

1 A bill to be entitled
 2 An act relating to direct primary care; creating s.
 3 624.27, F.S.; providing definitions; specifying that a
 4 direct primary care agreement does not constitute
 5 insurance and is not subject to the Florida Insurance
 6 Code; specifying that entering into a direct primary
 7 care agreement does not constitute the business of
 8 insurance and is not subject to the code; providing
 9 that a certificate of authority is not required to
 10 market, sell, or offer to sell a direct primary care
 11 agreement; specifying criteria for a direct primary
 12 care agreement; providing an effective date.

13
 14 Be It Enacted by the Legislature of the State of Florida:

15
 16 Section 1. Section 624.27, Florida Statutes, is created to
 17 read:

18 624.27 Application of code as to direct primary care
 19 agreements.-

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

21 (a) "Direct primary care agreement" means a contract
 22 between a primary care provider or a primary care group practice
 23 and a patient, the patient's legal representative, or an
 24 employer which meets the criteria in subsection (4) and does not
 25 indemnify for services provided by a third party.

26 (b) "Primary care provider" means a health care provider

27 licensed under chapter 458, chapter 459, or chapter 464 who
28 provides medical services to patients which are commonly
29 provided without referral from another health care provider.

30 (c) "Primary care service" means the screening,
31 assessment, diagnosis, and treatment of a patient for the
32 purpose of promoting health or detecting and managing disease or
33 injury within the competency and training of the primary care
34 provider.

35 (2) A direct primary care agreement does not constitute
36 insurance and is not subject to this code. The act of entering
37 into a direct primary care agreement does not constitute the
38 business of insurance and is not subject to this code.

39 (3) A primary care provider or an agent of a primary care
40 provider is not required to obtain a certificate of authority or
41 license under this code to market, sell, or offer to sell a
42 direct primary care agreement.

43 (4) For purposes of this section, a direct primary care
44 agreement must:

45 (a) Be in writing.

46 (b) Be signed by the primary care provider or an agent of
47 the primary care provider and the patient or the patient's legal
48 representative.

49 (c) Allow a party to terminate the agreement by written
50 notice to the other party after a period specified in the
51 agreement.

52 (d) Describe the scope of primary care services that are

53 covered by the monthly fee.

54 (e) Specify the monthly fee and any fees for primary care
55 services not covered by the monthly fee.

56 (f) Specify the duration of the agreement and any
57 automatic renewal provisions.

58 (g) Offer a refund to the patient of monthly fees paid in
59 advance if the primary care provider ceases to offer primary
60 care services for any reason.

61 (h) State that the agreement is not health insurance.

62 Section 2. This act shall take effect July 1, 2015.