

By Senator Rodriguez

40-01103-26

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A bill to be entitled

An act relating to health care services jurisdiction and reimbursement; amending s. 48.193, F.S.; providing that health insurance, health maintenance organization coverage, health plan coverage, and travel insurance providers are subject to the jurisdiction of the courts of this state under certain circumstances; defining the terms "emergency services" and "health care provider"; creating ss. 627.4423 and 641.1853, F.S.; providing legislative intent; defining terms; prohibiting health care providers from collecting or attempting to collect from patients any sums owed by insurers and health maintenance organizations, respectively, for emergency services rendered; providing applicability; authorizing nonparticipating health care providers to pursue causes of action for quantum meruit for a specified purpose; providing construction; providing an effective date.

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

Section 1. Paragraph (a) of subsection (1) of section 48.193, Florida Statutes, is amended to read:

48.193 Acts subjecting person to jurisdiction of courts of state.—

(1)(a) A person, whether or not a citizen or resident of this state, who personally or through an agent does any of the acts enumerated in this subsection thereby submits himself or herself and, if he or she is a natural person, his or her

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personal representative to the jurisdiction of the courts of
this state for any cause of action arising from any of the
following acts:

1. Operating, conducting, engaging in, or carrying on a
business or business venture in this state or having an office
or agency in this state.

2. Committing a tortious act within this state.

3. Owning, using, possessing, or holding a mortgage or
other lien on any real property within this state.

4. Contracting to insure a person, property, or risk
located within this state at the time of contracting.

5. With respect to a proceeding for alimony, child support,
or division of property in connection with an action to dissolve
a marriage or with respect to an independent action for support
of dependents, maintaining a matrimonial domicile in this state
at the time of the commencement of this action or, if the
defendant resided in this state preceding the commencement of
the action, whether cohabiting during that time or not. This
paragraph does not change the residency requirement for filing
an action for dissolution of marriage.

6. Causing injury to persons or property within this state
arising out of an act or omission by the defendant outside this
state, if, at or about the time of the injury, either:

a. The defendant was engaged in solicitation or service
activities within this state; or

b. Products, materials, or things processed, serviced, or
manufactured by the defendant anywhere were used or consumed
within this state in the ordinary course of commerce, trade, or
use.

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7. Breaching a contract in this state by failing to perform acts required by the contract to be performed in this state.

8. With respect to a proceeding for paternity, engaging in the act of sexual intercourse within this state with respect to which a child may have been conceived.

9. Entering into a contract that complies with s. 685.102.

10. Providing health insurance, health maintenance organization coverage, health plan coverage, or travel insurance to:

a. An employee living in this state; or

b. An insured patient receiving emergency services from a health care provider licensed in this state. As used in this sub-subparagraph, the term:

(I) "Emergency services" means services necessary to prevent imminent risk to life or limb, according to the Prudent Layperson Standard. The term includes an emergency medical condition as defined in s. 641.47.

(II) "Health care provider" includes, but is not limited to, any of the following medical services providers if licensed in this state:

(A) A physician.

(B) A health care facility or hospital.

(C) An urgent care center.

(D) A ground, water, or air ambulance.

Section 2. Section 627.4423, Florida Statutes, is created to read:

627.4423 Reimbursement for emergency health care services by health and life insurers.—

(1) The Legislature hereby finds and declares that

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88 emergency health care services rendered by a nonparticipating
89 health care provider constitute a direct, significant, and
90 material benefit to a patient's insurer.

91 (2) As used in this section, the term:

92 (a) "Emergency services" means services necessary to
93 prevent imminent risk to life or limb, according to the Prudent
94 Layperson Standard. The term includes an emergency medical
95 condition as defined in s. 641.47.

96 (b) "Health care provider" includes, but is not limited to,
97 any of the following medical services providers if licensed in
98 this state:

99 1. A physician.

100 2. A health care facility or hospital.

101 3. An urgent care center.

102 4. A ground, water, or air ambulance.

103 (c) "Nonparticipating health care provider" means a health
104 care provider that does not have an express contract with a
105 patient's insurer.

106 (3)(a) A health care provider may not collect or attempt to
107 collect from a patient any sum owed by the patient's insurer for
108 emergency services rendered to the patient. This paragraph
109 applies to any health or life insurer whose policyholder is seen
110 by a health care provider in this state, regardless of whether
111 the insurer is licensed to sell insurance policies in this
112 state.

113 (b) A nonparticipating health care provider may pursue in
114 court a cause of action in quantum meruit to recover from a
115 patient's insurer the reasonable value of emergency services
116 rendered to the patient.

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117 (c) The remedies provided under paragraph (b) are
118 cumulative and not exclusive.

119 (4) This section is not intended to regulate any price,
120 route, or service of an air ambulance service provider licensed
121 pursuant to s. 401.251.

122 Section 3. Section 641.1853, Florida Statutes, is created
123 to read:

124 641.1853 Reimbursement for emergency services rendered by
125 nonparticipating health care providers.—

126 (1) The Legislature hereby finds and declares that
127 emergency health care services rendered by a nonparticipating
128 health care provider constitute a direct, significant, and
129 material benefit to a patient's health maintenance organization.

130 (2) As used in this section, the term:

131 (a) "Emergency services" means services necessary to
132 prevent imminent risk to life or limb, according to the Prudent
133 Layperson Standard. The term includes an emergency medical
134 condition as defined in s. 641.47.

135 (b) "Health care provider" includes, but is not limited to,
136 any of the following medical services providers if licensed in
137 this state:

138 1. A physician.

139 2. A health care facility or hospital.

140 3. An urgent care center.

141 4. A ground, water, or air ambulance.

142 (c) "Nonparticipating health care provider" means a health
143 care provider that does not have an express contract with a
144 patient's health maintenance organization.

145 (3) (a) A health care provider may not collect or attempt to

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146 collect from a patient any sum owed by the patient's health
147 maintenance organization for emergency services rendered to the
148 patient. This paragraph applies to any health maintenance
149 organization whose subscriber is seen by a health care provider
150 in this state, regardless of whether the health maintenance
151 organization is licensed to sell health maintenance contracts in
152 this state.

153 (b) A nonparticipating health care provider may pursue in
154 court a cause of action in quantum meruit to recover from a
155 patient's health maintenance organization the reasonable value
156 of emergency services rendered to the patient.

157 (c) The remedies provided under paragraph (b) are
158 cumulative and not exclusive.

159 (4) This section is not intended to regulate any price,
160 route, or service of an air ambulance service provider licensed
161 pursuant to s. 401.251.

162 Section 4. This act shall take effect July 1, 2026.