

HB 1171

2012

1 A bill to be entitled
2 An act relating to interstate health insurance;
3 creating s. 624.122, F.S.; authorizing solicitation
4 and sale of interstate health insurance policies in
5 this state by certain persons; providing a definition;
6 requiring interstate health insurance policies and
7 policy applications to contain a certain notice;
8 providing for application of certain provisions to
9 certain insurers; excluding interstate health
10 insurance policies from certain requirements;
11 requiring such interstate health insurers to make
12 certain filings relating to policy forms and rates;
13 requiring the Office of Insurance Regulation to make
14 available on its website certain interstate health
15 policy forms and rates; authorizing certain authorized
16 domestic health insurers to engage in specified
17 activities relating to the sale of interstate health
18 insurance; requiring such authorized domestic insurers
19 to file a notice with the office of the intent to
20 engage in such activities and a copy of certain forms
21 and rates; authorizing subsidiaries and related
22 corporations of certain domestic health insurers,
23 which provide specified creditable health insurance
24 coverage and are governed by certain laws other than
25 the laws of this state to engage in specified
26 activities relating to the sale of interstate health
27 insurance; exempting interstate health insurance
28 policies and applications from certain Florida

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

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29 Insurance Code provisions; providing exceptions;
 30 providing an effective date.

31
 32 WHEREAS, while many residents of this state have access to
 33 first-rate health care, affordable health care coverage is not
 34 available to all who wish to purchase it, and

35 WHEREAS, by removing barriers limiting access to affordable
 36 health care coverage and expanding opportunities for residents
 37 of this state to purchase more affordable coverage, this state
 38 can improve access to health care and curtail rising health care
 39 costs while preserving the first-rate care that so many
 40 Floridians already enjoy, and

41 WHEREAS, it is important to provide residents of this state
 42 with more choices when selecting a health insurance product to
 43 allow individuals and families the ability to purchase
 44 affordable health care coverage, thereby increasing their access
 45 to quality health care, NOW, THEREFORE,

46
 47 Be It Enacted by the Legislature of the State of Florida:

48
 49 Section 1. Section 624.122, Florida Statutes, is created
 50 to read:

51 624.122 Interstate health insurance policies; notice;
 52 exemption.—

53 (1) Interstate health insurance policies and applications
 54 may be solicited and sold in this state only by a licensed
 55 health insurance agent and underwritten only by an insurer
 56 authorized to transact insurance in this state. For purposes of

57 this subsection, the term "interstate health insurance policy"
 58 means a policy of health insurance providing creditable coverage
 59 as defined in s. 627.6561(5)(a)2. that is offered to an
 60 individual who is a resident of this state and the policy is
 61 governed by the laws of any state, district, or commonwealth of
 62 the United States other than this state.

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

67
 68 THIS INDIVIDUAL HEALTH INSURANCE POLICY IS PRIMARILY
 69 GOVERNED BY THE LAWS OF ... (INSERT STATE, DISTRICT, OR
 70 COMMONWEALTH).... AS A RESULT, THIS POLICY DOES NOT
 71 COMPLY WITH COVERAGE, UNDERWRITING, AND OTHER PROVISIONS
 72 OF THE FLORIDA INSURANCE CODE. ALL OF THE RATING LAWS
 73 APPLICABLE TO POLICIES FILED IN FLORIDA DO NOT APPLY TO
 74 THIS COVERAGE, WHICH MAY RESULT IN INCREASES IN YOUR
 75 PREMIUM AT RENEWAL THAT WOULD NOT BE PERMISSIBLE UNDER A
 76 FLORIDA-APPROVED POLICY. ANY PURCHASE OF INDIVIDUAL
 77 HEALTH INSURANCE SHOULD BE CONSIDERED CAREFULLY, AS
 78 FUTURE MEDICAL CONDITIONS MAY MAKE IT IMPOSSIBLE TO
 79 QUALIFY FOR ANOTHER INDIVIDUAL HEALTH POLICY. FOR
 80 INFORMATION CONCERNING INDIVIDUAL HEALTH COVERAGE UNDER A
 81 FLORIDA-APPROVED POLICY, CONSULT YOUR AGENT OR THE
 82 FLORIDA DEPARTMENT OF FINANCIAL SERVICES.

83
 84 (3) Any insurer underwriting interstate health insurance

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85 policies pursuant to this section is subject to all applicable
86 provisions of the Florida Insurance Code, except as otherwise
87 provided in this section. Interstate health insurance policies
88 are not subject to any form approval, rate approval,
89 underwriting restrictions, guaranteed availability, or coverage
90 mandates provided in the Florida Insurance Code. The insurer
91 must file the interstate health insurance policy forms and rates
92 and all subsequent changes to such forms and rates with the
93 office for informational purposes only, and the office must make
94 all such forms and rates available to the public on the office's
95 website. Health insurance agents who are licensed and appointed
96 pursuant to chapter 626 may solicit, sell, effect, collect
97 premium on, and deliver interstate health insurance policies in
98 accordance with this section.

99 (4) Any domestic health insurer authorized to transact
100 health insurance in this state that is not authorized to
101 transact health insurance in any other state may:

102 (a) Adopt, solicit, and sell any interstate health
103 insurance policy available in this state, using any of the forms
104 and rates filed with the office, by filing a notice with the
105 office of the insurer's intent to adopt, solicit, and sell such
106 policies in this state. The domestic insurer must file, for
107 informational purposes only, a copy of the forms and rates the
108 insurer will be using.

109 (b) Adopt, solicit, and sell as an interstate health
110 insurance policy any health insurance policy issued by a
111 subsidiary or related corporation, as defined in s.
112 625.325(3)(a) and (b), of a domestic insurer under this

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113 subsection which provides creditable coverage, as defined in s.
 114 627.6561(5)(a)2., and is governed by laws of any state,
 115 district, or commonwealth of the United States other than this
 116 state by complying with the requirements of this section.

117 (5) Any interstate health insurance policy or application
 118 solicited, provided, entered into, issued, or delivered pursuant
 119 to this section is exempt from all provisions of the Florida
 120 Insurance Code, except that such policy, contract, or agreement
 121 is subject to the provisions of ss. 624.155, 624.316, 624.3161,
 122 624.401, 624.404, 624.407, 624.408, 624.4085, 624.40851,
 123 624.4095, 624.411, 624.413, 624.414, 624.415, 624.416, 624.418,
 124 624.420, 624.421, 624.4211, 624.4213, 624.422, 624.423, 624.424,
 125 624.4241, 624.4245, 624.428, 624.430, 624.509, 624.5091,
 126 626.951, 626.9511, 626.9521, 626.9541, 626.9551, 626.9561,
 127 626.9571, 626.9581, 626.9591, 626.9601, 627.428, and 627.6043.

128 Section 2. This act shall take effect July 1, 2012.