

By the Committee on Banking and Insurance; and Senator Wise

597-02874-11

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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 physician certifies in writing that an abortion is
28 necessary to save the life of the mother or if the pregnancy is
29 the result of an act of rape or incest. Coverage is deemed to be

597-02874-11

20111414c1

30 purchased with state or federal funds if any tax credit or cost-
31 sharing credit is applied toward the health insurance policy.

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

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

38 Section 2. Section 627.66995, Florida Statutes, is created
39 to read:

40 627.66995 Restrictions on use of state and federal funds
41 for state exchanges.-

42 (1) A group, franchise, or blanket health insurance policy
43 under which coverage is purchased in whole or in part with any
44 state or federal funds through an exchange created pursuant to
45 the federal Patient Protection and Affordable Care Act, Pub. L.
46 No. 111-148, may not provide coverage for an abortion as defined
47 in s. 390.011(1), except if the physician certifies in writing
48 that an abortion is necessary to save the life of the mother or
49 if the pregnancy is the result of an act of rape or incest.
50 Coverage is deemed to be purchased with state or federal funds
51 if any tax credit or cost-sharing credit is applied toward the
52 group, franchise, or blanket health insurance policy.

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

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

597-02874-11

20111414c1

59 Section 3. Section 641.31099, Florida Statutes, is created
60 to read:

61 641.31099 Restrictions on use of state and federal funds
62 for state exchanges.-

63 (1) A health maintenance contract under which coverage is
64 purchased in whole or in part with any state or federal funds
65 through an exchange created pursuant to the federal Patient
66 Protection and Affordable Care Act, Pub. L. No. 111-148, may not
67 provide coverage for an abortion as defined in s. 390.011(1),
68 except if the physician certifies in writing that an abortion is
69 necessary to save the life of the mother or if the pregnancy is
70 the result of an act of rape or incest. Coverage is deemed to be
71 purchased with state or federal funds if any tax credit or cost-
72 sharing credit is applied toward the health maintenance
73 contract.

74 (2) This section does not prohibit a health maintenance
75 contract from offering separate coverage for an abortion if such
76 coverage is not purchased in whole or in part with state or
77 federal funds.

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

80 Section 4. Paragraph (c) of subsection (2) of section
81 627.6515, Florida Statutes, is amended to read:

82 627.6515 Out-of-state groups.-

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

87 (c) The policy provides the benefits specified in ss.

597-02874-11

20111414c1

88 627.419, 627.6574, 627.6575, 627.6579, 627.6612, 627.66121,
89 627.66122, 627.6613, 627.667, 627.6675, 627.6691, and 627.66911,
90 and complies with the requirements of 627.66995.

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

94 627.6699 Employee Health Care Access Act.—

95 (17) RESTRICTIONS ON COVERAGE.—

96 (a) A plan under which coverage is purchased in whole or in
97 part with any state or federal funds through an exchange created
98 pursuant to the federal Patient Protection and Affordable Care
99 Act, Pub. L. No. 111-148, may not provide coverage for an
100 abortion, as defined in s. 390.011(1), unless the physician
101 certifies in writing that an abortion is necessary to save the
102 life of the mother or if the pregnancy is the result of an act
103 of rape or incest. Coverage is deemed to be purchased with state
104 or federal funds if any tax credit or cost-sharing credit is
105 applied toward the plan.

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

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

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