

By Senator Simpson

10-00487C-19

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1 A bill to be entitled
2 An act relating to preexisting conditions; creating
3 ss. 627.6046 and 627.65612, F.S.; defining the terms
4 "operative date" and "preexisting medical condition"
5 with respect to health insurance policies and group,
6 blanket, and franchise health insurance policies;
7 requiring insurers and health maintenance
8 organizations, contingent upon the occurrence of
9 either of two specified events, to make at least one
10 comprehensive major medical health insurance policy or
11 health maintenance contract available to all residents
12 of this state within a specified timeframe;
13 prohibiting such insurers or health maintenance
14 organizations from excluding or delaying coverage
15 under such policies or contracts due to preexisting
16 medical conditions; requiring such policies or
17 contracts to have been actively marketed on a
18 specified date and during a certain timeframe before
19 that date; providing applicability; providing an
20 effective date.

21
22 Be It Enacted by the Legislature of the State of Florida:

23
24 Section 1. Section 627.6046, Florida Statutes, is created
25 to read:

26 627.6046 Limit on preexisting conditions.-

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

28 (a) "Operative date" means the date that either of the
29 following occurs with respect to the Patient Protection and

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

33 1. A federal law is enacted which expressly repeals PPACA;
34 or

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

36 (b) "Preexisting medical condition" means:

37 1. A condition that, during the 24-month period immediately
38 preceding the effective date of coverage, manifested itself in
39 such a manner as to cause an ordinarily prudent person to seek
40 medical advice, diagnosis, care, or treatment or for which
41 medical advice, diagnosis, care, or treatment was recommended or
42 received; or

43 2. A pregnancy existing on the effective date of coverage.

44 (2) No later than 30 days after the operative date, and
45 notwithstanding s. 627.6045 or any other law to the contrary,
46 every insurer and health maintenance organization issuing,
47 delivering, or issuing for delivery individual health insurance
48 policies or health maintenance contracts in this state shall
49 make at least one comprehensive major medical health insurance
50 policy or health maintenance contract available to all residents
51 of this state, and such insurer or health maintenance
52 organization may not exclude or delay coverage under such policy
53 or contract due to one or more preexisting medical conditions.

54 (3) The comprehensive major medical health insurance policy
55 or health maintenance contract that the insurer or health
56 maintenance organization is required to offer under this section
57 must be a policy or contract that had been actively marketed in
58 this state by the insurer or health maintenance organization as

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59 of the operative date and that was also actively marketed in
60 this state during the year immediately preceding the operative
61 date.

62 (4) This section does not apply to an insurer that issues
63 only limited benefit, disability income, specified disease,
64 Medicare supplement, or hospital indemnity policies in this
65 state.

66 Section 2. Section 627.65612, Florida Statutes, is created
67 to read:

68 627.65612 Limit on preexisting conditions.-

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

72 (2) No later than 30 days after the operative date, and
73 notwithstanding ss. 627.6561 and 641.31071 or any other law to
74 the contrary, every insurer and health maintenance organization
75 issuing, delivering, or issuing for delivery group health
76 insurance policies or health maintenance contracts in this state
77 shall make at least one comprehensive major medical health
78 insurance policy or health maintenance contract available to all
79 residents of this state, and such insurer or health maintenance
80 organization may not exclude or delay coverage under such policy
81 or contract due to one or more preexisting medical conditions.

82 (3) The comprehensive major medical health insurance policy
83 or health maintenance contract the insurer or health maintenance
84 organization is required to offer under this section must be a
85 policy or contract that had been actively marketed in this state
86 by the insurer or health maintenance organization as of the
87 operative date and that was also actively marketed in this state

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88 during the year immediately preceding the operative date.

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

92 Section 3. This act shall take effect July 1, 2019.