

HB 1171

2012

1 A bill to be entitled  
2 An act relating to interstate health insurance;  
3 creating s. 624.122, F.S.; authorizing solicitation  
4 and sale of interstate health insurance policies in  
5 this state by certain persons; providing a definition;  
6 requiring interstate health insurance policies and  
7 policy applications to contain a certain notice;  
8 providing for application of certain provisions to  
9 certain insurers; excluding interstate health  
10 insurance policies from certain requirements;  
11 requiring such interstate health insurers to make  
12 certain filings relating to policy forms and rates;  
13 requiring the Office of Insurance Regulation to make  
14 available on its website certain interstate health  
15 policy forms and rates; authorizing certain authorized  
16 domestic health insurers to engage in specified  
17 activities relating to the sale of interstate health  
18 insurance; requiring such authorized domestic insurers  
19 to file a notice with the office of the intent to  
20 engage in such activities and a copy of certain forms  
21 and rates; authorizing subsidiaries and related  
22 corporations of certain domestic health insurers,  
23 which provide specified creditable health insurance  
24 coverage and are governed by certain laws other than  
25 the laws of this state to engage in specified  
26 activities relating to the sale of interstate health  
27 insurance; exempting interstate health insurance  
28 policies and applications from certain Florida

Page 1 of 5

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

hb1171-00

HB 1171

2012

29 Insurance Code provisions; providing exceptions;  
 30 providing an effective date.

31  
 32 WHEREAS, while many residents of this state have access to  
 33 first-rate health care, affordable health care coverage is not  
 34 available to all who wish to purchase it, and

35 WHEREAS, by removing barriers limiting access to affordable  
 36 health care coverage and expanding opportunities for residents  
 37 of this state to purchase more affordable coverage, this state  
 38 can improve access to health care and curtail rising health care  
 39 costs while preserving the first-rate care that so many  
 40 Floridians already enjoy, and

41 WHEREAS, it is important to provide residents of this state  
 42 with more choices when selecting a health insurance product to  
 43 allow individuals and families the ability to purchase  
 44 affordable health care coverage, thereby increasing their access  
 45 to quality health care, NOW, THEREFORE,

46  
 47 Be It Enacted by the Legislature of the State of Florida:

48  
 49 Section 1. Section 624.122, Florida Statutes, is created  
 50 to read:

51 624.122 Interstate health insurance policies; notice;  
 52 exemption.—

53 (1) Interstate health insurance policies and applications  
 54 may be solicited and sold in this state only by a licensed  
 55 health insurance agent and underwritten only by an insurer  
 56 authorized to transact insurance in this state. For purposes of

57 this subsection, the term "interstate health insurance policy"  
 58 means a policy of health insurance providing creditable coverage  
 59 as defined in s. 627.6561(5)(a)2. that is offered to an  
 60 individual who is a resident of this state and the policy is  
 61 governed by the laws of any state, district, or commonwealth of  
 62 the United States other than this state.

63 (2) Any interstate health insurance policy sold, and any  
 64 application for such insurance provided to a resident of this  
 65 state pursuant to this section, must contain the following  
 66 conspicuous, boldfaced disclosure in at least 12-point type:

67  
 68 THIS INDIVIDUAL HEALTH INSURANCE POLICY IS PRIMARILY  
 69 GOVERNED BY THE LAWS OF ... (INSERT STATE, DISTRICT, OR  
 70 COMMONWEALTH).... AS A RESULT, THIS POLICY DOES NOT  
 71 COMPLY WITH COVERAGE, UNDERWRITING, AND OTHER PROVISIONS  
 72 OF THE FLORIDA INSURANCE CODE. ALL OF THE RATING LAWS  
 73 APPLICABLE TO POLICIES FILED IN FLORIDA DO NOT APPLY TO  
 74 THIS COVERAGE, WHICH MAY RESULT IN INCREASES IN YOUR  
 75 PREMIUM AT RENEWAL THAT WOULD NOT BE PERMISSIBLE UNDER A  
 76 FLORIDA-APPROVED POLICY. ANY PURCHASE OF INDIVIDUAL  
 77 HEALTH INSURANCE SHOULD BE CONSIDERED CAREFULLY, AS  
 78 FUTURE MEDICAL CONDITIONS MAY MAKE IT IMPOSSIBLE TO  
 79 QUALIFY FOR ANOTHER INDIVIDUAL HEALTH POLICY. FOR  
 80 INFORMATION CONCERNING INDIVIDUAL HEALTH COVERAGE UNDER A  
 81 FLORIDA-APPROVED POLICY, CONSULT YOUR AGENT OR THE  
 82 FLORIDA DEPARTMENT OF FINANCIAL SERVICES.

83  
 84 (3) Any insurer underwriting interstate health insurance

HB 1171

2012

85 policies pursuant to this section is subject to all applicable  
86 provisions of the Florida Insurance Code, except as otherwise  
87 provided in this section. Interstate health insurance policies  
88 are not subject to any form approval, rate approval,  
89 underwriting restrictions, guaranteed availability, or coverage  
90 mandates provided in the Florida Insurance Code. The insurer  
91 must file the interstate health insurance policy forms and rates  
92 and all subsequent changes to such forms and rates with the  
93 office for informational purposes only, and the office must make  
94 all such forms and rates available to the public on the office's  
95 website. Health insurance agents who are licensed and appointed  
96 pursuant to chapter 626 may solicit, sell, effect, collect  
97 premium on, and deliver interstate health insurance policies in  
98 accordance with this section.

99 (4) Any domestic health insurer authorized to transact  
100 health insurance in this state that is not authorized to  
101 transact health insurance in any other state may:

102 (a) Adopt, solicit, and sell any interstate health  
103 insurance policy available in this state, using any of the forms  
104 and rates filed with the office, by filing a notice with the  
105 office of the insurer's intent to adopt, solicit, and sell such  
106 policies in this state. The domestic insurer must file, for  
107 informational purposes only, a copy of the forms and rates the  
108 insurer will be using.

109 (b) Adopt, solicit, and sell as an interstate health  
110 insurance policy any health insurance policy issued by a  
111 subsidiary or related corporation, as defined in s.  
112 625.325(3)(a) and (b), of a domestic insurer under this

HB 1171

2012

113 subsection which provides creditable coverage, as defined in s.  
 114 627.6561(5)(a)2., and is governed by laws of any state,  
 115 district, or commonwealth of the United States other than this  
 116 state by complying with the requirements of this section.

117 (5) Any interstate health insurance policy or application  
 118 solicited, provided, entered into, issued, or delivered pursuant  
 119 to this section is exempt from all provisions of the Florida  
 120 Insurance Code, except that such policy, contract, or agreement  
 121 is subject to the provisions of ss. 624.155, 624.316, 624.3161,  
 122 624.401, 624.404, 624.407, 624.408, 624.4085, 624.40851,  
 123 624.4095, 624.411, 624.413, 624.414, 624.415, 624.416, 624.418,  
 124 624.420, 624.421, 624.4211, 624.4213, 624.422, 624.423, 624.424,  
 125 624.4241, 624.4245, 624.428, 624.430, 624.509, 624.5091,  
 126 626.951, 626.9511, 626.9521, 626.9541, 626.9551, 626.9561,  
 127 626.9571, 626.9581, 626.9591, 626.9601, 627.428, and 627.6043.

128 Section 2. This act shall take effect July 1, 2012.