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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/19/2019	.	
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The Committee on Banking and Insurance (Simpson) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Section 627.6046, Florida Statutes, is created
to read:

627.6046 Limit on preexisting conditions.-

(1) As used in this section, the term:

(a) "Operative date" means the date on which either of the
following occurs with respect to the Patient Protection and



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11 Affordable Care Act, Pub. L. No. 111-148, as amended by the
12 Health Care and Education Reconciliation Act of 2010, Pub. L.
13 No. 111-152 (PPACA):

14 1. A federal law is enacted which expressly repeals PPACA;
15 or

16 2. PPACA is invalidated by the United States Supreme Court.

17 (b) "Preexisting medical condition" means a condition that
18 was present before the effective date of coverage under a
19 policy, whether or not any medical advice, diagnosis, care, or
20 treatment was recommended or received before the effective date
21 of coverage. The term includes a condition identified as a
22 result of a preenrollment questionnaire or physical examination
23 given to the individual, or review of medical records relating
24 to the preenrollment period.

25 (2) (a) Not later than 30 days after the operative date, and
26 notwithstanding s. 627.6045 or any other law to the contrary,
27 every insurer issuing, delivering, or issuing for delivery
28 individual health insurance policies in this state shall make at
29 least one comprehensive major medical health insurance policy
30 available to all residents of this state, and such insurer may
31 not exclude, limit, deny, or delay coverage under such policy
32 due to one or more preexisting medical conditions.

33 (b) An insurer may not limit or exclude benefits under such
34 policy, including a denial of coverage applicable to an
35 individual as a result of information relating to an
36 individual's health status before the individual's effective
37 date of coverage, or if coverage is denied, the date of the
38 denial.

39 (3) The comprehensive major medical health insurance policy



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40 that the insurer is required to offer under this section must be
41 a policy that had been actively marketed in this state by the
42 insurer as of the operative date and that was also actively
43 marketed in this state during the year immediately preceding the
44 operative date.

45 (4) This section does not apply to an insurer that issues
46 only limited benefit, disability income, specified disease,
47 Medicare supplement, or hospital indemnity policies in this
48 state.

49 Section 2. Section 627.65612, Florida Statutes, is created
50 to read:

51 627.65612 Limit on preexisting conditions.-

52 (1) As used in this section, the terms "operative date" and
53 "preexisting medical condition" have the same meanings as
54 provided in s. 627.6046.

55 (2)(a) Not later than 30 days after the operative date, and
56 notwithstanding s. 627.6561 or any other law to the contrary,
57 every insurer issuing, delivering, or issuing for delivery group
58 health insurance policies in this state shall make at least one
59 comprehensive major medical health insurance policy available to
60 all residents of this state, and such insurer may not exclude,
61 limit, deny, or delay coverage under such policy due to one or
62 more preexisting medical conditions.

63 (b) An insurer may not limit or exclude benefits under such
64 policy, including a denial of coverage applicable to an
65 individual as a result of information relating to an
66 individual's health status before the individual's effective
67 date of coverage, or if coverage is denied, the date of the
68 denial.



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69 (4) This section does not apply to an insurer issuing only
70 limited benefit, disability income, specified disease, Medicare
71 supplement, or hospital indemnity policies in this state.

72 Section 3. Subsection (45) is added to section 641.31,
73 Florida Statutes, to read:

74 641.31 Health maintenance contracts.-

75 (45) (a) As used in this subsection, the terms "operative
76 date" and "preexisting medical condition" have the same meanings
77 as provided in s. 627.6046.

78 (b) Not later than 30 days after the operative date, and
79 notwithstanding s. 641.31071 or any other law to the contrary,
80 every health maintenance organization issuing, delivering, or
81 issuing for delivery individual or group contracts in this state
82 shall make at least one comprehensive major medical health
83 maintenance contract available to all residents of this state,
84 and such health maintenance organization may not exclude, limit,
85 deny, or delay coverage under such contract due to one or more
86 preexisting medical conditions. A health maintenance
87 organization may not limit or exclude benefits under such
88 contract, including a denial of coverage applicable to an
89 individual as a result of information relating to an
90 individual's health status before the individual's effective
91 date of coverage, or if coverage is denied, the date of the
92 denial.

93 (c) The comprehensive major medical health maintenance
94 contract the health maintenance organization is required to
95 offer under this section must be a contract that had been
96 actively marketed in this state by the health maintenance
97 organization as of the operative date and that was also actively



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98 marketed in this state during the year immediately preceding the
99 operative date.

100 Section 4. This act shall take effect July 1, 2019.

101
102 ===== T I T L E A M E N D M E N T =====

103 And the title is amended as follows:

104 Delete everything before the enacting clause
105 and insert:

106 A bill to be entitled
107 An act relating to preexisting conditions; creating
108 ss. 627.6046 and 627.65612, F.S.; defining the terms
109 "operative date" and "preexisting medical condition"
110 with respect to individual and group health insurance
111 policies, respectively; requiring insurers, contingent
112 upon the occurrence of either of two specified events,
113 to make at least one comprehensive major medical
114 health insurance policy available to all residents of
115 this state within a specified timeframe; prohibiting
116 such insurers from excluding, limiting, denying, or
117 delaying coverage under such policies due to
118 preexisting medical conditions; prohibiting certain
119 actions; requiring such policies to have been actively
120 marketed on a specified date and during a certain
121 timeframe before that date; providing applicability;
122 amending s. 641.31, F.S.; defining the terms
123 "operative date" and "preexisting medical condition"
124 with respect to health maintenance contracts;
125 requiring health maintenance organizations, contingent
126 upon the occurrence of either of two specified events,



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127 to make at least one comprehensive major medical
128 health maintenance contract available to all residents
129 of this state within a specified timeframe;
130 prohibiting such health maintenance organizations from
131 excluding, limiting, denying, or delaying coverage
132 under such contracts due to preexisting medical
133 conditions; prohibiting certain actions; requiring
134 such contracts to have been actively marketed on a
135 specified date and during a certain timeframe before
136 that date; providing an effective date.