

HB 1191

2010

1 A bill to be entitled  
2 An act relating to interstate health insurance policies;  
3 creating s. 642.122, F.S.; authorizing solicitation and  
4 sale of interstate health insurance policies in this state  
5 by certain persons; providing a definition; requiring  
6 interstate health insurance policies and policy  
7 applications to contain a certain notice; providing for  
8 application of certain provisions to certain insurers;  
9 excluding interstate health insurance policies from  
10 certain requirements; exempting interstate health  
11 insurance policies and applications from certain Florida  
12 Insurance Code provisions; providing exceptions; providing  
13 an effective date.

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15 WHEREAS, while many residents of this state have access to  
16 first-rate health care, affordable health care coverage is not  
17 available to all who wish to purchase it, and

18 WHEREAS, by removing barriers limiting access to affordable  
19 health care coverage and expanding opportunities for residents  
20 of this state to purchase more affordable coverage, this state  
21 can improve access to health care and curtail rising health care  
22 costs while preserving the first-rate care that so many  
23 Floridians already enjoy, and

24 WHEREAS, it is important to provide residents of this state  
25 with more choices when selecting a health insurance product to  
26 allow individuals and families the ability to purchase  
27 affordable health care coverage, thereby increasing their access  
28 to quality health care, NOW, THEREFORE,

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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

Section 1. Section 624.122, Florida Statutes, is created to read:

624.122 Interstate health insurance policies; notice; exemption.—

(1) Interstate health insurance policies and applications may be solicited and sold in this state only by a licensed health insurance agent and underwritten only by an admitted insurer. For purposes of this subsection, the term "interstate health insurance policy" means a policy of health insurance providing creditable coverage as defined in s. 627.6561(5)(a)2. that is offered to an individual who is a resident of this state and the policy is governed by the laws of any state, district, or commonwealth of the United States other than this state.

(2) Any interstate health insurance policy sold, and any application for such insurance provided to a resident of this state pursuant to this section, must contain the following conspicuous, boldfaced disclosure in at least 12-point type:

THIS INDIVIDUAL HEALTH INSURANCE POLICY IS PRIMARILY GOVERNED BY THE LAWS OF ... (INSERT STATE, DISTRICT, OR COMMONWEALTH).... AS A RESULT, THIS POLICY DOES NOT COMPLY WITH COVERAGE, UNDERWRITING, AND OTHER PROVISIONS OF THE FLORIDA INSURANCE CODE. ALL OF THE RATING LAWS APPLICABLE TO POLICIES FILED IN FLORIDA DO NOT APPLY TO THIS COVERAGE, WHICH MAY RESULT IN INCREASES IN YOUR

57 PREMIUM AT RENEWAL THAT WOULD NOT BE PERMISSIBLE UNDER A  
 58 FLORIDA-APPROVED POLICY. ANY PURCHASE OF INDIVIDUAL  
 59 HEALTH INSURANCE SHOULD BE CONSIDERED CAREFULLY, AS  
 60 FUTURE MEDICAL CONDITIONS MAY MAKE IT IMPOSSIBLE TO  
 61 QUALIFY FOR ANOTHER INDIVIDUAL HEALTH POLICY. FOR  
 62 INFORMATION CONCERNING INDIVIDUAL HEALTH COVERAGE UNDER A  
 63 FLORIDA-APPROVED POLICY, CONSULT YOUR AGENT OR THE  
 64 FLORIDA DEPARTMENT OF FINANCIAL SERVICES.

66 (3) Any insurer underwriting interstate health insurance  
 67 policies pursuant to this section is subject to all applicable  
 68 provisions of the Florida Insurance Code, except as otherwise  
 69 provided in this section. Interstate health insurance policies  
 70 are not subject to any form approval, rate approval,  
 71 underwriting restrictions, guaranteed availability, or coverage  
 72 mandates provided in the Florida Insurance Code. Health  
 73 insurance agents who are licensed and appointed pursuant to  
 74 chapter 626 may solicit, sell, effect, collect premium on, and  
 75 deliver interstate health insurance policies in accordance with  
 76 this section.

77 (4) Any interstate health insurance policy or application  
 78 solicited, provided, entered into, issued, or delivered pursuant  
 79 to this section is exempt from all provisions of the Florida  
 80 Insurance Code, except that such policy, contract, or agreement  
 81 is subject to the provisions of ss. 624.155, 624.316, 624.3161,  
 82 626.951, 626.9511, 626.9521, 626.9541, 626.9551, 626.9561,  
 83 626.9571, 626.9581, 626.9591, 626.9601, 627.413, 627.4145,  
 84 627.428, and 627.6043.

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Section 2. This act shall take effect July 1, 2010.