

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

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WITHDRAWN \_\_\_\_\_ (Y/N)  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

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1 Committee/Subcommittee hearing bill: Insurance & Banking  
2 Subcommittee

3 Representative Santiago offered the following:

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**Amendment**

Remove lines 163-358 and insert:

Section 2. Subsection (5) of section 316.646, Florida Statutes, is renumbered as subsection (6), and a new subsection (5) is added to that section, to read:

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

(5) Eighteen months after implementation of the motor vehicle insurance online verification system established in s. 324.252, a law enforcement officer, during a traffic stop or crash investigation, shall access information from the online verification system to establish compliance with this chapter

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17 and chapter 324.

18 Section 3. Paragraph (f) is added to subsection (5) of  
19 section 320.02, Florida Statutes, to read:

20 320.02 Registration required; application for  
21 registration; forms.—

22 (5)

23 (f) Upon implementation of the motor vehicle insurance  
24 online verification system established in s. 324.252, the online  
25 verification may be used in lieu of the verification procedures  
26 in this subsection.

27 Section 4. Section 324.252, Florida Statutes, is created  
28 to read:

29 324.252 Insurance online verification system.—The  
30 department shall establish an online verification system for  
31 motor vehicle insurance. The goal of the system is to identify  
32 uninsured motorists and aid the department in the enforcement of  
33 the financial responsibility law.

34 (1) The online verification system must:

35 (a) Be accessible through electronic means for use by any  
36 government agency, including any court or law enforcement  
37 agency, in carrying out its functions, or any private person or  
38 entity acting on behalf of a Federal, State, or local agency in  
39 carrying out its functions, any other entities authorized by the  
40 department, and insurers authorized by the Office of Insurance  
41 Regulation to provide motor vehicle insurance. The department

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42 may also establish a web portal or other mechanism that provides  
43 the general public with the ability to confirm whether a  
44 particular vehicle is currently insured.

45 (b) In real time send requests to insurers for  
46 verification of evidence of insurance for motor vehicles  
47 registered in this state, and receive confirmation in real time  
48 from insurers via electronic means consistent with the  
49 specifications and standards of the Insurance Industry Committee  
50 on Motor Vehicle Administration (IICMVA), with enhancements,  
51 additions, and modifications as required by the department.  
52 However, the enhancements, additions, and modifications may not  
53 conflict with, nullify, or add requirements that are materially  
54 inconsistent with the specifications or standards of the IICMVA.

55 (c) Be operational within 3 years after this act becoming  
56 effective. The Motor Vehicle Insurance Online Verification Task  
57 Force established in s. 324.255 must conduct a pilot program for  
58 at least 9 months to test the system before statewide use. The  
59 system may not be used in any enforcement action until  
60 successful completion of the pilot program.

61 (d) Be available 24 hours a day, except as provided in  
62 paragraph (2) (a), to verify the insurance status of any vehicle  
63 registered in this state through the insurer's National  
64 Association of Insurance Commissioners (NAIC) company code,  
65 Florida Code in combination with other identifiers including  
66 vehicle identification number, car make, car model, year,

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67 registered owner's name, policy number, levels/types of  
68 coverage, or other characteristics or markers as specified by  
69 the Motor Vehicle Insurance Online Verification Task Force.

70 (e) Include appropriate safeguards and controls to prevent  
71 misuse or unauthorized access.

72 (f) Include a disaster recovery plan to ensure service  
73 continuity in the event of a disaster.

74 (g) Include information that enables the department to  
75 make inquiries of evidence of insurance by using multiple data  
76 elements for greater matching accuracy, specifically the  
77 insurer's NAIC company code, in combination with other  
78 identifiers such as vehicle identification number, policy  
79 number, or other characteristics or markers as specified by the  
80 Motor Vehicle Insurance Online Verification Task Force or the  
81 department.

82 (h) Include a self-reporting mechanism for insurers with  
83 fewer than 2,000 vehicles insured within this state or for  
84 individual entities that are self-insured.

85 (2) The department has the following powers and duties:

86 (a) Upon an insurer's advance notice to the department,  
87 the department shall allow online services established by the  
88 insurer to have reasonable downtime for system maintenance and  
89 other work, as needed. An insurer is not subject to  
90 administrative penalties or disciplinary actions when its online  
91 services are not available under such circumstances or when an

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92 outage is unplanned by the insurer and is reasonably outside its  
93 control.

94 (b) Upon recommendation of the Motor Vehicle Insurance  
95 Online Verification Task Force, the department may develop and  
96 operate its own system or competitively procure a private vendor  
97 that has personnel with extensive operational and management  
98 experience in the development, deployment, and operation of  
99 insurance online verification systems.

100 (c) The department and its private vendor, if any, shall  
101 each maintain a contact person for the insurers during the  
102 establishment, implementation, and operation of the system.

103 (d) The department is authorized to enter into agreements  
104 governing the use of the system with any public or private  
105 entity accessing the system to verify insurance coverage.

106 (e) The department shall maintain a historical record of  
107 the system data for 3 years after the date of any verification  
108 request and response.

109 (3) An insurance company authorized to issue insurance  
110 policies for motor vehicles registered in this state:

111 (a) Shall comply with the verification requirements of  
112 motor vehicle insurance for every motor vehicle insured by that  
113 company in this state.

114 (b) Shall maintain policyholder records in order to  
115 confirm insurance coverage for 3 years after the date of any  
116 verification request and response.

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117 (c) Shall cooperate with the department in establishing,  
118 implementing, and maintaining the system.

119 (d) Is immune from civil liability for good faith efforts  
120 to comply with this section. An online verification request or  
121 response may not be used as the basis of a civil action against  
122 an insurer.

123 (4) A law enforcement officer, during a traffic stop or  
124 crash investigation, shall query information from the online  
125 verification system to establish compliance with this chapter.

126 (5) This section does not apply to vehicles insured under  
127 commercial motor vehicle coverage. As used in this subsection,  
128 the term "commercial motor vehicle coverage" means any coverage  
129 provided to an insured under a commercial coverage form and  
130 rated from a commercial manual approved by the Office of  
131 Insurance Regulation. However, insurers of such vehicles may  
132 participate in the online verification system on a voluntary  
133 basis.

134 (6) The department may adopt rules to administer this  
135 section.

136 Section 5. Section 324.255, Florida Statutes, is created  
137 to read:

138 324.255 Motor Vehicle Insurance Online Verification Task  
139 Force.—There is created the Motor Vehicle Insurance Online  
140 Verification Task Force within the department.

141 (1) The task force shall:

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142 (a) Facilitate the implementation of the motor vehicle  
143 insurance online verification system established in s. 324.252.

144 (b) Assist in the development of a detailed guide for  
145 insurers by providing data fields and other information  
146 necessary for compliance with the online verification system.

147 (c) Coordinate a pilot program and conduct the program for  
148 at least 9 months to test the online verification system and  
149 identify necessary changes to be implemented before statewide  
150 use.

151 (d) Issue recommendations based on periodic reviews of the  
152 online verification system.

153 (2) The task force shall consist of ten voting members and  
154 one nonvoting member.

155 (a) The nine voting members shall be appointed by July 31  
156 of the year this section becomes effective, in the following  
157 manner:

158 1. Three representatives of the department, representing  
159 the Florida Highway Patrol, the Division of Motorist Services,  
160 and the Information Systems Administration, appointed by the  
161 executive director of the department.

162 2. One representative of the Office of Insurance  
163 Regulation, appointed by the Commissioner of Insurance.

164 3. Three representatives of the motor vehicle insurance  
165 industry, appointed by the Chief Financial Officer as follows:

166 a. One member must represent the motor vehicle insurer

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167 with the largest national market share as of December 31 of the  
168 year prior to the appointment.

169 b. One member must represent the motor vehicle insurer  
170 with the largest Florida market share as of December 31 of the  
171 year prior to the appointment.

172 c. One member must be selected from a list of  
173 representatives recommended by the Insurance Industry Committee  
174 on Motor Vehicle Administration.

175 4. One representative of the Department of Financial  
176 Services, appointed by the Chief Financial Officer.

177 5. One representative of the Division of State Technology,  
178 appointed by the secretary of the Department of Management  
179 Services.

180 6. One member who must be a member of local law  
181 enforcement, appointed by the executive director of the  
182 department.

183 (b) The executive director of the department, who shall be  
184 a nonvoting member, shall serve as chair of the task force.

185 (3) By September 30 of the year to this section becomes  
186 effective, the task force shall meet to establish procedures for  
187 the conduct of its business, and the voting members shall elect  
188 a vice chair at that meeting. The task force shall meet at the  
189 call of the chair, who shall prepare the agenda for each meeting  
190 with the consent of the task force. A majority of the voting  
191 members of the task force constitutes a quorum, and a quorum is

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192 necessary for the purpose of voting on any action or  
193 recommendation of the task force. All meetings shall be held in  
194 Tallahassee.

195 (4) The department shall provide the task force members  
196 with administrative and technical support. Task force members  
197 shall serve without compensation and are not entitled to  
198 reimbursement for per diem or travel expenses.

199 (5) By July 1 of the third year following this section  
200 becoming effective, the task force shall complete its work and  
201 submit its final report evaluating the online verification  
202 system's effectiveness and making recommendations for system  
203 enhancements to the department, the President of the Senate, and  
204 the Speaker of the House of Representatives. Upon submission of  
205 the report, the task force shall expire.

206 Section 6. Sections 2 through 5 of this act shall take  
207 effect upon a specific appropriation.

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