

By Senator Braynon

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1 A bill to be entitled
2 An act relating to small group health insurance;
3 amending s. 627.6699, F.S.; revising health benefit
4 plan requirements relating to small employers;
5 providing an effective date.

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7 Be It Enacted by the Legislature of the State of Florida:
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9 Section 1. Paragraph (e) of subsection (5) of section
10 627.6699, Florida Statutes, is amended to read:

11 627.6699 Employee Health Care Access Act.—

12 (5) AVAILABILITY OF COVERAGE.—

13 (e) All health benefit plans issued under this section must
14 comply with the following conditions:

15 1. For employers who have fewer than two employees, a late
16 enrollee may be excluded from coverage for no longer than 24
17 months if he or she was not covered by creditable coverage
18 continually to a date not more than 63 days before the effective
19 date of his or her new coverage.

20 2. Any requirement used by a small employer carrier in
21 determining whether to provide coverage to a small employer
22 group, including requirements for minimum participation of
23 eligible employees and minimum employer contributions, must be
24 applied uniformly among all small employer groups having the
25 same number of eligible employees applying for coverage or
26 receiving coverage from the small employer carrier, except that
27 a small employer carrier that participates in, administers, or
28 issues health benefits pursuant to s. 381.0406 which do not
29 include a preexisting condition exclusion may require as a

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30 condition of offering such benefits that the employer has had no
31 health insurance coverage for its employees for a period of at
32 least 6 months. A small employer carrier may vary application of
33 minimum participation requirements and minimum employer
34 contribution requirements only by the size of the small employer
35 group.

36 3. In applying minimum participation requirements with
37 respect to a small employer, a small employer carrier shall not
38 consider as an eligible employee employees or dependents who
39 have qualifying existing coverage in an employer-based group
40 insurance plan or an ERISA qualified self-insurance plan in
41 determining whether the applicable percentage of participation
42 is met. However, a small employer carrier may count eligible
43 employees and dependents who have coverage under another health
44 plan that is sponsored by that employer.

45 4. A small employer carrier shall not increase any
46 requirement for minimum employee participation or any
47 requirement for minimum employer contribution applicable to a
48 small employer at any time after the small employer has been
49 accepted for coverage, unless the employer size has changed, in
50 which case the small employer carrier may apply the requirements
51 that are applicable to the new group size.

52 5. If a small employer carrier offers coverage to a small
53 employer, it must offer coverage to all the small employer's
54 eligible employees and their dependents. A small employer
55 carrier may not offer coverage limited to certain persons in a
56 group or to part of a group, except with respect to late
57 enrollees. If a small employer offers coverage to its employees,
58 the coverage must be offered to all eligible employees. The

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59 small employer may also offer coverage to the spouses and
60 dependents of eligible employees.

61 6. A small employer carrier may not modify any health
62 benefit plan issued to a small employer with respect to a small
63 employer or any eligible employee or dependent through riders,
64 endorsements, or otherwise to restrict or exclude coverage for
65 certain diseases or medical conditions otherwise covered by the
66 health benefit plan.

67 7. An initial enrollment period of at least 30 days must be
68 provided. An annual 30-day open enrollment period must be
69 offered to each small employer's eligible employees and their
70 dependents. A small employer carrier must provide special
71 enrollment periods as required by s. 627.65615.

72 Section 2. This act shall take effect July 1, 2016.