

1                                   A bill to be entitled  
 2           An act relating to health insurance coverage by out-  
 3           of-state insurers; amending s. 624.404, F.S.;  
 4           authorizing foreign insurers that have secured  
 5           regulatory approval from a United States territory  
 6           regulatory authority to transact health insurance in  
 7           this state under certain circumstances; authorizing  
 8           actions to be filed in courts of this state against  
 9           such insurance transactions and insurers under certain  
 10          circumstances; providing that such insurance  
 11          transactions and insurers are subject to other  
 12          provisions of the Florida Insurance Code under certain  
 13          circumstances; exempting such insurers from insurance-  
 14          specific taxes; defining the term "territory of the  
 15          United States"; providing an effective date.

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 17 Be It Enacted by the Legislature of the State of Florida:

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 19           Section 1. Subsection (2) of section 624.404, Florida  
 20 Statutes, is amended to read:

21           624.404 General eligibility of insurers for certificate of  
 22 authority.—To qualify for and hold authority to transact  
 23 insurance in this state, an insurer must be otherwise in  
 24 compliance with this code and with its charter powers and must  
 25 be an incorporated stock insurer, an incorporated mutual

26 | insurer, or a reciprocal insurer, of the same general type as  
 27 | may be formed as a domestic insurer under this code; except  
 28 | that:

29 |       (2) (a) A foreign or alien insurer or exchange may not be  
 30 | authorized to transact insurance in this state unless it is  
 31 | otherwise qualified therefor under this code and has operated  
 32 | satisfactorily for at least 3 years in its state or country of  
 33 | domicile; however, the office may waive the 3-year requirement  
 34 | if the foreign or alien insurer or exchange:

35 |        1. ~~(a)~~ Has operated successfully and has capital and  
 36 | surplus of \$5 million;

37 |        2. ~~(b)~~ Is the wholly owned subsidiary of an insurer which  
 38 | is an authorized insurer in this state;

39 |        3. ~~(c)~~ Is the successor in interest through merger or  
 40 | consolidation of an authorized insurer;

41 |        4. ~~(d)~~ Provides a product or service not readily available  
 42 | to the consumers of this state; or

43 |        5. ~~(e)~~ Possesses sufficient capital and surplus to support  
 44 | its plan of operation as filed with the office.

45 |        (b)1. Notwithstanding paragraph (a) or any other provision  
 46 | of law, a foreign insurer may issue or deliver individual,  
 47 | group, or small employer health insurance policies, plans, or  
 48 | contracts; issue or deliver multiple-employer welfare  
 49 | arrangements; or otherwise transact health insurance if the  
 50 | foreign insurer:

51 a. Has secured regulatory approval from the relevant  
52 regulatory authority of any territory of the United States to  
53 issue or deliver such health insurance policies, plans, or  
54 contracts or such multiple-employer welfare arrangements or to  
55 otherwise transact health insurance.

56 b. Submits to the office all documentation that such  
57 territorial regulatory authority may require, including, but not  
58 limited to, documentation regarding:

59 (I) Financial statements and solvency.

60 (II) Forms, including applications for coverage,  
61 contracts, and riders.

62 (III) Rates, including actuarial certifications.

63 (IV) Provider networks.

64 c. Incorporates all requirements and consumer protections  
65 that such territorial regulatory authority may require into the  
66 terms of such health insurance policies, plans, or contracts,  
67 such multiple-employer welfare arrangements, or such health  
68 insurance transactions.

69 d. Incorporates into such health insurance policies,  
70 plans, or contracts, such multiple-employer welfare  
71 arrangements, or such health insurance transactions the foreign  
72 insurer's consent to have courts in this state enforce all  
73 requirements and consumer protections that such territorial  
74 regulatory authority may impose. A person in this state who is  
75 affected by such insurer's failure to enforce a requirement or

76 consumer protection imposed by such territorial regulatory  
 77 authority may file an action in a court of this state to obtain  
 78 an order that the requirement or consumer protection be  
 79 enforced.

80 e. Displays prominently on all marketing materials,  
 81 applications, and contracts that the laws of the relevant  
 82 territory of the United States, not the laws of this state,  
 83 govern such health insurance policies, plans, or contracts, such  
 84 multiple-employer welfare arrangements, or such health insurance  
 85 transactions.

86 2. Failure to comply with subparagraph 1. subjects the  
 87 health insurance policies, plans, or contracts, multiple-  
 88 employer welfare arrangements, or health insurance transactions  
 89 and the insurer to other provisions in the Florida Insurance  
 90 Code regarding foreign insurers and health insurance policies,  
 91 plans, and contracts, multiple-employer welfare arrangements,  
 92 and health insurance transactions.

93 3. A foreign insurer authorized under subparagraph 1. to  
 94 issue or deliver health insurance policies, plans, or contracts  
 95 or multiple-employer welfare arrangements or otherwise transact  
 96 health insurance in this state is exempt from all insurance-  
 97 specific taxes imposed by this state, including, but not limited  
 98 to, insurance premium tax and nonadmitted insurance tax under s.  
 99 626.9362.

100 4. As used in this paragraph, the term "territory of the

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101 United States" includes America Samoa, the Commonwealth of  
102 Puerto Rico, Guam, the Northern Mariana Islands, and the United  
103 States Virgin Islands.

104 Section 2. This act shall take effect July 1, 2023.