

By Senator Baker

20-00816E-10

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

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

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

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

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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 PREMIUM AT RENEWAL THAT WOULD NOT BE

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59 PERMISSIBLE UNDER A FLORIDA-APPROVED POLICY. ANY  
60 PURCHASE OF INDIVIDUAL HEALTH INSURANCE SHOULD BE  
61 CONSIDERED CAREFULLY, AS FUTURE MEDICAL CONDITIONS MAY  
62 MAKE IT IMPOSSIBLE TO QUALIFY FOR ANOTHER INDIVIDUAL  
63 HEALTH POLICY. FOR INFORMATION CONCERNING INDIVIDUAL  
64 HEALTH COVERAGE UNDER A FLORIDA-APPROVED POLICY,  
65 CONSULT YOUR AGENT OR THE FLORIDA DEPARTMENT OF  
66 FINANCIAL SERVICES.

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

79 (4) Any interstate health insurance policy or application  
80 solicited, provided, entered into, issued, or delivered pursuant  
81 to this section is exempt from all provisions of the Florida  
82 Insurance Code, except that such policy, contract, or agreement  
83 is subject to the provisions of ss. 624.155, 624.316, 624.3161,  
84 626.951, 626.9511, 626.9521, 626.9541, 626.9551, 626.9561,  
85 626.9571, 626.9581, 626.9591, 626.9601, 627.413, 627.4145,  
86 627.428, and 627.6043.

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