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576-03361-21

Proposed Committee Substitute by the Committee on Appropriations
(Appropriations Subcommittee on Agriculture, Environment, and
General Government)

A bill to be entitled

An act relating to increasing access to mental health
care; creating s. 624.36, F.S.; requiring the
Department of Financial Services to submit a specified
report to the Governor and Legislature by a specified
date; specifying the minimum information the report
must contain; requiring the department to make certain
information available on its website; creating ss.
627.4215 and 641.31085, F.S.; requiring insurers and
health maintenance organizations, respectively, to
disclose specified information on their websites;
requiring insurers and health maintenance
organizations, respectively, to annually provide
certain direct notices to insureds or subscribers;
providing an effective date.

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

Section 1. Section 624.36, Florida Statutes, is created to
read:

624.36 Coverage of and access to mental health services;
complaints; reporting.-

(1) By January 31, 2022, the department shall submit a
report to the Governor, the President of the Senate, and the
Speaker of the House of Representatives relating to the
disposition of complaints received from insureds and subscribers



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27 of insurers or health maintenance organizations regulated by the
28 office relating to the access and affordability of mental health
29 services and benefits during the prior calendar year. At a
30 minimum, the report must include all of the following
31 information:

32 (a) The total number of complaints received.

33 (b) The nature of complaints, including, but not limited
34 to, concerns related to access to in-network providers or
35 facilities; access to inpatient or outpatient services;
36 availability of specialists; affordability of services;
37 equivalency of mental health benefits with respect to medical
38 and surgical benefits; quality of care; and denial of services,
39 including the types of services denied and the stated reason for
40 the denials.

41 (c) The disposition of complaints.

42 (d) Any recommendations made by the department to the
43 Legislature for ensuring access to and the affordability of
44 mental health services to insureds and subscribers.

45 (2) The department shall make available on its website a
46 description of mental health benefits required to be made
47 available pursuant to s. 627.668 and federal law for individual
48 and group policies and contracts.

49 Section 2. Section 627.4215, Florida Statutes, is created
50 to read:

51 627.4215 Disclosures to policyholders; coverage of mental
52 and nervous disorders.—

53 (1) An insurer shall make all of the following information
54 available on its website:

55 (a) The federal and state requirements for coverage of



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56 mental health services.

57 (b) Contact information for the Division of Consumer
58 Services of the Department of Financial Services, including a
59 hyperlink, for consumers to submit inquiries or complaints
60 relating to insurer or health maintenance organization products
61 or services regulated by the department or the office.

62 (2) On an annual basis, an insurer shall provide direct
63 notice to insureds which must include a description of the
64 federal and state requirements for coverage of mental health
65 services. Such notice must also include the website address and
66 statewide toll-free telephone number of the Division of Consumer
67 Services of the department for receiving and logging complaints.

68 Section 3. Section 641.31085, Florida Statutes, is created
69 to read:

70 641.31085 Disclosures to subscribers; coverage of mental
71 and nervous disorders.-

72 (1) A health maintenance organization shall make all of the
73 following information available on its website:

74 (a) The federal and state requirements for coverage of
75 mental health services.

76 (b) Contact information for the Division of Consumer
77 Services of the Department of Financial Services, including a
78 hyperlink, for consumers to submit inquiries or complaints
79 relating to insurer or health maintenance organization products
80 or services regulated by the department or the office.

81 (2) On an annual basis, a health maintenance organization
82 shall provide direct notice to subscribers which must include a
83 description of the federal and state requirements for coverage
84 of mental health services. Such notice must also include the



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85 website address and statewide toll-free telephone number of the
86 Division of Consumer Services of the department for receiving
87 and logging complaints.

88 Section 4. This act shall take effect October 1, 2021.