

1                   A bill to be entitled  
2           An act relating to mandatory human reviews of  
3           insurance claim denials; creating s. 440.131, F.S.;  
4           defining terms; authorizing workers' compensation  
5           carriers to use artificial intelligence systems and  
6           machine learning systems to assist in processing  
7           claims; prohibiting the use of artificial intelligence  
8           or machine learning systems as the sole basis for  
9           determining whether to reduce a claim payment or deny  
10          a claim or portion of a claim; requiring that  
11          carriers' decisions to deny a claim or portion of a  
12          claim or reduce a claim be made by qualified human  
13          professionals; specifying the duties of qualified  
14          human professionals; requiring a carrier to maintain  
15          certain records; requiring carriers to include certain  
16          information in denial communications to claimants;  
17          requiring that certain carriers detail certain  
18          information in their claims-handling manual;  
19          authorizing the Department of Financial Services to  
20          conduct examinations and investigations under certain  
21          circumstances and to adopt rules; providing penalties;  
22          creating s. 627.4263, F.S.; defining terms;  
23          authorizing insurers to use artificial intelligence  
24          systems and machine learning systems to assist in  
25          processing claims; prohibiting the use of artificial

26 intelligence or machine learning systems as the sole  
27 basis for determining whether to reduce a claim  
28 payment or deny a claim or portion of a claim;  
29 requiring that insurers' decisions to deny a claim or  
30 portion of a claim or reduce a claim be made by  
31 qualified human professionals; specifying the duties  
32 of qualified human professionals; requiring an insurer  
33 to maintain certain records; requiring insurers to  
34 include certain information in denial communications  
35 to claimants; requiring that certain insurers detail  
36 certain information in their claims-handling manual;  
37 authorizing the Office of Insurance Regulation to  
38 conduct market conduct examinations and investigations  
39 under certain circumstances; authorizing the Financial  
40 Services Commission to adopt rules; creating s.  
41 641.31091, F.S.; defining terms; authorizing health  
42 maintenance organizations to use artificial  
43 intelligence systems and machine learning systems to  
44 assist in processing claims; prohibiting the use of  
45 artificial intelligence or machine learning systems as  
46 the sole basis for determining whether to reduce a  
47 claim payment or deny a claim or portion of a claim;  
48 requiring that health maintenance organizations'  
49 decisions to deny a claim or reduce a claim or portion  
50 of a claim be made by qualified human professionals;

51 specifying the duties of qualified human  
 52 professionals; requiring a health maintenance  
 53 organization to maintain certain records; requiring  
 54 health maintenance organizations to include certain  
 55 information in denial communications to claimants;  
 56 requiring that certain health maintenance  
 57 organizations detail certain information in their  
 58 claims-handling manual; authorizing the office to  
 59 conduct market conduct examinations and investigations  
 60 under certain circumstances; authorizing the  
 61 commission to adopt rules; providing an effective  
 62 date.

63

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

65

66 **Section 1. Section 440.131, Florida Statutes, is created**  
 67 **to read:**

68 440.131 Mandatory human reviews of claim denials.—

69 (1) As used in this section, the term:

70 (a) "Artificial intelligence system" means a machine-based  
 71 system that may have varying levels of autonomy and that can,  
 72 for a given set of objectives, generate outputs, such as  
 73 predictions, recommendations, or content, influencing decisions  
 74 made in real or virtual environments.

75 (b) "Machine learning system" means an artificial

76 intelligence system that has the ability to learn from provided  
77 data without being explicitly programmed.

78 (c) "Qualified human professional" means an individual  
79 who, under the Florida Insurance Code, has the authority to  
80 adjust or deny a claim or a portion of a claim and may exercise  
81 such authority over a particular claim.

82 (2) A carrier may use an artificial intelligence system or  
83 a machine learning system to assist in processing claims,  
84 including generating recommendations to reduce a claim payment  
85 or to approve or deny a claim or a portion of a claim, in  
86 accordance with this section.

87 (3) A decision to reduce a claim payment or deny a claim  
88 or a portion of a claim may not be made solely on the basis of  
89 an artificial intelligence system or a machine learning system.  
90 A carrier's decision to reduce a claim payment or deny a claim  
91 or a portion of a claim must be made by a qualified human  
92 professional.

93 (4) If an artificial intelligence system or a machine  
94 learning system assists in processing a claim, the qualified  
95 human professional must do all of the following before reducing  
96 a claim payment or denying the claim or a portion of the claim:

97 (a) Analyze the facts of the claim and the terms of the  
98 insurance policy independently of any artificial intelligence  
99 system or machine learning system.

100 (b) Review the accuracy of any output generated by such a

101 system.

102 (c) Determine that the claim or portion of the claim is  
103 not payable under the terms of the insurance policy and should  
104 be denied or that the claim payment should be reduced.

105 (5) A carrier shall maintain detailed records of the  
106 actions of qualified human professionals who are required to  
107 perform the actions under subsection (4), including:

108 (a) The name, the title, the business address, and the  
109 unique identifier associated with the name of the qualified  
110 human professional who made the decision to reduce the claim  
111 payment or deny the claim or a portion of the claim.

112 (b) The date and time of the qualified human  
113 professional's decision.

114 (c) Documentation of the basis for the reduction of the  
115 claim payment or denial of the claim or a portion of the claim,  
116 including any information provided by an artificial intelligence  
117 system or a machine learning system.

118 (6) In all written denial communications to an injured  
119 employee, a carrier shall include:

120 (a) An e-mail address, a telephone number, a business  
121 address, and a unique identifier, in lieu of the name of the  
122 qualified human professional who made the decision to reduce the  
123 claim payment or deny the claim or a portion of the claim; and

124 (b) A written statement affirming that an artificial  
125 intelligence system or a machine learning system did not serve

126 as the sole basis for determining whether to reduce the claim  
127 payment or deny the claim or a portion of the claim.

128 (7) A carrier that uses an artificial intelligence system  
129 or a machine learning system as part of its claims-handling  
130 process shall detail in its claims-handling manual the manner in  
131 which such systems are to be used and the manner in which the  
132 carrier complies with this section.

133 (8) The department may conduct examinations and  
134 investigations it deems necessary to verify compliance with this  
135 section.

136 (9) The department may adopt rules to implement this  
137 section.

138 (10) Failure to comply with this section shall be  
139 considered a violation of this chapter and is subject to  
140 penalties as provided for in s. 440.525.

141 **Section 2. Section 627.4263, Florida Statutes, is created**  
142 **to read:**

143 627.4263 Mandatory human reviews of claim denials.—

144 (1) As used in this section, the term:

145 (a) "Artificial intelligence system" means a machine-based  
146 system that may have varying levels of autonomy and that can,  
147 for a given set of objectives, generate outputs, such as  
148 predictions, recommendations, or content, influencing decisions  
149 made in real or virtual environments.

150 (b) "Machine learning system" means an artificial

151 intelligence system that has the ability to learn from provided  
152 data without being explicitly programmed.

153 (c) "Qualified human professional" means an individual  
154 who, under the Florida Insurance Code, has the authority to  
155 adjust or deny a claim or a portion of a claim and may exercise  
156 such authority over a particular claim.

157 (2) An insurer may use an artificial intelligence system  
158 or machine learning system to assist in processing claims,  
159 including generating recommendations to reduce a payment or to  
160 approve or deny a claim or a portion of a claim, in accordance  
161 with this section.

162 (3) A decision to reduce a claim payment or deny a claim  
163 or a portion of a claim may not be made solely on the basis of  
164 an artificial intelligence system or a machine learning system.  
165 An insurer's decision to reduce a claim payment or deny a claim  
166 or a portion of a claim must be made by a qualified human  
167 professional.

168 (4) If an artificial intelligence system or a machine  
169 learning system assists in processing a claim, the qualified  
170 human professional must do all of the following before reducing  
171 a claim payment or denying the claim or a portion of the claim:

172 (a) Analyze the facts of the claim and the terms of the  
173 insurance policy independently of any artificial intelligence  
174 system or machine learning system.

175 (b) Review the accuracy of any output generated by such a

176 system.

177 (c) Determine that the claim or portion of the claim is  
178 not payable under the terms of the insurance policy and should  
179 be denied or that the claim payment should be reduced.

180 (5) An insurer shall maintain detailed records of the  
181 actions of qualified human professionals who are required to  
182 perform the actions under subsection (4), including:

183 (a) The name, the title, the business address, and the  
184 unique identifier associated with the name of the qualified  
185 human professional who made the decision to reduce the claim  
186 payment or deny the claim or a portion of the claim.

187 (b) The date and time of the qualified human  
188 professional's decision.

189 (c) Documentation of the basis for the reduction of the  
190 claim payment or denial of the claim or a portion of the claim,  
191 including any information provided by an artificial intelligence  
192 system or a machine learning system.

193 (6) In all written denial communications to an insured, an  
194 insurer shall include:

195 (a) An e-mail address, a telephone number, a business  
196 address, and a unique identifier, in lieu of the name of the  
197 qualified human professional who made the decision to reduce the  
198 claim payment or deny the claim or a portion of the claim; and

199 (b) A written statement affirming that an artificial  
200 intelligence system or a machine learning system did not serve

201 as the sole basis for determining whether to reduce the claim  
202 payment or deny the claim or a portion of the claim.

203 (7) An insurer that uses an artificial intelligence system  
204 or a machine learning system as part of its claims-handling  
205 process shall detail in its claims-handling manual the manner in  
206 which such systems are to be used and the manner in which the  
207 insurer complies with this section.

208 (8) The office may conduct market conduct examinations and  
209 investigations it deems necessary to verify compliance with this  
210 section.

211 (9) The commission may adopt rules to implement this  
212 section.

213 **Section 3. Section 641.31091, Florida Statutes, is created**  
214 **to read:**

215 641.31091 Mandatory human reviews of claim denials.-

216 (1) As used in this section, the term:

217 (a) "Artificial intelligence system" means a machine-based  
218 system that may have varying levels of autonomy and that can,  
219 for a given set of objectives, generate outputs, such as  
220 predictions, recommendations, or content, influencing decisions  
221 made in real or virtual environments.

222 (b) "Machine learning system" means an artificial  
223 intelligence system that has the ability to learn from provided  
224 data without being explicitly programmed.

225 (c) "Qualified human professional" means an individual

226 who, under the Florida Insurance Code, has the authority to  
227 adjust or deny a claim or a portion of a claim and may exercise  
228 such authority over a particular claim.

229 (2) A health maintenance organization may use an  
230 artificial intelligence system or a machine learning system to  
231 assist in processing claims, including generating  
232 recommendations to reduce a claim payment or to approve or deny  
233 a claim or a portion of a claim, in accordance with this  
234 section.

235 (3) A decision to reduce a claim payment or deny a claim  
236 or a portion of a claim may not be made solely on the basis of  
237 an artificial intelligence system or machine learning system. A  
238 health maintenance organization's decision to reduce a claim  
239 payment or deny a claim or a portion of a claim must be made by  
240 a qualified human professional.

241 (4) If an artificial intelligence system or a machine  
242 learning system assists in processing a claim, the qualified  
243 human professional must do all of the following before reducing  
244 a claim payment or denying the claim or a portion of the claim:

245 (a) Analyze the facts of the claim and the terms of the  
246 health maintenance contract independently of any artificial  
247 intelligence system or machine learning system.

248 (b) Review the accuracy of any output generated by such a  
249 system.

250 (c) Determine that the claim or portion of the claim is

251 not payable under the terms of the health maintenance contract  
252 and should be denied or that the claim payment should be  
253 reduced.

254 (5) A health maintenance organization shall maintain  
255 detailed records of the actions of qualified human professionals  
256 who are required to perform the actions under subsection (4),  
257 including:

258 (a) The name, the title, the business address, and the  
259 unique identifier associated with the name of the qualified  
260 human professional who made the decision to reduce the claim  
261 payment or deny the claim or a portion of the claim.

262 (b) The date and time of the qualified human  
263 professional's decision.

264 (c) Documentation of the basis for the reduction of the  
265 claim payment or denial of the claim or a portion of the claim,  
266 including any information provided by an artificial intelligence  
267 system or a machine learning system.

268 (6) In all written denial communications to a subscriber,  
269 a health maintenance organization shall include:

270 (a) An e-mail address, a telephone number, a business  
271 address, and a unique identifier, in lieu of the name of the  
272 qualified human professional who made the decision to reduce the  
273 claim payment or deny the claim or a portion of the claim; and

274 (b) A written statement affirming that an artificial  
275 intelligence system or a machine learning system did not serve

276 as the sole basis for determining whether to reduce the claim  
277 payment or deny the claim or a portion of the claim.

278 (7) A health maintenance organization that uses an  
279 artificial intelligence system or a machine learning system as  
280 part of its claims-handling process shall detail in its claims-  
281 handling manual the manner in which such systems are to be used  
282 and the manner in which the health maintenance organization  
283 complies with this section.

284 (8) The office may conduct market conduct examinations and  
285 investigations or use any method it deems necessary to verify  
286 compliance with this section.

287 (9) The commission may adopt rules to implement this  
288 section.

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