



267252

LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
04/02/2013	.	
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The Committee on Banking and Insurance (Montford) recommended the following:

1 **Senate Amendment to Amendment (457546) (with title**
2 **amendment)**

3
4 Before line 214
5 insert:

6 Section 4. Section 409.9022, Florida Statutes, is created
7 to read:

8 409.9022 Medicaid eligibility; burial expense exemption.-

9 (1) Notwithstanding any other provision of law, the
10 department, in determining an applicant's eligibility for
11 Medicaid, shall exempt the value of a life insurance policy,
12 annuity, or group certificate if:



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13 (a) The life insurance policy, annuity, or group
14 certificate:

15 1. Is issued pursuant to part IV of chapter 497 to fund an
16 irrevocable preneed contract;

17 2. Is irrevocably designated to pay the owner's final
18 burial expenses and has a face amount that does not exceed the
19 limits established under s. 626.785(3); or

20 3. Includes terms that preclude the use of its proceeds for
21 anything other than the payment of the owner's final burial
22 expense and has a face amount that does not exceed the limits
23 established under s. 626.785(3); and

24 (b) The owner of such policy, annuity, or group
25 certificate:

26 1. Has named the state as the irrevocable beneficiary such
27 that any proceeds of the life insurance policy, annuity, or
28 group certificate which exceed the owner's final burial expenses
29 shall be remitted to the state up to the amount of Medicaid
30 benefits provided; and

31 2. Is provided with an opportunity to name a contingent
32 beneficiary if the proceeds from the policy exceed the cost of
33 the owner's final burial expenses and the amount of Medicaid
34 benefits provided to the owner.

35 (2) The department may adopt rules to administer this
36 section.

37
38 ===== T I T L E A M E N D M E N T =====

39 And the title is amended as follows:

40 Delete line 1505

41 and insert:



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42 registering a motor vehicle; creating s. 409.9022,
43 F.S.; exempting the value of a Medicaid applicant's
44 life insurance policy, annuity, or group certificate
45 from the determination of the applicant's Medicaid
46 eligibility under certain circumstances; authorizing
47 the Department of Children and Families to adopt
48 rules; amending s. 554.1021,