

1 A bill to be entitled
 2 An act relating to the Florida Insurance Code
 3 exemption for nonprofit religious organizations;
 4 amending s. 624.1265, F.S.; revising criteria under
 5 which a nonprofit religious organization that
 6 facilitates the sharing of contributions among its
 7 participants for financial, physical, or medical needs
 8 is exempt from requirements of the code; revising
 9 construction; revising requirements for a notice
 10 provided by the organization; providing an effective
 11 date.

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 13 Be It Enacted by the Legislature of the State of Florida:
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15 Section 1. Section 624.1265, Florida Statutes, is amended
 16 to read:

17 624.1265 Nonprofit religious organization exemption;
 18 authority; notice.—

19 (1) A nonprofit religious organization is not subject to
 20 the requirements of the Florida Insurance Code if the nonprofit
 21 religious organization:

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

24 (b) Limits its participants to those members who share a
 25 common set of ethical or religious beliefs ~~of the same religion;~~

26 (c) Acts as a facilitator among an organizational
 27 ~~clearinghouse for information between~~ participants who have
 28 financial, physical, or medical needs to assist those with
 29 financial, physical, or medical needs in accordance with
 30 criteria established by the nonprofit religious organization and
 31 ~~participants who have the ability to pay for the benefit of~~
 32 ~~those participants who have financial, physical, or medical~~
 33 ~~needs;~~

34 (d) Provides for the financial or medical needs of a
 35 participant through contributions from other participants, or
 36 through payments directly from one participant to another
 37 participant; ~~and~~

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

- 40 1. Among the participants; or
 41 2. By the nonprofit religious organization to the
 42 participants;

43 (f) Provides a monthly accounting to the participants of
 44 the total dollar amount of qualified needs actually shared in
 45 the previous month in accordance with criteria established by
 46 the nonprofit religious organization; and

47 (g) Conducts an annual audit that is performed by an
 48 independent certified public accounting firm in accordance with
 49 generally accepted accounting principles and that is made
 50 available to the public by providing a copy upon request or by

51 posting on the nonprofit religious organization's website
52 ~~suggests amounts that participants may voluntarily give with no~~
53 ~~assumption of risk or promise to pay among the participants or~~
54 ~~between the participants.~~

55 (2) This section does not prevent:

56 (a) ~~The organization described in subsection (1) from~~
57 ~~establishing qualifications of participation relating to the~~
58 ~~health of a prospective participant, does not prevent~~
59 A participant from limiting the financial or medical needs that
60 may be eligible for payment; or, ~~and does not prevent~~

61 (b) The nonprofit religious organization from canceling
62 the membership of a participant when such participant indicates
63 his or her unwillingness to participate by failing to meet the
64 conditions of membership ~~make a payment to another participant~~
65 for a period in excess of 60 days.

66 (3) The nonprofit religious organization ~~described in~~
67 ~~subsection (1)~~ shall provide a written disclaimer on or
68 accompanying all applications and guideline materials
69 distributed by or on behalf of the nonprofit religious
70 organization. The disclaimer must read in substance: "Notice:
71 The organization facilitating the sharing of medical expenses is
72 not an insurance company, and neither its guidelines nor plan of
73 operation is an insurance policy. Membership is not offered
74 through an insurance company, and the organization is not
75 subject to the regulatory requirements or consumer protections

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

90 | Section 2. This act shall take effect July 1, 2018.