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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, 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.

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

14
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

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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, with
39 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 A

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

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88 ~~insurance company, and that the organization is not subject to~~
89 ~~the regulatory requirements or consumer protections of the~~
90 ~~Florida Insurance Code.~~

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