

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., relating to the Florida
6 Motor Vehicle No-Fault Law; repealing s. 627.7407,
7 F.S., relating to application of the Florida Motor
8 Vehicle No-Fault Law; amending s. 316.2122, F.S.;
9 conforming a provision to changes made by the act;
10 amending s. 316.646, F.S.; revising a requirement for
11 proof of security on a motor vehicle and the
12 applicability of the requirement; amending s. 318.18,
13 F.S.; conforming a provision to changes made by the
14 act; amending s. 320.02, F.S.; revising the motor
15 vehicle insurance coverages that an applicant must
16 show to register certain vehicles with the Department
17 of Highway Safety and Motor Vehicles; conforming a
18 provision to changes made by the act; revising
19 construction; amending s. 320.0609, F.S.; conforming a
20 provision to changes made by the act; amending s.
21 320.27, F.S.; defining the term "garage liability
22 insurance"; revising garage liability insurance
23 requirements for motor vehicle dealer license
24 applicants; conforming a provision to changes made by
25 the act; amending s. 320.771, F.S.; revising garage

26 liability insurance requirements for recreational
27 vehicle dealer license applicants; amending ss.
28 322.251 and 322.34, F.S.; conforming provisions to
29 changes made by the act; amending s. 324.011, F.S.;
30 revising legislative intent; amending s. 324.021,
31 F.S.; revising and providing definitions; revising
32 minimum coverage requirements for proof of financial
33 responsibility for specified motor vehicles;
34 conforming provisions to changes made by the act;
35 amending s. 324.022, F.S.; revising minimum liability
36 coverage requirements for motor vehicle owners or
37 operators; revising authorized methods for meeting
38 such requirements; deleting a provision relating to an
39 insurer's duty to defend certain claims; revising the
40 vehicles that are excluded from the definition of the
41 term "motor vehicle"; providing security requirements
42 for certain excluded vehicles; conforming provisions
43 to changes made by the act; amending s. 324.0221,
44 F.S.; revising coverages that subject a policy to
45 certain insurer reporting and notice requirements;
46 conforming provisions to changes made by the act;
47 creating s. 324.0222, F.S.; providing that driver
48 license or motor vehicle registration suspensions for
49 failure to maintain required security which are in
50 effect before a specified date remain in full force

51 and effect; providing that such suspended licenses or
52 registrations may be reinstated as provided in a
53 specified section; amending s. 324.023, F.S.;
54 conforming cross-references; amending s. 324.031,
55 F.S.; specifying a method of proving financial
56 responsibility by owners or operators of motor
57 vehicles other than for-hire passenger transportation
58 vehicles; revising the amount of a certificate of
59 deposit required to elect a certain method of proof of
60 financial responsibility; revising liability coverage
61 requirements for a person electing to use such method;
62 amending s. 324.032, F.S.; revising financial
63 responsibility requirements for owners or lessees of
64 for-hire passenger transportation vehicles; amending
65 s. 324.051, F.S.; making technical changes; specifying
66 that motor vehicles include motorcycles for purposes
67 of the section; amending ss. 324.071 and 324.091,
68 F.S.; making technical changes; amending s. 324.151,
69 F.S.; revising requirements for motor vehicle
70 liability insurance policies relating to coverage, and
71 exclusion from coverage, for certain drivers and
72 vehicles; conforming provisions to changes made by the
73 act; making technical changes; defining terms;
74 amending s. 324.161, F.S.; revising requirements for a
75 certificate of deposit that is required if a person

76 elects a certain method of proving financial
77 responsibility; amending s. 324.171, F.S.; revising
78 the minimum net worth requirements to qualify certain
79 persons as self-insurers; conforming provisions to
80 changes made by the act; amending s. 324.251, F.S.;
81 revising a short title and an effective date; amending
82 s. 400.9905, F.S.; revising the definition of the term
83 "clinic"; amending ss. 400.991 and 400.9935, F.S.;
84 conforming provisions to changes made by the act;
85 amending s. 409.901, F.S.; revising the definition of
86 the term "third-party benefit"; amending s. 409.910,
87 F.S.; revising the definition of the term "medical
88 coverage"; amending s. 456.057, F.S.; conforming a
89 provision to changes made by the act; amending s.
90 456.072, F.S.; revising specified grounds for
91 discipline for certain health professions; defining
92 the term "upcode"; amending s. 624.155, F.S.;
93 providing an exception to the circumstances under
94 which a person who is damaged may bring a civil action
95 against an insurer; adding a cause of action against
96 insurers in certain circumstances; providing that a
97 person is not entitled to judgments under multiple bad
98 faith remedies; creating s. 624.156, F.S.; providing
99 that the section applies to bad faith failure to
100 settle third-party claim actions against any insurer

101 for a loss arising out of the ownership, maintenance,
102 or use of a motor vehicle under specified
103 circumstances; providing construction; providing that
104 insurers have a duty of good faith; providing
105 construction; defining the term "bad faith failure to
106 settle"; requiring insurers to meet best practices
107 standards; providing circumstances under which a
108 notice is not effective; providing that the burden is
109 on the party bringing the bad faith claim; specifying
110 best practices standards for insurers upon receiving
111 actual notice of certain incidents or losses;
112 specifying certain requirements for insurer
113 communications to an insured; requiring an insurer to
114 initiate settlement negotiations under certain
115 circumstances; specifying requirements for the insurer
116 when multiple claims arise out of a single occurrence
117 under certain conditions; providing construction;
118 requiring an insurer to attempt to settle a claim on
119 behalf of certain insureds under certain
120 circumstances; providing for a defense to bad faith
121 actions; providing that insureds have a duty to
122 cooperate; requiring an insured to take certain
123 reasonable actions necessary to settle covered claims;
124 providing requirements for disclosures by insureds;
125 requiring insurers to provide certain notice to

126 insureds within a specified timeframe; providing that
127 insurers may terminate certain defenses under certain
128 circumstances; providing that a trier of fact may not
129 attribute an insurer's failure to settle certain
130 claims to specified causes under certain
131 circumstances; specifying conditions precedent for
132 claimants filing bad faith failure to settle third-
133 party claim actions; providing that an insurer is
134 entitled to a reasonable opportunity to investigate
135 and evaluate claims under certain circumstances;
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;
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
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;
 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; amending s. 627.749, F.S.; conforming a
 231 provision to changes made by the act; amending s.
 232 627.8405, F.S.; revising coverages in a policy sold in
 233 combination with an accidental death and dismemberment
 234 policy which a premium finance company may not
 235 finance; revising rulemaking authority of the
 236 Financial Services Commission; amending ss. 627.915,
 237 628.909, 705.184, and 713.78, F.S.; conforming
 238 provisions to changes made by the act; amending s.
 239 817.234, F.S.; revising coverages that are the basis
 240 of specified prohibited false and fraudulent insurance
 241 claims; conforming provisions to changes made by the
 242 act; deleting provisions relating to prohibited
 243 changes in certain mental or physical reports;
 244 providing an appropriation; providing effective dates.

245

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

247

248 Section 1. Sections 627.730, 627.731, 627.7311, 627.732,
 249 627.733, 627.734, 627.736, 627.737, 627.739, 627.7401, 627.7403,
 250 and 627.7405, Florida Statutes, are repealed.

251 Section 2. Section 627.7407, Florida Statutes, is
 252 repealed.

253 Section 3. Paragraph (e) of subsection (2) of section
 254 316.2122, Florida Statutes, is amended to read:

255 316.2122 Operation of a low-speed vehicle, mini truck, or
 256 low-speed autonomous delivery vehicle on certain roadways.—

257 (2) The operation of a low-speed autonomous delivery
 258 vehicle on any road is authorized with the following
 259 restrictions:

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

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

269 316.646 Security required; proof of security and display
 270 thereof.—

271 (1) Any person required by s. 324.022 to maintain
 272 liability security for property damage, ~~liability security~~,
 273 ~~required by s. 324.023 to maintain liability security for bodily~~
 274 ~~injury, or death, or required by s. 627.733 to maintain personal~~
 275 ~~injury protection security on a motor vehicle~~ shall have in his

276 or her immediate possession at all times while operating a ~~such~~
 277 motor vehicle proper proof of maintenance of the ~~required~~
 278 security required under s. 324.021(7).

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

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

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

291 Section 5. Paragraph (b) of subsection (2) of section
 292 318.18, Florida Statutes, is amended to read:

293 318.18 Amount of penalties.—The penalties required for a
 294 noncriminal disposition pursuant to s. 318.14 or a criminal
 295 offense listed in s. 318.17 are as follows:

296 (2) Thirty dollars for all nonmoving traffic violations
 297 and:

298 (b) For all violations of ss. 320.0605, 320.07(1),
 299 322.065, and 322.15(1). A ~~Any~~ person who is cited for a
 300 violation of s. 320.07(1) shall be charged a delinquent fee

301 pursuant to s. 320.07(4).

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

315 2. If a person who is cited for a violation of s. 322.03,
316 s. 322.065, or s. 322.15 can show a driver license issued to him
317 or her and valid at the time of arrest, the clerk of the court
318 may dismiss the case and may assess a dismissal fee of up to
319 \$10, from which the clerk shall remit \$2.50 to the Department of
320 Revenue for deposit into the General Revenue Fund.

321 3. If a person who is cited for a violation of s. 316.646
322 can show proof of security as required by s. 324.021(7) ~~s.~~
323 ~~627.733~~, issued to the person and valid at the time of arrest,
324 the clerk of the court may dismiss the case and may assess a
325 dismissal fee of up to \$10, from which the clerk shall remit

326 \$2.50 to the Department of Revenue for deposit into the General
 327 Revenue Fund. A person who finds it impossible or impractical to
 328 obtain proof of security must submit an affidavit detailing the
 329 reasons for the impracticality. The reasons may include, but are
 330 not limited to, the fact that the vehicle has since been sold,
 331 stolen, or destroyed; ~~that the owner or registrant of the~~
 332 ~~vehicle is not required by s. 627.733 to maintain personal-~~
 333 ~~injury protection insurance;~~ or that the vehicle is owned by
 334 another person.

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

337 320.02 Registration required; application for
 338 registration; forms.—

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

351 ~~refuse to~~ issue registration if such proof of purchase is not
 352 provided. Insurers shall furnish uniform proof-of-purchase cards
 353 in a paper or electronic format in a form prescribed by the
 354 department and include the name of the insured's insurance
 355 company, the coverage identification number, and the make, year,
 356 and vehicle identification number of the vehicle insured. The
 357 card must contain a statement notifying the applicant of the
 358 penalty specified under s. 316.646(4). The card or insurance
 359 policy, insurance policy binder, or certificate of insurance or
 360 a photocopy of any of these; an affidavit containing the name of
 361 the insured's insurance company, the insured's policy number,
 362 and the make and year of the vehicle insured; or such other
 363 proof as may be prescribed by the department constitutes ~~shall~~
 364 ~~constitute~~ sufficient proof of purchase. If an affidavit is
 365 provided as proof, it must be in substantially the following
 366 form:

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

375

376 Such affidavit must include the following warning:

377
 378 WARNING: GIVING FALSE INFORMATION IN ORDER TO OBTAIN A VEHICLE
 379 REGISTRATION CERTIFICATE IS A CRIMINAL OFFENSE UNDER FLORIDA
 380 LAW. ANYONE GIVING FALSE INFORMATION ON THIS AFFIDAVIT IS
 381 SUBJECT TO PROSECUTION.

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

395 (d) The verifying of ~~proof of personal injury protection~~
 396 ~~insurance, proof of property damage liability insurance, proof~~
 397 ~~of combined bodily liability insurance and property damage~~
 398 ~~liability insurance, or proof of financial responsibility~~
 399 ~~insurance~~ and the issuance or failure to issue the motor vehicle
 400 registration under ~~the provisions of~~ this chapter may not be

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

415 Section 7. Paragraph (b) of subsection (1) of section
 416 320.0609, Florida Statutes, is amended to read:

417 320.0609 Transfer and exchange of registration license
 418 plates; transfer fee.—

419 (1)

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

425 Section 8. Subsection (3) of section 320.27, Florida

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426 Statutes, is amended, and paragraph (g) is added to subsection
427 (1) of that section, to read:

428 320.27 Motor vehicle dealers.—

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

433 (g) "Garage liability insurance" means, beginning July 1,
434 2024, combined single-limit liability coverage, including
435 property damage and bodily injury liability coverage, in the
436 amount of at least \$60,000.

437 (3) APPLICATION AND FEE.—~~The application for the license~~
438 application must shall be in such form as may be prescribed by
439 the department and is shall be subject to such rules with
440 respect thereto as may be so prescribed by the department it.
441 Such application must shall be verified by oath or affirmation
442 and must shall contain a full statement of the name and birth
443 date of the person or persons applying for the license therefor;
444 the name of the firm or copartnership, with the names and places
445 of residence of all members ~~thereof~~, if such applicant is a firm
446 or copartnership; the names and places of residence of the
447 principal officers, if the applicant is a body corporate or
448 other artificial body; the name of the state under whose laws
449 the corporation is organized; the present and former place or
450 places of residence of the applicant; and the prior business in

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451 | which the applicant has been engaged and its ~~the~~ location
452 | ~~thereof~~. ~~The~~ ~~Such~~ application must ~~shall~~ describe the exact
453 | location of the place of business and must ~~shall~~ state whether
454 | the place of business is owned by the applicant and when
455 | acquired, or, if leased, a true copy of the lease must ~~shall~~ be
456 | attached to the application. The applicant shall certify that
457 | the location provides an adequately equipped office and is not a
458 | residence; that the location affords sufficient unoccupied space
459 | upon and within which adequately to store all motor vehicles
460 | offered and displayed for sale; and that the location is a
461 | suitable place where the applicant can in good faith carry on
462 | such business and keep and maintain books, records, and files
463 | necessary to conduct such business, which must ~~shall~~ be
464 | available at all reasonable hours to inspection by the
465 | department or any of its inspectors or other employees. The
466 | applicant shall certify that the business of a motor vehicle
467 | dealer is the principal business that will ~~which shall~~ be
468 | conducted at that location. The application must ~~shall~~ contain a
469 | statement that the applicant is either franchised by a
470 | manufacturer of motor vehicles, in which case the name of each
471 | motor vehicle that the applicant is franchised to sell must
472 | ~~shall~~ be included, or an independent (nonfranchised) motor
473 | vehicle dealer. The application must ~~shall~~ contain other
474 | relevant information as may be required by the department. The
475 | applicant shall furnish, including evidence, in a form approved

476 by the department, that the applicant is insured under a garage
477 liability insurance policy or a general liability insurance
478 policy coupled with a business automobile policy having the
479 coverages and limits of garage liability insurance coverage in
480 accordance with paragraph (1)(g), ~~which shall include, at a~~
481 ~~minimum, \$25,000 combined single-limit liability coverage~~
482 ~~including bodily injury and property damage protection and~~
483 ~~\$10,000 personal injury protection.~~ However, a salvage motor
484 vehicle dealer as defined in subparagraph (1)(c)5. is exempt
485 from the requirements for garage liability insurance ~~and~~
486 ~~personal injury protection insurance~~ on those vehicles that
487 cannot be legally operated on roads, highways, or streets in
488 this state. Franchise dealers must submit a garage liability
489 insurance policy, and all other dealers must submit a garage
490 liability insurance policy or a general liability insurance
491 policy coupled with a business automobile policy. Such policy
492 must ~~shall~~ be for the license period, and evidence of a new or
493 continued policy must ~~shall~~ be delivered to the department at
494 the beginning of each license period. A licensee shall deliver
495 to the department, in the manner prescribed by the department,
496 within 10 calendar days after any renewal or continuation of or
497 change in such policy or within 10 calendar days after any
498 issuance of a new policy, a copy of the renewed, continued,
499 changed, or new policy. Upon making an initial application, the
500 applicant shall pay to the department a fee of \$300 in addition

501 to any other fees required by law. Applicants may choose to
502 extend the licensure period for 1 additional year for a total of
503 2 years. An initial applicant shall pay to the department a fee
504 of \$300 for the first year and \$75 for the second year, in
505 addition to any other fees required by law. An applicant for
506 renewal shall pay to the department \$75 for a 1-year renewal or
507 \$150 for a 2-year renewal, in addition to any other fees
508 required by law. Upon making an application for a change of
509 location, the applicant ~~person~~ shall pay a fee of \$50 in
510 addition to any other fees now required by law. The department
511 shall, in the case of every application for initial licensure,
512 verify whether certain facts set forth in the application are
513 true. Each applicant, general partner in the case of a
514 partnership, or corporate officer and director in the case of a
515 corporate applicant shall, ~~must~~ file a set of fingerprints with
516 the department for the purpose of determining any prior criminal
517 record or any outstanding warrants. The department shall submit
518 the fingerprints to the Department of Law Enforcement for state
519 processing and forwarding to the Federal Bureau of Investigation
520 for federal processing. The actual cost of state and federal
521 processing must ~~shall~~ be borne by the applicant and is in
522 addition to the fee for licensure. The department may issue a
523 license to an applicant pending the results of the fingerprint
524 investigation, which license is fully revocable if the
525 department subsequently determines that any facts set forth in

526 | the application are not true or correctly represented.

527 | Section 9. Paragraph (j) of subsection (3) of section
 528 | 320.771, Florida Statutes, is amended to read:

529 | 320.771 License required of recreational vehicle dealers.—

530 | (3) APPLICATION.—The application for such license shall be
 531 | in the form prescribed by the department and subject to such
 532 | rules as may be prescribed by it. The application shall be
 533 | verified by oath or affirmation and shall contain:

534 | (j) Evidence that the applicant is insured under a garage
 535 | liability insurance policy in accordance with s. 320.27(1)(g),
 536 | ~~which shall include, at a minimum, \$25,000 combined single-limit~~
 537 | ~~liability coverage, including bodily injury and property damage~~
 538 | ~~protection, and \$10,000 personal injury protection,~~ if the
 539 | applicant is to be licensed as a dealer in, or intends to sell,
 540 | recreational vehicles. Such policy must be for the license
 541 | period. Within 10 calendar days after any renewal or
 542 | continuation of or material change in such policy or issuance of
 543 | a new policy, the licensee shall deliver to the department, in a
 544 | manner prescribed by the department, a copy of such renewed,
 545 | continued, changed, or new policy. However, a garage liability
 546 | policy is not required for the licensure of a mobile home dealer
 547 | who sells only park trailers.

548 |
 549 | The department shall, if it deems necessary, cause an
 550 | investigation to be made to ascertain if the facts set forth in

551 the application are true and shall not issue a license to the
 552 applicant until it is satisfied that the facts set forth in the
 553 application are true.

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

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

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

571 (2) The giving of notice and an order of cancellation,
 572 suspension, revocation, or disqualification by mail is complete
 573 upon expiration of 20 days after deposit in the United States
 574 mail for all notices except those issued under chapter 324 ~~or~~
 575 ~~ss. 627.732–627.734~~, which are complete 15 days after deposit in

576 the United States mail. Proof of the giving of notice and an
577 order of cancellation, suspension, revocation, or
578 disqualification in either manner must ~~shall~~ be made by entry in
579 the records of the department that such notice was given. The
580 entry is admissible in the courts of this state and constitutes
581 sufficient proof that such notice was given.

582 Section 11. Paragraph (a) of subsection (8) of section
583 322.34, Florida Statutes, is amended to read:

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

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

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

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

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

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

601 of the vehicle.

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

604 324.011 Legislative intent; purpose of chapter.—

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

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

612 (b) Promote safety. and

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

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

626 vehicle in this state ~~his or her future exercise of such~~
627 ~~privileges.~~

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

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

636 (1) MOTOR VEHICLE.—Every self-propelled vehicle that is
637 designed and required to be licensed for use upon a highway,
638 including trailers and semitrailers designed for use with such
639 vehicles, except traction engines, road rollers, farm tractors,
640 power shovels, and well drillers, and every vehicle that is
641 propelled by electric power obtained from overhead wires but not
642 operated upon rails, but not including any personal delivery
643 device or mobile carrier as defined in s. 316.003, bicycle,
644 electric bicycle, or moped. ~~However, the term "motor vehicle"~~
645 ~~does not include a motor vehicle as defined in s. 627.732(3)~~
646 ~~when the owner of such vehicle has complied with the~~
647 ~~requirements of ss. 627.730-627.7405, inclusive, unless the~~
648 ~~provisions of s. 324.051 apply; and, in such case, the~~
649 ~~applicable proof of insurance provisions of s. 320.02 apply.~~

650 (7) PROOF OF FINANCIAL RESPONSIBILITY.—Beginning July 1,

651 2024, ~~That~~ proof of ability to respond in damages for liability
 652 on account of crashes arising out of the ownership, maintenance,
 653 or use of a motor vehicle:

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

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

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

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

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

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

671 (9) OWNER; OWNER/LESSOR.—

672 (c) Application.—

673 1. The limits on liability in subparagraphs (b)2. and 3.
 674 do not apply to an owner of motor vehicles that are used for
 675 commercial activity in the owner's ordinary course of business,

676 other than a rental company that rents or leases motor vehicles.
677 For purposes of this paragraph, the term "rental company"
678 includes only an entity that is engaged in the business of
679 renting or leasing motor vehicles to the general public and that
680 rents or leases a majority of its motor vehicles to persons with
681 no direct or indirect affiliation with the rental company. The
682 term "rental company" also includes:

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

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

694 2. Furthermore, with respect to commercial motor vehicles
695 as defined in s. 207.002 or s. 320.01(25) ~~s. 627.732~~, the limits
696 on liability in subparagraphs (b)2. and 3. do not apply if, at
697 the time of the incident, the commercial motor vehicle is being
698 used in the transportation of materials found to be hazardous
699 for the purposes of the Hazardous Materials Transportation
700 Authorization Act of 1994, as amended, 49 U.S.C. ss. 5101 et

701 seq., and that is required pursuant to such act to carry
 702 placards warning others of the hazardous cargo, unless at the
 703 time of lease or rental either:

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

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

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

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

748 c. For purposes of this subparagraph, the term "service
749 customer" does not include an agent or a principal of a motor
750 vehicle dealer or a motor vehicle dealer's leasing or rental

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751 affiliate, and does not include an employee of a motor vehicle
752 dealer or a motor vehicle dealer's leasing or rental affiliate
753 unless the employee was provided a temporary replacement
754 vehicle:

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

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

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

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

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

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

770 (1) (a) Beginning July 1, 2024, every owner or operator of
771 a motor vehicle required to be registered in this state shall
772 establish and continuously maintain the ability to respond in
773 damages for liability on account of accidents arising out of the
774 use of the motor vehicle in the amount of:

775 1. Twenty-five thousand dollars for bodily injury to, or

776 the death of, one person in any one crash and, subject to such
777 limits for one person, in the amount of \$50,000 for bodily
778 injury to, or the death of, two or more persons in any one
779 crash; and

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

782 (b) The requirements of paragraph (a) ~~this section~~ may be
783 met by one of the methods established in s. 324.031; by self-
784 insuring as authorized by s. 768.28(16); or by maintaining a
785 motor vehicle liability insurance policy that an insurance
786 ~~policy providing coverage for property damage liability in the~~
787 ~~amount of at least \$10,000 because of damage to, or destruction~~
788 ~~of, property of others in any one accident arising out of the~~
789 ~~use of the motor vehicle. The requirements of this section may~~
790 ~~also be met by having a policy which provides~~ combined property
791 damage liability and bodily injury liability coverage for any
792 one crash arising out of the ownership, maintenance, or use of a
793 motor vehicle and that conforms to the requirements of s.
794 324.151 in the amount of at least \$60,000 for every owner or
795 operator subject to the financial responsibility required in
796 paragraph (a) ~~\$30,000 for combined property damage liability and~~
797 ~~bodily injury liability for any one crash arising out of the use~~
798 ~~of the motor vehicle. The policy, with respect to coverage for~~
799 ~~property damage liability, must meet the applicable requirements~~
800 ~~of s. 324.151, subject to the usual policy exclusions that have~~

801 ~~been approved in policy forms by the Office of Insurance~~
 802 ~~Regulation. No insurer shall have any duty to defend uncovered~~
 803 ~~claims irrespective of their joinder with covered claims.~~

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

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

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

811 2. A motor vehicle that is used in mass transit and
 812 designed to transport more than five passengers, exclusive of
 813 the operator of the motor vehicle, and that is owned by a
 814 municipality, transit authority, or political subdivision of the
 815 state.

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

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

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

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

826 324.032 ~~s. 324.032(1)~~.

827 ~~7.5.~~ A personal delivery device as defined in s. 316.003,
828 which must maintain security as required under s. 316.2071(4).

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

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

840 (4) An ~~The~~ owner or registrant of a motor vehicle who is
841 ~~exempt from the requirements of this section if she or he is a~~
842 member of the United States Armed Forces and is called to or on
843 active duty outside the United States in an emergency situation
844 is exempt from this section while he or she. ~~The exemption~~
845 ~~provided by this subsection applies only as long as the member~~
846 ~~of the Armed Forces is on such active duty.~~ This exemption
847 ~~outside the United States and applies only while the vehicle~~
848 covered by the security is not operated by any person. Upon
849 receipt of a written request by the insured to whom the
850 exemption provided in this subsection applies, the insurer shall

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851 cancel the coverages and return any unearned premium or suspend
 852 the security required by this section. Notwithstanding s.
 853 324.0221(2) ~~s. 324.0221(3)~~, the department may not suspend the
 854 registration or operator's license of an ~~any~~ owner or registrant
 855 of a motor vehicle during the time she or he qualifies for the
 856 ~~an~~ exemption under this subsection. An ~~Any~~ owner or registrant
 857 of a motor vehicle who qualifies for the ~~an~~ exemption under this
 858 subsection shall immediately notify the department before ~~prior~~
 859 ~~to~~ and at the end of the expiration of the exemption.

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

862 324.0221 Reports by insurers to the department; suspension
 863 of driver license and vehicle registrations; reinstatement.—

864 (1)(a) Each insurer that has issued a policy providing
 865 ~~personal injury protection coverage or property damage~~ liability
 866 coverage shall report the cancellation or nonrenewal thereof to
 867 the department within 10 days after the processing date or
 868 effective date of each cancellation or nonrenewal. Upon the
 869 issuance of a policy providing ~~personal injury protection~~
 870 ~~coverage or property damage~~ liability coverage to a named
 871 insured not previously insured by the insurer during that
 872 calendar year, the insurer shall report the issuance of the new
 873 policy to the department within 10 days. The report must ~~shall~~
 874 be in the form ~~and format~~ and contain any information required
 875 by the department and must be provided in a format that is

876 compatible with the data processing capabilities of the
 877 department. Failure by an insurer to file proper reports with
 878 the department as required by this subsection constitutes a
 879 violation of the Florida Insurance Code. These records may ~~shall~~
 880 be used by the department only for enforcement and regulatory
 881 purposes, including the generation by the department of data
 882 regarding compliance by owners of motor vehicles with the
 883 requirements for financial responsibility coverage.

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

898 (2) The department shall suspend, after due notice and an
 899 opportunity to be heard, the registration and driver license of
 900 any owner or registrant of a motor vehicle for ~~with respect to~~

901 which security is required under s. 324.022, s. 324.023, s.
 902 324.032, s. 627.7415, or s. 627.742 ~~ss. 324.022 and 627.733~~
 903 upon:

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

909 (b) Notification by the insurer to the department, in a
 910 form approved by the department, of cancellation or termination
 911 of the required security.

912 Section 16. Section 324.0222, Florida Statutes, is created
 913 to read:

914 324.0222 Application of driver license and registration
 915 suspensions for failure to maintain security; reinstatement.—All
 916 suspensions of driver licenses or motor vehicle registrations
 917 for failure to maintain security as required by law in effect
 918 before July 1, 2024, remain in full force and effect after July
 919 1, 2024. A driver may reinstate a suspended driver license or
 920 registration as provided under s. 324.0221.

921 Section 17. Section 324.023, Florida Statutes, is amended
 922 to read:

923 324.023 Financial responsibility for bodily injury or
 924 death.—In addition to any other financial responsibility
 925 required by law, every owner or operator of a motor vehicle that

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926 is required to be registered in this state, or that is located
927 within this state, and who, regardless of adjudication of guilt,
928 has been found guilty of or entered a plea of guilty or nolo
929 contendere to a charge of driving under the influence under s.
930 316.193 after October 1, 2007, shall, by one of the methods
931 established in s. 324.031(1)(a) or (b) ~~s. 324.031(1) or (2)~~,
932 establish and maintain the ability to respond in damages for
933 liability on account of accidents arising out of the use of a
934 motor vehicle in the amount of \$100,000 because of bodily injury
935 to, or death of, one person in any one crash and, subject to
936 such limits for one person, in the amount of \$300,000 because of
937 bodily injury to, or death of, two or more persons in any one
938 crash and in the amount of \$50,000 because of property damage in
939 any one crash. If the owner or operator chooses to establish and
940 maintain such ability by furnishing a certificate of deposit
941 pursuant to s. 324.031(1)(b) ~~s. 324.031(2)~~, such certificate of
942 deposit must be at least \$350,000. Such higher limits must be
943 carried for a minimum period of 3 years. If the owner or
944 operator has not been convicted of driving under the influence
945 or a felony traffic offense for a period of 3 years from the
946 date of reinstatement of driving privileges for a violation of
947 s. 316.193, the owner or operator is ~~shall be~~ exempt from this
948 section.

949 Section 18. Section 324.031, Florida Statutes, is amended
950 to read:

951 324.031 Manner of proving financial responsibility.—

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

961 (a)-(1) Furnishing satisfactory evidence of holding a motor
 962 vehicle liability policy as defined in ss. 324.021(8) and
 963 324.151 which provides liability coverage for the motor vehicle
 964 being operated;

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

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

969 (2) Beginning July 1, 2024, ~~any person, including any~~
 970 ~~firm, partnership, association, corporation, or other person,~~
 971 ~~other than a natural person,~~ electing to use the method of proof
 972 specified in paragraph (1)(b) ~~subsection (2)~~ shall do both of
 973 the following:

974 (a) Furnish a certificate of deposit equal to the number
 975 of vehicles owned times \$60,000 ~~\$30,000~~, up to a maximum of

976 \$240,000. ~~\$120,000;~~

977 (b) ~~In addition, any such person, other than a natural~~
 978 ~~person, shall~~ Maintain insurance providing coverage that meets
 979 the requirements of s. 324.151 and has in excess of limits of:

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

986 2. At least \$300,000 for combined bodily injury liability
 987 and property damage liability for any one crash
 988 ~~\$10,000/20,000/10,000 or \$30,000 combined single limits, and~~
 989 ~~such excess insurance shall provide minimum limits of~~
 990 ~~\$125,000/250,000/50,000 or \$300,000 combined single limits.~~
 991 ~~These increased limits shall not affect the requirements for~~
 992 ~~proving financial responsibility under s. 324.032(1).~~

993 Section 19. Section 324.032, Florida Statutes, is amended
 994 to read:

995 324.032 ~~Manner of proving~~ Financial responsibility for
 996 ~~for-hire passenger transportation vehicles. Notwithstanding the~~
 997 ~~provisions of s. 324.031:~~

998 (1) An owner or a lessee of a for-hire passenger
 999 transportation vehicle that is required to be registered in this
 1000 state shall establish and continuously maintain the ability to

1001 respond in damages for liability on account of accidents arising
 1002 out of the ownership, maintenance, or use of the for-hire
 1003 passenger transportation vehicle, in the amount of:

1004 (a) One hundred twenty-five thousand dollars for bodily
 1005 injury to, or the death of, one person in any one crash and,
 1006 subject to such limits for one person, in the amount of \$250,000
 1007 for bodily injury to, or the death of, two or more persons in
 1008 any one crash; and ~~A person who is either the owner or a lessee~~
 1009 ~~required to maintain insurance under s. 627.733(1)(b) and who~~
 1010 ~~operates one or more taxicabs, limousines, jitneys, or any other~~
 1011 ~~for-hire passenger transportation vehicles may prove financial~~
 1012 ~~responsibility by furnishing satisfactory evidence of holding a~~
 1013 ~~motor vehicle liability policy, but with minimum limits of~~
 1014 ~~\$125,000/250,000/50,000.~~

1015 (b) Fifty thousand dollars for damage to, or destruction
 1016 of, property of others in any one crash ~~A person who is either~~
 1017 ~~the owner or a lessee required to maintain insurance under s.~~
 1018 ~~324.021(9)(b) and who operates limousines, jitneys, or any other~~
 1019 ~~for-hire passenger vehicles, other than taxicabs, may prove~~
 1020 ~~financial responsibility by furnishing satisfactory evidence of~~
 1021 ~~holding a motor vehicle liability policy as defined in s.~~
 1022 ~~324.031.~~

1023 (2) Except as provided in subsection (3), the requirements
 1024 of this section must be met by the owner or lessee providing
 1025 satisfactory evidence of holding a motor vehicle liability

1026 policy conforming to the requirements of s. 324.151 which is
 1027 issued by an insurance carrier that is a member of the Florida
 1028 Insurance Guaranty Association.

1029 (3)-(2) An owner or a lessee who ~~is required to maintain~~
 1030 ~~insurance under s. 324.021(9)(b) and who~~ operates at least 300
 1031 ~~taxicabs, limousines, jitneys, or any other~~ for-hire passenger
 1032 transportation vehicles may provide financial responsibility by
 1033 complying with ~~the provisions of~~ s. 324.171, which must such
 1034 ~~compliance to~~ be demonstrated by maintaining at its principal
 1035 place of business an audited financial statement, prepared in
 1036 accordance with generally accepted accounting principles, and
 1037 providing to the department a certification issued by a
 1038 certified public accountant that the applicant's net worth is at
 1039 least equal to the requirements of s. 324.171 as determined by
 1040 the Office of Insurance Regulation of the Financial Services
 1041 Commission, including claims liabilities in an amount certified
 1042 as adequate by a Fellow of the Casualty Actuarial Society.

1043
 1044 Upon request by the department, the applicant shall ~~must~~ provide
 1045 the department at the applicant's principal place of business in
 1046 this state access to the applicant's underlying financial
 1047 information and financial statements that provide the basis of
 1048 the certified public accountant's certification. The applicant
 1049 shall reimburse the requesting department for all reasonable
 1050 costs incurred by it in reviewing the supporting information.

1051 The maximum amount of self-insurance permissible under this
 1052 subsection is \$300,000 and must be stated on a per-occurrence
 1053 basis, and the applicant shall maintain adequate excess
 1054 insurance issued by an authorized or eligible insurer licensed
 1055 or approved by the Office of Insurance Regulation. All risks
 1056 self-insured ~~shall~~ remain with the owner or lessee providing it,
 1057 and the risks are not transferable to any other person, unless a
 1058 policy complying with subsections (1) and (2) ~~subsection (1)~~ is
 1059 obtained.

1060 Section 20. Subsection (2) of section 324.051, Florida
 1061 Statutes, is amended, and subsection (4) is added to that
 1062 section, to read:

1063 324.051 Reports of crashes; suspensions of licenses and
 1064 registrations.—

1065 (2)(a) Thirty days after receipt of notice of any accident
 1066 described in paragraph (1)(a) involving a motor vehicle within
 1067 this state, the department shall suspend, after due notice and
 1068 opportunity to be heard, the license of each operator and all
 1069 registrations of the owner of the vehicles operated by such
 1070 operator whether or not involved in such crash and, in the case
 1071 of a nonresident owner or operator, shall suspend such
 1072 nonresident's operating privilege in this state, unless such
 1073 operator or owner shall, prior to the expiration of such 30
 1074 days, be found by the department to be exempt from the operation
 1075 of this chapter, based upon evidence satisfactory to the

1076 department that:

1077 1. The motor vehicle was legally parked at the time of
1078 such crash.

1079 2. The motor vehicle was owned by the United States
1080 Government, this state, or any political subdivision of this
1081 state or any municipality therein.

1082 3. Such operator or owner has secured a duly acknowledged
1083 written agreement providing for release from liability by all
1084 parties injured as the result of said crash and has complied
1085 with one of the provisions of s. 324.031.

1086 4. Such operator or owner has deposited with the
1087 department security to conform with s. 324.061 when applicable
1088 and has complied with one of the provisions of s. 324.031.

1089 5. One year has elapsed since such owner or operator was
1090 suspended pursuant to subsection (3), the owner or operator has
1091 complied with one of the provisions of s. 324.031, and no bill
1092 of complaint of which the department has notice has been filed
1093 in a court of competent jurisdiction.

1094 (b) This subsection does ~~shall~~ not apply:

1095 1. To such operator or owner if such operator or owner had
1096 in effect at the time of such crash or traffic conviction a
1097 motor vehicle ~~an automobile~~ liability policy with respect to all
1098 of the registered motor vehicles owned by such operator or
1099 owner.

1100 2. To such operator, if not the owner of such motor

1101 vehicle, if there was in effect at the time of such crash or
 1102 traffic conviction a motor vehicle ~~an automobile~~ liability
 1103 policy or bond with respect to his or her operation of motor
 1104 vehicles not owned by him or her.

1105 3. To such operator or owner if the liability of such
 1106 operator or owner for damages resulting from such crash is, in
 1107 the judgment of the department, covered by any other form of
 1108 liability insurance or bond.

1109 4. To any person who has obtained from the department a
 1110 certificate of self-insurance, in accordance with s. 324.171, or
 1111 to any person operating a motor vehicle for such self-insurer.

1112
 1113 No such policy or bond shall be effective under this subsection
 1114 unless it contains limits of not less than those specified in s.
 1115 324.021(7).

1116 (4) As used in this section, the term "motor vehicle"
 1117 includes a motorcycle as defined in s. 320.01(26).

1118 Section 21. Section 324.071, Florida Statutes, is amended
 1119 to read:

1120 324.071 Reinstatement; renewal of license; reinstatement
 1121 fee.—~~An~~ Any operator or owner whose license or registration has
 1122 been suspended pursuant to s. 324.051(2), s. 324.072, s.
 1123 324.081, or s. 324.121 may effect its reinstatement upon
 1124 compliance with ~~the provisions of~~ s. 324.051(2) (a) 3. or 4., or
 1125 s. 324.081(2) and (3), as the case may be, and with one of the

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1126 provisions of s. 324.031 and upon payment to the department of a
1127 nonrefundable reinstatement fee of \$15. Only one such fee may
1128 ~~shall~~ be paid by any one person regardless ~~irrespective~~ of the
1129 number of licenses and registrations to be then reinstated or
1130 issued to such person. ~~All~~ Such fees must ~~shall~~ be deposited to
1131 a department trust fund. If ~~When~~ the reinstatement of any
1132 license or registration is effected by compliance with s.
1133 324.051(2)(a)3. or 4., the department may ~~shall~~ not renew the
1134 license or registration within ~~a period of~~ 3 years after ~~from~~
1135 such reinstatement, nor may ~~shall~~ any other license or
1136 registration be issued in the name of such person, unless the
1137 operator continues ~~is continuing~~ to comply with ~~one of the~~
1138 ~~provisions of~~ s. 324.031.

1139 Section 22. Subsection (1) of section 324.091, Florida
1140 Statutes, is amended to read:

1141 324.091 Notice to department; notice to insurer.—

1142 (1) Each owner and operator involved in a crash or
1143 conviction case within the purview of this chapter shall furnish
1144 evidence of ~~automobile liability insurance or~~ motor vehicle
1145 liability insurance within 14 days after the date of the mailing
1146 of notice of crash by the department in the form and manner as
1147 it may designate. Upon receipt of evidence that a ~~an~~ automobile
1148 ~~liability policy or~~ motor vehicle liability policy was in effect
1149 at the time of the crash or conviction case, the department
1150 shall forward to the insurer such information for verification

1151 in a method as determined by the department. The insurer shall
 1152 respond to the department within 20 days after the notice as to
 1153 whether ~~or not~~ such information is valid. If the department
 1154 determines that a ~~an automobile liability policy or~~ motor
 1155 vehicle liability policy was not in effect and did not provide
 1156 coverage for both the owner and the operator, it must ~~shall~~ take
 1157 action as it is authorized to do under this chapter.

1158 Section 23. Section 324.151, Florida Statutes, is amended
 1159 to read:

1160 324.151 Motor vehicle liability policies; required
 1161 provisions.-

1162 (1) A motor vehicle liability policy that serves as ~~to be~~
 1163 proof of financial responsibility under s. 324.031(1)(a) must ~~s.~~
 1164 ~~324.031(1) shall~~ be issued to owners or operators of motor
 1165 vehicles under the following provisions:

1166 (a) A motor vehicle ~~An owner's~~ liability insurance policy
 1167 issued to an owner of a motor vehicle required to be registered
 1168 in this state must designate by explicit description or by
 1169 appropriate reference all motor vehicles for ~~with respect to~~
 1170 which coverage is thereby granted. The policy, must insure the
 1171 person or persons ~~owner~~ named therein, and, unless ~~except for a~~
 1172 named driver excluded under s. 627.747, must insure any resident
 1173 relative of a named insured ~~other person as operator using such~~
 1174 ~~motor vehicle or motor vehicles with the express or implied~~
 1175 ~~permission of such owner against loss~~ from the liability imposed

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1176 by law for damage arising out of the ownership, maintenance, or
1177 use of any such motor vehicle ~~or motor vehicles within the~~
1178 ~~United States or the Dominion of Canada, subject to limits,~~
1179 ~~exclusive of interest and costs with respect to each such motor~~
1180 ~~vehicle as is provided for under s. 324.021(7).~~ The policy must
1181 also insure any person operating an insured motor vehicle with
1182 the express or implied permission of a named insured against
1183 loss from the liability imposed by law for damage arising out of
1184 the use of any vehicle, unless that person was excluded under s.
1185 627.747. However, the insurer may include provisions in its
1186 policy excluding liability coverage for a motor vehicle not
1187 designated as an insured vehicle on the policy if such motor
1188 vehicle does not qualify as a newly acquired vehicle or as a
1189 temporary substitute vehicle and was owned by the insured or was
1190 furnished for an insured's regular use for more than 30
1191 consecutive days before the event giving rise to the claim.
1192 Insurers may make available, with respect to property damage
1193 liability coverage, a deductible amount not to exceed \$500. In
1194 the event of a property damage loss covered by a policy
1195 containing a property damage deductible provision, the insurer
1196 shall pay to the third-party claimant the amount of any property
1197 damage liability settlement or judgment, subject to policy
1198 limits, as if no deductible existed.

1199 (b) A motor vehicle liability insurance policy issued to a
1200 person who does not own a ~~An operator's~~ motor vehicle must

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1201 ~~liability policy of insurance shall~~ insure the person or persons
1202 named therein against loss from the liability imposed ~~upon him~~
1203 ~~or her~~ by law for damages arising out of the use ~~by the person~~
1204 of any motor vehicle not owned by him or her, ~~with the same~~
1205 ~~territorial limits and subject to the same limits of liability~~
1206 ~~as referred to above with respect to an owner's policy of~~
1207 ~~liability insurance.~~

1208 (c) All such motor vehicle liability policies must provide
1209 liability coverage with limits, exclusive of interest and costs,
1210 greater than or equal to the limits specified under s.
1211 324.021(7) for accidents occurring within the United States and
1212 Canada. The policies must ~~shall~~ state the name and address of
1213 the named insured, the coverage afforded by the policy, the
1214 premium charged therefor, the policy period, and the limits of
1215 liability, and must ~~shall~~ contain an agreement or be endorsed
1216 that insurance is provided in accordance with the coverage
1217 defined in this chapter ~~as respects bodily injury and death or~~
1218 ~~property damage or both~~ and is subject to ~~all provisions of this~~
1219 chapter. ~~The said~~ policies must ~~shall~~ also contain a provision
1220 that the satisfaction by an insured of a judgment for such
1221 injury or damage may ~~shall~~ not be a condition precedent to the
1222 right or duty of the insurance carrier to make payment on
1223 account of such injury or damage, and must ~~shall~~ also contain a
1224 provision that bankruptcy or insolvency of the insured or of the
1225 insured's estate does ~~shall~~ not relieve the insurance carrier of

1226 any of its obligations under the ~~said~~ policy.

1227 (2) ~~The provisions of~~ This section is ~~shall~~ not ~~be~~
 1228 applicable to any motor vehicle ~~automobile~~ liability policy
 1229 unless and until it is furnished as proof of financial
 1230 responsibility for the future pursuant to s. 324.031, and then
 1231 applies only from and after the date the ~~said~~ policy is so
 1232 furnished.

1233 (3) As used in this section, the term:

1234 (a) "Newly acquired vehicle" means a vehicle owned by a
 1235 named insured or resident relative of the named insured which
 1236 was acquired no more than 30 days before an accident.

1237 (b) "Resident relative" means a person related to a named
 1238 insured by any degree by blood, marriage, or adoption, including
 1239 a ward or foster child, who makes his or her home in the same
 1240 family unit or residence as the named insured, regardless of
 1241 whether he or she temporarily lives elsewhere.

1242 (c) "Temporary substitute vehicle" means any motor vehicle
 1243 that is not owned by the named insured and that is temporarily
 1244 used with the permission of the owner as a substitute for the
 1245 owned motor vehicle designated on the policy when the owned
 1246 vehicle is withdrawn from normal use because of breakdown,
 1247 repair, servicing, loss, or destruction.

1248 Section 24. Section 324.161, Florida Statutes, is amended
 1249 to read:

1250 324.161 Proof of financial responsibility; deposit.-If a

1251 person elects to prove his or her financial responsibility under
1252 the method of proof specified in s. 324.031(1)(b), he or she
1253 annually must obtain and submit to the department proof of a
1254 certificate of deposit in the amount required under s.
1255 324.031(2) from a financial institution insured by the Federal
1256 Deposit Insurance Corporation or the National Credit Union
1257 Administration ~~Annually, before any certificate of insurance may~~
1258 ~~be issued to a person, including any firm, partnership,~~
1259 ~~association, corporation, or other person, other than a natural-~~
1260 ~~person, proof of a certificate of deposit of \$30,000 issued and~~
1261 ~~held by a financial institution must be submitted to the~~
1262 ~~department. A power of attorney will be issued to and held by~~
1263 ~~the department and may be executed upon a judgment issued~~
1264 ~~against such person making the deposit, for damages for because~~
1265 ~~of bodily injury to or death of any person or for damages for~~
1266 ~~because of injury to or destruction of property resulting from~~
1267 ~~the use or operation of any motor vehicle occurring after such~~
1268 ~~deposit was made. Money so deposited is ~~shall~~ ~~be~~ subject to~~
1269 ~~attachment or execution unless such attachment or execution~~
1270 ~~arises ~~shall~~ arise out of a lawsuit ~~suit~~ for such damages ~~as~~~~
1271 ~~aforesaid.~~

1272 Section 25. Subsections (1) and (2) of section 324.171,
1273 Florida Statutes, are amended to read:

1274 324.171 Self-insurer.—

1275 (1) A ~~Any~~ person may qualify as a self-insurer by

1276 obtaining a certificate of self-insurance from the department.
 1277 ~~which may, in its discretion and~~ Upon application of such a
 1278 person, the department may issue a said certificate of self-
 1279 insurance to an applicant who satisfies ~~when such person has~~
 1280 ~~satisfied~~ the requirements of this section. Effective July 1,
 1281 2024 to qualify as a self-insurer under this section:

1282 (a) A private individual with private passenger vehicles
 1283 shall possess a net unencumbered worth of at least \$100,000
 1284 ~~\$40,000~~.

1285 (b) A person, including any firm, partnership,
 1286 association, corporation, or other person, other than a natural
 1287 person, shall:

1288 1. Possess a net unencumbered worth of at least \$100,000
 1289 ~~\$40,000~~ for the first motor vehicle and \$50,000 ~~\$20,000~~ for each
 1290 additional motor vehicle; or

1291 2. Maintain sufficient net worth, in an amount determined
 1292 by the department, to be financially responsible for potential
 1293 losses. The department annually shall determine the minimum net
 1294 worth sufficient to satisfy this subparagraph ~~as determined~~
 1295 ~~annually by the department,~~ pursuant to rules adopted
 1296 ~~promulgated~~ by the department, with the assistance of the Office
 1297 of Insurance Regulation of the Financial Services Commission, ~~to~~
 1298 ~~be financially responsible for potential losses.~~ The rules must
 1299 consider any ~~shall take into consideration~~ excess insurance
 1300 carried by the applicant. The department's determination must

1301 ~~shall~~ be based upon reasonable actuarial principles considering
 1302 the frequency, severity, and loss development of claims incurred
 1303 by casualty insurers writing coverage on the type of motor
 1304 vehicles for which a certificate of self-insurance is desired.

1305 (c) The owner of a commercial motor vehicle, as defined in
 1306 s. 207.002 or s. 320.01(25) ~~s. 320.01~~, may qualify as a self-
 1307 insurer subject to the standards provided ~~for~~ in subparagraph
 1308 (b)2.

1309 (2) The self-insurance certificate must ~~shall~~ provide
 1310 limits of liability insurance in the amounts specified under s.
 1311 324.021(7) ~~or s. 627.7415 and shall provide personal injury~~
 1312 ~~protection coverage under s. 627.733(3)(b).~~

1313 Section 26. Section 324.251, Florida Statutes, is amended
 1314 to read:

1315 324.251 Short title.—This chapter may be cited as the
 1316 "Financial Responsibility Law of 2023 1955" and is ~~shall become~~
 1317 effective at 12:01 a.m., July 1, 2024 ~~October 1, 1955~~.

1318 Section 27. Subsection (4) of section 400.9905, Florida
 1319 Statutes, is amended to read:

1320 400.9905 Definitions.—

1321 (4) (a) "Clinic" means an entity where health care services
 1322 are provided to individuals and which tenders charges for
 1323 reimbursement for such services, including a mobile clinic and a
 1324 portable equipment provider. As used in this part, the term does
 1325 not include and the licensure requirements of this part do not

1326 apply to:

1327 1.(a) Entities licensed or registered by the state under
1328 chapter 395; entities licensed or registered by the state and
1329 providing only health care services within the scope of services
1330 authorized under their respective licenses under ss. 383.30-
1331 383.332, chapter 390, chapter 394, chapter 397, this chapter
1332 except part X, chapter 429, chapter 463, chapter 465, chapter
1333 466, chapter 478, chapter 484, or chapter 651; end-stage renal
1334 disease providers authorized under 42 C.F.R. part 494; providers
1335 certified and providing only health care services within the
1336 scope of services authorized under their respective
1337 certifications under 42 C.F.R. part 485, subpart B, subpart H,
1338 or subpart J; providers certified and providing only health care
1339 services within the scope of services authorized under their
1340 respective certifications under 42 C.F.R. part 486, subpart C;
1341 providers certified and providing only health care services
1342 within the scope of services authorized under their respective
1343 certifications under 42 C.F.R. part 491, subpart A; providers
1344 certified by the Centers for Medicare and Medicaid Services
1345 under the federal Clinical Laboratory Improvement Amendments and
1346 the federal rules adopted thereunder; or any entity that
1347 provides neonatal or pediatric hospital-based health care
1348 services or other health care services by licensed practitioners
1349 solely within a hospital licensed under chapter 395.

1350 2.(b) Entities that own, directly or indirectly, entities

1351 licensed or registered by the state pursuant to chapter 395;
 1352 entities that own, directly or indirectly, entities licensed or
 1353 registered by the state and providing only health care services
 1354 within the scope of services authorized pursuant to their
 1355 respective licenses under ss. 383.30-383.332, chapter 390,
 1356 chapter 394, chapter 397, this chapter except part X, chapter
 1357 429, chapter 463, chapter 465, chapter 466, chapter 478, chapter
 1358 484, or chapter 651; end-stage renal disease providers
 1359 authorized under 42 C.F.R. part 494; providers certified and
 1360 providing only health care services within the scope of services
 1361 authorized under their respective certifications under 42 C.F.R.
 1362 part 485, subpart B, subpart H, or subpart J; providers
 1363 certified and providing only health care services within the
 1364 scope of services authorized under their respective
 1365 certifications under 42 C.F.R. part 486, subpart C; providers
 1366 certified and providing only health care services within the
 1367 scope of services authorized under their respective
 1368 certifications under 42 C.F.R. part 491, subpart A; providers
 1369 certified by the Centers for Medicare and Medicaid Services
 1370 under the federal Clinical Laboratory Improvement Amendments and
 1371 the federal rules adopted thereunder; or any entity that
 1372 provides neonatal or pediatric hospital-based health care
 1373 services by licensed practitioners solely within a hospital
 1374 licensed under chapter 395.

1375 3.(e) Entities that are owned, directly or indirectly, by

1376 an entity licensed or registered by the state pursuant to
 1377 chapter 395; entities that are owned, directly or indirectly, by
 1378 an entity licensed or registered by the state and providing only
 1379 health care services within the scope of services authorized
 1380 pursuant to their respective licenses under ss. 383.30-383.332,
 1381 chapter 390, chapter 394, chapter 397, this chapter except part
 1382 X, chapter 429, chapter 463, chapter 465, chapter 466, chapter
 1383 478, chapter 484, or chapter 651; end-stage renal disease
 1384 providers authorized under 42 C.F.R. part 494; providers
 1385 certified and providing only health care services within the
 1386 scope of services authorized under their respective
 1387 certifications under 42 C.F.R. part 485, subpart B, subpart H,
 1388 or subpart J; providers certified and providing only health care
 1389 services within the scope of services authorized under their
 1390 respective certifications under 42 C.F.R. part 486, subpart C;
 1391 providers certified and providing only health care services
 1392 within the scope of services authorized under their respective
 1393 certifications under 42 C.F.R. part 491, subpart A; providers
 1394 certified by the Centers for Medicare and Medicaid Services
 1395 under the federal Clinical Laboratory Improvement Amendments and
 1396 the federal rules adopted thereunder; or any entity that
 1397 provides neonatal or pediatric hospital-based health care
 1398 services by licensed practitioners solely within a hospital
 1399 under chapter 395.

1400 4.~~(d)~~ Entities that are under common ownership, directly

1401 or indirectly, with an entity licensed or registered by the
1402 state pursuant to chapter 395; entities that are under common
1403 ownership, directly or indirectly, with an entity licensed or
1404 registered by the state and providing only health care services
1405 within the scope of services authorized pursuant to their
1406 respective licenses under ss. 383.30-383.332, chapter 390,
1407 chapter 394, chapter 397, this chapter except part X, chapter
1408 429, chapter 463, chapter 465, chapter 466, chapter 478, chapter
1409 484, or chapter 651; end-stage renal disease providers
1410 authorized under 42 C.F.R. part 494; providers certified and
1411 providing only health care services within the scope of services
1412 authorized under their respective certifications under 42 C.F.R.
1413 part 485, subpart B, subpart H, or subpart J; providers
1414 certified and providing only health care services within the
1415 scope of services authorized under their respective
1416 certifications under 42 C.F.R. part 486, subpart C; providers
1417 certified and providing only health care services within the
1418 scope of services authorized under their respective
1419 certifications under 42 C.F.R. part 491, subpart A; providers
1420 certified by the Centers for Medicare and Medicaid Services
1421 under the federal Clinical Laboratory Improvement Amendments and
1422 the federal rules adopted thereunder; or any entity that
1423 provides neonatal or pediatric hospital-based health care
1424 services by licensed practitioners solely within a hospital
1425 licensed under chapter 395.

1426 5.~~(e)~~ An entity that is exempt from federal taxation under
1427 26 U.S.C. s. 501(c)(3) or (4), an employee stock ownership plan
1428 under 26 U.S.C. s. 409 that has a board of trustees at least
1429 two-thirds of which are Florida-licensed health care
1430 practitioners and provides only physical therapy services under
1431 physician orders, any community college or university clinic,
1432 and any entity owned or operated by the federal or state
1433 government, including agencies, subdivisions, or municipalities
1434 thereof.

1435 6.~~(f)~~ A sole proprietorship, group practice, partnership,
1436 or corporation that provides health care services by physicians
1437 covered by s. 627.419, that is directly supervised by one or
1438 more of such physicians, and that is wholly owned by one or more
1439 of those physicians or by a physician and the spouse, parent,
1440 child, or sibling of that physician.

1441 7.~~(g)~~ A sole proprietorship, group practice, partnership,
1442 or corporation that provides health care services by licensed
1443 health care practitioners under chapter 457, chapter 458,
1444 chapter 459, chapter 460, chapter 461, chapter 462, chapter 463,
1445 chapter 466, chapter 467, chapter 480, chapter 484, chapter 486,
1446 chapter 490, chapter 491, or part I, part III, part X, part
1447 XIII, or part XIV of chapter 468, or s. 464.012, and that is
1448 wholly owned by one or more licensed health care practitioners,
1449 or the licensed health care practitioners set forth in this
1450 subparagraph ~~paragraph~~ and the spouse, parent, child, or sibling

1451 of a licensed health care practitioner if one of the owners who
1452 is a licensed health care practitioner is supervising the
1453 business activities and is legally responsible for the entity's
1454 compliance with all federal and state laws. However, a health
1455 care practitioner may not supervise services beyond the scope of
1456 the practitioner's license, except that, for the purposes of
1457 this part, a clinic owned by a licensee in s. 456.053(3) (b)
1458 which provides only services authorized pursuant to s.
1459 456.053(3) (b) may be supervised by a licensee specified in s.
1460 456.053(3) (b).

1461 8.~~(h)~~ Clinical facilities affiliated with an accredited
1462 medical school at which training is provided for medical
1463 students, residents, or fellows.

1464 9.~~(i)~~ Entities that provide only oncology or radiation
1465 therapy services by physicians licensed under chapter 458 or
1466 chapter 459 or entities that provide oncology or radiation
1467 therapy services by physicians licensed under chapter 458 or
1468 chapter 459 which are owned by a corporation whose shares are
1469 publicly traded on a recognized stock exchange.

1470 10.~~(j)~~ Clinical facilities affiliated with a college of
1471 chiropractic accredited by the Council on Chiropractic Education
1472 at which training is provided for chiropractic students.

1473 11.~~(k)~~ Entities that provide licensed practitioners to
1474 staff emergency departments or to deliver anesthesia services in
1475 facilities licensed under chapter 395 and that derive at least

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1476 90 percent of their gross annual revenues from the provision of
1477 such services. Entities claiming an exemption from licensure
1478 under this subparagraph ~~paragraph~~ must provide documentation
1479 demonstrating compliance.

1480 12.(l) Orthotic, prosthetic, pediatric cardiology, or
1481 perinatology clinical facilities or anesthesia clinical
1482 facilities that are not otherwise exempt under subparagraph 1.
1483 or subparagraph 11. ~~paragraph (a) or paragraph (k)~~ and that are
1484 a publicly traded corporation or are wholly owned, directly or
1485 indirectly, by a publicly traded corporation. As used in this
1486 subparagraph ~~paragraph~~, a publicly traded corporation is a
1487 corporation that issues securities traded on an exchange
1488 registered with the United States Securities and Exchange
1489 Commission as a national securities exchange.

1490 13.(m) Entities that are owned by a corporation that has
1491 \$250 million or more in total annual sales of health care
1492 services provided by licensed health care practitioners where
1493 one or more of the persons responsible for the operations of the
1494 entity is a health care practitioner who is licensed in this
1495 state and who is responsible for supervising the business
1496 activities of the entity and is responsible for the entity's
1497 compliance with state law for purposes of this part.

1498 14.(n) Entities that employ 50 or more licensed health
1499 care practitioners licensed under chapter 458 or chapter 459
1500 where the billing for medical services is under a single tax

1501 identification number. The application for exemption under this
 1502 subsection must include ~~shall contain information that includes:~~
 1503 the name, residence, and business address and telephone ~~phone~~
 1504 number of the entity that owns the practice; a complete list of
 1505 the names and contact information of all the officers and
 1506 directors of the corporation; the name, residence address,
 1507 business address, and medical license number of each licensed
 1508 Florida health care practitioner employed by the entity; the
 1509 corporate tax identification number of the entity seeking an
 1510 exemption; a listing of health care services to be provided by
 1511 the entity at the health care clinics owned or operated by the
 1512 entity; and a certified statement prepared by an independent
 1513 certified public accountant which states that the entity and the
 1514 health care clinics owned or operated by the entity have not
 1515 received payment for health care services under medical payments
 1516 ~~personal injury protection insurance~~ coverage for the preceding
 1517 year. If the agency determines that an entity that ~~which~~ is
 1518 exempt under this subsection has received payments for medical
 1519 services under medical payments ~~personal injury protection~~
 1520 ~~insurance~~ coverage, the agency may deny or revoke the exemption
 1521 from licensure under this subsection.

1522 15.(e) Entities that are, directly or indirectly, under
 1523 the common ownership of or that are subject to common control by
 1524 a mutual insurance holding company, as defined in s. 628.703,
 1525 with an entity issued a certificate of authority under chapter

1526 624 or chapter 641 which has \$1 billion or more in total annual
 1527 sales in this state.

1528 16.~~(p)~~ Entities that are owned by an entity that is a
 1529 behavioral health care service provider in at least five other
 1530 states; that, together with its affiliates, have \$90 million or
 1531 more in total annual revenues associated with the provision of
 1532 behavioral health care services; and wherein one or more of the
 1533 persons responsible for the operations of the entity is a health
 1534 care practitioner who is licensed in this state, who is
 1535 responsible for supervising the business activities of the
 1536 entity, and who is responsible for the entity's compliance with
 1537 state law for purposes of this part.

1538 17.~~(q)~~ Medicaid providers.

1539 (b) Notwithstanding paragraph (a) ~~this subsection~~, an
 1540 entity is ~~shall be~~ deemed a clinic and must be licensed under
 1541 this part in order to receive medical payments coverage
 1542 reimbursement under s. 627.7265 unless the entity is:

1543 1. Wholly owned by a physician licensed under chapter 458
 1544 or chapter 459 or by the physician and the spouse, parent,
 1545 child, or sibling of the physician;

1546 2. Wholly owned by a dentist licensed under chapter 466 or
 1547 by the dentist and the spouse, parent, child, or sibling of the
 1548 dentist;

1549 3. Wholly owned by a chiropractic physician licensed under
 1550 chapter 460 or by the chiropractic physician and the spouse,

1551 parent, child, or sibling of the chiropractic physician;
 1552 4. A hospital or an ambulatory surgical center licensed
 1553 under chapter 395;
 1554 5. An entity that wholly owns or is wholly owned, directly
 1555 or indirectly, by a hospital or hospitals licensed under chapter
 1556 395;
 1557 6. A clinical facility affiliated with an accredited
 1558 medical school at which training is provided for medical
 1559 students, residents, or fellows;
 1560 7. Certified under 42 C.F.R. part 485, subpart H; or
 1561 8. Owned by a publicly traded corporation, either directly
 1562 or indirectly through its subsidiaries, which has \$250 million
 1563 or more in total annual sales of health care services provided
 1564 by licensed health care practitioners, if one or more of the
 1565 persons responsible for the operations of the entity are health
 1566 care practitioners who are licensed in this state and who are
 1567 responsible for supervising the business activities of the
 1568 entity and the entity's compliance with state law for purposes
 1569 of this subsection ~~the Florida Motor Vehicle No-Fault Law, ss.~~
 1570 ~~627.730-627.7405, unless exempted under s. 627.736(5)(h).~~
 1571 Section 28. Subsection (5) of section 400.991, Florida
 1572 Statutes, is amended to read:
 1573 400.991 License requirements; background screenings;
 1574 prohibitions.—
 1575 (5) All agency forms for licensure application or

1576 exemption from licensure under this part must contain the
 1577 following statement:

1578
 1579 INSURANCE FRAUD NOTICE.—A person commits a fraudulent
 1580 insurance act, as defined in s. 626.989, Florida
 1581 Statutes, if the person ~~who~~ knowingly submits a false,
 1582 misleading, or fraudulent application or other
 1583 document when applying for licensure as a health care
 1584 clinic, seeking an exemption from licensure as a
 1585 health care clinic, or demonstrating compliance with
 1586 part X of chapter 400, Florida Statutes, with the
 1587 intent to use the license, exemption from licensure,
 1588 or demonstration of compliance to provide services or
 1589 seek reimbursement under a motor vehicle liability
 1590 insurance policy's medical payments coverage ~~the~~
 1591 ~~Florida Motor Vehicle No-Fault Law, commits a~~
 1592 ~~fraudulent insurance act, as defined in s. 626.989,~~
 1593 ~~Florida Statutes.~~ A person who presents a claim for
 1594 benefits under medical payments coverage ~~personal~~
 1595 ~~injury protection benefits~~ knowing that the payee
 1596 knowingly submitted such health care clinic
 1597 application or document commits insurance fraud, as
 1598 defined in s. 817.234, Florida Statutes.

1599 Section 29. Paragraph (g) of subsection (1) of section
 1600 400.9935, Florida Statutes, is amended to read:

1601 400.9935 Clinic responsibilities.—

1602 (1) Each clinic shall appoint a medical director or clinic

1603 director who shall agree in writing to accept legal

1604 responsibility for the following activities on behalf of the

1605 clinic. The medical director or the clinic director shall:

1606 (g) Conduct systematic reviews of clinic billings to

1607 ensure that the billings are not fraudulent or unlawful. Upon

1608 discovery of an unlawful charge, the medical director or clinic

1609 director shall take immediate corrective action. If the clinic

1610 performs only the technical component of magnetic resonance

1611 imaging, static radiographs, computed tomography, or positron

1612 emission tomography, and provides the professional

1613 interpretation of such services, in a fixed facility that is

1614 accredited by a national accrediting organization that is

1615 approved by the Centers for Medicare and Medicaid Services for

1616 magnetic resonance imaging and advanced diagnostic imaging

1617 services and if, in the preceding quarter, the percentage of

1618 scans performed by that clinic which was billed to motor vehicle

1619 ~~all personal injury protection~~ insurance carriers under medical

1620 payments coverage was less than 15 percent, the chief financial

1621 officer of the clinic may, in a written acknowledgment provided

1622 to the agency, assume the responsibility for the conduct of the

1623 systematic reviews of clinic billings to ensure that the

1624 billings are not fraudulent or unlawful.

1625 Section 30. Subsection (28) of section 409.901, Florida

1626 Statutes, is amended to read:

1627 409.901 Definitions; ss. 409.901-409.920.—As used in ss.
 1628 409.901-409.920, except as otherwise specifically provided, the
 1629 term:

1630 (28) "Third-party benefit" means any benefit that is or
 1631 may be available at any time through contract, court award,
 1632 judgment, settlement, agreement, or any arrangement between a
 1633 third party and any person or entity, including, without
 1634 limitation, a Medicaid recipient, a provider, another third
 1635 party, an insurer, or the agency, for any Medicaid-covered
 1636 injury, illness, goods, or services, including costs of medical
 1637 services related thereto, for bodily ~~personal~~ injury or for
 1638 death of the recipient, but specifically excluding ~~policies of~~
 1639 life insurance policies on the recipient, unless available under
 1640 terms of the policy to pay medical expenses before ~~prior to~~
 1641 death. The term includes, without limitation, collateral, as
 1642 defined in this section; health insurance; ~~any benefit under a~~
 1643 health maintenance organization, a preferred provider
 1644 arrangement, a prepaid health clinic, liability insurance,
 1645 uninsured motorist insurance, or medical payments coverage; ~~or~~
 1646 ~~personal injury protection coverage,~~ medical benefits under
 1647 workers' compensation; and any obligation under law or equity
 1648 to provide medical support.

1649 Section 31. Paragraph (f) of subsection (11) of section
 1650 409.910, Florida Statutes, is amended to read:

1651 409.910 Responsibility for payments on behalf of Medicaid-
 1652 eligible persons when other parties are liable.—

1653 (11) The agency may, as a matter of right, in order to
 1654 enforce its rights under this section, institute, intervene in,
 1655 or join any legal or administrative proceeding in its own name
 1656 in one or more of the following capacities: individually, as
 1657 subrogee of the recipient, as assignee of the recipient, or as
 1658 lienholder of the collateral.

1659 (f) Notwithstanding any provision in this section to the
 1660 contrary, in the event of an action in tort against a third
 1661 party in which the recipient or his or her legal representative
 1662 is a party which results in a judgment, award, or settlement
 1663 from a third party, the amount recovered shall be distributed as
 1664 follows:

1665 1. After attorney ~~attorney's~~ fees and taxable costs as
 1666 defined by the Florida Rules of Civil Procedure, one-half of the
 1667 remaining recovery shall be paid to the agency up to the total
 1668 amount of medical assistance provided by Medicaid.

1669 2. The remaining amount of the recovery shall be paid to
 1670 the recipient.

1671 3. For purposes of calculating the agency's recovery of
 1672 medical assistance benefits paid, the fee for services of an
 1673 attorney retained by the recipient or his or her legal
 1674 representative shall be calculated at 25 percent of the
 1675 judgment, award, or settlement.

1676 4. Notwithstanding any other provision of this section to
 1677 the contrary, the agency shall be entitled to all medical
 1678 coverage benefits up to the total amount of medical assistance
 1679 provided by Medicaid. For purposes of this paragraph, the term
 1680 "medical coverage" means any benefits under health insurance, a
 1681 health maintenance organization, a preferred provider
 1682 arrangement, or a prepaid health clinic, and the portion of
 1683 benefits designated for medical payments under ~~coverage for~~
 1684 workers' compensation coverage, motor vehicle insurance
 1685 coverage, personal injury protection, and casualty coverage.

1686 Section 32. Paragraph (k) of subsection (2) of section
 1687 456.057, Florida Statutes, is amended to read:

1688 456.057 Ownership and control of patient records; report
 1689 or copies of records to be furnished; disclosure of
 1690 information.—

1691 (2) As used in this section, the terms "records owner,"
 1692 "health care practitioner," and "health care practitioner's
 1693 employer" do not include any of the following persons or
 1694 entities; furthermore, the following persons or entities are not
 1695 authorized to acquire or own medical records, but are authorized
 1696 under the confidentiality and disclosure requirements of this
 1697 section to maintain those documents required by the part or
 1698 chapter under which they are licensed or regulated:

1699 ~~(k) Persons or entities practicing under s. 627.736(7).~~

1700 Section 33. Paragraphs (ee) and (ff) of subsection (1) of

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1701 section 456.072, Florida Statutes, are amended to read:

1702 456.072 Grounds for discipline; penalties; enforcement.—

1703 (1) The following acts shall constitute grounds for which
1704 the disciplinary actions specified in subsection (2) may be
1705 taken:

1706 (ee) With respect to making a medical payments coverage
1707 ~~personal injury protection claim under s. 627.7265 as required~~
1708 ~~by s. 627.736, intentionally submitting a claim, statement, or~~
1709 ~~bill that has been upcoded. As used in this paragraph, the term~~
1710 ~~"upcode" means to submit a billing code that would result in a~~
1711 ~~greater payment amount than would be paid using a billing code~~
1712 ~~that accurately describes the services performed. The term does~~
1713 ~~not include an otherwise lawful bill by a magnetic resonance~~
1714 ~~imaging facility which globally combines both technical and~~
1715 ~~professional components, if the amount of the global bill is not~~
1716 ~~more than the components if billed separately; however, payment~~
1717 ~~of such a bill constitutes payment in full for all components of~~
1718 ~~such service "upcoded" as defined in s. 627.732.~~

1719 (ff) With respect to making a medical payments coverage
1720 ~~personal injury protection claim under s. 627.7265 as required~~
1721 ~~by s. 627.736, intentionally submitting a claim, statement, or~~
1722 ~~bill for payment of services that were not rendered.~~

1723 Section 34. Paragraph (b) of subsection (1) and subsection
1724 (8) of section 624.155, Florida Statutes, are amended to read:

1725 624.155 Civil remedy.—

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1726 (1) Any person may bring a civil action against an insurer
1727 when such person is damaged:

1728 (b) By the commission of any of the following acts by the
1729 insurer:

1730 1. Except for a civil action for bad faith failure to
1731 settle a third-party claim subject to s. 624.156, not attempting
1732 in good faith to settle claims when, under all the
1733 circumstances, it could and should have done so, had it acted
1734 fairly and honestly toward its insured and with due regard for
1735 her or his interests;

1736 2. Making claims payments to insureds or beneficiaries not
1737 accompanied by a statement setting forth the coverage under
1738 which payments are being made; ~~or~~

1739 3. Except as to liability coverages, failing to promptly
1740 settle claims, when the obligation to settle a claim has become
1741 reasonably clear, under one portion of the insurance policy
1742 coverage in order to influence settlements under other portions
1743 of the insurance policy coverage; or

1744 4. When handling a first-party claim under a motor vehicle
1745 insurance policy, not attempting in good faith to settle such
1746 claim pursuant to subparagraph 1. when such failure is caused by
1747 a failure to communicate to an insured:

1748 a. The name, telephone number, e-mail address, and mailing
1749 address of the person adjusting the claim;

1750 b. Any issues that may impair the insured's coverage;

1751 c. Information that might resolve the coverage issue in a
 1752 prompt manner;

1753 d. Any basis for the insurer's rejection or nonacceptance
 1754 of any settlement demand or offer; or

1755 e. Any needed extensions to respond to a time-limited
 1756 settlement offer.

1757
 1758 Notwithstanding the provisions of the above to the contrary, a
 1759 person pursuing a remedy under this section need not prove that
 1760 such act was committed or performed with such frequency as to
 1761 indicate a general business practice.

1762 (8) The civil remedy specified in this section does not
 1763 preempt any other remedy or cause of action provided for
 1764 pursuant to any other statute or pursuant to the common law of
 1765 this state. A ~~Any person is~~ may obtain a judgment under either
 1766 ~~the common-law remedy of bad faith or this statutory remedy, but~~
 1767 ~~shall not be~~ entitled to a judgment under multiple bad faith
 1768 ~~both~~ remedies. This section shall not be construed to create a
 1769 common-law cause of action. The damages recoverable pursuant to
 1770 this section shall include those damages which are a reasonably
 1771 foreseeable result of a specified violation of this section by
 1772 the authorized insurer and may include an award or judgment in
 1773 an amount that exceeds the policy limits.

1774 Section 35. Section 624.156, Florida Statutes, is created
 1775 to read:

1776 624.156 Actions against motor vehicle insurers for bad
 1777 faith failure to settle third-party claims.—

1778 (1) SCOPE.—This section applies in all actions against any
 1779 insurer for bad faith failure to settle a third-party claim for
 1780 a loss arising out of the ownership, maintenance, or use of a
 1781 motor vehicle operated or principally garaged in this state at
 1782 the time of an incident or a loss, regardless of whether the
 1783 insurer is authorized to do business in this state or issued a
 1784 policy in this state. This section governs in any conflict with
 1785 common law or any other statute.

1786 (2) DUTY OF GOOD FAITH.—In handling claims, an insurer has
 1787 a duty to its insured to handle claims in good faith by
 1788 complying with the best practices standards of subsection (4).
 1789 An insurer's negligence does not constitute bad faith. However,
 1790 negligence is relevant to whether an insurer acted in bad faith.

1791 (3) BAD FAITH FAILURE TO SETTLE.—The term "bad faith
 1792 failure to settle" means an insurer's failure to meet its duty
 1793 of good faith, as described in subsection (2), which is a
 1794 proximate cause of the insurer not settling a third-party claim
 1795 when, under all the circumstances, the insurer could and should
 1796 have done so, had it acted fairly and honestly toward its
 1797 insured and with due regard for the insured's interests.

1798 (4) BEST PRACTICES STANDARDS.—An insurer must meet the
 1799 best practices standards of this subsection. The insurer's duty
 1800 begins upon receiving actual notice of an incident or a loss

1801 that could give rise to a covered liability claim and continues
1802 until the claim is resolved. Notice may be communicated to the
1803 insurer or an agent of the insurer by any means. However, if
1804 actual notice is communicated by means other than through any
1805 manner permitted by the policy or other documents provided to
1806 the insured by the insurer, through the insurer's website, or
1807 through the e-mail address designated by the insurer under s.
1808 624.422, the notice is not effective under this subsection if
1809 that variation causes actual prejudice to the insurer's ability
1810 to settle the claim. The burden is on the party bringing the bad
1811 faith claim to prove that the insurer had actual notice of the
1812 incident or loss giving rise to the claim that resulted in an
1813 excess judgment and when such notice was received. After receipt
1814 of actual notice, an insurer:

1815 (a) Must assign a duly licensed and appointed insurance
1816 adjuster to investigate the extent of the insured's probable
1817 exposure and diligently attempt to resolve any questions
1818 concerning the existence or extent of the insured's coverage.

1819 (b) Based on available information, must ethically
1820 evaluate every claim fairly, honestly, and with due regard for
1821 the interests of the insured; consider the extent of the
1822 claimant's recoverable damages; and consider the information in
1823 a reasonable and prudent manner.

1824 (c) Must request from the insured or claimant additional
1825 relevant information the insurer reasonably deems necessary to

1826 evaluate whether to settle a claim.

1827 (d) Must conduct all oral and written communications with
1828 the insured with the utmost honesty and complete candor.

1829 (e) Must make reasonable efforts to explain to persons not
1830 represented by counsel matters requiring expertise beyond the
1831 level normally expected of a layperson with no training in
1832 insurance or claims-handling issues.

1833 (f) Must retain all written communications and note and
1834 retain a summary of all verbal communications in a reasonable
1835 manner for a period of not less than 5 years after the later of:

1836 1. The entry of a judgment against the insured in excess
1837 of policy limits becoming final; or

1838 2. The conclusion of the extracontractual claim, if any,
1839 including any related appeals.

1840 (g) Must provide the insured, upon request, with all
1841 communications related to the insurer's handling of the claim
1842 which are not privileged as to the insured.

1843 (h) Must provide, at the insurer's expense, reasonable
1844 accommodations necessary to communicate effectively with an
1845 insured covered under the Americans with Disabilities Act.

1846 (i) In handling third-party claims, must communicate to an
1847 insured all of the following:

1848 1. The identity of any other person or entity the insurer
1849 has reason to believe may be liable.

1850 2. The insurer's evaluation of the claim.

1851 3. The likelihood and possible extent of an excess
1852 judgment.

1853 4. Steps the insured can take to avoid exposure to an
1854 excess judgment, including the right to secure personal counsel
1855 at the insured's expense.

1856 5. The insured's duty to cooperate with the insurer,
1857 including any specific requests required because of a settlement
1858 opportunity or by the insurer for the insured's cooperation
1859 under subsection (5), the purpose of the required cooperation,
1860 and the consequences of refusing to cooperate.

1861 6. Any settlement demands or offers.

1862 (j) If, after the expiration of the safe-harbor periods in
1863 subsection (8), the facts available to the insurer indicate that
1864 the insured's liability is likely to exceed the policy limits,
1865 must initiate settlement negotiations by tendering its policy
1866 limits to the claimant in exchange for a general release of the
1867 insured.

1868 (k)1. Must give fair consideration to a settlement offer
1869 that is not unreasonable under the facts available to the
1870 insurer and settle, if possible, when a reasonably prudent
1871 person, faced with the prospect of paying the total probable
1872 exposure of the insured, would do so. The insurer shall provide
1873 reasonable assistance to the insured to comply with the
1874 insured's obligations to cooperate and shall act reasonably to
1875 attempt to satisfy any conditions of a claimant's settlement

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1876 offer. If it is not possible to settle a liability claim within
1877 the available policy limits, the insurer must act reasonably to
1878 attempt to minimize the excess exposure to the insured.

1879 2. When multiple claims arise out of a single occurrence,
1880 the combined value of all claims exceeds the total of all
1881 applicable policy limits, and the claimants are unwilling to
1882 globally settle within the policy limits, thereafter, must
1883 attempt to minimize the magnitude of possible excess judgments
1884 against the insured. The insurer is entitled to great discretion
1885 to decide how much to offer each respective claimant in its
1886 attempt to protect the insured. The insurer may, in its effort
1887 to minimize the excess liability of the insured, use its
1888 discretion to offer the full available policy limits to one or
1889 more claimants to the exclusion of other claimants and may leave
1890 the insured exposed to some liability after all the policy
1891 limits are paid. An insurer does not act in bad faith simply
1892 because it is unable to settle all claims in a multiple claimant
1893 case. It is a defense to a bad faith action if the insurer
1894 establishes that it used its discretion for the benefit of its
1895 insureds and complied with the other best practices standards of
1896 this subsection.

1897 (1) When a loss creates the potential for a third-party
1898 claim against more than one insured, must attempt to settle the
1899 claim on behalf of all insureds against whom a claim may be
1900 presented. If it is not possible to settle on behalf of all

1901 insureds, the insurer may, in consultation with the insureds,
 1902 enter into reasonable settlements of claims against certain
 1903 insureds to the exclusion of other insureds.

1904 (m) Must respond to any request for insurance information
 1905 in compliance with s. 626.9372 or s. 627.4137, as applicable.

1906 (n) Where it appears the insured's probable exposure is
 1907 greater than policy limits, must take reasonable measures to
 1908 preserve for a reasonable period of time evidence that is needed
 1909 for the defense of the liability claim.

1910 (o) Must comply with s. 627.426, if applicable.

1911 (p) May not commit or perform with such frequency as to
 1912 indicate a general business practice any of the following:

1913 1. Failing to adopt and implement standards for the proper
 1914 investigation of claims.

1915 2. Misrepresenting pertinent facts or insurance policy
 1916 provisions relating to coverages at issue.

1917 3. Failing to acknowledge and act promptly upon
 1918 communications with respect to claims.

1919 4. Denying claims without conducting reasonable
 1920 investigations based upon available information.

1921 (5) INSURED'S DUTY TO COOPERATE.—

1922 (a) Insureds have a duty to cooperate with their insurer
 1923 in the defense of the claim and in making settlements.

1924 Accordingly, the insured must take any reasonable action
 1925 requested by the injured claimant or provided in the policy

1926 which is necessary to assist the insurer in settling a covered
 1927 claim, including:

1928 1. Executing affidavits regarding the facts within the
 1929 insured's knowledge regarding the covered loss; and

1930 2. Providing documents, including those requested pursuant
 1931 to paragraph (b).

1932 (b) When it is reasonably necessary to settle a covered
 1933 claim valued in excess of all applicable policy limits, upon the
 1934 request of the injured claimant, an insured must disclose on a
 1935 form adopted by the department or provided by the claimant a
 1936 summary of the following:

1937 1. The insured's assets at the time of the loss,
 1938 including:

1939 a. Cash, stocks, bonds, and nonretirement-based mutual
 1940 funds;

1941 b. Nonhomestead real property;

1942 c. All registered vehicles;

1943 d. All bank accounts;

1944 e. An estimated net accounting of all other assets; and

1945 f. Any additional information included by the department.

1946 2. The insured's liabilities, including:

1947 a. Mortgage debt;

1948 b. Credit card debt;

1949 c. Child support and alimony payments;

1950 d. Other liabilities; and

1951 e. Any additional information included by the department.
 1952 3. For a corporate entity, information on its balance
 1953 sheet, including the corporate entity's:
 1954 a. Cash, property, equipment, and inventory;
 1955 b. Liabilities, including obligations, rent, money owed to
 1956 vendors, payroll, and taxes;
 1957 c. Other information relevant to understanding the
 1958 entity's capital and net worth; and
 1959 d. Any additional information included by the department.
 1960 4. A list of all insurance policies that may provide
 1961 coverage for the claim, stating the name of the insurer and
 1962 policy number of each policy.
 1963 5. For natural persons, a statement of whether the insured
 1964 was acting in the course and scope of employment at the time of
 1965 the incident or loss giving rise to the claim and, if so,
 1966 providing the name and contact information for the insured's
 1967 employer.
 1968 (c) No later than 14 days following actual notice of an
 1969 incident or a loss that could give rise to a covered liability
 1970 claim, the insurer must notify the insured of the insured's
 1971 duties under this subsection. The burden is on the insurer to
 1972 prove that it provided notice to the insured of the insured's
 1973 duty to cooperate; otherwise, a presumption arises that the
 1974 insured met its duty to cooperate under this subsection.
 1975 (d) An insurer may terminate the defense as to any insured

1976 who unreasonably fails to meet its duties under this subsection
 1977 when:

1978 1. The insurer exercised diligence and met its duties
 1979 under subparagraph (4) (i) 5.;

1980 2. The insurer provided reasonable assistance to the
 1981 insured to comply with the obligations of this subsection;

1982 3. The insurer gave the insured written notice of any
 1983 failure to cooperate and a reasonable opportunity for the
 1984 insured to cure the lack of cooperation, consistent with any
 1985 deadlines imposed by settlement negotiations;

1986 4. The insured's failure to cooperate causes the insurer
 1987 to be unable to settle the claim; and

1988 5. The insurer unconditionally tenders its available
 1989 coverage policy limits directly to the claimant or the
 1990 claimant's attorney.

1991 (e) When an insured's defense is terminated in compliance
 1992 with this subsection, the insurer is not liable for any damages
 1993 caused by a failure to settle or defend the liability claim
 1994 against that insured.

1995 (6) CLAIMANT COMMUNICATIONS.—The trier of fact may not
 1996 attribute the insurer's failure to settle a covered third-party
 1997 claim to a claimant's lack of communication with the insurer
 1998 when the claimant truthfully complies with all applicable
 1999 standards of this subsection by:

2000 (a) Contemporaneously with or before making a claim with

2001 the insurer, communicating in writing to the insurer:

2002 1. The date and location of loss;

2003 2. The name, address, and date of birth of the claimant;

2004 and

2005 3. A physical address, an e-mail address, and a facsimile

2006 number for further communications, including, but not limited

2007 to, responses to any settlement demand.

2008 (b) Presenting the following in writing:

2009 1. The legal and factual basis of the claim; and

2010 2. A reasonably detailed description of the claimant's:

2011 a. Known injuries caused or aggravated by the incident or

2012 loss on which the claim is based;

2013 b. Medical treatment causally related to the incident or

2014 loss on which the claim is based;

2015 c. Relevant pre-accident medical conditions, if known; and

2016 d. Type and amount of known damages incurred and, if any,

2017 the damages the claimant reasonably anticipates incurring in the

2018 future.

2019 (c) Providing any settlement demand in writing and stating

2020 within such demand:

2021 1. The name of each insured to whom the demand for

2022 settlement is directed;

2023 2. The amount of the demand for settlement; and

2024 3. Any conditions the claimant is placing on acceptance of

2025 the demand for settlement.

2026
2027 This subsection does not reduce an insurer's duty of good faith,
2028 which is owed solely to its insured. The claimant owes no duty
2029 to the insured or the insurer, and the duties of the claimant's
2030 attorney are owed solely to the claimant. The claimant and the
2031 claimant's attorney do not have a duty to comply with this
2032 subsection.

2033 (7) CONDITIONS PRECEDENT.—It is a condition precedent to
2034 filing an action against an insurer for bad faith failure to
2035 settle a third-party claim that:

2036 (a) A third-party claimant obtained a final judgment in
2037 excess of the policy limits against the insured or the insured's
2038 estate, bankruptcy trustee, or successor in interest, unless the
2039 insurer expressly waived the requirement of a final excess
2040 judgment or wrongfully breached its duty to defend the insured;
2041 and

2042 (b) The insurer or an agent of the insurer received actual
2043 notice effective under subsection (4).

2044 (8) SAFE HARBORS.—

2045 (a) After an insurer receives actual notice of an incident
2046 or a loss that could give rise to a covered liability claim, the
2047 insurer is entitled to a reasonable opportunity to investigate
2048 and evaluate the claim. The amount of time required for the
2049 insurer's investigation and evaluation will vary depending on
2050 the circumstances of the claim. The safe harbors provided in

2051 this subsection are available to an insurer that complies with
 2052 the best practices standards of subsection (4).

2053 (b) When one claim arises out of a single occurrence, and
 2054 an insurer initiates settlement negotiations by tendering the
 2055 applicable policy limits in exchange for a general release of
 2056 the insured within 45 days after receiving actual notice of the
 2057 loss, the failure to tender the policy limits sooner does not
 2058 constitute bad faith.

2059 (c) When multiple claims arise out of a single occurrence,
 2060 the combined value of all claims exceeds the total of all
 2061 applicable policy limits, and an insurer initiates settlement
 2062 negotiations by globally tendering the applicable policy limits
 2063 in exchange for a general release of the insured within 45 days
 2064 after receiving actual notice of the loss, the failure to tender
 2065 policy limits sooner does not constitute bad faith.

2066 (d) An insurer is not under any circumstance liable for
 2067 the failure to accept a settlement offer within 45 days after
 2068 receiving actual notice of the loss if:

2069 1. The settlement offer provides the insurer less than 15
 2070 days for acceptance; or

2071 2. The settlement offer provides the insurer less than 30
 2072 days for acceptance where the offer contains conditions for
 2073 acceptance other than the insurer's disclosure of its policy
 2074 limits.

2075 (e) This subsection does not require that an insurer

2076 automatically tender policy limits within 45 days in every case.

2077 (9) BURDEN OF PROOF.—In any action for bad faith failure
 2078 to settle:

2079 (a) The party bringing the bad faith claim must prove
 2080 every element of the claim by the greater weight of the
 2081 evidence, taking into account the totality of the circumstances.

2082 (b) An insurer that relies upon paragraph (5)(d) as a
 2083 defense to a claim for bad faith failure to settle must prove
 2084 the elements of that paragraph by the greater weight of the
 2085 evidence.

2086 (c) An insurer that relies upon a safe harbor provision of
 2087 subsection (8) must prove the elements of the safe harbor by the
 2088 greater weight of the evidence.

2089 (10) DAMAGES.—If the trier of fact finds that the party
 2090 bringing the bad faith claim has met its burden of proof, the
 2091 insurer is liable for the amount of any excess judgment,
 2092 together with court costs and, if the party bringing the bad
 2093 faith claim is the insured or an assignee of the insured, the
 2094 reasonable attorney fees incurred by the party bringing the bad
 2095 faith claim. Punitive damages may not be awarded.

2096 (11) AGENTS.—This section is not intended to expand or
 2097 diminish any cause of action currently available against
 2098 insurance agents who sell motor vehicle liability insurance
 2099 policies in this state.

2100 Section 36. Paragraphs (i) and (o) of subsection (1) of

2101 section 626.9541, Florida Statutes, are amended to read:

2102 626.9541 Unfair methods of competition and unfair or
 2103 deceptive acts or practices defined.—

2104 (1) UNFAIR METHODS OF COMPETITION AND UNFAIR OR DECEPTIVE
 2105 ACTS.—The following are defined as unfair methods of competition
 2106 and unfair or deceptive acts or practices:

2107 (i) Unfair claim settlement practices.—

2108 1. Attempting to settle claims on the basis of an
 2109 application, when serving as a binder or intended to become a
 2110 part of the policy, or any other material document which was
 2111 altered without notice to, or knowledge or consent of, the
 2112 insured;

2113 2. Making a material misrepresentation ~~made~~ to an insured
 2114 or any other person having an interest in the proceeds payable
 2115 under such contract or policy, for the purpose and with the
 2116 intent of effecting settlement of such claims, loss, or damage
 2117 under such contract or policy on less favorable terms than those
 2118 provided in, and contemplated by, such contract or policy;

2119 3. Committing or performing with such frequency as to
 2120 indicate a general business practice any of the following:

2121 a. Failing to adopt and implement standards for the proper
 2122 investigation of claims;

2123 b. Misrepresenting pertinent facts or insurance policy
 2124 provisions relating to coverages at issue;

2125 c. Failing to acknowledge and act promptly upon

2126 | communications with respect to claims;
 2127 | d. Denying claims without conducting reasonable
 2128 | investigations based upon available information;
 2129 | e. Failing to affirm or deny full or partial coverage of
 2130 | claims, and, as to partial coverage, the dollar amount or extent
 2131 | of coverage, or failing to provide a written statement that the
 2132 | claim is being investigated, upon the written request of the
 2133 | insured within 30 days after proof-of-loss statements have been
 2134 | completed;
 2135 | f. Failing to promptly provide a reasonable explanation in
 2136 | writing to the insured of the basis in the insurance policy, in
 2137 | relation to the facts or applicable law, for denial of a claim
 2138 | or for the offer of a compromise settlement;
 2139 | g. Failing to promptly notify the insured of any
 2140 | additional information necessary for the processing of a claim;
 2141 | or
 2142 | h. Failing to clearly explain the nature of the requested
 2143 | information and the reasons why such information is necessary;
 2144 | or
 2145 | ~~i. Failing to pay personal injury protection insurance~~
 2146 | ~~claims within the time periods required by s. 627.736(4)(b). The~~
 2147 | ~~office may order the insurer to pay restitution to a~~
 2148 | ~~policyholder, medical provider, or other claimant, including~~
 2149 | ~~interest at a rate consistent with the amount set forth in s.~~
 2150 | ~~55.03(1), for the time period within which an insurer fails to~~

2151 ~~pay claims as required by law. Restitution is in addition to any~~
 2152 ~~other penalties allowed by law, including, but not limited to,~~
 2153 ~~the suspension of the insurer's certificate of authority; or~~

2154 4. Failing to pay undisputed amounts of partial or full
 2155 benefits owed under first-party property insurance policies
 2156 within 60 days after an insurer receives notice of a residential
 2157 property insurance claim, determines the amounts of partial or
 2158 full benefits, and agrees to coverage, unless payment of the
 2159 undisputed benefits is prevented by factors beyond the control
 2160 of the insurer as defined in s. 627.70131(5).

2161 (o) Illegal dealings in premiums; excess or reduced
 2162 charges for insurance.—

2163 1. Knowingly collecting any sum as a premium or charge for
 2164 insurance, which is not then provided, or is not in due course
 2165 to be provided, subject to acceptance of the risk by the
 2166 insurer, by an insurance policy issued by an insurer as
 2167 permitted by this code.

2168 2. Knowingly collecting as a premium or charge for
 2169 insurance any sum in excess of or less than the premium or
 2170 charge applicable to such insurance, in accordance with the
 2171 applicable classifications and rates as filed with and approved
 2172 by the office, and as specified in the policy; or, in cases when
 2173 classifications, premiums, or rates are not required by this
 2174 code to be so filed and approved, premiums and charges collected
 2175 from a Florida resident in excess of or less than those

2176 specified in the policy and as fixed by the insurer.
 2177 Notwithstanding any other provision of law, this provision shall
 2178 not be deemed to prohibit the charging and collection, by
 2179 surplus lines agents licensed under part VIII of this chapter,
 2180 of the amount of applicable state and federal taxes, or fees as
 2181 authorized by s. 626.916(4), in addition to the premium required
 2182 by the insurer or the charging and collection, by licensed
 2183 agents, of the exact amount of any discount or other such fee
 2184 charged by a credit card facility in connection with the use of
 2185 a credit card, as authorized by subparagraph (q)3., in addition
 2186 to the premium required by the insurer. This subparagraph shall
 2187 not be construed to prohibit collection of a premium for a
 2188 universal life or a variable or indeterminate value insurance
 2189 policy made in accordance with the terms of the contract.

2190 3.a. Imposing or requesting an additional premium for
 2191 death benefit coverage, bodily injury liability coverage,
 2192 property damage liability coverage ~~a policy of motor vehicle~~
 2193 ~~liability, personal injury protection,~~ medical payments coverage
 2194 ~~payment,~~ or collision coverage in a motor vehicle liability
 2195 insurance policy ~~insurance or any combination thereof~~ or
 2196 refusing to renew the policy solely because the insured was
 2197 involved in a motor vehicle accident unless the insurer's file
 2198 contains information from which the insurer in good faith
 2199 determines that the insured was substantially at fault in the
 2200 accident.

2201 b. An insurer which imposes and collects such a surcharge
 2202 or which refuses to renew such policy shall, in conjunction with
 2203 the notice of premium due or notice of nonrenewal, notify the
 2204 named insured that he or she is entitled to reimbursement of
 2205 such amount or renewal of the policy under the conditions listed
 2206 below and will subsequently reimburse him or her or renew the
 2207 policy, if the named insured demonstrates that the operator
 2208 involved in the accident was:

2209 (I) Lawfully parked;

2210 (II) Reimbursed by, or on behalf of, a person responsible
 2211 for the accident or has a judgment against such person;

2212 (III) Struck in the rear by another vehicle headed in the
 2213 same direction and was not convicted of a moving traffic
 2214 violation in connection with the accident;

2215 (IV) Hit by a "hit-and-run" driver, if the accident was
 2216 reported to the proper authorities within 24 hours after
 2217 discovering the accident;

2218 (V) Not convicted of a moving traffic violation in
 2219 connection with the accident, but the operator of the other
 2220 automobile involved in such accident was convicted of a moving
 2221 traffic violation;

2222 (VI) Finally adjudicated not to be liable by a court of
 2223 competent jurisdiction;

2224 (VII) In receipt of a traffic citation which was dismissed
 2225 or nolle prossed; or

2226 (VIII) Not at fault as evidenced by a written statement
 2227 from the insured establishing facts demonstrating lack of fault
 2228 which are not rebutted by information in the insurer's file from
 2229 which the insurer in good faith determines that the insured was
 2230 substantially at fault.

2231 c. In addition to the other provisions of this
 2232 subparagraph, an insurer may not fail to renew a policy if the
 2233 insured has had only one accident in which he or she was at
 2234 fault within the current 3-year period. However, an insurer may
 2235 nonrenew a policy for reasons other than accidents in accordance
 2236 with s. 627.728. This subparagraph does not prohibit nonrenewal
 2237 of a policy under which the insured has had three or more
 2238 accidents, regardless of fault, during the most recent 3-year
 2239 period.

2240 4. Imposing or requesting an additional premium for, or
 2241 refusing to renew, a policy for motor vehicle insurance solely
 2242 because the insured committed a noncriminal traffic infraction
 2243 as described in s. 318.14 unless the infraction is:

2244 a. A second infraction committed within an 18-month
 2245 period, or a third or subsequent infraction committed within a
 2246 36-month period.

2247 b. A violation of s. 316.183, when such violation is a
 2248 result of exceeding the lawful speed limit by more than 15 miles
 2249 per hour.

2250 5. Upon the request of the insured, the insurer and

2251 licensed agent shall supply to the insured the complete proof of
2252 fault or other criteria which justifies the additional charge or
2253 cancellation.

2254 6. No insurer shall impose or request an additional
2255 premium for motor vehicle insurance, cancel or refuse to issue a
2256 policy, or refuse to renew a policy because the insured or the
2257 applicant is a handicapped or physically disabled person, so
2258 long as such handicap or physical disability does not
2259 substantially impair such person's mechanically assisted driving
2260 ability.

2261 7. No insurer may cancel or otherwise terminate any
2262 insurance contract or coverage, or require execution of a
2263 consent to rate endorsement, during the stated policy term for
2264 the purpose of offering to issue, or issuing, a similar or
2265 identical contract or coverage to the same insured with the same
2266 exposure at a higher premium rate or continuing an existing
2267 contract or coverage with the same exposure at an increased
2268 premium.

2269 8. No insurer may issue a nonrenewal notice on any
2270 insurance contract or coverage, or require execution of a
2271 consent to rate endorsement, for the purpose of offering to
2272 issue, or issuing, a similar or identical contract or coverage
2273 to the same insured at a higher premium rate or continuing an
2274 existing contract or coverage at an increased premium without
2275 meeting any applicable notice requirements.

2276 9. No insurer shall, with respect to premiums charged for
 2277 motor vehicle insurance, unfairly discriminate solely on the
 2278 basis of age, sex, marital status, or scholastic achievement.

2279 10. Imposing or requesting an additional premium for motor
 2280 vehicle comprehensive or uninsured motorist coverage solely
 2281 because the insured was involved in a motor vehicle accident or
 2282 was convicted of a moving traffic violation.

2283 11. No insurer shall cancel or issue a nonrenewal notice
 2284 on any insurance policy or contract without complying with any
 2285 applicable cancellation or nonrenewal provision required under
 2286 the Florida Insurance Code.

2287 12. No insurer shall impose or request an additional
 2288 premium, cancel a policy, or issue a nonrenewal notice on any
 2289 insurance policy or contract because of any traffic infraction
 2290 when adjudication has been withheld and no points have been
 2291 assessed pursuant to s. 318.14(9) and (10). However, this
 2292 subparagraph does not apply to traffic infractions involving
 2293 accidents in which the insurer has incurred a loss due to the
 2294 fault of the insured.

2295 Section 37. Paragraph (a) of subsection (1) of section
 2296 626.989, Florida Statutes, is amended to read:

2297 626.989 Investigation by department or Division of
 2298 Investigative and Forensic Services; compliance; immunity;
 2299 confidential information; reports to division; division
 2300 investigator's power of arrest.-

2301 (1) For the purposes of this section:

2302 (a) A person commits a "fraudulent insurance act" if the

2303 person:

2304 1. Knowingly and with intent to defraud presents, causes

2305 to be presented, or prepares with knowledge or belief that it

2306 will be presented, to or by an insurer, self-insurer, self-

2307 insurance fund, servicing corporation, purported insurer,

2308 broker, or any agent thereof, any written statement as part of,

2309 or in support of, an application for the issuance of, or the

2310 rating of, any insurance policy, or a claim for payment or other

2311 benefit pursuant to any insurance policy, which the person knows

2312 to contain materially false information concerning any fact

2313 material thereto or if the person conceals, for the purpose of

2314 misleading another, information concerning any fact material

2315 thereto.

2316 2. Knowingly submits:

2317 a. A false, misleading, or fraudulent application or other

2318 document when applying for licensure as a health care clinic,

2319 seeking an exemption from licensure as a health care clinic, or

2320 demonstrating compliance with part X of chapter 400 with an

2321 intent to use the license, exemption from licensure, or

2322 demonstration of compliance to provide services or seek

2323 reimbursement under a motor vehicle liability insurance policy's

2324 medical payments coverage ~~the Florida Motor Vehicle No-Fault~~

2325 ~~Law~~.

2326 b. A claim for payment or other benefit under a motor
 2327 vehicle liability insurance policy's medical payments coverage,
 2328 ~~pursuant to a personal injury protection insurance policy under~~
 2329 ~~the Florida Motor Vehicle No-Fault Law~~ if the person knows that
 2330 the payee knowingly submitted a false, misleading, or fraudulent
 2331 application or other document when applying for licensure as a
 2332 health care clinic, seeking an exemption from licensure as a
 2333 health care clinic, or demonstrating compliance with part X of
 2334 chapter 400.

2335 Section 38. Subsection (1) of section 627.06501, Florida
 2336 Statutes, is amended to read:

2337 627.06501 Insurance discounts for certain persons
 2338 completing driver improvement course.—

2339 (1) Any rate, rating schedule, or rating manual for the
 2340 liability, medical payments, death benefit ~~personal injury~~
 2341 ~~protection~~, and collision coverages of a motor vehicle insurance
 2342 policy filed with the office may provide for an appropriate
 2343 reduction in premium charges as to such coverages if ~~when~~ the
 2344 principal operator on the covered vehicle has successfully
 2345 completed a driver improvement course approved and certified by
 2346 the Department of Highway Safety and Motor Vehicles which is
 2347 effective in reducing crash or violation rates, or both, as
 2348 determined pursuant to s. 318.1451(5). Any discount, not to
 2349 exceed 10 percent, used by an insurer is presumed to be
 2350 appropriate unless credible data demonstrates otherwise.

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2351 Section 39. Subsection (15) is added to section 627.0651,
 2352 Florida Statutes, to read:

2353 627.0651 Making and use of rates for motor vehicle
 2354 insurance.—

2355 (15) Rate filings for motor vehicle liability policies
 2356 that implement the financial responsibility requirements of s.
 2357 324.022 in effect July 1, 2024, except for commercial motor
 2358 vehicle insurance policies exempt under paragraph (14)(a), must
 2359 reflect such financial responsibility requirements and may be
 2360 approved only through the file and use process under paragraph
 2361 (1)(a).

2362 Section 40. Subsection (1) of section 627.0652, Florida
 2363 Statutes, is amended to read:

2364 627.0652 Insurance discounts for certain persons
 2365 completing safety course.—

2366 (1) Any rates, rating schedules, or rating manuals for the
 2367 liability, medical payments, death benefit ~~personal injury~~
 2368 ~~protection~~, and collision coverages of a motor vehicle insurance
 2369 policy filed with the office must ~~shall~~ provide for an
 2370 appropriate reduction in premium charges as to such coverages if
 2371 ~~when~~ the principal operator on the covered vehicle is an insured
 2372 55 years of age or older who has successfully completed a motor
 2373 vehicle accident prevention course approved by the Department of
 2374 Highway Safety and Motor Vehicles. Any discount used by an
 2375 insurer is presumed to be appropriate unless credible data

2376 demonstrates otherwise.

2377 Section 41. Subsections (1), (3), and (6) of section
2378 627.0653, Florida Statutes, are amended to read:

2379 627.0653 Insurance discounts for specified motor vehicle
2380 equipment.—

2381 (1) Any rates, rating schedules, or rating manuals for the
2382 liability, medical payments, death benefit ~~personal injury~~
2383 ~~protection~~, and collision coverages of a motor vehicle insurance
2384 policy filed with the office must ~~shall~~ provide a premium
2385 discount if the insured vehicle is equipped with factory-
2386 installed, four-wheel antilock brakes.

2387 (3) Any rates, rating schedules, or rating manuals for
2388 ~~personal injury protection coverage and~~ medical payments
2389 ~~coverage, if offered,~~ of a motor vehicle insurance policy filed
2390 with the office must ~~shall~~ provide a premium discount if the
2391 insured vehicle is equipped with one or more air bags that ~~which~~
2392 are factory installed.

2393 (6) The Office of Insurance Regulation may approve a
2394 premium discount to any rates, rating schedules, or rating
2395 manuals for the liability, medical payments, death benefit
2396 ~~personal injury protection~~, and collision coverages of a motor
2397 vehicle insurance policy filed with the office if the insured
2398 vehicle is equipped with an automated driving system or
2399 electronic vehicle collision avoidance technology that is
2400 factory installed or a retrofitted system and that complies with

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2401 National Highway Traffic Safety Administration standards.

2402 Section 42. Section 627.4132, Florida Statutes, is amended
2403 to read:

2404 627.4132 Stacking of coverages prohibited.—If an insured
2405 or named insured is protected by any type of motor vehicle
2406 insurance policy for bodily injury and property damage
2407 liability, ~~personal injury protection, or other coverage~~, the
2408 policy must ~~shall~~ provide that the insured or named insured is
2409 protected only to the extent of the coverage she or he has on
2410 the vehicle involved in the accident. However, if none of the
2411 insured's or named insured's vehicles are ~~is~~ involved in the
2412 accident, coverage is available only to the extent of coverage
2413 on any one of the vehicles with applicable coverage. Coverage on
2414 any other vehicles may ~~shall~~ not be added to or stacked upon
2415 that coverage. This section does not ~~apply~~:

2416 (1) Apply to uninsured motorist coverage that ~~which~~ is
2417 separately governed by s. 627.727.

2418 (2) ~~To~~ Reduce the coverage available by reason of
2419 insurance policies insuring different named insureds.

2420 Section 43. Subsection (1) of section 627.4137, Florida
2421 Statutes, is amended to read:

2422 627.4137 Disclosure of certain information required.—

2423 (1) Each insurer which does or may provide liability
2424 insurance coverage to pay all or a portion of any claim which
2425 might be made shall provide, within 30 days after ~~of~~ the written

2426 request of the claimant or the claimant's attorney, a statement,
 2427 under oath, of a corporate officer or the insurer's claims
 2428 manager or superintendent setting forth the following
 2429 information with regard to each known policy of insurance,
 2430 including excess or umbrella insurance:

- 2431 (a) The name of the insurer.
- 2432 (b) The name of each insured.
- 2433 (c) The limits of the liability coverage.
- 2434 (d) A statement of any policy or coverage defense which
 2435 such insurer reasonably believes is available to such insurer at
 2436 the time of filing such statement.
- 2437 (e) A copy of the policy.

2438
 2439 In addition, the insured, or her or his insurance agent, upon
 2440 written request of the claimant or the claimant's attorney,
 2441 shall disclose the name and coverage of each known insurer to
 2442 the claimant and shall forward such request for information as
 2443 required by this subsection to all affected insurers. The
 2444 insurer shall then supply the information required in this
 2445 subsection to the claimant within 30 days after ~~of~~ receipt of
 2446 such request. If an insurer fails to timely comply with this
 2447 section, the claimant may file an action in a court of competent
 2448 jurisdiction to enforce this section. If the court determines
 2449 that the insurer violated this section, the claimant is entitled
 2450 to an award of reasonable attorney fees and costs to be paid by

2451 the insurer.

2452 Section 44. Section 627.7263, Florida Statutes, is amended
2453 to read:

2454 627.7263 Rental and leasing driver's insurance to be
2455 primary; exception.—

2456 (1) The valid and collectible liability insurance, death
2457 benefit coverage, and medical payments coverage ~~or personal~~
2458 ~~injury protection insurance providing coverage~~ for the lessor of
2459 a motor vehicle for rent or lease are ~~is~~ primary unless
2460 otherwise stated in at least 10-point type on the face of the
2461 rental or lease agreement. Such insurance is primary for the
2462 limits of liability ~~and personal injury protection~~ coverage as
2463 required under s. 324.021(7), the death benefit coverage limit
2464 required under s. 627.72761, and the medical payments coverage
2465 limit required under s. 627.7265 ~~by ss. 324.021(7) and 627.736.~~

2466 (2) If the lessee's coverage is to be primary, the rental
2467 or lease agreement must contain the following language, in at
2468 least 10-point type:

2470 "The valid and collectible liability insurance, death
2471 benefit coverage, and medical payments coverage
2472 ~~personal injury protection insurance~~ of an any
2473 authorized rental or leasing driver are ~~is~~ primary for
2474 the limits of liability ~~and personal injury protection~~
2475 coverage required under s. 324.021(7), Florida

2476 Statutes, the limit of the death benefit coverage
 2477 required under s. 627.72761, Florida Statutes, and the
 2478 medical payments coverage limit required under s.
 2479 627.7265 by ss. 324.021(7) and 627.736, Florida
 2480 Statutes."

2481 Section 45. Section 627.7265, Florida Statutes, is created
 2482 to read:

2483 627.7265 Motor vehicle insurance; medical payments
 2484 coverage.—

2485 (1) Medical payments coverage must protect the named
 2486 insured, resident relatives, persons operating the insured motor
 2487 vehicle, passengers in the insured motor vehicle, and persons
 2488 who are struck by the insured motor vehicle and suffer bodily
 2489 injury while not an occupant of a self-propelled motor vehicle
 2490 at a limit of at least \$5,000 for medical expenses incurred due
 2491 to bodily injury, sickness, or disease arising out of the
 2492 ownership, maintenance, or use of a motor vehicle.

2493 (a) Before issuing a motor vehicle liability insurance
 2494 policy that is furnished as proof of financial responsibility
 2495 under s. 324.031, the insurer must offer medical payments
 2496 coverage at limits of \$5,000 and \$10,000. The insurer may also
 2497 offer medical payments coverage at any limit greater than
 2498 \$5,000.

2499 (b) The insurer must offer medical payments coverage with
 2500 no deductible. The insurer may also offer medical payments

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2501 coverage with a deductible not to exceed \$500.

2502 (c) This section may not be construed to limit any other
2503 coverage made available by an insurer.

2504 (2) Upon receiving notice of an accident that is
2505 potentially covered by medical payments coverage benefits, the
2506 insurer must reserve \$5,000 of medical payments coverage
2507 benefits for payment to physicians licensed under chapter 458 or
2508 chapter 459 or dentists licensed under chapter 466 who provide
2509 emergency services and care, as defined in s. 395.002(9), or who
2510 provide hospital inpatient care. The amount required to be held
2511 in reserve may be used only to pay claims from such physicians
2512 or dentists until 30 days after the date the insurer receives
2513 notice of the accident. After the 30-day period, any amount of
2514 the reserve for which the insurer has not received notice of
2515 such claims may be used by the insurer to pay other claims. This
2516 subsection does not require an insurer to establish a claim
2517 reserve for insurance accounting purposes.

2518 (3) An insurer providing medical payments coverage
2519 benefits may not:

2520 (a) Seek a lien on any recovery in tort by judgment,
2521 settlement, or otherwise for medical payments coverage benefits,
2522 regardless of whether suit has been filed or settlement has been
2523 reached without suit; or

2524 (b) Bring a cause of action against a person to whom or
2525 for whom medical payments coverage benefits were paid, except

2526 when medical payments coverage benefits were paid by reason of
2527 fraud committed by that person.

2528 (4) An insurer providing medical payments coverage may
2529 include provisions in its policy allowing for subrogation for
2530 medical payments coverage benefits paid if the expenses giving
2531 rise to the payments were caused by the wrongful act or omission
2532 of another who is not also an insured under the policy paying
2533 the medical payments coverage benefits. However, this
2534 subrogation right is inferior to the rights of the injured
2535 insured and is available only after all the insured's damages
2536 are recovered and the insured is made whole. An insured who
2537 obtains a recovery from a third party of the full amount of the
2538 damages sustained and delivers a release or satisfaction that
2539 impairs a medical payments insurer's subrogation right is liable
2540 to the insurer for repayment of medical payments coverage
2541 benefits less any expenses of acquiring the recovery, including
2542 a prorated share of attorney fees and costs, and shall hold that
2543 net recovery in trust to be delivered to the medical payments
2544 insurer. The insurer may not include any provision in its policy
2545 allowing for subrogation for any death benefit paid.

2546 Section 46. Subsections (1) and (7) of section 627.727,
2547 Florida Statutes, are amended to read:

2548 627.727 Motor vehicle insurance; uninsured and
2549 underinsured vehicle coverage; insolvent insurer protection.—

2550 (1) A ~~No~~ motor vehicle liability insurance policy that

2551 ~~which~~ provides bodily injury liability coverage may not ~~shall~~ be
 2552 delivered or issued for delivery in this state with respect to
 2553 any specifically insured or identified motor vehicle registered
 2554 or principally garaged in this state, unless uninsured motor
 2555 vehicle coverage is provided therein or supplemental thereto for
 2556 the protection of persons insured thereunder who are legally
 2557 entitled to recover damages from owners or operators of
 2558 uninsured motor vehicles because of bodily injury, sickness, or
 2559 disease, including death, resulting therefrom. However, the
 2560 coverage required under this section is not applicable if ~~when~~,
 2561 or to the extent that, an insured named in the policy makes a
 2562 written rejection of the coverage on behalf of all insureds
 2563 under the policy. If ~~When~~ a motor vehicle is leased for ~~a period~~
 2564 ~~of~~ 1 year or longer and the lessor of such vehicle, by the terms
 2565 of the lease contract, provides liability coverage on the leased
 2566 vehicle, the lessee of such vehicle has ~~shall have~~ the sole
 2567 privilege to reject uninsured motorist coverage or to select
 2568 lower limits than the bodily injury liability limits, regardless
 2569 of whether the lessor is qualified as a self-insurer pursuant to
 2570 s. 324.171. Unless an insured, or a lessee having the privilege
 2571 of rejecting uninsured motorist coverage, requests such coverage
 2572 or requests higher uninsured motorist limits in writing, the
 2573 coverage or such higher uninsured motorist limits 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 when an
 2577 | insured or lessee had rejected the coverage. When an insured or
 2578 | lessee has initially selected limits of uninsured motorist
 2579 | coverage lower than her or his bodily injury liability limits,
 2580 | higher limits of uninsured motorist coverage need not be
 2581 | provided in or supplemental to any other policy that ~~which~~
 2582 | renews, extends, changes, supersedes, or replaces an existing
 2583 | policy with the same bodily injury liability limits unless an
 2584 | insured requests higher uninsured motorist coverage in writing.
 2585 | The rejection or selection of lower limits must ~~shall~~ be made on
 2586 | a form approved by the office. The form must ~~shall~~ fully advise
 2587 | the applicant of the nature of the coverage and must ~~shall~~ state
 2588 | that the coverage is equal to bodily injury liability limits
 2589 | unless lower limits are requested or the coverage is rejected.
 2590 | The heading of the form must ~~shall~~ be in 12-point bold type and
 2591 | must ~~shall~~ state: "You are electing not to purchase certain
 2592 | valuable coverage that ~~which~~ protects you and your family or you
 2593 | are purchasing uninsured motorist limits less than your bodily
 2594 | injury liability limits when you sign this form. Please read
 2595 | carefully." If this form is signed by a named insured, it will
 2596 | be conclusively presumed that there was an informed, knowing
 2597 | rejection of coverage or election of lower limits on behalf of
 2598 | all insureds. The insurer shall notify the named insured at
 2599 | least annually of her or his options as to the coverage required
 2600 | by this section. Such notice must ~~shall~~ be part of, and attached

2601 to, the notice of premium, must ~~shall~~ provide for a means to
 2602 allow the insured to request such coverage, and must ~~shall~~ be
 2603 given in a manner approved by the office. Receipt of this notice
 2604 does not constitute an affirmative waiver of the insured's right
 2605 to uninsured motorist coverage if ~~where~~ the insured has not
 2606 signed a selection or rejection form. The coverage described
 2607 under this section must ~~shall~~ be over and above, but may ~~shall~~
 2608 not duplicate, the benefits available to an insured under any
 2609 workers' compensation law, ~~personal injury protection benefits,~~
 2610 disability benefits law, or similar law; under any automobile
 2611 medical payments ~~expense~~ coverage; under any motor vehicle
 2612 liability insurance coverage; or from the owner or operator of
 2613 the uninsured motor vehicle or any other person or organization
 2614 jointly or severally liable together with such owner or operator
 2615 for the accident, ~~+~~ and such coverage must ~~shall~~ cover the
 2616 difference, if any, between the sum of such benefits and the
 2617 damages sustained, up to the maximum amount of such coverage
 2618 provided under this section. The amount of coverage available
 2619 under this section may ~~shall~~ not be reduced by a setoff against
 2620 any coverage, including liability insurance. Such coverage does
 2621 ~~shall~~ not inure directly or indirectly to the benefit of any
 2622 workers' compensation or disability benefits carrier or any
 2623 person or organization qualifying as a self-insurer under any
 2624 workers' compensation or disability benefits law or similar law.

2625 (7) The legal liability of an uninsured motorist coverage

2626 insurer includes ~~does not include~~ damages in tort for pain,
 2627 suffering, disability, physical impairment, disfigurement,
 2628 mental anguish, ~~and~~ inconvenience, and the loss of capacity for
 2629 the enjoyment of life experienced in the past and to be
 2630 experienced in the future unless the injury or disease is
 2631 described in one or more of paragraphs (a) - (d) of s. 627.737(2).

2632 Section 47. Section 627.7275, Florida Statutes, is amended
 2633 to read:

2634 627.7275 Required coverages in motor vehicle insurance
 2635 policies; availability to certain applicants liability.-

2636 (1) A motor vehicle insurance policy ~~providing personal~~
 2637 ~~injury protection as set forth in s. 627.736~~ may not be
 2638 delivered or issued for delivery in this state for a ~~with~~
 2639 ~~respect to any~~ specifically insured or identified motor vehicle
 2640 registered or principally garaged in this state must provide
 2641 bodily injury liability coverage and unless the policy also
 2642 ~~provides coverage for property damage liability~~ coverage as
 2643 required under ss. 324.022 and 324.151 and death benefit
 2644 coverage as required under s. 627.72761 ~~by s. 324.022.~~

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

2648 1. Coverage under policies as described in subsection (1)
 2649 to an applicant for private passenger motor vehicle insurance
 2650 coverage who is seeking the coverage in order to reinstate the

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2651 applicant's driving privileges in this state if the driving
2652 privileges were revoked or suspended pursuant to s. 316.646 or
2653 s. 324.0221 due to the failure of the applicant to maintain
2654 required security.

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

2667 (b) The policies described in paragraph (a) must ~~shall~~ be
2668 issued for at least 6 months and, as to the minimum coverages
2669 required under this section, may not be canceled by the insured
2670 for any reason or by the insurer after 60 days, during which
2671 period the insurer is completing the underwriting of the policy.
2672 After the insurer has completed underwriting the policy, the
2673 insurer shall notify the Department of Highway Safety and Motor
2674 Vehicles that the policy is in full force and effect and is not
2675 cancelable for the remainder of the policy period. A premium

2676 must ~~shall~~ be collected and the coverage is in effect for the
 2677 60-day period during which the insurer is completing the
 2678 underwriting of the policy, whether or not the person's driver
 2679 license, motor vehicle tag, and motor vehicle registration are
 2680 in effect. Once the noncancelable provisions of the policy
 2681 become effective, the bodily injury liability and property
 2682 damage liability coverages ~~for bodily injury, property damage,~~
 2683 ~~and personal injury protection~~ may not be reduced below the
 2684 minimum limits required under s. 324.021 or s. 324.023 during
 2685 the policy period.

2686 (c) This subsection controls to the extent of any conflict
 2687 with any other section.

2688 (d) An insurer issuing a policy subject to this section
 2689 may cancel the policy if, during the policy term, the named
 2690 insured, or any other operator who resides in the same household
 2691 or customarily operates an automobile insured under the policy,
 2692 has his or her driver license suspended or revoked.

2693 (e) This subsection does not require an insurer to offer a
 2694 policy of insurance to an applicant if such offer would be
 2695 inconsistent with the insurer's underwriting guidelines and
 2696 procedures.

2697 Section 48. Section 627.72761, Florida Statutes, is
 2698 created to read:

2699 627.72761 Required motor vehicle death benefit coverage.-
 2700 An insurance policy complying with the financial responsibility

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2701 requirements of s. 324.022 must provide a death benefit of
2702 \$5,000 for each deceased person upon the death of the named
2703 insured, relatives residing in the same household, persons
2704 operating the insured motor vehicle, passengers in the motor
2705 vehicle, and other persons struck by the motor vehicle and
2706 suffering bodily injury while not an occupant of a self-
2707 propelled motor vehicle when such death arises out of the
2708 ownership, maintenance, or use of a motor vehicle. The insurer
2709 may pay death benefits to the executor or administrator of the
2710 deceased person; to any of the deceased person's relatives by
2711 blood, legal adoption, or marriage; or to any person appearing
2712 to the insurer to be equitably entitled to such benefits. The
2713 benefit may not be paid if the deceased person died as a result
2714 of causing injury or death to himself or herself intentionally
2715 or because of injuries or death incurred while committing a
2716 felony.

2717 Section 49. Effective upon this act becoming a law,
2718 section 627.7278, Florida Statutes, is created to read:

2719 627.7278 Applicability and construction; notice to
2720 policyholders.—

2721 (1) As used in this section, the term "minimum security
2722 requirements" means security that enables a person to respond in
2723 damages for liability on account of crashes arising out of the
2724 ownership, maintenance, or use of a motor vehicle, in the
2725 amounts required by s. 324.022.

2726 (2) Effective July 1, 2024:

2727 (a) Motor vehicle insurance policies issued or renewed on

2728 or after July 1, 2024, may not include personal injury

2729 protection.

2730 (b) All persons subject to s. 324.022, s. 324.032, s.

2731 627.7415, or s. 627.742 must maintain at least minimum security

2732 requirements.

2733 (c) Any new or renewal motor vehicle insurance policy

2734 delivered or issued for delivery in this state must provide

2735 coverage that complies with minimum security requirements and

2736 provides the death benefit set forth in s. 627.72761.

2737 (d) An existing motor vehicle insurance policy issued

2738 before July 1, 2024, which provides personal injury protection

2739 and property damage liability coverage that meets the

2740 requirements of s. 324.022 on June 30, 2024, but that does not

2741 meet minimum security requirements on or after July 1, 2024, is

2742 deemed to meet minimum security requirements until such policy

2743 is renewed, nonrenewed, or canceled on or after July 1, 2024.

2744 Sections 400.9905, 400.991, 456.057, 456.072, 626.9541(1)(i),

2745 627.7263, 627.727, 627.730-627.7405, 627.748, and 817.234,

2746 Florida Statutes 2022, remain in full force and effect for motor

2747 vehicle accidents covered under a policy issued under the

2748 Florida Motor Vehicle No-Fault Law before July 1, 2024, until

2749 the policy is renewed, nonrenewed, or canceled on or after July

2750 1, 2024.

2751 (3) Each insurer shall allow each insured who has a new or
2752 renewal policy providing personal injury protection which
2753 becomes effective before July 1, 2024, and whose policy does not
2754 meet minimum security requirements on or after July 1, 2024, to
2755 change coverages so as to eliminate personal injury protection
2756 and obtain coverage providing minimum security requirements and
2757 the death benefit set forth in s. 627.72761, which shall be
2758 effective on or after July 1, 2024. The insurer is not required
2759 to provide coverage complying with minimum security requirements
2760 and the death benefit set forth in s. 627.72761 in such policies
2761 if the insured does not pay the required premium, if any, by
2762 July 1, 2024, or such later date as the insurer may allow. The
2763 insurer shall also offer each insured medical payments coverage
2764 under s. 627.7265. Any reduction in the premium must be refunded
2765 by the insurer. The insurer may not impose on the insured an
2766 additional fee or charge that applies solely to a change in
2767 coverage; however, the insurer may charge an additional required
2768 premium that is actuarially indicated.

2769 (4) By April 1, 2024, each motor vehicle insurer shall
2770 provide notice of this section to each motor vehicle
2771 policyholder who is subject to this section. The notice is
2772 subject to approval by the office and must clearly inform the
2773 policyholder that:

2774 (a) The Florida Motor Vehicle No-Fault Law is repealed
2775 effective July 1, 2024, and that on or after that date, the

2776 insured is no longer required to maintain personal injury
2777 protection insurance coverage, that personal injury protection
2778 coverage is no longer available for purchase in this state, and
2779 that all new or renewal policies issued on or after that date
2780 will not contain that coverage.

2781 (b) Effective July 1, 2024, a person subject to the
2782 financial responsibility requirements of s. 324.022 must:

2783 1. Maintain minimum security requirements that enable the
2784 person to respond to damages for liability on account of
2785 accidents arising out of the use of a motor vehicle in the
2786 following amounts:

2787 a. Twenty-five thousand dollars for bodily injury to, or
2788 the death of, one person in any one crash and, subject to such
2789 limits for one person, in the amount of \$50,000 for bodily
2790 injury to, or the death of, two or more persons in any one
2791 crash; and

2792 b. Ten thousand dollars for damage to, or destruction of,
2793 the property of others in any one crash.

2794 2. Purchase a death benefit under s. 627.72761 providing
2795 coverage in the amount of \$5,000 per deceased individual upon
2796 the death of the named insured, relatives residing in the same
2797 household, persons operating the insured motor vehicle,
2798 passengers in the motor vehicle, and other persons struck by the
2799 motor vehicle and suffering bodily injury while not an occupant
2800 of a self-propelled motor vehicle, when such death arises out of

2801 the ownership, maintenance, or use of a motor vehicle.

2802 (c) Bodily injury liability coverage protects the insured,
2803 up to the coverage limits, against loss if the insured is
2804 legally responsible for the death of or bodily injury to others
2805 in a motor vehicle accident.

2806 (d) Effective July 1, 2024, each policyholder of motor
2807 vehicle liability insurance purchased as proof of financial
2808 responsibility must be offered medical payments coverage
2809 benefits that comply with s. 627.7265. The insurer must offer
2810 medical payments coverage at limits of \$5,000 and \$10,000
2811 without a deductible. The insurer may also offer medical
2812 payments coverage at other limits greater than \$5,000 and may
2813 offer coverage with a deductible of up to \$500. Medical payments
2814 coverage pays covered medical expenses incurred due to bodily
2815 injury, sickness, or disease arising out of the ownership,
2816 maintenance, or use of the motor vehicle, up to the limits of
2817 such coverage, for injuries sustained in a motor vehicle crash
2818 by the named insured, resident relatives, any persons operating
2819 the insured motor vehicle, passengers in the insured motor
2820 vehicle, and persons who are struck by the insured motor vehicle
2821 and suffer bodily injury while not an occupant of a self-
2822 propelled motor vehicle as provided in s. 627.7265.

2823 (e) The policyholder may obtain uninsured and underinsured
2824 motorist coverage that provides benefits, up to the limits of
2825 such coverage, to a policyholder or other insured entitled to

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2826 recover damages for bodily injury, sickness, disease, or death
2827 resulting from a motor vehicle accident with an uninsured or
2828 underinsured owner or operator of a motor vehicle.

2829 (f) If the policyholder's new or renewal motor vehicle
2830 insurance policy is effective before July 1, 2024, and contains
2831 personal injury protection and property damage liability
2832 coverage as required by state law before July 1, 2024, but does
2833 not meet minimum security requirements on or after July 1, 2024,
2834 the policy is deemed to meet minimum security requirements and
2835 need not provide the death benefit set forth in s. 627.72761
2836 until it is renewed, nonrenewed, or canceled on or after July 1,
2837 2024.

2838 (g) A policyholder whose new or renewal policy becomes
2839 effective before July 1, 2024, but does not meet minimum
2840 security requirements on or after July 1, 2024, may change
2841 coverages under the policy so as to eliminate personal injury
2842 protection and to obtain coverage providing minimum security
2843 requirements, including bodily injury liability coverage and the
2844 death benefit set forth in s. 627.72761, which are effective on
2845 or after July 1, 2024.

2846 (h) If the policyholder has any questions, he or she
2847 should contact the person named at the telephone number provided
2848 in the notice.

2849 Section 50. Paragraph (a) of subsection (1) of section
2850 627.728, Florida Statutes, is amended to read:

2851 627.728 Cancellations; nonrenewals.—

2852 (1) As used in this section, the term:

2853 (a) "Policy" means the bodily injury and property damage

2854 liability, ~~personal injury protection~~, medical payments, death

2855 benefit, comprehensive, collision, and uninsured motorist

2856 coverage portions of a policy of motor vehicle insurance

2857 delivered or issued for delivery in this state:

2858 1. Insuring a natural person as named insured or one or

2859 more related individuals who are residents ~~resident~~ of the same

2860 household; and

2861 2. Insuring only a motor vehicle of the private passenger

2862 type or station wagon type which is not used as a public or

2863 livery conveyance for passengers or rented to others; or

2864 insuring any other four-wheel motor vehicle having a load

2865 capacity of 1,500 pounds or less which is not used in the

2866 occupation, profession, or business of the insured other than

2867 farming; other than any policy issued under an automobile

2868 insurance assigned risk plan or covering garage, automobile

2869 sales agency, repair shop, service station, or public parking

2870 place operation hazards.

2871

2872 The term "policy" does not include a binder as defined in s.

2873 627.420 unless the duration of the binder period exceeds 60

2874 days.

2875 Section 51. Subsection (1), paragraph (a) of subsection

2876 (5), and subsections (6) and (7) of section 627.7295, Florida
 2877 Statutes, are amended to read:

2878 627.7295 Motor vehicle insurance contracts.—

2879 (1) As used in this section, the term:

2880 (a) "Policy" means a motor vehicle insurance policy that
 2881 provides death benefit coverage under s. 627.72761, bodily
 2882 injury liability ~~personal injury protection coverage, and,~~
 2883 property damage liability coverage, ~~or both.~~

2884 (b) "Binder" means a binder that provides motor vehicle
 2885 death benefit coverage under s. 627.72761, bodily injury
 2886 liability coverage, ~~personal injury protection~~ and property
 2887 damage liability coverage.

2888 (5)(a) A licensed general lines agent may charge a per-
 2889 policy fee of up to ~~not to exceed~~ \$10 to cover the
 2890 administrative costs of the agent associated with selling the
 2891 motor vehicle insurance policy if the policy provides ~~eovers~~
 2892 only the death benefit coverage under s. 627.72761, bodily
 2893 injury liability coverage, ~~personal injury protection coverage~~
 2894 ~~as provided by s. 627.736~~ and property damage liability coverage
 2895 under ~~as provided by~~ s. 627.7275 and if no other insurance is
 2896 sold or issued in conjunction with or collateral to the policy.
 2897 The fee is not ~~considered~~ part of the premium.

2898 (6) If a motor vehicle owner's driver license, license
 2899 plate, and registration have previously been suspended pursuant
 2900 to s. 316.646 ~~or s. 627.733~~, an insurer may cancel a new policy

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2901 only as provided in s. 627.7275.

2902 (7) A policy of private passenger motor vehicle insurance
2903 or a binder for such a policy may be initially issued in this
2904 state only if, before the effective date of such binder or
2905 policy, the insurer or agent has collected from the insured an
2906 amount equal to at least 1 month's premium. An insurer, agent,
2907 or premium finance company may not, directly or indirectly, take
2908 any action that results ~~resulting~~ in the insured paying ~~having~~
2909 ~~paid~~ from the insured's own funds an amount less than the 1
2910 month's premium required by this subsection. This subsection
2911 applies without regard to whether the premium is financed by a
2912 premium finance company or is paid pursuant to a periodic
2913 payment plan of an insurer or an insurance agent.

2914 (a) This subsection does not apply:

2915 1. If an insured or member of the insured's family is
2916 renewing or replacing a policy or a binder for such policy
2917 written by the same insurer or a member of the same insurer
2918 group. ~~This subsection does not apply~~

2919 2. To an insurer that issues private passenger motor
2920 vehicle coverage primarily to active duty or former military
2921 personnel or their dependents. ~~This subsection does not apply~~

2922 3. If all policy payments are paid pursuant to a payroll
2923 deduction plan, an automatic electronic funds transfer payment
2924 plan from the policyholder, or a recurring credit card or debit
2925 card agreement with the insurer.

2926 **(b)** This subsection and subsection (4) do not apply if:

2927 **1.** All policy payments to an insurer are paid pursuant to

2928 an automatic electronic funds transfer payment plan from an

2929 agent, a managing general agent, or a premium finance company

2930 and if the policy includes, at a minimum, the death benefit

2931 coverage under s. 627.72761, bodily injury liability coverage,

2932 and personal injury protection pursuant to ss. 627.730-627.7405;

2933 ~~motor vehicle property damage liability coverage under pursuant~~

2934 ~~to s. 627.7275; or and bodily injury liability in at least the~~

2935 ~~amount of \$10,000 because of bodily injury to, or death of, one~~

2936 ~~person in any one accident and in the amount of \$20,000 because~~

2937 ~~of bodily injury to, or death of, two or more persons in any one~~

2938 ~~accident. This subsection and subsection (4) do not apply if~~

2939 **2.** An insured has had a policy in effect for at least 6

2940 months, the insured's agent is terminated by the insurer that

2941 issued the policy, and the insured obtains coverage on the

2942 policy's renewal date with a new company through the terminated

2943 agent.

2944 Section 52. Section 627.7415, Florida Statutes, is amended

2945 to read:

2946 627.7415 Commercial motor vehicles; additional liability

2947 insurance coverage.-Beginning July 1, 2024, commercial motor

2948 vehicles, as defined in s. 207.002 or s. 320.01, operated upon

2949 the roads and highways of this state must ~~shall~~ be insured with

2950 the following minimum levels of combined bodily liability

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2951 insurance and property damage liability insurance in addition to
2952 any other insurance requirements:

2953 (1) Sixty ~~Fifty~~ thousand dollars per occurrence for a
2954 commercial motor vehicle with a gross vehicle weight of 26,000
2955 pounds or more, but less than 35,000 pounds.

2956 (2) One hundred twenty thousand dollars per occurrence for
2957 a commercial motor vehicle with a gross vehicle weight of 35,000
2958 pounds or more, but less than 44,000 pounds.

2959 (3) Three hundred thousand dollars per occurrence for a
2960 commercial motor vehicle with a gross vehicle weight of 44,000
2961 pounds or more.

2962 (4) All commercial motor vehicles subject to regulations
2963 of the United States Department of Transportation, 49 C.F.R.
2964 part 387, subparts A and B, and as may be hereinafter amended,
2965 shall be insured in an amount equivalent to the minimum levels
2966 of financial responsibility as set forth in such regulations.

2967
2968 A violation of this section is a noncriminal traffic infraction,
2969 punishable as a nonmoving violation as provided in chapter 318.

2970 Section 53. Subsections (1) and (3) of section 627.747,
2971 Florida Statutes, are amended to read:

2972 627.747 Named driver exclusion.—

2973 (1) A private passenger motor vehicle policy may exclude
2974 the following coverages for all claims or suits resulting from
2975 the operation of a motor vehicle by an identified individual who

2976 is not a named insured, provided the identified individual is
 2977 named on the declarations page or by endorsement and the named
 2978 insured consents in writing to such exclusion:

2979 ~~(a) Notwithstanding the Florida Motor Vehicle No-Fault~~
 2980 ~~Law, the personal injury protection coverage specifically~~
 2981 ~~applicable to the identified individual's injuries, lost wages,~~
 2982 ~~and death benefits.~~

2983 ~~(b)~~ Property damage liability coverage.

2984 ~~(b)(e)~~ Bodily injury liability coverage, ~~if required by~~
 2985 ~~law and purchased by the named insured.~~

2986 ~~(c)(d)~~ Uninsured motorist coverage for any damages
 2987 sustained by the identified excluded individual, if the named
 2988 insured has purchased such coverage.

2989 ~~(d)(e)~~ Any coverage the named insured is not required by
 2990 law to purchase.

2991 (3) A driver excluded pursuant to this section must:

2992 ~~(a)~~ establish, maintain, and show proof of financial
 2993 ability to respond for damages arising out of the ownership,
 2994 maintenance, or use of a motor vehicle as required by chapter
 2995 324; ~~and~~

2996 ~~(b) Maintain security as required by s. 627.733.~~

2997 Section 54. Paragraphs (b), (c), and (g) of subsection
 2998 (7), paragraphs (a) and (b) of subsection (8), and paragraph (b)
 2999 of subsection (16) of section 627.748, Florida Statutes, are
 3000 amended to read:

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3001 627.748 Transportation network companies.—
 3002 (7) TRANSPORTATION NETWORK COMPANY AND TNC DRIVER
 3003 INSURANCE REQUIREMENTS.—
 3004 (b) The following automobile insurance requirements apply
 3005 while a participating TNC driver is logged on to the digital
 3006 network but is not engaged in a prearranged ride:
 3007 1. Automobile insurance that provides:
 3008 a. A primary automobile liability coverage of at least
 3009 \$50,000 for death and bodily injury per person, \$100,000 for
 3010 death and bodily injury per incident, and \$25,000 for property
 3011 damage; and
 3012 b. ~~Personal injury protection benefits that meet the~~
 3013 ~~minimum coverage amounts required under ss. 627.730-627.7405;~~
 3014 ~~and~~
 3015 e. Uninsured and underinsured vehicle coverage as required
 3016 by s. 627.727.
 3017 2. The coverage requirements of this paragraph may be
 3018 satisfied by any of the following:
 3019 a. Automobile insurance maintained by the TNC driver or
 3020 the TNC vehicle owner;
 3021 b. Automobile insurance maintained by the TNC; or
 3022 c. A combination of sub-subparagraphs a. and b.
 3023 (c) The following automobile insurance requirements apply
 3024 while a TNC driver is engaged in a prearranged ride:
 3025 1. Automobile insurance that provides:

3026 a. A primary automobile liability coverage of at least \$1
 3027 million for death, bodily injury, and property damage; and
 3028 b. ~~Personal injury protection benefits that meet the~~
 3029 ~~minimum coverage amounts required of a limousine under ss.~~
 3030 ~~627.730-627.7405; and~~
 3031 ~~e.~~ Uninsured and underinsured vehicle coverage as required
 3032 by s. 627.727.
 3033 2. The coverage requirements of this paragraph may be
 3034 satisfied by any of the following:
 3035 a. Automobile insurance maintained by the TNC driver or
 3036 the TNC vehicle owner;
 3037 b. Automobile insurance maintained by the TNC; or
 3038 c. A combination of sub-subparagraphs a. and b.
 3039 (g) Insurance satisfying the requirements under this
 3040 subsection is deemed to satisfy the financial responsibility
 3041 requirement for a motor vehicle under chapter 324 ~~and the~~
 3042 ~~security required under s. 627.733~~ for any period when the TNC
 3043 driver is logged onto the digital network or engaged in a
 3044 prearranged ride.
 3045 (8) TRANSPORTATION NETWORK COMPANY AND INSURER;
 3046 DISCLOSURE; EXCLUSIONS.—
 3047 (a) Before a TNC driver is allowed to accept a request for
 3048 a prearranged ride on the digital network, the TNC must disclose
 3049 in writing to the TNC driver:
 3050 1. The insurance coverage, including the types of coverage

3051 and the limits for each coverage, which the TNC provides while
3052 the TNC driver uses a TNC vehicle in connection with the TNC's
3053 digital network.

3054 2. That the TNC driver's own automobile insurance policy
3055 might not provide any coverage while the TNC driver is logged on
3056 to the digital network or is engaged in a prearranged ride,
3057 depending on the terms of the TNC driver's own automobile
3058 insurance policy.

3059 3. That the provision of rides for compensation which are
3060 not prearranged rides subjects the driver to the coverage
3061 requirements imposed under s. 324.032(1) and (2) and that
3062 failure to meet such coverage requirements subjects the TNC
3063 driver to penalties provided in s. 324.221, up to and including
3064 a misdemeanor of the second degree.

3065 (b)1. An insurer that provides an automobile liability
3066 insurance policy under this part may exclude any and all
3067 coverage afforded under the policy issued to an owner or
3068 operator of a TNC vehicle while driving that vehicle for any
3069 loss or injury that occurs while a TNC driver is logged on to a
3070 digital network or while a TNC driver provides a prearranged
3071 ride. Exclusions imposed under this subsection are limited to
3072 coverage while a TNC driver is logged on to a digital network or
3073 while a TNC driver provides a prearranged ride. This right to
3074 exclude all coverage may apply to any coverage included in an
3075 automobile insurance policy, including, but not limited to:

- 3076 a. Liability coverage for bodily injury and property
- 3077 damage;
- 3078 b. Uninsured and underinsured motorist coverage;
- 3079 c. Medical payments coverage;
- 3080 d. Comprehensive physical damage coverage;
- 3081 e. Collision physical damage coverage; and
- 3082 f. Death benefit coverage under s. 627.72761 ~~Personal~~
- 3083 ~~injury protection.~~

3084 2. The exclusions described in subparagraph 1. apply

3085 notwithstanding any requirement under chapter 324. These

3086 exclusions do not affect or diminish coverage otherwise

3087 available for permissive drivers or resident relatives under the

3088 personal automobile insurance policy of the TNC driver or owner

3089 of the TNC vehicle who are not occupying the TNC vehicle at the

3090 time of loss. This section does not require that a personal

3091 automobile insurance policy provide coverage while the TNC

3092 driver is logged on to a digital network, while the TNC driver

3093 is engaged in a prearranged ride, or while the TNC driver

3094 otherwise uses a vehicle to transport riders for compensation.

3095 3. This section must not be construed to require an

3096 insurer to use any particular policy language or reference to

3097 this section in order to exclude any and all coverage for any

3098 loss or injury that occurs while a TNC driver is logged on to a

3099 digital network or while a TNC driver provides a prearranged

3100 ride.

3101 4. This section does not preclude an insurer from
 3102 providing primary or excess coverage for the TNC driver's
 3103 vehicle by contract or endorsement.

3104 (16) LUXURY GROUND TRANSPORTATION NETWORK COMPANIES.—

3105 (b) An entity may elect, upon written notification to the
 3106 department, to be regulated as a luxury ground TNC. A luxury
 3107 ground TNC must:

3108 1. Comply with all of the requirements of this section
 3109 applicable to a TNC, including subsection (17), which do not
 3110 conflict with subparagraph 2. or which do not prohibit the
 3111 company from connecting riders to drivers who operate for-hire
 3112 vehicles as defined in s. 320.01(15), including limousines and
 3113 luxury sedans and excluding taxicabs.

3114 2. Maintain insurance coverage as required by subsection
 3115 (7). However, if a prospective luxury ground TNC satisfies
 3116 minimum financial responsibility through compliance with s.
 3117 324.032(3) ~~s. 324.032(2)~~ by using self-insurance when it gives
 3118 the department written notification of its election to be
 3119 regulated as a luxury ground TNC, the luxury ground TNC may use
 3120 self-insurance to meet the insurance requirements of subsection
 3121 (7), so long as such self-insurance complies with s. 324.032(3)
 3122 ~~s. 324.032(2)~~ and provides the limits of liability required by
 3123 subsection (7).

3124 Section 55. Subsection (2) and paragraphs (a) and (c) of
 3125 subsection (3) of section 627.7483, Florida Statutes, are

3126 amended to read:

3127 627.7483 Peer-to-peer car sharing; insurance
 3128 requirements.—

3129 (2) INSURANCE COVERAGE REQUIREMENTS.—

3130 (a)1. A peer-to-peer car-sharing program shall ensure
 3131 that, during each car-sharing period, the shared vehicle owner
 3132 and the shared vehicle driver are insured under a motor vehicle
 3133 insurance policy that provides all of the following:

3134 a. Property damage liability coverage and bodily injury
 3135 liability coverage that meet or exceed ~~meets~~ the minimum
 3136 coverage amounts required under s. 324.022.

3137 b. ~~Bodily injury liability coverage limits as described in~~
 3138 ~~s. 324.021(7)(a) and (b).~~

3139 c. ~~Personal injury protection benefits that meet the~~
 3140 ~~minimum coverage amounts required under s. 627.736.~~

3141 d. ~~Uninsured and underinsured vehicle coverage as required~~
 3142 ~~under s. 627.727.~~

3143 2. The peer-to-peer car-sharing program shall also ensure
 3144 that the motor vehicle insurance policy under subparagraph 1.:

3145 a. Recognizes that the shared vehicle insured under the
 3146 policy is made available and used through a peer-to-peer car-
 3147 sharing program; or

3148 b. Does not exclude the use of a shared vehicle by a
 3149 shared vehicle driver.

3150 (b)1. The insurance described under paragraph (a) may be

3151 satisfied by a motor vehicle insurance policy maintained by:
 3152 a. A shared vehicle owner;
 3153 b. A shared vehicle driver;
 3154 c. A peer-to-peer car-sharing program; or
 3155 d. A combination of a shared vehicle owner, a shared
 3156 vehicle driver, and a peer-to-peer car-sharing program.

3157 2. The insurance policy maintained in subparagraph 1.
 3158 which satisfies the insurance requirements under paragraph (a)
 3159 is primary during each car-sharing period. If a claim occurs
 3160 during the car-sharing period in another state with minimum
 3161 financial responsibility limits higher than those limits
 3162 required under chapter 324, the coverage maintained under
 3163 paragraph (a) satisfies the difference in minimum coverage
 3164 amounts up to the applicable policy limits.

3165 3.a. If the insurance maintained by a shared vehicle owner
 3166 or shared vehicle driver in accordance with subparagraph 1. has
 3167 lapsed or does not provide the coverage required under paragraph
 3168 (a), the insurance maintained by the peer-to-peer car-sharing
 3169 program must provide the coverage required under paragraph (a),
 3170 beginning with the first dollar of a claim, and must defend such
 3171 claim, except under circumstances as set forth in subparagraph
 3172 (3)(a)2.

3173 b. Coverage under a motor vehicle insurance policy
 3174 maintained by the peer-to-peer car-sharing program must not be
 3175 dependent on another motor vehicle insurer first denying a

3176 claim, and another motor vehicle insurance policy is not
3177 required to first deny a claim.

3178 c. Notwithstanding any other law, statute, rule, or
3179 regulation to the contrary, a peer-to-peer car-sharing program
3180 has an insurable interest in a shared vehicle during the car-
3181 sharing period. This sub-subparagraph does not create liability
3182 for a peer-to-peer car-sharing program for maintaining the
3183 coverage required under paragraph (a) and under this paragraph,
3184 if applicable.

3185 d. A peer-to-peer car-sharing program may own and maintain
3186 as the named insured one or more policies of motor vehicle
3187 insurance which provide coverage for:

3188 (I) Liabilities assumed by the peer-to-peer car-sharing
3189 program under a peer-to-peer car-sharing program agreement;

3190 (II) Liability of the shared vehicle owner;

3191 (III) Liability of the shared vehicle driver;

3192 (IV) Damage or loss to the shared motor vehicle; or

3193 (V) Damage, loss, or injury to persons or property to
3194 satisfy the ~~personal injury protection and~~ uninsured and
3195 underinsured motorist coverage requirements of this section.

3196 e. Insurance required under paragraph (a), when maintained
3197 by a peer-to-peer car-sharing program, may be provided by an
3198 insurer authorized to do business in this state which is a
3199 member of the Florida Insurance Guaranty Association or an
3200 eligible surplus lines insurer that has a superior, excellent,

3201 exceptional, or equivalent financial strength rating by a rating
 3202 agency acceptable to the office. A peer-to-peer car-sharing
 3203 program is not transacting in insurance when it maintains the
 3204 insurance required under this section.

3205 (3) LIABILITIES AND INSURANCE EXCLUSIONS.—

3206 (a) Liability.—

3207 1. A peer-to-peer car-sharing program shall assume
 3208 liability, except as provided in subparagraph 2., of a shared
 3209 vehicle owner for bodily injury or property damage to third
 3210 parties or uninsured and underinsured motorist ~~or personal~~
 3211 ~~injury protection~~ losses during the car-sharing period in an
 3212 amount stated in the peer-to-peer car-sharing program agreement,
 3213 which amount may not be less than those set forth in ss. 324.022
 3214 and ss. 324.021(7)(a) and (b), 324.022, 627.727, and 627.736,
 3215 respectively.

3216 2. The assumption of liability under subparagraph 1. does
 3217 not apply if a shared vehicle owner:

3218 a. Makes an intentional or fraudulent material
 3219 misrepresentation or omission to the peer-to-peer car-sharing
 3220 program before the car-sharing period in which the loss occurs;
 3221 or

3222 b. Acts in concert with a shared vehicle driver who fails
 3223 to return the shared vehicle pursuant to the terms of the peer-
 3224 to-peer car-sharing program agreement.

3225 3. The insurer, insurers, or peer-to-peer car-sharing

3226 program providing coverage under paragraph (2)(a) shall assume
 3227 primary liability for a claim when:

3228 a. A dispute exists over who was in control of the shared
 3229 motor vehicle at the time of the loss, and the peer-to-peer car-
 3230 sharing program does not have available, did not retain, or
 3231 fails to provide the information required under subsection (5);
 3232 or

3233 b. A dispute exists over whether the shared vehicle was
 3234 returned to the alternatively agreed-upon location as required
 3235 under subparagraph (1)(d)2.

3236 (c) Exclusions in motor vehicle insurance policies.—An
 3237 authorized insurer that writes motor vehicle liability insurance
 3238 in this state may exclude any coverage and the duty to defend or
 3239 indemnify for any claim under a shared vehicle owner's motor
 3240 vehicle insurance policy, including, but not limited to:

- 3241 1. Liability coverage for bodily injury and property
- 3242 damage;
- 3243 2. ~~Personal injury protection coverage;~~
- 3244 ~~3.~~ Uninsured and underinsured motorist coverage;
- 3245 3.4. Medical payments coverage;
- 3246 4.5. Comprehensive physical damage coverage; and
- 3247 5.6. Collision physical damage coverage.

3248
 3249 This paragraph does not invalidate or limit any exclusion
 3250 contained in a motor vehicle insurance policy, including any

3251 insurance policy in use or approved for use which excludes
 3252 coverage for motor vehicles made available for rent, sharing, or
 3253 hire or for any business use. This paragraph does not
 3254 invalidate, limit, or restrict an insurer's ability under
 3255 existing law to underwrite, cancel, or nonrenew any insurance
 3256 policy.

3257 Section 56. Paragraph (a) of subsection (2) of section
 3258 627.749, Florida Statutes, is amended to read:

3259 627.749 Autonomous vehicles; insurance requirements.—

3260 (2) INSURANCE REQUIREMENTS.—

3261 (a) A fully autonomous vehicle with the automated driving
 3262 system engaged while logged on to an on-demand autonomous
 3263 vehicle network or engaged in a prearranged ride must be covered
 3264 by a policy of automobile insurance which provides:

3265 1. Primary liability coverage of at least \$1 million for
 3266 death, bodily injury, and property damage.

3267 2. ~~Personal injury protection benefits that meet the~~
 3268 ~~minimum coverage amounts required under ss. 627.730-627.7405.~~

3269 ~~3.~~ Uninsured and underinsured vehicle coverage as required
 3270 by s. 627.727.

3271 Section 57. Section 627.8405, Florida Statutes, is amended
 3272 to read:

3273 627.8405 Prohibited acts; financing companies.—A ~~No~~
 3274 premium finance company ~~shall~~, in a premium finance agreement or
 3275 other agreement, may not finance the cost of or otherwise

3276 provide for the collection or remittance of dues, assessments,
 3277 fees, or other periodic payments of money for the cost of:
 3278 (1) A membership in an automobile club. The term
 3279 "automobile club" means a legal entity that ~~which~~, in
 3280 consideration of dues, assessments, or periodic payments of
 3281 money, promises its members or subscribers to assist them in
 3282 matters relating to the ownership, operation, use, or
 3283 maintenance of a motor vehicle; however, the term ~~this~~
 3284 ~~definition of "automobile club"~~ does not include persons,
 3285 associations, or corporations ~~which are~~ organized and operated
 3286 solely for the purpose of conducting, sponsoring, or sanctioning
 3287 motor vehicle races, exhibitions, or contests upon racetracks,
 3288 or upon racecourses established and marked as such for the
 3289 duration of such particular events. As used in this subsection,
 3290 the term ~~words~~ "motor vehicle" has ~~used herein have~~ the same
 3291 meaning as ~~defined~~ in chapter 320.
 3292 (2) An accidental death and dismemberment policy sold in
 3293 combination with a policy providing only death benefit coverage
 3294 under s. 627.72761, bodily injury liability coverage, ~~personal~~
 3295 injury protection and property damage liability coverage only
 3296 policy.
 3297 (3) Any product not regulated under ~~the provisions of this~~
 3298 insurance code.
 3299
 3300 This section also applies to premium financing by any insurance

3301 agent or insurance company under part XVI. The commission shall
 3302 adopt rules to assure disclosure, at the time of sale, of
 3303 coverages financed ~~with personal injury protection~~ and shall
 3304 prescribe the form of such disclosure.

3305 Section 58. Subsection (1) of section 627.915, Florida
 3306 Statutes, is amended to read:

3307 627.915 Insurer experience reporting.—

3308 (1) Each insurer transacting private passenger motor
 3309 vehicle ~~automobile~~ insurance in this state shall report certain
 3310 information annually to the office. The information will be due
 3311 on or before July 1 of each year. The information must ~~shall~~ be
 3312 divided into the following categories: bodily injury liability;
 3313 property damage liability; uninsured motorist; death benefit
 3314 coverage under s. 627.72761 ~~personal injury protection benefits~~;
 3315 medical payments; and comprehensive and collision. The
 3316 information given must ~~shall~~ be on direct insurance writings in
 3317 the state alone and ~~shall~~ represent total limits data. The
 3318 information set forth in paragraphs (a)-(f) is applicable to
 3319 voluntary private passenger and Joint Underwriting Association
 3320 private passenger writings and must ~~shall~~ be reported for each
 3321 of the latest 3 calendar-accident years, with an evaluation date
 3322 of March 31 of the current year. The information set forth in
 3323 paragraphs (g)-(j) is applicable to voluntary private passenger
 3324 writings and must ~~shall~~ be reported on a calendar-accident year
 3325 basis ultimately seven times at seven different stages of

3326 development.

3327 (a) Premiums earned for the latest 3 calendar-accident
 3328 years.

3329 (b) Loss development factors and the historic development
 3330 of those factors.

3331 (c) Policyholder dividends incurred.

3332 (d) Expenses for other acquisition and general expense.

3333 (e) Expenses for agents' commissions and taxes, licenses,
 3334 and fees.

3335 (f) Profit and contingency factors as utilized in the
 3336 insurer's automobile rate filings for the applicable years.

3337 (g) Losses paid.

3338 (h) Losses unpaid.

3339 (i) Loss adjustment expenses paid.

3340 (j) Loss adjustment expenses unpaid.

3341 Section 59. Subsections (2) and (3) of section 628.909,
 3342 Florida Statutes, are amended to read:

3343 628.909 Applicability of other laws.—

3344 (2) The following provisions of the Florida Insurance Code
 3345 apply to captive insurance companies that ~~who~~ are not industrial
 3346 insured captive insurance companies to the extent that such
 3347 provisions are not inconsistent with this part:

3348 (a) Chapter 624, except for ss. 624.407, 624.408,
 3349 624.4085, 624.40851, 624.4095, 624.411, 624.425, and 624.426.

3350 (b) Chapter 625, part II.

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3351 (c) Chapter 626, part IX.

3352 (d) ~~Sections 627.730-627.7405, when no-fault coverage is~~
 3353 ~~provided.~~

3354 ~~(e)~~ Chapter 628.

3355 (3) The following provisions of the Florida Insurance Code
 3356 ~~shall~~ apply to industrial insured captive insurance companies to
 3357 the extent that such provisions are not inconsistent with this
 3358 part:

3359 (a) Chapter 624, except for ss. 624.407, 624.408,
 3360 624.4085, 624.40851, 624.4095, 624.411, 624.425, 624.426, and
 3361 624.609(1).

3362 (b) Chapter 625, part II, if the industrial insured
 3363 captive insurance company is incorporated in this state.

3364 (c) Chapter 626, part IX.

3365 (d) ~~Sections 627.730-627.7405 when no-fault coverage is~~
 3366 ~~provided.~~

3367 ~~(e)~~ Chapter 628, except for ss. 628.341, 628.351, and
 3368 628.6018.

3369 Section 60. Subsections (2), (6), and (7) of section
 3370 705.184, Florida Statutes, are amended to read:

3371 705.184 Derelict or abandoned motor vehicles on the
 3372 premises of public-use airports.—

3373 (2) The airport director or the director's designee shall
 3374 contact the Department of Highway Safety and Motor Vehicles to
 3375 notify that department that the airport has possession of the

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3376 abandoned or derelict motor vehicle and to determine the name
3377 and address of the owner of the motor vehicle, the insurance
3378 company insuring the motor vehicle, ~~notwithstanding the~~
3379 ~~provisions of s. 627.736,~~ and any person who has filed a lien on
3380 the motor vehicle. Within 7 business days after receipt of the
3381 information, the director or the director's designee shall send
3382 notice by certified mail, return receipt requested, to the owner
3383 of the motor vehicle, the insurance company insuring the motor
3384 vehicle, ~~notwithstanding the provisions of s. 627.736,~~ and all
3385 persons of record claiming a lien against the motor vehicle. The
3386 notice must ~~shall~~ state the fact of possession of the motor
3387 vehicle, that charges for reasonable towing, storage, and
3388 parking fees, if any, have accrued and the amount thereof, that
3389 a lien as provided in subsection (6) will be claimed, that the
3390 lien is subject to enforcement pursuant to law, that the owner
3391 or lienholder, if any, has the right to a hearing as set forth
3392 in subsection (4), and that any motor vehicle which, at the end
3393 of 30 calendar days after receipt of the notice, has not been
3394 removed from the airport upon payment in full of all accrued
3395 charges for reasonable towing, storage, and parking fees, if
3396 any, may be disposed of as provided in s. 705.182(2)(a), (b),
3397 (d), or (e), including, but not limited to, the motor vehicle
3398 being sold free of all prior liens after 35 calendar days after
3399 the time the motor vehicle is stored if any prior liens on the
3400 motor vehicle are more than 5 years of age or after 50 calendar

3401 days after the time the motor vehicle is stored if any prior
 3402 liens on the motor vehicle are 5 years of age or less.

3403 (6) The airport pursuant to this section or, if used, a
 3404 licensed independent wrecker company pursuant to s. 713.78 shall
 3405 have a lien on an abandoned or derelict motor vehicle for all
 3406 reasonable towing, storage, and accrued parking fees, if any,
 3407 except that no storage fee may ~~shall~~ be charged if the motor
 3408 vehicle is stored less than 6 hours. As a prerequisite to
 3409 perfecting a lien under this section, the airport director or
 3410 the director's designee must serve a notice in accordance with
 3411 subsection (2) on the owner of the motor vehicle, the insurance
 3412 company insuring the motor vehicle, ~~notwithstanding the~~
 3413 ~~provisions of s. 627.736,~~ and all persons of record claiming a
 3414 lien against the motor vehicle. If attempts to notify the owner,
 3415 the insurance company insuring the motor vehicle,
 3416 ~~notwithstanding the provisions of s. 627.736,~~ or lienholders are
 3417 not successful, the requirement of notice by mail shall be
 3418 considered met. Serving of the notice does not dispense with
 3419 recording the claim of lien.

3420 (7) (a) For the purpose of perfecting its lien under this
 3421 section, the airport shall record a claim of lien which states
 3422 ~~shall state:~~

- 3423 1. The name and address of the airport.
- 3424 2. The name of the owner of the motor vehicle, the
 3425 insurance company insuring the motor vehicle, ~~notwithstanding~~

3426 ~~the provisions of s. 627.736,~~ and all persons of record claiming
 3427 a lien against the motor vehicle.

3428 3. The costs incurred from reasonable towing, storage, and
 3429 parking fees, if any.

3430 4. A description of the motor vehicle sufficient for
 3431 identification.

3432 (b) The claim of lien must ~~shall~~ be signed and sworn to or
 3433 affirmed by the airport director or the director's designee.

3434 (c) The claim of lien is ~~shall be~~ sufficient if it is in
 3435 substantially the following form:

3437 CLAIM OF LIEN

3438 State of

3439 County of

3440 Before me, the undersigned notary public, personally appeared
 3441, who was duly sworn and says that he/she is the
 3442 of, whose address is.....; and that the
 3443 following described motor vehicle:

3444 ...(Description of motor vehicle)...

3445 owned by, whose address is, has accrued
 3446 \$..... in fees for a reasonable tow, for storage, and for
 3447 parking, if applicable; that the lienor served its notice to the
 3448 owner, the insurance company insuring the motor vehicle
 3449 ~~notwithstanding the provisions of s. 627.736, Florida Statutes,~~
 3450 and all persons of record claiming a lien against the motor

3451 vehicle on, ...(year)...., by.....
 3452 ...(Signature)..
 3453 Sworn to (or affirmed) and subscribed before me this day of
 3454, ...(year)...., by ...(name of person making statement)....
 3455 ...(Signature of Notary Public)... ...(Print, Type, or Stamp
 3456 Commissioned name of Notary Public)..
 3457 Personally Known....OR Produced....as identification.
 3458

3459 However, the negligent inclusion or omission of any information
 3460 in this claim of lien which does not prejudice the owner does
 3461 not constitute a default that operates to defeat an otherwise
 3462 valid lien.

3463 (d) The claim of lien must ~~shall~~ be served on the owner of
 3464 the motor vehicle, the insurance company insuring the motor
 3465 vehicle, ~~notwithstanding the provisions of s. 627.736,~~ and all
 3466 persons of record claiming a lien against the motor vehicle. If
 3467 attempts to notify the owner, the insurance company insuring the
 3468 motor vehicle ~~notwithstanding the provisions of s. 627.736,~~ or
 3469 lienholders are not successful, the requirement of notice by
 3470 mail is ~~shall be~~ considered met. The claim of lien must ~~shall~~ be
 3471 so served before recordation.

3472 (e) The claim of lien must ~~shall~~ be recorded with the
 3473 clerk of court in the county where the airport is located. The
 3474 recording of the claim of lien shall be constructive notice to
 3475 all persons of the contents and effect of such claim. The lien

3476 attaches ~~shall attach~~ at the time of recordation and takes ~~shall~~
 3477 ~~take~~ priority as of that time.

3478 Section 61. Paragraphs (a), (b), and (c) of subsection (4)
 3479 of section 713.78, Florida Statutes, are amended to read:

3480 713.78 Liens for recovering, towing, or storing vehicles
 3481 and vessels.—

3482 (4)(a) A person regularly engaged in the business of
 3483 recovering, towing, or storing vehicles or vessels who comes
 3484 into possession of a vehicle or vessel pursuant to subsection
 3485 (2), and who claims a lien for recovery, towing, or storage
 3486 services, shall give notice, by certified mail, to the
 3487 registered owner, the insurance company insuring the vehicle
 3488 ~~notwithstanding s. 627.736~~, and all persons claiming a lien
 3489 thereon, as disclosed by the records in the Department of
 3490 Highway Safety and Motor Vehicles or as disclosed by the records
 3491 of any corresponding agency in any other state in which the
 3492 vehicle is identified through a records check of the National
 3493 Motor Vehicle Title Information System or an equivalent
 3494 commercially available system as being titled or registered.

3495 (b) Whenever a law enforcement agency authorizes the
 3496 removal of a vehicle or vessel or whenever a towing service,
 3497 garage, repair shop, or automotive service, storage, or parking
 3498 place notifies the law enforcement agency of possession of a
 3499 vehicle or vessel pursuant to s. 715.07(2)(a)2., the law
 3500 enforcement agency of the jurisdiction where the vehicle or

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3501 vessel is stored shall contact the Department of Highway Safety
3502 and Motor Vehicles, or the appropriate agency of the state of
3503 registration, if known, within 24 hours through the medium of
3504 electronic communications, giving the full description of the
3505 vehicle or vessel. Upon receipt of the full description of the
3506 vehicle or vessel, the department shall search its files to
3507 determine the owner's name, the insurance company insuring the
3508 vehicle or vessel, and whether any person has filed a lien upon
3509 the vehicle or vessel as provided in s. 319.27(2) and (3) and
3510 notify the applicable law enforcement agency within 72 hours.
3511 The person in charge of the towing service, garage, repair shop,
3512 or automotive service, storage, or parking place shall obtain
3513 such information from the applicable law enforcement agency
3514 within 5 days after the date of storage and shall give notice
3515 pursuant to paragraph (a). The department may release the
3516 insurance company information to the requestor ~~notwithstanding~~
3517 ~~s. 627.736.~~

3518 (c) The notice of lien must be sent by certified mail to
3519 the registered owner, the insurance company insuring the vehicle
3520 ~~notwithstanding s. 627.736~~, and all other persons claiming a
3521 lien thereon within 7 business days, excluding Saturday and
3522 Sunday, after the date of storage of the vehicle or vessel.
3523 However, in no event shall the notice of lien be sent less than
3524 30 days before the sale of the vehicle or vessel. The notice
3525 must state:

- 3526 1. If the claim of lien is for a vehicle, the last 8
 3527 digits of the vehicle identification number of the vehicle
 3528 subject to the lien, or, if the claim of lien is for a vessel,
 3529 the hull identification number of the vessel subject to the
 3530 lien, clearly printed in the delivery address box and on the
 3531 outside of the envelope sent to the registered owner and all
 3532 other persons claiming an interest therein or lien thereon.
- 3533 2. The name, physical address, and telephone number of the
 3534 lienor, and the entity name, as registered with the Division of
 3535 Corporations, of the business where the towing and storage
 3536 occurred, which must also appear on the outside of the envelope
 3537 sent to the registered owner and all other persons claiming an
 3538 interest in or lien on the vehicle or vessel.
- 3539 3. The fact of possession of the vehicle or vessel.
- 3540 4. The name of the person or entity that authorized the
 3541 lienor to take possession of the vehicle or vessel.
- 3542 5. That a lien as provided in subsection (2) is claimed.
- 3543 6. That charges have accrued and include an itemized
 3544 statement of the amount thereof.
- 3545 7. That the lien is subject to enforcement under law and
 3546 that the owner or lienholder, if any, has the right to a hearing
 3547 as set forth in subsection (5).
- 3548 8. That any vehicle or vessel that remains unclaimed, or
 3549 for which the charges for recovery, towing, or storage services
 3550 remain unpaid, may be sold free of all prior liens 35 days after

3551 the vehicle or vessel is stored by the lienor if the vehicle or
 3552 vessel is more than 3 years of age or 50 days after the vehicle
 3553 or vessel is stored by the lienor if the vehicle or vessel is 3
 3554 years of age or less.

3555 9. The address at which the vehicle or vessel is
 3556 physically located.

3557 Section 62. Paragraph (a) of subsection (1), paragraph (c)
 3558 of subsection (7), paragraphs (a), (b), and (c) of subsection
 3559 (8), and subsections (9) and (10) of section 817.234, Florida
 3560 Statutes, are amended to read:

3561 817.234 False and fraudulent insurance claims.—

3562 (1)(a) A person commits insurance fraud punishable as
 3563 provided in subsection (11) if that person, with the intent to
 3564 injure, defraud, or deceive any insurer:

3565 1. Presents or causes to be presented any written or oral
 3566 statement as part of, or in support of, a claim for payment or
 3567 other benefit pursuant to an insurance policy or a health
 3568 maintenance organization subscriber or provider contract,
 3569 knowing that such statement contains ~~any~~ false, incomplete, or
 3570 misleading information concerning any fact or thing material to
 3571 such claim;

3572 2. Prepares or makes any written or oral statement that is
 3573 intended to be presented to an ~~any~~ insurer in connection with,
 3574 or in support of, any claim for payment or other benefit
 3575 pursuant to an insurance policy or a health maintenance

3576 organization subscriber or provider contract, knowing that such
 3577 statement contains ~~any~~ false, incomplete, or misleading
 3578 information concerning any fact or thing material to such claim;

3579 3.a. Knowingly presents, causes to be presented, or
 3580 prepares or makes with knowledge or belief that it will be
 3581 presented to an ~~any~~ insurer, purported insurer, servicing
 3582 corporation, insurance broker, or insurance agent, or any
 3583 employee or agent thereof, ~~any~~ false, incomplete, or misleading
 3584 information or a written or oral statement as part of, or in
 3585 support of, an application for the issuance of, or the rating
 3586 of, any insurance policy, or a health maintenance organization
 3587 subscriber or provider contract; or

3588 b. Knowingly conceals information concerning any fact
 3589 material to such application; or

3590 4. Knowingly presents, causes to be presented, or prepares
 3591 or makes with knowledge or belief that it will be presented to
 3592 any insurer a claim for payment or other benefit under medical
 3593 payments coverage in a motor vehicle ~~a personal injury~~
 3594 ~~protection~~ insurance policy if the person knows that the payee
 3595 knowingly submitted a false, misleading, or fraudulent
 3596 application or other document when applying for licensure as a
 3597 health care clinic, seeking an exemption from licensure as a
 3598 health care clinic, or demonstrating compliance with part X of
 3599 chapter 400.

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3601 ~~(c) An insurer, or any person acting at the direction of~~
3602 ~~or on behalf of an insurer, may not change an opinion in a~~
3603 ~~mental or physical report prepared under s. 627.736(7) or direct~~
3604 ~~the physician preparing the report to change such opinion;~~
3605 ~~however, this provision does not preclude the insurer from~~
3606 ~~calling to the attention of the physician errors of fact in the~~
3607 ~~report based upon information in the claim file. Any person who~~
3608 ~~violates this paragraph commits a felony of the third degree,~~
3609 ~~punishable as provided in s. 775.082, s. 775.083, or s. 775.084.~~

3610 (8)(a) It is unlawful for any person intending to defraud
3611 any other person to solicit or cause to be solicited any
3612 business from a person involved in a motor vehicle accident for
3613 the purpose of making, adjusting, or settling motor vehicle tort
3614 claims or claims for benefits under medical payments coverage in
3615 a motor vehicle insurance policy ~~personal injury protection~~
3616 ~~benefits required by s. 627.736.~~ Any person who violates the
3617 ~~provisions of~~ this paragraph commits a felony of the second
3618 degree, punishable as provided in s. 775.082, s. 775.083, or s.
3619 775.084. A person who is convicted of a violation of this
3620 subsection shall be sentenced to a minimum term of imprisonment
3621 of 2 years.

3622 (b) A person may not solicit or cause to be solicited any
3623 business from a person involved in a motor vehicle accident by
3624 any means of communication other than advertising directed to
3625 the public for the purpose of making motor vehicle tort claims

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3626 or claims for benefits under medical payments coverage in a
3627 motor vehicle insurance policy ~~personal injury protection~~
3628 ~~benefits required by s. 627.736,~~ within 60 days after the
3629 occurrence of the motor vehicle accident. Any person who
3630 violates this paragraph commits a felony of the third degree,
3631 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

3632 (c) A lawyer, health care practitioner as defined in s.
3633 456.001, or owner or medical director of a clinic required to be
3634 licensed pursuant to s. 400.9905 may not, at any time after 60
3635 days have elapsed from the occurrence of a motor vehicle
3636 accident, solicit or cause to be solicited any business from a
3637 person involved in a motor vehicle accident by means of in
3638 person or telephone contact at the person's residence, for the
3639 purpose of making motor vehicle tort claims or claims for
3640 benefits under medical payments coverage in a motor vehicle
3641 insurance policy ~~personal injury protection benefits required by~~
3642 ~~s. 627.736.~~ Any person who violates this paragraph commits a
3643 felony of the third degree, punishable as provided in s.
3644 775.082, s. 775.083, or s. 775.084.

3645 (9) A person may not organize, plan, or knowingly
3646 participate in an intentional motor vehicle crash or a scheme to
3647 create documentation of a motor vehicle crash that did not occur
3648 for the purpose of making motor vehicle tort claims or claims
3649 for benefits under medical payments coverage in a motor vehicle
3650 insurance policy ~~personal injury protection benefits as required~~

3651 ~~by s. 627.736.~~ Any person who violates this subsection commits a
 3652 felony of the second degree, punishable as provided in s.
 3653 775.082, s. 775.083, or s. 775.084. A person who is convicted of
 3654 a violation of this subsection shall be sentenced to a minimum
 3655 term of imprisonment of 2 years.

3656 (10) A licensed health care practitioner who is found
 3657 guilty of insurance fraud under this section for an act relating
 3658 to a motor vehicle ~~personal injury protection~~ insurance policy
 3659 loses his or her license to practice for 5 years and may not
 3660 receive reimbursement under medical payments coverage in a motor
 3661 vehicle insurance policy ~~for personal injury protection benefits~~
 3662 for 10 years.

3663 Section 63. For the 2023-2024 fiscal year, the sum of
 3664 \$83,651 in nonrecurring funds is appropriated from the Insurance
 3665 Regulatory Trust Fund to the Office of Insurance Regulation for
 3666 the purpose of implementing this act. This section shall take
 3667 effect July 1, 2023.

3668 Section 64. Except as otherwise expressly provided in this
 3669 act and except for this section, which shall take effect upon
 3670 this act becoming a law, this act shall take effect July 1,
 3671 2024.