

By Senator Alexander

17-01184A-12

20121630__

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
29 Insurance Code provisions; providing exceptions;

17-01184A-12

20121630__

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 to
50 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

17-01184A-12

20121630__

59 as defined in s. 627.6561(5)(a)2. which 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
72 PROVISIONS OF THE FLORIDA INSURANCE CODE. ALL OF THE
73 RATING LAWS APPLICABLE TO POLICIES FILED IN FLORIDA DO
74 NOT APPLY TO THIS COVERAGE, WHICH MAY RESULT IN
75 INCREASES IN YOUR PREMIUM AT RENEWAL THAT WOULD NOT BE
76 PERMISSIBLE UNDER A FLORIDA-APPROVED POLICY. ANY
77 PURCHASE OF INDIVIDUAL HEALTH INSURANCE SHOULD BE
78 CONSIDERED CAREFULLY, AS FUTURE MEDICAL CONDITIONS MAY
79 MAKE IT IMPOSSIBLE TO QUALIFY FOR ANOTHER INDIVIDUAL
80 HEALTH POLICY. FOR INFORMATION CONCERNING INDIVIDUAL
81 HEALTH COVERAGE UNDER A FLORIDA-APPROVED POLICY,
82 CONSULT YOUR AGENT OR THE FLORIDA DEPARTMENT OF
83 FINANCIAL SERVICES.

84
85 (3) Any insurer underwriting interstate health insurance
86 policies pursuant to this section is subject to all applicable
87 provisions of the Florida Insurance Code, except as otherwise

17-01184A-12

20121630

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

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

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

110 (b) Adopt, solicit, and sell as an interstate health
111 insurance policy any health insurance policy issued by a
112 subsidiary or related corporation, as defined in s.
113 625.325(3)(a) and (b), of a domestic insurer under this
114 subsection which provides creditable coverage, as defined in s.
115 627.6561(5)(a)2., and is governed by laws of any state,
116 district, or commonwealth of the United States other than this

17-01184A-12

20121630__

117 state by complying with the requirements of this section.

118 (5) Any interstate health insurance policy or application
119 solicited, provided, entered into, issued, or delivered pursuant
120 to this section is exempt from all provisions of the Florida
121 Insurance Code, except that such policy, contract, or agreement
122 is subject to the provisions of ss. 624.155, 624.316, 624.3161,
123 624.401, 624.404, 624.407, 624.408, 624.4085, 624.40851,
124 624.4095, 624.411, 624.413, 624.414, 624.415, 624.416, 624.418,
125 624.420, 624.421, 624.4211, 624.4213, 624.422, 624.423, 624.424,
126 624.4241, 624.4245, 624.428, 624.430, 624.509, 624.5091,
127 626.951, 626.9511, 626.9521, 626.9541, 626.9551, 626.9561,
128 626.9571, 626.9581, 626.9591, 626.9601, 627.428, and 627.6043.

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