

By Senator Brodeur

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1 A bill to be entitled
2 An act relating to health care expenses; amending s.
3 95.11, F.S.; establishing a 3-year statute of
4 limitations for an action to collect medical debt for
5 services rendered by a health care provider or
6 facility; creating s. 222.26, F.S.; providing
7 additional personal property exemptions from legal
8 process for medical debts resulting from services
9 provided in certain licensed facilities; amending s.
10 395.301, F.S.; requiring a licensed facility to post
11 on its website a consumer-friendly list of standard
12 charges for a minimum number of shoppable health care
13 services; defining the terms "shoppable health care
14 service" and "standard charge"; requiring a licensed
15 facility to provide an estimate to a patient or
16 prospective patient and the patient's health insurer
17 within specified timeframes; requiring a licensed
18 facility to establish an internal grievance process
19 for patients to dispute charges; requiring a facility
20 to make available information necessary for initiating
21 a grievance; requiring a facility to respond to a
22 patient grievance within a specified timeframe;
23 creating s. 395.3011, F.S.; defining the term
24 "extraordinary collection action"; prohibiting certain
25 collection activities by a licensed facility; creating
26 s. 627.445, F.S.; defining the term "health insurer";
27 requiring each health insurer to provide an insured
28 with an advance explanation of benefits after
29 receiving a patient estimate from a facility for

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30 scheduled services; providing requirements for the
31 advance explanation of benefits; amending ss.
32 627.6387, 627.6648, and 641.31076, F.S.; providing
33 that a shared savings incentive offered by a health
34 insurer or health maintenance organization constitutes
35 a medical expense for rate development and rate filing
36 purposes; amending ss. 475.01, 475.611, 517.191, and
37 768.28, F.S.; conforming cross-references; providing
38 an effective date.

39
40 Be It Enacted by the Legislature of the State of Florida:

41
42 Section 1. Present subsections (4) through (11) of section
43 95.11, Florida Statutes, are redesignated as subsections (5)
44 through (12), a new subsection (4) is added to that section, and
45 paragraph (o) of subsection (3) and paragraphs (f) and (g) of
46 present subsection (5) of that section are amended, to read:

47 95.11 Limitations other than for the recovery of real
48 property.—Actions other than for recovery of real property shall
49 be commenced as follows:

50 (3) WITHIN FOUR YEARS.—

51 (o) An action for assault, battery, false arrest, malicious
52 prosecution, malicious interference, false imprisonment, or any
53 other intentional tort, except as provided in subsections (5),
54 (6), and (8) ~~(4), (5), and (7)~~.

55 (4) WITHIN THREE YEARS.—An action to collect medical debt
56 for services rendered by a facility licensed under chapter 395,
57 provided that the period of limitations shall run from the date
58 on which the facility refers the medical debt to a third party

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59 for collection.

60 (6)~~(5)~~ WITHIN ONE YEAR.—

61 (f) Except for actions described in subsection (9) ~~(8)~~, a
62 petition for extraordinary writ, other than a petition
63 challenging a criminal conviction, filed by or on behalf of a
64 prisoner as defined in s. 57.085.

65 (g) Except for actions described in subsection (9) ~~(8)~~, an
66 action brought by or on behalf of a prisoner, as defined in s.
67 57.085, relating to the conditions of the prisoner's
68 confinement.

69 Section 2. Section 222.26, Florida Statutes, is created to
70 read:

71 222.26 Additional exemptions from legal process concerning
72 medical debt.—If a debt is owed for medical services provided by
73 a facility licensed under chapter 395, the following property is
74 exempt from attachment, garnishment, or other legal process in
75 an action on such debt:

76 (1) A debtor's interest, not to exceed \$10,000 in value, in
77 a single motor vehicle as defined in s. 320.01(1).

78 (2) A debtor's interest in personal property, not to exceed
79 \$10,000 in value, if the debtor does not claim or receive the
80 benefits of a homestead exemption under s. 4, Art. X of the
81 State Constitution.

82 Section 3. Present paragraphs (b), (c), and (d) of
83 subsection (1) of section 395.301, Florida Statutes, are
84 redesignated as paragraphs (c), (d), and (e), respectively,
85 present subsection (6) of that section is redesignated as
86 subsection (7), a new paragraph (b) is added to subsection (1)
87 of that section, a new subsection (6) is added to that section,

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88 and present paragraph (b) of subsection (1) of that section is
89 amended, to read:

90 395.301 Price transparency; itemized patient statement or
91 bill; patient admission status notification.—

92 (1) A facility licensed under this chapter shall provide
93 timely and accurate financial information and quality of service
94 measures to patients and prospective patients of the facility,
95 or to patients' survivors or legal guardians, as appropriate.
96 Such information shall be provided in accordance with this
97 section and rules adopted by the agency pursuant to this chapter
98 and s. 408.05. Licensed facilities operating exclusively as
99 state facilities are exempt from this subsection.

100 (b) Each licensed facility shall post on its website a
101 consumer-friendly list of standard charges for at least 300
102 shoppable health care services. If a facility provides fewer
103 than 300 distinct shoppable health care services, it must make
104 available on its website the standard charges for each service
105 it provides. As used in this paragraph, the term:

106 1. "Shoppable health care service" means a service that can
107 be scheduled by a health care consumer in advance. The term
108 includes, but is not limited to, the services described in s.
109 627.6387(2)(e) and any services defined in regulations or
110 guidance issued by the United States Department of Health and
111 Human Services.

112 2. "Standard charge" has the same meaning as that term is
113 defined in regulations or guidance issued by the United States
114 Department of Health and Human Services for purposes of hospital
115 price transparency.

116 (c) (b) 1. Upon request, and Before providing any

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117 nonemergency medical services, each licensed facility shall
118 provide in writing or by electronic means a good faith estimate
119 of reasonably anticipated charges by the facility for the
120 treatment of a the patient's or prospective patient's specific
121 condition. Such estimate must be provided to the patient or
122 prospective patient upon scheduling a medical service. The
123 facility ~~must provide the estimate to the patient or prospective~~
124 ~~patient within 7 business days after the receipt of the request~~
125 ~~and~~ is not required to adjust the estimate for any potential
126 insurance coverage. The facility shall provide the estimate to
127 the patient's health insurer, as defined in s. 627.445(1), and
128 to the patient at least 3 business days before a service is to
129 be furnished, but no later than 1 business day after the service
130 is scheduled or, in the case of a service scheduled at least 10
131 business days in advance, no later than 3 business days after
132 the service is scheduled. The estimate may be based on the
133 descriptive service bundles developed by the agency under s.
134 408.05(3)(c) unless the patient or prospective patient requests
135 a more personalized and specific estimate that accounts for the
136 specific condition and characteristics of the patient or
137 prospective patient. The facility shall inform the patient or
138 prospective patient that he or she may contact his or her health
139 insurer ~~or health maintenance organization~~ for additional
140 information concerning cost-sharing responsibilities.

141 2. In the estimate, the facility shall provide to the
142 patient or prospective patient information on the facility's
143 financial assistance policy, including the application process,
144 payment plans, and discounts and the facility's charity care
145 policy and collection procedures.

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146 3. The estimate must ~~shall~~ clearly identify any facility
147 fees and, if applicable, include a statement notifying the
148 patient or prospective patient that a facility fee is included
149 in the estimate, the purpose of the fee, and that the patient
150 may pay less for the procedure or service at another facility or
151 in another health care setting.

152 4. ~~Upon request,~~ The facility shall notify the patient or
153 prospective patient of any revision to the estimate.

154 5. In the estimate, the facility must notify the patient or
155 prospective patient that services may be provided in the health
156 care facility by the facility as well as by other health care
157 providers that may separately bill the patient, if applicable.

158 6. ~~The facility shall take action to educate the public
159 that such estimates are available upon request.~~

160 7. Failure to timely provide the estimate pursuant to this
161 paragraph shall result in a daily fine of \$1,000 until the
162 estimate is provided to the patient or prospective patient and
163 the health insurer. The total fine per patient estimate may not
164 exceed \$10,000.

165
166 ~~The provision of an estimate does not preclude the actual
167 charges from exceeding the estimate.~~

168 (6) Each facility shall establish an internal process for
169 reviewing and responding to grievances from patients. Such
170 process must allow a patient to dispute charges that appear on
171 the patient's itemized statement or bill. The facility shall
172 prominently post on its website and indicate in bold print on
173 each itemized statement or bill the instructions for initiating
174 a grievance and the direct contact information required to

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175 initiate the grievance process. The facility must provide an
176 initial response to a patient grievance within 7 business days
177 after the patient formally files a grievance disputing all or a
178 portion of an itemized statement or bill.

179 Section 4. Section 395.3011, Florida Statutes, is created
180 to read:

181 395.3011 Billing and collection activities.-

182 (1) As used in this section, the term "extraordinary
183 collection action" means any of the following actions taken by a
184 licensed facility against an individual in relation to obtaining
185 payment of a bill for care covered under the facility's
186 financial assistance policy:

187 (a) Selling the individual's debt to another party.

188 (b) Reporting adverse information about the individual to
189 consumer credit reporting agencies or credit bureaus.

190 (c) Deferring, denying, or requiring a payment before
191 providing medically necessary care because of the individual's
192 nonpayment of one or more bills for previously provided care
193 covered under the facility's financial assistance policy.

194 (d) Actions that require a legal or judicial process,
195 including, but not limited to:

196 1. Placing a lien on the individual's property;

197 2. Foreclosing on the individual's real property;

198 3. Attaching or seizing the individual's bank account or
199 any other personal property;

200 4. Commencing a civil action against the individual;

201 5. Causing the individual's arrest; or

202 6. Garnishing the individual's wages.

203 (2) A facility may not engage in an extraordinary

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204 collection action against an individual to obtain payment for
205 services:

206 (a) Before the facility has made reasonable efforts to
207 determine whether the individual is eligible for assistance
208 under its financial assistance policy for the care provided and,
209 if eligible, before a decision is made by the facility on the
210 patient's application for such financial assistance;

211 (b) Before the facility has provided the individual with an
212 itemized statement or bill;

213 (c) During an ongoing grievance process as described in s.
214 395.301(6) or an ongoing appeal of a claim adjudication;

215 (d) Before billing any applicable insurer and allowing the
216 insurer to adjudicate a claim;

217 (e) For 30 days after notifying the patient in writing, by
218 certified mail, or by other traceable delivery method, that a
219 collection action will commence absent additional action by the
220 patient; or

221 (f) While the individual:

222 1. Negotiates in good faith the final amount of a bill for
223 services rendered; or

224 2. Complies with all terms of a payment plan with the
225 facility.

226 Section 5. Section 627.445, Florida Statutes, is created to
227 read:

228 627.445 Advance explanation of benefits.—

229 (1) As used in this section, the term "health insurer"
230 means a health insurer issuing individual or group coverage or a
231 health maintenance organization issuing coverage through an
232 individual or a group contract.

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233 (2) Each health insurer shall prepare an advance
234 explanation of benefits upon receiving a patient estimate from a
235 facility pursuant to s. 395.301(1). The health insurer must
236 provide the advance explanation of benefits to the insured no
237 later than 1 business day after receiving the patient estimate
238 from the facility or, in the case of a service scheduled at
239 least 10 business days in advance, no later than 3 business days
240 after receiving such estimate.

241 (3) At a minimum, the advance explanation of benefits must
242 include detailed coverage and cost-sharing information pursuant
243 to the No Surprises Act, Title I of Division BB, Pub. L. No.
244 116-260.

245 Section 6. Paragraph (a) of subsection (4) of section
246 627.6387, Florida Statutes, is amended to read:

247 627.6387 Shared savings incentive program.—

248 (4) (a) A shared savings incentive offered by a health
249 insurer in accordance with this section:

250 1. Is not an administrative expense for rate development or
251 rate filing purposes and must be counted as a medical expense
252 for such purposes.

253 2. Does not constitute an unfair method of competition or
254 an unfair or deceptive act or practice under s. 626.9541 and is
255 presumed to be appropriate unless credible data clearly
256 demonstrates otherwise.

257 Section 7. Paragraph (a) of subsection (4) of section
258 627.6648, Florida Statutes, is amended to read:

259 627.6648 Shared savings incentive program.—

260 (4) (a) A shared savings incentive offered by a health
261 insurer in accordance with this section:

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262 1. Is not an administrative expense for rate development or
263 rate filing purposes and must be counted as a medical expense
264 for such purposes.

265 2. Does not constitute an unfair method of competition or
266 an unfair or deceptive act or practice under s. 626.9541 and is
267 presumed to be appropriate unless credible data clearly
268 demonstrates otherwise.

269 Section 8. Paragraph (a) of subsection (4) of section
270 641.31076, Florida Statutes, is amended to read:

271 641.31076 Shared savings incentive program.—

272 (4) A shared savings incentive offered by a health
273 maintenance organization in accordance with this section:

274 (a) Is not an administrative expense for rate development
275 or rate filing purposes and must be counted as a medical expense
276 for such purposes.

277 Section 9. Paragraphs (a) and (j) of subsection (1) of
278 section 475.01, Florida Statutes, are amended to read:

279 475.01 Definitions.—

280 (1) As used in this part:

281 (a) "Broker" means a person who, for another, and for a
282 compensation or valuable consideration directly or indirectly
283 paid or promised, expressly or impliedly, or with an intent to
284 collect or receive a compensation or valuable consideration
285 therefor, appraises, auctions, sells, exchanges, buys, rents, or
286 offers, attempts or agrees to appraise, auction, or negotiate
287 the sale, exchange, purchase, or rental of business enterprises
288 or business opportunities or any real property or any interest
289 in or concerning the same, including mineral rights or leases,
290 or who advertises or holds out to the public by any oral or

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291 printed solicitation or representation that she or he is engaged
292 in the business of appraising, auctioning, buying, selling,
293 exchanging, leasing, or renting business enterprises or business
294 opportunities or real property of others or interests therein,
295 including mineral rights, or who takes any part in the procuring
296 of sellers, purchasers, lessors, or lessees of business
297 enterprises or business opportunities or the real property of
298 another, or leases, or interest therein, including mineral
299 rights, or who directs or assists in the procuring of prospects
300 or in the negotiation or closing of any transaction which does,
301 or is calculated to, result in a sale, exchange, or leasing
302 thereof, and who receives, expects, or is promised any
303 compensation or valuable consideration, directly or indirectly
304 therefor; and all persons who advertise rental property
305 information or lists. A broker renders a professional service
306 and is a professional within the meaning of s. 95.11(5)(a) ~~s.~~
307 ~~95.11(4)(a)~~. Where the term "appraise" or "appraising" appears
308 in the definition of the term "broker," it specifically excludes
309 those appraisal services which must be performed only by a
310 state-licensed or state-certified appraiser, and those appraisal
311 services which may be performed by a registered trainee
312 appraiser as defined in part II. The term "broker" also includes
313 any person who is a general partner, officer, or director of a
314 partnership or corporation which acts as a broker. The term
315 "broker" also includes any person or entity who undertakes to
316 list or sell one or more timeshare periods per year in one or
317 more timeshare plans on behalf of any number of persons, except
318 as provided in ss. 475.011 and 721.20.

319 (j) "Sales associate" means a person who performs any act

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320 specified in the definition of "broker," but who performs such
321 act under the direction, control, or management of another
322 person. A sales associate renders a professional service and is
323 a professional within the meaning of s. 95.11(5)(a) ~~s.~~
324 ~~95.11(4)(a)~~.

325 Section 10. Paragraph (h) of subsection (1) of section
326 475.611, Florida Statutes, is amended to read:

327 475.611 Definitions.—

328 (1) As used in this part, the term:

329 (h) "Appraiser" means any person who is a registered
330 trainee real estate appraiser, a licensed real estate appraiser,
331 or a certified real estate appraiser. An appraiser renders a
332 professional service and is a professional within the meaning of
333 s. 95.11(5)(a) ~~s. 95.11(4)(a)~~.

334 Section 11. Subsection (7) of section 517.191, Florida
335 Statutes, is amended to read:

336 517.191 Injunction to restrain violations; civil penalties;
337 enforcement by Attorney General.—

338 (7) Notwithstanding s. 95.11(5)(e) ~~s. 95.11(4)(e)~~, an
339 enforcement action brought under this section based on a
340 violation of any provision of this chapter or any rule or order
341 issued under this chapter shall be brought within 6 years after
342 the facts giving rise to the cause of action were discovered or
343 should have been discovered with the exercise of due diligence,
344 but not more than 8 years after the date such violation
345 occurred.

346 Section 12. Subsection (14) of section 768.28, Florida
347 Statutes, is amended to read:

348 768.28 Waiver of sovereign immunity in tort actions;

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349 recovery limits; civil liability for damages caused during a
350 riot; limitation on attorney fees; statute of limitations;
351 exclusions; indemnification; risk management programs.—

352 (14) Every claim against the state or one of its agencies
353 or subdivisions for damages for a negligent or wrongful act or
354 omission pursuant to this section shall be forever barred unless
355 the civil action is commenced by filing a complaint in the court
356 of appropriate jurisdiction within 4 years after such claim
357 accrues; except that an action for contribution must be
358 commenced within the limitations provided in s. 768.31(4), and
359 an action for damages arising from medical malpractice or
360 wrongful death must be commenced within the limitations for such
361 actions in s. 95.11(5) ~~s. 95.11(4)~~.

362 Section 13. This act shall take effect July 1, 2023.