

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative Tobia offered the following:

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3 **Amendment (with title amendment)**

4 Between lines 18 and 19, insert:

5 Section 1. Section 627.9403, Florida Statutes, is amended
6 to read:

7 627.9403 Scope.—The provisions of this part shall apply to
8 long-term care insurance policies delivered or issued for
9 delivery in this state, and to policies delivered or issued for
10 delivery outside this state to the extent provided in s.

11 627.9406, by an insurer, a fraternal benefit society as defined
12 in s. 632.601, a health maintenance organization as defined in
13 s. 641.19, a prepaid health clinic as defined in s. 641.402, or
14 a multiple-employer welfare arrangement as defined in s.

15 624.437. A policy which is advertised, marketed, or offered as a
16 long-term care policy and as a Medicare supplement policy shall
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Amendment No.

17 meet the requirements of this part and the requirements of ss.
18 627.671-627.675 and, to the extent of a conflict, be subject to
19 the requirement that is more favorable to the policyholder or
20 certificateholder. Except as provided with respect to the
21 definition of the term "guaranteed renewable" in this section,
22 the provisions of this part shall not apply to a continuing care
23 contract issued pursuant to chapter 651 and shall not apply to
24 guaranteed renewable policies issued prior to October 1, 1988.
25 With respect to all policies of insurance covered under this part
26 whenever issued, the term "guaranteed renewable" means the insured
27 has the right to continue the policy in force by the timely payment
28 of premiums and the insurer has no unilateral right to make any
29 change in any provision of the policy while the insurance is in force
30 and cannot decline to renew the policy, except that rates may be
31 revised by the insurer on a class basis. The continuation or renewal
32 of a guaranteed renewable policy of insurance by the timely payment
33 of required premiums does not constitute making or issuing a new
34 policy of insurance for any purpose, including, but not limited to,
35 for purposes of incorporating into the policy changes in the rules
36 or provisions of law governing insurance policies. Any limited
37 benefit policy that limits coverage to care in a nursing home or
38 to one or more lower levels of care required or authorized to be
39 provided by this part or by commission rule is a type of long-
40 term care insurance policy that must meet all requirements of
41 this part that apply to long-term care insurance policies,
42 except ss. 627.9407(3)(c), (9), (10)(f), and (12) and
43 627.94073(2).

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

Remove line 2 and insert:

An act relating to insurance; amending s. 627.9403, F.S.;
revising application of provisions to certain policies of
insurance; providing a definition; creating s. 627.4605,