, the commercial motor vehicle is being

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697 used in the transportation of materials found to be hazardous
698 for the purposes of the Hazardous Materials Transportation
699 Authorization Act of 1994, as amended, 49 U.S.C. ss. 5101 et
700 seq., and that is required pursuant to such act to carry
701 placards warning others of the hazardous cargo, unless at the
702 time of lease or rental either:

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

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

711 3.a. A motor vehicle dealer, or a motor vehicle dealer's
712 leasing or rental affiliate, that provides a temporary
713 replacement vehicle at no charge or at a reasonable daily charge
714 to a service customer whose vehicle is being held for repair,
715 service, or adjustment by the motor vehicle dealer is immune
716 from any cause of action and is not liable, vicariously or
717 directly, under general law solely by reason of being the owner
718 of the temporary replacement vehicle for harm to persons or
719 property that arises out of the use, or operation, of the
720 temporary replacement vehicle by any person during the period
721 the temporary replacement vehicle has been entrusted to the
722 motor vehicle dealer's service customer if there is no
723 negligence or criminal wrongdoing on the part of the motor
724 vehicle owner, or its leasing or rental affiliate.

725 b. For purposes of this section, and notwithstanding any

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726 other ~~provision of general~~ law, a motor vehicle dealer, or a
727 motor vehicle dealer's leasing or rental affiliate, that gives
728 possession, control, or use of a temporary replacement vehicle
729 to a motor vehicle dealer's service customer may not be adjudged
730 liable in a civil proceeding absent negligence or criminal
731 wrongdoing on the part of the motor vehicle dealer, or the motor
732 vehicle dealer's leasing or rental affiliate, if the motor
733 vehicle dealer or the motor vehicle dealer's leasing or rental
734 affiliate executes a written rental or use agreement and obtains
735 from the person receiving the temporary replacement vehicle a
736 copy of the person's driver license and insurance information
737 reflecting at least the minimum motor vehicle insurance coverage
738 required in the state. Any subsequent determination that the
739 driver license or insurance information provided to the motor
740 vehicle dealer, or the motor vehicle dealer's leasing or rental
741 affiliate, was in any way false, fraudulent, misleading,
742 nonexistent, canceled, not in effect, or invalid does not alter
743 or diminish the protections provided by this section, unless the
744 motor vehicle dealer, or the motor vehicle dealer's leasing or
745 rental affiliate, had actual knowledge thereof at the time
746 possession of the temporary replacement vehicle was provided.

747 c. For purposes of this subparagraph, the term "service
748 customer" does not include an agent or a principal of a motor
749 vehicle dealer or a motor vehicle dealer's leasing or rental
750 affiliate, and does not include an employee of a motor vehicle
751 dealer or a motor vehicle dealer's leasing or rental affiliate
752 unless the employee was provided a temporary replacement
753 vehicle:

754 (I) While the employee's personal vehicle was being held

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755 for repair, service, or adjustment by the motor vehicle dealer;

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

759 (III) The employee was not acting within the course and
760 scope of his or her employment.

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

765 Section 14. Section 324.022, Florida Statutes, is amended
766 to read:

767 324.022 Financial responsibility requirements ~~for property~~
768 ~~damage.~~—

769 (1) (a) Beginning July 1, 2023, every owner or operator of a
770 motor vehicle required to be registered in this state shall
771 establish and continuously maintain the ability to respond in
772 damages for liability on account of accidents arising out of the
773 use of the motor vehicle in the amount of:

774 1. Twenty-five thousand dollars for bodily injury to, or
775 the death of, one person in any one crash and, subject to such
776 limits for one person, in the amount of \$50,000 for bodily
777 injury to, or the death of, two or more persons in any one
778 crash; and

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

781 (b) The requirements of paragraph (a) ~~this section~~ may be
782 met by one of the methods established in s. 324.031; by self-
783 insuring as authorized by s. 768.28(16); or by maintaining a

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784 ~~motor vehicle liability insurance policy that an insurance~~
785 ~~policy providing coverage for property damage liability in the~~
786 ~~amount of at least \$10,000 because of damage to, or destruction~~
787 ~~of, property of others in any one accident arising out of the~~
788 ~~use of the motor vehicle. The requirements of this section may~~
789 ~~also be met by having a policy which provides combined property~~
790 ~~damage liability and bodily injury liability coverage for any~~
791 ~~one crash arising out of the ownership, maintenance, or use of a~~
792 ~~motor vehicle and that conforms to the requirements of s.~~
793 ~~324.151 in the amount of at least \$60,000 for every owner or~~
794 ~~operator subject to the financial responsibility required in~~
795 ~~paragraph (a) \$30,000 for combined property damage liability and~~
796 ~~bodily injury liability for any one crash arising out of the use~~
797 ~~of the motor vehicle. The policy, with respect to coverage for~~
798 ~~property damage liability, must meet the applicable requirements~~
799 ~~of s. 324.151, subject to the usual policy exclusions that have~~
800 ~~been approved in policy forms by the Office of Insurance~~
801 ~~Regulation. No insurer shall have any duty to defend uncovered~~
802 ~~claims irrespective of their joinder with covered claims.~~

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

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

809 1. A mobile home as defined in s. 320.01(2)(a).

810 2. A motor vehicle that is used in mass transit and
811 designed to transport more than five passengers, exclusive of
812 the operator of the motor vehicle, and that is owned by a

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813 municipality, transit authority, or political subdivision of the
814 state.

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

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

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

822 ~~6.4. A vehicle providing for-hire passenger transportation~~
823 ~~vehicle, which must that is subject to the provisions of s.~~
824 ~~324.031. A taxicab shall maintain security as required under s.~~
825 ~~324.032 s. 324.032(1).~~

826 ~~7.5. A personal delivery device as defined in s. 316.003.~~

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

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

837 (4) An ~~The~~ owner or registrant of a motor vehicle who is
838 ~~exempt from the requirements of this section if she or he is a~~
839 member of the United States Armed Forces and is called to or on
840 active duty outside the United States in an emergency situation
841 is exempt from this section while he or she. ~~The exemption~~

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842 ~~provided by this subsection applies only as long as the member~~
843 ~~of the Armed Forces~~ is on such active duty. This exemption
844 ~~outside the United States~~ and applies only while the vehicle
845 covered by the security is not operated by any person. Upon
846 receipt of a written request by the insured to whom the
847 exemption provided in this subsection applies, the insurer shall
848 cancel the coverages and return any unearned premium or suspend
849 the security required by this section. Notwithstanding s.
850 324.0221(2) ~~s. 324.0221(3)~~, the department may not suspend the
851 registration or operator's license of an ~~any~~ owner or registrant
852 of a motor vehicle during the time she or he qualifies for the
853 ~~an~~ exemption under this subsection. An ~~Any~~ owner or registrant
854 of a motor vehicle who qualifies for the ~~an~~ exemption under this
855 subsection shall immediately notify the department before ~~prior~~
856 ~~to~~ and at the end of the expiration of the exemption.

857 Section 15. Subsections (1) and (2) of section 324.0221,
858 Florida Statutes, are amended to read:

859 324.0221 Reports by insurers to the department; suspension
860 of driver license and vehicle registrations; reinstatement.—

861 (1) (a) Each insurer that has issued a policy providing
862 ~~personal injury protection coverage or property damage~~ liability
863 coverage shall report the cancellation or nonrenewal thereof to
864 the department within 10 days after the processing date or
865 effective date of each cancellation or nonrenewal. Upon the
866 issuance of a policy providing ~~personal injury protection~~
867 ~~coverage or property damage~~ liability coverage to a named
868 insured not previously insured by the insurer during that
869 calendar year, the insurer shall report the issuance of the new
870 policy to the department within 10 days. The report must ~~shall~~

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871 be in the form ~~and format~~ and contain any information required
872 by the department and must be provided in a format that is
873 compatible with the data processing capabilities of the
874 department. Failure by an insurer to file proper reports with
875 the department as required by this subsection constitutes a
876 violation of the Florida Insurance Code. These records may ~~shall~~
877 be used by the department only for enforcement and regulatory
878 purposes, including the generation by the department of data
879 regarding compliance by owners of motor vehicles with the
880 requirements for financial responsibility coverage.

881 (b) With respect to an insurance policy providing ~~personal~~
882 ~~injury protection coverage or property damage~~ liability
883 coverage, each insurer shall notify the named insured, or the
884 first-named insured in the case of a commercial fleet policy, in
885 writing that any cancellation or nonrenewal of the policy will
886 be reported by the insurer to the department. The notice must
887 also inform the named insured that failure to maintain bodily
888 injury liability ~~personal injury protection~~ coverage and
889 property damage liability coverage on a motor vehicle when
890 required by law may result in the loss of registration and
891 driving privileges in this state and inform the named insured of
892 the amount of the reinstatement fees required by this section.
893 This notice is for informational purposes only, and an insurer
894 is not civilly liable for failing to provide this notice.

895 (2) The department shall suspend, after due notice and an
896 opportunity to be heard, the registration and driver license of
897 any owner or registrant of a motor vehicle for ~~with respect to~~
898 which security is required under s. 324.022, s. 324.023, s.
899 324.032, s. 627.7415, or s. 627.742 ~~ss. 324.022 and 627.733~~

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900 upon:

901 (a) The department's records showing that the owner or
902 registrant of such motor vehicle does ~~did~~ not have the ~~in full~~
903 ~~force and effect when~~ required security in full force and effect
904 ~~that complies with the requirements of ss. 324.022 and 627.733;~~
905 or

906 (b) Notification by the insurer to the department, in a
907 form approved by the department, of cancellation or termination
908 of the required security.

909 Section 16. Section 324.0222, Florida Statutes, is created
910 to read:

911 324.0222 Application of driver license and registration
912 suspensions for failure to maintain security; reinstatement.—All
913 suspensions of driver licenses or motor vehicle registrations
914 for failure to maintain required security as required by law in
915 effect before July 1, 2023, remain in full force and effect
916 after July 1, 2023. A driver may reinstate a suspended driver
917 license or registration as provided under s. 324.0221.

918 Section 17. Section 324.023, Florida Statutes, is amended
919 to read:

920 324.023 Financial responsibility for bodily injury or
921 death.—In addition to any other financial responsibility
922 required by law, every owner or operator of a motor vehicle that
923 is required to be registered in this state, or that is located
924 within this state, and who, regardless of adjudication of guilt,
925 has been found guilty of or entered a plea of guilty or nolo
926 contendere to a charge of driving under the influence under s.
927 316.193 after October 1, 2007, shall, by one of the methods
928 established in s. 324.031(1) (a) or (b) ~~s. 324.031(1) or (2),~~

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929 establish and maintain the ability to respond in damages for
930 liability on account of accidents arising out of the use of a
931 motor vehicle in the amount of \$100,000 because of bodily injury
932 to, or death of, one person in any one crash and, subject to
933 such limits for one person, in the amount of \$300,000 because of
934 bodily injury to, or death of, two or more persons in any one
935 crash and in the amount of \$50,000 because of property damage in
936 any one crash. If the owner or operator chooses to establish and
937 maintain such ability by furnishing a certificate of deposit
938 pursuant to s. 324.031(1)(b) ~~s. 324.031(2)~~, such certificate of
939 deposit must be at least \$350,000. Such higher limits must be
940 carried for a minimum period of 3 years. If the owner or
941 operator has not been convicted of driving under the influence
942 or a felony traffic offense for a period of 3 years from the
943 date of reinstatement of driving privileges for a violation of
944 s. 316.193, the owner or operator is ~~shall be~~ exempt from this
945 section.

946 Section 18. Section 324.031, Florida Statutes, is amended
947 to read:

948 324.031 Manner of proving financial responsibility.—

949 (1) ~~The owner or operator of a taxicab, limousine, jitney,~~
950 ~~or any other for-hire passenger transportation vehicle may prove~~
951 ~~financial responsibility by providing satisfactory evidence of~~
952 ~~holding a motor vehicle liability policy as defined in s.~~
953 ~~324.021(8) or s. 324.151, which policy is issued by an insurance~~
954 ~~carrier which is a member of the Florida Insurance Guaranty~~
955 ~~Association. The operator or owner of a motor vehicle other than~~
956 a for-hire passenger transportation vehicle ~~any other vehicle~~
957 may prove his or her financial responsibility by:

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958 (a) ~~(1)~~ Furnishing satisfactory evidence of holding a motor
959 vehicle liability policy as defined in ss. 324.021(8) and
960 324.151 which provides liability coverage for the motor vehicle
961 being operated;

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

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

966 (2) Beginning July 1, 2023, any person, including any firm,
967 partnership, association, corporation, or other person, other
968 than a natural person, electing to use the method of proof
969 specified in paragraph (1) (b) subsection (2) shall do both of
970 the following:

971 (a) Furnish a certificate of deposit equal to the number of
972 vehicles owned times \$60,000 ~~\$30,000~~, up to a maximum of
973 \$240,000. ~~\$120,000;~~

974 (b) In addition, any such person, other than a natural
975 person, shall maintain insurance providing coverage that meets
976 the requirements of s. 324.151 and has in excess of limits of:

977 1. At least \$125,000 for bodily injury to, or the death of,
978 one person in any one crash and, subject to such limits for one
979 person, in the amount of \$250,000 for bodily injury to, or the
980 death of, two or more persons in any one crash; and \$50,000 for
981 damage to, or destruction of, property of others in any one
982 crash; or

983 2. At least \$300,000 for combined bodily injury liability
984 and property damage liability for any one crash
985 ~~\$10,000/20,000/10,000 or \$30,000 combined single limits, and~~
986 such excess insurance shall provide minimum limits of

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987 ~~\$125,000/250,000/50,000 or \$300,000 combined single limits.~~
988 ~~These increased limits shall not affect the requirements for~~
989 ~~proving financial responsibility under s. 324.032(1).~~

990 Section 19. Section 324.032, Florida Statutes, is amended
991 to read:

992 324.032 ~~Manner of proving~~ Financial responsibility for,
993 for-hire passenger transportation vehicles. ~~Notwithstanding the~~
994 ~~provisions of s. 324.031:~~

995 (1) An owner or a lessee of a for-hire passenger
996 transportation vehicle that is required to be registered in this
997 state shall establish and continuously maintain the ability to
998 respond in damages for liability on account of accidents arising
999 out of the ownership, maintenance, or use of the for-hire
1000 passenger transportation vehicle, in the amount of:

1001 (a) One hundred twenty-five thousand dollars for bodily
1002 injury to, or the death of, one person in any one crash and,
1003 subject to such limits for one person, in the amount of \$250,000
1004 for bodily injury to, or the death of, two or more persons in
1005 any one crash; and ~~A person who is either the owner or a lessee~~
1006 ~~required to maintain insurance under s. 627.733(1) (b) and who~~
1007 ~~operates one or more taxicabs, limousines, jitneys, or any other~~
1008 ~~for-hire passenger transportation vehicles may prove financial~~
1009 ~~responsibility by furnishing satisfactory evidence of holding a~~
1010 ~~motor vehicle liability policy, but with minimum limits of~~
1011 ~~\$125,000/250,000/50,000.~~

1012 (b) Fifty thousand dollars for damage to, or destruction
1013 of, property of others in any one crash ~~A person who is either~~
1014 ~~the owner or a lessee required to maintain insurance under s.~~
1015 ~~324.021(9) (b) and who operates limousines, jitneys, or any other~~

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1016 ~~for hire passenger vehicles, other than taxicabs, may prove~~
1017 ~~financial responsibility by furnishing satisfactory evidence of~~
1018 ~~holding a motor vehicle liability policy as defined in s.~~
1019 ~~324.031.~~

1020 (2) Except as provided in subsection (3), the requirements
1021 of this section must be met by the owner or lessee providing
1022 satisfactory evidence of holding a motor vehicle liability
1023 policy conforming to the requirements of s. 324.151 which is
1024 issued by an insurance carrier that is a member of the Florida
1025 Insurance Guaranty Association.

1026 (3) ~~(2)~~ ~~An owner or a lessee who is required to maintain~~
1027 ~~insurance under s. 324.021(9)(b) and who operates at least 300~~
1028 ~~taxicabs, limousines, jitneys, or any other for-hire passenger~~
1029 ~~transportation vehicles may provide financial responsibility by~~
1030 ~~complying with the provisions of s. 324.171, which must such~~
1031 ~~compliance to be demonstrated by maintaining at its principal~~
1032 ~~place of business an audited financial statement, prepared in~~
1033 ~~accordance with generally accepted accounting principles, and~~
1034 ~~providing to the department a certification issued by a~~
1035 ~~certified public accountant that the applicant's net worth is at~~
1036 ~~least equal to the requirements of s. 324.171 as determined by~~
1037 ~~the Office of Insurance Regulation of the Financial Services~~
1038 ~~Commission, including claims liabilities in an amount certified~~
1039 ~~as adequate by a Fellow of the Casualty Actuarial Society.~~

1040
1041 Upon request by the department, the applicant shall ~~must~~ provide
1042 the department at the applicant's principal place of business in
1043 this state access to the applicant's underlying financial
1044 information and financial statements that provide the basis of

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1045 the certified public accountant's certification. The applicant
1046 shall reimburse the requesting department for all reasonable
1047 costs incurred by it in reviewing the supporting information.
1048 The maximum amount of self-insurance permissible under this
1049 subsection is \$300,000 and must be stated on a per-occurrence
1050 basis, and the applicant shall maintain adequate excess
1051 insurance issued by an authorized or eligible insurer licensed
1052 or approved by the Office of Insurance Regulation. All risks
1053 self-insured ~~shall~~ remain with the owner or lessee providing it,
1054 and the risks are not transferable to any other person, unless a
1055 policy complying with subsections (1) and (2) ~~subsection (1)~~ is
1056 obtained.

1057 Section 20. Subsection (2) of section 324.051, Florida
1058 Statutes, is amended, and subsection (4) is added to that
1059 section, to read:

1060 324.051 Reports of crashes; suspensions of licenses and
1061 registrations.—

1062 (2) (a) Thirty days after receipt of notice of any accident
1063 described in paragraph (1) (a) involving a motor vehicle within
1064 this state, the department shall suspend, after due notice and
1065 opportunity to be heard, the license of each operator and all
1066 registrations of the owner of the vehicles operated by such
1067 operator whether or not involved in such crash and, in the case
1068 of a nonresident owner or operator, shall suspend such
1069 nonresident's operating privilege in this state, unless such
1070 operator or owner shall, prior to the expiration of such 30
1071 days, be found by the department to be exempt from the operation
1072 of this chapter, based upon evidence satisfactory to the
1073 department that:

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1074 1. The motor vehicle was legally parked at the time of such
1075 crash.

1076 2. The motor vehicle was owned by the United States
1077 Government, this state, or any political subdivision of this
1078 state or any municipality therein.

1079 3. Such operator or owner has secured a duly acknowledged
1080 written agreement providing for release from liability by all
1081 parties injured as the result of said crash and has complied
1082 with one of the provisions of s. 324.031.

1083 4. Such operator or owner has deposited with the department
1084 security to conform with s. 324.061 when applicable and has
1085 complied with one of the provisions of s. 324.031.

1086 5. One year has elapsed since such owner or operator was
1087 suspended pursuant to subsection (3), the owner or operator has
1088 complied with one of the provisions of s. 324.031, and no bill
1089 of complaint of which the department has notice has been filed
1090 in a court of competent jurisdiction.

1091 (b) This subsection does ~~shall~~ not apply:

1092 1. To such operator or owner if such operator or owner had
1093 in effect at the time of such crash or traffic conviction a
1094 motor vehicle ~~an automobile~~ liability policy with respect to all
1095 of the registered motor vehicles owned by such operator or
1096 owner.

1097 2. To such operator, if not the owner of such motor
1098 vehicle, if there was in effect at the time of such crash or
1099 traffic conviction a motor vehicle ~~an automobile~~ liability
1100 policy or bond with respect to his or her operation of motor
1101 vehicles not owned by him or her.

1102 3. To such operator or owner if the liability of such

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1103 operator or owner for damages resulting from such crash is, in
1104 the judgment of the department, covered by any other form of
1105 liability insurance or bond.

1106 4. To any person who has obtained from the department a
1107 certificate of self-insurance, in accordance with s. 324.171, or
1108 to any person operating a motor vehicle for such self-insurer.

1109
1110 No such policy or bond shall be effective under this subsection
1111 unless it contains limits of not less than those specified in s.
1112 324.021(7).

1113 (4) As used in this section, the term "motor vehicle"
1114 includes a motorcycle as defined in s. 320.01(26).

1115 Section 21. Section 324.071, Florida Statutes, is amended
1116 to read:

1117 324.071 Reinstatement; renewal of license; reinstatement
1118 fee.—An ~~Any~~ operator or owner whose license or registration has
1119 been suspended pursuant to s. 324.051(2), s. 324.072, s.
1120 324.081, or s. 324.121 may effect its reinstatement upon
1121 compliance with ~~the provisions of~~ s. 324.051(2)(a)3. or 4., or
1122 s. 324.081(2) and (3), as the case may be, and with one of the
1123 provisions of s. 324.031 and upon payment to the department of a
1124 nonrefundable reinstatement fee of \$15. Only one such fee may
1125 ~~shall~~ be paid by any one person regardless ~~irrespective~~ of the
1126 number of licenses and registrations to be then reinstated or
1127 issued to such person. ~~All~~ Such fees must ~~shall~~ be deposited to
1128 a department trust fund. If ~~When~~ the reinstatement of any
1129 license or registration is effected by compliance with s.
1130 324.051(2)(a)3. or 4., the department may ~~shall~~ not renew the
1131 license or registration within ~~a period of~~ 3 years after ~~from~~

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1132 such reinstatement, nor may ~~shall~~ any other license or
1133 registration be issued in the name of such person, unless the
1134 operator continues ~~is continuing~~ to comply with ~~one of the~~
1135 ~~provisions of~~ s. 324.031.

1136 Section 22. Subsection (1) of section 324.091, Florida
1137 Statutes, is amended to read:

1138 324.091 Notice to department; notice to insurer.—

1139 (1) Each owner and operator involved in a crash or
1140 conviction case within the purview of this chapter shall furnish
1141 evidence of ~~automobile liability insurance or~~ motor vehicle
1142 liability insurance within 14 days after the date of the mailing
1143 of notice of crash by the department in the form and manner as
1144 it may designate. Upon receipt of evidence that a ~~an automobile~~
1145 ~~liability policy or~~ motor vehicle liability policy was in effect
1146 at the time of the crash or conviction case, the department
1147 shall forward to the insurer such information for verification
1148 in a method as determined by the department. The insurer shall
1149 respond to the department within 20 days after the notice as to
1150 whether ~~or not~~ such information is valid. If the department
1151 determines that a ~~an automobile liability policy or~~ motor
1152 vehicle liability policy was not in effect and did not provide
1153 coverage for both the owner and the operator, it must ~~shall~~ take
1154 action as it is authorized to do under this chapter.

1155 Section 23. Section 324.151, Florida Statutes, is amended
1156 to read:

1157 324.151 Motor vehicle liability policies; required
1158 provisions.—

1159 (1) A motor vehicle liability policy that serves as ~~to be~~
1160 proof of financial responsibility under s. 324.031(1)(a) must ~~s.~~

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1161 ~~324.031(1)~~ shall be issued to owners or operators of motor
1162 vehicles under the following provisions:

1163 (a) A motor vehicle ~~An owner's~~ liability insurance policy
1164 issued to an owner of a motor vehicle required to be registered
1165 in this state must designate by explicit description or by
1166 appropriate reference all motor vehicles for ~~with respect to~~
1167 which coverage is thereby granted. The policy, must insure the
1168 person or persons ~~owner~~ named therein, and, unless ~~except for a~~
1169 ~~named driver~~ excluded under s. 627.747, must insure any resident
1170 relative of a named insured ~~other person as operator using such~~
1171 ~~motor vehicle or motor vehicles with the express or implied~~
1172 ~~permission of such owner against loss~~ from the liability imposed
1173 by law for damage arising out of the ownership, maintenance, or
1174 use of any such motor vehicle ~~or motor vehicles within the~~
1175 ~~United States or the Dominion of Canada, subject to limits,~~
1176 ~~exclusive of interest and costs with respect to each such motor~~
1177 ~~vehicle as is provided for under s. 324.021(7).~~ The policy must
1178 also insure any person operating an insured motor vehicle with
1179 the express or implied permission of a named insured against
1180 loss from the liability imposed by law for damage arising out of
1181 the use of any vehicle, unless that person was excluded under s.
1182 627.747. However, the insurer may include provisions in its
1183 policy excluding liability coverage for a motor vehicle not
1184 designated as an insured vehicle on the policy if such motor
1185 vehicle does not qualify as a newly acquired vehicle or as a
1186 temporary substitute vehicle and was owned by the insured or was
1187 furnished for an insured's regular use for more than 30
1188 consecutive days before the event giving rise to the claim.
1189 Insurers may make available, with respect to property damage

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1190 liability coverage, a deductible amount not to exceed \$500. In
1191 the event of a property damage loss covered by a policy
1192 containing a property damage deductible provision, the insurer
1193 shall pay to the third-party claimant the amount of any property
1194 damage liability settlement or judgment, subject to policy
1195 limits, as if no deductible existed.

1196 (b) A motor vehicle liability insurance policy issued to a
1197 person who does not own a ~~An operator's~~ motor vehicle must
1198 ~~liability policy of insurance shall~~ insure the person or persons
1199 named therein against loss from the liability imposed ~~upon him~~
1200 ~~or her~~ by law for damages arising out of the use ~~by the person~~
1201 of any motor vehicle not owned by him or her, ~~with the same~~
1202 ~~territorial limits and subject to the same limits of liability~~
1203 ~~as referred to above with respect to an owner's policy of~~
1204 ~~liability insurance.~~

1205 (c) All such motor vehicle liability policies must provide
1206 liability coverage with limits, exclusive of interest and costs,
1207 as specified under s. 324.021(7) for accidents occurring within
1208 the United States and Canada. The policies must ~~shall~~ state the
1209 name and address of the named insured, the coverage afforded by
1210 the policy, the premium charged therefor, the policy period, and
1211 the limits of liability, and must ~~shall~~ contain an agreement or
1212 be endorsed that insurance is provided in accordance with the
1213 coverage defined in this chapter ~~as respects bodily injury and~~
1214 ~~death or property damage or both~~ and is subject to all
1215 ~~provisions of this chapter. The said policies must~~ ~~shall~~ also
1216 contain a provision that the satisfaction by an insured of a
1217 judgment for such injury or damage may ~~shall~~ not be a condition
1218 precedent to the right or duty of the insurance carrier to make

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1219 payment on account of such injury or damage, and must ~~shall~~ also
1220 contain a provision that bankruptcy or insolvency of the insured
1221 or of the insured's estate does ~~shall~~ not relieve the insurance
1222 carrier of any of its obligations under the ~~said~~ policy.

1223 (2) ~~The provisions of~~ This section is ~~shall~~ not be
1224 applicable to any motor vehicle ~~automobile~~ liability policy
1225 unless and until it is furnished as proof of financial
1226 responsibility for the future pursuant to s. 324.031, and then
1227 applies only from and after the date the ~~said~~ policy is so
1228 furnished.

1229 (3) As used in this section, the term:

1230 (a) "Newly acquired vehicle" means a vehicle owned by a
1231 named insured or resident relative of the named insured which
1232 was acquired no more than 30 days before an accident.

1233 (b) "Resident relative" means a person related to a named
1234 insured by any degree by blood, marriage, or adoption, including
1235 a ward or foster child, who makes his or her home in the same
1236 family unit or residence as the named insured, regardless of
1237 whether he or she temporarily lives elsewhere.

1238 (c) "Temporary substitute vehicle" means any motor vehicle
1239 that is not owned by the named insured and that is temporarily
1240 used with the permission of the owner as a substitute for the
1241 owned motor vehicle designated on the policy when the owned
1242 vehicle is withdrawn from normal use because of breakdown,
1243 repair, servicing, loss, or destruction.

1244 Section 24. Section 324.161, Florida Statutes, is amended
1245 to read:

1246 324.161 Proof of financial responsibility; deposit.—If a
1247 person elects to prove his or her financial responsibility under

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1248 the method of proof specified in s. 324.031(1)(b), he or she
1249 annually must obtain and submit to the department proof of a
1250 certificate of deposit in the amount required under s.
1251 324.031(2) from a financial institution insured by the Federal
1252 Deposit Insurance Corporation or the National Credit Union
1253 Administration ~~Annually, before any certificate of insurance may~~
1254 ~~be issued to a person, including any firm, partnership,~~
1255 ~~association, corporation, or other person, other than a natural~~
1256 ~~person, proof of a certificate of deposit of \$30,000 issued and~~
1257 ~~held by a financial institution must be submitted to the~~
1258 ~~department.~~ A power of attorney will be issued to and held by
1259 the department and may be executed upon a judgment issued
1260 against such person making the deposit, for damages for ~~because~~
1261 ~~of~~ bodily injury to or death of any person or for damages for
1262 ~~because of~~ injury to or destruction of property resulting from
1263 the use or operation of any motor vehicle occurring after such
1264 deposit was made. Money so deposited is ~~shall~~ not be subject to
1265 attachment or execution unless such attachment or execution
1266 arises ~~shall arise~~ out of a lawsuit ~~suit~~ for such damages as
1267 aforesaid.

1268 Section 25. Subsections (1) and (2) of section 324.171,
1269 Florida Statutes, are amended to read:

1270 324.171 Self-insurer.—

1271 (1) A ~~Any~~ person may qualify as a self-insurer by obtaining
1272 a certificate of self-insurance from the department. ~~which may,~~
1273 ~~in its discretion and~~ Upon application of such a person, the
1274 department may issue a said certificate of self-insurance to an
1275 applicant who satisfies ~~when such person has satisfied~~ the
1276 requirements of this section. Effective July 1, 2023 ~~to qualify~~

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1277 ~~as a self-insurer under this section:~~

1278 (a) A private individual with private passenger vehicles
1279 shall possess a net unencumbered worth of at least \$100,000
1280 ~~\$40,000~~.

1281 (b) A person, including any firm, partnership, association,
1282 corporation, or other person, other than a natural person,
1283 shall:

1284 1. Possess a net unencumbered worth of at least \$100,000
1285 ~~\$40,000~~ for the first motor vehicle and \$50,000 ~~\$20,000~~ for each
1286 additional motor vehicle; or

1287 2. Maintain sufficient net worth, in an amount determined
1288 by the department, to be financially responsible for potential
1289 losses. The department annually shall determine the minimum net
1290 worth sufficient to satisfy this subparagraph ~~as determined~~
1291 ~~annually by the department,~~ pursuant to rules adopted
1292 ~~promulgated~~ by the department, with the assistance of the Office
1293 of Insurance Regulation of the Financial Services Commission, ~~to~~
1294 ~~be financially responsible for potential losses.~~ The rules must
1295 consider any ~~shall take into consideration~~ excess insurance
1296 carried by the applicant. The department's determination must
1297 ~~shall~~ be based upon reasonable actuarial principles considering
1298 the frequency, severity, and loss development of claims incurred
1299 by casualty insurers writing coverage on the type of motor
1300 vehicles for which a certificate of self-insurance is desired.

1301 (c) The owner of a commercial motor vehicle, as defined in
1302 s. 207.002 or s. 320.01(25) ~~s. 320.01~~, may qualify as a self-
1303 insurer subject to the standards provided ~~for~~ in subparagraph
1304 (b)2.

1305 (2) The self-insurance certificate must ~~shall~~ provide

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1306 limits of liability insurance in the amounts specified under s.
1307 324.021(7) ~~or s. 627.7415 and shall provide personal injury~~
1308 ~~protection coverage under s. 627.733(3)(b).~~

1309 Section 26. Section 324.251, Florida Statutes, is amended
1310 to read:

1311 324.251 Short title.—This chapter may be cited as the
1312 “Financial Responsibility Law of 2022 ~~1955~~” and is ~~shall become~~
1313 effective at 12:01 a.m., July 1, 2023 ~~October 1, 1955~~.

1314 Section 27. Subsection (4) of section 400.9905, Florida
1315 Statutes, is amended to read:

1316 400.9905 Definitions.—

1317 (4) (a) “Clinic” means an entity where health care services
1318 are provided to individuals and which tenders charges for
1319 reimbursement for such services, including a mobile clinic and a
1320 portable equipment provider. As used in this part, the term does
1321 not include and the licensure requirements of this part do not
1322 apply to:

1323 ~~1.(a)~~ Entities licensed or registered by the state under
1324 chapter 395; entities licensed or registered by the state and
1325 providing only health care services within the scope of services
1326 authorized under their respective licenses under ss. 383.30-
1327 383.332, chapter 390, chapter 394, chapter 397, this chapter
1328 except part X, chapter 429, chapter 463, chapter 465, chapter
1329 466, chapter 478, chapter 484, or chapter 651; end-stage renal
1330 disease providers authorized under 42 C.F.R. part 494; providers
1331 certified and providing only health care services within the
1332 scope of services authorized under their respective
1333 certifications under 42 C.F.R. part 485, subpart B, subpart H,
1334 or subpart J; providers certified and providing only health care

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

1346 2.~~(b)~~ Entities that own, directly or indirectly, entities
1347 licensed or registered by the state pursuant to chapter 395;
1348 entities that own, directly or indirectly, entities licensed or
1349 registered by the state and providing only health care services
1350 within the scope of services authorized pursuant to their
1351 respective licenses under ss. 383.30-383.332, chapter 390,
1352 chapter 394, chapter 397, this chapter except part X, chapter
1353 429, chapter 463, chapter 465, chapter 466, chapter 478, chapter
1354 484, or chapter 651; end-stage renal disease providers
1355 authorized under 42 C.F.R. part 494; providers certified and
1356 providing only health care services within the scope of services
1357 authorized under their respective certifications under 42 C.F.R.
1358 part 485, subpart B, subpart H, or subpart J; providers
1359 certified and providing only health care services within the
1360 scope of services authorized under their respective
1361 certifications under 42 C.F.R. part 486, subpart C; providers
1362 certified and providing only health care services within the
1363 scope of services authorized under their respective

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

1371 3.(e) Entities that are owned, directly or indirectly, by
1372 an entity licensed or registered by the state pursuant to
1373 chapter 395; entities that are owned, directly or indirectly, by
1374 an entity licensed or registered by the state and providing only
1375 health care services within the scope of services authorized
1376 pursuant to their respective licenses under ss. 383.30-383.332,
1377 chapter 390, chapter 394, chapter 397, this chapter except part
1378 X, chapter 429, chapter 463, chapter 465, chapter 466, chapter
1379 478, chapter 484, or chapter 651; end-stage renal disease
1380 providers authorized under 42 C.F.R. part 494; providers
1381 certified and providing only health care services within the
1382 scope of services authorized under their respective
1383 certifications under 42 C.F.R. part 485, subpart B, subpart H,
1384 or subpart J; providers certified and providing only health care
1385 services within the scope of services authorized under their
1386 respective certifications under 42 C.F.R. part 486, subpart C;
1387 providers certified and providing only health care services
1388 within the scope of services authorized under their respective
1389 certifications under 42 C.F.R. part 491, subpart A; providers
1390 certified by the Centers for Medicare and Medicaid Services
1391 under the federal Clinical Laboratory Improvement Amendments and
1392 the federal rules adopted thereunder; or any entity that

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1393 provides neonatal or pediatric hospital-based health care
1394 services by licensed practitioners solely within a hospital
1395 under chapter 395.

1396 4.~~(d)~~ Entities that are under common ownership, directly or
1397 indirectly, with an entity licensed or registered by the state
1398 pursuant to chapter 395; entities that are under common
1399 ownership, directly or indirectly, with an entity licensed or
1400 registered by the state and providing only health care services
1401 within the scope of services authorized pursuant to their
1402 respective licenses under ss. 383.30-383.332, chapter 390,
1403 chapter 394, chapter 397, this chapter except part X, chapter
1404 429, chapter 463, chapter 465, chapter 466, chapter 478, chapter
1405 484, or chapter 651; end-stage renal disease providers
1406 authorized under 42 C.F.R. part 494; providers certified and
1407 providing only health care services within the scope of services
1408 authorized under their respective certifications under 42 C.F.R.
1409 part 485, subpart B, subpart H, or subpart J; providers
1410 certified and providing only health care services within the
1411 scope of services authorized under their respective
1412 certifications under 42 C.F.R. part 486, subpart C; providers
1413 certified and providing only health care services within the
1414 scope of services authorized under their respective
1415 certifications under 42 C.F.R. part 491, subpart A; providers
1416 certified by the Centers for Medicare and Medicaid Services
1417 under the federal Clinical Laboratory Improvement Amendments and
1418 the federal rules adopted thereunder; or any entity that
1419 provides neonatal or pediatric hospital-based health care
1420 services by licensed practitioners solely within a hospital
1421 licensed under chapter 395.

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1422 5.~~(e)~~ An entity that is exempt from federal taxation under
1423 26 U.S.C. s. 501(c)(3) or (4), an employee stock ownership plan
1424 under 26 U.S.C. s. 409 that has a board of trustees at least
1425 two-thirds of which are Florida-licensed health care
1426 practitioners and provides only physical therapy services under
1427 physician orders, any community college or university clinic,
1428 and any entity owned or operated by the federal or state
1429 government, including agencies, subdivisions, or municipalities
1430 thereof.

1431 6.~~(f)~~ A sole proprietorship, group practice, partnership,
1432 or corporation that provides health care services by physicians
1433 covered by s. 627.419, that is directly supervised by one or
1434 more of such physicians, and that is wholly owned by one or more
1435 of those physicians or by a physician and the spouse, parent,
1436 child, or sibling of that physician.

1437 7.~~(g)~~ A sole proprietorship, group practice, partnership,
1438 or corporation that provides health care services by licensed
1439 health care practitioners under chapter 457, chapter 458,
1440 chapter 459, chapter 460, chapter 461, chapter 462, chapter 463,
1441 chapter 466, chapter 467, chapter 480, chapter 484, chapter 486,
1442 chapter 490, chapter 491, or part I, part III, part X, part
1443 XIII, or part XIV of chapter 468, or s. 464.012, and that is
1444 wholly owned by one or more licensed health care practitioners,
1445 or the licensed health care practitioners set forth in this
1446 subparagraph ~~paragraph~~ and the spouse, parent, child, or sibling
1447 of a licensed health care practitioner if one of the owners who
1448 is a licensed health care practitioner is supervising the
1449 business activities and is legally responsible for the entity's
1450 compliance with all federal and state laws. However, a health

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1451 care practitioner may not supervise services beyond the scope of
1452 the practitioner's license, except that, for the purposes of
1453 this part, a clinic owned by a licensee in s. 456.053(3)(b)
1454 which provides only services authorized pursuant to s.
1455 456.053(3)(b) may be supervised by a licensee specified in s.
1456 456.053(3)(b).

1457 8.~~(h)~~ Clinical facilities affiliated with an accredited
1458 medical school at which training is provided for medical
1459 students, residents, or fellows.

1460 9.~~(i)~~ Entities that provide only oncology or radiation
1461 therapy services by physicians licensed under chapter 458 or
1462 chapter 459 or entities that provide oncology or radiation
1463 therapy services by physicians licensed under chapter 458 or
1464 chapter 459 which are owned by a corporation whose shares are
1465 publicly traded on a recognized stock exchange.

1466 10.~~(j)~~ Clinical facilities affiliated with a college of
1467 chiropractic accredited by the Council on Chiropractic Education
1468 at which training is provided for chiropractic students.

1469 11.~~(k)~~ Entities that provide licensed practitioners to
1470 staff emergency departments or to deliver anesthesia services in
1471 facilities licensed under chapter 395 and that derive at least
1472 90 percent of their gross annual revenues from the provision of
1473 such services. Entities claiming an exemption from licensure
1474 under this subparagraph ~~paragraph~~ must provide documentation
1475 demonstrating compliance.

1476 12.~~(l)~~ Orthotic, prosthetic, pediatric cardiology, or
1477 perinatology clinical facilities or anesthesia clinical
1478 facilities that are not otherwise exempt under subparagraph 1.
1479 or subparagraph 11. ~~paragraph (a) or paragraph (k)~~ and that are

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1480 a publicly traded corporation or are wholly owned, directly or
1481 indirectly, by a publicly traded corporation. As used in this
1482 subparagraph ~~paragraph~~, a publicly traded corporation is a
1483 corporation that issues securities traded on an exchange
1484 registered with the United States Securities and Exchange
1485 Commission as a national securities exchange.

1486 13. ~~(m)~~ Entities that are owned by a corporation that has
1487 \$250 million or more in total annual sales of health care
1488 services provided by licensed health care practitioners where
1489 one or more of the persons responsible for the operations of the
1490 entity is a health care practitioner who is licensed in this
1491 state and who is responsible for supervising the business
1492 activities of the entity and is responsible for the entity's
1493 compliance with state law for purposes of this part.

1494 14. ~~(n)~~ Entities that employ 50 or more licensed health care
1495 practitioners licensed under chapter 458 or chapter 459 where
1496 the billing for medical services is under a single tax
1497 identification number. The application for exemption under this
1498 subsection must include ~~shall contain information that includes:~~
1499 the name, residence, and business address and telephone ~~phone~~
1500 number of the entity that owns the practice; a complete list of
1501 the names and contact information of all the officers and
1502 directors of the corporation; the name, residence address,
1503 business address, and medical license number of each licensed
1504 Florida health care practitioner employed by the entity; the
1505 corporate tax identification number of the entity seeking an
1506 exemption; a listing of health care services to be provided by
1507 the entity at the health care clinics owned or operated by the
1508 entity; and a certified statement prepared by an independent

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1509 certified public accountant which states that the entity and the
1510 health care clinics owned or operated by the entity have not
1511 received payment for health care services under medical payments
1512 ~~personal injury protection insurance~~ coverage for the preceding
1513 year. If the agency determines that an entity that ~~which~~ is
1514 exempt under this subsection has received payments for medical
1515 services under medical payments ~~personal injury protection~~
1516 ~~insurance~~ coverage, the agency may deny or revoke the exemption
1517 from licensure under this subsection.

1518 15. ~~(e)~~ Entities that are, directly or indirectly, under the
1519 common ownership of or that are subject to common control by a
1520 mutual insurance holding company, as defined in s. 628.703, with
1521 an entity issued a certificate of authority under chapter 624 or
1522 chapter 641 which has \$1 billion or more in total annual sales
1523 in this state.

1524 16. ~~(e)~~ Entities that are owned by an entity that is a
1525 behavioral health care service provider in at least five other
1526 states; that, together with its affiliates, have \$90 million or
1527 more in total annual revenues associated with the provision of
1528 behavioral health care services; and wherein one or more of the
1529 persons responsible for the operations of the entity is a health
1530 care practitioner who is licensed in this state, who is
1531 responsible for supervising the business activities of the
1532 entity, and who is responsible for the entity's compliance with
1533 state law for purposes of this part.

1534 17. ~~(e)~~ Medicaid providers.

1535 (b) Notwithstanding paragraph (a) ~~this subsection~~, an
1536 entity is ~~shall be~~ deemed a clinic and must be licensed under
1537 this part in order to receive medical payments coverage

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1538 reimbursement under s. 627.7265 unless the entity is:

1539 1. Wholly owned by a physician licensed under chapter 458
1540 or chapter 459 or by the physician and the spouse, parent,
1541 child, or sibling of the physician;

1542 2. Wholly owned by a dentist licensed under chapter 466 or
1543 by the dentist and the spouse, parent, child, or sibling of the
1544 dentist;

1545 3. Wholly owned by a chiropractic physician licensed under
1546 chapter 460 or by the chiropractic physician and the spouse,
1547 parent, child, or sibling of the chiropractic physician;

1548 4. A hospital or ambulatory surgical center licensed under
1549 chapter 395;

1550 5. An entity that wholly owns or is wholly owned, directly
1551 or indirectly, by a hospital or hospitals licensed under chapter
1552 395;

1553 6. A clinical facility affiliated with an accredited
1554 medical school at which training is provided for medical
1555 students, residents, or fellows;

1556 7. Certified under 42 C.F.R. part 485, subpart H; or

1557 8. Owned by a publicly traded corporation, either directly
1558 or indirectly through its subsidiaries, which has \$250 million
1559 or more in total annual sales of health care services provided
1560 by licensed health care practitioners, if one or more of the
1561 persons responsible for the operations of the entity are health
1562 care practitioners who are licensed in this state and who are
1563 responsible for supervising the business activities of the
1564 entity and the entity's compliance with state law for purposes
1565 of this subsection ~~the Florida Motor Vehicle No-Fault Law, ss.~~
1566 ~~627.730-627.7405, unless exempted under s. 627.736(5)(h).~~

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1567 Section 28. Subsection (5) of section 400.991, Florida
1568 Statutes, is amended to read:

1569 400.991 License requirements; background screenings;
1570 prohibitions.—

1571 (5) All agency forms for licensure application or exemption
1572 from licensure under this part must contain the following
1573 statement:

1574
1575 INSURANCE FRAUD NOTICE.—A person commits a fraudulent
1576 insurance act, as defined in s. 626.989, Florida
1577 Statutes, if the person ~~who~~ knowingly submits a false,
1578 misleading, or fraudulent application or other
1579 document when applying for licensure as a health care
1580 clinic, seeking an exemption from licensure as a
1581 health care clinic, or demonstrating compliance with
1582 part X of chapter 400, Florida Statutes, with the
1583 intent to use the license, exemption from licensure,
1584 or demonstration of compliance to provide services or
1585 seek reimbursement under a motor vehicle liability
1586 insurance policy's medical payments coverage ~~the~~
1587 ~~Florida Motor Vehicle No-Fault Law, commits a~~
1588 ~~fraudulent insurance act, as defined in s. 626.989,~~
1589 ~~Florida Statutes.~~ A person who presents a claim for
1590 benefits under medical payments coverage ~~personal~~
1591 ~~injury protection benefits~~ knowing that the payee
1592 knowingly submitted such health care clinic
1593 application or document commits insurance fraud, as
1594 defined in s. 817.234, Florida Statutes.

1595 Section 29. Paragraph (g) of subsection (1) of section

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1596 400.9935, Florida Statutes, is amended to read:

1597 400.9935 Clinic responsibilities.—

1598 (1) Each clinic shall appoint a medical director or clinic
1599 director who shall agree in writing to accept legal
1600 responsibility for the following activities on behalf of the
1601 clinic. The medical director or the clinic director shall:

1602 (g) Conduct systematic reviews of clinic billings to ensure
1603 that the billings are not fraudulent or unlawful. Upon discovery
1604 of an unlawful charge, the medical director or clinic director
1605 shall take immediate corrective action. If the clinic performs
1606 only the technical component of magnetic resonance imaging,
1607 static radiographs, computed tomography, or positron emission
1608 tomography, and provides the professional interpretation of such
1609 services, in a fixed facility that is accredited by a national
1610 accrediting organization that is approved by the Centers for
1611 Medicare and Medicaid Services for magnetic resonance imaging
1612 and advanced diagnostic imaging services and if, in the
1613 preceding quarter, the percentage of scans performed by that
1614 clinic which was billed to motor vehicle ~~all personal injury~~
1615 ~~protection~~ insurance carriers under medical payments coverage
1616 was less than 15 percent, the chief financial officer of the
1617 clinic may, in a written acknowledgment provided to the agency,
1618 assume the responsibility for the conduct of the systematic
1619 reviews of clinic billings to ensure that the billings are not
1620 fraudulent or unlawful.

1621 Section 30. Subsection (28) of section 409.901, Florida
1622 Statutes, is amended to read:

1623 409.901 Definitions; ss. 409.901-409.920.—As used in ss.
1624 409.901-409.920, except as otherwise specifically provided, the

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1625 term:

1626 (28) "Third-party benefit" means any benefit that is or may
1627 be available at any time through contract, court award,
1628 judgment, settlement, agreement, or any arrangement between a
1629 third party and any person or entity, including, without
1630 limitation, a Medicaid recipient, a provider, another third
1631 party, an insurer, or the agency, for any Medicaid-covered
1632 injury, illness, goods, or services, including costs of medical
1633 services related thereto, for bodily ~~personal~~ injury or for
1634 death of the recipient, but specifically excluding ~~policies of~~
1635 life insurance policies on the recipient, unless available under
1636 terms of the policy to pay medical expenses before ~~prior to~~
1637 death. The term includes, without limitation, collateral, as
1638 defined in this section;; health insurance;; any benefit under a
1639 health maintenance organization, a preferred provider
1640 arrangement, a prepaid health clinic, liability insurance,
1641 uninsured motorist insurance, or medical payments coverage; ~~or~~
1642 ~~personal injury protection coverage;~~ medical benefits under
1643 workers' compensation;; and any obligation under law or equity
1644 to provide medical support.

1645 Section 31. Paragraph (f) of subsection (11) of section
1646 409.910, Florida Statutes, is amended to read:

1647 409.910 Responsibility for payments on behalf of Medicaid-
1648 eligible persons when other parties are liable.-

1649 (11) The agency may, as a matter of right, in order to
1650 enforce its rights under this section, institute, intervene in,
1651 or join any legal or administrative proceeding in its own name
1652 in one or more of the following capacities: individually, as
1653 subrogee of the recipient, as assignee of the recipient, or as

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1654 lienholder of the collateral.

1655 (f) Notwithstanding any provision in this section to the
1656 contrary, in the event of an action in tort against a third
1657 party in which the recipient or his or her legal representative
1658 is a party which results in a judgment, award, or settlement
1659 from a third party, the amount recovered shall be distributed as
1660 follows:

1661 1. After attorney ~~attorney's~~ fees and taxable costs as
1662 defined by the Florida Rules of Civil Procedure, one-half of the
1663 remaining recovery shall be paid to the agency up to the total
1664 amount of medical assistance provided by Medicaid.

1665 2. The remaining amount of the recovery shall be paid to
1666 the recipient.

1667 3. For purposes of calculating the agency's recovery of
1668 medical assistance benefits paid, the fee for services of an
1669 attorney retained by the recipient or his or her legal
1670 representative shall be calculated at 25 percent of the
1671 judgment, award, or settlement.

1672 4. Notwithstanding any other provision of this section to
1673 the contrary, the agency shall be entitled to all medical
1674 coverage benefits up to the total amount of medical assistance
1675 provided by Medicaid. For purposes of this paragraph, the term
1676 "medical coverage" means any benefits under health insurance, a
1677 health maintenance organization, a preferred provider
1678 arrangement, or a prepaid health clinic, and the portion of
1679 benefits designated for medical payments under ~~coverage for~~
1680 workers' compensation coverage, motor vehicle insurance
1681 coverage, personal injury protection, and casualty coverage.

1682 Section 32. Paragraph (k) of subsection (2) of section

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1683 456.057, Florida Statutes, is amended to read:

1684 456.057 Ownership and control of patient records; report or
1685 copies of records to be furnished; disclosure of information.-

1686 (2) As used in this section, the terms "records owner,"
1687 "health care practitioner," and "health care practitioner's
1688 employer" do not include any of the following persons or
1689 entities; furthermore, the following persons or entities are not
1690 authorized to acquire or own medical records, but are authorized
1691 under the confidentiality and disclosure requirements of this
1692 section to maintain those documents required by the part or
1693 chapter under which they are licensed or regulated:

1694 ~~(k) Persons or entities practicing under s. 627.736(7).~~

1695 Section 33. Paragraphs (ee) and (ff) of subsection (1) of
1696 section 456.072, Florida Statutes, are amended to read:

1697 456.072 Grounds for discipline; penalties; enforcement.-

1698 (1) The following acts shall constitute grounds for which
1699 the disciplinary actions specified in subsection (2) may be
1700 taken:

1701 (ee) With respect to making a medical payments coverage
1702 personal injury protection claim under s. 627.7265 as required
1703 by s. 627.736, intentionally submitting a claim, statement, or
1704 bill that has been upcoded. As used in this paragraph, the term
1705 "upcode" means to submit a billing code that would result in a
1706 greater payment amount than would be paid using a billing code
1707 that accurately describes the services performed. The term does
1708 not include an otherwise lawful bill by a magnetic resonance
1709 imaging facility which globally combines both technical and
1710 professional components, if the amount of the global bill is not
1711 more than the components if billed separately; however, payment

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1712 of such a bill constitutes payment in full for all components of
1713 such service ~~“unpeoded” as defined in s. 627.732.~~

1714 (ff) With respect to making a medical payments coverage
1715 ~~personal injury protection~~ claim under s. 627.7265 ~~as required~~
1716 ~~by s. 627.736~~, intentionally submitting a claim, statement, or
1717 bill for payment of services that were not rendered.

1718 Section 34. Paragraph (b) of subsection (1) and subsection
1719 (8) of section 624.155, Florida Statutes, are amended to read:

1720 624.155 Civil remedy.—

1721 (1) Any person may bring a civil action against an insurer
1722 when such person is damaged:

1723 (b) By the commission of any of the following acts by the
1724 insurer:

1725 1. Except for a civil action for bad faith failure to
1726 settle a third-party claim subject to s. 624.156, not attempting
1727 in good faith to settle claims when, under all the
1728 circumstances, it could and should have done so, had it acted
1729 fairly and honestly toward its insured and with due regard for
1730 her or his interests;

1731 2. Making claims payments to insureds or beneficiaries not
1732 accompanied by a statement setting forth the coverage under
1733 which payments are being made; ~~or~~

1734 3. Except as to liability coverages, failing to promptly
1735 settle claims, when the obligation to settle a claim has become
1736 reasonably clear, under one portion of the insurance policy
1737 coverage in order to influence settlements under other portions
1738 of the insurance policy coverage; or

1739 4. When handling a first-party claim under a motor vehicle
1740 insurance policy, not attempting in good faith to settle such

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1741 claim pursuant to subparagraph 1. when such failure is caused by
1742 a failure to communicate to an insured:

1743 a. The name, telephone number, e-mail address, and mailing
1744 address of the person adjusting the claim;

1745 b. Any issues that may impair the insured's coverage;

1746 c. Information that might resolve the coverage issue in a
1747 prompt manner;

1748 d. Any basis for the insurer's rejection or nonacceptance
1749 of any settlement demand or offer; or

1750 e. Any needed extensions to respond to a time-limited
1751 settlement offer.

1752

1753 Notwithstanding the provisions of the above to the contrary, a
1754 person pursuing a remedy under this section need not prove that
1755 such act was committed or performed with such frequency as to
1756 indicate a general business practice.

1757 (8) The civil remedy specified in this section does not
1758 preempt any other remedy or cause of action provided for
1759 pursuant to any other statute or pursuant to the common law of
1760 this state. A Any person is ~~may obtain a judgment under either~~
1761 ~~the common law remedy of bad faith or this statutory remedy, but~~
1762 ~~shall~~ not be entitled to a judgment under multiple bad faith
1763 ~~both~~ remedies. This section shall not be construed to create a
1764 common-law cause of action. The damages recoverable pursuant to
1765 this section shall include those damages which are a reasonably
1766 foreseeable result of a specified violation of this section by
1767 the authorized insurer and may include an award or judgment in
1768 an amount that exceeds the policy limits.

1769 Section 35. Section 624.156, Florida Statutes, is created

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1770 to read:

1771 624.156 Actions against motor vehicle insurers for bad
1772 faith failure to settle third-party claims.-

1773 (1) SCOPE.-This section applies in all actions against any
1774 insurer for bad faith failure to settle a third-party claim for
1775 a loss arising out of the ownership, maintenance, or use of a
1776 motor vehicle operated or principally garaged in this state at
1777 the time of an incident or a loss, regardless of whether the
1778 insurer is authorized to do business in this state or issued a
1779 policy in this state. This section governs in any conflict with
1780 common law or any other statute.

1781 (2) DUTY OF GOOD FAITH.-In handling claims, an insurer has
1782 a duty to its insured to handle claims in good faith by
1783 complying with the best practices standards of subsection (4).
1784 An insurer's negligence does not constitute bad faith. However,
1785 negligence is relevant to whether an insurer acted in bad faith.

1786 (3) BAD FAITH FAILURE TO SETTLE.-The term "bad faith
1787 failure to settle" means an insurer's failure to meet its duty
1788 of good faith, as described in subsection (2), which is a
1789 proximate cause of the insurer not settling a third-party claim
1790 when, under all the circumstances, the insurer could and should
1791 have done so, had it acted fairly and honestly toward its
1792 insured and with due regard for the insured's interests.

1793 (4) BEST PRACTICES STANDARDS.-An insurer must meet the best
1794 practices standards of this subsection. The insurer's duty
1795 begins upon receiving actual notice of an incident or a loss
1796 that could give rise to a covered liability claim and continues
1797 until the claim is resolved. Notice may be communicated to the
1798 insurer or an agent of the insurer by any means. However, if

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1799 actual notice is communicated by means other than through any
1800 manner permitted by the policy or other documents provided to
1801 the insured by the insurer, through the insurer's website, or
1802 through the e-mail address designated by the insurer under s.
1803 624.422, the notice will not be effective under this subsection
1804 if that variation causes actual prejudice to the insurer's
1805 ability to settle the claim. The burden is on the party bringing
1806 the bad faith claim to prove that the insurer had actual notice
1807 of the incident or loss giving rise to the claim that resulted
1808 in an excess judgment and when such notice was received. After
1809 receipt of actual notice, an insurer:

1810 (a) Must assign a duly licensed and appointed insurance
1811 adjuster to investigate the extent of the insured's probable
1812 exposure and diligently attempt to resolve any questions
1813 concerning the existence or extent of the insured's coverage.

1814 (b) Based on available information, must ethically evaluate
1815 every claim fairly, honestly, and with due regard for the
1816 interests of the insured; consider the extent of the claimant's
1817 recoverable damages; and consider the information in a
1818 reasonable and prudent manner.

1819 (c) Must request from the insured or claimant additional
1820 relevant information the insurer reasonably deems necessary to
1821 evaluate whether to settle a claim.

1822 (d) Must conduct all oral and written communications with
1823 the insured with the utmost honesty and complete candor.

1824 (e) Must make reasonable efforts to explain to persons not
1825 represented by counsel matters requiring expertise beyond the
1826 level normally expected of a layperson with no training in
1827 insurance or claims-handling issues.

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1828 (f) Must retain all written communications and note and
1829 retain a summary of all verbal communications in a reasonable
1830 manner for a period of not less than 5 years after the later of:

1831 1. The entry of a judgment against the insured in excess of
1832 policy limits becomes final; or

1833 2. The conclusion of the extracontractual claim, if any,
1834 including any related appeals.

1835 (g) Must provide the insured, upon request, with all
1836 communications related to the insurer's handling of the claim
1837 which are not privileged as to the insured.

1838 (h) Must provide, at the insurer's expense, reasonable
1839 accommodations necessary to communicate effectively with an
1840 insured covered under the Americans with Disabilities Act.

1841 (i) In handling third-party claims, must communicate to an
1842 insured all of the following:

1843 1. The identity of any other person or entity the insurer
1844 has reason to believe may be liable.

1845 2. The insurer's evaluation of the claim.

1846 3. The likelihood and possible extent of an excess
1847 judgment.

1848 4. Steps the insured can take to avoid exposure to an
1849 excess judgment, including the right to secure personal counsel
1850 at the insured's expense.

1851 5. The insured's duty to cooperate with the insurer,
1852 including any specific requests required because of a settlement
1853 opportunity or by the insurer for the insured's cooperation
1854 under subsection (5), the purpose of the required cooperation,
1855 and the consequences of refusing to cooperate.

1856 6. Any settlement demands or offers.

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1857 (j) If, after the expiration of the safe harbor periods in
1858 subsection (8), the facts available to the insurer indicate that
1859 the insured's liability is likely to exceed the policy limits,
1860 must initiate settlement negotiations by tendering its policy
1861 limits to the claimant in exchange for a general release of the
1862 insured.

1863 (k)1. Must give fair consideration to a settlement offer
1864 that is not unreasonable under the facts available to the
1865 insurer and settle, if possible, when a reasonably prudent
1866 person, faced with the prospect of paying the total probable
1867 exposure of the insured, would do so. The insurer shall provide
1868 reasonable assistance to the insured to comply with the
1869 insured's obligations to cooperate and shall act reasonably to
1870 attempt to satisfy any conditions of a claimant's settlement
1871 offer. If it is not possible to settle a liability claim within
1872 the available policy limits, the insurer must act reasonably to
1873 attempt to minimize the excess exposure to the insured.

1874 2. When multiple claims arise out of a single occurrence,
1875 the combined value of all claims exceeds the total of all
1876 applicable policy limits, and the claimants are unwilling to
1877 globally settle within the policy limits, thereafter, must
1878 attempt to minimize the magnitude of possible excess judgments
1879 against the insured. The insurer is entitled to great discretion
1880 to decide how much to offer each respective claimant in its
1881 attempt to protect the insured. The insurer may, in its effort
1882 to minimize the excess liability of the insured, use its
1883 discretion to offer the full available policy limits to one or
1884 more claimants to the exclusion of other claimants and may leave
1885 the insured exposed to some liability after all the policy

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1886 limits are paid. An insurer does not act in bad faith simply
1887 because it is unable to settle all claims in a multiple claimant
1888 case. It is a defense to a bad faith action if the insurer
1889 establishes that it used its discretion for the benefit of its
1890 insureds and complied with the other best practices standards of
1891 this subsection.

1892 (l) When a loss creates the potential for a third-party
1893 claim against more than one insured, must attempt to settle the
1894 claim on behalf of all insureds against whom a claim may be
1895 presented. If it is not possible to settle on behalf of all
1896 insureds, the insurer may, in consultation with the insureds,
1897 enter into reasonable settlements of claims against certain
1898 insureds to the exclusion of other insureds.

1899 (m) Must respond to any request for insurance information
1900 in compliance with s. 626.9372 or s. 627.4137, as applicable.

1901 (n) Where it appears the insured's probable exposure is
1902 greater than policy limits, must take reasonable measures to
1903 preserve for a reasonable period of time evidence that is needed
1904 for the defense of the liability claim.

1905 (o) Must comply with s. 627.426, if applicable.

1906 (p) May not commit or perform with such frequency as to
1907 indicate a general business practice any of the following:

1908 1. Failing to adopt and implement standards for the proper
1909 investigation of claims.

1910 2. Misrepresenting pertinent facts or insurance policy
1911 provisions relating to coverages at issue.

1912 3. Failing to acknowledge and act promptly upon
1913 communications with respect to claims.

1914 4. Denying claims without conducting reasonable

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1915 investigations based upon available information.

1916 (5) INSURED'S DUTY TO COOPERATE.—

1917 (a) Insureds have a duty to cooperate with their insurer in
1918 the defense of the claim and in making settlements. Accordingly,
1919 the insured must take any reasonable action requested by the
1920 injured claimant or provided in the policy which is necessary to
1921 assist the insurer in settling a covered claim, including:

1922 1. Executing affidavits regarding the facts within the
1923 insured's knowledge regarding the covered loss; and

1924 2. Providing documents, including those requested pursuant
1925 to paragraph (b).

1926 (b) When it is reasonably necessary to settle a covered
1927 claim valued in excess of all applicable policy limits, upon the
1928 request of the injured claimant, an insured must disclose on a
1929 form adopted by the department or provided by the claimant a
1930 summary of the following:

1931 1. The insured's assets at the time of the loss, including:

1932 a. Cash, stocks, bonds, and nonretirement-based mutual
1933 funds;

1934 b. Nonhomestead real property;

1935 c. All registered vehicles;

1936 d. All bank accounts;

1937 e. An estimated net accounting of all other assets; and

1938 f. Any additional information included by the department.

1939 2. The insured's liabilities, including:

1940 a. Mortgage debt;

1941 b. Credit card debt;

1942 c. Child support and alimony payments;

1943 d. Other liabilities; and

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1944 e. Any additional information included by the department.

1945 3. For a corporate entity, information on its balance
1946 sheet, including the corporate entity's:

1947 a. Cash, property, equipment, and inventory;

1948 b. Liabilities, including obligations, rent, money owed to
1949 vendors, payroll, and taxes;

1950 c. Other information relevant to understanding the entity's
1951 capital and net worth; and

1952 d. Any additional information included by the department.

1953 4. A list of all insurance policies that may provide
1954 coverage for the claim, stating the name of the insurer and
1955 policy number of each policy.

1956 5. For natural persons, a statement of whether the insured
1957 was acting in the course and scope of employment at the time of
1958 the incident or loss giving rise to the claim and, if so,
1959 providing the name and contact information for the insured's
1960 employer.

1961 (c) No later than 14 days following actual notice of an
1962 incident or a loss that could give rise to a covered liability
1963 claim, the insurer must notify the insured of the insured's
1964 duties under this subsection. The burden is on the insurer to
1965 prove that it provided notice to the insured of the insured's
1966 duty to cooperate; otherwise, a presumption arises that the
1967 insured met its duty to cooperate under this subsection.

1968 (d) An insurer may terminate the defense as to any insured
1969 who unreasonably fails to meet its duties under this subsection
1970 when:

1971 1. The insurer exercised diligence and met its duties under
1972 subparagraph (4) (i) 5.;

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1973 2. The insurer provided reasonable assistance to the
1974 insured to comply with the obligations of this subsection;

1975 3. The insurer gave the insured written notice of any
1976 failure to cooperate and a reasonable opportunity for the
1977 insured to cure the lack of cooperation, consistent with any
1978 deadlines imposed by settlement negotiations;

1979 4. The insured's failure to cooperate causes the insurer to
1980 be unable to settle the claim; and

1981 5. The insurer unconditionally tenders its available
1982 coverage policy limits directly to the claimant or the
1983 claimant's attorney.

1984 (e) When an insured's defense is terminated in compliance
1985 with this subsection, the insurer is not liable for any damages
1986 caused by a failure to settle or defend the liability claim
1987 against that insured.

1988 (6) CLAIMANT COMMUNICATIONS.—The trier of fact may not
1989 attribute the insurer's failure to settle a covered third-party
1990 claim to a claimant's lack of communication with the insurer
1991 when the claimant truthfully complies with all applicable
1992 standards of this subsection by:

1993 (a) Contemporaneously with or before making a claim with
1994 the insurer, communicating in writing to the insurer:

1995 1. The date and location of loss;

1996 2. The name, address, and date of birth of the claimant;
1997 and

1998 3. A physical address, an e-mail address, and a facsimile
1999 number for further communications, including, but not limited
2000 to, responses to any settlement demand.

2001 (b) Presenting the following in writing:

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2002 1. The legal and factual basis of the claim; and

2003 2. A reasonably detailed description of the claimant's:

2004 a. Known injuries caused or aggravated by the incident or
2005 loss on which the claim is based;

2006 b. Medical treatment causally related to the incident or
2007 loss on which the claim is based;

2008 c. Relevant pre-accident medical conditions, if known; and

2009 d. Type and amount of known damages incurred and, if any,
2010 the damages the claimant reasonably anticipates incurring in the
2011 future.

2012 (c) Providing any settlement demand in writing and stating
2013 within such demand:

2014 1. The name of each insured to whom the demand for
2015 settlement is directed;

2016 2. The amount of the demand for settlement; and

2017 3. Any conditions the claimant is placing on acceptance of
2018 the demand for settlement.

2019
2020 This subsection does not reduce an insurer's duty of good faith,
2021 which is owed solely to its insured. The claimant owes no duty
2022 to the insured or the insurer, and the duties of the claimant's
2023 attorney are owed solely to the claimant. The claimant and the
2024 claimant's attorney do not have a duty to comply with this
2025 subsection.

2026 (7) CONDITIONS PRECEDENT.—It is a condition precedent to
2027 filing an action against an insurer for bad faith failure to
2028 settle a third-party claim that:

2029 (a) A third-party claimant obtained a final judgment in
2030 excess of the policy limits against the insured or the insured's

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2031 estate, bankruptcy trustee, or successor in interest, unless the
2032 insurer expressly waived the requirement of a final excess
2033 judgment or wrongfully breached its duty to defend the insured;
2034 and

2035 (b) The insurer or an agent of the insurer received actual
2036 notice effective under subsection (4).

2037 (8) SAFE HARBORS.—

2038 (a) After an insurer receives actual notice of an incident
2039 or a loss that could give rise to a covered liability claim, the
2040 insurer is entitled to a reasonable opportunity to investigate
2041 and evaluate the claim. The amount of time required for the
2042 insurer's investigation and evaluation will vary depending on
2043 the circumstances of the claim. The safe harbors provided in
2044 this subsection are available to an insurer that complies with
2045 the best practices standards of subsection (4).

2046 (b) When one claim arises out of a single occurrence, and
2047 an insurer initiates settlement negotiations by tendering the
2048 applicable policy limits in exchange for a general release of
2049 the insured within 45 days after receiving actual notice of the
2050 loss, the failure to tender the policy limits sooner does not
2051 constitute bad faith.

2052 (c) When multiple claims arise out of a single occurrence,
2053 the combined value of all claims exceeds the total of all
2054 applicable policy limits, and an insurer initiates settlement
2055 negotiations by globally tendering the applicable policy limits
2056 in exchange for a general release of the insured within 45 days
2057 after receiving actual notice of the loss, the failure to tender
2058 policy limits sooner does not constitute bad faith.

2059 (d) An insurer is not under any circumstances liable for

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2060 the failure to accept a settlement offer within 45 days after
2061 receiving actual notice of the loss if:

2062 1. The settlement offer provides the insurer fewer than 15
2063 days for acceptance; or

2064 2. The settlement offer provides the insurer fewer than 30
2065 days for acceptance where the offer contains conditions for
2066 acceptance other than the insurer's disclosure of its policy
2067 limits.

2068 (e) This subsection does not require that an insurer
2069 automatically tender policy limits within 45 days in every case.

2070 (9) BURDEN OF PROOF.—In any action for bad faith failure to
2071 settle:

2072 (a) The party bringing the bad faith claim must prove every
2073 element of the claim by the greater weight of the evidence,
2074 taking into account the totality of the circumstances.

2075 (b) An insurer that relies upon paragraph (5) (d) as a
2076 defense to a claim for bad faith failure to settle must prove
2077 the elements of that paragraph by the greater weight of the
2078 evidence.

2079 (c) An insurer that relies upon a safe harbor provision of
2080 subsection (8) must prove the elements of the safe harbor by the
2081 greater weight of the evidence.

2082 (10) DAMAGES.—If the trier of fact finds that the party
2083 bringing the bad faith claim has met its burden of proof, the
2084 insurer is liable for the amount of any excess judgment,
2085 together with court costs and, if the party bringing the bad
2086 faith claim is the insured or an assignee of the insured, the
2087 reasonable attorney fees incurred by the party bringing the bad
2088 faith claim. Punitive damages may not be awarded.

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2089 (11) AGENTS.—This section is not intended to expand or
2090 diminish any cause of action currently available against
2091 insurance agents who sell motor vehicle liability insurance
2092 policies in this state.

2093 Section 36. Paragraphs (i) and (o) of subsection (1) of
2094 section 626.9541, Florida Statutes, are amended to read:

2095 626.9541 Unfair methods of competition and unfair or
2096 deceptive acts or practices defined.—

2097 (1) UNFAIR METHODS OF COMPETITION AND UNFAIR OR DECEPTIVE
2098 ACTS.—The following are defined as unfair methods of competition
2099 and unfair or deceptive acts or practices:

2100 (i) *Unfair claim settlement practices.*—

2101 1. Attempting to settle claims on the basis of an
2102 application, when serving as a binder or intended to become a
2103 part of the policy, or any other material document which was
2104 altered without notice to, or knowledge or consent of, the
2105 insured;

2106 2. Making a material misrepresentation ~~made~~ to an insured
2107 or any other person having an interest in the proceeds payable
2108 under such contract or policy, for the purpose and with the
2109 intent of effecting settlement of such claims, loss, or damage
2110 under such contract or policy on less favorable terms than those
2111 provided in, and contemplated by, such contract or policy; ~~or~~

2112 3. Committing or performing with such frequency as to
2113 indicate a general business practice any of the following:

2114 a. Failing to adopt and implement standards for the proper
2115 investigation of claims;

2116 b. Misrepresenting pertinent facts or insurance policy
2117 provisions relating to coverages at issue;

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- 2118 c. Failing to acknowledge and act promptly upon
2119 communications with respect to claims;
- 2120 d. Denying claims without conducting reasonable
2121 investigations based upon available information;
- 2122 e. Failing to affirm or deny full or partial coverage of
2123 claims, and, as to partial coverage, the dollar amount or extent
2124 of coverage, or failing to provide a written statement that the
2125 claim is being investigated, upon the written request of the
2126 insured within 30 days after proof-of-loss statements have been
2127 completed;
- 2128 f. Failing to promptly provide a reasonable explanation in
2129 writing to the insured of the basis in the insurance policy, in
2130 relation to the facts or applicable law, for denial of a claim
2131 or for the offer of a compromise settlement;
- 2132 g. Failing to promptly notify the insured of any additional
2133 information necessary for the processing of a claim; or
- 2134 h. Failing to clearly explain the nature of the requested
2135 information and the reasons why such information is necessary;
2136 or-
- 2137 ~~i. Failing to pay personal injury protection insurance~~
2138 ~~claims within the time periods required by s. 627.736(4)(b). The~~
2139 ~~office may order the insurer to pay restitution to a~~
2140 ~~policyholder, medical provider, or other claimant, including~~
2141 ~~interest at a rate consistent with the amount set forth in s.~~
2142 ~~55.03(1), for the time period within which an insurer fails to~~
2143 ~~pay claims as required by law. Restitution is in addition to any~~
2144 ~~other penalties allowed by law, including, but not limited to,~~
2145 ~~the suspension of the insurer's certificate of authority.~~
- 2146 4. Failing to pay undisputed amounts of partial or full

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2147 benefits owed under first-party property insurance policies
2148 within 90 days after an insurer receives notice of a residential
2149 property insurance claim, determines the amounts of partial or
2150 full benefits, and agrees to coverage, unless payment of the
2151 undisputed benefits is prevented by an act of God, prevented by
2152 the impossibility of performance, or due to actions by the
2153 insured or claimant that constitute fraud, lack of cooperation,
2154 or intentional misrepresentation regarding the claim for which
2155 benefits are owed.

2156 (o) *Illegal dealings in premiums; excess or reduced charges*
2157 *for insurance.*—

2158 1. Knowingly collecting any sum as a premium or charge for
2159 insurance, which is not then provided, or is not in due course
2160 to be provided, subject to acceptance of the risk by the
2161 insurer, by an insurance policy issued by an insurer as
2162 permitted by this code.

2163 2. Knowingly collecting as a premium or charge for
2164 insurance any sum in excess of or less than the premium or
2165 charge applicable to such insurance, in accordance with the
2166 applicable classifications and rates as filed with and approved
2167 by the office, and as specified in the policy; or, in cases when
2168 classifications, premiums, or rates are not required by this
2169 code to be so filed and approved, premiums and charges collected
2170 from a Florida resident in excess of or less than those
2171 specified in the policy and as fixed by the insurer.

2172 Notwithstanding any other provision of law, this provision shall
2173 not be deemed to prohibit the charging and collection, by
2174 surplus lines agents licensed under part VIII of this chapter,
2175 of the amount of applicable state and federal taxes, or fees as

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2176 authorized by s. 626.916(4), in addition to the premium required
2177 by the insurer or the charging and collection, by licensed
2178 agents, of the exact amount of any discount or other such fee
2179 charged by a credit card facility in connection with the use of
2180 a credit card, as authorized by subparagraph (q)3., in addition
2181 to the premium required by the insurer. This subparagraph shall
2182 not be construed to prohibit collection of a premium for a
2183 universal life or a variable or indeterminate value insurance
2184 policy made in accordance with the terms of the contract.

2185 3.a. Imposing or requesting an additional premium for death
2186 benefit coverage, bodily injury liability coverage, property
2187 damage liability coverage ~~a policy of motor vehicle liability,~~
2188 ~~personal injury protection,~~ medical payments coverage ~~payment,~~
2189 or collision coverage in a motor vehicle liability insurance
2190 policy ~~insurance or any combination thereof~~ or refusing to renew
2191 the policy solely because the insured was involved in a motor
2192 vehicle accident unless the insurer's file contains information
2193 from which the insurer in good faith determines that the insured
2194 was substantially at fault in the accident.

2195 b. An insurer which imposes and collects such a surcharge
2196 or which refuses to renew such policy shall, in conjunction with
2197 the notice of premium due or notice of nonrenewal, notify the
2198 named insured that he or she is entitled to reimbursement of
2199 such amount or renewal of the policy under the conditions listed
2200 below and will subsequently reimburse him or her or renew the
2201 policy, if the named insured demonstrates that the operator
2202 involved in the accident was:

2203 (I) Lawfully parked;

2204 (II) Reimbursed by, or on behalf of, a person responsible

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2205 for the accident or has a judgment against such person;

2206 (III) Struck in the rear by another vehicle headed in the
2207 same direction and was not convicted of a moving traffic
2208 violation in connection with the accident;

2209 (IV) Hit by a "hit-and-run" driver, if the accident was
2210 reported to the proper authorities within 24 hours after
2211 discovering the accident;

2212 (V) Not convicted of a moving traffic violation in
2213 connection with the accident, but the operator of the other
2214 automobile involved in such accident was convicted of a moving
2215 traffic violation;

2216 (VI) Finally adjudicated not to be liable by a court of
2217 competent jurisdiction;

2218 (VII) In receipt of a traffic citation which was dismissed
2219 or nolle prossed; or

2220 (VIII) Not at fault as evidenced by a written statement
2221 from the insured establishing facts demonstrating lack of fault
2222 which are not rebutted by information in the insurer's file from
2223 which the insurer in good faith determines that the insured was
2224 substantially at fault.

2225 c. In addition to the other provisions of this
2226 subparagraph, an insurer may not fail to renew a policy if the
2227 insured has had only one accident in which he or she was at
2228 fault within the current 3-year period. However, an insurer may
2229 nonrenew a policy for reasons other than accidents in accordance
2230 with s. 627.728. This subparagraph does not prohibit nonrenewal
2231 of a policy under which the insured has had three or more
2232 accidents, regardless of fault, during the most recent 3-year
2233 period.

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2234 4. Imposing or requesting an additional premium for, or
2235 refusing to renew, a policy for motor vehicle insurance solely
2236 because the insured committed a noncriminal traffic infraction
2237 as described in s. 318.14 unless the infraction is:

2238 a. A second infraction committed within an 18-month period,
2239 or a third or subsequent infraction committed within a 36-month
2240 period.

2241 b. A violation of s. 316.183, when such violation is a
2242 result of exceeding the lawful speed limit by more than 15 miles
2243 per hour.

2244 5. Upon the request of the insured, the insurer and
2245 licensed agent shall supply to the insured the complete proof of
2246 fault or other criteria which justifies the additional charge or
2247 cancellation.

2248 6. No insurer shall impose or request an additional premium
2249 for motor vehicle insurance, cancel or refuse to issue a policy,
2250 or refuse to renew a policy because the insured or the applicant
2251 is a handicapped or physically disabled person, so long as such
2252 handicap or physical disability does not substantially impair
2253 such person's mechanically assisted driving ability.

2254 7. No insurer may cancel or otherwise terminate any
2255 insurance contract or coverage, or require execution of a
2256 consent to rate endorsement, during the stated policy term for
2257 the purpose of offering to issue, or issuing, a similar or
2258 identical contract or coverage to the same insured with the same
2259 exposure at a higher premium rate or continuing an existing
2260 contract or coverage with the same exposure at an increased
2261 premium.

2262 8. No insurer may issue a nonrenewal notice on any

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2263 insurance contract or coverage, or require execution of a
2264 consent to rate endorsement, for the purpose of offering to
2265 issue, or issuing, a similar or identical contract or coverage
2266 to the same insured at a higher premium rate or continuing an
2267 existing contract or coverage at an increased premium without
2268 meeting any applicable notice requirements.

2269 9. No insurer shall, with respect to premiums charged for
2270 motor vehicle insurance, unfairly discriminate solely on the
2271 basis of age, sex, marital status, or scholastic achievement.

2272 10. Imposing or requesting an additional premium for motor
2273 vehicle comprehensive or uninsured motorist coverage solely
2274 because the insured was involved in a motor vehicle accident or
2275 was convicted of a moving traffic violation.

2276 11. No insurer shall cancel or issue a nonrenewal notice on
2277 any insurance policy or contract without complying with any
2278 applicable cancellation or nonrenewal provision required under
2279 the Florida Insurance Code.

2280 12. No insurer shall impose or request an additional
2281 premium, cancel a policy, or issue a nonrenewal notice on any
2282 insurance policy or contract because of any traffic infraction
2283 when adjudication has been withheld and no points have been
2284 assessed pursuant to s. 318.14(9) and (10). However, this
2285 subparagraph does not apply to traffic infractions involving
2286 accidents in which the insurer has incurred a loss due to the
2287 fault of the insured.

2288 Section 37. Paragraph (a) of subsection (1) of section
2289 626.989, Florida Statutes, is amended to read:

2290 626.989 Investigation by department or Division of
2291 Investigative and Forensic Services; compliance; immunity;

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2292 confidential information; reports to division; division
2293 investigator's power of arrest.—

2294 (1) For the purposes of this section:

2295 (a) A person commits a "fraudulent insurance act" if the
2296 person:

2297 1. Knowingly and with intent to defraud presents, causes to
2298 be presented, or prepares with knowledge or belief that it will
2299 be presented, to or by an insurer, self-insurer, self-insurance
2300 fund, servicing corporation, purported insurer, broker, or any
2301 agent thereof, any written statement as part of, or in support
2302 of, an application for the issuance of, or the rating of, any
2303 insurance policy, or a claim for payment or other benefit
2304 pursuant to any insurance policy, which the person knows to
2305 contain materially false information concerning any fact
2306 material thereto or if the person conceals, for the purpose of
2307 misleading another, information concerning any fact material
2308 thereto.

2309 2. Knowingly submits:

2310 a. A false, misleading, or fraudulent application or other
2311 document when applying for licensure as a health care clinic,
2312 seeking an exemption from licensure as a health care clinic, or
2313 demonstrating compliance with part X of chapter 400 with an
2314 intent to use the license, exemption from licensure, or
2315 demonstration of compliance to provide services or seek
2316 reimbursement under a motor vehicle liability insurance policy's
2317 medical payments coverage ~~the Florida Motor Vehicle No-Fault~~
2318 ~~Law~~.

2319 b. A claim for payment or other benefit under a motor
2320 vehicle liability insurance policy's medical payments coverage,

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2321 ~~pursuant to a personal injury protection insurance policy under~~
2322 ~~the Florida Motor Vehicle No-Fault Law~~ if the person knows that
2323 the payee knowingly submitted a false, misleading, or fraudulent
2324 application or other document when applying for licensure as a
2325 health care clinic, seeking an exemption from licensure as a
2326 health care clinic, or demonstrating compliance with part X of
2327 chapter 400.

2328 Section 38. Subsection (1) of section 627.06501, Florida
2329 Statutes, is amended to read:

2330 627.06501 Insurance discounts for certain persons
2331 completing driver improvement course.—

2332 (1) Any rate, rating schedule, or rating manual for the
2333 liability, medical payments, death benefit ~~personal injury~~
2334 ~~protection~~, and collision coverages of a motor vehicle insurance
2335 policy filed with the office may provide for an appropriate
2336 reduction in premium charges as to such coverages if ~~when~~ the
2337 principal operator on the covered vehicle has successfully
2338 completed a driver improvement course approved and certified by
2339 the Department of Highway Safety and Motor Vehicles which is
2340 effective in reducing crash or violation rates, or both, as
2341 determined pursuant to s. 318.1451(5). Any discount, not to
2342 exceed 10 percent, used by an insurer is presumed to be
2343 appropriate unless credible data demonstrates otherwise.

2344 Section 39. Subsection (15) is added to section 627.0651,
2345 Florida Statutes, to read:

2346 627.0651 Making and use of rates for motor vehicle
2347 insurance.—

2348 (15) Rate filings for motor vehicle liability policies that
2349 implement the financial responsibility requirements of s.

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2350 324.022 in effect July 1, 2023, except for commercial motor
2351 vehicle insurance policies exempt under paragraph (14)(a), must
2352 reflect such financial responsibility requirements and may be
2353 approved only through the file and use process under paragraph
2354 (1)(a).

2355 Section 40. Subsection (1) of section 627.0652, Florida
2356 Statutes, is amended to read:

2357 627.0652 Insurance discounts for certain persons completing
2358 safety course.—

2359 (1) Any rates, rating schedules, or rating manuals for the
2360 liability, medical payments, death benefit ~~personal injury~~
2361 ~~protection~~, and collision coverages of a motor vehicle insurance
2362 policy filed with the office must ~~shall~~ provide for an
2363 appropriate reduction in premium charges as to such coverages if
2364 ~~when~~ the principal operator on the covered vehicle is an insured
2365 55 years of age or older who has successfully completed a motor
2366 vehicle accident prevention course approved by the Department of
2367 Highway Safety and Motor Vehicles. Any discount used by an
2368 insurer is presumed to be appropriate unless credible data
2369 demonstrates otherwise.

2370 Section 41. Subsections (1), (3), and (6) of section
2371 627.0653, Florida Statutes, are amended to read:

2372 627.0653 Insurance discounts for specified motor vehicle
2373 equipment.—

2374 (1) Any rates, rating schedules, or rating manuals for the
2375 liability, medical payments, death benefit ~~personal injury~~
2376 ~~protection~~, and collision coverages of a motor vehicle insurance
2377 policy filed with the office must ~~shall~~ provide a premium
2378 discount if the insured vehicle is equipped with factory-

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2379 installed, four-wheel antilock brakes.

2380 (3) Any rates, rating schedules, or rating manuals for
2381 ~~personal injury protection coverage and~~ medical payments
2382 coverage, ~~if offered,~~ of a motor vehicle insurance policy filed
2383 with the office must ~~shall~~ provide a premium discount if the
2384 insured vehicle is equipped with one or more air bags that ~~which~~
2385 are factory installed.

2386 (6) The Office of Insurance Regulation may approve a
2387 premium discount to any rates, rating schedules, or rating
2388 manuals for the liability, medical payments, death benefit
2389 ~~personal injury protection,~~ and collision coverages of a motor
2390 vehicle insurance policy filed with the office if the insured
2391 vehicle is equipped with an automated driving system or
2392 electronic vehicle collision avoidance technology that is
2393 factory installed or a retrofitted system and that complies with
2394 National Highway Traffic Safety Administration standards.

2395 Section 42. Section 627.4132, Florida Statutes, is amended
2396 to read:

2397 627.4132 Stacking of coverages prohibited.—If an insured or
2398 named insured is protected by any type of motor vehicle
2399 insurance policy for bodily injury and property damage
2400 liability, ~~personal injury protection, or other coverage,~~ the
2401 policy must ~~shall~~ provide that the insured or named insured is
2402 protected only to the extent of the coverage she or he has on
2403 the vehicle involved in the accident. However, if none of the
2404 insured's or named insured's vehicles are ~~is~~ involved in the
2405 accident, coverage is available only to the extent of coverage
2406 on any one of the vehicles with applicable coverage. Coverage on
2407 any other vehicles may ~~shall~~ not be added to or stacked upon

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2408 that coverage. This section does not ~~apply~~:

2409 (1) Apply to uninsured motorist coverage that ~~which~~ is
2410 separately governed by s. 627.727.

2411 (2) ~~To~~ Reduce the coverage available by reason of insurance
2412 policies insuring different named insureds.

2413 Section 43. Subsection (1) of section 627.4137, Florida
2414 Statutes, is amended to read:

2415 627.4137 Disclosure of certain information required.—

2416 (1) Each insurer which does or may provide liability
2417 insurance coverage to pay all or a portion of any claim which
2418 might be made shall provide, within 30 days after ~~of~~ the written
2419 request of the claimant or the claimant's attorney, a statement,
2420 under oath, of a corporate officer or the insurer's claims
2421 manager or superintendent setting forth the following
2422 information with regard to each known policy of insurance,
2423 including excess or umbrella insurance:

2424 (a) The name of the insurer.

2425 (b) The name of each insured.

2426 (c) The limits of the liability coverage.

2427 (d) A statement of any policy or coverage defense which
2428 such insurer reasonably believes is available to such insurer at
2429 the time of filing such statement.

2430 (e) A copy of the policy.

2431
2432 In addition, the insured, or her or his insurance agent, upon
2433 written request of the claimant or the claimant's attorney,
2434 shall disclose the name and coverage of each known insurer to
2435 the claimant and shall forward such request for information as
2436 required by this subsection to all affected insurers. The

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2437 insurer shall then supply the information required in this
2438 subsection to the claimant within 30 days after ~~of~~ receipt of
2439 such request. If an insurer fails to timely comply with this
2440 section, the claimant may file an action in a court of competent
2441 jurisdiction to enforce this section. If the court determines
2442 that the insurer violated this section, the claimant is entitled
2443 to an award of reasonable attorney fees and costs to be paid by
2444 the insurer.

2445 Section 44. Section 627.7263, Florida Statutes, is amended
2446 to read:

2447 627.7263 Rental and leasing driver's insurance to be
2448 primary; exception.—

2449 (1) The valid and collectible liability insurance, death
2450 benefit coverage, and medical payments coverage ~~or personal~~
2451 ~~injury protection insurance providing coverage~~ for the lessor of
2452 a motor vehicle for rent or lease are ~~is~~ primary unless
2453 otherwise stated in at least 10-point type on the face of the
2454 rental or lease agreement. Such insurance is primary for the
2455 limits of liability ~~and personal injury protection~~ coverage as
2456 required under s. 324.021(7), the death benefit coverage limit
2457 required under s. 627.72761, and the medical payments coverage
2458 limit required under s. 627.7265 ~~by ss. 324.021(7) and 627.736.~~

2459 (2) If the lessee's coverage is to be primary, the rental
2460 or lease agreement must contain the following language, in at
2461 least 10-point type:

2462
2463 "The valid and collectible liability insurance, death
2464 benefit coverage, and medical payments coverage
2465 ~~personal injury protection insurance~~ of an any

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2466 authorized rental or leasing driver are ~~is~~ primary for
2467 the limits of liability ~~and personal injury protection~~
2468 coverage required under s. 324.021(7), Florida
2469 Statutes, the limit of the death benefit coverage
2470 required under s. 627.72761, Florida Statutes, and the
2471 medical payments coverage limit required under s.
2472 627.7265 ~~by ss. 324.021(7) and 627.736, Florida~~
2473 ~~Statutes."~~

2474 Section 45. Section 627.7265, Florida Statutes, is created
2475 to read:

2476 627.7265 Motor vehicle insurance; medical payments
2477 coverage.-

2478 (1) Medical payments coverage must protect the named
2479 insured, resident relatives, persons operating the insured motor
2480 vehicle, passengers in the insured motor vehicle, and persons
2481 who are struck by the insured motor vehicle and suffer bodily
2482 injury while not an occupant of a self-propelled motor vehicle
2483 at a limit of at least \$5,000 for medical expenses incurred due
2484 to bodily injury, sickness, or disease arising out of the
2485 ownership, maintenance, or use of a motor vehicle.

2486 (a) Before issuing a motor vehicle liability insurance
2487 policy that is furnished as proof of financial responsibility
2488 under s. 324.031, the insurer must offer medical payments
2489 coverage at limits of \$5,000 and \$10,000. The insurer may also
2490 offer medical payments coverage at any limit greater than
2491 \$5,000.

2492 (b) The insurer must offer medical payments coverage with
2493 no deductible. The insurer may also offer medical payments
2494 coverage with a deductible not to exceed \$500.

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2495 (c) This section may not be construed to limit any other
2496 coverage made available by an insurer.

2497 (2) Upon receiving notice of an accident that is
2498 potentially covered by medical payments coverage benefits, the
2499 insurer must reserve \$5,000 of medical payments coverage
2500 benefits for payment to physicians licensed under chapter 458 or
2501 chapter 459 or dentists licensed under chapter 466 who provide
2502 emergency services and care, as defined in s. 395.002(9), or who
2503 provide hospital inpatient care. The amount required to be held
2504 in reserve may be used only to pay claims from such physicians
2505 or dentists until 30 days after the date the insurer receives
2506 notice of the accident. After the 30-day period, any amount of
2507 the reserve for which the insurer has not received notice of
2508 such claims may be used by the insurer to pay other claims. This
2509 subsection does not require an insurer to establish a claim
2510 reserve for insurance accounting purposes.

2511 (3) An insurer providing medical payments coverage benefits
2512 may not:

2513 (a) Seek a lien on any recovery in tort by judgment,
2514 settlement, or otherwise for medical payments coverage benefits,
2515 regardless of whether suit has been filed or settlement has been
2516 reached without suit; or

2517 (b) Bring a cause of action against a person to whom or for
2518 whom medical payments coverage benefits were paid, except when
2519 medical payments coverage benefits were paid by reason of fraud
2520 committed by that person.

2521 (4) An insurer providing medical payments coverage may
2522 include provisions in its policy allowing for subrogation for
2523 medical payments coverage benefits paid if the expenses giving

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2524 rise to the payments were caused by the wrongful act or omission
2525 of another who is not also an insured under the policy paying
2526 the medical payments coverage benefits. However, this
2527 subrogation right is inferior to the rights of the injured
2528 insured and is available only after all the insured's damages
2529 are recovered and the insured is made whole. An insured who
2530 obtains a recovery from a third party of the full amount of the
2531 damages sustained and delivers a release or satisfaction that
2532 impairs a medical payments insurer's subrogation right is liable
2533 to the insurer for repayment of medical payments coverage
2534 benefits less any expenses of acquiring the recovery, including
2535 a prorated share of attorney fees and costs, and shall hold that
2536 net recovery in trust to be delivered to the medical payments
2537 insurer. The insurer may not include any provision in its policy
2538 allowing for subrogation for any death benefit paid.

2539 Section 46. Subsections (1) and (7) of section 627.727,
2540 Florida Statutes, are amended to read:

2541 627.727 Motor vehicle insurance; uninsured and underinsured
2542 vehicle coverage; insolvent insurer protection.—

2543 (1) A ~~No~~ motor vehicle liability insurance policy that
2544 ~~which~~ provides bodily injury liability coverage may not shall be
2545 delivered or issued for delivery in this state with respect to
2546 any specifically insured or identified motor vehicle registered
2547 or principally garaged in this state, unless uninsured motor
2548 vehicle coverage is provided therein or supplemental thereto for
2549 the protection of persons insured thereunder who are legally
2550 entitled to recover damages from owners or operators of
2551 uninsured motor vehicles because of bodily injury, sickness, or
2552 disease, including death, resulting therefrom. However, the

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2553 coverage required under this section is not applicable ~~if when,~~
2554 or to the extent that, an insured named in the policy makes a
2555 written rejection of the coverage on behalf of all insureds
2556 under the policy. ~~If When~~ a motor vehicle is leased for ~~a period~~
2557 ~~of~~ 1 year or longer and the lessor of such vehicle, by the terms
2558 of the lease contract, provides liability coverage on the leased
2559 vehicle, the lessee of such vehicle has ~~shall have~~ the sole
2560 privilege to reject uninsured motorist coverage or to select
2561 lower limits than the bodily injury liability limits, regardless
2562 of whether the lessor is qualified as a self-insurer pursuant to
2563 s. 324.171. Unless an insured, or a lessee having the privilege
2564 of rejecting uninsured motorist coverage, requests such coverage
2565 or requests higher uninsured motorist limits in writing, the
2566 coverage or such higher uninsured motorist limits need not be
2567 provided in or supplemental to any other policy that ~~which~~
2568 renews, extends, changes, supersedes, or replaces an existing
2569 policy with the same bodily injury liability limits when an
2570 insured or lessee had rejected the coverage. When an insured or
2571 lessee has initially selected limits of uninsured motorist
2572 coverage lower than her or his bodily injury liability limits,
2573 higher limits of uninsured motorist coverage need not be
2574 provided in or supplemental to any other policy that ~~which~~
2575 renews, extends, changes, supersedes, or replaces an existing
2576 policy with the same bodily injury liability limits unless an
2577 insured requests higher uninsured motorist coverage in writing.
2578 The rejection or selection of lower limits must ~~shall~~ be made on
2579 a form approved by the office. The form must ~~shall~~ fully advise
2580 the applicant of the nature of the coverage and must ~~shall~~ state
2581 that the coverage is equal to bodily injury liability limits

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2582 unless lower limits are requested or the coverage is rejected.
2583 The heading of the form must ~~shall~~ be in 12-point bold type and
2584 must ~~shall~~ state: "You are electing not to purchase certain
2585 valuable coverage that ~~which~~ protects you and your family or you
2586 are purchasing uninsured motorist limits less than your bodily
2587 injury liability limits when you sign this form. Please read
2588 carefully." If this form is signed by a named insured, it will
2589 be conclusively presumed that there was an informed, knowing
2590 rejection of coverage or election of lower limits on behalf of
2591 all insureds. The insurer shall notify the named insured at
2592 least annually of her or his options as to the coverage required
2593 by this section. Such notice must ~~shall~~ be part of, and attached
2594 to, the notice of premium, must ~~shall~~ provide for a means to
2595 allow the insured to request such coverage, and must ~~shall~~ be
2596 given in a manner approved by the office. Receipt of this notice
2597 does not constitute an affirmative waiver of the insured's right
2598 to uninsured motorist coverage if ~~where~~ the insured has not
2599 signed a selection or rejection form. The coverage described
2600 under this section must ~~shall~~ be over and above, but may ~~shall~~
2601 not duplicate, the benefits available to an insured under any
2602 workers' compensation law, ~~personal injury protection benefits,~~
2603 disability benefits law, or similar law; under any automobile
2604 medical payments ~~expense~~ coverage; under any motor vehicle
2605 liability insurance coverage; or from the owner or operator of
2606 the uninsured motor vehicle or any other person or organization
2607 jointly or severally liable together with such owner or operator
2608 for the accident, ~~+~~ and such coverage must ~~shall~~ cover the
2609 difference, if any, between the sum of such benefits and the
2610 damages sustained, up to the maximum amount of such coverage

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2611 provided under this section. The amount of coverage available
2612 under this section may ~~shall~~ not be reduced by a setoff against
2613 any coverage, including liability insurance. Such coverage does
2614 ~~shall~~ not inure directly or indirectly to the benefit of any
2615 workers' compensation or disability benefits carrier or any
2616 person or organization qualifying as a self-insurer under any
2617 workers' compensation or disability benefits law or similar law.

2618 (7) The legal liability of an uninsured motorist coverage
2619 insurer includes ~~does not include~~ damages in tort for pain,
2620 suffering, disability, physical impairment, disfigurement,
2621 mental anguish, and inconvenience, and the loss of capacity for
2622 the enjoyment of life experienced in the past and to be
2623 experienced in the future ~~unless the injury or disease is~~
2624 ~~described in one or more of paragraphs (a)-(d) of s. 627.737(2).~~

2625 Section 47. Section 627.7275, Florida Statutes, is amended
2626 to read:

2627 627.7275 Required coverages in motor vehicle insurance
2628 policies; availability to certain applicants liability.-

2629 (1) A motor vehicle insurance policy ~~providing personal~~
2630 ~~injury protection as set forth in s. 627.736~~ may not be
2631 delivered or issued for delivery in this state for a with
2632 ~~respect to any~~ specifically insured or identified motor vehicle
2633 registered or principally garaged in this state must provide
2634 bodily injury liability coverage and unless the policy also
2635 ~~provides coverage for~~ property damage liability coverage as
2636 required under ss. 324.022 and 324.151 and the death benefit
2637 coverage as required under s. 627.72761 ~~by s. 324.022.~~

2638 (2) (a) Insurers writing motor vehicle insurance in this
2639 state shall make available, subject to the insurers' usual

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2640 underwriting restrictions:

2641 1. Coverage under policies as described in subsection (1)
2642 to an applicant for private passenger motor vehicle insurance
2643 coverage who is seeking the coverage in order to reinstate the
2644 applicant's driving privileges in this state if the driving
2645 privileges were revoked or suspended pursuant to s. 316.646 or
2646 s. 324.0221 due to the failure of the applicant to maintain
2647 required security.

2648 2. Coverage under policies as described in subsection (1),
2649 which includes bodily injury ~~also provides~~ liability coverage
2650 and property damage liability coverage for bodily injury, death,
2651 ~~and property damage arising out of the ownership, maintenance,~~
2652 ~~or use of the motor vehicle~~ in an amount not less than the
2653 minimum limits required under ~~described in~~ s. 324.021(7) or s.
2654 324.023 and which conforms to the requirements of s. 324.151, to
2655 an applicant for private passenger motor vehicle insurance
2656 coverage who is seeking the coverage in order to reinstate the
2657 applicant's driving privileges in this state after such
2658 privileges were revoked or suspended under s. 316.193 or s.
2659 322.26(2) for driving under the influence.

2660 (b) The policies described in paragraph (a) must ~~shall~~ be
2661 issued for at least 6 months and, as to the minimum coverages
2662 required under this section, may not be canceled by the insured
2663 for any reason or by the insurer after 60 days, during which
2664 period the insurer is completing the underwriting of the policy.
2665 After the insurer has completed underwriting the policy, the
2666 insurer shall notify the Department of Highway Safety and Motor
2667 Vehicles that the policy is in full force and effect and is not
2668 cancelable for the remainder of the policy period. A premium

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2669 ~~must shall~~ be collected and the coverage is in effect for the
2670 60-day period during which the insurer is completing the
2671 underwriting of the policy, whether or not the person's driver
2672 license, motor vehicle tag, and motor vehicle registration are
2673 in effect. Once the noncancelable provisions of the policy
2674 become effective, the bodily injury liability and property
2675 damage liability coverages ~~for bodily injury, property damage,~~
2676 ~~and personal injury protection~~ may not be reduced below the
2677 minimum limits required under s. 324.021 or s. 324.023 during
2678 the policy period.

2679 (c) This subsection controls to the extent of any conflict
2680 with any other section.

2681 (d) An insurer issuing a policy subject to this section may
2682 cancel the policy if, during the policy term, the named insured,
2683 or any other operator who resides in the same household or
2684 customarily operates an automobile insured under the policy, has
2685 his or her driver license suspended or revoked.

2686 (e) This subsection does not require an insurer to offer a
2687 policy of insurance to an applicant if such offer would be
2688 inconsistent with the insurer's underwriting guidelines and
2689 procedures.

2690 Section 48. Section 627.72761, Florida Statutes, is created
2691 to read:

2692 627.72761 Required motor vehicle death benefit coverage.—An
2693 insurance policy complying with the financial responsibility
2694 requirements of s. 324.022 must provide a death benefit of
2695 \$5,000 for each deceased person upon the death of the named
2696 insured, relatives residing in the same household, persons
2697 operating the insured motor vehicle, passengers in the motor

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2698 vehicle, and other persons struck by the motor vehicle and
2699 suffering bodily injury while not an occupant of a self-
2700 propelled motor vehicle when such death arises out of the
2701 ownership, maintenance, or use of a motor vehicle. The insurer
2702 may pay death benefits to the executor or administrator of the
2703 deceased person; to any of the deceased person's relatives by
2704 blood, legal adoption, or marriage; or to any person appearing
2705 to the insurer to be equitably entitled to such benefits. The
2706 benefit may not be paid if the deceased person died as a result
2707 of causing injury or death to himself or herself intentionally
2708 or because of injuries or death incurred while committing a
2709 felony.

2710 Section 49. Effective upon this act becoming a law, section
2711 627.7278, Florida Statutes, is created to read:

2712 627.7278 Applicability and construction; notice to
2713 policyholders.—

2714 (1) As used in this section, the term "minimum security
2715 requirements" means security that enables a person to respond in
2716 damages for liability on account of crashes arising out of the
2717 ownership, maintenance, or use of a motor vehicle, in the
2718 amounts required by s. 324.022.

2719 (2) Effective July 1, 2023:

2720 (a) Motor vehicle insurance policies issued or renewed on
2721 or after July 1, 2023, may not include personal injury
2722 protection.

2723 (b) All persons subject to s. 324.022, s. 324.032, s.
2724 627.7415, or s. 627.742 must maintain at least minimum security
2725 requirements.

2726 (c) Any new or renewal motor vehicle insurance policy

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2727 delivered or issued for delivery in this state must provide
2728 coverage that complies with minimum security requirements and
2729 provides the death benefit set forth in s. 627.72761.

2730 (d) An existing motor vehicle insurance policy issued
2731 before July 1, 2023, which provides personal injury protection
2732 and property damage liability coverage that meets the
2733 requirements of s. 324.022 on June 30, 2023, but that does not
2734 meet minimum security requirements on or after July 1, 2023, is
2735 deemed to meet minimum security requirements until such policy
2736 is renewed, nonrenewed, or canceled on or after July 1, 2023.
2737 Sections 400.9905, 400.991, 456.057, 456.072, 626.9541(1)(i),
2738 627.7263, 627.727, 627.730-627.7405, 627.748, and 817.234,
2739 Florida Statutes 2020, remain in full force and effect for motor
2740 vehicle accidents covered under a policy issued under the
2741 Florida Motor Vehicle No-Fault Law before July 1, 2023, until
2742 the policy is renewed, nonrenewed, or canceled on or after July
2743 1, 2023.

2744 (3) Each insurer shall allow each insured who has a new or
2745 renewal policy providing personal injury protection which
2746 becomes effective before July 1, 2023, and whose policy does not
2747 meet minimum security requirements on or after July 1, 2023, to
2748 change coverages so as to eliminate personal injury protection
2749 and obtain coverage providing minimum security requirements and
2750 the death benefit set forth in s. 627.72761, which shall be
2751 effective on or after July 1, 2023. The insurer is not required
2752 to provide coverage complying with minimum security requirements
2753 and the death benefit set forth in s. 627.72761 in such policies
2754 if the insured does not pay the required premium, if any, by
2755 July 1, 2023, or such later date as the insurer may allow. The

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2756 insurer shall also offer each insured medical payments coverage
2757 under s. 627.7265. Any reduction in the premium must be refunded
2758 by the insurer. The insurer may not impose on the insured an
2759 additional fee or charge that applies solely to a change in
2760 coverage; however, the insurer may charge an additional required
2761 premium that is actuarially indicated.

2762 (4) By April 1, 2023, each motor vehicle insurer shall
2763 provide notice of this section to each motor vehicle
2764 policyholder who is subject to this section. The notice is
2765 subject to approval by the office and must clearly inform the
2766 policyholder that:

2767 (a) The Florida Motor Vehicle No-Fault Law is repealed
2768 effective July 1, 2023, and that on or after that date, the
2769 insured is no longer required to maintain personal injury
2770 protection insurance coverage, that personal injury protection
2771 coverage is no longer available for purchase in this state, and
2772 that all new or renewal policies issued on or after that date
2773 will not contain that coverage.

2774 (b) Effective July 1, 2023, a person subject to the
2775 financial responsibility requirements of s. 324.022 must:

2776 1. Maintain minimum security requirements that enable the
2777 person to respond to damages for liability on account of
2778 accidents arising out of the use of a motor vehicle in the
2779 following amounts:

2780 a. Twenty-five thousand dollars for bodily injury to, or
2781 the death of, one person in any one crash and, subject to such
2782 limits for one person, in the amount of \$50,000 for bodily
2783 injury to, or the death of, two or more persons in any one
2784 crash; and

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2785 b. Ten thousand dollars for damage to, or destruction of,
2786 the property of others in any one crash.

2787 2. Purchase a death benefit under s. 627.72761 providing
2788 coverage in the amount of \$5,000 per deceased individual upon
2789 the death of the named insured, relatives residing in the same
2790 household, persons operating the insured motor vehicle,
2791 passengers in the motor vehicle, and other persons struck by the
2792 motor vehicle and suffering bodily injury while not an occupant
2793 of a self-propelled motor vehicle, when such death arises out of
2794 the ownership, maintenance, or use of a motor vehicle.

2795 (c) Bodily injury liability coverage protects the insured,
2796 up to the coverage limits, against loss if the insured is
2797 legally responsible for the death of or bodily injury to others
2798 in a motor vehicle accident.

2799 (d) Effective July 1, 2023, each policyholder of motor
2800 vehicle liability insurance purchased as proof of financial
2801 responsibility must be offered medical payments coverage
2802 benefits that comply with s. 627.7265. The insurer must offer
2803 medical payments coverage at limits of \$5,000 and \$10,000
2804 without a deductible. The insurer may also offer medical
2805 payments coverage at other limits greater than \$5,000 and may
2806 offer coverage with a deductible of up to \$500. Medical payments
2807 coverage pays covered medical expenses incurred due to bodily
2808 injury, sickness, or disease arising out of the ownership,
2809 maintenance, or use of the motor vehicle, up to the limits of
2810 such coverage, for injuries sustained in a motor vehicle crash
2811 by the named insured, resident relatives, any persons operating
2812 the insured motor vehicle, passengers in the insured motor
2813 vehicle, and persons who are struck by the insured motor vehicle

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2814 and suffer bodily injury while not an occupant of a self-
2815 propelled motor vehicle as provided in s. 627.7265.

2816 (e) The policyholder may obtain uninsured and underinsured
2817 motorist coverage that provides benefits, up to the limits of
2818 such coverage, to a policyholder or other insured entitled to
2819 recover damages for bodily injury, sickness, disease, or death
2820 resulting from a motor vehicle accident with an uninsured or
2821 underinsured owner or operator of a motor vehicle.

2822 (f) If the policyholder's new or renewal motor vehicle
2823 insurance policy is effective before July 1, 2023, and contains
2824 personal injury protection and property damage liability
2825 coverage as required by state law before July 1, 2023, but does
2826 not meet minimum security requirements on or after July 1, 2023,
2827 the policy is deemed to meet minimum security requirements and
2828 need not provide the death benefit set forth in s. 627.72761
2829 until it is renewed, nonrenewed, or canceled on or after July 1,
2830 2023.

2831 (g) A policyholder whose new or renewal policy becomes
2832 effective before July 1, 2023, but does not meet minimum
2833 security requirements on or after July 1, 2023, may change
2834 coverages under the policy so as to eliminate personal injury
2835 protection and to obtain coverage providing minimum security
2836 requirements, including bodily injury liability coverage and the
2837 death benefit set forth in s. 627.72761, which are effective on
2838 or after July 1, 2023.

2839 (h) If the policyholder has any questions, he or she should
2840 contact the person named at the telephone number provided in the
2841 notice.

2842 Section 50. Paragraph (a) of subsection (1) of section

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2843 627.728, Florida Statutes, is amended to read:

2844 627.728 Cancellations; nonrenewals.—

2845 (1) As used in this section, the term:

2846 (a) "Policy" means the bodily injury and property damage
2847 liability, ~~personal injury protection~~, medical payments, death
2848 benefit, comprehensive, collision, and uninsured motorist
2849 coverage portions of a policy of motor vehicle insurance
2850 delivered or issued for delivery in this state:

2851 1. Insuring a natural person as named insured or one or
2852 more related individuals who are residents ~~resident~~ of the same
2853 household; and

2854 2. Insuring only a motor vehicle of the private passenger
2855 type or station wagon type which is not used as a public or
2856 livery conveyance for passengers or rented to others; or
2857 insuring any other four-wheel motor vehicle having a load
2858 capacity of 1,500 pounds or less which is not used in the
2859 occupation, profession, or business of the insured other than
2860 farming; other than any policy issued under an automobile
2861 insurance assigned risk plan or covering garage, automobile
2862 sales agency, repair shop, service station, or public parking
2863 place operation hazards.

2864

2865 The term "policy" does not include a binder as defined in s.
2866 627.420 unless the duration of the binder period exceeds 60
2867 days.

2868 Section 51. Subsection (1), paragraph (a) of subsection
2869 (5), and subsections (6) and (7) of section 627.7295, Florida
2870 Statutes, are amended to read:

2871 627.7295 Motor vehicle insurance contracts.—

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2872 (1) As used in this section, the term:

2873 (a) "Policy" means a motor vehicle insurance policy that
2874 provides death benefit coverage under s. 627.72761, bodily
2875 injury liability ~~personal injury protection~~ coverage, and
2876 property damage liability coverage, ~~or both~~.

2877 (b) "Binder" means a binder that provides motor vehicle
2878 death benefit coverage under s. 627.72761, bodily injury
2879 liability coverage, ~~personal injury protection~~ and property
2880 damage liability coverage.

2881 (5) (a) A licensed general lines agent may charge a per-
2882 policy fee of up to ~~not to exceed~~ \$10 to cover the
2883 administrative costs of the agent associated with selling the
2884 motor vehicle insurance policy if the policy provides covers
2885 only the death benefit coverage under s. 627.72761, bodily
2886 injury liability coverage, ~~personal injury protection coverage~~
2887 ~~as provided by s. 627.736~~ and property damage liability coverage
2888 under as provided by s. 627.7275 and if no other insurance is
2889 sold or issued in conjunction with or collateral to the policy.
2890 The fee is not ~~considered~~ part of the premium.

2891 (6) If a motor vehicle owner's driver license, license
2892 plate, and registration have previously been suspended pursuant
2893 to s. 316.646 ~~or s. 627.733,~~ an insurer may cancel a new policy
2894 only as provided in s. 627.7275.

2895 (7) A policy of private passenger motor vehicle insurance
2896 or a binder for such a policy may be initially issued in this
2897 state only if, before the effective date of such binder or
2898 policy, the insurer or agent has collected from the insured an
2899 amount equal to at least 1 month's premium. An insurer, agent,
2900 or premium finance company may not, directly or indirectly, take

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2901 any action that results ~~resulting~~ in the insured paying ~~having~~
2902 ~~paid~~ from the insured's own funds an amount less than the 1
2903 month's premium required by this subsection. This subsection
2904 applies without regard to whether the premium is financed by a
2905 premium finance company or is paid pursuant to a periodic
2906 payment plan of an insurer or an insurance agent.

2907 (a) This subsection does not apply:

2908 1. If an insured or member of the insured's family is
2909 renewing or replacing a policy or a binder for such policy
2910 written by the same insurer or a member of the same insurer
2911 group. ~~This subsection does not apply~~

2912 2. To an insurer that issues private passenger motor
2913 vehicle coverage primarily to active duty or former military
2914 personnel or their dependents. ~~This subsection does not apply~~

2915 3. If all policy payments are paid pursuant to a payroll
2916 deduction plan, an automatic electronic funds transfer payment
2917 plan from the policyholder, or a recurring credit card or debit
2918 card agreement with the insurer.

2919 (b) This subsection and subsection (4) do not apply if:

2920 1. All policy payments to an insurer are paid pursuant to
2921 an automatic electronic funds transfer payment plan from an
2922 agent, a managing general agent, or a premium finance company
2923 and if the policy includes, at a minimum, the death benefit
2924 coverage under s. 627.72761, bodily injury liability coverage,
2925 ~~and personal injury protection pursuant to ss. 627.730-627.7405;~~
2926 ~~motor vehicle property damage liability coverage under pursuant~~
2927 ~~to s. 627.7275; or and bodily injury liability in at least the~~
2928 ~~amount of \$10,000 because of bodily injury to, or death of, one~~
2929 ~~person in any one accident and in the amount of \$20,000 because~~

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2930 of bodily injury to, or death of, two or more persons in any one
2931 accident. This subsection and subsection (4) do not apply if

2932 2. An insured has had a policy in effect for at least 6
2933 months, the insured's agent is terminated by the insurer that
2934 issued the policy, and the insured obtains coverage on the
2935 policy's renewal date with a new company through the terminated
2936 agent.

2937 Section 52. Section 627.7415, Florida Statutes, is amended
2938 to read:

2939 627.7415 Commercial motor vehicles; additional liability
2940 insurance coverage.—Beginning July 1, 2023, commercial motor
2941 vehicles, as defined in s. 207.002 or s. 320.01, operated upon
2942 the roads and highways of this state must ~~shall~~ be insured with
2943 the following minimum levels of combined bodily liability
2944 insurance and property damage liability insurance in addition to
2945 any other insurance requirements:

2946 (1) Sixty ~~Fifty~~ thousand dollars per occurrence for a
2947 commercial motor vehicle with a gross vehicle weight of 26,000
2948 pounds or more, but less than 35,000 pounds.

2949 (2) One hundred twenty thousand dollars per occurrence for
2950 a commercial motor vehicle with a gross vehicle weight of 35,000
2951 pounds or more, but less than 44,000 pounds.

2952 (3) Three hundred thousand dollars per occurrence for a
2953 commercial motor vehicle with a gross vehicle weight of 44,000
2954 pounds or more.

2955 (4) All commercial motor vehicles subject to regulations of
2956 the United States Department of Transportation, 49 C.F.R. part
2957 387, subpart A, and as may be hereinafter amended, shall be
2958 insured in an amount equivalent to the minimum levels of

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2959 financial responsibility as set forth in such regulations.

2960
2961 A violation of this section is a noncriminal traffic infraction,
2962 punishable as a nonmoving violation as provided in chapter 318.

2963 Section 53. Paragraphs (a) and (c) of subsection (1) and
2964 subsection (3) of section 627.747, Florida Statutes, are amended
2965 to read:

2966 627.747 Named driver exclusion.—

2967 (1) A private passenger motor vehicle policy may exclude
2968 the following coverages for all claims or suits resulting from
2969 the operation of a motor vehicle by an identified individual who
2970 is not a named insured, provided the identified individual is
2971 named on the declarations page or by endorsement and the named
2972 insured consents in writing to such exclusion:

2973 ~~(a) Notwithstanding the Florida Motor Vehicle No-Fault Law,~~
2974 ~~the personal injury protection coverage specifically applicable~~
2975 ~~to the identified individual's injuries, lost wages, and death~~
2976 ~~benefits.~~

2977 (b) ~~(c)~~ Bodily injury liability coverage, ~~if required by law~~
2978 ~~and purchased by the named insured.~~

2979 (3) A driver excluded pursuant to this section must:
2980 ~~(a)~~ establish, maintain, and show proof of financial
2981 ability to respond for damages arising out of the ownership,
2982 maintenance, or use of a motor vehicle as required by chapter
2983 324; ~~and~~

2984 ~~(b) Maintain security as required by s. 627.733.~~

2985 Section 54. Paragraphs (b), (c), and (g) of subsection (7),
2986 paragraphs (a) and (b) of subsection (8), and paragraph (b) of
2987 subsection (16) of section 627.748, Florida Statutes, are

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2988 amended to read:

2989 627.748 Transportation network companies.—

2990 (7) TRANSPORTATION NETWORK COMPANY AND TNC DRIVER INSURANCE
2991 REQUIREMENTS.—

2992 (b) The following automobile insurance requirements apply
2993 while a participating TNC driver is logged on to the digital
2994 network but is not engaged in a prearranged ride:

2995 1. Automobile insurance that provides:

2996 a. A primary automobile liability coverage of at least
2997 \$50,000 for death and bodily injury per person, \$100,000 for
2998 death and bodily injury per incident, and \$25,000 for property
2999 damage; and

3000 ~~b. Personal injury protection benefits that meet the~~
3001 ~~minimum coverage amounts required under ss. 627.730-627.7405;~~
3002 ~~and~~

3003 ~~e.~~ Uninsured and underinsured vehicle coverage as required
3004 by s. 627.727.

3005 2. The coverage requirements of this paragraph may be
3006 satisfied by any of the following:

3007 a. Automobile insurance maintained by the TNC driver or the
3008 TNC vehicle owner;

3009 b. Automobile insurance maintained by the TNC; or

3010 c. A combination of sub-subparagraphs a. and b.

3011 (c) The following automobile insurance requirements apply
3012 while a TNC driver is engaged in a prearranged ride:

3013 1. Automobile insurance that provides:

3014 a. A primary automobile liability coverage of at least \$1
3015 million for death, bodily injury, and property damage; and

3016 ~~b. Personal injury protection benefits that meet the~~

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3017 ~~minimum coverage amounts required of a limousine under ss.~~
3018 ~~627.730-627.7405; and~~

3019 ~~e.~~ Uninsured and underinsured vehicle coverage as required
3020 by s. 627.727.

3021 2. The coverage requirements of this paragraph may be
3022 satisfied by any of the following:

3023 a. Automobile insurance maintained by the TNC driver or the
3024 TNC vehicle owner;

3025 b. Automobile insurance maintained by the TNC; or

3026 c. A combination of sub-subparagraphs a. and b.

3027 (g) Insurance satisfying the requirements under this
3028 subsection is deemed to satisfy the financial responsibility
3029 requirement for a motor vehicle under chapter 324 ~~and the~~
3030 ~~security required under s. 627.733~~ for any period when the TNC
3031 driver is logged onto the digital network or engaged in a
3032 prearranged ride.

3033 (8) TRANSPORTATION NETWORK COMPANY AND INSURER; DISCLOSURE;
3034 EXCLUSIONS.—

3035 (a) Before a TNC driver is allowed to accept a request for
3036 a prearranged ride on the digital network, the TNC must disclose
3037 in writing to the TNC driver:

3038 1. The insurance coverage, including the types of coverage
3039 and the limits for each coverage, which the TNC provides while
3040 the TNC driver uses a TNC vehicle in connection with the TNC's
3041 digital network.

3042 2. That the TNC driver's own automobile insurance policy
3043 might not provide any coverage while the TNC driver is logged on
3044 to the digital network or is engaged in a prearranged ride,
3045 depending on the terms of the TNC driver's own automobile

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3046 insurance policy.

3047 3. That the provision of rides for compensation which are
3048 not prearranged rides subjects the driver to the coverage
3049 requirements imposed under s. 324.032(1) and (2) and that
3050 failure to meet such coverage requirements subjects the TNC
3051 driver to penalties provided in s. 324.221, up to and including
3052 a misdemeanor of the second degree.

3053 (b)1. An insurer that provides an automobile liability
3054 insurance policy under this part may exclude any and all
3055 coverage afforded under the policy issued to an owner or
3056 operator of a TNC vehicle while driving that vehicle for any
3057 loss or injury that occurs while a TNC driver is logged on to a
3058 digital network or while a TNC driver provides a prearranged
3059 ride. Exclusions imposed under this subsection are limited to
3060 coverage while a TNC driver is logged on to a digital network or
3061 while a TNC driver provides a prearranged ride. This right to
3062 exclude all coverage may apply to any coverage included in an
3063 automobile insurance policy, including, but not limited to:

- 3064 a. Liability coverage for bodily injury and property
3065 damage;
- 3066 b. Uninsured and underinsured motorist coverage;
- 3067 c. Medical payments coverage;
- 3068 d. Comprehensive physical damage coverage;
- 3069 e. Collision physical damage coverage; and
- 3070 f. Death benefit coverage under s. 627.72761 ~~Personal~~
3071 ~~injury protection.~~

3072 2. The exclusions described in subparagraph 1. apply
3073 notwithstanding any requirement under chapter 324. These
3074 exclusions do not affect or diminish coverage otherwise

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3075 available for permissive drivers or resident relatives under the
3076 personal automobile insurance policy of the TNC driver or owner
3077 of the TNC vehicle who are not occupying the TNC vehicle at the
3078 time of loss. This section does not require that a personal
3079 automobile insurance policy provide coverage while the TNC
3080 driver is logged on to a digital network, while the TNC driver
3081 is engaged in a prearranged ride, or while the TNC driver
3082 otherwise uses a vehicle to transport riders for compensation.

3083 3. This section must not be construed to require an insurer
3084 to use any particular policy language or reference to this
3085 section in order to exclude any and all coverage for any loss or
3086 injury that occurs while a TNC driver is logged on to a digital
3087 network or while a TNC driver provides a prearranged ride.

3088 4. This section does not preclude an insurer from providing
3089 primary or excess coverage for the TNC driver's vehicle by
3090 contract or endorsement.

3091 (16) LUXURY GROUND TRANSPORTATION NETWORK COMPANIES.—

3092 (b) An entity may elect, upon written notification to the
3093 department, to be regulated as a luxury ground TNC. A luxury
3094 ground TNC must:

3095 1. Comply with all of the requirements of this section
3096 applicable to a TNC, including subsection (17), which do not
3097 conflict with subparagraph 2. or which do not prohibit the
3098 company from connecting riders to drivers who operate for-hire
3099 vehicles as defined in s. 320.01(15), including limousines and
3100 luxury sedans and excluding taxicabs.

3101 2. Maintain insurance coverage as required by subsection
3102 (7). However, if a prospective luxury ground TNC satisfies
3103 minimum financial responsibility through compliance with s.

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3104 324.032(3) ~~s. 324.032(2)~~ by using self-insurance when it gives
 3105 the department written notification of its election to be
 3106 regulated as a luxury ground TNC, the luxury ground TNC may use
 3107 self-insurance to meet the insurance requirements of subsection
 3108 (7), so long as such self-insurance complies with s. 324.032(3)
 3109 ~~s. 324.032(2)~~ and provides the limits of liability required by
 3110 subsection (7).

3111 Section 55. Subsection (2) and paragraphs (a) and (c) of
 3112 subsection (3) of section 627.7483, Florida Statutes, are
 3113 amended to read:

3114 627.7483 Peer-to-peer car sharing; insurance requirements.—

3115 (2) INSURANCE COVERAGE REQUIREMENTS.—

3116 (a)1. A peer-to-peer car-sharing program shall ensure that,
 3117 during each car-sharing period, the shared vehicle owner and the
 3118 shared vehicle driver are insured under a motor vehicle
 3119 insurance policy that provides all of the following:

3120 a. Property damage liability coverage and bodily injury
 3121 liability coverage that meet or exceed ~~meets~~ the minimum
 3122 coverage amounts required under s. 324.022.

3123 b. ~~Bodily injury liability coverage limits as described in~~
 3124 ~~s. 324.021(7) (a) and (b).~~

3125 c. ~~Personal injury protection benefits that meet the~~
 3126 ~~minimum coverage amounts required under s. 627.736.~~

3127 d. ~~Uninsured and underinsured vehicle coverage as required~~
 3128 ~~under s. 627.727.~~

3129 2. The peer-to-peer car-sharing program shall also ensure
 3130 that the motor vehicle insurance policy under subparagraph 1.:

3131 a. Recognizes that the shared vehicle insured under the
 3132 policy is made available and used through a peer-to-peer car-

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3133 sharing program; or

3134 b. Does not exclude the use of a shared vehicle by a shared
3135 vehicle driver.

3136 (b)1. The insurance described under paragraph (a) may be
3137 satisfied by a motor vehicle insurance policy maintained by:

3138 a. A shared vehicle owner;

3139 b. A shared vehicle driver;

3140 c. A peer-to-peer car-sharing program; or

3141 d. A combination of a shared vehicle owner, a shared
3142 vehicle driver, and a peer-to-peer car-sharing program.

3143 2. The insurance policy maintained in subparagraph 1. which
3144 satisfies the insurance requirements under paragraph (a) is
3145 primary during each car-sharing period. If a claim occurs during
3146 the car-sharing period in another state with minimum financial
3147 responsibility limits higher than those limits required under
3148 chapter 324, the coverage maintained under paragraph (a)
3149 satisfies the difference in minimum coverage amounts up to the
3150 applicable policy limits.

3151 3.a. If the insurance maintained by a shared vehicle owner
3152 or shared vehicle driver in accordance with subparagraph 1. has
3153 lapsed or does not provide the coverage required under paragraph
3154 (a), the insurance maintained by the peer-to-peer car-sharing
3155 program must provide the coverage required under paragraph (a),
3156 beginning with the first dollar of a claim, and must defend such
3157 claim, except under circumstances as set forth in subparagraph
3158 (3) (a)2.

3159 b. Coverage under a motor vehicle insurance policy
3160 maintained by the peer-to-peer car-sharing program must not be
3161 dependent on another motor vehicle insurer first denying a

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3162 claim, and another motor vehicle insurance policy is not
3163 required to first deny a claim.

3164 c. Notwithstanding any other law, statute, rule, or
3165 regulation to the contrary, a peer-to-peer car-sharing program
3166 has an insurable interest in a shared vehicle during the car-
3167 sharing period. This sub-subparagraph does not create liability
3168 for a peer-to-peer car-sharing program for maintaining the
3169 coverage required under paragraph (a) and under this paragraph,
3170 if applicable.

3171 d. A peer-to-peer car-sharing program may own and maintain
3172 as the named insured one or more policies of motor vehicle
3173 insurance which provide coverage for:

3174 (I) Liabilities assumed by the peer-to-peer car-sharing
3175 program under a peer-to-peer car-sharing program agreement;

3176 (II) Liability of the shared vehicle owner;

3177 (III) Liability of the shared vehicle driver;

3178 (IV) Damage or loss to the shared motor vehicle; or

3179 (V) Damage, loss, or injury to persons or property to
3180 satisfy the ~~personal injury protection~~ and uninsured and
3181 underinsured motorist coverage requirements of this section.

3182 e. Insurance required under paragraph (a), when maintained
3183 by a peer-to-peer car-sharing program, may be provided by an
3184 insurer authorized to do business in this state which is a
3185 member of the Florida Insurance Guaranty Association or an
3186 eligible surplus lines insurer that has a superior, excellent,
3187 exceptional, or equivalent financial strength rating by a rating
3188 agency acceptable to the office. A peer-to-peer car-sharing
3189 program is not transacting in insurance when it maintains the
3190 insurance required under this section.

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3191 (3) LIABILITIES AND INSURANCE EXCLUSIONS.—

3192 (a) *Liability*.—

3193 1. A peer-to-peer car-sharing program shall assume
3194 liability, except as provided in subparagraph 2., of a shared
3195 vehicle owner for bodily injury or property damage to third
3196 parties or uninsured and underinsured motorist ~~or personal~~
3197 ~~injury protection~~ losses during the car-sharing period in an
3198 amount stated in the peer-to-peer car-sharing program agreement,
3199 which amount may not be less than those set forth in ss. 324.022
3200 and ~~ss. 324.021(7)(a) and (b), 324.022, 627.727, and 627.736,~~
3201 respectively.

3202 2. The assumption of liability under subparagraph 1. does
3203 not apply if a shared vehicle owner:

3204 a. Makes an intentional or fraudulent material
3205 misrepresentation or omission to the peer-to-peer car-sharing
3206 program before the car-sharing period in which the loss occurs;
3207 or

3208 b. Acts in concert with a shared vehicle driver who fails
3209 to return the shared vehicle pursuant to the terms of the peer-
3210 to-peer car-sharing program agreement.

3211 3. The insurer, insurers, or peer-to-peer car-sharing
3212 program providing coverage under paragraph (2)(a) shall assume
3213 primary liability for a claim when:

3214 a. A dispute exists over who was in control of the shared
3215 motor vehicle at the time of the loss, and the peer-to-peer car-
3216 sharing program does not have available, did not retain, or
3217 fails to provide the information required under subsection (5);
3218 or

3219 b. A dispute exists over whether the shared vehicle was

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3220 returned to the alternatively agreed-upon location as required
 3221 under subparagraph (1)(d)2.

3222 (c) *Exclusions in motor vehicle insurance policies.*—An
 3223 authorized insurer that writes motor vehicle liability insurance
 3224 in this state may exclude any coverage and the duty to defend or
 3225 indemnify for any claim under a shared vehicle owner's motor
 3226 vehicle insurance policy, including, but not limited to:

- 3227 1. Liability coverage for bodily injury and property
 3228 damage;
- 3229 2. ~~Personal injury protection coverage;~~
- 3230 ~~3.~~ Uninsured and underinsured motorist coverage;
- 3231 ~~3.4.~~ Medical payments coverage;
- 3232 ~~4.5.~~ Comprehensive physical damage coverage; and
- 3233 ~~5.6.~~ Collision physical damage coverage.

3234
 3235 This paragraph does not invalidate or limit any exclusion
 3236 contained in a motor vehicle insurance policy, including any
 3237 insurance policy in use or approved for use which excludes
 3238 coverage for motor vehicles made available for rent, sharing, or
 3239 hire or for any business use. This paragraph does not
 3240 invalidate, limit, or restrict an insurer's ability under
 3241 existing law to underwrite, cancel, or nonrenew any insurance
 3242 policy.

3243 Section 56. Paragraph (a) of subsection (2) of section
 3244 627.749, Florida Statutes, is amended to read:

3245 627.749 Autonomous vehicles; insurance requirements.—

3246 (2) INSURANCE REQUIREMENTS.—

3247 (a) A fully autonomous vehicle with the automated driving
 3248 system engaged while logged on to an on-demand autonomous

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3249 vehicle network or engaged in a prearranged ride must be covered
3250 by a policy of automobile insurance which provides:

3251 1. Primary liability coverage of at least \$1 million for
3252 death, bodily injury, and property damage.

3253 2. ~~Personal injury protection benefits that meet the~~
3254 ~~minimum coverage amounts required under ss. 627.730-627.7405.~~

3255 3. Uninsured and underinsured vehicle coverage as required
3256 by s. 627.727.

3257 Section 57. Section 627.8405, Florida Statutes, is amended
3258 to read:

3259 627.8405 Prohibited acts; financing companies.—A ~~No~~ premium
3260 finance company ~~shall~~, in a premium finance agreement or other
3261 agreement, may not finance the cost of or otherwise provide for
3262 the collection or remittance of dues, assessments, fees, or
3263 other periodic payments of money for the cost of:

3264 (1) A membership in an automobile club. The term
3265 "automobile club" means a legal entity that ~~which~~, in
3266 consideration of dues, assessments, or periodic payments of
3267 money, promises its members or subscribers to assist them in
3268 matters relating to the ownership, operation, use, or
3269 maintenance of a motor vehicle; however, the term ~~this~~
3270 ~~definition of "automobile club"~~ does not include persons,
3271 associations, or corporations ~~which are~~ organized and operated
3272 solely for the purpose of conducting, sponsoring, or sanctioning
3273 motor vehicle races, exhibitions, or contests upon racetracks,
3274 or upon racecourses established and marked as such for the
3275 duration of such particular events. As used in this subsection,
3276 the term ~~words~~ "motor vehicle" has ~~used herein have~~ the same
3277 meaning as ~~defined~~ in chapter 320.

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3278 (2) An accidental death and dismemberment policy sold in
3279 combination with a policy providing only death benefit coverage
3280 under s. 627.72761, bodily injury liability coverage, ~~personal~~
3281 ~~injury protection~~ and property damage liability coverage ~~only~~
3282 ~~policy~~.

3283 (3) Any product not regulated under ~~the provisions of this~~
3284 insurance code.

3285

3286 This section also applies to premium financing by any insurance
3287 agent or insurance company under part XVI. The commission shall
3288 adopt rules to assure disclosure, at the time of sale, of
3289 coverages financed ~~with personal injury protection~~ and shall
3290 prescribe the form of such disclosure.

3291 Section 58. Subsection (1) of section 627.915, Florida
3292 Statutes, is amended to read:

3293 627.915 Insurer experience reporting.-

3294 (1) Each insurer transacting private passenger automobile
3295 insurance in this state shall report certain information
3296 annually to the office. The information will be due on or before
3297 July 1 of each year. The information must ~~shall~~ be divided into
3298 the following categories: bodily injury liability; property
3299 damage liability; uninsured motorist; death benefit coverage
3300 under s. 627.72761 ~~personal injury protection benefits~~; medical
3301 payments; and comprehensive and collision. The information given
3302 must ~~shall~~ be on direct insurance writings in the state alone
3303 and ~~shall~~ represent total limits data. The information set forth
3304 in paragraphs (a)-(f) is applicable to voluntary private
3305 passenger and Joint Underwriting Association private passenger
3306 writings and must ~~shall~~ be reported for each of the latest 3

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3307 calendar-accident years, with an evaluation date of March 31 of
3308 the current year. The information set forth in paragraphs (g)-
3309 (j) is applicable to voluntary private passenger writings and
3310 must ~~shall~~ be reported on a calendar-accident year basis
3311 ultimately seven times at seven different stages of development.

3312 (a) Premiums earned for the latest 3 calendar-accident
3313 years.

3314 (b) Loss development factors and the historic development
3315 of those factors.

3316 (c) Policyholder dividends incurred.

3317 (d) Expenses for other acquisition and general expense.

3318 (e) Expenses for agents' commissions and taxes, licenses,
3319 and fees.

3320 (f) Profit and contingency factors as utilized in the
3321 insurer's automobile rate filings for the applicable years.

3322 (g) Losses paid.

3323 (h) Losses unpaid.

3324 (i) Loss adjustment expenses paid.

3325 (j) Loss adjustment expenses unpaid.

3326 Section 59. Subsections (2) and (3) of section 628.909,
3327 Florida Statutes, are amended to read:

3328 628.909 Applicability of other laws.—

3329 (2) The following provisions of the Florida Insurance Code
3330 apply to captive insurance companies that ~~who~~ are not industrial
3331 insured captive insurance companies to the extent that such
3332 provisions are not inconsistent with this part:

3333 (a) Chapter 624, except for ss. 624.407, 624.408, 624.4085,
3334 624.40851, 624.4095, 624.411, 624.425, and 624.426.

3335 (b) Chapter 625, part II.

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- 3336 (c) Chapter 626, part IX.
- 3337 (d) ~~Sections 627.730-627.7405, when no-fault coverage is~~
- 3338 ~~provided.~~
- 3339 ~~(e) Chapter 628.~~
- 3340 (3) The following provisions of the Florida Insurance Code
- 3341 ~~shall~~ apply to industrial insured captive insurance companies to
- 3342 the extent that such provisions are not inconsistent with this
- 3343 part:
- 3344 (a) Chapter 624, except for ss. 624.407, 624.408, 624.4085,
- 3345 624.40851, 624.4095, 624.411, 624.425, 624.426, and 624.609(1).
- 3346 (b) Chapter 625, part II, if the industrial insured captive
- 3347 insurance company is incorporated in this state.
- 3348 (c) Chapter 626, part IX.
- 3349 (d) ~~Sections 627.730-627.7405 when no-fault coverage is~~
- 3350 ~~provided.~~
- 3351 ~~(e) Chapter 628, except for ss. 628.341, 628.351, and~~
- 3352 ~~628.6018.~~
- 3353 Section 60. Subsections (2), (6), and (7) of section
- 3354 705.184, Florida Statutes, are amended to read:
- 3355 705.184 Derelict or abandoned motor vehicles on the
- 3356 premises of public-use airports.-
- 3357 (2) The airport director or the director's designee shall
- 3358 contact the Department of Highway Safety and Motor Vehicles to
- 3359 notify that department that the airport has possession of the
- 3360 abandoned or derelict motor vehicle and to determine the name
- 3361 and address of the owner of the motor vehicle, the insurance
- 3362 company insuring the motor vehicle, ~~notwithstanding the~~
- 3363 ~~provisions of s. 627.736,~~ and any person who has filed a lien on
- 3364 the motor vehicle. Within 7 business days after receipt of the

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3365 information, the director or the director's designee shall send
3366 notice by certified mail, return receipt requested, to the owner
3367 of the motor vehicle, the insurance company insuring the motor
3368 vehicle, ~~notwithstanding the provisions of s. 627.736,~~ and all
3369 persons of record claiming a lien against the motor vehicle. The
3370 notice must ~~shall~~ state the fact of possession of the motor
3371 vehicle, that charges for reasonable towing, storage, and
3372 parking fees, if any, have accrued and the amount thereof, that
3373 a lien as provided in subsection (6) will be claimed, that the
3374 lien is subject to enforcement pursuant to law, that the owner
3375 or lienholder, if any, has the right to a hearing as set forth
3376 in subsection (4), and that any motor vehicle which, at the end
3377 of 30 calendar days after receipt of the notice, has not been
3378 removed from the airport upon payment in full of all accrued
3379 charges for reasonable towing, storage, and parking fees, if
3380 any, may be disposed of as provided in s. 705.182(2)(a), (b),
3381 (d), or (e), including, but not limited to, the motor vehicle
3382 being sold free of all prior liens after 35 calendar days after
3383 the time the motor vehicle is stored if any prior liens on the
3384 motor vehicle are more than 5 years of age or after 50 calendar
3385 days after the time the motor vehicle is stored if any prior
3386 liens on the motor vehicle are 5 years of age or less.

3387 (6) The airport pursuant to this section or, if used, a
3388 licensed independent wrecker company pursuant to s. 713.78 shall
3389 have a lien on an abandoned or derelict motor vehicle for all
3390 reasonable towing, storage, and accrued parking fees, if any,
3391 except that no storage fee may ~~shall~~ be charged if the motor
3392 vehicle is stored less than 6 hours. As a prerequisite to
3393 perfecting a lien under this section, the airport director or

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3394 the director's designee must serve a notice in accordance with
 3395 subsection (2) on the owner of the motor vehicle, the insurance
 3396 company insuring the motor vehicle, ~~notwithstanding the~~
 3397 ~~provisions of s. 627.736,~~ and all persons of record claiming a
 3398 lien against the motor vehicle. If attempts to notify the owner,
 3399 the insurance company insuring the motor vehicle,
 3400 ~~notwithstanding the provisions of s. 627.736,~~ or lienholders are
 3401 not successful, the requirement of notice by mail shall be
 3402 considered met. Serving of the notice does not dispense with
 3403 recording the claim of lien.

3404 (7) (a) For the purpose of perfecting its lien under this
 3405 section, the airport shall record a claim of lien which states
 3406 ~~shall state:~~

3407 1. The name and address of the airport.

3408 2. The name of the owner of the motor vehicle, the
 3409 insurance company insuring the motor vehicle, ~~notwithstanding~~
 3410 ~~the provisions of s. 627.736,~~ and all persons of record claiming
 3411 a lien against the motor vehicle.

3412 3. The costs incurred from reasonable towing, storage, and
 3413 parking fees, if any.

3414 4. A description of the motor vehicle sufficient for
 3415 identification.

3416 (b) The claim of lien must ~~shall~~ be signed and sworn to or
 3417 affirmed by the airport director or the director's designee.

3418 (c) The claim of lien is ~~shall be~~ sufficient if it is in
 3419 substantially the following form:

3420

3421 CLAIM OF LIEN

3422 State of

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3423 County of

3424 Before me, the undersigned notary public, personally appeared

3425, who was duly sworn and says that he/she is the

3426 of, whose address is.....; and that the

3427 following described motor vehicle:

3428 ...(Description of motor vehicle)...

3429 owned by, whose address is, has accrued

3430 \$..... in fees for a reasonable tow, for storage, and for

3431 parking, if applicable; that the lienor served its notice to the

3432 owner, the insurance company insuring the motor vehicle

3433 ~~notwithstanding the provisions of s. 627.736, Florida Statutes,~~

3434 and all persons of record claiming a lien against the motor

3435 vehicle on, ...(year)...., by.....

3436 ...(Signature)...

3437 Sworn to (or affirmed) and subscribed before me this day of

3438, ...(year)...., by ...(name of person making statement)....

3439 ...(Signature of Notary Public)... ...(Print, Type, or Stamp

3440 Commissioned name of Notary Public)...

3441 Personally Known....OR Produced....as identification.

3442

3443 However, the negligent inclusion or omission of any information

3444 in this claim of lien which does not prejudice the owner does

3445 not constitute a default that operates to defeat an otherwise

3446 valid lien.

3447 (d) The claim of lien must ~~shall~~ be served on the owner of

3448 the motor vehicle, the insurance company insuring the motor

3449 vehicle, ~~notwithstanding the provisions of s. 627.736,~~ and all

3450 persons of record claiming a lien against the motor vehicle. If

3451 attempts to notify the owner, the insurance company insuring the

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3452 motor vehicle ~~notwithstanding the provisions of s. 627.736~~, or
3453 lienholders are not successful, the requirement of notice by
3454 mail is ~~shall be~~ considered met. The claim of lien must ~~shall~~ be
3455 so served before recordation.

3456 (e) The claim of lien must ~~shall~~ be recorded with the clerk
3457 of court in the county where the airport is located. The
3458 recording of the claim of lien shall be constructive notice to
3459 all persons of the contents and effect of such claim. The lien
3460 attaches ~~shall attach~~ at the time of recordation and takes ~~shall~~
3461 ~~take~~ priority as of that time.

3462 Section 61. Paragraphs (a), (b), and (c) of subsection (4)
3463 of section 713.78, Florida Statutes, are amended to read:

3464 713.78 Liens for recovering, towing, or storing vehicles
3465 and vessels.-

3466 (4) (a) A person regularly engaged in the business of
3467 recovering, towing, or storing vehicles or vessels who comes
3468 into possession of a vehicle or vessel pursuant to subsection
3469 (2), and who claims a lien for recovery, towing, or storage
3470 services, shall give notice, by certified mail, to the
3471 registered owner, the insurance company insuring the vehicle
3472 ~~notwithstanding s. 627.736~~, and all persons claiming a lien
3473 thereon, as disclosed by the records in the Department of
3474 Highway Safety and Motor Vehicles or as disclosed by the records
3475 of any corresponding agency in any other state in which the
3476 vehicle is identified through a records check of the National
3477 Motor Vehicle Title Information System or an equivalent
3478 commercially available system as being titled or registered.

3479 (b) Whenever a law enforcement agency authorizes the
3480 removal of a vehicle or vessel or whenever a towing service,

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3481 garage, repair shop, or automotive service, storage, or parking
3482 place notifies the law enforcement agency of possession of a
3483 vehicle or vessel pursuant to s. 715.07(2)(a)2., the law
3484 enforcement agency of the jurisdiction where the vehicle or
3485 vessel is stored shall contact the Department of Highway Safety
3486 and Motor Vehicles, or the appropriate agency of the state of
3487 registration, if known, within 24 hours through the medium of
3488 electronic communications, giving the full description of the
3489 vehicle or vessel. Upon receipt of the full description of the
3490 vehicle or vessel, the department shall search its files to
3491 determine the owner's name, the insurance company insuring the
3492 vehicle or vessel, and whether any person has filed a lien upon
3493 the vehicle or vessel as provided in s. 319.27(2) and (3) and
3494 notify the applicable law enforcement agency within 72 hours.
3495 The person in charge of the towing service, garage, repair shop,
3496 or automotive service, storage, or parking place shall obtain
3497 such information from the applicable law enforcement agency
3498 within 5 days after the date of storage and shall give notice
3499 pursuant to paragraph (a). The department may release the
3500 insurance company information to the requestor ~~notwithstanding~~
3501 ~~s. 627.736.~~

3502 (c) The notice of lien must be sent by certified mail to
3503 the registered owner, the insurance company insuring the vehicle
3504 ~~notwithstanding s. 627.736~~, and all other persons claiming a
3505 lien thereon within 7 business days, excluding Saturday and
3506 Sunday, after the date of storage of the vehicle or vessel.
3507 However, in no event shall the notice of lien be sent less than
3508 30 days before the sale of the vehicle or vessel. The notice
3509 must state:

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3510 1. If the claim of lien is for a vehicle, the last 8 digits
3511 of the vehicle identification number of the vehicle subject to
3512 the lien, or, if the claim of lien is for a vessel, the hull
3513 identification number of the vessel subject to the lien, clearly
3514 printed in the delivery address box and on the outside of the
3515 envelope sent to the registered owner and all other persons
3516 claiming an interest therein or lien thereon.

3517 2. The name, physical address, and telephone number of the
3518 lienor, and the entity name, as registered with the Division of
3519 Corporations, of the business where the towing and storage
3520 occurred, which must also appear on the outside of the envelope
3521 sent to the registered owner and all other persons claiming an
3522 interest in or lien on the vehicle or vessel.

3523 3. The fact of possession of the vehicle or vessel.

3524 4. The name of the person or entity that authorized the
3525 lienor to take possession of the vehicle or vessel.

3526 5. That a lien as provided in subsection (2) is claimed.

3527 6. That charges have accrued and include an itemized
3528 statement of the amount thereof.

3529 7. That the lien is subject to enforcement under law and
3530 that the owner or lienholder, if any, has the right to a hearing
3531 as set forth in subsection (5).

3532 8. That any vehicle or vessel that remains unclaimed, or
3533 for which the charges for recovery, towing, or storage services
3534 remain unpaid, may be sold free of all prior liens 35 days after
3535 the vehicle or vessel is stored by the lienor if the vehicle or
3536 vessel is more than 3 years of age or 50 days after the vehicle
3537 or vessel is stored by the lienor if the vehicle or vessel is 3
3538 years of age or less.

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3539 9. The address at which the vehicle or vessel is physically
3540 located.

3541 Section 62. Section 768.852, Florida Statutes, is created
3542 to read:

3543 768.852 Setoff on damages as a result of a motor vehicle
3544 crash while uninsured.—

3545 (1) Except as provided in subsection (2), for any award of
3546 noneconomic damages, a defendant is entitled to a setoff equal
3547 to \$10,000 if a person suffers injury while operating a motor
3548 vehicle as defined in s. 324.022(2) which lacked the coverage
3549 required by s. 324.022(1) and the person was not in compliance
3550 with s. 324.022(1) for more than 30 days immediately preceding
3551 the crash.

3552 (2) The setoff on noneconomic damages in subsection (1)
3553 does not apply if the person who is liable for the injury:

3554 (a) Was driving while under the influence of an alcoholic
3555 beverage, an inhalant, or a controlled substance;

3556 (b) Acted intentionally, recklessly, or with gross
3557 negligence;

3558 (c) Fled from the scene of the crash; or

3559 (d) Was acting in furtherance of an offense or in immediate
3560 flight from an offense that constituted a felony at the time of
3561 the crash.

3562 (3) This section does not apply to any wrongful death
3563 claim.

3564 Section 63. Paragraph (a) of subsection (1), paragraph (c)
3565 of subsection (7), paragraphs (a), (b), and (c) of subsection
3566 (8), and subsections (9) and (10) of section 817.234, Florida
3567 Statutes, are amended to read:

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3568 817.234 False and fraudulent insurance claims.—

3569 (1) (a) A person commits insurance fraud punishable as
3570 provided in subsection (11) if that person, with the intent to
3571 injure, defraud, or deceive any insurer:

3572 1. Presents or causes to be presented any written or oral
3573 statement as part of, or in support of, a claim for payment or
3574 other benefit pursuant to an insurance policy or a health
3575 maintenance organization subscriber or provider contract,
3576 knowing that such statement contains ~~any~~ false, incomplete, or
3577 misleading information concerning any fact or thing material to
3578 such claim;

3579 2. Prepares or makes any written or oral statement that is
3580 intended to be presented to an ~~any~~ insurer in connection with,
3581 or in support of, any claim for payment or other benefit
3582 pursuant to an insurance policy or a health maintenance
3583 organization subscriber or provider contract, knowing that such
3584 statement contains ~~any~~ false, incomplete, or misleading
3585 information concerning any fact or thing material to such claim;

3586 3.a. Knowingly presents, causes to be presented, or
3587 prepares or makes with knowledge or belief that it will be
3588 presented to an ~~any~~ insurer, purported insurer, servicing
3589 corporation, insurance broker, or insurance agent, or any
3590 employee or agent thereof, ~~any~~ false, incomplete, or misleading
3591 information or a written or oral statement as part of, or in
3592 support of, an application for the issuance of, or the rating
3593 of, any insurance policy, or a health maintenance organization
3594 subscriber or provider contract; or

3595 b. Knowingly conceals information concerning any fact
3596 material to such application; or

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3597 4. Knowingly presents, causes to be presented, or prepares
3598 or makes with knowledge or belief that it will be presented to
3599 any insurer a claim for payment or other benefit under medical
3600 payments coverage in a motor vehicle ~~a personal injury~~
3601 ~~protection~~ insurance policy if the person knows that the payee
3602 knowingly submitted a false, misleading, or fraudulent
3603 application or other document when applying for licensure as a
3604 health care clinic, seeking an exemption from licensure as a
3605 health care clinic, or demonstrating compliance with part X of
3606 chapter 400.

3607 (7)

3608 ~~(c) An insurer, or any person acting at the direction of or~~
3609 ~~on behalf of an insurer, may not change an opinion in a mental~~
3610 ~~or physical report prepared under s. 627.736(7) or direct the~~
3611 ~~physician preparing the report to change such opinion; however,~~
3612 ~~this provision does not preclude the insurer from calling to the~~
3613 ~~attention of the physician errors of fact in the report based~~
3614 ~~upon information in the claim file. Any person who violates this~~
3615 ~~paragraph commits a felony of the third degree, punishable as~~
3616 ~~provided in s. 775.082, s. 775.083, or s. 775.084.~~

3617 (8) (a) It is unlawful for any person intending to defraud
3618 any other person to solicit or cause to be solicited any
3619 business from a person involved in a motor vehicle accident for
3620 the purpose of making, adjusting, or settling motor vehicle tort
3621 claims or claims for benefits under medical payments coverage in
3622 a motor vehicle insurance policy ~~personal injury protection~~
3623 ~~benefits required by s. 627.736. Any person who violates the~~
3624 ~~provisions of this paragraph commits a felony of the second~~
3625 ~~degree, punishable as provided in s. 775.082, s. 775.083, or s.~~

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3626 775.084. A person who is convicted of a violation of this
3627 subsection shall be sentenced to a minimum term of imprisonment
3628 of 2 years.

3629 (b) A person may not solicit or cause to be solicited any
3630 business from a person involved in a motor vehicle accident by
3631 any means of communication other than advertising directed to
3632 the public for the purpose of making motor vehicle tort claims
3633 or claims for benefits under medical payments coverage in a
3634 motor vehicle insurance policy ~~personal injury protection~~
3635 ~~benefits required by s. 627.736,~~ within 60 days after the
3636 occurrence of the motor vehicle accident. Any person who
3637 violates this paragraph commits a felony of the third degree,
3638 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

3639 (c) A lawyer, health care practitioner as defined in s.
3640 456.001, or owner or medical director of a clinic required to be
3641 licensed pursuant to s. 400.9905 may not, at any time after 60
3642 days have elapsed from the occurrence of a motor vehicle
3643 accident, solicit or cause to be solicited any business from a
3644 person involved in a motor vehicle accident by means of in
3645 person or telephone contact at the person's residence, for the
3646 purpose of making motor vehicle tort claims or claims for
3647 benefits under medical payments coverage in a motor vehicle
3648 insurance policy ~~personal injury protection benefits required by~~
3649 ~~s. 627.736.~~ Any person who violates this paragraph commits a
3650 felony of the third degree, punishable as provided in s.
3651 775.082, s. 775.083, or s. 775.084.

3652 (9) A person may not organize, plan, or knowingly
3653 participate in an intentional motor vehicle crash or a scheme to
3654 create documentation of a motor vehicle crash that did not occur

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3655 for the purpose of making motor vehicle tort claims or claims
3656 for benefits under medical payments coverage in a motor vehicle
3657 insurance policy ~~personal injury protection benefits as required~~
3658 ~~by s. 627.736~~. Any person who violates this subsection commits a
3659 felony of the second degree, punishable as provided in s.
3660 775.082, s. 775.083, or s. 775.084. A person who is convicted of
3661 a violation of this subsection shall be sentenced to a minimum
3662 term of imprisonment of 2 years.

3663 (10) A licensed health care practitioner who is found
3664 guilty of insurance fraud under this section for an act relating
3665 to a motor vehicle ~~personal injury protection~~ insurance policy
3666 loses his or her license to practice for 5 years and may not
3667 receive reimbursement under medical payments coverage in a motor
3668 vehicle insurance policy ~~for personal injury protection benefits~~
3669 for 10 years.

3670 Section 64. For the 2022-2023 fiscal year, the sum of
3671 \$83,651 in nonrecurring funds is appropriated from the Insurance
3672 Regulatory Trust Fund to the Office of Insurance Regulation for
3673 the purpose of implementing this act. This section shall take
3674 effect July 1, 2022.

3675 Section 65. Except as otherwise expressly provided in this
3676 act and except for this section, which shall take effect upon
3677 this act becoming a law, this act shall take effect July 1,
3678 2023.