

Amendment No.

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WITHDRAWN	_____	(Y/N)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: Healthcare Regulation
 2 Subcommittee

3 Representative Fernandez-Barquin offered the following:

4

5 **Amendment**

6 Remove lines 34-95 and insert:

7 4. A bona fide group is a group or association of
 8 employers which meets the following requirements:

9 a. The primary purpose of the group or association may be
 10 to offer and provide health coverage to its member employers and
 11 their employees, but the group or association has at least one
 12 substantial business purpose that is unrelated to offering and
 13 providing health coverage or other employee benefits to its
 14 member employers and their employees. For purposes of this
 15 subparagraph, as a safe harbor, a substantial business purpose
 16 is considered to exist if the group or association would be a

Amendment No.

17 viable entity in the absence of sponsoring an employee benefit
18 plan. The business purpose includes promoting common business
19 interests of its members or the common economic interests in a
20 given trade or employer community, and is not required to be a
21 for-profit activity.

22 b. Each member employer of the group or association
23 participating in the group health plan is a person acting
24 directly as an employer of at least one employee who is a
25 participant covered under the plan.

26 c. The group or association has a formal organizational
27 structure with a governing body.

28 d. The functions and activities of the group or
29 association are controlled by its member employers, and the
30 group's or association's member employers that participate in
31 the group health plan control the plan. Control must be present
32 both in form and in substance.

33 e. The member employers have a principal place of business
34 in the same region that does not exceed the boundaries of a
35 single state or a metropolitan area, even if the metropolitan
36 area includes more than one state.

37 f. The group or association does not make health coverage
38 through the group's or association's group health plan available
39 to any person other than:

40 (I) An employee of a current employer member of the group
41 or association;

Amendment No.

42 (II) A former employee of a current employer member of the
43 group or association who became eligible for coverage under the
44 group health plan when the former employee was an employee of
45 the employer; or

46 (III) A beneficiary, such as a spouse or dependent child,
47 of an individual described in sub-sub-subparagraph (I) or sub-
48 sub-subparagraph (II).

49 g. The group or association and the health coverage
50 offered by the group or association comply with the
51 nondiscrimination provisions of s. 627.6699.

52 h. The group or association is not a health insurance
53 issuer, as defined in s. 733(b)(2) of the Employee Retirement
54 Income Security Act of 1974, or owned or controlled by such
55 health insurance issuer or by a subsidiary or affiliate of such
56 health insurance issuer, other than to the extent such entities
57 participate in the group or association in their capacity as
58 employer members of the group or association.

59
60 The requirements of this paragraph do not apply to an
61 arrangement licensed before April 1, 1995, regardless of the
62 nature of its business. However, an arrangement exempt from the
63 requirements of this paragraph may not expand the nature of its
64 business beyond that set forth in the articles of incorporation
65 of its sponsoring association as of April 1, 1995, except as
66 authorized in this paragraph.

510731 - h0897-line 34.docx

Published On: 3/21/2023 6:10:52 PM

Amendment No.

67 | Section 2. This act shall take effect upon becoming a law.