

By Senator Brandes

24-00834-18

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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 or medical needs is exempt
8 from requirements of the code; revising construction;
9 revising requirements for a notice provided by the
10 organization; providing an effective date.

11
12 Be It Enacted by the Legislature of the State of Florida:

13
14 Section 1. Section 624.1265, Florida Statutes, is amended
15 to read:

16 624.1265 Nonprofit religious organization exemption;
17 authority; notice.—

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

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

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

25 (c) Acts as a facilitator among an organizational
26 clearinghouse for information between participants who have
27 financial, physical, or medical needs to assist those with
28 financial or medical needs in accordance with criteria
29 established by the nonprofit religious organization and

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30 ~~participants who have the ability to pay for the benefit of~~
31 ~~those participants who have financial, physical, or medical~~
32 ~~needs;~~

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

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

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

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

46 (g) Conducts an annual audit that is performed by an
47 independent certified public accounting firm in accordance with
48 generally accepted accounting principles and that is made
49 available to the public by providing a copy upon request or by
50 posting on the nonprofit religious organization's website
51 ~~suggests amounts that participants may voluntarily give with no~~
52 ~~assumption of risk or promise to pay among the participants or~~
53 ~~between the participants.~~

54 (2) This section does not prevent:

55 (a) The organization described in subsection (1) from
56 acting as a facilitator among participants who have financial or
57 medical needs to assist those with financial or medical needs in
58 accordance with criteria established by the organization;

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59 ~~establishing qualifications of participation relating to the~~
60 ~~health of a prospective participant, does not prevent~~

61 (b) A participant from limiting the financial or medical
62 needs that may be eligible for payment; ~~or, and does not prevent~~

63 (c) The organization from canceling the membership of a
64 participant when such participant indicates his or her
65 unwillingness to participate by failing to make a payment to
66 another participant for a period in excess of 60 days.

67 (3) The nonprofit religious organization described in
68 subsection (1) shall provide a written disclaimer on or
69 accompanying all applications and guideline materials
70 distributed by or on behalf of the nonprofit religious
71 organization. The disclaimer must read in substance: "Notice:
72 The organization facilitating the sharing of medical expenses is
73 not an insurance company, and neither its guidelines nor plan of
74 operation is an insurance policy. Whether anyone chooses to
75 assist you with your medical bills will be totally voluntary
76 because no other participant is compelled by law to contribute
77 toward your medical bills. As such, participation in the
78 organization or a subscription to any of its documents should
79 never be considered to be insurance. Regardless of whether you
80 receive any payments for medical expenses or whether this
81 organization continues to operate, you are always personally
82 responsible for the payment of your own medical bills." ~~each~~
83 ~~prospective participant in the organizational clearinghouse~~
84 ~~written notice that the organization is not an insurance~~
85 ~~company, that membership is not offered through an insurance~~
86 ~~company, and that the organization is not subject to the~~
87 ~~regulatory requirements or consumer protections of the Florida~~

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88 ~~Insurance Code.~~

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