

CHAPTER 98-399

Committee Substitute for House Bill No. 4047

An act relating to international health insurance policies sold at airports; creating s. 624.123, F.S.; providing definitions; authorizing licensed agents to sell international health insurance policies to residents of foreign countries at international airports; requiring a specified disclaimer; providing exemptions from regulation under the Insurance Code; specifying applicable provisions; repealing 624.478, F.S., relating to the use of licensed agents; providing an effective date.

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

Section 1. Section 624.123, Florida Statutes, is created to read:

624.123 Certain international health insurance policies; exemption from code.—

(1) International health insurance policies and applications may be solicited and sold in this state at any international airport to a resident of a foreign country. Such international health insurance policies shall be solicited and sold only by a licensed health insurance agent and unwritten only by an admitted insurer. For purposes of this subsection:

(a) “International airport” means any airport in Florida with U. S. Customs service, which enplanes more than 1 million passengers per year.

(b) “International health insurance policy” means health insurance, as defined in s. 627.6561(5)(a)2., which is offered to an individual, covering only a resident of a foreign country on an annual basis.

(c) “Resident of a foreign country” does not include any United States citizen, any natural person maintaining his or her residence in this country, or any natural person staying in this state continuously for more than 120 days.

(2) Any international health insurance policy sold, and any application provided, to residents of foreign countries pursuant to this subsection shall contain the following conspicuous, boldfaced disclaimer in at least 12 point type: “This individual health insurance policy may be sold only to a person not a resident of the United States. This policy does not comply with coverage, underwriting, and other provisions of the Florida Insurance Code, and must comply with coverage, underwriting, and other insurance regulatory provisions of your country of residence.”

(3) Any insurer underwriting international health insurance policies pursuant to this subsection is subject to all applicable provisions of the Insurance Code, except as otherwise provided in this subsection. International health insurance policies are not subject to any form approval, rate approval, underwriting restrictions, guaranteed availability, or coverage

mandates provided in the Insurance Code. Health insurance agents who are licensed and appointed pursuant to chapter 626 may solicit, sell, effect, collect premium on, and deliver international health insurance policies in accordance with this section. Solicitation or sale of an international health insurance policy to a U. S. citizen or to a natural person not a resident of a foreign country is a willful violation of the provisions of s. 626.611.

(4) Any international health insurance policy or application solicited, provided, entered into, issued, or delivered pursuant to this subsection is exempt from all provisions of the Insurance Code, except that such policy, contract, or agreement is subject to the provisions of ss. 624.155, 624.316, 624.3161, 626.951, 626.9511, 626.9521, 626.9541, 626.9551, 626.9561, 626.9571, 626.9581, 626.9591, 626.9601, 627.413, 627.4145, 627.428, and 627.6043.

Section 2. Section 624.478, Florida Statutes, is repealed.

Section 3. This act shall take effect upon becoming a law.

Became a law without the Governor's approval May 31, 1998.

Filed in Office Secretary of State May 29, 1998.