

By the Committees on Budget; and Banking and Insurance; and
Senator Wise

576-04689-11

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1 A bill to be entitled

2 An act relating to health insurance; creating ss.
3 627.64995, 627.66995, and 641.31099, F.S.; prohibiting
4 certain health insurance policies and health
5 maintenance contracts from providing coverage for
6 abortions; providing exceptions; defining the term
7 "state"; amending s. 627.6515, F.S.; providing that
8 certain restrictions on coverage for abortions apply
9 to certain group health insurance policies issued or
10 delivered outside the state which provide coverage to
11 residents of the state; amending s. 627.6699, F.S.;
12 providing that certain restrictions on coverage for
13 abortions apply to plans under the Employee Health
14 Care Access Act; providing an effective date.

15
16 Be It Enacted by the Legislature of the State of Florida:

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18 Section 1. Section 627.64995, Florida Statutes, is created
19 to read:

20 627.64995 Restrictions on use of state and federal funds
21 for state exchanges.—

22 (1) A health insurance policy under which coverage is
23 purchased in whole or in part with any state or federal funds
24 through an exchange created pursuant to the federal Patient
25 Protection and Affordable Care Act, Pub. L. No. 111-148, may not
26 provide coverage for an abortion as defined in s. 390.011(1),
27 except if the pregnancy is the result of an act of rape or
28 incest, or in the case where a woman suffers from a physical
29 disorder, physical injury, or physical illness, including a

576-04689-11

20111414c2

30 life-endangering physical condition caused by or arising from
31 the pregnancy itself, which would, as certified by a physician,
32 place the woman in danger of death unless an abortion is
33 performed. Coverage is deemed to be purchased with state or
34 federal funds if any tax credit or cost-sharing credit is
35 applied toward the health insurance policy.

36 (2) This section does not prohibit a health insurance
37 policy from offering separate coverage for an abortion if such
38 coverage is not purchased in whole or in part with state or
39 federal funds.

40 (3) As used in this section, the term "state" means this
41 state or any political subdivision of the state.

42 Section 2. Section 627.66995, Florida Statutes, is created
43 to read:

44 627.66995 Restrictions on use of state and federal funds
45 for state exchanges.—

46 (1) A group, franchise, or blanket health insurance policy
47 under which coverage is purchased in whole or in part with any
48 state or federal funds through an exchange created pursuant to
49 the federal Patient Protection and Affordable Care Act, Pub. L.
50 No. 111-148, may not provide coverage for an abortion as defined
51 in s. 390.011(1), except if the pregnancy is the result of an
52 act of rape or incest, or in the case where a woman suffers from
53 a physical disorder, physical injury, or physical illness,
54 including a life-endangering physical condition caused by or
55 arising from the pregnancy itself, which would, as certified by
56 a physician, place the woman in danger of death unless an
57 abortion is performed. Coverage is deemed to be purchased with
58 state or federal funds if any tax credit or cost-sharing credit

576-04689-11

20111414c2

59 is applied toward the group, franchise, or blanket health
60 insurance policy.

61 (2) This section does not prohibit a group, franchise, or
62 blanket health insurance policy from offering separate coverage
63 for an abortion if such coverage is not purchased in whole or in
64 part with state or federal funds.

65 (3) As used in this section, the term "state" means this
66 state or any political subdivision of the state.

67 Section 3. Section 641.31099, Florida Statutes, is created
68 to read:

69 641.31099 Restrictions on use of state and federal funds
70 for state exchanges.—

71 (1) A health maintenance contract under which coverage is
72 purchased in whole or in part with any state or federal funds
73 through an exchange created pursuant to the federal Patient
74 Protection and Affordable Care Act, Pub. L. No. 111-148, may not
75 provide coverage for an abortion as defined in s. 390.011(1),
76 except if the pregnancy is the result of an act of rape or
77 incest, or in the case where a woman suffers from a physical
78 disorder, physical injury, or physical illness, including a
79 life-endangering physical condition caused by or arising from
80 the pregnancy itself, which would, as certified by a physician,
81 place the woman in danger of death unless an abortion is
82 performed. Coverage is deemed to be purchased with state or
83 federal funds if any tax credit or cost-sharing credit is
84 applied toward the health maintenance contract.

85 (2) This section does not prohibit a health maintenance
86 contract from offering separate coverage for an abortion if such
87 coverage is not purchased in whole or in part with state or

576-04689-11

20111414c2

88 federal funds.

89 (3) As used in this section, the term "state" means this
90 state or any political subdivision of the state.

91 Section 4. Paragraph (c) of subsection (2) of section
92 627.6515, Florida Statutes, is amended to read:

93 627.6515 Out-of-state groups.—

94 (2) Except as otherwise provided in this part, this part
95 does not apply to a group health insurance policy issued or
96 delivered outside this state under which a resident of this
97 state is provided coverage if:

98 (c) The policy provides the benefits specified in ss.
99 627.419, 627.6574, 627.6575, 627.6579, 627.6612, 627.66121,
100 627.66122, 627.6613, 627.667, 627.6675, 627.6691, and 627.66911,
101 and complies with the requirements of s. 627.66995.

102 Section 5. Present subsection (17) of section 627.6699,
103 Florida Statutes, is renumbered as subsection (18), and a new
104 subsection (17) is added to that section, to read:

105 627.6699 Employee Health Care Access Act.—

106 (17) RESTRICTIONS ON COVERAGE.—

107 (a) A plan under which coverage is purchased in whole or in
108 part with any state or federal funds through an exchange created
109 pursuant to the federal Patient Protection and Affordable Care
110 Act, Pub. L. No. 111-148, may not provide coverage for an
111 abortion, as defined in s. 390.011(1), except if the pregnancy
112 is the result of an act of rape or incest, or in the case where
113 a woman suffers from a physical disorder, physical injury, or
114 physical illness, including a life-endangering physical
115 condition caused by or arising from the pregnancy itself, which
116 would, as certified by a physician, place the woman in danger of

576-04689-11

20111414c2

117 death unless an abortion is performed. Coverage is deemed to be
118 purchased with state or federal funds if any tax credit or cost-
119 sharing credit is applied toward the plan.

120 (b) This subsection does not prohibit a plan from providing
121 any person or entity with separate coverage for an abortion if
122 such coverage is not purchased in whole or in part with state or
123 federal funds.

124 (c) As used in this section, the term "state" means this
125 state or any political subdivision of the state.

126 Section 6. This act shall take effect July 1, 2011.