

By Senator Collins

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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 terms; requiring a licensed
14 facility to provide an estimate to a patient or
15 prospective patient and the patient's health insurer
16 within specified timeframes; requiring a licensed
17 facility to establish an internal grievance process
18 for patients to dispute charges; requiring a facility
19 to make available information necessary for initiating
20 a grievance; requiring a facility to respond to a
21 patient grievance within a specified timeframe;
22 creating s. 395.3011, F.S.; prohibiting certain
23 collection activities by a licensed facility; creating
24 s. 627.446, F.S.; defining the term "health insurer";
25 requiring each health insurer to provide an insured
26 with an advanced explanation of benefits after
27 receiving a patient estimate from a facility for
28 scheduled services; providing requirements for the
29 advanced explanation of benefits; amending ss.

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30 627.6387, 627.6648, and 641.31076, F.S.; providing
31 that a shared savings incentive offered by a health
32 insurer or health maintenance organization constitutes
33 a medical expense for rate development and rate filing
34 purposes; amending ss. 475.01, 475.611, 517.191,
35 768.28, and 787.061, F.S.; conforming cross-
36 references; providing an effective date.

37
38 Be It Enacted by the Legislature of the State of Florida:

39
40 Section 1. Present subsections (4) through (12) of section
41 95.11, Florida Statutes, are redesignated as subsections (5)
42 through (13), respectively, a new subsection (4) is added to
43 that section, and paragraph (b) of subsection (2), paragraph (n)
44 of subsection (3), paragraphs (f) and (g) of present subsection
45 (5), and present subsection (10) of that section are amended, to
46 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 (2) WITHIN FIVE YEARS.—

51 (b) A legal or equitable action on a contract, obligation,
52 or liability founded on a written instrument, except for an
53 action to enforce a claim against a payment bond, which shall be
54 governed by the applicable provisions of paragraph (6) (e)
55 ~~(5) (e)~~, s. 255.05(10), s. 337.18(1), or s. 713.23(1) (e), and
56 except for an action for a deficiency judgment governed by
57 paragraph (6) (h) ~~(5) (h)~~.

58 (3) WITHIN FOUR YEARS.—

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59 (n) An action for assault, battery, false arrest, malicious
60 prosecution, malicious interference, false imprisonment, or any
61 other intentional tort, except as provided in subsections ~~(4)~~,
62 (5), (6), and (8) ~~(7)~~.

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

68 ~~(6)(5)~~ WITHIN ONE YEAR.—

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

73 (g) Except for actions described in subsection (9) ~~(8)~~, an
74 action brought by or on behalf of a prisoner, as defined in s.
75 57.085, relating to the conditions of the prisoner's
76 confinement.

77 ~~(11)(10)~~ FOR INTENTIONAL TORTS RESULTING IN DEATH FROM ACTS
78 DESCRIBED IN S. 782.04 OR S. 782.07.—Notwithstanding paragraph
79 (5)(e) ~~(4)(e)~~, an action for wrongful death seeking damages
80 authorized under s. 768.21 brought against a natural person for
81 an intentional tort resulting in death from acts described in s.
82 782.04 or s. 782.07 may be commenced at any time. This
83 subsection shall not be construed to require an arrest, the
84 filing of formal criminal charges, or a conviction for a
85 violation of s. 782.04 or s. 782.07 as a condition for filing a
86 civil action.

87 Section 2. Section 222.26, Florida Statutes, is created to

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88 read:

89 222.26 Additional exemptions from legal process concerning
90 medical debt.—If a debt is owed for medical services provided by
91 a facility licensed under chapter 395, the following property is
92 exempt from attachment, garnishment, or other legal process in
93 an action on such debt:

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

96 (2) A debtor's interest in personal property, not to exceed
97 \$10,000 in value, if the debtor does not claim or receive the
98 benefits of a homestead exemption under s. 4, Art. X of the
99 State Constitution.

100 Section 3. Present paragraphs (b), (c), and (d) of
101 subsection (1) of section 395.301, Florida Statutes, are
102 redesignated as paragraphs (c), (d), and (e), respectively,
103 present subsection (6) is redesignated as subsection (7), a new
104 paragraph (b) is added to subsection (1), a new subsection (6)
105 is added to that section, and present paragraph (b) of
106 subsection (1) is amended, to read:

107 395.301 Price transparency; itemized patient statement or
108 bill; patient admission status notification.—

109 (1) A facility licensed under this chapter shall provide
110 timely and accurate financial information and quality of service
111 measures to patients and prospective patients of the facility,
112 or to patients' survivors or legal guardians, as appropriate.
113 Such information shall be provided in accordance with this
114 section and rules adopted by the agency pursuant to this chapter
115 and s. 408.05. Licensed facilities operating exclusively as
116 state facilities are exempt from this subsection.

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117 (b) Each licensed facility shall post on its website a
118 consumer-friendly list of standard charges for at least 300
119 shoppable health care services. If a facility provides fewer
120 than 300 distinct shoppable health care services, it shall make
121 available on its website the standard charges for each service
122 it provides. As used in this paragraph, the term:

123 1. "Shoppable health care service" means a service that can
124 be scheduled by a healthcare consumer in advance. The term
125 includes, but is not limited to, the services described in s.
126 627.6387(2)(e) and any services defined in regulations or
127 guidance issued by the United States Department of Health and
128 Human Services.

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

133 (c) 1. ~~(b) 1. Upon request, and~~ Before providing any
134 nonemergency medical services, each licensed facility shall
135 provide in writing or by electronic means a good faith estimate
136 of reasonably anticipated charges by the facility for the
137 treatment of a ~~the~~ patient's or prospective patient's specific
138 condition. Such estimate must be provided to the patient or
139 prospective patient upon scheduling a medical service. The
140 facility ~~must provide the estimate to the patient or prospective~~
141 patient within 7 business days after the receipt of the request
142 and is not required to adjust the estimate for any potential
143 insurance coverage. The facility must provide the estimate to
144 the patient's health insurer, as defined in s. 627.446(1), and
145 the patient at least 3 business days before a service is to be

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146 furnished, but no later than 1 business day after the service is
147 scheduled or, in the case of a service scheduled at least 10
148 business days in advance, no later than 3 business days after
149 the service is scheduled. The estimate may be based on the
150 descriptive service bundles developed by the agency under s.
151 408.05(3)(c) unless the patient or prospective patient requests
152 a more personalized and specific estimate that accounts for the
153 specific condition and characteristics of the patient or
154 prospective patient. The facility shall inform the patient or
155 prospective patient that he or she may contact his or her health
156 insurer ~~or health maintenance organization~~ for additional
157 information concerning cost-sharing responsibilities.

158 2. In the estimate, the facility shall provide to the
159 patient or prospective patient information on the facility's
160 financial assistance policy, including the application process,
161 payment plans, and discounts and the facility's charity care
162 policy and collection procedures.

163 3. The estimate shall clearly identify any facility fees
164 and, if applicable, include a statement notifying the patient or
165 prospective patient that a facility fee is included in the
166 estimate, the purpose of the fee, and that the patient may pay
167 less for the procedure or service at another facility or in
168 another health care setting.

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

171 5. In the estimate, the facility must notify the patient or
172 prospective patient that services may be provided in the health
173 care facility by the facility as well as by other health care
174 providers that may separately bill the patient, if applicable.

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

177 ~~7.~~ Failure to timely provide the estimate pursuant to this
178 paragraph shall result in a daily fine of \$1,000 until the
179 estimate is provided to the patient or prospective patient and
180 the health insurer. The total fine per patient estimate may not
181 exceed \$10,000.

182
183 ~~The provision of an estimate does not preclude the actual~~
184 ~~charges from exceeding the estimate.~~

185 (6) Each facility shall establish an internal process for
186 reviewing and responding to grievances from patients. Such
187 process must allow patients to dispute charges that appear on
188 the patient's itemized statement or bill. The facility shall
189 prominently post on its website and indicate in bold print on
190 each itemized statement or bill the instructions for initiating
191 a grievance and the direct contact information required to
192 initiate the grievance process. The facility must provide an
193 initial response to a patient grievance within 7 business days
194 after the patient formally files a grievance disputing all or a
195 portion of an itemized statement or bill.

196 Section 4. Section 395.3011, Florida Statutes, is created
197 to read:

198 395.3011 Billing and collection activities.—

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

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- 204 (a) Selling the individual's debt to another party.
- 205 (b) Reporting adverse information about the individual to
206 consumer credit reporting agencies or credit bureaus.
- 207 (c) Deferring, denying, or requiring a payment before
208 providing medically necessary care because of the individual's
209 nonpayment of one or more bills for previously provided care
210 covered under the facility's financial assistance policy.
- 211 (d) Actions that require a legal or judicial process,
212 including, but not limited to:
- 213 1. Placing a lien on the individual's property;
- 214 2. Foreclosing on the individual's real property;
- 215 3. Attaching or seizing the individual's bank account or
216 any other personal property;
- 217 4. Commencing a civil action against the individual;
- 218 5. Causing the individual's arrest; or
- 219 6. Garnishing the individual's wages.
- 220 (2) A facility may not engage in an extraordinary
221 collection action against an individual to obtain payment for
222 services:
- 223 (a) Before the facility has made reasonable efforts to
224 determine whether the individual is eligible for assistance
225 under its financial assistance policy for the care provided and,
226 if eligible, before a decision is made by the facility on the
227 patient's application for such financial assistance.
- 228 (b) Before the facility has provided the individual with an
229 itemized statement or bill.
- 230 (c) During an ongoing grievance process as described in s.
231 395.301(6) or an ongoing appeal of a claim adjudication.
- 232 (d) Before billing any applicable insurer and allowing the

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233 insurer to adjudicate a claim.

234 (e) For 30 days after notifying the patient in writing, by
235 certified mail, or by other traceable delivery method, that a
236 collection action will commence absent additional action by the
237 patient.

238 (f) While the individual:

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

241 2. Complies with all terms of a payment plan with the
242 facility.

243 Section 5. Section 627.446, Florida Statutes, is created to
244 read:

245 627.446 Advanced explanation of benefits.—

246 (1) As used in this section, the term "health insurer"
247 means a health insurer issuing individual or group coverage or a
248 health maintenance organization issuing coverage through an
249 individual or a group contract.

250 (2) Each health insurer shall prepare an advanced
251 explanation of benefits upon receiving a patient estimate from a
252 facility pursuant to s. 395.301(1). The health insurer must
253 provide the advanced explanation of benefits to the insured no
254 later than 1 business day after receiving the patient estimate
255 from the facility or, in the case of a service scheduled at
256 least 10 business days in advance, no later than 3 business days
257 after receiving such estimate.

258 (3) At a minimum, the advanced explanation of benefits must
259 include detailed coverage and cost-sharing information pursuant
260 to the No Surprises Act, Title I of Division BB, Pub. L. No.
261 116-260.

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262 Section 6. Paragraph (a) of subsection (4) of section
263 627.6387, Florida Statutes, is amended to read:

264 627.6387 Shared savings incentive program.—

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

267 1. Is not an administrative expense for rate development or
268 rate filing purposes and shall be counted as a medical expense
269 for such purposes.

270 2. Does not constitute an unfair method of competition or
271 an unfair or deceptive act or practice under s. 626.9541 and is
272 presumed to be appropriate unless credible data clearly
273 demonstrates otherwise.

274 Section 7. Paragraph (a) of subsection (4) of section
275 627.6648, Florida Statutes, is amended to read:

276 627.6648 Shared savings incentive program.—

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

279 1. Is not an administrative expense for rate development or
280 rate filing purposes and shall be counted as a medical expense
281 for such purposes.

282 2. Does not constitute an unfair method of competition or
283 an unfair or deceptive act or practice under s. 626.9541 and is
284 presumed to be appropriate unless credible data clearly
285 demonstrates otherwise.

286 Section 8. Paragraph (a) of subsection (4) of section
287 641.31076, Florida Statutes, is amended to read:

288 641.31076 Shared savings incentive program.—

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

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291 (a) Is not an administrative expense for rate development
292 or rate filing purposes and shall be counted as a medical
293 expense for such purposes.

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

296 475.01 Definitions.—

297 (1) As used in this part:

298 (a) "Broker" means a person who, for another, and for a
299 compensation or valuable consideration directly or indirectly
300 paid or promised, expressly or impliedly, or with an intent to
301 collect or receive a compensation or valuable consideration
302 therefor, appraises, auctions, sells, exchanges, buys, rents, or
303 offers, attempts or agrees to appraise, auction, or negotiate
304 the sale, exchange, purchase, or rental of business enterprises
305 or business opportunities or any real property or any interest
306 in or concerning the same, including mineral rights or leases,
307 or who advertises or holds out to the public by any oral or
308 printed solicitation or representation that she or he is engaged
309 in the business of appraising, auctioning, buying, selling,
310 exchanging, leasing, or renting business enterprises or business
311 opportunities or real property of others or interests therein,
312 including mineral rights, or who takes any part in the procuring
313 of sellers, purchasers, lessors, or lessees of business
314 enterprises or business opportunities or the real property of
315 another, or leases, or interest therein, including mineral
316 rights, or who directs or assists in the procuring of prospects
317 or in the negotiation or closing of any transaction which does,
318 or is calculated to, result in a sale, exchange, or leasing
319 thereof, and who receives, expects, or is promised any

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320 compensation or valuable consideration, directly or indirectly
321 therefor; and all persons who advertise rental property
322 information or lists. A broker renders a professional service
323 and is a professional within the meaning of s. 95.11(5)(b) ~~s.~~
324 ~~95.11(4)(b)~~. Where the term "appraise" or "appraising" appears
325 in the definition of the term "broker," it specifically excludes
326 those appraisal services which must be performed only by a
327 state-licensed or state-certified appraiser, and those appraisal
328 services which may be performed by a registered trainee
329 appraiser as defined in part II. The term "broker" also includes
330 any person who is a general partner, officer, or director of a
331 partnership or corporation which acts as a broker. The term
332 "broker" also includes any person or entity who undertakes to
333 list or sell one or more timeshare periods per year in one or
334 more timeshare plans on behalf of any number of persons, except
335 as provided in ss. 475.011 and 721.20.

336 (j) "Sales associate" means a person who performs any act
337 specified in the definition of "broker," but who performs such
338 act under the direction, control, or management of another
339 person. A sales associate renders a professional service and is
340 a professional within the meaning of s. 95.11(5)(b) ~~s.~~
341 ~~95.11(4)(b)~~.

342 Section 10. Paragraph (h) of subsection (1) of section
343 475.611, Florida Statutes, is amended to read:

344 475.611 Definitions.—

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

346 (h) "Appraiser" means any person who is a registered
347 trainee real estate appraiser, a licensed real estate appraiser,
348 or a certified real estate appraiser. An appraiser renders a

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349 professional service and is a professional within the meaning of
350 s. 95.11(5) (b) ~~s. 95.11(4) (b)~~.

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

353 517.191 Injunction to restrain violations; civil penalties;
354 enforcement by Attorney General.—

355 (7) Notwithstanding s. 95.11(5) (f) ~~s. 95.11(4) (f)~~, an
356 enforcement action brought under this section based on a
357 violation of any provision of this chapter or any rule or order
358 issued under this chapter shall be brought within 6 years after
359 the facts giving rise to the cause of action were discovered or
360 should have been discovered with the exercise of due diligence,
361 but not more than 8 years after the date such violation
362 occurred.

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

365 768.28 Waiver of sovereign immunity in tort actions;
366 recovery limits; civil liability for damages caused during a
367 riot; limitation on attorney fees; statute of limitations;
368 exclusions; indemnification; risk management programs.—

369 (14) Every claim against the state or one of its agencies
370 or subdivisions for damages for a negligent or wrongful act or
371 omission pursuant to this section shall be forever barred unless
372 the civil action is commenced by filing a complaint in the court
373 of appropriate jurisdiction within 4 years after such claim
374 accrues; except that an action for contribution must be
375 commenced within the limitations provided in s. 768.31(4), and
376 an action for damages arising from medical malpractice or
377 wrongful death must be commenced within the limitations for such

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378 actions in s. 95.11(5) ~~s. 95.11(4)~~.

379 Section 13. Subsection (4) of section 787.061, Florida
380 Statutes, is amended to read:

381 787.061 Civil actions by victims of human trafficking.—

382 (4) STATUTE OF LIMITATIONS.—The statute of limitations as
383 specified in s. 95.11(8) or (10) ~~s. 95.11(7) or (9)~~, as
384 applicable, governs an action brought under this section.

385 Section 14. This act shall take effect October 1, 2024.