

ENROLLED

CS/HB 97, Engrossed 1

2011 Legislature

1 A bill to be entitled
2 An act relating to health insurance; creating ss.
3 627.64995, 627.66995, and 641.31099, F.S.; prohibiting
4 certain health insurance policies and health maintenance
5 contracts from providing coverage for abortions; providing
6 exceptions; defining the term "state"; amending s.
7 627.6515, F.S.; providing that certain restrictions on
8 coverage for abortions apply to certain group health
9 insurance policies issued or delivered outside the state
10 which provide coverage to residents of the state; amending
11 s. 627.6699, F.S.; providing that certain restrictions on
12 coverage for abortions apply to plans under the Employee
13 Health Care Access Act; providing an effective date.

14
15 Be It Enacted by the Legislature of the State of Florida:

16
17 Section 1. Section 627.64995, Florida Statutes, is created
18 to read:

19 627.64995 Restrictions on use of state and federal funds
20 for state exchanges.—

21 (1) A health insurance policy under which coverage is
22 purchased in whole or in part with any state or federal funds
23 through an exchange created pursuant to the federal Patient
24 Protection and Affordable Care Act, Pub. L. No. 111-148, may not
25 provide coverage for an abortion as defined in s. 390.011(1),
26 except if the pregnancy is the result of an act of rape or
27 incest, or in the case where a woman suffers from a physical
28 disorder, physical injury, or physical illness, including a

ENROLLED

CS/HB 97, Engrossed 1

2011 Legislature

29 life-endangering physical condition caused by or arising from
30 the pregnancy itself, which would, as certified by a physician,
31 place the woman in danger of death unless an abortion is
32 performed. Coverage is deemed to be purchased with state or
33 federal funds if any tax credit or cost-sharing credit is
34 applied toward the health insurance policy.

35 (2) This section does not prohibit a health insurance
36 policy from offering separate coverage for an abortion if such
37 coverage is not purchased in whole or in part with state or
38 federal funds.

39 (3) As used in this section, the term "state" means this
40 state or any political subdivision of the state.

41 Section 2. Section 627.66995, Florida Statutes, is created
42 to read:

43 627.66995 Restrictions on use of state and federal funds
44 for state exchanges.—

45 (1) A group, franchise, or blanket health insurance policy
46 under which coverage is purchased in whole or in part with any
47 state or federal funds through an exchange created pursuant to
48 the federal Patient Protection and Affordable Care Act, Pub. L.
49 No. 111-148, may not provide coverage for an abortion as defined
50 in s. 390.011(1), except if the pregnancy is the result of an
51 act of rape or incest, or in the case where a woman suffers from
52 a physical disorder, physical injury, or physical illness,
53 including a life-endangering physical condition caused by or
54 arising from the pregnancy itself, which would, as certified by
55 a physician, place the woman in danger of death unless an
56 abortion is performed. Coverage is deemed to be purchased with

ENROLLED

CS/HB 97, Engrossed 1

2011 Legislature

57 state or federal funds if any tax credit or cost-sharing credit
58 is applied toward the group, franchise, or blanket health
59 insurance policy.

60 (2) This section does not prohibit a group, franchise, or
61 blanket health insurance policy from offering separate coverage
62 for an abortion if such coverage is not purchased in whole or in
63 part with state or federal funds.

64 (3) As used in this section, the term "state" means this
65 state or any political subdivision of the state.

66 Section 3. Section 641.31099, Florida Statutes, is created
67 to read:

68 641.31099 Restrictions on use of state and federal funds
69 for state exchanges.—

70 (1) A health maintenance contract under which coverage is
71 purchased in whole or in part with any state or federal funds
72 through an exchange created pursuant to the federal Patient
73 Protection and Affordable Care Act, Pub. L. No. 111-148, may not
74 provide coverage for an abortion as defined in s. 390.011(1),
75 except if the pregnancy is the result of an act of rape or
76 incest, or in the case where a woman suffers from a physical
77 disorder, physical injury, or physical illness, including a
78 life-endangering physical condition caused by or arising from
79 the pregnancy itself, which would, as certified by a physician,
80 place the woman in danger of death unless an abortion is
81 performed. Coverage is deemed to be purchased with state or
82 federal funds if any tax credit or cost-sharing credit is
83 applied toward the health maintenance contract.

84 (2) This section does not prohibit a health maintenance

ENROLLED

CS/HB 97, Engrossed 1

2011 Legislature

contract from offering separate coverage for an abortion if such coverage is not purchased in whole or in part with state or federal funds.

(3) As used in this section, the term "state" means this state or any political subdivision of the state.

Section 4. Paragraph (c) of subsection (2) of section 627.6515, Florida Statutes, is amended to read:

627.6515 Out-of-state groups.—

(2) Except as otherwise provided in this part, this part does not apply to a group health insurance policy issued or delivered outside this state under which a resident of this state is provided coverage if:

(c) The policy provides the benefits specified in ss. 627.419, 627.6574, 627.6575, 627.6579, 627.6612, 627.66121, 627.66122, 627.6613, 627.667, 627.6675, 627.6691, and 627.66911, and complies with the requirements of s. 627.66995.

Section 5. Present subsection (17) of section 627.6699, Florida Statutes, is renumbered as subsection (18), and a new subsection (17) is added to that section, to read:

627.6699 Employee Health Care Access Act.—

(17) RESTRICTIONS ON COVERAGE.—

(a) A plan under which coverage is purchased in whole or in part with any state or federal funds through an exchange created pursuant to the federal Patient Protection and Affordable Care Act, Pub. L. No. 111-148, may not provide coverage for an abortion, as defined in s. 390.011(1), except if the pregnancy is the result of an act of rape or incest, or in the case where a woman suffers from a physical disorder,

ENROLLED

CS/HB 97, Engrossed 1

2011 Legislature

113 physical injury, or physical illness, including a life-
114 endangering physical condition caused by or arising from the
115 pregnancy itself, which would, as certified by a physician,
116 place the woman in danger of death unless an abortion is
117 performed. Coverage is deemed to be purchased with state or
118 federal funds if any tax credit or cost-sharing credit is
119 applied toward the plan.

120 (b) This subsection does not prohibit a plan from
121 providing any person or entity with separate coverage for an
122 abortion if such coverage is not purchased in whole or in part
123 with state or federal funds.

124 (c) As used in this section, the term "state" means this
125 state or any political subdivision of the state.

126 Section 6. This act shall take effect July 1, 2011.