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LEGISLATIVE ACTION

Senate

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House

Senator Gardiner moved the following:

Senate Amendment (with title amendment)

Between lines 3602 and 3603

insert:

Section 68. Effective October 1, 2009, and applicable to all policies issued or renewed on or after that date, section 627.6562, Florida Statutes, is amended to read:

627.6562 Dependent coverage.—

(1) If an insurer offers coverage under a group, blanket, or franchise health insurance policy that insures dependent children of the policyholder or certificateholder, unless the group policyholder chooses otherwise, the policy must insure a dependent child of the policyholder or certificateholder at



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14 least until the end of the calendar year in which the child
15 reaches the age of 25, if the child ~~meets all of the following:~~

16 (a) Is unmarried and ~~the child is~~ dependent upon the
17 policyholder or certificateholder for support; and

18 (b) Is a resident of this state ~~The child is living in the~~
19 ~~household of the policyholder or certificateholder, or the child~~
20 ~~is a full-time or part-time student.~~

21 (2) A policy that is subject to the requirements of
22 subsection (1) must also offer the policyholder or
23 certificateholder the option to insure a child of the
24 policyholder or certificateholder at least until the end of the
25 calendar year in which the child reaches the age of 30, if the
26 child:

27 (a) Is unmarried and does not have a dependent of his or
28 her own;

29 (b) Is a resident of this state or a full-time or part-time
30 student; and

31 (c) Is not provided coverage as a named subscriber,
32 insured, enrollee, or covered person under any other group,
33 blanket, or franchise health insurance policy or individual
34 health benefits plan, or is eligible for coverage as an employee
35 under an employer sponsored health plan, or is not entitled to
36 benefits under Title XVIII of the Social Security Act.

37 (3) If, pursuant to subsection (2), a child is provided
38 coverage under the parent's policy after the end of the calendar
39 year in which the child reaches age 30 ~~25~~ and coverage for the
40 child is subsequently terminated, the child is not eligible to
41 be covered under the parent's policy unless the child was
42 continuously covered by other creditable coverage without a gap



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43 in coverage of more than 63 days. For the purposes of this
44 subsection, the term "creditable coverage" has the same meaning
45 as provided in s. 627.6561(5).

46 (4) This section does not:

47 (a) Affect or preempt an insurer's right to medically
48 underwrite or charge the appropriate premium; and carriers,
49 including small employer carriers as defined in s.
50 627.6699(3)(w), are expressly authorized to charge actuarially
51 sound, distinct rates which are separate from the rates for
52 dependent coverage, for coverage of children of
53 certificateholders covered under subsection (2);

54 (b) Require coverage for services provided to a dependent
55 before October 1, 2009 ~~October 1, 2008~~;

56 (c) Require an employer to pay all or part of the cost of
57 coverage provided for a dependent under this section; or

58 (d) Prohibit an insurer or health maintenance organization
59 from increasing the limiting age for dependent coverage to age
60 30 in policies or contracts issued or renewed prior to the
61 effective date of this act.

62 (5) (a) Until April 1, 2009, the parent of a child who
63 qualifies for coverage under subsection (2) but whose coverage
64 as a dependent child under the parent's plan terminated under
65 the terms of the plan before October 1, 2008, may make a written
66 election to reinstate coverage, without proof of insurability,
67 under that plan as a dependent child pursuant to this section.
68 All other dependent children who qualify for coverage under
69 subsection (2) are automatically covered at least until the end
70 of the calendar year in which the child reaches age 30, unless
71 the insured provides the group policyholder with written



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72 evidence that the dependent child is married, is not a resident
73 of this state, is covered under a separate comprehensive health
74 insurance policy, is covered under a health benefit plan, or is
75 entitled to benefits under Title XVIII of the Social Security
76 Act.

77 (b) The covered person's plan may require the payment of a
78 premium by the covered person or dependent child, as
79 appropriate, subject to the approval of the Office of Insurance
80 Regulation, for any period of coverage relating to a dependent's
81 written election for coverage pursuant to paragraph (a).

82 (c) Notice regarding the reinstatement of coverage for a
83 dependent child as provided under this subsection must be
84 provided to a covered person in the certificate of coverage
85 prepared for covered persons by the insurer or by the covered
86 person's employer. Such notice may be given through the group
87 policyholder.

88 (6) This section and any cross-references to this section
89 are only intended to apply for group major medical policies and
90 are not intended to apply to conversion policies, policies
91 offered under the Consolidated Omnibus Budget Reconciliation Act
92 of 1985 or s. 627.6692, individual policies, out-of-state group
93 policies written pursuant to s. 627.6515, or limited benefit or
94 supplemental policies, including but not limited to dental,
95 vision, ~~does not apply to~~ accident only, specified disease,
96 disability income, Medicare supplement, or long-term care
97 insurance policies, or other supplemental or limited benefit
98 policies.



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101 ===== T I T L E A M E N D M E N T =====

102 And the title is amended as follows:

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104 Delete line 297

105 and insert:

106 compendium"; amending s. 627.6562, F.S.; providing
107 criteria for health insurance eligibility for
108 dependent children; providing for exemptions;
109 providing that all dependent children who qualify for
110 coverage are automatically covered at least until the
111 end of the calendar year in which the child reaches
112 age 30; providing exceptions; providing for
113 applicability; amending s. 651.105, F.S.; revising the