

Committee Substitute for Senate Bill No. 42-B

An act relating to health insurance for persons called to active military duty; amending s. 627.6692, F.S.; specifying that the termination of employment of an employee during or after a period of active military duty constitutes a separate qualifying event for purposes of allowing the employee to elect to continue coverage under the employer's group health plan; specifying when such coverage period begins; specifying other qualifying events that allow for continuation of coverage if a covered employee is called to active duty; tolling the maximum time period for which coverage may be continued under an employer's group health plan for an individual who has elected coverage and who is called to active military duty, for the time that the individual is covered under the federal TRICARE health care program; providing a time period within which the individual may elect to continue coverage under the employer's group health plan after TRICARE coverage terminates; providing an effective date.

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

Section 1. Paragraphs (h), (i), and (j) are added to subsection (5) of section 627.6692, Florida Statutes, to read:

627.6692 Florida Health Insurance Coverage Continuation Act.—

(5) CONTINUATION OF COVERAGE UNDER GROUP HEALTH PLANS.—

(h) If a covered employee is in the military reserve or National Guard and is called to active duty and the employee's employment is terminated either after or during the active duty period, the termination is a separate qualifying event, distinct from the qualifying event that may have occurred when the employee was called to active duty, and the employee and other qualified beneficiaries are eligible for a new 18-month benefit period beginning on the later of the date active duty ends or the date of termination of employment.

(i) If a covered employee is in the military reserve or National Guard and is called to active duty and:

1. The employee dies during the period of active duty,
2. There is a divorce or legal separation of the covered employee from the covered employee's spouse, or
3. A dependent child ceases to be a dependent child under the requirements of the employer's group health plan,

such events are qualifying events distinct from the qualifying event that may have occurred when the employee was called to active duty.

(j) Notwithstanding paragraph (b), if a qualified beneficiary in the military reserve or National Guard has elected to continue coverage and is thereafter called to active duty and the coverage under the group plan is terminated by the beneficiary or the carrier due to the qualified beneficiary becoming eligible for TRICARE (the health care program provided by the U.S. Defense Department), the 18-month period or such other applicable maximum time period for which the qualified beneficiary would otherwise be entitled to continue coverage is tolled during the time that he or she is covered under the TRICARE program. Within 30 days after the federal TRICARE coverage terminates, the qualified beneficiary may elect to continue coverage under the group health plan, retroactively to the date coverage terminated under TRICARE, for the remainder of the 18-month period or such other applicable time period, subject to termination of coverage at the earliest of the conditions specified in paragraph (b).

Section 2. This act shall take effect upon becoming a law.

Approved by the Governor November 30, 2001.

Filed in Office Secretary of State November 30, 2001.