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## 2024 Florida Legislative Session Overview

The 2024 Florida Legislative session was a busy one with several bills that impact FCA members. In 2024, FCA and our lobbyist tracked over 160 bills in both chambers, with 7 of those bills impacting our members interests:

The most impactful bill of the session is HB7089 and SB1640 regarding Medical services.

**BILL SUMMARY:** HB 7089 was filed as a last-minute House Committee bill. It contains provisions that impacts health care service pricing, but also has language that impacts collection of medical debts. The bill requires facilities licensed under Chapter 395 of the Florida Statutes (Hospitals, Urgent Care Centers, and Ambulatory Surgery Centers) to:

Provide estimates to the patient's health insurer at least 3 days before the date such service is to be provided and to the patient within 3 days of the request. (\*This is effective for ambulatory surgery centers January 1, 2026; not effective until HHS, DOL, and Treasury issue final rule pertaining to good faith estimates)  
Provide disclosures that if a patient's responsibility for care under their insurance is higher than the discounted self-pay rate.

The bill also puts some requirements on health insurers to provide an advanced explanation of benefits upon receipt of the patient estimate from the facility. (Not effective until HHS, DOL, and Treasury issue final rule)

The bill prohibits hospitals and ambulatory centers from engaging in "extraordinary collection actions" against a patient before:

- Determining their eligibility for financial assistance
- Providing an itemized bill, billing any applicable insurance coverage
- During an ongoing grievance process or a patient's compliance with a payment plan
- For 30 days after notifying the patient in writing, by certified mail or other traceable delivery method, that a collection action will commence.
- Or while the individual:
  - Negotiates in good faith the final amount of a bill for services rendered: or
  - Complies with all terms of a payment plan with the facility.

For purposes of the bill, the term "extraordinary collection action" means any action that requires a legal or judicial process, including:

- Reporting adverse information about the individual to consumer credit reporting agencies or credit bureaus
- Selling the individual's debt to another party
- Placing a lien or foreclosing on their individual's property;
- Attaching or seizing an individual's bank account or other personal property;
- Commencing a civil action against an individual; or
- Garnishing an individual's wages.

The bill also establishes a new set of debt collection exemptions that apply to debt incurred as a result of medical services provided in hospitals, ambulatory surgical centers, or urgent care centers. Under current law, this type of debt is subject to the uniform exemptions that apply to all types of debt. The bill increases the ceiling on debt collection exemptions for debt resulting from services provided in a hospital or ambulatory surgical center, as follows:

- To \$10,000 interest in a single motor vehicle (versus the current law exemption of \$1,000);
- To \$10,000 interest in personal property, provided that a debtor does not claim a homestead exemption.

The bill also requires each hospital and ambulatory center to establish an internal grievance process allowing a patient to dispute charges that appear on their itemized statement. When a patient initiates a grievance, the facility must then provide an initial response patient within 7 business days.

Lastly, the bill creates a three-year statute of limitations for any legal action related to medical debt for services rendered by hospitals, ambulatory surgical centers, and urgent care centers (facilities licensed under Chapter 395 – note not all medical debt will be subject to this period – this is my opinion, not legal advice). The statute of limitations begins running on the date that the facility

refers the debt to a third-party for collection. There is some concern here that if they consider the placement with an early out vendor, if that would trigger the statute to start, however, it is understood that the legislative intent was that it runs from when it is placed for third-party bad debt collection.

Other bills tracked by FCA:

1. HB989 – limiting charges for workers compensation emergency services when carrier is not contracted with facility - **Passed**
2. SB1074 & HB1031 – exempting out certain debt settlement companies from registration requirements - **Passed**
3. SB158 + HB29 – increasing exemption in motor vehicles from \$1,000 to \$5,000 - **Passed**
4. SB7020 + HB513 – Delivery of Notices that require registered mail delivery in statute - **Passed**
5. SB984 + HB175 – Judgement liens and priority - **Passed**
6. SB1436 + HB1347 – Consumer Finance Loans. – **Passed**

We are awaiting to determine what action the Governor will take on these bills. If Governor, does not veto, the bills will become law.

Keep watch for details on a webinar that will be held in early-April to recap the 2024 legislative session.

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