

1 A bill to be entitled
 2 An act relating to attorney fees and costs for motor
 3 vehicle personal injury protection benefits; amending
 4 s. 627.736, F.S.; providing that prevailing parties in
 5 suits by certain health care providers for overdue
 6 medical benefits under motor vehicle personal injury
 7 protection policies are entitled to reasonable
 8 attorney fees and costs; providing an effective date.

9

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

11

12 **Section 1. Paragraph (f) is added to subsection (10) of**
 13 **section 627.736, Florida Statutes, and paragraph (a) of**
 14 **subsection (1) of that section is republished, to read:**

15 627.736 Required personal injury protection benefits;
 16 exclusions; priority; claims.—

17 (1) REQUIRED BENEFITS.—An insurance policy complying with
 18 the security requirements of s. 627.733 must provide personal
 19 injury protection to the named insured, relatives residing in
 20 the same household unless excluded under s. 627.747, persons
 21 operating the insured motor vehicle, passengers in the motor
 22 vehicle, and other persons struck by the motor vehicle and
 23 suffering bodily injury while not an occupant of a self-
 24 propelled vehicle, subject to subsection (2) and paragraph
 25 (4) (e), to a limit of \$10,000 in medical and disability benefits

26 | and \$5,000 in death benefits resulting from bodily injury,
27 | sickness, disease, or death arising out of the ownership,
28 | maintenance, or use of a motor vehicle as follows:

29 | (a) Medical benefits.—Eighty percent of all reasonable
30 | expenses for medically necessary medical, surgical, X-ray,
31 | dental, and rehabilitative services, including prosthetic
32 | devices and medically necessary ambulance, hospital, and nursing
33 | services if the individual receives initial services and care
34 | pursuant to subparagraph 1. within 14 days after the motor
35 | vehicle accident. The medical benefits provide reimbursement
36 | only for:

37 | 1. Initial services and care that are lawfully provided,
38 | supervised, ordered, or prescribed by a physician licensed under
39 | chapter 458 or chapter 459, a dentist licensed under chapter
40 | 466, a chiropractic physician licensed under chapter 460, or an
41 | advanced practice registered nurse registered under s. 464.0123
42 | or that are provided in a hospital or in a facility that owns,
43 | or is wholly owned by, a hospital. Initial services and care may
44 | also be provided by a person or entity licensed under part III
45 | of chapter 401 which provides emergency transportation and
46 | treatment.

47 | 2. Upon referral by a provider described in subparagraph
48 | 1., followup services and care consistent with the underlying
49 | medical diagnosis rendered pursuant to subparagraph 1. which may
50 | be provided, supervised, ordered, or prescribed only by a

51 | physician licensed under chapter 458 or chapter 459, a
52 | chiropractic physician licensed under chapter 460, a dentist
53 | licensed under chapter 466, or an advanced practice registered
54 | nurse registered under s. 464.0123, or, to the extent permitted
55 | by applicable law and under the supervision of such physician,
56 | osteopathic physician, chiropractic physician, or dentist, by a
57 | physician assistant licensed under chapter 458 or chapter 459 or
58 | an advanced practice registered nurse licensed under chapter
59 | 464. Followup services and care may also be provided by the
60 | following persons or entities:

61 | a. A hospital or ambulatory surgical center licensed under
62 | chapter 395.

63 | b. An entity wholly owned by one or more physicians
64 | licensed under chapter 458 or chapter 459, chiropractic
65 | physicians licensed under chapter 460, advanced practice
66 | registered nurses registered under s. 464.0123, or dentists
67 | licensed under chapter 466 or by such practitioners and the
68 | spouse, parent, child, or sibling of such practitioners.

69 | c. An entity that owns or is wholly owned, directly or
70 | indirectly, by a hospital or hospitals.

71 | d. A physical therapist licensed under chapter 486, based
72 | upon a referral by a provider described in this subparagraph.

73 | e. A health care clinic licensed under part X of chapter
74 | 400 which is accredited by an accrediting organization whose
75 | standards incorporate comparable regulations required by this

76 | state, or
 77 | (I) Has a medical director licensed under chapter 458,
 78 | chapter 459, or chapter 460;
 79 | (II) Has been continuously licensed for more than 3 years
 80 | or is a publicly traded corporation that issues securities
 81 | traded on an exchange registered with the United States
 82 | Securities and Exchange Commission as a national securities
 83 | exchange; and
 84 | (III) Provides at least four of the following medical
 85 | specialties:
 86 | (A) General medicine.
 87 | (B) Radiography.
 88 | (C) Orthopedic medicine.
 89 | (D) Physical medicine.
 90 | (E) Physical therapy.
 91 | (F) Physical rehabilitation.
 92 | (G) Prescribing or dispensing outpatient prescription
 93 | medication.
 94 | (H) Laboratory services.
 95 | 3. Reimbursement for services and care provided in
 96 | subparagraph 1. or subparagraph 2. up to \$10,000 if a physician
 97 | licensed under chapter 458 or chapter 459, a dentist licensed
 98 | under chapter 466, a physician assistant licensed under chapter
 99 | 458 or chapter 459, or an advanced practice registered nurse
 100 | licensed under chapter 464 has determined that the injured

101 person had an emergency medical condition.

102 4. Reimbursement for services and care provided in
103 subparagraph 1. or subparagraph 2. is limited to \$2,500 if a
104 provider listed in subparagraph 1. or subparagraph 2. determines
105 that the injured person did not have an emergency medical
106 condition.

107 5. Medical benefits do not include massage therapy as
108 defined in s. 480.033 or acupuncture as defined in s. 457.102,
109 regardless of the person, entity, or licensee providing massage
110 therapy or acupuncture, and a licensed massage therapist or
111 licensed acupuncturist may not be reimbursed for medical
112 benefits under this section.

113 6. The Financial Services Commission shall adopt by rule
114 the form that must be used by an insurer and a health care
115 provider specified in sub-subparagraph 2.b., sub-subparagraph
116 2.c., or sub-subparagraph 2.e. to document that the health care
117 provider meets the criteria of this paragraph. Such rule must
118 include a requirement for a sworn statement or affidavit.

119
120 Only insurers writing motor vehicle liability insurance in this
121 state may provide the required benefits of this section, and
122 such insurer may not require the purchase of any other motor
123 vehicle coverage other than the purchase of property damage
124 liability coverage as required by s. 627.7275 as a condition for
125 providing such benefits. Insurers may not require that property

126 damage liability insurance in an amount greater than \$10,000 be
127 purchased in conjunction with personal injury protection. Such
128 insurers shall make benefits and required property damage
129 liability insurance coverage available through normal marketing
130 channels. An insurer writing motor vehicle liability insurance
131 in this state who fails to comply with such availability
132 requirement as a general business practice violates part IX of
133 chapter 626, and such violation constitutes an unfair method of
134 competition or an unfair or deceptive act or practice involving
135 the business of insurance. An insurer committing such violation
136 is subject to the penalties provided under that part, as well as
137 those provided elsewhere in the insurance code.

138 (10) ~~DEMAND LETTER; ATTORNEY FEES AND COSTS.~~—

139 (f) If the insurer fails to pay an overdue medical benefit
140 for any service or care described in subparagraph (1)(a)1. or
141 subparagraph (1)(a)2. and the provider who rendered the service
142 or care files a lawsuit, the prevailing party, by judgment or
143 decree at the trial or appellate court, is entitled to
144 reasonable attorney fees and costs.

145 **Section 2.** This act shall take effect July 1, 2025.