

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

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

51 required security which were in effect before a
52 specified date remain in full force and effect;
53 providing that such suspended licenses or
54 registrations may be reinstated as provided in a
55 specified section; amending s. 324.023, F.S.;
56 conforming cross-references; amending s. 324.031,
57 F.S.; specifying a method of proving financial
58 responsibility; revising the amount of a certificate
59 of deposit required to elect a certain method of proof
60 of financial responsibility; revising excess liability
61 coverage requirements for a person electing to use
62 such method; amending s. 324.032, F.S.; revising
63 financial responsibility requirements for owners or
64 lessees of for-hire passenger transportation vehicles;
65 amending ss. 324.051, 324.071, and 324.091, F.S.;
66 making technical changes; amending s. 324.151, F.S.;
67 revising requirements for motor vehicle liability
68 insurance policies relating to coverage, and exclusion
69 from coverage, for certain drivers and vehicles;
70 defining terms; conforming provisions to changes made
71 by the act; making technical changes; amending s.
72 324.161, F.S.; revising requirements for a certificate
73 of deposit that is required if a person elects a
74 certain method of proving financial responsibility;
75 amending s. 324.171, F.S.; revising the minimum net

76 | worth requirements to qualify certain persons as self-
77 | insurers; conforming provisions to changes made by the
78 | act; amending s. 324.251, F.S.; revising the short
79 | title and an effective date; amending s. 400.9905,
80 | F.S.; revising the definition of the term "clinic";
81 | amending ss. 400.991 and 400.9935, F.S.; conforming
82 | provisions to changes made by the act; amending s.
83 | 409.901, F.S.; revising the definition of the term
84 | "third-party benefit"; amending s. 409.910, F.S.;
85 | revising the definition of the term "medical
86 | coverage"; amending s. 456.057, F.S.; conforming a
87 | cross-reference; amending s. 456.072, F.S.; revising
88 | specified grounds for discipline for certain health
89 | professions; amending s. 626.9541, F.S.; conforming a
90 | provision to changes made by the act; revising the
91 | type of insurance coverage applicable to a certain
92 | prohibited act; amending s. 626.989, F.S.; revising
93 | the definition of the term "fraudulent insurance act";
94 | amending s. 627.06501, F.S.; revising coverages that
95 | may provide for a reduction in motor vehicle insurance
96 | policy premium charges under certain circumstances;
97 | amending s. 627.0651, F.S.; specifying requirements
98 | for initial rate filings for motor vehicle liability
99 | policies submitted to the Office of Insurance
100 | Regulation beginning on a specified date; amending s.

101 627.0652, F.S.; revising coverages that must provide a
102 premium charge reduction under certain circumstances;
103 amending s. 627.0653, F.S.; revising coverages subject
104 to premium discounts for specified motor vehicle
105 equipment; amending s. 627.4132, F.S.; revising the
106 coverages of a motor vehicle policy which are subject
107 to a stacking prohibition; amending s. 627.7263, F.S.;
108 revising coverages that are deemed primary, except
109 under certain circumstances, for the lessor of a motor
110 vehicle for lease or rent; revising a notice that is
111 required if the lessee's coverage is to be primary;
112 creating s. 627.7265, F.S.; specifying persons whom
113 medical payments coverage must protect; specifying the
114 minimum medical expense and death benefit limits;
115 specifying coverage options an insurer must and may
116 offer; providing that motor vehicle liability
117 insurance policies are deemed to have medical payments
118 coverage at a certain limit and with no deductible
119 unless rejected or modified by the policyholder by
120 certain means; specifying requirements for certain
121 forms approved by the office; requiring insurers to
122 provide policyholders with a certain annual notice;
123 providing construction relating to limits on certain
124 other coverages; requiring insurers, upon receiving
125 certain notice of an accident, to hold a specified

126 | reserve for certain purposes for a certain timeframe;
127 | providing that the reserve requirement does not
128 | require insurers to establish a claim reserve for
129 | accounting purposes; specifying that an insurer
130 | providing medical payments coverage benefits may not
131 | have a lien on a certain recovery and may not have a
132 | certain cause of action; authorizing insurers to
133 | include policy provisions allowing for subrogation,
134 | under certain circumstances, for medical payments
135 | benefits paid; providing construction; specifying a
136 | requirement for an insured for repayment of medical
137 | payments benefits under certain circumstances;
138 | prohibiting insurers from including policy provisions
139 | allowing for subrogation for death benefits paid;
140 | amending s. 627.727, F.S.; revising the legal
141 | liability of an uninsured motorist coverage insurer;
142 | conforming provisions to changes made by the act;
143 | amending s. 627.7275, F.S.; revising required
144 | coverages for a motor vehicle insurance policy;
145 | conforming provisions to changes made by the act;
146 | creating s. 627.7278, F.S.; defining the term "minimum
147 | security requirements"; providing a prohibition,
148 | requirements, applicability, and construction relating
149 | to motor vehicle insurance policies as of a certain
150 | date; requiring insurers to allow certain insureds to

151 make certain coverage changes, subject to certain
152 conditions; requiring an insurer to provide, by a
153 specified date, a specified notice to policyholders
154 relating to requirements under the act; amending s.
155 627.728, F.S.; conforming a provision to changes made
156 by the act; amending s. 627.7295, F.S.; revising the
157 definitions of the terms "policy" and "binder";
158 revising the coverages of a motor vehicle insurance
159 policy for which a licensed general lines agent may
160 charge a specified fee; conforming a provision to
161 changes made by the act; amending s. 627.7415, F.S.;
162 revising additional liability insurance requirements
163 for commercial motor vehicles; creating s. 627.747,
164 F.S.; providing that private passenger motor vehicle
165 policies may exclude certain identified individuals
166 from specified coverages under certain circumstances;
167 providing that such policies may not exclude coverage
168 under certain circumstances; amending s. 627.748,
169 F.S.; revising insurance requirements for
170 transportation network company drivers; conforming
171 provisions to changes made by the act; amending s.
172 627.749, F.S.; conforming a provision to changes made
173 by the act; amending s. 627.8405, F.S.; revising
174 coverages in a policy sold in combination with an
175 accidental death and dismemberment policy which a

176 premium finance company may not finance; revising
177 rulemaking authority of the Financial Services
178 Commission; amending ss. 627.915, 628.909, 705.184,
179 and 713.78, F.S.; conforming provisions to changes
180 made by the act; amending s. 817.234, F.S.; revising
181 coverages that are the basis of specified prohibited
182 false and fraudulent insurance claims; conforming
183 provisions to changes made by the act; providing an
184 appropriation; providing effective dates.

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

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188 Section 1. Sections 627.730, 627.731, 627.7311, 627.732,
189 627.733, 627.734, 627.736, 627.737, 627.739, 627.7401, 627.7403,
190 and 627.7405, Florida Statutes, are repealed.

191 Section 2. Section 627.7407, Florida Statutes, is
192 repealed.

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

195 316.646 Security required; proof of security and display
196 thereof.—

197 (1) Any person required by s. 324.022 to maintain
198 liability security for property damage, ~~liability security,~~
199 ~~required by s. 324.023 to maintain liability security for bodily~~
200 ~~injury, or death, or required by s. 627.733 to maintain personal~~

201 ~~injury protection security on a motor vehicle~~ shall have in his
 202 or her immediate possession at all times while operating such
 203 motor vehicle proper proof of maintenance of the ~~required~~
 204 security required under s. 324.021(7).

205 (a) Such proof must ~~shall~~ be in a uniform paper or
 206 electronic format, as prescribed by the department, a valid
 207 insurance policy, an insurance policy binder, a certificate of
 208 insurance, or such other proof as may be prescribed by the
 209 department.

210 (b)1. The act of presenting to a law enforcement officer
 211 an electronic device displaying proof of insurance in an
 212 electronic format does not constitute consent for the officer to
 213 access any information on the device other than the displayed
 214 proof of insurance.

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

217 Section 4. Paragraph (b) of subsection (2) of section
 218 318.18, Florida Statutes, is amended to read:

219 318.18 Amount of penalties.—The penalties required for a
 220 noncriminal disposition pursuant to s. 318.14 or a criminal
 221 offense listed in s. 318.17 are as follows:

222 (2) Thirty dollars for all nonmoving traffic violations
 223 and:

224 (b) For all violations of ss. 320.0605, 320.07(1),
 225 322.065, and 322.15(1). A ~~Any~~ person who is cited for a

226 violation of s. 320.07(1) shall be charged a delinquent fee
227 pursuant to s. 320.07(4).

228 1. If a person who is cited for a violation of s. 320.0605
229 or s. 320.07 can show proof of having a valid registration at
230 the time of arrest, the clerk of the court may dismiss the case
231 and may assess a dismissal fee of up to \$10, from which the
232 clerk shall remit \$2.50 to the Department of Revenue for deposit
233 into the General Revenue Fund. A person who finds it impossible
234 or impractical to obtain a valid registration certificate must
235 submit an affidavit detailing the reasons for the impossibility
236 or impracticality. The reasons may include, but are not limited
237 to, the fact that the vehicle was sold, stolen, or destroyed;
238 that the state in which the vehicle is registered does not issue
239 a certificate of registration; or that the vehicle is owned by
240 another person.

241 2. If a person who is cited for a violation of s. 322.03,
242 s. 322.065, or s. 322.15 can show a driver license issued to him
243 or her and valid at the time of arrest, the clerk of the court
244 may dismiss the case and may assess a dismissal fee of up to
245 \$10, from which the clerk shall remit \$2.50 to the Department of
246 Revenue for deposit into the General Revenue Fund.

247 3. If a person who is cited for a violation of s. 316.646
248 can show proof of security as required by s. 324.021(7) ~~s.~~
249 ~~627.733~~, issued to the person and valid at the time of arrest,
250 the clerk of the court may dismiss the case and may assess a

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251 dismissal fee of up to \$10, from which the clerk shall remit
252 \$2.50 to the Department of Revenue for deposit into the General
253 Revenue Fund. A person who finds it impossible or impractical to
254 obtain proof of security must submit an affidavit detailing the
255 reasons for the impracticality. The reasons may include, but are
256 not limited to, the fact that the vehicle has since been sold,
257 stolen, or destroyed; ~~that the owner or registrant of the~~
258 ~~vehicle is not required by s. 627.733 to maintain personal~~
259 ~~injury protection insurance;~~ or that the vehicle is owned by
260 another person.

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

263 320.02 Registration required; application for
264 registration; forms.—

265 (5) (a) Proof that bodily injury liability coverage and
266 property damage liability coverage ~~personal injury protection~~
267 ~~benefits~~ have been purchased if required under s. 324.022, s.
268 324.032, or s. 627.742 ~~s. 627.733, that property damage~~
269 ~~liability coverage has been purchased as required under s.~~
270 ~~324.022, that bodily injury liability or ~~death~~ coverage has been~~
271 purchased if required under s. 324.023, and that combined bodily
272 liability insurance and property damage liability insurance have
273 been purchased if required under s. 627.7415 must ~~shall~~ be
274 provided in the manner prescribed by law by the applicant at the
275 time of application for registration of any motor vehicle that

276 is subject to such requirements. The issuing agent may not ~~shall~~
 277 ~~refuse to~~ issue registration if such proof of purchase is not
 278 provided. Insurers shall furnish uniform proof-of-purchase cards
 279 in a paper or electronic format in a form prescribed by the
 280 department and include the name of the insured's insurance
 281 company, the coverage identification number, and the make, year,
 282 and vehicle identification number of the vehicle insured. The
 283 card must contain a statement notifying the applicant of the
 284 penalty specified under s. 316.646(4). The card or insurance
 285 policy, insurance policy binder, or certificate of insurance or
 286 a photocopy of any of these; an affidavit containing the name of
 287 the insured's insurance company, the insured's policy number,
 288 and the make and year of the vehicle insured; or such other
 289 proof as may be prescribed by the department constitutes ~~shall~~
 290 ~~constitute~~ sufficient proof of purchase. If an affidavit is
 291 provided as proof, it must be in substantially the following
 292 form:

293
 294 Under penalty of perjury, I ...(Name of insured)... do hereby
 295 certify that I have ...(bodily injury liability and ~~Personal~~
 296 ~~Injury Protection~~, property damage liability, ~~and, if required,~~
 297 ~~Bodily Injury Liability~~)... insurance currently in effect with
 298 ...(Name of insurance company)... under ...(policy number)...
 299 covering ...(make, year, and vehicle identification number of
 300 vehicle).... ...(Signature of Insured)...

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Such affidavit must include the following warning:

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

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

(d) The verifying of ~~proof of personal injury protection~~
~~insurance, proof of property damage liability insurance, proof~~
~~of combined bodily liability insurance and property damage~~
~~liability insurance, or~~ proof of financial responsibility
insurance and the issuance or failure to issue the motor vehicle

326 registration under ~~the provisions of~~ this chapter may not be
327 construed in any court as a warranty of the reliability or
328 accuracy of the evidence of such proof, or as meaning that the
329 provisions of any insurance policy furnished as proof of
330 financial responsibility comply with state law. Neither the
331 department nor any tax collector is liable in damages for any
332 inadequacy, insufficiency, falsification, or unauthorized
333 modification of any item of ~~the proof of personal injury~~
334 ~~protection insurance, proof of property damage liability~~
335 ~~insurance, proof of combined bodily liability insurance and~~
336 ~~property damage liability insurance, or proof of financial~~
337 responsibility before ~~insurance prior to~~, during, or subsequent
338 to the verification of the proof. The issuance of a motor
339 vehicle registration does not constitute prima facie evidence or
340 a presumption of insurance coverage.

341 Section 6. Paragraph (b) of subsection (1) of section
342 320.0609, Florida Statutes, is amended to read:

343 320.0609 Transfer and exchange of registration license
344 plates; transfer fee.—

345 (1)

346 (b) The transfer of a license plate from a vehicle
347 disposed of to a newly acquired vehicle does not constitute a
348 new registration. The application for transfer must ~~shall~~ be
349 accepted without requiring proof of ~~personal injury protection~~
350 ~~or~~ liability insurance.

351 Section 7. Paragraph (g) is added to subsection (1) of
352 section 320.27, Florida Statutes, and subsection (3) of that
353 section is amended, to read:

354 320.27 Motor vehicle dealers.—

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

359 (g) "Garage liability insurance" means, beginning January
360 1, 2021, combined single-limit liability coverage, including
361 property damage and bodily injury liability coverage, in the
362 amount of at least \$60,000.

363 (3) APPLICATION AND FEE.—The ~~application for the~~ license
364 application must ~~shall~~ be in such form as may be prescribed by
365 the department and is ~~shall be~~ subject to such rules ~~with~~
366 ~~respect thereto~~ as may be so prescribed by the department ~~it~~.
367 Such application must ~~shall~~ be verified by oath or affirmation
368 and must ~~shall~~ contain a full statement of the name and birth
369 date of the person or persons applying for the license ~~therefor~~;
370 the name of the firm or copartnership, with the names and places
371 of residence of all members ~~thereof~~, if such applicant is a firm
372 or copartnership; the names and places of residence of the
373 principal officers, if the applicant is a body corporate or
374 other artificial body; the name of the state under whose laws
375 the corporation is organized; the present and former place or

376 | places of residence of the applicant; and the prior business in
377 | which the applicant has been engaged and its ~~the~~ location
378 | ~~thereof~~. The ~~Such~~ application must ~~shall~~ describe the exact
379 | location of the place of business and must ~~shall~~ state whether
380 | the place of business is owned by the applicant and when
381 | acquired, or, if leased, a true copy of the lease must ~~shall~~ be
382 | attached to the application. The applicant shall certify that
383 | the location provides an adequately equipped office and is not a
384 | residence; that the location affords sufficient unoccupied space
385 | upon and within which adequately to store all motor vehicles
386 | offered and displayed for sale; and that the location is a
387 | suitable place where the applicant can in good faith carry on
388 | such business and keep and maintain books, records, and files
389 | necessary to conduct such business, which must ~~shall~~ be
390 | available at all reasonable hours to inspection by the
391 | department or any of its inspectors or other employees. The
392 | applicant shall certify that the business of a motor vehicle
393 | dealer is the principal business that will ~~which shall~~ be
394 | conducted at that location. The application must ~~shall~~ contain a
395 | statement that the applicant is either franchised by a
396 | manufacturer of motor vehicles, in which case the name of each
397 | motor vehicle that the applicant is franchised to sell must
398 | ~~shall~~ be included, or an independent (nonfranchised) motor
399 | vehicle dealer. The application must ~~shall~~ contain other
400 | relevant information as may be required by the department. The

401 applicant shall furnish, including evidence, in a form approved
402 by the department, that the applicant is insured under a garage
403 liability insurance policy or a general liability insurance
404 policy coupled with a business automobile policy having the
405 coverages and limits of the garage liability insurance coverage
406 in accordance with paragraph (1) (g), which shall include, at a
407 minimum, \$25,000 combined single-limit liability coverage
408 including bodily injury and property damage protection and
409 \$10,000 personal injury protection. However, a salvage motor
410 vehicle dealer as defined in subparagraph (1) (c) 5. is exempt
411 from the requirements for garage liability insurance ~~and~~
412 ~~personal injury protection insurance~~ on those vehicles that
413 cannot be legally operated on roads, highways, or streets in
414 this state. Franchise dealers must submit a garage liability
415 insurance policy, and all other dealers must submit a garage
416 liability insurance policy or a general liability insurance
417 policy coupled with a business automobile policy. Such policy
418 must shall be for the license period, and evidence of a new or
419 continued policy must shall be delivered to the department at
420 the beginning of each license period. Upon making an initial
421 application, the applicant shall pay to the department a fee of
422 \$300 in addition to any other fees required by law. Applicants
423 may choose to extend the licensure period for 1 additional year
424 for a total of 2 years. An initial applicant shall pay to the
425 department a fee of \$300 for the first year and \$75 for the

426 second year, in addition to any other fees required by law. An
427 applicant for renewal shall pay to the department \$75 for a 1-
428 year renewal or \$150 for a 2-year renewal, in addition to any
429 other fees required by law. Upon making an application for a
430 change of location, the applicant ~~person~~ shall pay a fee of \$50
431 in addition to any other fees now required by law. The
432 department shall, in the case of every application for initial
433 licensure, verify whether certain facts set forth in the
434 application are true. Each applicant, general partner in the
435 case of a partnership, or corporate officer and director in the
436 case of a corporate applicant shall, ~~must~~ file a set of
437 fingerprints with the department for the purpose of determining
438 any prior criminal record or any outstanding warrants. The
439 department shall submit the fingerprints to the Department of
440 Law Enforcement for state processing and forwarding to the
441 Federal Bureau of Investigation for federal processing. The
442 actual cost of state and federal processing must ~~shall~~ be borne
443 by the applicant and is in addition to the fee for licensure.
444 The department may issue a license to an applicant pending the
445 results of the fingerprint investigation, which license is fully
446 revocable if the department subsequently determines that any
447 facts set forth in the application are not true or correctly
448 represented.

449 Section 8. Paragraph (j) of subsection (3) of section
450 320.771, Florida Statutes, is amended to read:

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451 320.771 License required of recreational vehicle dealers.—

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

456 (j) A statement that the applicant is insured under a
457 garage liability insurance policy in accordance with s.
458 320.27(1)(g), ~~which shall include, at a minimum, \$25,000~~
459 ~~combined single-limit liability coverage, including bodily~~
460 ~~injury and property damage protection, and \$10,000 personal~~
461 ~~injury protection,~~ if the applicant is to be licensed as a
462 dealer in, or intends to sell, recreational vehicles.

463
464 The department shall, if it deems necessary, cause an
465 investigation to be made to ascertain if the facts set forth in
466 the application are true and shall not issue a license to the
467 applicant until it is satisfied that the facts set forth in the
468 application are true.

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

471 322.251 Notice of cancellation, suspension, revocation, or
472 disqualification of license.—

473 (1) All orders of cancellation, suspension, revocation, or
474 disqualification issued under ~~the provisions of~~ this chapter,
475 chapter 318, or chapter 324 must, ~~or ss. 627.732-627.734 shall~~

476 | be given either by personal delivery thereof to the licensee
477 | whose license is being canceled, suspended, revoked, or
478 | disqualified or by deposit in the United States mail in an
479 | envelope, first class, postage prepaid, addressed to the
480 | licensee at his or her last known mailing address furnished to
481 | the department. Such mailing by the department constitutes
482 | notification, and any failure by the person to receive the
483 | mailed order will not affect or stay the effective date or term
484 | of the cancellation, suspension, revocation, or disqualification
485 | of the licensee's driving privilege.

486 | (2) The giving of notice and an order of cancellation,
487 | suspension, revocation, or disqualification by mail is complete
488 | upon expiration of 20 days after deposit in the United States
489 | mail for all notices except those issued under chapter 324 ~~ex~~
490 | ~~ss. 627.732-627.734~~, which are complete 15 days after deposit in
491 | the United States mail. Proof of the giving of notice and an
492 | order of cancellation, suspension, revocation, or
493 | disqualification in either manner must ~~shall~~ be made by entry in
494 | the records of the department that such notice was given. The
495 | entry is admissible in the courts of this state and constitutes
496 | sufficient proof that such notice was given.

497 | Section 10. Paragraph (a) of subsection (8) of section
498 | 322.34, Florida Statutes, is amended to read:

499 | 322.34 Driving while license suspended, revoked, canceled,
500 | or disqualified.—

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

504 1. Whether the person's driver license is suspended or
 505 revoked, or the person is under suspension or revocation
 506 equivalent status.

507 2. Whether the person's driver license has remained
 508 suspended or revoked, or the person has been under suspension or
 509 revocation equivalent status, since a conviction for the offense
 510 of driving with a suspended or revoked license.

511 3. Whether the suspension, revocation, or suspension or
 512 revocation equivalent status was made under s. 316.646 ~~or s.~~
 513 ~~627.733~~, relating to failure to maintain required security, or
 514 under s. 322.264, relating to habitual traffic offenders.

515 4. Whether the driver is the registered owner or co-owner
 516 of the vehicle.

517 Section 11. Section 324.011, Florida Statutes, is amended
 518 to read:

519 324.011 Legislative intent and purpose of chapter.—It is
 520 the Legislature's intent of this chapter to ensure that the
 521 privilege of owning or operating a motor vehicle in this state
 522 is exercised ~~recognize the existing privilege to own or operate~~
 523 ~~a motor vehicle on the public streets and highways of this state~~
 524 ~~when such vehicles are used~~ with due consideration for others'
 525 safety ~~others~~ and their property, ~~and~~ to promote safety, and to to

526 provide financial security requirements for ~~such~~ owners and ~~or~~
527 operators whose responsibility it is to recompense others for
528 injury to person or property caused by the operation of a motor
529 vehicle. Therefore, this chapter requires that every owner or
530 operator of a motor vehicle required to be registered in this
531 state establish, maintain, and ~~it is required herein that the~~
532 ~~operator of a motor vehicle involved in a crash or convicted of~~
533 ~~certain traffic offenses meeting the operative provisions of s.~~
534 ~~324.051(2) shall respond for such damages and show proof of~~
535 financial ability to respond for damages arising out of the
536 ownership, maintenance, or use of a motor vehicle in future
537 ~~accidents~~ as a requisite to owning or operating a motor vehicle
538 in this state ~~his or her future exercise of such privileges.~~

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

542 324.021 Definitions; minimum insurance required.—The
543 following words and phrases when used in this chapter shall, for
544 the purpose of this chapter, have the meanings respectively
545 ascribed to them in this section, except in those instances
546 where the context clearly indicates a different meaning:

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

551 power shovels, and well drillers, and every vehicle that is
552 propelled by electric power obtained from overhead wires but not
553 operated upon rails, but not including any personal delivery
554 device or mobile carrier as defined in s. 316.003, bicycle, or
555 moped. ~~However, the term "motor vehicle" does not include a~~
556 ~~motor vehicle as defined in s. 627.732(3) when the owner of such~~
557 ~~vehicle has complied with the requirements of ss. 627.730-~~
558 ~~627.7405, inclusive, unless the provisions of s. 324.051 apply;~~
559 ~~and, in such case, the applicable proof of insurance provisions~~
560 ~~of s. 320.02 apply.~~

561 (7) PROOF OF FINANCIAL RESPONSIBILITY. ~~That~~ Proof of
562 ability to respond in damages for liability on account of
563 crashes arising out of the ownership, maintenance, or use of a
564 motor vehicle:

565 (a) Beginning January 1, 2021, with respect to a motor
566 vehicle that is not a commercial motor vehicle, nonpublic sector
567 bus, or for-hire passenger transportation vehicle, in the amount
568 of:

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

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

575 2.(c) Ten thousand dollars for damage ~~In the amount of~~

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576 ~~\$10,000 because of injury to, or destruction of, property of~~
577 ~~others in any one crash.~~ ; ~~and~~

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

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

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

585 (9) OWNER; OWNER/LESSOR.—

586 (c) *Application.*—

587 1. The limits on liability in subparagraphs (b)2. and 3.
588 do not apply to an owner of motor vehicles that are used for
589 commercial activity in the owner's ordinary course of business,
590 other than a rental company that rents or leases motor vehicles.
591 For purposes of this paragraph, the term "rental company"
592 includes only an entity that is engaged in the business of
593 renting or leasing motor vehicles to the general public and that
594 rents or leases a majority of its motor vehicles to persons with
595 no direct or indirect affiliation with the rental company. The
596 term also includes a motor vehicle dealer that provides
597 temporary replacement vehicles to its customers for up to 10
598 days. The term "rental company" also includes:

599 a. A related rental or leasing company that is a
600 subsidiary of the same parent company as that of the renting or

601 leasing company that rented or leased the vehicle.

602 b. The holder of a motor vehicle title or an equity
603 interest in a motor vehicle title if the title or equity
604 interest is held pursuant to or to facilitate an asset-backed
605 securitization of a fleet of motor vehicles used solely in the
606 business of renting or leasing motor vehicles to the general
607 public and under the dominion and control of a rental company,
608 as described in this subparagraph, in the operation of such
609 rental company's business.

610 2. Furthermore, with respect to commercial motor vehicles
611 as defined in s. 207.002 or s. 320.01 ~~s. 627.732~~, the limits on
612 liability in subparagraphs (b)2. and 3. do not apply if, at the
613 time of the incident, the commercial motor vehicle is being used
614 in the transportation of materials found to be hazardous for the
615 purposes of the Hazardous Materials Transportation Authorization
616 Act of 1994, as amended, 49 U.S.C. ss. 5101 et seq., and that is
617 required pursuant to such act to carry placards warning others
618 of the hazardous cargo, unless at the time of lease or rental
619 either:

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

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

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626 million \$5,000,000 combined property damage and bodily injury
627 liability.

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

632 Section 13. Section 324.022, Florida Statutes, is amended
633 to read:

634 324.022 Financial responsibility requirements ~~for property~~
635 ~~damage.~~—

636 (1) (a) Beginning January 1, 2021, every owner or operator
637 of a motor vehicle required to be registered in this state shall
638 establish and continuously maintain the ability to respond in
639 damages for liability on account of accidents arising out of the
640 use of the motor vehicle in the amount of:

641 1. Twenty-five thousand dollars for bodily injury to, or
642 the death of, one person in any one crash and, subject to such
643 limits for one person, in the amount of \$50,000 for bodily
644 injury to, or the death of, two or more persons in any one
645 crash; and

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

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

651 ~~motor vehicle liability insurance policy that an insurance~~
652 ~~policy providing coverage for property damage liability in the~~
653 ~~amount of at least \$10,000 because of damage to, or destruction~~
654 ~~of, property of others in any one accident arising out of the~~
655 ~~use of the motor vehicle. The requirements of this section may~~
656 ~~also be met by having a policy which provides combined property~~
657 ~~damage liability and bodily injury liability coverage for any~~
658 ~~one crash arising out of the ownership, maintenance, or use of a~~
659 ~~motor vehicle and that conforms to the requirements of s.~~
660 ~~324.151 in the amount of at least \$60,000 for every owner or~~
661 ~~operator subject to the financial responsibility required in~~
662 ~~paragraph (a) \$30,000 for combined property damage liability and~~
663 ~~bodily injury liability for any one crash arising out of the use~~
664 ~~of the motor vehicle. The policy, with respect to coverage for~~
665 ~~property damage liability, must meet the applicable requirements~~
666 ~~of s. 324.151, subject to the usual policy exclusions that have~~
667 ~~been approved in policy forms by the Office of Insurance~~
668 ~~Regulation. No insurer shall have any duty to defend uncovered~~
669 ~~claims irrespective of their joinder with covered claims.~~

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

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

- 676 1. A mobile home as defined in s. 320.01.
- 677 2. A motor vehicle that is used in mass transit and
 678 designed to transport more than five passengers, exclusive of
 679 the operator of the motor vehicle, and that is owned by a
 680 municipality, transit authority, or political subdivision of the
 681 state.
- 682 3. A school bus as defined in s. 1006.25, which must
 683 maintain security as required under s. 316.615.
- 684 4. A commercial motor vehicle as defined in s. 207.002 or
 685 s. 320.01, which must maintain security as required under ss.
 686 324.031 and 627.7415.
- 687 5. A nonpublic sector bus, which must maintain security as
 688 required under ss. 324.031 and 627.742.
- 689 ~~6.4. A vehicle providing for-hire passenger transportation~~
 690 ~~vehicle, which must that is subject to the provisions of s.~~
 691 ~~324.031. A taxicab shall maintain security as required under s.~~
 692 ~~324.032 s. 324.032(1).~~
- 693 ~~7.5.~~ A personal delivery device as defined in s. 316.003.
- 694 (b) "Owner" means the person who holds legal title to a
 695 motor vehicle or the debtor or lessee who has the right to
 696 possession of a motor vehicle that is the subject of a security
 697 agreement or lease with an option to purchase.
- 698 (3) Each nonresident owner or registrant of a motor
 699 vehicle that, whether operated or not, has been physically
 700 present within this state for more than 90 days during the

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701 preceding 365 days shall maintain security as required by
702 subsection (1). The security must be ~~that is~~ in effect
703 continuously throughout the period the motor vehicle remains
704 within this state.

705 (4) An ~~The~~ owner or registrant of a motor vehicle who is
706 ~~exempt from the requirements of this section if she or he is a~~
707 member of the United States Armed Forces and is called to or on
708 active duty outside the United States in an emergency situation
709 is exempt from this section while he or she. ~~The exemption~~
710 ~~provided by this subsection applies only as long as the member~~
711 ~~of the Armed Forces is on such active duty.~~ This exemption
712 ~~outside the United States and applies only while the vehicle~~
713 covered by the security is not operated by any person. Upon
714 receipt of a written request by the insured to whom the
715 exemption provided in this subsection applies, the insurer shall
716 cancel the coverages and return any unearned premium or suspend
717 the security required by this section. Notwithstanding s.
718 324.0221(2) ~~s. 324.0221(3)~~, the department may not suspend the
719 registration or operator's license of an ~~any~~ owner or registrant
720 of a motor vehicle during the time she or he qualifies for the
721 ~~an~~ exemption under this subsection. An ~~Any~~ owner or registrant
722 of a motor vehicle who qualifies for the ~~an~~ exemption under this
723 subsection shall immediately notify the department before ~~prior~~
724 ~~to~~ and at the end of the expiration of the exemption.

725 Section 14. Subsections (1) and (2) of section 324.0221,

726 Florida Statutes, are amended to read:

727 324.0221 Reports by insurers to the department; suspension
728 of driver license and vehicle registrations; reinstatement.—

729 (1) (a) Each insurer that has issued a policy providing
730 ~~personal injury protection coverage or property damage~~ liability
731 coverage shall report the cancellation or nonrenewal thereof to
732 the department within 10 days after the processing date or
733 effective date of each cancellation or nonrenewal. Upon the
734 issuance of a policy providing ~~personal injury protection~~
735 ~~coverage or property damage~~ liability coverage to a named
736 insured not previously insured by the insurer during that
737 calendar year, the insurer shall report the issuance of the new
738 policy to the department within 10 days. The report must ~~shall~~
739 be in the form ~~and format~~ and contain any information required
740 by the department and must be provided in a format that is
741 compatible with the data processing capabilities of the
742 department. Failure by an insurer to file proper reports with
743 the department as required by this subsection constitutes a
744 violation of the Florida Insurance Code. These records may ~~shall~~
745 be used by the department only for enforcement and regulatory
746 purposes, including the generation by the department of data
747 regarding compliance by owners of motor vehicles with the
748 requirements for financial responsibility coverage.

749 (b) With respect to an insurance policy providing ~~personal~~
750 ~~injury protection coverage or property damage~~ liability

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751 coverage, each insurer shall notify the named insured, or the
752 first-named insured in the case of a commercial fleet policy, in
753 writing that any cancellation or nonrenewal of the policy will
754 be reported by the insurer to the department. The notice must
755 also inform the named insured that failure to maintain bodily
756 injury liability ~~personal injury protection~~ coverage and
757 property damage liability coverage on a motor vehicle when
758 required by law may result in the loss of registration and
759 driving privileges in this state and inform the named insured of
760 the amount of the reinstatement fees required by this section.
761 This notice is for informational purposes only, and an insurer
762 is not civilly liable for failing to provide this notice.

763 (2) The department shall suspend, after due notice and an
764 opportunity to be heard, the registration and driver license of
765 any owner or registrant of a motor vehicle for ~~with respect to~~
766 which security is required under s. 324.022, s. 324.032, s.
767 627.7415, or s. 627.742 ~~ss. 324.022 and 627.733~~ upon:

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

772 (b) Notification by the insurer to the department, in a
773 form approved by the department, of cancellation or termination
774 of the required security.

775 Section 15. Section 324.0222, Florida Statutes, is created

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776 to read:

777 324.0222 Application of suspensions for failure to
778 maintain security; reinstatement.—All suspensions for failure to
779 maintain required security as required by law in effect before
780 January 1, 2021, remain in full force and effect on or after
781 January 1, 2021. A driver may reinstate a suspended driver
782 license or registration as provided under s. 324.0221.

783 Section 16. Section 324.023, Florida Statutes, is amended
784 to read:

785 324.023 Financial responsibility for bodily injury or
786 death.—In addition to any other financial responsibility
787 required by law, every owner or operator of a motor vehicle that
788 is required to be registered in this state, or that is located
789 within this state, and who, regardless of adjudication of guilt,
790 has been found guilty of or entered a plea of guilty or nolo
791 contendere to a charge of driving under the influence under s.
792 316.193 after October 1, 2007, shall, by one of the methods
793 established in s. 324.031(1)(a) or (b) ~~s. 324.031(1) or (2)~~,
794 establish and maintain the ability to respond in damages for
795 liability on account of accidents arising out of the use of a
796 motor vehicle in the amount of \$100,000 because of bodily injury
797 to, or death of, one person in any one crash and, subject to
798 such limits for one person, in the amount of \$300,000 because of
799 bodily injury to, or death of, two or more persons in any one
800 crash and in the amount of \$50,000 because of property damage in

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801 any one crash. If the owner or operator chooses to establish and
802 maintain such ability by furnishing a certificate of deposit
803 pursuant to s. 324.031(1)(b) ~~s. 324.031(2)~~, such certificate of
804 deposit must be at least \$350,000. Such higher limits must be
805 carried for a minimum period of 3 years. If the owner or
806 operator has not been convicted of driving under the influence
807 or a felony traffic offense for a period of 3 years from the
808 date of reinstatement of driving privileges for a violation of
809 s. 316.193, the owner or operator is ~~shall be~~ exempt from this
810 section.

811 Section 17. Section 324.031, Florida Statutes, is amended
812 to read:

813 324.031 Manner of proving financial responsibility.-

814 (1) ~~The owner or operator of a taxicab, limousine, jitney,~~
815 ~~or any other for-hire passenger transportation vehicle may prove~~
816 ~~financial responsibility by providing satisfactory evidence of~~
817 ~~holding a motor vehicle liability policy as defined in s.~~
818 ~~324.021(8) or s. 324.151, which policy is issued by an insurance~~
819 ~~carrier which is a member of the Florida Insurance Guaranty~~
820 ~~Association.~~ The operator or owner of a motor vehicle other than
821 a for-hire passenger transportation vehicle ~~any other vehicle~~
822 may prove his or her financial responsibility by:

823 (a) ~~(1)~~ Furnishing satisfactory evidence of holding a motor
824 vehicle liability policy as defined in ss. 324.021(8) and
825 324.151 which provides liability coverage for the motor vehicle

826 being operated;

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

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

831 (2) (a) Beginning January 1, 2021, any person, ~~including~~
832 ~~any firm, partnership, association, corporation, or other~~
833 ~~person, other than a natural person,~~ electing to use the method
834 of proof specified in paragraph (1) (b) subsection (2) shall
835 furnish a certificate of deposit equal to the number of vehicles
836 owned times \$60,000 ~~\$30,000~~, to a maximum of \$240,000. ~~\$120,000;~~

837 (b) In addition, any such person, ~~other than a natural~~
838 ~~person,~~ shall maintain insurance providing coverage conforming
839 to the requirements of s. 324.151 in excess of the amount of the
840 certificate of deposit, with limits of at least:

841 1. One hundred twenty-five thousand dollars for bodily
842 injury to, or the death of, one person in any one crash and,
843 subject to such limits for one person, in the amount of \$250,000
844 for bodily injury to, or the death of, two or more persons in
845 any one crash, and \$50,000 for damage to, or destruction of,
846 property of others in any one crash; or

847 2. Three hundred thousand dollars for combined bodily
848 injury liability and property damage liability for any one crash
849 \$10,000/20,000/10,000 or \$30,000 combined single limits, and
850 such excess insurance shall provide minimum limits of

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851 ~~\$125,000/250,000/50,000 or \$300,000 combined single limits.~~
852 ~~These increased limits shall not affect the requirements for~~
853 ~~proving financial responsibility under s. 324.032(1).~~

854 Section 18. Section 324.032, Florida Statutes, is amended
855 to read:

856 324.032 ~~Manner of proving~~ Financial responsibility for
857 ~~for-hire passenger transportation vehicles. Notwithstanding the~~
858 ~~provisions of s. 324.031:~~

859 (1) An owner or lessee of a for-hire passenger
860 transportation vehicle that is required to be registered in this
861 state shall establish and continuously maintain the ability to
862 respond in damages for liability on account of accidents arising
863 out of the ownership, maintenance, or use of the for-hire
864 passenger transportation vehicle, in the amount of:

865 (a) One hundred twenty-five thousand dollars for bodily
866 injury to, or the death of, one person in any one crash and,
867 subject to such limits for one person, in the amount of \$250,000
868 for bodily injury to, or the death of, two or more persons in
869 any one crash; and ~~A person who is either the owner or a lessee~~
870 ~~required to maintain insurance under s. 627.733(1)(b) and who~~
871 ~~operates one or more taxicabs, limousines, jitneys, or any other~~
872 ~~for-hire passenger transportation vehicles may prove financial~~
873 ~~responsibility by furnishing satisfactory evidence of holding a~~
874 ~~motor vehicle liability policy, but with minimum limits of~~
875 ~~\$125,000/250,000/50,000.~~

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876 (b) Fifty thousand dollars for damage to, or destruction
877 of, property of others in any one crash ~~A person who is either~~
878 ~~the owner or a lessee required to maintain insurance under s.~~
879 ~~324.021(9) (b) and who operates limousines, jitneys, or any other~~
880 ~~for-hire passenger vehicles, other than taxicabs, may prove~~
881 ~~financial responsibility by furnishing satisfactory evidence of~~
882 ~~holding a motor vehicle liability policy as defined in s.~~
883 ~~324.031.~~

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

890 (3)~~(2)~~ ~~An owner or a lessee who is required to maintain~~
891 ~~insurance under s. 324.021(9) (b) and who operates at least 300~~
892 ~~taxicabs, limousines, jitneys, or any other for-hire passenger~~
893 ~~transportation vehicles may provide financial responsibility by~~
894 ~~complying with the provisions of s. 324.171, which must such~~
895 ~~compliance~~ ~~to be demonstrated by maintaining at its principal~~
896 ~~place of business an audited financial statement, prepared in~~
897 ~~accordance with generally accepted accounting principles, and~~
898 ~~providing to the department a certification issued by a~~
899 ~~certified public accountant that the applicant's net worth is at~~
900 ~~least equal to the requirements of s. 324.171 as determined by~~

901 the Office of Insurance Regulation of the Financial Services
 902 Commission, including claims liabilities in an amount certified
 903 as adequate by a Fellow of the Casualty Actuarial Society.

904
 905 Upon request by the department, the applicant shall ~~must~~ provide
 906 the department at the applicant's principal place of business in
 907 this state access to the applicant's underlying financial
 908 information and financial statements that provide the basis of
 909 the certified public accountant's certification. The applicant
 910 shall reimburse the requesting department for all reasonable
 911 costs incurred by it in reviewing the supporting information.
 912 The maximum amount of self-insurance permissible under this
 913 subsection is \$300,000 and must be stated on a per-occurrence
 914 basis, and the applicant shall maintain adequate excess
 915 insurance issued by an authorized or eligible insurer licensed
 916 or approved by the Office of Insurance Regulation. All risks
 917 self-insured shall remain with the owner or lessee providing it,
 918 and the risks are not transferable to any other person, unless a
 919 policy complying with subsections (1) and (2) ~~subsection (1)~~ is
 920 obtained.

921 Section 19. Paragraph (b) of subsection (2) of section
 922 324.051, Florida Statutes, is amended to read:

923 324.051 Reports of crashes; suspensions of licenses and
 924 registrations.—

925 (2)

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

927 1. To such operator or owner if such operator or owner had
 928 in effect at the time of such crash or traffic conviction a
 929 motor vehicle ~~an automobile~~ liability policy with respect to all
 930 of the registered motor vehicles owned by such operator or
 931 owner.

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

937 3. To such operator or owner if the liability of such
 938 operator or owner for damages resulting from such crash is, in
 939 the judgment of the department, covered by any other form of
 940 liability insurance or bond.

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

944
 945 No such policy or bond shall be effective under this subsection
 946 unless it contains limits of not less than those specified in s.
 947 324.021(7).

948 Section 20. Section 324.071, Florida Statutes, is amended
 949 to read:

950 324.071 Reinstatement; renewal of license; reinstatement

951 fee.—~~An~~ Any operator or owner whose license or registration has
 952 been suspended pursuant to s. 324.051(2), s. 324.072, s.
 953 324.081, or s. 324.121 may effect its reinstatement upon
 954 compliance with ~~the provisions of~~ s. 324.051(2) (a)3. or 4., or
 955 s. 324.081(2) and (3), as the case may be, and with one of the
 956 provisions of s. 324.031 and upon payment to the department of a
 957 nonrefundable reinstatement fee of \$15. Only one such fee may
 958 ~~shall~~ be paid by any one person regardless ~~irrespective~~ of the
 959 number of licenses and registrations to be then reinstated or
 960 issued to such person. ~~All~~ Such fees must ~~shall~~ be deposited to
 961 a department trust fund. If ~~When~~ the reinstatement of any
 962 license or registration is effected by compliance with s.
 963 324.051(2) (a)3. or 4., the department may ~~shall~~ not renew the
 964 license or registration within ~~a period of~~ 3 years after ~~from~~
 965 such reinstatement, nor may ~~shall~~ any other license or
 966 registration be issued in the name of such person, unless the
 967 operator continues ~~is continuing~~ to comply with ~~one of the~~
 968 ~~provisions of~~ s. 324.031.

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

971 324.091 Notice to department; notice to insurer.—

972 (1) Each owner and operator involved in a crash or
 973 conviction case within the purview of this chapter shall furnish
 974 evidence of ~~automobile liability insurance or~~ motor vehicle
 975 liability insurance within 14 days after the date of the mailing

976 of notice of crash by the department in the form and manner as
 977 it may designate. Upon receipt of evidence that a ~~an automobile~~
 978 ~~liability policy or~~ motor vehicle liability policy was in effect
 979 at the time of the crash or conviction case, the department
 980 shall forward to the insurer such information for verification
 981 in a method as determined by the department. The insurer shall
 982 respond to the department within 20 days after the notice as to
 983 whether ~~or not~~ such information is valid. If the department
 984 determines that a ~~an automobile liability policy or~~ motor
 985 vehicle liability policy was not in effect and did not provide
 986 coverage for both the owner and the operator, it must ~~shall~~ take
 987 action as it is authorized to do under this chapter.

988 Section 22. Section 324.151, Florida Statutes, is amended
 989 to read:

990 324.151 Motor vehicle liability policies; required
 991 provisions.—

992 (1) A motor vehicle liability policy that serves as ~~to be~~
 993 proof of financial responsibility under s. 324.031(1)(a) must ~~s.~~
 994 ~~324.031(1), shall~~ be issued to owners or operators of motor
 995 vehicles under the following provisions:

996 (a) A motor vehicle ~~An owner's~~ liability insurance policy
 997 issued to an owner of a motor vehicle required to be registered
 998 in this state must ~~shall~~ designate by explicit description or by
 999 appropriate reference all motor vehicles for ~~with respect to~~
 1000 which coverage is thereby granted. The policy must ~~and shall~~

1001 | insure the person or persons ~~owner~~ named therein and, except for
 1002 | a named driver excluded pursuant to s. 627.747, must insure any
 1003 | resident relative of a named insured ~~other person as operator~~
 1004 | ~~using such motor vehicle or motor vehicles with the express or~~
 1005 | ~~implied permission of such owner against loss~~ from the liability
 1006 | imposed by law for damage arising out of the ownership,
 1007 | maintenance, or use of any ~~such~~ motor vehicle ~~or motor vehicles~~
 1008 | ~~within the United States or the Dominion of Canada,~~ subject to
 1009 | ~~limits, exclusive of interest and costs with respect to each~~
 1010 | ~~such motor vehicle as is provided for under s. 324.021(7).~~
 1011 | Except for a named driver excluded pursuant to s. 627.747, the
 1012 | policy must also insure any person operating an insured motor
 1013 | vehicle with the express or implied permission of a named
 1014 | insured against loss from the liability imposed by law for
 1015 | damage arising out of the use of the insured vehicle. However,
 1016 | the insurer may include provisions in its policy excluding
 1017 | liability coverage for a motor vehicle not designated as an
 1018 | insured vehicle on the policy if such motor vehicle does not
 1019 | qualify as a newly acquired vehicle, does not qualify as a
 1020 | temporary substitute vehicle, and was owned by the insured or
 1021 | was furnished for an insured's regular use for more than 30
 1022 | consecutive days before the event giving rise to the claim.
 1023 | Insurers may make available, with respect to property damage
 1024 | liability coverage, a deductible amount not to exceed \$500. In
 1025 | the event of a property damage loss covered by a policy

1026 containing a property damage deductible provision, the insurer
 1027 shall pay to the third-party claimant the amount of any property
 1028 damage liability settlement or judgment, subject to policy
 1029 limits, as if no deductible existed.

1030 (b) A motor vehicle liability insurance policy issued to a
 1031 person who does not own a motor vehicle must ~~An operator's motor~~
 1032 ~~vehicle liability policy of insurance shall~~ insure the person or
 1033 persons named therein against loss from the liability imposed
 1034 ~~upon him or her~~ by law for damages arising out of the use ~~by the~~
 1035 ~~person~~ of any motor vehicle not owned by him or her, ~~with the~~
 1036 ~~same territorial limits and subject to the same limits of~~
 1037 ~~liability as referred to above with respect to an owner's policy~~
 1038 ~~of liability insurance.~~

1039 (c) All such motor vehicle liability policies must provide
 1040 liability coverage with limits, exclusive of interest and costs,
 1041 as specified under s. 324.021(7) for accidents occurring within
 1042 the United States or Canada. The policies must ~~shall~~ state the
 1043 name and address of the named insured, the coverage afforded by
 1044 the policy, the premium charged therefor, the policy period, and
 1045 the limits of liability, and must ~~shall~~ contain an agreement or
 1046 be endorsed that insurance is provided in accordance with the
 1047 coverage defined in this chapter ~~as respects bodily injury and~~
 1048 ~~death or property damage or both~~ and is subject to ~~all~~
 1049 ~~provisions of~~ this chapter. The ~~Said~~ policies must ~~shall~~ also
 1050 contain a provision that the satisfaction by an insured of a

1051 judgment for such injury or damage may ~~shall~~ not be a condition
1052 precedent to the right or duty of the insurance carrier to make
1053 payment on account of such injury or damage, and must ~~shall~~ also
1054 contain a provision that bankruptcy or insolvency of the insured
1055 or of the insured's estate may ~~shall~~ not relieve the insurance
1056 carrier of any of its obligations under the ~~said~~ policy.

1057 (2) ~~The provisions of~~ This section is ~~shall~~ not be
1058 applicable to any motor vehicle ~~automobile~~ liability policy
1059 unless and until it is furnished as proof of financial
1060 responsibility for the future pursuant to s. 324.031, and then
1061 applies only from ~~and after~~ the date the ~~said~~ policy is ~~so~~
1062 furnished.

1063 (3) As used in this section, the term:

1064 (a) "Newly acquired vehicle" means a vehicle owned by a
1065 named insured or resident relative of the named insured which
1066 was acquired within 30 days before an accident.

1067 (b) "Resident relative" means a person related to a named
1068 insured by any degree by blood, marriage, or adoption, including
1069 a ward or foster child, who usually makes his or her home in the
1070 same family unit or residence as the named insured, whether or
1071 not he or she temporarily lives elsewhere.

1072 (c) "Temporary substitute vehicle" means any motor vehicle
1073 as defined in s. 320.01(1) which is not owned by the named
1074 insured and which is temporarily used with the permission of the
1075 owner as a substitute for the owned motor vehicle designated on

1076 | the policy when the owned vehicle is withdrawn from normal use
 1077 | because of breakdown, repair, servicing, loss, or destruction.

1078 | Section 23. Section 324.161, Florida Statutes, is amended
 1079 | to read:

1080 | 324.161 Proof of financial responsibility; deposit.—If a
 1081 | person elects to prove his or her financial responsibility under
 1082 | the method of proof specified in s. 324.031(1)(b), he or she
 1083 | annually must obtain and submit to the department proof of a
 1084 | certificate of deposit in the amount required under s.

1085 | 324.031(2) from a financial institution insured by the Federal
 1086 | Deposit Insurance Corporation or the National Credit Union
 1087 | Administration ~~Annually, before any certificate of insurance may~~
 1088 | ~~be issued to a person, including any firm, partnership,~~
 1089 | ~~association, corporation, or other person, other than a natural~~
 1090 | ~~person, proof of a certificate of deposit of \$30,000 issued and~~
 1091 | ~~held by a financial institution must be submitted to the~~
 1092 | ~~department.~~ A power of attorney will be issued to and held by
 1093 | the department and may be executed upon a judgment issued
 1094 | against such person making the deposit, for damages for ~~because~~
 1095 | ~~of~~ bodily injury to or death of any person or for damages for
 1096 | ~~because of~~ injury to or destruction of property resulting from
 1097 | the use or operation of any motor vehicle occurring after such
 1098 | deposit was made. Money so deposited is ~~shall~~ not be subject to
 1099 | attachment or execution unless such attachment or execution
 1100 | arises ~~shall arise~~ out of a lawsuit ~~suit~~ for such damages as

1101 ~~aforsaid.~~

1102 Section 24. Subsections (1) and (2) of section 324.171,
1103 Florida Statutes, are amended to read:

1104 324.171 Self-insurer.—

1105 (1) A ~~Any~~ person may qualify as a self-insurer by
1106 obtaining a certificate of self-insurance from the department.
1107 ~~which may, in its discretion and~~ Upon application of such a
1108 person, the department may issue a ~~said~~ certificate of self-
1109 insurance to an applicant who satisfies ~~when such person has~~
1110 ~~satisfied~~ the requirements of this section. Effective January 1,
1111 2021 to qualify as a self-insurer under this section:

1112 (a) A private individual with private passenger vehicles
1113 shall possess a net unencumbered worth of at least \$100,000
1114 ~~\$40,000~~.

1115 (b) A person, including any firm, partnership,
1116 association, corporation, or other person, other than a natural
1117 person, shall:

1118 1. Possess a net unencumbered worth of at least \$100,000
1119 ~~\$40,000~~ for the first motor vehicle and \$50,000 ~~\$20,000~~ for each
1120 additional motor vehicle; or

1121 2. Maintain sufficient net worth, in an amount determined
1122 by the department, to be financially responsible for potential
1123 losses. The department annually shall determine the minimum net
1124 worth sufficient to satisfy this subparagraph ~~as determined~~
1125 ~~annually by the department,~~ pursuant to rules adopted

1126 ~~promulgated~~ by the department, with the assistance of the Office
 1127 of Insurance Regulation of the Financial Services Commission, ~~to~~
 1128 ~~be financially responsible for potential losses.~~ The rules must
 1129 consider any ~~shall take into consideration~~ excess insurance
 1130 carried by the applicant. The department's determination must
 1131 ~~shall~~ be based upon reasonable actuarial principles considering
 1132 the frequency, severity, and loss development of claims incurred
 1133 by casualty insurers writing coverage on the type of motor
 1134 vehicles for which a certificate of self-insurance is desired.

1135 (c) The owner of a commercial motor vehicle, as defined in
 1136 s. 207.002 or s. 320.01, may qualify as a self-insurer subject
 1137 to the standards provided ~~for~~ in subparagraph (b)2.

1138 (2) The self-insurance certificate must ~~shall~~ provide
 1139 limits of liability insurance in the amounts specified under s.
 1140 324.021(7) ~~or s. 627.7415 and shall provide personal injury~~
 1141 ~~protection coverage under s. 627.733(3)(b).~~

1142 Section 25. Section 324.251, Florida Statutes, is amended
 1143 to read:

1144 324.251 Short title.—This chapter may be cited as the
 1145 "Financial Responsibility Law of 2020 ~~1955~~" and is ~~shall become~~
 1146 effective at 12:01 a.m., January 1, 2021 ~~October 1, 1955~~.

1147 Section 26. Subsection (4) of section 400.9905, Florida
 1148 Statutes, is amended to read:

1149 400.9905 Definitions.—

1150 (4) (a) "Clinic" means an entity where health care services

1151 are provided to individuals and which tenders charges for
1152 reimbursement for such services, including a mobile clinic and a
1153 portable equipment provider. As used in this part, the term does
1154 not include and the licensure requirements of this part do not
1155 apply to:

1156 1.(a) Entities licensed or registered by the state under
1157 chapter 395; entities licensed or registered by the state and
1158 providing only health care services within the scope of services
1159 authorized under their respective licenses under ss. 383.30-
1160 383.332, chapter 390, chapter 394, chapter 397, this chapter
1161 except part X, chapter 429, chapter 463, chapter 465, chapter
1162 466, chapter 478, chapter 484, or chapter 651; end-stage renal
1163 disease providers authorized under 42 C.F.R. part 405, subpart
1164 U; providers certified under 42 C.F.R. part 485, subpart B or
1165 subpart H; providers certified by the Centers for Medicare and
1166 Medicaid Services under the federal Clinical Laboratory
1167 Improvement Amendments and the federal rules adopted thereunder;
1168 or any entity that provides neonatal or pediatric hospital-based
1169 health care services or other health care services by licensed
1170 practitioners solely within a hospital licensed under chapter
1171 395.

1172 2.(b) Entities that own, directly or indirectly, entities
1173 licensed or registered by the state pursuant to chapter 395;
1174 entities that own, directly or indirectly, entities licensed or
1175 registered by the state and providing only health care services

1176 within the scope of services authorized pursuant to their
1177 respective licenses under ss. 383.30-383.332, chapter 390,
1178 chapter 394, chapter 397, this chapter except part X, chapter
1179 429, chapter 463, chapter 465, chapter 466, chapter 478, chapter
1180 484, or chapter 651; end-stage renal disease providers
1181 authorized under 42 C.F.R. part 405, subpart U; providers
1182 certified under 42 C.F.R. part 485, subpart B or subpart H;
1183 providers certified by the Centers for Medicare and Medicaid
1184 Services under the federal Clinical Laboratory Improvement
1185 Amendments and the federal rules adopted thereunder; or any
1186 entity that provides neonatal or pediatric hospital-based health
1187 care services by licensed practitioners solely within a hospital
1188 licensed under chapter 395.

1189 3.~~(e)~~ Entities that are owned, directly or indirectly, by
1190 an entity licensed or registered by the state pursuant to
1191 chapter 395; entities that are owned, directly or indirectly, by
1192 an entity licensed or registered by the state and providing only
1193 health care services within the scope of services authorized
1194 pursuant to their respective licenses under ss. 383.30-383.332,
1195 chapter 390, chapter 394, chapter 397, this chapter except part
1196 X, chapter 429, chapter 463, chapter 465, chapter 466, chapter
1197 478, chapter 484, or chapter 651; end-stage renal disease
1198 providers authorized under 42 C.F.R. part 405, subpart U;
1199 providers certified under 42 C.F.R. part 485, subpart B or
1200 subpart H; providers certified by the Centers for Medicare and

1201 Medicaid Services under the federal Clinical Laboratory
 1202 Improvement Amendments and the federal rules adopted thereunder;
 1203 or any entity that provides neonatal or pediatric hospital-based
 1204 health care services by licensed practitioners solely within a
 1205 hospital under chapter 395.

1206 4.~~(d)~~ Entities that are under common ownership, directly
 1207 or indirectly, with an entity licensed or registered by the
 1208 state pursuant to chapter 395; entities that are under common
 1209 ownership, directly or indirectly, with an entity licensed or
 1210 registered by the state and providing only health care services
 1211 within the scope of services authorized pursuant to their
 1212 respective licenses under ss. 383.30-383.332, chapter 390,
 1213 chapter 394, chapter 397, this chapter except part X, chapter
 1214 429, chapter 463, chapter 465, chapter 466, chapter 478, chapter
 1215 484, or chapter 651; end-stage renal disease providers
 1216 authorized under 42 C.F.R. part 405, subpart U; providers
 1217 certified under 42 C.F.R. part 485, subpart B or subpart H;
 1218 providers certified by the Centers for Medicare and Medicaid
 1219 Services under the federal Clinical Laboratory Improvement
 1220 Amendments and the federal rules adopted thereunder; or any
 1221 entity that provides neonatal or pediatric hospital-based health
 1222 care services by licensed practitioners solely within a hospital
 1223 licensed under chapter 395.

1224 5.~~(e)~~ An entity that is exempt from federal taxation under
 1225 26 U.S.C. s. 501(c) (3) or (4), an employee stock ownership plan

1226 | under 26 U.S.C. s. 409 that has a board of trustees at least
1227 | two-thirds of which are Florida-licensed health care
1228 | practitioners and provides only physical therapy services under
1229 | physician orders, any community college or university clinic,
1230 | and any entity owned or operated by the federal or state
1231 | government, including agencies, subdivisions, or municipalities
1232 | thereof.

1233 | 6.~~(f)~~ A sole proprietorship, group practice, partnership,
1234 | or corporation that provides health care services by physicians
1235 | covered by s. 627.419, that is directly supervised by one or
1236 | more of such physicians, and that is wholly owned by one or more
1237 | of those physicians or by a physician and the spouse, parent,
1238 | child, or sibling of that physician.

1239 | 7.~~(g)~~ A sole proprietorship, group practice, partnership,
1240 | or corporation that provides health care services by licensed
1241 | health care practitioners under chapter 457, chapter 458,
1242 | chapter 459, chapter 460, chapter 461, chapter 462, chapter 463,
1243 | chapter 466, chapter 467, chapter 480, chapter 484, chapter 486,
1244 | chapter 490, chapter 491, or part I, part III, part X, part
1245 | XIII, or part XIV of chapter 468, or s. 464.012, and that is
1246 | wholly owned by one or more licensed health care practitioners,
1247 | or the licensed health care practitioners set forth in this
1248 | subparagraph ~~paragraph~~ and the spouse, parent, child, or sibling
1249 | of a licensed health care practitioner if one of the owners who
1250 | is a licensed health care practitioner is supervising the

1251 business activities and is legally responsible for the entity's
 1252 compliance with all federal and state laws. However, a health
 1253 care practitioner may not supervise services beyond the scope of
 1254 the practitioner's license, except that, for the purposes of
 1255 this part, a clinic owned by a licensee in s. 456.053(3) (b)
 1256 which provides only services authorized pursuant to s.
 1257 456.053(3) (b) may be supervised by a licensee specified in s.
 1258 456.053(3) (b).

1259 8.~~(h)~~ Clinical facilities affiliated with an accredited
 1260 medical school at which training is provided for medical
 1261 students, residents, or fellows.

1262 9.~~(i)~~ Entities that provide only oncology or radiation
 1263 therapy services by physicians licensed under chapter 458 or
 1264 chapter 459 or entities that provide oncology or radiation
 1265 therapy services by physicians licensed under chapter 458 or
 1266 chapter 459 which are owned by a corporation whose shares are
 1267 publicly traded on a recognized stock exchange.

1268 10.~~(j)~~ Clinical facilities affiliated with a college of
 1269 chiropractic accredited by the Council on Chiropractic Education
 1270 at which training is provided for chiropractic students.

1271 11.~~(k)~~ Entities that provide licensed practitioners to
 1272 staff emergency departments or to deliver anesthesia services in
 1273 facilities licensed under chapter 395 and that derive at least
 1274 90 percent of their gross annual revenues from the provision of
 1275 such services. Entities claiming an exemption from licensure

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1276 | under this subparagraph ~~paragraph~~ must provide documentation
1277 | demonstrating compliance.

1278 | 12.~~(l)~~ Orthotic, prosthetic, pediatric cardiology, or
1279 | perinatology clinical facilities or anesthesia clinical
1280 | facilities that are not otherwise exempt under subparagraph 1.
1281 | or subparagraph 11. ~~paragraph (a) or paragraph (k)~~ and that are
1282 | a publicly traded corporation or are wholly owned, directly or
1283 | indirectly, by a publicly traded corporation. As used in this
1284 | subparagraph ~~paragraph~~, a publicly traded corporation is a
1285 | corporation that issues securities traded on an exchange
1286 | registered with the United States Securities and Exchange
1287 | Commission as a national securities exchange.

1288 | 13.~~(m)~~ Entities that are owned by a corporation that has
1289 | \$250 million or more in total annual sales of health care
1290 | services provided by licensed health care practitioners where
1291 | one or more of the persons responsible for the operations of the
1292 | entity is a health care practitioner who is licensed in this
1293 | state and who is responsible for supervising the business
1294 | activities of the entity and is responsible for the entity's
1295 | compliance with state law for purposes of this part.

1296 | 14.~~(n)~~ Entities that employ 50 or more licensed health
1297 | care practitioners licensed under chapter 458 or chapter 459
1298 | where the billing for medical services is under a single tax
1299 | identification number. The application for exemption under this
1300 | subsection must include ~~shall contain information that includes:~~

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1301 the name, residence, and business address and telephone ~~phone~~
1302 number of the entity that owns the practice; a complete list of
1303 the names and contact information of all the officers and
1304 directors of the corporation; the name, residence address,
1305 business address, and medical license number of each licensed
1306 Florida health care practitioner employed by the entity; the
1307 corporate tax identification number of the entity seeking an
1308 exemption; a listing of health care services to be provided by
1309 the entity at the health care clinics owned or operated by the
1310 entity; and a certified statement prepared by an independent
1311 certified public accountant which states that the entity and the
1312 health care clinics owned or operated by the entity have not
1313 received payment for health care services under medical payments
1314 ~~personal injury protection~~ insurance coverage for the preceding
1315 year. If the agency determines that an entity that ~~which~~ is
1316 exempt under this subsection has received payments for medical
1317 services under medical payments ~~personal injury protection~~
1318 insurance coverage, the agency may deny or revoke the exemption
1319 from licensure under this subsection.

1320 (b) Notwithstanding paragraph (a) ~~this subsection~~, an
1321 entity is ~~shall be~~ deemed a clinic and must be licensed under
1322 this part in order to receive medical payments coverage
1323 reimbursement under s. 627.7265 unless the entity is: ~~the~~
1324 ~~Florida Motor Vehicle No-Fault Law, ss. 627.730-627.7405, unless~~
1325 ~~exempted under s. 627.736(5)(h).~~

- 1326 1. Wholly owned by a physician licensed under chapter 458
1327 or chapter 459, or by the physician and the spouse, parent,
1328 child, or sibling of the physician;
- 1329 2. Wholly owned by a dentist licensed under chapter 466,
1330 or by the dentist and the spouse, parent, child, or sibling of
1331 the dentist;
- 1332 3. Wholly owned by a chiropractic physician licensed under
1333 chapter 460, or by the chiropractic physician and the spouse,
1334 parent, child, or sibling of the chiropractic physician;
- 1335 4. A hospital or ambulatory surgical center licensed under
1336 chapter 395;
- 1337 5. An entity that wholly owns or is wholly owned, directly
1338 or indirectly, by a hospital or hospitals licensed under chapter
1339 395;
- 1340 6. A clinical facility affiliated with an accredited
1341 medical school at which training is provided for medical
1342 students, residents, or fellows;
- 1343 7. Certified under 42 C.F.R. part 485, subpart H; or
- 1344 8. Owned by a publicly traded corporation, either directly
1345 or indirectly through its subsidiaries, which has \$250 million
1346 or more in total annual sales of health care services provided
1347 by licensed health care practitioners, if one or more of the
1348 persons responsible for the operations of the entity are health
1349 care practitioners who are licensed in this state and are
1350 responsible for supervising the business activities of the

1351 entity and the entity's compliance with state law for purposes
 1352 of this subsection.

1353 Section 27. Subsection (5) of section 400.991, Florida
 1354 Statutes, is amended to read:

1355 400.991 License requirements; background screenings;
 1356 prohibitions.—

1357 (5) All agency forms for licensure application or
 1358 exemption from licensure under this part must contain the
 1359 following statement:

1360
 1361 INSURANCE FRAUD NOTICE.—A person commits a fraudulent
 1362 insurance act, as defined in s. 626.989, Florida
 1363 Statutes, if the person ~~who~~ knowingly submits a false,
 1364 misleading, or fraudulent application or other
 1365 document when applying for licensure as a health care
 1366 clinic, seeking an exemption from licensure as a
 1367 health care clinic, or demonstrating compliance with
 1368 part X of chapter 400, Florida Statutes, with the
 1369 intent to use the license, exemption from licensure,
 1370 or demonstration of compliance to provide services or
 1371 seek reimbursement under a motor vehicle liability
 1372 insurance policy's medical payments coverage ~~the~~
 1373 ~~Florida Motor Vehicle No-Fault Law, commits a~~
 1374 ~~fraudulent insurance act, as defined in s. 626.989,~~
 1375 ~~Florida Statutes.~~ A person who presents a claim for

1376 benefits under medical payments coverage, ~~personal~~
1377 ~~injury protection benefits~~ knowing that the payee
1378 knowingly submitted such health care clinic
1379 application or document, commits insurance fraud, as
1380 defined in s. 817.234, Florida Statutes.

1381 Section 28. Paragraph (g) of subsection (1) of section
1382 400.9935, Florida Statutes, is amended to read:

1383 400.9935 Clinic responsibilities.—

1384 (1) Each clinic shall appoint a medical director or clinic
1385 director who shall agree in writing to accept legal
1386 responsibility for the following activities on behalf of the
1387 clinic. The medical director or the clinic director shall:

1388 (g) Conduct systematic reviews of clinic billings to
1389 ensure that the billings are not fraudulent or unlawful. Upon
1390 discovery of an unlawful charge, the medical director or clinic
1391 director shall take immediate corrective action. If the clinic
1392 performs only the technical component of magnetic resonance
1393 imaging, static radiographs, computed tomography, or positron
1394 emission tomography, and provides the professional
1395 interpretation of such services, in a fixed facility that is
1396 accredited by a national accrediting organization that is
1397 approved by the Centers for Medicare and Medicaid Services for
1398 magnetic resonance imaging and advanced diagnostic imaging
1399 services and if, in the preceding quarter, the percentage of
1400 scans performed by that clinic which was billed to motor vehicle

1401 ~~all personal injury protection~~ insurance carriers under medical
 1402 payments coverage was less than 15 percent, the chief financial
 1403 officer of the clinic may, in a written acknowledgment provided
 1404 to the agency, assume the responsibility for the conduct of the
 1405 systematic reviews of clinic billings to ensure that the
 1406 billings are not fraudulent or unlawful.

1407 Section 29. Subsection (28) of section 409.901, Florida
 1408 Statutes, is amended to read:

1409 409.901 Definitions; ss. 409.901-409.920.—As used in ss.
 1410 409.901-409.920, except as otherwise specifically provided, the
 1411 term:

1412 (28) "Third-party benefit" means any benefit that is or
 1413 may be available at any time through contract, court award,
 1414 judgment, settlement, agreement, or any arrangement between a
 1415 third party and any person or entity, including, without
 1416 limitation, a Medicaid recipient, a provider, another third
 1417 party, an insurer, or the agency, for any Medicaid-covered
 1418 injury, illness, goods, or services, including costs of medical
 1419 services related thereto, for bodily ~~personal~~ injury or for
 1420 death of the recipient, but specifically excluding ~~policies of~~
 1421 life insurance policies on the recipient, unless available under
 1422 terms of the policy to pay medical expenses before ~~prior to~~
 1423 death. The term includes, without limitation, collateral, as
 1424 defined in this section; ~~health insurance;~~ any benefit under a
 1425 health maintenance organization, a preferred provider

1426 arrangement, a prepaid health clinic, liability insurance,
 1427 uninsured motorist insurance, or medical payments coverage; or
 1428 ~~personal injury protection coverage~~, medical benefits under
 1429 workers' compensation, and any obligation under law or equity to
 1430 provide medical support.

1431 Section 30. Paragraph (f) of subsection (11) of section
 1432 409.910, Florida Statutes, is amended to read:

1433 409.910 Responsibility for payments on behalf of Medicaid-
 1434 eligible persons when other parties are liable.—

1435 (11) The agency may, as a matter of right, in order to
 1436 enforce its rights under this section, institute, intervene in,
 1437 or join any legal or administrative proceeding in its own name
 1438 in one or more of the following capacities: individually, as
 1439 subrogee of the recipient, as assignee of the recipient, or as
 1440 lienholder of the collateral.

1441 (f) Notwithstanding any provision in this section to the
 1442 contrary, in the event of an action in tort against a third
 1443 party in which the recipient or his or her legal representative
 1444 is a party which results in a judgment, award, or settlement
 1445 from a third party, the amount recovered shall be distributed as
 1446 follows:

1447 1. After attorney ~~attorney's~~ fees and taxable costs as
 1448 defined by the Florida Rules of Civil Procedure, one-half of the
 1449 remaining recovery shall be paid to the agency up to the total
 1450 amount of medical assistance provided by Medicaid.

1451 2. The remaining amount of the recovery shall be paid to
1452 the recipient.

1453 3. For purposes of calculating the agency's recovery of
1454 medical assistance benefits paid, the fee for services of an
1455 attorney retained by the recipient or his or her legal
1456 representative shall be calculated at 25 percent of the
1457 judgment, award, or settlement.

1458 4. Notwithstanding any other provision of this section to
1459 the contrary, the agency shall be entitled to all medical
1460 coverage benefits up to the total amount of medical assistance
1461 provided by Medicaid. For purposes of this paragraph, the term
1462 "medical coverage" means any benefits under health insurance, a
1463 health maintenance organization, a preferred provider
1464 arrangement, or a prepaid health clinic, and the portion of
1465 benefits designated for medical payments under ~~coverage for~~
1466 workers' compensation coverage, motor vehicle insurance
1467 coverage, personal injury protection, and casualty coverage.

1468 Section 31. Paragraph (k) of subsection (2) of section
1469 456.057, Florida Statutes, is amended to read:

1470 456.057 Ownership and control of patient records; report
1471 or copies of records to be furnished; disclosure of
1472 information.—

1473 (2) As used in this section, the terms "records owner,"
1474 "health care practitioner," and "health care practitioner's
1475 employer" do not include any of the following persons or

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1476 entities; furthermore, the following persons or entities are not
1477 authorized to acquire or own medical records, but are authorized
1478 under the confidentiality and disclosure requirements of this
1479 section to maintain those documents required by the part or
1480 chapter under which they are licensed or regulated:

1481 (k) Persons or entities practicing under s. 627.7265 ~~s.~~
1482 ~~627.736(7)~~.

1483 Section 32. Paragraphs (ee) and (ff) of subsection (1) of
1484 section 456.072, Florida Statutes, are amended to read:

1485 456.072 Grounds for discipline; penalties; enforcement.—

1486 (1) The following acts shall constitute grounds for which
1487 the disciplinary actions specified in subsection (2) may be
1488 taken:

1489 (ee) With respect to making a medical payments coverage
1490 personal injury protection claim under s. 627.7265 as required
1491 by s. 627.736, intentionally submitting a claim, statement, or
1492 bill that has been upcoded. As used in this paragraph, the term
1493 "upcoded" means an action that submits a billing code that would
1494 result in a greater payment amount than would be paid using a
1495 billing code that accurately describes the services performed.
1496 The term does not include an otherwise lawful bill by a magnetic
1497 resonance imaging facility, which globally combines both
1498 technical and professional components, if the amount of the
1499 global bill is not more than the components if billed
1500 separately; however, payment of such a bill constitutes payment

1501 in full for all components of such service ~~"upcoded" as defined~~
 1502 ~~in s. 627.732.~~

1503 (ff) With respect to making a medical payments coverage
 1504 ~~personal injury protection~~ claim as required under s. 627.7265
 1505 ~~by s. 627.736~~, intentionally submitting a claim, statement, or
 1506 bill for payment of services that were not rendered.

1507 Section 33. Paragraphs (i) and (o) of subsection (1) of
 1508 section 626.9541, Florida Statutes, are amended to read:

1509 626.9541 Unfair methods of competition and unfair or
 1510 deceptive acts or practices defined.—

1511 (1) UNFAIR METHODS OF COMPETITION AND UNFAIR OR DECEPTIVE
 1512 ACTS.—The following are defined as unfair methods of competition
 1513 and unfair or deceptive acts or practices:

1514 (i) *Unfair claim settlement practices.*—

1515 1. Attempting to settle claims on the basis of an
 1516 application, when serving as a binder or intended to become a
 1517 part of the policy, or any other material document which was
 1518 altered without notice to, or knowledge or consent of, the
 1519 insured;

1520 2. A material misrepresentation made to an insured or any
 1521 other person having an interest in the proceeds payable under
 1522 such contract or policy, for the purpose and with the intent of
 1523 effecting settlement of such claims, loss, or damage under such
 1524 contract or policy on less favorable terms than those provided
 1525 in, and contemplated by, such contract or policy; ~~or~~

- 1526 3. Committing or performing with such frequency as to
1527 indicate a general business practice any of the following:
- 1528 a. Failing to adopt and implement standards for the proper
1529 investigation of claims;
- 1530 b. Misrepresenting pertinent facts or insurance policy
1531 provisions relating to coverages at issue;
- 1532 c. Failing to acknowledge and act promptly upon
1533 communications with respect to claims;
- 1534 d. Denying claims without conducting reasonable
1535 investigations based upon available information;
- 1536 e. Failing to affirm or deny full or partial coverage of
1537 claims, and, as to partial coverage, the dollar amount or extent
1538 of coverage, or failing to provide a written statement that the
1539 claim is being investigated, upon the written request of the
1540 insured within 30 days after proof-of-loss statements have been
1541 completed;
- 1542 f. Failing to promptly provide a reasonable explanation in
1543 writing to the insured of the basis in the insurance policy, in
1544 relation to the facts or applicable law, for denial of a claim
1545 or for the offer of a compromise settlement;
- 1546 g. Failing to promptly notify the insured of any
1547 additional information necessary for the processing of a claim;
1548 or
- 1549 h. Failing to clearly explain the nature of the requested
1550 information and the reasons why such information is necessary.

1551 ~~i. Failing to pay personal injury protection insurance~~
 1552 ~~claims within the time periods required by s. 627.736(4) (b). The~~
 1553 ~~office may order the insurer to pay restitution to a~~
 1554 ~~policyholder, medical provider, or other claimant, including~~
 1555 ~~interest at a rate consistent with the amount set forth in s.~~
 1556 ~~55.03(1), for the time period within which an insurer fails to~~
 1557 ~~pay claims as required by law. Restitution is in addition to any~~
 1558 ~~other penalties allowed by law, including, but not limited to,~~
 1559 ~~the suspension of the insurer's certificate of authority.~~

1560 4. Failing to pay undisputed amounts of partial or full
 1561 benefits owed under first-party property insurance policies
 1562 within 90 days after an insurer receives notice of a residential
 1563 property insurance claim, determines the amounts of partial or
 1564 full benefits, and agrees to coverage, unless payment of the
 1565 undisputed benefits is prevented by an act of God, prevented by
 1566 the impossibility of performance, or due to actions by the
 1567 insured or claimant that constitute fraud, lack of cooperation,
 1568 or intentional misrepresentation regarding the claim for which
 1569 benefits are owed.

1570 (o) *Illegal dealings in premiums; excess or reduced*
 1571 *charges for insurance.-*

1572 1. Knowingly collecting any sum as a premium or charge for
 1573 insurance, which is not then provided, or is not in due course
 1574 to be provided, subject to acceptance of the risk by the
 1575 insurer, by an insurance policy issued by an insurer as

1576 permitted by this code.

1577 2. Knowingly collecting as a premium or charge for
1578 insurance any sum in excess of or less than the premium or
1579 charge applicable to such insurance, in accordance with the
1580 applicable classifications and rates as filed with and approved
1581 by the office, and as specified in the policy; or, in cases when
1582 classifications, premiums, or rates are not required by this
1583 code to be so filed and approved, premiums and charges collected
1584 from a Florida resident in excess of or less than those
1585 specified in the policy and as fixed by the insurer.

1586 Notwithstanding any other provision of law, this provision shall
1587 not be deemed to prohibit the charging and collection, by
1588 surplus lines agents licensed under part VIII of this chapter,
1589 of the amount of applicable state and federal taxes, or fees as
1590 authorized by s. 626.916(4), in addition to the premium required
1591 by the insurer or the charging and collection, by licensed
1592 agents, of the exact amount of any discount or other such fee
1593 charged by a credit card facility in connection with the use of
1594 a credit card, as authorized by subparagraph (q)3., in addition
1595 to the premium required by the insurer. This subparagraph shall
1596 not be construed to prohibit collection of a premium for a
1597 universal life or a variable or indeterminate value insurance
1598 policy made in accordance with the terms of the contract.

1599 3.a. Imposing or requesting an additional premium for
1600 bodily injury liability coverage, property damage liability

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1601 coverage ~~a policy of motor vehicle liability, personal injury~~
1602 ~~protection,~~ medical payments coverage payment, or collision
1603 coverage in a motor vehicle liability insurance policy ~~insurance~~
1604 ~~or any combination thereof~~ or refusing to renew the policy
1605 solely because the insured was involved in a motor vehicle
1606 accident unless the insurer's file contains information from
1607 which the insurer in good faith determines that the insured was
1608 substantially at fault in the accident.

1609 b. An insurer which imposes and collects such a surcharge
1610 or which refuses to renew such policy shall, in conjunction with
1611 the notice of premium due or notice of nonrenewal, notify the
1612 named insured that he or she is entitled to reimbursement of
1613 such amount or renewal of the policy under the conditions listed
1614 below and will subsequently reimburse him or her or renew the
1615 policy, if the named insured demonstrates that the operator
1616 involved in the accident was:

1617 (I) Lawfully parked;

1618 (II) Reimbursed by, or on behalf of, a person responsible
1619 for the accident or has a judgment against such person;

1620 (III) Struck in the rear by another vehicle headed in the
1621 same direction and was not convicted of a moving traffic
1622 violation in connection with the accident;

1623 (IV) Hit by a "hit-and-run" driver, if the accident was
1624 reported to the proper authorities within 24 hours after
1625 discovering the accident;

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1626 (V) Not convicted of a moving traffic violation in
1627 connection with the accident, but the operator of the other
1628 automobile involved in such accident was convicted of a moving
1629 traffic violation;

1630 (VI) Finally adjudicated not to be liable by a court of
1631 competent jurisdiction;

1632 (VII) In receipt of a traffic citation which was dismissed
1633 or nolle prossed; or

1634 (VIII) Not at fault as evidenced by a written statement
1635 from the insured establishing facts demonstrating lack of fault
1636 which are not rebutted by information in the insurer's file from
1637 which the insurer in good faith determines that the insured was
1638 substantially at fault.

1639 c. In addition to the other provisions of this
1640 subparagraph, an insurer may not fail to renew a policy if the
1641 insured has had only one accident in which he or she was at
1642 fault within the current 3-year period. However, an insurer may
1643 nonrenew a policy for reasons other than accidents in accordance
1644 with s. 627.728. This subparagraph does not prohibit nonrenewal
1645 of a policy under which the insured has had three or more
1646 accidents, regardless of fault, during the most recent 3-year
1647 period.

1648 4. Imposing or requesting an additional premium for, or
1649 refusing to renew, a policy for motor vehicle insurance solely
1650 because the insured committed a noncriminal traffic infraction

1651 as described in s. 318.14 unless the infraction is:

1652 a. A second infraction committed within an 18-month
1653 period, or a third or subsequent infraction committed within a
1654 36-month period.

1655 b. A violation of s. 316.183, when such violation is a
1656 result of exceeding the lawful speed limit by more than 15 miles
1657 per hour.

1658 5. Upon the request of the insured, the insurer and
1659 licensed agent shall supply to the insured the complete proof of
1660 fault or other criteria which justifies the additional charge or
1661 cancellation.

1662 6. No insurer shall impose or request an additional
1663 premium for motor vehicle insurance, cancel or refuse to issue a
1664 policy, or refuse to renew a policy because the insured or the
1665 applicant is a handicapped or physically disabled person, so
1666 long as such handicap or physical disability does not
1667 substantially impair such person's mechanically assisted driving
1668 ability.

1669 7. No insurer may cancel or otherwise terminate any
1670 insurance contract or coverage, or require execution of a
1671 consent to rate endorsement, during the stated policy term for
1672 the purpose of offering to issue, or issuing, a similar or
1673 identical contract or coverage to the same insured with the same
1674 exposure at a higher premium rate or continuing an existing
1675 contract or coverage with the same exposure at an increased

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1676 premium.

1677 8. No insurer may issue a nonrenewal notice on any
1678 insurance contract or coverage, or require execution of a
1679 consent to rate endorsement, for the purpose of offering to
1680 issue, or issuing, a similar or identical contract or coverage
1681 to the same insured at a higher premium rate or continuing an
1682 existing contract or coverage at an increased premium without
1683 meeting any applicable notice requirements.

1684 9. No insurer shall, with respect to premiums charged for
1685 motor vehicle insurance, unfairly discriminate solely on the
1686 basis of age, sex, marital status, or scholastic achievement.

1687 10. Imposing or requesting an additional premium for motor
1688 vehicle comprehensive or uninsured motorist coverage solely
1689 because the insured was involved in a motor vehicle accident or
1690 was convicted of a moving traffic violation.

1691 11. No insurer shall cancel or issue a nonrenewal notice
1692 on any insurance policy or contract without complying with any
1693 applicable cancellation or nonrenewal provision required under
1694 the Florida Insurance Code.

1695 12. No insurer shall impose or request an additional
1696 premium, cancel a policy, or issue a nonrenewal notice on any
1697 insurance policy or contract because of any traffic infraction
1698 when adjudication has been withheld and no points have been
1699 assessed pursuant to s. 318.14(9) and (10). However, this
1700 subparagraph does not apply to traffic infractions involving

1701 accidents in which the insurer has incurred a loss due to the
 1702 fault of the insured.

1703 Section 34. Paragraph (a) of subsection (1) of section
 1704 626.989, Florida Statutes, is amended to read:

1705 626.989 Investigation by department or Division of
 1706 Investigative and Forensic Services; compliance; immunity;
 1707 confidential information; reports to division; division
 1708 investigator's power of arrest.—

1709 (1) For the purposes of this section:

1710 (a) A person commits a "fraudulent insurance act" if the
 1711 person:

1712 1. Knowingly and with intent to defraud presents, causes
 1713 to be presented, or prepares with knowledge or belief that it
 1714 will be presented, to or by an insurer, self-insurer, self-
 1715 insurance fund, servicing corporation, purported insurer,
 1716 broker, or any agent thereof, any written statement as part of,
 1717 or in support of, an application for the issuance of, or the
 1718 rating of, any insurance policy, or a claim for payment or other
 1719 benefit pursuant to any insurance policy, which the person knows
 1720 to contain materially false information concerning any fact
 1721 material thereto or if the person conceals, for the purpose of
 1722 misleading another, information concerning any fact material
 1723 thereto.

1724 2. Knowingly submits:

1725 a. A false, misleading, or fraudulent application or other

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1726 document when applying for licensure as a health care clinic,
1727 seeking an exemption from licensure as a health care clinic, or
1728 demonstrating compliance with part X of chapter 400 with an
1729 intent to use the license, exemption from licensure, or
1730 demonstration of compliance to provide services or seek
1731 reimbursement under a motor vehicle liability insurance policy's
1732 medical payments coverage ~~the Florida Motor Vehicle No-Fault~~
1733 ~~Law.~~

1734 b. A claim for payment or other benefit under medical
1735 payments coverage ~~pursuant to a personal injury protection~~
1736 ~~insurance policy under the Florida Motor Vehicle No-Fault Law~~ if
1737 the person knows that the payee knowingly submitted a false,
1738 misleading, or fraudulent application or other document when
1739 applying for licensure as a health care clinic, seeking an
1740 exemption from licensure as a health care clinic, or
1741 demonstrating compliance with part X of chapter 400.

1742 Section 35. Subsection (1) of section 627.06501, Florida
1743 Statutes, is amended to read:

1744 627.06501 Insurance discounts for certain persons
1745 completing driver improvement course.—

1746 (1) Any rate, rating schedule, or rating manual for the
1747 liability, medical payments ~~personal injury protection~~, and
1748 collision coverages of a motor vehicle insurance policy filed
1749 with the office may provide for an appropriate reduction in
1750 premium charges as to such coverages if ~~when~~ the principal

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1751 operator on the covered vehicle has successfully completed a
1752 driver improvement course approved and certified by the
1753 Department of Highway Safety and Motor Vehicles which is
1754 effective in reducing crash or violation rates, or both, as
1755 determined pursuant to s. 318.1451(5). Any discount, not to
1756 exceed 10 percent, used by an insurer is presumed to be
1757 appropriate unless credible data demonstrates otherwise.

1758 Section 36. Subsection (15) is added to section 627.0651,
1759 Florida Statutes, to read:

1760 627.0651 Making and use of rates for motor vehicle
1761 insurance.—

1762 (15) Initial rate filings for motor vehicle liability
1763 policies which are submitted to the office on or after January
1764 1, 2021, must reflect the financial responsibility requirements
1765 in s. 324.022, as amended, and may be approved only through the
1766 file and use process under s. 627.0651(1)(a).

1767 Section 37. Subsection (1) of section 627.0652, Florida
1768 Statutes, is amended to read:

1769 627.0652 Insurance discounts for certain persons
1770 completing safety course.—

1771 (1) Any rates, rating schedules, or rating manuals for the
1772 liability, medical payments ~~personal injury protection~~, and
1773 collision coverages of a motor vehicle insurance policy filed
1774 with the office must ~~shall~~ provide for an appropriate reduction
1775 in premium charges as to such coverages if ~~when~~ the principal

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1776 operator on the covered vehicle is an insured 55 years of age or
1777 older who has successfully completed a motor vehicle accident
1778 prevention course approved by the Department of Highway Safety
1779 and Motor Vehicles. Any discount used by an insurer is presumed
1780 to be appropriate unless credible data demonstrates otherwise.

1781 Section 38. Subsections (1), (3), and (6) of section
1782 627.0653, Florida Statutes, are amended to read:

1783 627.0653 Insurance discounts for specified motor vehicle
1784 equipment.—

1785 (1) Any rates, rating schedules, or rating manuals for the
1786 liability, medical payments ~~personal injury protection~~, and
1787 collision coverages of a motor vehicle insurance policy filed
1788 with the office must ~~shall~~ provide a premium discount if the
1789 insured vehicle is equipped with factory-installed, four-wheel
1790 antilock brakes.

1791 (3) Any rates, rating schedules, or rating manuals for
1792 ~~personal injury protection coverage~~ and medical payments
1793 coverage, ~~if offered~~, of a motor vehicle insurance policy filed
1794 with the office must ~~shall~~ provide a premium discount if the
1795 insured vehicle is equipped with one or more air bags that ~~which~~
1796 are factory installed.

1797 (6) The Office of Insurance Regulation may approve a
1798 premium discount to any rates, rating schedules, or rating
1799 manuals for the liability, medical payments ~~personal injury~~
1800 ~~protection~~, and collision coverages of a motor vehicle insurance

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1801 policy filed with the office if the insured vehicle is equipped
 1802 with an automated driving system or electronic vehicle collision
 1803 avoidance technology that is factory installed or a retrofitted
 1804 system and that complies with National Highway Traffic Safety
 1805 Administration standards.

1806 Section 39. Section 627.4132, Florida Statutes, is amended
 1807 to read:

1808 627.4132 Stacking of coverages prohibited.—If an insured
 1809 or named insured is protected by any type of motor vehicle
 1810 insurance policy for bodily injury and property damage
 1811 liability, ~~personal injury protection, or other coverage~~, the
 1812 policy must ~~shall~~ provide that the insured or named insured is
 1813 protected only to the extent of the coverage she or he has on
 1814 the vehicle involved in the accident. However, if none of the
 1815 insured's or named insured's vehicles are ~~is~~ involved in the
 1816 accident, coverage is available only to the extent of coverage
 1817 on any one of the vehicles with applicable coverage. Coverage on
 1818 any other vehicles may ~~shall~~ not be added to or stacked upon
 1819 that coverage. This section does not apply:

1820 (1) To uninsured motorist coverage that ~~which~~ is
 1821 separately governed by s. 627.727.

1822 (2) To reduce the coverage available by reason of
 1823 insurance policies insuring different named insureds.

1824 Section 40. Section 627.7263, Florida Statutes, is amended
 1825 to read:

1826 627.7263 Rental and leasing driver's insurance to be
 1827 primary; exception.—

1828 (1) The valid and collectible liability insurance and
 1829 medical payments coverage ~~or personal injury protection~~
 1830 ~~insurance providing coverage~~ for the lessor of a motor vehicle
 1831 for rent or lease is primary unless otherwise stated in at least
 1832 10-point type on the face of the rental or lease agreement. Such
 1833 insurance is primary for the limits of liability ~~and personal~~
 1834 ~~injury protection~~ coverage as required by s. 324.021(7) and the
 1835 medical payments coverage limit specified under s. 627.7265 ~~ss.~~
 1836 ~~324.021(7) and 627.736.~~

1837 (2) If the lessee's coverage is to be primary, the rental
 1838 or lease agreement must contain the following language, in at
 1839 least 10-point type:

1841 "The valid and collectible liability insurance and
 1842 medical payments coverage ~~personal injury protection~~
 1843 ~~insurance~~ of an ~~any~~ authorized rental or leasing
 1844 driver is primary for the limits of liability ~~and~~
 1845 ~~personal injury protection~~ coverage required under
 1846 section 324.021(7), Florida Statutes, and the medical
 1847 payments coverage limit specified under section
 1848 627.7265 ~~by ss. 324.021(7) and 627.736,~~ Florida
 1849 Statutes."

1850 Section 41. Section 627.7265, Florida Statutes, is created

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1851 to read:

1852 627.7265 Motor vehicle insurance; medical payments
1853 coverage.—

1854 (1) Medical payments coverage must protect the named
1855 insured, resident relatives, persons operating the insured motor
1856 vehicle, passengers in the insured motor vehicle, and persons
1857 who are struck by the insured motor vehicle and suffer bodily
1858 injury while not an occupant of a self-propelled motor vehicle
1859 at a limit of at least \$5,000 for medical expense incurred due
1860 to bodily injury, sickness, or disease arising out of the
1861 ownership, maintenance, or use of a motor vehicle. The coverage
1862 must provide an additional death benefit of at least \$5,000.

1863 (a) Before issuing a motor vehicle liability insurance
1864 policy that is furnished as proof of financial responsibility
1865 under s. 324.031, the insurer must offer medical payments
1866 coverage at limits of \$5,000 and \$10,000. The insurer may also
1867 offer medical payments coverage at any limit greater than
1868 \$5,000.

1869 (b) The medical payments coverage must be offered with an
1870 option with no deductible. The insurer may also offer medical
1871 payments coverage with a deductible not to exceed \$500.

1872 (c) Each motor vehicle liability insurance policy that is
1873 furnished as proof of financial responsibility under s. 324.031
1874 is deemed to have:

1875 1. Medical payments coverage to a limit of \$10,000, unless

1876 | the insurer obtains the policyholder's written refusal of
1877 | medical payments coverage or written selection of medical
1878 | payments coverage at a limit other than \$10,000. The rejection
1879 | or selection of coverage at a limit other than \$10,000 must be
1880 | made on a form approved by the office.

1881 | 2. No medical payments coverage deductible, unless the
1882 | insurer obtains the policyholder's written selection of a
1883 | deductible of up to \$500. The selection of a deductible must be
1884 | made on a form approved by the office.

1885 | (d)1. The forms in subparagraphs (c)1. and 2. must fully
1886 | advise the applicant of the nature of the coverage being
1887 | rejected or the policy limit or deductible being selected. If
1888 | the form is signed by a named insured, it is conclusively
1889 | presumed that there was an informed, knowing rejection of the
1890 | coverage or election of the policy limit or deductible selected.

1891 | 2. Unless the policyholder requests in writing the
1892 | coverage specified in this section, it need not be provided in
1893 | or supplemental to any other policy that renews, insures,
1894 | extends, changes, supersedes, or replaces an existing policy if
1895 | the policyholder has rejected the coverage specified in this
1896 | section or has selected an alternative coverage limit or
1897 | deductible. At least annually, the insurer shall provide the
1898 | policyholder with a notice of the availability of such coverage
1899 | in a form approved by the office. The notice must be part of,
1900 | and attached to, the notice of premium and must provide for a

1901 means to allow the insured to request medical payments coverage
1902 at the limits and deductibles required to be offered under this
1903 section. The notice must be given in a manner approved by the
1904 office. Receipt of this notice does not constitute an
1905 affirmative waiver of the insured's right to medical payments
1906 coverage if the insured has not signed a selection or rejection
1907 form.

1908 (e) This section may not be construed to limit any other
1909 coverage made available by an insurer.

1910 (2) Upon receiving notice of an accident that is
1911 potentially covered by medical payments coverage benefits, the
1912 insurer must reserve \$5,000 of medical payments coverage
1913 benefits for payment to physicians licensed under chapter 458 or
1914 chapter 459 or dentists licensed under chapter 466 who provide
1915 emergency services and care, as defined in s. 395.002, or who
1916 provide hospital inpatient care. The amount required to be held
1917 in reserve may be used only to pay claims from such physicians
1918 or dentists until 30 days after the date the insurer receives
1919 notice of the accident. After the 30-day period, any amount of
1920 the reserve for which the insurer has not received notice of
1921 such claims may be used by the insurer to pay other claims. This
1922 subsection does not require an insurer to establish a claim
1923 reserve for insurance accounting purposes.

1924 (3) An insurer providing medical payments coverage
1925 benefits may not have a:

1926 (a) Lien on any recovery in tort by judgment, settlement,
1927 or otherwise for medical payments coverage benefits, whether
1928 suit has been filed or settlement has been reached without suit;
1929 or

1930 (b) Cause of action against a person to whom or for whom
1931 medical payments coverage benefits were paid, except when
1932 medical payments coverage benefits are paid by reason of fraud
1933 the person commits.

1934 (4) An insurer providing medical payments coverage may
1935 include provisions in its policy allowing for subrogation for
1936 medical payments benefits paid if the expenses giving rise to
1937 the payments were caused by the wrongful act or omission of
1938 another who is not also an insured under the policy paying the
1939 medical payments benefits. However, this subrogation right is
1940 inferior to the rights of the injured insured and is available
1941 only after all the insured's damages are recovered and the
1942 insured is made whole. An insured who obtains a recovery from a
1943 third party of the full amount of the damages sustained and
1944 delivers a release or satisfaction that impairs a medical
1945 payments insurer's subrogation right is liable to the insurer
1946 for repayment of medical payments benefits less any expenses of
1947 acquiring the recovery, including a prorated share of attorney
1948 fees and costs, and shall hold that net recovery in trust to be
1949 delivered to the medical payments insurer. The insurer may not
1950 include any provision in its policy allowing for subrogation for

1951 | any death benefit paid.

1952 | Section 42. Subsections (1) and (7) of section 627.727,
1953 | Florida Statutes, are amended to read:

1954 | 627.727 Motor vehicle insurance; uninsured and
1955 | underinsured vehicle coverage; insolvent insurer protection.—

1956 | (1) A ~~No~~ motor vehicle liability insurance policy that
1957 | ~~which~~ provides bodily injury liability coverage may not ~~shall~~ be
1958 | delivered or issued for delivery in this state with respect to
1959 | any specifically insured or identified motor vehicle registered
1960 | or principally garaged in this state, unless uninsured motor
1961 | vehicle coverage is provided therein or supplemental thereto for
1962 | the protection of persons insured thereunder who are legally
1963 | entitled to recover damages from owners or operators of
1964 | uninsured motor vehicles because of bodily injury, sickness, or
1965 | disease, including death, resulting therefrom. However, the
1966 | coverage required under this section is not applicable if ~~when~~,
1967 | or to the extent that, an insured named in the policy makes a
1968 | written rejection of the coverage on behalf of all insureds
1969 | under the policy. If ~~When~~ a motor vehicle is leased for ~~a period~~
1970 | ~~of~~ 1 year or longer and the lessor of such vehicle, by the terms
1971 | of the lease contract, provides liability coverage on the leased
1972 | vehicle, the lessee of such vehicle has ~~shall have~~ the sole
1973 | privilege to reject uninsured motorist coverage or to select
1974 | lower limits than the bodily injury liability limits, regardless
1975 | of whether the lessor is qualified as a self-insurer pursuant to

1976 s. 324.171. Unless an insured, or a lessee having the privilege
 1977 of rejecting uninsured motorist coverage, requests such coverage
 1978 or requests higher uninsured motorist limits in writing, the
 1979 coverage or such higher uninsured motorist limits need not be
 1980 provided in or supplemental to any other policy that ~~which~~
 1981 renews, extends, changes, supersedes, or replaces an existing
 1982 policy with the same bodily injury liability limits when an
 1983 insured or lessee had rejected the coverage. When an insured or
 1984 lessee has initially selected limits of uninsured motorist
 1985 coverage lower than her or his bodily injury liability limits,
 1986 higher limits of uninsured motorist coverage need not be
 1987 provided in or supplemental to any other policy that ~~which~~
 1988 renews, extends, changes, supersedes, or replaces an existing
 1989 policy with the same bodily injury liability limits unless an
 1990 insured requests higher uninsured motorist coverage in writing.
 1991 The rejection or selection of lower limits must ~~shall~~ be made on
 1992 a form approved by the office. The form must ~~shall~~ fully advise
 1993 the applicant of the nature of the coverage and must ~~shall~~ state
 1994 that the coverage is equal to bodily injury liability limits
 1995 unless lower limits are requested or the coverage is rejected.
 1996 The heading of the form must ~~shall~~ be in 12-point bold type and
 1997 must ~~shall~~ state: "You are electing not to purchase certain
 1998 valuable coverage that ~~which~~ protects you and your family or you
 1999 are purchasing uninsured motorist limits less than your bodily
 2000 injury liability limits when you sign this form. Please read

2001 | carefully." If this form is signed by a named insured, it will
 2002 | be conclusively presumed that there was an informed, knowing
 2003 | rejection of coverage or election of lower limits on behalf of
 2004 | all insureds. The insurer shall notify the named insured at
 2005 | least annually of her or his options as to the coverage required
 2006 | by this section. Such notice must ~~shall~~ be part of, and attached
 2007 | to, the notice of premium, must ~~shall~~ provide for a means to
 2008 | allow the insured to request such coverage, and must ~~shall~~ be
 2009 | given in a manner approved by the office. Receipt of this notice
 2010 | does not constitute an affirmative waiver of the insured's right
 2011 | to uninsured motorist coverage if ~~where~~ the insured has not
 2012 | signed a selection or rejection form. The coverage described
 2013 | under this section must ~~shall~~ be over and above, but may ~~shall~~
 2014 | not duplicate, the benefits available to an insured under any
 2015 | workers' compensation law, ~~personal injury protection benefits,~~
 2016 | disability benefits law, or similar law; under any automobile
 2017 | medical payments ~~expense~~ coverage; under any motor vehicle
 2018 | liability insurance coverage; or from the owner or operator of
 2019 | the uninsured motor vehicle or any other person or organization
 2020 | jointly or severally liable together with such owner or operator
 2021 | for the accident,~~+~~ and such coverage must ~~shall~~ cover the
 2022 | difference, if any, between the sum of such benefits and the
 2023 | damages sustained, up to the maximum amount of such coverage
 2024 | provided under this section. The amount of coverage available
 2025 | under this section may ~~shall~~ not be reduced by a setoff against

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2026 any coverage, including liability insurance. Such coverage does
 2027 ~~shall~~ not inure directly or indirectly to the benefit of any
 2028 workers' compensation or disability benefits carrier or any
 2029 person or organization qualifying as a self-insurer under any
 2030 workers' compensation or disability benefits law or similar law.

2031 (7) The legal liability of an uninsured motorist coverage
 2032 insurer includes ~~does not include~~ damages in tort for pain,
 2033 suffering, disability or physical impairment, disfigurement,
 2034 mental anguish, ~~and~~ inconvenience, and the loss of capacity for
 2035 the enjoyment of life experienced in the past and to be
 2036 experienced in the future ~~unless the injury or disease is~~
 2037 ~~described in one or more of paragraphs (a)-(d) of s. 627.737(2).~~

2038 Section 43. Subsection (1) and paragraphs (a) and (b) of
 2039 subsection (2) of section 627.7275, Florida Statutes, are
 2040 amended to read:

2041 627.7275 Motor vehicle liability.—

2042 (1) A motor vehicle insurance policy ~~providing personal~~
 2043 ~~injury protection as set forth in s. 627.736~~ may not be
 2044 delivered or issued for delivery in this state for a ~~with~~
 2045 ~~respect to any~~ specifically insured or identified motor vehicle
 2046 registered or principally garaged in this state must provide
 2047 bodily injury liability coverage and ~~unless the policy also~~
 2048 ~~provides coverage for~~ property damage liability coverage as
 2049 required under ~~by~~ s. 324.022.

2050 (2) (a) Insurers writing motor vehicle insurance in this

2051 state shall make available, subject to the insurers' usual
 2052 underwriting restrictions:

2053 1. Coverage under policies as described in subsection (1)
 2054 to an applicant for private passenger motor vehicle insurance
 2055 coverage who is seeking the coverage in order to reinstate the
 2056 applicant's driving privileges in this state if the driving
 2057 privileges were revoked or suspended pursuant to s. 316.646 or
 2058 s. 324.0221 due to the failure of the applicant to maintain
 2059 required security.

2060 2. Coverage under policies as described in subsection (1),
 2061 which includes bodily injury ~~also provides~~ liability coverage
 2062 and property damage liability coverage, ~~for bodily injury,~~
 2063 ~~death, and property damage arising out of the ownership,~~
 2064 ~~maintenance, or use of the motor vehicle~~ in an amount not less
 2065 than the minimum limits required under ~~described in~~ s.
 2066 324.021(7) or s. 324.023 and which conforms to the requirements
 2067 of s. 324.151, to an applicant for private passenger motor
 2068 vehicle insurance coverage who is seeking the coverage in order
 2069 to reinstate the applicant's driving privileges in this state
 2070 after such privileges were revoked or suspended under s. 316.193
 2071 or s. 322.26(2) for driving under the influence.

2072 (b) The policies described in paragraph (a) must ~~shall~~ be
 2073 issued for at least 6 months and, as to the minimum coverages
 2074 required under this section, may not be canceled by the insured
 2075 for any reason or by the insurer after 60 days, during which

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2076 period the insurer is completing the underwriting of the policy.
2077 After the insurer has completed underwriting the policy, the
2078 insurer shall notify the Department of Highway Safety and Motor
2079 Vehicles that the policy is in full force and effect and is not
2080 cancelable for the remainder of the policy period. A premium
2081 must ~~shall~~ be collected and the coverage is in effect for the
2082 60-day period during which the insurer is completing the
2083 underwriting of the policy, whether or not the person's driver
2084 license, motor vehicle tag, and motor vehicle registration are
2085 in effect. Once the noncancelable provisions of the policy
2086 become effective, the bodily injury liability and property
2087 damage liability coverages ~~for bodily injury, property damage,~~
2088 ~~and personal injury protection~~ may not be reduced below the
2089 minimum limits required under s. 324.021 or s. 324.023 during
2090 the policy period.

2091 Section 44. Effective upon this act becoming a law,
2092 section 627.7278, Florida Statutes, is created to read:

2093 627.7278 Applicability and construction; notice to
2094 policyholders.-

2095 (1) As used in this section, the term "minimum security
2096 requirements" means security that enables a person to respond in
2097 damages for liability on account of crashes arising out of the
2098 ownership, maintenance, or use of a motor vehicle, in the
2099 amounts required by s. 324.021(7).

2100 (2) Effective January 1, 2021:

2101 (a) Motor vehicle insurance policies issued or renewed on
 2102 or after that date may not include personal injury protection.

2103 (b) All persons subject to s. 324.022, s. 324.032, s.
 2104 627.7415, or s. 627.742 must maintain at least minimum security
 2105 requirements.

2106 (c) Any new or renewal motor vehicle insurance policy
 2107 delivered or issued for delivery in this state must provide
 2108 coverage that complies with minimum security requirements.

2109 (d) An existing motor vehicle insurance policy issued
 2110 before January 1, 2021, that provides personal injury protection
 2111 and property damage liability coverage which meets the
 2112 requirements of s. 324.022 on December 31, 2020, but which does
 2113 not meet minimum security requirements on or after January 1,
 2114 2021, is deemed to meet the security requirements of s. 324.022
 2115 until such policy is renewed, nonrenewed, or canceled on or
 2116 after January 1, 2021. Sections 400.9905, 400.991, 456.057,
 2117 456.072, 626.9541(1)(i), 627.7263, 627.727, 627.730-627.7405,
 2118 627.748, and 817.234, Florida Statutes 2019, remain in full
 2119 force and effect for motor vehicle accidents covered under a
 2120 policy issued under the Florida Motor Vehicle No-Fault Law
 2121 before January 1, 2021, until the policy is renewed, nonrenewed,
 2122 or canceled on or after January 1, 2021.

2123 (3) Each insurer shall allow each insured who has a new or
 2124 renewal policy providing personal injury protection which
 2125 becomes effective before January 1, 2021, and whose policy does

2126 not meet minimum security requirements on or after January 1,
2127 2021, to change coverages so as to eliminate personal injury
2128 protection and obtain coverage providing minimum security
2129 requirements, which shall be effective on or after January 1,
2130 2021. The insurer is not required to provide coverage complying
2131 with minimum security requirements in such policies if the
2132 insured does not pay the required premium, if any, by January 1,
2133 2021, or such later date as the insurer may allow. The insurer
2134 must also offer each insured medical payments coverage pursuant
2135 to s. 627.7265. Any reduction in the premium must be refunded by
2136 the insurer. The insurer may not impose on the insured an
2137 additional fee or charge that applies solely to a change in
2138 coverage; however, the insurer may charge an additional required
2139 premium that is actuarially indicated.

2140 (4) By September 1, 2020, each motor vehicle insurer shall
2141 provide notice of this section to each motor vehicle
2142 policyholder who is subject to this section. The notice is
2143 subject to approval by the office and must clearly inform the
2144 policyholder that:

2145 (a) The Florida Motor Vehicle No-Fault Law is repealed
2146 effective January 1, 2021, and that on or after that date, the
2147 insured is no longer required to maintain personal injury
2148 protection insurance coverage, that personal injury protection
2149 coverage is no longer available for purchase in this state, and
2150 that all new or renewal policies issued on or after that date

2151 will not contain that coverage.

2152 (b) Effective January 1, 2021, a person subject to the
2153 financial responsibility requirements of s. 324.022 must
2154 maintain minimum security requirements that enable the person to
2155 respond to damages for liability on account of accidents arising
2156 out of the use of a motor vehicle in the following amounts:

2157 1. Twenty-five thousand dollars for bodily injury to, or
2158 the death of, one person in any one crash and, subject to such
2159 limits for one person, in the amount of \$50,000 for bodily
2160 injury to, or the death of, two or more persons in any one
2161 crash; and

2162 2. Ten thousand dollars for damage to, or destruction of,
2163 the property of others in any one crash.

2164 (c) Bodily injury liability coverage protects the insured,
2165 up to the coverage limits, against loss if the insured is
2166 legally responsible for the death of or bodily injury to others
2167 in a motor vehicle accident.

2168 (d) Effective January 1, 2021, each policyholder of motor
2169 vehicle liability insurance purchased as proof of financial
2170 responsibility must be offered medical payments coverage
2171 benefits that comply with s. 627.7265. The insurer must offer
2172 medical payments coverage at limits of \$5,000 and \$10,000
2173 without a deductible. The insurer may also offer medical
2174 payments coverage at other limits greater than \$5,000, and may
2175 offer coverage with a deductible of up to \$500. Medical payments

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2176 coverage pays covered medical expenses incurred due to bodily
2177 injury, sickness, or disease arising out of the ownership,
2178 maintenance, or use of the motor vehicle, up to the limits of
2179 such coverage, for injuries sustained in a motor vehicle crash
2180 by the named insured, resident relatives, persons operating the
2181 insured motor vehicle, passengers in the insured motor vehicle,
2182 and persons who are struck by the insured motor vehicle and
2183 suffer bodily injury while not an occupant of a self-propelled
2184 motor vehicle as provided in s. 627.7265. Medical payments
2185 coverage also provides a death benefit of at least \$5,000.

2186 (e) The policyholder may obtain uninsured and underinsured
2187 motorist coverage, which provides benefits, up to the limits of
2188 such coverage, to a policyholder or other insured entitled to
2189 recover damages for bodily injury, sickness, disease, or death
2190 resulting from a motor vehicle accident with an uninsured or
2191 underinsured owner or operator of a motor vehicle.

2192 (f) If the policyholder's new or renewal motor vehicle
2193 insurance policy is effective before January 1, 2021, and
2194 contains personal injury protection and property damage
2195 liability coverage as required by state law before January 1,
2196 2021, but does not meet minimum security requirements on or
2197 after January 1, 2021, the policy is deemed to meet minimum
2198 security requirements until it is renewed, nonrenewed, or
2199 canceled on or after January 1, 2021.

2200 (g) A policyholder whose new or renewal policy becomes

2201 effective before January 1, 2021, but does not meet minimum
 2202 security requirements on or after January 1, 2021, may change
 2203 coverages under the policy so as to eliminate personal injury
 2204 protection and to obtain coverage providing minimum security
 2205 requirements, including bodily injury liability coverage, which
 2206 are effective on or after January 1, 2021.

2207 (h) If the policyholder has any questions, he or she
 2208 should contact the person named at the telephone number provided
 2209 in the notice.

2210 Section 45. Paragraph (a) of subsection (1) of section
 2211 627.728, Florida Statutes, is amended to read:

2212 627.728 Cancellations; nonrenewals.—

2213 (1) As used in this section, the term:

2214 (a) "Policy" means the bodily injury and property damage
 2215 liability, ~~personal injury protection,~~ medical payments,
 2216 comprehensive, collision, and uninsured motorist coverage
 2217 portions of a policy of motor vehicle insurance delivered or
 2218 issued for delivery in this state:

2219 1. Insuring a natural person as named insured or one or
 2220 more related individuals who are residents ~~resident~~ of the same
 2221 household; and

2222 2. Insuring only a motor vehicle of the private passenger
 2223 type or station wagon type which is not used as a public or
 2224 livery conveyance for passengers or rented to others; or
 2225 insuring any other four-wheel motor vehicle having a load

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2226 capacity of 1,500 pounds or less which is not used in the
 2227 occupation, profession, or business of the insured other than
 2228 farming; other than any policy issued under an automobile
 2229 insurance assigned risk plan or covering garage, automobile
 2230 sales agency, repair shop, service station, or public parking
 2231 place operation hazards.

2232
 2233 The term "policy" does not include a binder as defined in s.
 2234 627.420 unless the duration of the binder period exceeds 60
 2235 days.

2236 Section 46. Subsection (1), paragraph (a) of subsection
 2237 (5), and subsections (6) and (7) of section 627.7295, Florida
 2238 Statutes, are amended to read:

2239 627.7295 Motor vehicle insurance contracts.—

2240 (1) As used in this section, the term:

2241 (a) "Policy" means a motor vehicle insurance policy that
 2242 provides bodily injury liability ~~personal injury protection~~
 2243 coverage and ~~property damage liability coverage, or both.~~

2244 (b) "Binder" means a binder that provides motor vehicle
 2245 bodily injury liability coverage ~~personal injury protection~~ and
 2246 property damage liability coverage.

2247 (5) (a) A licensed general lines agent may charge a per-
 2248 policy fee of up to ~~not to exceed~~ \$10 to cover the
 2249 administrative costs of the agent associated with selling the
 2250 motor vehicle insurance policy if the policy covers only bodily

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2251 injury liability coverage ~~personal injury protection coverage as~~
2252 ~~provided by s. 627.736~~ and property damage liability coverage as
2253 provided by s. 627.7275 and if no other insurance is sold or
2254 issued in conjunction with or collateral to the policy. The fee
2255 is not ~~considered~~ part of the premium.

2256 (6) If a motor vehicle owner's driver license, license
2257 plate, and registration have previously been suspended pursuant
2258 to s. 316.646 ~~or s. 627.733~~, an insurer may cancel a new policy
2259 only as provided in s. 627.7275.

2260 (7) A policy of private passenger motor vehicle insurance
2261 or a binder for such a policy may be initially issued in this
2262 state only if, before the effective date of such binder or
2263 policy, the insurer or agent has collected from the insured an
2264 amount equal to at least 1 month's premium. An insurer, agent,
2265 or premium finance company may not, directly or indirectly, take
2266 any action that results ~~resulting~~ in the insured paying ~~having~~
2267 ~~paid~~ from the insured's own funds an amount less than the 1
2268 month's premium required by this subsection. This subsection
2269 applies without regard to whether the premium is financed by a
2270 premium finance company or is paid pursuant to a periodic
2271 payment plan of an insurer or an insurance agent.

2272 (a) This subsection does not apply:

2273 1. If an insured or member of the insured's family is
2274 renewing or replacing a policy or a binder for such policy
2275 written by the same insurer or a member of the same insurer

2276 | group. ~~This subsection does not apply~~

2277 | 2. To an insurer that issues private passenger motor
 2278 | vehicle coverage primarily to active duty or former military
 2279 | personnel or their dependents. ~~This subsection does not apply~~

2280 | 3. If all policy payments are paid pursuant to a payroll
 2281 | deduction plan, an automatic electronic funds transfer payment
 2282 | plan from the policyholder, or a recurring credit card or debit
 2283 | card agreement with the insurer.

2284 | (b) This subsection and subsection (4) do not apply if:

2285 | 1. All policy payments to an insurer are paid pursuant to
 2286 | an automatic electronic funds transfer payment plan from an
 2287 | agent, a managing general agent, or a premium finance company
 2288 | and if the policy includes, at a minimum, bodily injury
 2289 | liability coverage and ~~personal injury protection pursuant to~~
 2290 | ~~ss. 627.730-627.7405; motor vehicle property damage liability~~
 2291 | coverage pursuant to s. 627.7275; or ~~and bodily injury liability~~
 2292 | ~~in at least the amount of \$10,000 because of bodily injury to,~~
 2293 | ~~or death of, one person in any one accident and in the amount of~~
 2294 | ~~\$20,000 because of bodily injury to, or death of, two or more~~
 2295 | ~~persons in any one accident. This subsection and subsection (4)~~
 2296 | ~~do not apply if~~

2297 | 2. An insured has had a policy in effect for at least 6
 2298 | months, the insured's agent is terminated by the insurer that
 2299 | issued the policy, and the insured obtains coverage on the
 2300 | policy's renewal date with a new company through the terminated

2301 agent.

2302 Section 47. Section 627.7415, Florida Statutes, is amended
2303 to read:

2304 627.7415 Commercial motor vehicles; additional liability
2305 insurance coverage.—Beginning January 1, 2021, commercial motor
2306 vehicles, as defined in s. 207.002 or s. 320.01, operated upon
2307 the roads and highways of this state must ~~shall~~ be insured with
2308 the following minimum levels of combined bodily liability
2309 insurance and property damage liability insurance in addition to
2310 any other insurance requirements:

2311 (1) Sixty ~~Fifty~~ thousand dollars per occurrence for a
2312 commercial motor vehicle with a gross vehicle weight of 26,000
2313 pounds or more, but less than 35,000 pounds.

2314 (2) One hundred twenty thousand dollars per occurrence for
2315 a commercial motor vehicle with a gross vehicle weight of 35,000
2316 pounds or more, but less than 44,000 pounds.

2317 (3) Three hundred thousand dollars per occurrence for a
2318 commercial motor vehicle with a gross vehicle weight of 44,000
2319 pounds or more.

2320 (4) All commercial motor vehicles subject to regulations
2321 of the United States Department of Transportation, 49 C.F.R.
2322 part 387, subpart A, and as may be hereinafter amended, shall be
2323 insured in an amount equivalent to the minimum levels of
2324 financial responsibility as set forth in such regulations.

2325

2326 A violation of this section is a noncriminal traffic infraction,
 2327 punishable as a nonmoving violation as provided in chapter 318.

2328 Section 48. Section 627.747, Florida Statutes, is created
 2329 to read:

2330 627.747 Named driver exclusion.-

2331 (1) A private passenger motor vehicle policy may exclude
 2332 an identified individual from the following coverages while the
 2333 identified individual is operating a motor vehicle, provided
 2334 that the identified individual is specifically excluded by name
 2335 on the declarations page or by endorsement, and the policyholder
 2336 consents in writing to the exclusion:

2337 (a) Property damage liability coverage.

2338 (b) Bodily injury liability coverage.

2339 (c) Uninsured motorist coverage for any damages sustained
 2340 by the identified excluded individual, if the policyholder has
 2341 purchased such coverage.

2342 (d) Any coverage the policyholder is not required by law
 2343 to purchase.

2344 (2) A private passenger motor vehicle policy may not
 2345 exclude coverage when:

2346 (a) The identified excluded individual is injured while
 2347 not operating a motor vehicle;

2348 (b) The exclusion is unfairly discriminatory under the
 2349 Florida Insurance Code, as determined by the office; or

2350 (c) The exclusion is inconsistent with the underwriting

2351 rules filed by the insurer pursuant to s. 627.0651(13)(a).

2352 Section 49. Paragraphs (b), (c), and (g) of subsection (7)
 2353 and paragraphs (a) and (b) of subsection (8) of section 627.748,
 2354 Florida Statutes, are amended to read:

2355 627.748 Transportation network companies.—

2356 (7) TRANSPORTATION NETWORK COMPANY AND TNC DRIVER
 2357 INSURANCE REQUIREMENTS.—

2358 (b) The following automobile insurance requirements apply
 2359 while a participating TNC driver is logged on to the digital
 2360 network but is not engaged in a prearranged ride:

2361 1. Automobile insurance that provides:

2362 a. A primary automobile liability coverage of at least
 2363 \$50,000 for death and bodily injury per person, \$100,000 for
 2364 death and bodily injury per incident, and \$25,000 for property
 2365 damage; and

2366 b. ~~Personal injury protection benefits that meet the~~
 2367 ~~minimum coverage amounts required under ss. 627.730-627.7405;~~
 2368 ~~and~~

2369 ~~e.~~ Uninsured and underinsured vehicle coverage as required
 2370 by s. 627.727.

2371 2. The coverage requirements of this paragraph may be
 2372 satisfied by any of the following:

2373 a. Automobile insurance maintained by the TNC driver;

2374 b. Automobile insurance maintained by the TNC; or

2375 c. A combination of sub-subparagraphs a. and b.

2376 (c) The following automobile insurance requirements apply
 2377 while a TNC driver is engaged in a prearranged ride:
 2378 1. Automobile insurance that provides:
 2379 a. A primary automobile liability coverage of at least \$1
 2380 million for death, bodily injury, and property damage; and
 2381 b. ~~Personal injury protection benefits that meet the~~
 2382 ~~minimum coverage amounts required of a limousine under ss.~~
 2383 ~~627.730-627.7405; and~~
 2384 e. Uninsured and underinsured vehicle coverage as required
 2385 by s. 627.727.
 2386 2. The coverage requirements of this paragraph may be
 2387 satisfied by any of the following:
 2388 a. Automobile insurance maintained by the TNC driver;
 2389 b. Automobile insurance maintained by the TNC; or
 2390 c. A combination of sub-subparagraphs a. and b.
 2391 (g) Insurance satisfying the requirements under this
 2392 subsection is deemed to satisfy the financial responsibility
 2393 requirement for a motor vehicle under chapter 324 ~~and the~~
 2394 ~~security required under s. 627.733~~ for any period when the TNC
 2395 driver is logged onto the digital network or engaged in a
 2396 prearranged ride.
 2397 (8) TRANSPORTATION NETWORK COMPANY AND INSURER;
 2398 DISCLOSURE; EXCLUSIONS.—
 2399 (a) Before a TNC driver is allowed to accept a request for
 2400 a prearranged ride on the digital network, the TNC must disclose

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2401 in writing to the TNC driver:

2402 1. The insurance coverage, including the types of coverage
2403 and the limits for each coverage, which the TNC provides while
2404 the TNC driver uses a TNC vehicle in connection with the TNC's
2405 digital network.

2406 2. That the TNC driver's own automobile insurance policy
2407 might not provide any coverage while the TNC driver is logged on
2408 to the digital network or is engaged in a prearranged ride,
2409 depending on the terms of the TNC driver's own automobile
2410 insurance policy.

2411 3. That the provision of rides for compensation which are
2412 not prearranged rides subjects the driver to the coverage
2413 requirements imposed under s. 324.032(1) and (2) and that
2414 failure to meet such coverage requirements subjects the TNC
2415 driver to penalties provided in s. 324.221, up to and including
2416 a misdemeanor of the second degree.

2417 (b)1. An insurer that provides an automobile liability
2418 insurance policy under this part may exclude any and all
2419 coverage afforded under the policy issued to an owner or
2420 operator of a TNC vehicle while driving that vehicle for any
2421 loss or injury that occurs while a TNC driver is logged on to a
2422 digital network or while a TNC driver provides a prearranged
2423 ride. Exclusions imposed under this subsection are limited to
2424 coverage while a TNC driver is logged on to a digital network or
2425 while a TNC driver provides a prearranged ride. This right to

2426 | exclude all coverage may apply to any coverage included in an
 2427 | automobile insurance policy, including, but not limited to:
 2428 | a. Liability coverage for bodily injury and property
 2429 | damage;
 2430 | b. Uninsured and underinsured motorist coverage;
 2431 | c. Medical payments coverage;
 2432 | d. Comprehensive physical damage coverage; and
 2433 | e. Collision physical damage coverage; ~~and~~
 2434 | ~~f. Personal injury protection.~~
 2435 | 2. The exclusions described in subparagraph 1. apply
 2436 | notwithstanding any requirement under chapter 324. These
 2437 | exclusions do not affect or diminish coverage otherwise
 2438 | available for permissive drivers or resident relatives under the
 2439 | personal automobile insurance policy of the TNC driver or owner
 2440 | of the TNC vehicle who are not occupying the TNC vehicle at the
 2441 | time of loss. This section does not require that a personal
 2442 | automobile insurance policy provide coverage while the TNC
 2443 | driver is logged on to a digital network, while the TNC driver
 2444 | is engaged in a prearranged ride, or while the TNC driver
 2445 | otherwise uses a vehicle to transport riders for compensation.
 2446 | 3. This section must not be construed to require an
 2447 | insurer to use any particular policy language or reference to
 2448 | this section in order to exclude any and all coverage for any
 2449 | loss or injury that occurs while a TNC driver is logged on to a
 2450 | digital network or while a TNC driver provides a prearranged

2451 ride.

2452 4. This section does not preclude an insurer from
 2453 providing primary or excess coverage for the TNC driver's
 2454 vehicle by contract or endorsement.

2455 Section 50. Paragraph (a) of subsection (2) of section
 2456 627.749, Florida Statutes, is amended to read:

2457 627.749 Autonomous vehicles; insurance requirements.—

2458 (2) INSURANCE REQUIREMENTS.—

2459 (a) A fully autonomous vehicle with the automated driving
 2460 system engaged while logged on to an on-demand autonomous
 2461 vehicle network or engaged in a prearranged ride must be covered
 2462 by a policy of automobile insurance which provides:

2463 1. Primary liability coverage of at least \$1 million for
 2464 death, bodily injury, and property damage.

2465 2. ~~Personal injury protection benefits that meet the~~
 2466 ~~minimum coverage amounts required under ss. 627.730-627.7405.~~

2467 ~~3.~~ Uninsured and underinsured vehicle coverage as required
 2468 by s. 627.727.

2469 Section 51. Section 627.8405, Florida Statutes, is amended
 2470 to read:

2471 627.8405 Prohibited acts; financing companies.—A ~~No~~
 2472 premium finance company ~~shall~~, in a premium finance agreement or
 2473 other agreement, may not finance the cost of or otherwise
 2474 provide for the collection or remittance of dues, assessments,
 2475 fees, or other periodic payments of money for the cost of:

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2476 (1) A membership in an automobile club. The term
2477 "automobile club" means a legal entity that ~~which~~, in
2478 consideration of dues, assessments, or periodic payments of
2479 money, promises its members or subscribers to assist them in
2480 matters relating to the ownership, operation, use, or
2481 maintenance of a motor vehicle; however, the term ~~this~~
2482 ~~definition of "automobile club"~~ does not include persons,
2483 associations, or corporations ~~which are~~ organized and operated
2484 solely for the purpose of conducting, sponsoring, or sanctioning
2485 motor vehicle races, exhibitions, or contests upon racetracks,
2486 or upon racecourses established and marked as such for the
2487 duration of such particular events. The term ~~words~~ "motor
2488 vehicle" used herein has ~~have~~ the same meaning as defined in
2489 chapter 320.

2490 (2) An accidental death and dismemberment policy sold in
2491 combination with a policy providing only bodily injury liability
2492 coverage ~~personal injury protection~~ and property damage
2493 liability coverage only policy.

2494 (3) Any product not regulated under ~~the provisions of~~ this
2495 insurance code.

2496
2497 This section also applies to premium financing by any insurance
2498 agent or insurance company under part XVI. The commission shall
2499 adopt rules to assure disclosure, at the time of sale, of
2500 coverages financed ~~with personal injury protection~~ and shall

2501 prescribe the form of such disclosure.

2502 Section 52. Subsection (1) of section 627.915, Florida
 2503 Statutes, is amended to read:

2504 627.915 Insurer experience reporting.—

2505 (1) Each insurer transacting private passenger automobile
 2506 insurance in this state shall report certain information
 2507 annually to the office. The information will be due on or before
 2508 July 1 of each year. The information must ~~shall~~ be divided into
 2509 the following categories: bodily injury liability; property
 2510 damage liability; uninsured motorist; ~~personal injury protection~~
 2511 ~~benefits~~; medical payments; and comprehensive and collision. The
 2512 information given must ~~shall~~ be on direct insurance writings in
 2513 the state alone and ~~shall~~ represent total limits data. The
 2514 information set forth in paragraphs (a)-(f) is applicable to
 2515 voluntary private passenger and Joint Underwriting Association
 2516 private passenger writings and must ~~shall~~ be reported for each
 2517 of the latest 3 calendar-accident years, with an evaluation date
 2518 of March 31 of the current year. The information set forth in
 2519 paragraphs (g)-(j) is applicable to voluntary private passenger
 2520 writings and must ~~shall~~ be reported on a calendar-accident year
 2521 basis ultimately seven times at seven different stages of
 2522 development.

2523 (a) Premiums earned for the latest 3 calendar-accident
 2524 years.

2525 (b) Loss development factors and the historic development

2526 | of those factors.

2527 | (c) Policyholder dividends incurred.

2528 | (d) Expenses for other acquisition and general expense.

2529 | (e) Expenses for agents' commissions and taxes, licenses,

2530 | and fees.

2531 | (f) Profit and contingency factors as utilized in the

2532 | insurer's automobile rate filings for the applicable years.

2533 | (g) Losses paid.

2534 | (h) Losses unpaid.

2535 | (i) Loss adjustment expenses paid.

2536 | (j) Loss adjustment expenses unpaid.

2537 | Section 53. Subsections (2) and (3) of section 628.909,

2538 | Florida Statutes, are amended to read:

2539 | 628.909 Applicability of other laws.—

2540 | (2) The following provisions of the Florida Insurance Code

2541 | apply to captive insurance companies that ~~who~~ are not industrial

2542 | insured captive insurance companies to the extent that such

2543 | provisions are not inconsistent with this part:

2544 | (a) Chapter 624, except for ss. 624.407, 624.408,

2545 | 624.4085, 624.40851, 624.4095, 624.411, 624.425, and 624.426.

2546 | (b) Chapter 625, part II.

2547 | (c) Chapter 626, part IX.

2548 | (d) ~~Sections 627.730–627.7405, when no fault coverage is~~

2549 | ~~provided.~~

2550 | ~~(e) Chapter 628.~~

2551 (3) The following provisions of the Florida Insurance Code
 2552 ~~shall~~ apply to industrial insured captive insurance companies to
 2553 the extent that such provisions are not inconsistent with this
 2554 part:

2555 (a) Chapter 624, except for ss. 624.407, 624.408,
 2556 624.4085, 624.40851, 624.4095, 624.411, 624.425, 624.426, and
 2557 624.609(1).

2558 (b) Chapter 625, part II, if the industrial insured
 2559 captive insurance company is incorporated in this state.

2560 (c) Chapter 626, part IX.

2561 (d) ~~Sections 627.730-627.7405 when no fault coverage is~~
 2562 ~~provided.~~

2563 ~~(e)~~ Chapter 628, except for ss. 628.341, 628.351, and
 2564 628.6018.

2565 Section 54. Subsections (2), (6), and (7) of section
 2566 705.184, Florida Statutes, are amended to read:

2567 705.184 Derelict or abandoned motor vehicles on the
 2568 premises of public-use airports.-

2569 (2) The airport director or the director's designee shall
 2570 contact the Department of Highway Safety and Motor Vehicles to
 2571 notify that department that the airport has possession of the
 2572 abandoned or derelict motor vehicle and to determine the name
 2573 and address of the owner of the motor vehicle, the insurance
 2574 company insuring the motor vehicle, ~~notwithstanding the~~
 2575 ~~provisions of s. 627.736,~~ and any person who has filed a lien on

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2576 | the motor vehicle. Within 7 business days after receipt of the
2577 | information, the director or the director's designee shall send
2578 | notice by certified mail, return receipt requested, to the owner
2579 | of the motor vehicle, the insurance company insuring the motor
2580 | vehicle, ~~notwithstanding the provisions of s. 627.736,~~ and all
2581 | persons of record claiming a lien against the motor vehicle. The
2582 | notice must ~~shall~~ state the fact of possession of the motor
2583 | vehicle, that charges for reasonable towing, storage, and
2584 | parking fees, if any, have accrued and the amount thereof, that
2585 | a lien as provided in subsection (6) will be claimed, that the
2586 | lien is subject to enforcement pursuant to law, that the owner
2587 | or lienholder, if any, has the right to a hearing as set forth
2588 | in subsection (4), and that any motor vehicle which, at the end
2589 | of 30 calendar days after receipt of the notice, has not been
2590 | removed from the airport upon payment in full of all accrued
2591 | charges for reasonable towing, storage, and parking fees, if
2592 | any, may be disposed of as provided in s. 705.182(2)(a), (b),
2593 | (d), or (e), including, but not limited to, the motor vehicle
2594 | being sold free of all prior liens after 35 calendar days after
2595 | the time the motor vehicle is stored if any prior liens on the
2596 | motor vehicle are more than 5 years of age or after 50 calendar
2597 | days after the time the motor vehicle is stored if any prior
2598 | liens on the motor vehicle are 5 years of age or less.

2599 | (6) The airport pursuant to this section or, if used, a
2600 | licensed independent wrecker company pursuant to s. 713.78 shall

2601 have a lien on an abandoned or derelict motor vehicle for all
 2602 reasonable towing, storage, and accrued parking fees, if any,
 2603 except that no storage fee may ~~shall~~ be charged if the motor
 2604 vehicle is stored less than 6 hours. As a prerequisite to
 2605 perfecting a lien under this section, the airport director or
 2606 the director's designee must serve a notice in accordance with
 2607 subsection (2) on the owner of the motor vehicle, the insurance
 2608 company insuring the motor vehicle, ~~notwithstanding the~~
 2609 ~~provisions of s. 627.736,~~ and all persons of record claiming a
 2610 lien against the motor vehicle. If attempts to notify the owner,
 2611 the insurance company insuring the motor vehicle,
 2612 ~~notwithstanding the provisions of s. 627.736,~~ or lienholders are
 2613 not successful, the requirement of notice by mail shall be
 2614 considered met. Serving of the notice does not dispense with
 2615 recording the claim of lien.

2616 (7) (a) For the purpose of perfecting its lien under this
 2617 section, the airport shall record a claim of lien which states
 2618 ~~shall state:~~

- 2619 1. The name and address of the airport.
- 2620 2. The name of the owner of the motor vehicle, the
 2621 insurance company insuring the motor vehicle, ~~notwithstanding~~
 2622 ~~the provisions of s. 627.736,~~ and all persons of record claiming
 2623 a lien against the motor vehicle.
- 2624 3. The costs incurred from reasonable towing, storage, and
 2625 parking fees, if any.

2626 4. A description of the motor vehicle sufficient for
 2627 identification.

2628 (b) The claim of lien must ~~shall~~ be signed and sworn to or
 2629 affirmed by the airport director or the director's designee.

2630 (c) The claim of lien is ~~shall be~~ sufficient if it is in
 2631 substantially the following form:

2632
 2633 CLAIM OF LIEN

2634 State of

2635 County of

2636 Before me, the undersigned notary public, personally appeared
 2637, who was duly sworn and says that he/she is the
 2638 of, whose address is.....; and that the
 2639 following described motor vehicle:

2640 ...(Description of motor vehicle)...

2641 owned by, whose address is, has accrued
 2642 \$..... in fees for a reasonable tow, for storage, and for
 2643 parking, if applicable; that the lienor served its notice to the
 2644 owner, the insurance company insuring the motor vehicle
 2645 ~~notwithstanding the provisions of s. 627.736, Florida Statutes,~~
 2646 and all persons of record claiming a lien against the motor
 2647 vehicle on, ...(year)...., by.....

2648 ...(Signature)...

2649 Sworn to (or affirmed) and subscribed before me this day of
 2650, ...(year)...., by ...(name of person making statement)....

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2651 ... (Signature of Notary Public)..... (Print, Type, or Stamp
 2652 Commissioned name of Notary Public) ...
 2653 Personally Known....OR Produced....as identification.

2654
 2655 However, the negligent inclusion or omission of any information
 2656 in this claim of lien which does not prejudice the owner does
 2657 not constitute a default that operates to defeat an otherwise
 2658 valid lien.

2659 (d) The claim of lien must ~~shall~~ be served on the owner of
 2660 the motor vehicle, the insurance company insuring the motor
 2661 vehicle, ~~notwithstanding the provisions of s. 627.736,~~ and all
 2662 persons of record claiming a lien against the motor vehicle. If
 2663 attempts to notify the owner, the insurance company insuring the
 2664 motor vehicle ~~notwithstanding the provisions of s. 627.736,~~ or
 2665 lienholders are not successful, the requirement of notice by
 2666 mail shall be considered met. The claim of lien must ~~shall~~ be so
 2667 served before recordation.

2668 (e) The claim of lien must ~~shall~~ be recorded with the
 2669 clerk of court in the county where the airport is located. The
 2670 recording of the claim of lien shall be constructive notice to
 2671 all persons of the contents and effect of such claim. The lien
 2672 attaches ~~shall attach~~ at the time of recordation and takes ~~shall~~
 2673 ~~take~~ priority as of that time.

2674 Section 55. Subsection (4) of section 713.78, Florida
 2675 Statutes, is amended to read:

2676 713.78 Liens for recovering, towing, or storing vehicles
2677 and vessels.—

2678 (4) (a) A person regularly engaged in the business of
2679 recovering, towing, or storing vehicles or vessels who comes
2680 into possession of a vehicle or vessel pursuant to subsection
2681 (2), and who claims a lien for recovery, towing, or storage
2682 services, shall give notice, by certified mail, to the
2683 registered owner, the insurance company insuring the vehicle
2684 ~~notwithstanding s. 627.736~~, and all persons claiming a lien
2685 thereon, as disclosed by the records in the Department of
2686 Highway Safety and Motor Vehicles or as disclosed by the records
2687 of any corresponding agency in any other state in which the
2688 vehicle is identified through a records check of the National
2689 Motor Vehicle Title Information System or an equivalent
2690 commercially available system as being titled or registered.

2691 (b) Whenever a law enforcement agency authorizes the
2692 removal of a vehicle or vessel or whenever a towing service,
2693 garage, repair shop, or automotive service, storage, or parking
2694 place notifies the law enforcement agency of possession of a
2695 vehicle or vessel pursuant to s. 715.07(2)(a)2., the law
2696 enforcement agency of the jurisdiction where the vehicle or
2697 vessel is stored shall contact the Department of Highway Safety
2698 and Motor Vehicles, or the appropriate agency of the state of
2699 registration, if known, within 24 hours through the medium of
2700 electronic communications, giving the full description of the

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2701 vehicle or vessel. Upon receipt of the full description of the
2702 vehicle or vessel, the department shall search its files to
2703 determine the owner's name, the insurance company insuring the
2704 vehicle or vessel, and whether any person has filed a lien upon
2705 the vehicle or vessel as provided in s. 319.27(2) and (3) and
2706 notify the applicable law enforcement agency within 72 hours.
2707 The person in charge of the towing service, garage, repair shop,
2708 or automotive service, storage, or parking place shall obtain
2709 such information from the applicable law enforcement agency
2710 within 5 days after the date of storage and shall give notice
2711 pursuant to paragraph (a). The department may release the
2712 insurance company information to the requestor ~~notwithstanding~~
2713 ~~s. 627.736.~~

2714 (c) The notice of lien must be sent by certified mail to
2715 the registered owner, the insurance company insuring the vehicle
2716 ~~notwithstanding s. 627.736~~, and all other persons claiming a
2717 lien thereon within 7 business days, excluding Saturday and
2718 Sunday, after the date of storage of the vehicle or vessel.
2719 However, in no event shall the notice of lien be sent less than
2720 30 days before the sale of the vehicle or vessel. The notice
2721 must state:

2722 1. If the claim of lien is for a vehicle, the last 8
2723 digits of the vehicle identification number of the vehicle
2724 subject to the lien, or, if the claim of lien is for a vessel,
2725 the hull identification number of the vessel subject to the

2726 | lien, clearly printed in the delivery address box and on the
 2727 | outside of the envelope sent to the registered owner and all
 2728 | other persons claiming an interest therein or lien thereon.

2729 | 2. The name, physical address, and telephone number of the
 2730 | lienor, and the entity name, as registered with the Division of
 2731 | Corporations, of the business where the towing and storage
 2732 | occurred, which must also appear on the outside of the envelope
 2733 | sent to the registered owner and all other persons claiming an
 2734 | interest in or lien on the vehicle or vessel.

2735 | 3. The fact of possession of the vehicle or vessel.

2736 | 4. The name of the person or entity that authorized the
 2737 | lienor to take possession of the vehicle or vessel.

2738 | 5. That a lien as provided in subsection (2) is claimed.

2739 | 6. That charges have accrued and include an itemized
 2740 | statement of the amount thereof.

2741 | 7. That the lien is subject to enforcement under law and
 2742 | that the owner or lienholder, if any, has the right to a hearing
 2743 | as set forth in subsection (5).

2744 | 8. That any vehicle or vessel that remains unclaimed, or
 2745 | for which the charges for recovery, towing, or storage services
 2746 | remain unpaid, may be sold free of all prior liens 35 days after
 2747 | the vehicle or vessel is stored by the lienor if the vehicle or
 2748 | vessel is more than 3 years of age or 50 days after the vehicle
 2749 | or vessel is stored by the lienor if the vehicle or vessel is 3
 2750 | years of age or less.

2751 9. The address at which the vehicle or vessel is
2752 physically located.

2753 (d) The notice of lien may not be sent to the registered
2754 owner, the insurance company insuring the vehicle or vessel, and
2755 all other persons claiming a lien thereon less than 30 days
2756 before the sale of the vehicle or vessel.

2757 (e) If attempts to locate the name and address of the
2758 owner or lienholder prove unsuccessful, the towing-storage
2759 operator shall, after 7 business days, excluding Saturday and
2760 Sunday, after the initial tow or storage, notify the public
2761 agency of jurisdiction where the vehicle or vessel is stored in
2762 writing by certified mail or acknowledged hand delivery that the
2763 towing-storage company has been unable to locate the name and
2764 address of the owner or lienholder and a physical search of the
2765 vehicle or vessel has disclosed no ownership information and a
2766 good faith effort has been made, including records checks of the
2767 Department of Highway Safety and Motor Vehicles database and the
2768 National Motor Vehicle Title Information System or an equivalent
2769 commercially available system. For purposes of this paragraph
2770 and subsection (9), the term "good faith effort" means that the
2771 following checks have been performed by the company to establish
2772 the prior state of registration and for title:

2773 1. A check of the department's database for the owner and
2774 any lienholder.

2775 2. A check of the electronic National Motor Vehicle Title

2776 Information System or an equivalent commercially available
 2777 system to determine the state of registration when there is not
 2778 a current registration record for the vehicle or vessel on file
 2779 with the department.

2780 3. A check of the vehicle or vessel for any type of tag,
 2781 tag record, temporary tag, or regular tag.

2782 4. A check of the law enforcement report for a tag number
 2783 or other information identifying the vehicle or vessel, if the
 2784 vehicle or vessel was towed at the request of a law enforcement
 2785 officer.

2786 5. A check of the trip sheet or tow ticket of the tow
 2787 truck operator to determine whether a tag was on the vehicle or
 2788 vessel at the beginning of the tow, if a private tow.

2789 6. If there is no address of the owner on the impound
 2790 report, a check of the law enforcement report to determine
 2791 whether an out-of-state address is indicated from driver license
 2792 information.

2793 7. A check of the vehicle or vessel for an inspection
 2794 sticker or other stickers and decals that may indicate a state
 2795 of possible registration.

2796 8. A check of the interior of the vehicle or vessel for
 2797 any papers that may be in the glove box, trunk, or other areas
 2798 for a state of registration.

2799 9. A check of the vehicle for a vehicle identification
 2800 number.

2801 10. A check of the vessel for a vessel registration
2802 number.

2803 11. A check of the vessel hull for a hull identification
2804 number which should be carved, burned, stamped, embossed, or
2805 otherwise permanently affixed to the outboard side of the
2806 transom or, if there is no transom, to the outmost seaboard side
2807 at the end of the hull that bears the rudder or other steering
2808 mechanism.

2809 Section 56. Paragraph (a) of subsection (1), paragraph (c)
2810 of subsection (7), paragraphs (a), (b), and (c) of subsection
2811 (8), and subsections (9) and (10) of section 817.234, Florida
2812 Statutes, are amended to read:

2813 817.234 False and fraudulent insurance claims.—

2814 (1) (a) A person commits insurance fraud punishable as
2815 provided in subsection (11) if that person, with the intent to
2816 injure, defraud, or deceive any insurer:

2817 1. Presents or causes to be presented any written or oral
2818 statement as part of, or in support of, a claim for payment or
2819 other benefit pursuant to an insurance policy or a health
2820 maintenance organization subscriber or provider contract,
2821 knowing that such statement contains ~~any~~ false, incomplete, or
2822 misleading information concerning any fact or thing material to
2823 such claim;

2824 2. Prepares or makes any written or oral statement that is
2825 intended to be presented to an ~~any~~ insurer in connection with,

2826 or in support of, any claim for payment or other benefit
 2827 pursuant to an insurance policy or a health maintenance
 2828 organization subscriber or provider contract, knowing that such
 2829 statement contains ~~any~~ false, incomplete, or misleading
 2830 information concerning any fact or thing material to such claim;

2831 3.a. Knowingly presents, causes to be presented, or
 2832 prepares or makes with knowledge or belief that it will be
 2833 presented to an ~~any~~ insurer, purported insurer, servicing
 2834 corporation, insurance broker, or insurance agent, or any
 2835 employee or agent thereof, ~~any~~ false, incomplete, or misleading
 2836 information or a written or oral statement as part of, or in
 2837 support of, an application for the issuance of, or the rating
 2838 of, any insurance policy, or a health maintenance organization
 2839 subscriber or provider contract; or

2840 b. Knowingly conceals information concerning any fact
 2841 material to such application; or

2842 4. Knowingly presents, causes to be presented, or prepares
 2843 or makes with knowledge or belief that it will be presented to
 2844 any insurer a claim for payment or other benefit under medical
 2845 payments coverage in a motor vehicle ~~a personal injury~~
 2846 ~~protection~~ insurance policy if the person knows that the payee
 2847 knowingly submitted a false, misleading, or fraudulent
 2848 application or other document when applying for licensure as a
 2849 health care clinic, seeking an exemption from licensure as a
 2850 health care clinic, or demonstrating compliance with part X of

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2851 chapter 400.

2852 (7)

2853 ~~(c) An insurer, or any person acting at the direction of~~
2854 ~~or on behalf of an insurer, may not change an opinion in a~~
2855 ~~mental or physical report prepared under s. 627.736(7) or direct~~
2856 ~~the physician preparing the report to change such opinion;~~
2857 ~~however, this provision does not preclude the insurer from~~
2858 ~~calling to the attention of the physician errors of fact in the~~
2859 ~~report based upon information in the claim file. Any person who~~
2860 ~~violates this paragraph commits a felony of the third degree,~~
2861 ~~punishable as provided in s. 775.082, s. 775.083, or s. 775.084.~~

2862 (8) (a) It is unlawful for any person intending to defraud
2863 any other person to solicit or cause to be solicited any
2864 business from a person involved in a motor vehicle accident for
2865 the purpose of making, adjusting, or settling motor vehicle tort
2866 claims or claims for benefits under medical payments coverage in
2867 a motor vehicle insurance policy ~~personal injury protection~~
2868 ~~benefits required by s. 627.736.~~ Any person who violates the
2869 ~~provisions of~~ this paragraph commits a felony of the second
2870 degree, punishable as provided in s. 775.082, s. 775.083, or s.
2871 775.084. A person who is convicted of a violation of this
2872 subsection shall be sentenced to a minimum term of imprisonment
2873 of 2 years.

2874 (b) A person may not solicit or cause to be solicited any
2875 business from a person involved in a motor vehicle accident by

2876 any means of communication other than advertising directed to
 2877 the public for the purpose of making motor vehicle tort claims
 2878 or claims for benefits under medical payments coverage in a
 2879 motor vehicle insurance policy ~~personal injury protection~~
 2880 ~~benefits required by s. 627.736,~~ within 60 days after the
 2881 occurrence of the motor vehicle accident. Any person who
 2882 violates this paragraph commits a felony of the third degree,
 2883 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

2884 (c) A lawyer, health care practitioner as defined in s.
 2885 456.001, or owner or medical director of a clinic required to be
 2886 licensed pursuant to s. 400.9905 may not, at any time after 60
 2887 days have elapsed from the occurrence of a motor vehicle
 2888 accident, solicit or cause to be solicited any business from a
 2889 person involved in a motor vehicle accident by means of in
 2890 person or telephone contact at the person's residence, for the
 2891 purpose of making motor vehicle tort claims or claims for
 2892 benefits under medical payments coverage in a motor vehicle
 2893 insurance policy ~~personal injury protection benefits required by~~
 2894 ~~s. 627.736.~~ Any person who violates this paragraph commits a
 2895 felony of the third degree, punishable as provided in s.
 2896 775.082, s. 775.083, or s. 775.084.

2897 (9) A person may not organize, plan, or knowingly
 2898 participate in an intentional motor vehicle crash or a scheme to
 2899 create documentation of a motor vehicle crash that did not occur
 2900 for the purpose of making motor vehicle tort claims or claims

2901 for benefits under medical payments coverage in a motor vehicle
 2902 insurance policy ~~personal injury protection benefits as required~~
 2903 ~~by s. 627.736~~. Any person who violates this subsection commits a
 2904 felony of the second degree, punishable as provided in s.
 2905 775.082, s. 775.083, or s. 775.084. A person who is convicted of
 2906 a violation of this subsection shall be sentenced to a minimum
 2907 term of imprisonment of 2 years.

2908 (10) A licensed health care practitioner who is found
 2909 guilty of insurance fraud under this section for an act relating
 2910 to a motor vehicle ~~personal injury protection~~ insurance policy
 2911 loses his or her license to practice for 5 years and may not
 2912 receive reimbursement under medical payments coverage in a motor
 2913 vehicle insurance policy ~~for personal injury protection benefits~~
 2914 for 10 years.

2915 Section 57. For the 2020-2021 fiscal year, the sum of
 2916 \$83,651 in nonrecurring funds is appropriated from the Insurance
 2917 Regulatory Trust Fund to the Office of Insurance Regulation for
 2918 the purpose of implementing this act.

2919 Section 58. Except as otherwise expressly provided in this
 2920 act and except for this section, which shall take effect upon
 2921 this act becoming a law, this act shall take effect January 1,
 2922 2021.