

## Senate Bill No. 666

An act relating to fiscal intermediary services organizations; amending s. 641.316, F.S.; redefining the term “fiscal intermediary services organization” for purposes of provisions governing organizations that manage the business affairs of health care professionals; providing an exception from the requirement to obtain a bond; revising compliance requirements for registration as a fiscal intermediary services organization; providing an effective date.

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

Section 1. Paragraph (b) of subsection (2), subsection (4), and subsection (6) of section 641.316, Florida Statutes, are amended to read:

641.316 Fiscal intermediary services.—

(2)

(b) The term “fiscal intermediary services organization” means a person or entity that ~~which~~ performs fiduciary or fiscal intermediary services to health care professionals who contract with health maintenance organizations other than a ~~fiscal intermediary services organization owned, operated, or controlled by~~ a hospital licensed under chapter 395, an insurer licensed under chapter 624, a third-party administrator licensed under chapter 626, a prepaid limited health service organization licensed under chapter 636, a health maintenance organization licensed under this chapter, or a physician group practice practices as defined in s. 456.053(3)(h) which provides services under the scope of licenses of the members of the group practice.

(4) A fiscal intermediary services organization, as described in subsection (3), shall secure and maintain a surety bond on file with the office, naming the intermediary as principal. The bond must be obtained from a company authorized to write surety insurance in the state, and the office shall be obligee on behalf of itself and third parties. The penal sum of the bond may not be less than 5 percent of the funds handled by the intermediary in connection with its fiscal and fiduciary services during the prior year or \$250,000, whichever is less. The minimum bond amount must be \$10,000. The condition of the bond must be that the intermediary shall register with the office and shall not misappropriate funds within its control or custody as a fiscal intermediary or fiduciary. The aggregate liability of the surety for any and all breaches of the conditions of the bond may not exceed the penal sum of the bond. The bond must be continuous in form, must be renewed annually by a continuation certificate, and may be terminated by the surety upon its giving 30 days’ written notice of termination to the office. This subsection does not apply to a fiscal intermediary services organization that is owned, operated, or controlled by a third-party administrator holding a certificate of authority under part VII of chapter 626.

(6) Any fiscal intermediary services organization, other than a ~~fiscal intermediary services organization owned, operated, or controlled by a hospital licensed under chapter 395, an insurer licensed under chapter 624, a third-party administrator licensed under chapter 626, a prepaid limited health service organization licensed under chapter 636, a health maintenance organization licensed under this chapter, a not-for-profit corporation that provides health care services directly to patients through employed, salaried physicians and that is affiliated with an accredited hospital licensed in this state, or a physician group practice practices as defined in s. 456.053(3)(h) which provides services under the scope of licenses of the members of the group practice,~~ must register with the office and meet the requirements of this section. In order to register as a fiscal intermediary services organization, the organization must comply with ss. 641.21(1)(c), ~~and (d), and (j), and 641.22(6), and 641.27. The fiscal intermediary services organization must also comply with the provisions of ss. 641.3155, 641.3156, and 641.51(4).~~ Should the office determine that the fiscal intermediary services organization does not meet the requirements of this section, the registration shall be denied. ~~If In the event that~~ the registrant fails to maintain compliance with ~~the provisions of~~ this section, the office may revoke or suspend the registration. In lieu of revocation or suspension of the registration, the office may levy an administrative penalty in accordance with s. 641.25.

Section 2. This act shall take effect October 1, 2007.

Approved by the Governor June 15, 2007.

Filed in Office Secretary of State June 15, 2007.