

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED (Y/N)
ADOPTED AS AMENDED (Y/N)
ADOPTED W/O OBJECTION (Y/N)
FAILED TO ADOPT (Y/N)
WITHDRAWN (Y/N)
OTHER

1 Committee/Subcommittee hearing bill: Insurance & Banking
2 Subcommittee

3 Representative Altman offered the following:

4

5 **Amendment**

6 Remove everything after the enacting clause and insert:

7 Section 1. Section 624.1265, Florida Statutes, is amended
8 to read:

9 624.1265 Nonprofit religious organization exemption;
10 authority; notice.—

11 (1) A nonprofit religious organization is not subject to
12 the requirements of the Florida Insurance Code if the nonprofit
13 religious organization:

14 (a) Qualifies under Title 26, s. 501 of the Internal
15 Revenue Code of 1986, as amended;

16 (b) Limits its participants to those members who share a

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17 common set of ethical or religious beliefs of the same religion;

18 (c) Acts as a facilitator among an organizational
19 ~~clearinghouse for information between~~ participants who have
20 financial, physical, or medical needs to assist those with
21 financial, physical, or medical needs in accordance with
22 criteria established by the nonprofit religious organization and
23 ~~participants who have the ability to pay for the benefit of~~
24 ~~those participants who have financial, physical, or medical~~
25 ~~needs;~~

26 (d) Provides for the financial or medical needs of a
27 participant through contributions from other participants, or
28 through payments directly from one participant to another
29 participant;—and

30 (e) Provides amounts that participants may contribute,
31 with no assumption of risk and no promise to pay:

32 1. Among the participants; or

33 2. By the nonprofit religious organization to the
34 participants;

35 (f) Provides a monthly accounting to the participants of
36 the total dollar amount of qualified needs actually shared in
37 the previous month in accordance with criteria established by
38 the nonprofit religious organization; and

39 (g) Conducts an annual audit that is performed by an
40 independent certified public accounting firm in accordance with
41 generally accepted accounting principles and that is made

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42 available to the public by providing a copy upon request or by
43 posting on the nonprofit religious organization's website
44 ~~suggests amounts that participants may voluntarily give with no~~
45 ~~assumption of risk or promise to pay among the participants or~~
46 ~~between the participants.~~

47 (2) This section does not prevent:

48 (a) ~~The organization described in subsection (1) from~~
49 ~~establishing qualifications of participation relating to the~~
50 ~~health of a prospective participant, does not prevent A~~
51 participant from limiting the financial or medical needs that
52 may be eligible for payment; or, ~~and does not prevent~~

53 (b) The nonprofit religious organization from canceling
54 the membership of a participant when such participant indicates
55 his or her unwillingness to participate by failing to meet the
56 conditions of membership ~~make a payment to another participant~~
57 for a period in excess of 60 days.

58 (3) The nonprofit religious organization ~~described in~~
59 ~~subsection (1)~~ shall provide a written disclaimer on or
60 accompanying all applications and guideline materials
61 distributed by or on behalf of the nonprofit religious
62 organization. The disclaimer must read in substance: "Notice:
63 The organization facilitating the sharing of medical expenses is
64 not an insurance company, and neither its guidelines nor plan of
65 operation is an insurance policy. Membership is not offered
66 through an insurance company, and the organization is not

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67 subject to the regulatory requirements or consumer protections
68 of the Florida Insurance Code. Whether anyone chooses to assist
69 you with your medical bills will be totally voluntary because no
70 other participant is compelled by law to contribute toward your
71 medical bills. As such, participation in the organization or a
72 subscription to any of its documents should never be considered
73 to be insurance. Regardless of whether you receive any payments
74 for medical expenses or whether this organization continues to
75 operate, you are always personally responsible for the payment
76 of your own medical bills." ~~each prospective participant in the~~
77 ~~organizational clearinghouse written notice that the~~
78 ~~organization is not an insurance company, that membership is not~~
79 ~~offered through an insurance company, and that the organization~~
80 ~~is not subject to the regulatory requirements or consumer~~
81 ~~protections of the Florida Insurance Code.~~

82

83 Section 2. Section 2. This act shall take effect July 1,
84 2018.