

By Senator Martin

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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

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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

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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.

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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

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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.