

CHAPTER 2018-25

Senate Bill No. 660

An act relating to the Florida Insurance Code exemption for nonprofit religious organizations; amending s. 624.1265, F.S.; revising criteria under which a nonprofit religious organization that facilitates the sharing of contributions among its participants for financial, physical, or medical needs is exempt from requirements of the code; revising construction; revising requirements for a notice provided by the organization; providing an effective date.

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

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:

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

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

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

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

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

1. Among the participants; or

2. By the nonprofit religious organization to the participants;

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

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

(2) This section does not prevent:

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

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

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

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

Approved by the Governor March 19, 2018.

Filed in Office Secretary of State March 19, 2018.