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LEGISLATIVE ACTION

Senate

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House

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02/08/2018 04:52 PM

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Senator Brandes moved the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

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

624.1265 Nonprofit religious organization exemption;  
authority; notice.—

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



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- 12           (a) Qualifies under Title 26, s. 501 of the Internal  
13 Revenue Code of 1986, as amended;
- 14           (b) Limits its participants to those members who share a  
15 common set of ethical or religious beliefs of the same religion;
- 16           (c) Acts as a facilitator among an organizational  
17 clearinghouse for information between participants who have  
18 financial, physical, or medical needs to assist those with  
19 financial, physical, or medical needs in accordance with  
20 criteria established by the nonprofit religious organization and  
21 participants who have the ability to pay for the benefit of  
22 those participants who have financial, physical, or medical  
23 needs;
- 24           (d) Provides for the financial or medical needs of a  
25 participant through contributions from other participants, or  
26 through payments directly from one participant to another  
27 participant; and
- 28           (e) Provides amounts that participants may contribute, with  
29 no assumption of risk and no promise to pay:
- 30           1. Among the participants; or  
31           2. By the nonprofit religious organization to the  
32 participants;
- 33           (f) Provides a monthly accounting to the participants of  
34 the total dollar amount of qualified needs actually shared in  
35 the previous month in accordance with criteria established by  
36 the nonprofit religious organization; and
- 37           (g) Conducts an annual audit that is performed by an  
38 independent certified public accounting firm in accordance with  
39 generally accepted accounting principles and that is made  
40 available to the public by providing a copy upon request or by



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41 posting on the nonprofit religious organization's website  
42 ~~suggests amounts that participants may voluntarily give with no~~  
43 ~~assumption of risk or promise to pay among the participants or~~  
44 ~~between the participants.~~

45 (2) This section does not prevent:

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

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

56 (3) The nonprofit religious organization described in  
57 subsection (1) shall provide a written disclaimer on or  
58 accompanying all applications and guideline materials  
59 distributed by or on behalf of the nonprofit religious  
60 organization. The disclaimer must read in substance: "Notice:  
61 The organization facilitating the sharing of medical expenses is  
62 not an insurance company, and neither its guidelines nor its  
63 plan of operation is an insurance policy. Membership is not  
64 offered through an insurance company, and the organization is  
65 not subject to the regulatory requirements or consumer  
66 protections of the Florida Insurance Code. Whether anyone  
67 chooses to assist you with your medical bills will be totally  
68 voluntary because no other participant is compelled by law to  
69 contribute toward your medical bills. As such, participation in



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70 the organization or a subscription to any of its documents  
71 should never be considered to be insurance. Regardless of  
72 whether you receive any payments for medical expenses or whether  
73 this organization continues to operate, you are always  
74 personally responsible for the payment of your own medical  
75 bills.” ~~each prospective participant in the organizational~~  
76 ~~clearinghouse written notice that the organization is not an~~  
77 ~~insurance company, that membership is not offered through an~~  
78 ~~insurance company, and that the organization is not subject to~~  
79 ~~the regulatory requirements or consumer protections of the~~  
80 ~~Florida Insurance Code.~~

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

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83 ===== T I T L E A M E N D M E N T =====

84 And the title is amended as follows:

85 Delete everything before the enacting clause  
86 and insert:

87 A bill to be entitled  
88 An act relating to the Florida Insurance Code  
89 exemption for nonprofit religious organizations;  
90 amending s. 624.1265, F.S.; revising criteria under  
91 which a nonprofit religious organization that  
92 facilitates the sharing of contributions among its  
93 participants for financial, physical, or medical needs  
94 is exempt from requirements of the code; revising  
95 construction; revising requirements for a notice  
96 provided by the organization; providing an effective  
97 date.