

By Senator Berman

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1 A bill to be entitled
2 An act relating to coverage for diagnostic and
3 supplemental breast examinations; amending s. 110.123,
4 F.S.; prohibiting the state group insurance program
5 from imposing any enrollee cost-sharing liability with
6 respect to coverage for diagnostic breast examinations
7 and supplemental breast examinations; creating ss.
8 627.64181, 627.66131, and 641.31093, F.S.; defining
9 terms; prohibiting the imposition of cost-sharing
10 requirements for diagnostic and supplemental breast
11 examinations by individual accident and health
12 insurance policies; group, blanket, or franchise
13 accident and health insurance policies; and health
14 maintenance contracts, respectively, which provide
15 such coverage; providing applicability; authorizing
16 the Financial Services Commission to adopt rules;
17 providing an effective date.

18
19 Be It Enacted by the Legislature of the State of Florida:

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21 Section 1. Paragraph (c) of subsection (3) of section
22 110.123, Florida Statutes, is amended to read:

23 110.123 State group insurance program.—

24 (3) STATE GROUP INSURANCE PROGRAM.—

25 (c)1. Notwithstanding any provision in this section to the
26 contrary, it is the intent of the Legislature that the
27 department shall be responsible for all aspects of the purchase
28 of health care for state employees under the state group health
29 insurance plan or plans, TRICARE supplemental insurance plans,

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30 and the health maintenance organization plans. Responsibilities
31 shall include, but not be limited to, the development of
32 requests for proposals or invitations to negotiate for state
33 employee health benefits, the determination of health care
34 benefits to be provided, and the negotiation of contracts for
35 health care and health care administrative services. Prior to
36 the negotiation of contracts for health care services, the
37 Legislature intends that the department shall develop, with
38 respect to state collective bargaining issues, the health
39 benefits and terms to be included in the state group health
40 insurance program. The department shall adopt rules necessary to
41 perform its responsibilities pursuant to this section. The
42 department is responsible for the contract management and day-
43 to-day management of the state employee health insurance
44 program, including, but not limited to, employee enrollment,
45 premium collection, payment to health care providers, and other
46 administrative functions related to the program.

47 2. In any contract or plan for state employee health
48 benefits which provides coverage for diagnostic breast
49 examinations or supplemental breast examinations, as those terms
50 are defined in s. 627.64181(1), the state group insurance
51 program may not impose any enrollee cost-sharing liability.

52 Section 2. Section 627.64181, Florida Statutes, is created
53 to read:

54 627.64181 Coverage for diagnostic and supplemental breast
55 examinations; cost-sharing requirements prohibited.-

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

57 (a) "Cost-sharing requirement" means an insured's
58 deductible, coinsurance, copayment, or similar out-of-pocket

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59 expense.

60 (b) "Diagnostic breast examination" means a medically
61 necessary and appropriate examination of the breast, including,
62 but not limited to, an examination using diagnostic mammography,
63 breast magnetic resonance imaging, or breast ultrasound, which
64 is used to evaluate an abnormality that is seen or suspected
65 from a screening examination for breast cancer.

66 (c) "Supplemental breast examination" means a medically
67 necessary and appropriate examination of the breast, including,
68 but not limited to, an examination using breast magnetic
69 resonance imaging or breast ultrasound, which is:

70 1. Used to screen for breast cancer when there is no
71 abnormality seen or suspected; and

72 2. Based on personal or family medical history or
73 additional factors that may increase the person's risk of breast
74 cancer.

75 (2) An accident or health insurance policy issued, amended,
76 delivered, or renewed on or after January 1, 2025, which
77 provides coverage for diagnostic breast examinations and
78 supplemental breast examinations may not impose any cost-sharing
79 requirement with respect to such coverage.

80 (3) If, under federal law, the application of subsection
81 (2) would result in health savings account ineligibility under
82 s. 223 of the Internal Revenue Code, the prohibition under
83 subsection (2) applies only to health savings account qualified
84 high-deductible health plans with respect to the deductible of
85 such a plan after the person has satisfied the minimum
86 deductible under s. 223 of the Internal Revenue Code, except
87 with respect to items or services that are preventive care

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88 pursuant to s. 223(c)(2)(C) of the Internal Revenue Code, in
89 which case the requirements of s. 223(c)(2)(A) of the Internal
90 Revenue Code apply regardless of whether the minimum deductible
91 under s. 223 of the Internal Revenue Code has been satisfied.

92 (4) The commission may adopt rules to administer this
93 section.

94 Section 3. Section 627.66131, Florida Statutes, is created
95 to read:

96 627.66131 Coverage for diagnostic and supplemental breast
97 examinations; cost-sharing requirements prohibited.-

98 (1) As used in this section, the terms "cost-sharing
99 requirement," "diagnostic breast examination," and "supplemental
100 breast examination" have the same meanings as in s.
101 627.64181(1).

102 (2) A group, blanket, or franchise accident or health
103 insurance policy issued, amended, delivered, or renewed on or
104 after January 1, 2025, which provides coverage for diagnostic
105 breast examinations and supplemental breast examinations may not
106 impose any cost-sharing requirement with respect to such
107 coverage.

108 (3) If, under federal law, the application of subsection
109 (2) would result in health savings account ineligibility under
110 s. 223 of the Internal Revenue Code, the prohibition under
111 subsection (2) applies only to health savings account qualified
112 high-deductible health plans with respect to the deductible of
113 such a plan after the person has satisfied the minimum
114 deductible under s. 223 of the Internal Revenue Code, except
115 with respect to items or services that are preventive care
116 pursuant to s. 223(c)(2)(C) of the Internal Revenue Code, in

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117 which case the requirements of s. 223(c)(2)(A) of the Internal
118 Revenue Code apply regardless of whether the minimum deductible
119 under s. 223 of the Internal Revenue Code has been satisfied.

120 (4) The commission may adopt rules to administer this
121 section.

122 Section 4. Section 641.31093, Florida Statutes, is created
123 to read:

124 641.31093 Coverage for diagnostic and supplemental breast
125 examinations; cost-sharing requirements prohibited.-

126 (1) As used in this section, the terms "cost-sharing
127 requirement," "diagnostic breast examination," and "supplemental
128 breast examination" have the same meanings as in s.
129 627.64181(1).

130 (2) A health maintenance contract issued, amended,
131 delivered, or renewed on or after January 1, 2025, which
132 provides coverage for diagnostic breast examinations and
133 supplemental breast examinations may not impose any cost-sharing
134 requirement with respect to such coverage.

135 (3) If, under federal law, the application of subsection
136 (2) would result in health savings account ineligibility under
137 s. 223 of the Internal Revenue Code, the prohibition under
138 subsection (2) applies only to health savings account qualified
139 high-deductible health plans with respect to the deductible of
140 such a plan after the person has satisfied the minimum
141 deductible under s. 223 of the Internal Revenue Code, except
142 with respect to items or services that are preventive care
143 pursuant to s. 223(c)(2)(C) of the Internal Revenue Code, in
144 which case the requirements of s. 223(c)(2)(A) of the Internal
145 Revenue Code apply regardless of whether the minimum deductible

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146 under s. 223 of the Internal Revenue Code has been satisfied.

147 (4) The commission may adopt rules to administer this

148 section.

149 Section 5. This act shall take effect July 1, 2024.