



187688

LEGISLATIVE ACTION

Senate

.  
. .  
. .  
. .  
. .

House

---

The Committee on Banking and Insurance (Yarborough) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause and insert:

Section 1. Subsection (1) of section 624.406, Florida Statutes, is amended to read:

624.406 Combinations of insuring powers, one insurer.—An insurer which otherwise qualifies therefor may be authorized to transact any one kind or combination of kinds of insurance as defined in part V except:



187688

11 (1) A life insurer may also grant annuities, but shall not  
12 be authorized to transact any other kind of insurance except  
13 health insurance, disability income insurance, paid family leave  
14 insurance, excess coverage for health maintenance organizations,  
15 or excess insurance, specific and aggregate, for self-insurers  
16 of a plan of health insurance and multiple-employer welfare  
17 arrangements.

18 Section 2. Section 624.6086, Florida Statutes, is created  
19 to read:

20 624.6086 "Paid family leave insurance" defined.-

21 (1) "Paid family leave insurance" is insurance issued to an  
22 employer which is related to a benefit program provided to an  
23 employee to pay for a percentage or portion of the employee's  
24 income loss due to:

25 (a) The birth of a child or the adoption of a child by the  
26 employee;

27 (b) Placement of a child with the employee for foster care;

28 (c) Care of the employee's family member who has a serious  
29 health condition; or

30 (d) Circumstances arising out of the fact that the  
31 employee's family member who is a servicemember is on active  
32 duty or has been notified of an impending call or order to  
33 active duty.

34 (2) Paid family leave insurance may be issued to and  
35 purchased by an employer as an amendment or a rider to a group  
36 disability income policy, included in a group disability income  
37 policy, or issued as a separate group insurance policy.

38 (3) As used in this section, the terms "child," "family  
39 leave," and "family member" have the same meanings as provided



187688

40 in s. 627.445(1).

41 Section 3. Section 627.445, Florida Statutes, is created to  
42 read:

43 627.445 Paid family leave insurance.-

44 (1) DEFINITIONS.-As used in this section, the term:

45 (a) "Armed Forces of the United States" means an officer or  
46 enlisted member of the Army, Navy, Air Force, Marine Corps,  
47 Space Force, or Coast Guard of the United States, the Florida  
48 National Guard, and the United States Reserve Forces.

49 (b) "Child" means a person who is:

50 1. Under 18 years of age, or 18 years of age or older and  
51 incapable of self-care because of a mental or physical  
52 disability; and

53 2. A biological, adopted, or foster son or daughter; a  
54 stepson or stepdaughter; a legal ward; or a son or daughter of a  
55 person to whom the employee stands in loco parentis.

56 (c) "Family leave" means any leave taken by an employee  
57 from work for any of the circumstances specified in subsection  
58 (2).

59 (d) "Family member" includes a child, spouse, or parent, or  
60 other person defined as a family member of the employee in the  
61 policy.

62 (e) "Health care provider" means any hospital licensed  
63 under chapter 395 and any health care institution licensed under  
64 chapter 400 or chapter 429 or an individual licensed under  
65 chapter 458, chapter 459, chapter 460, chapter 461, chapter 464,  
66 or chapter 466.

67 (f) "Parent" means a biological, foster, or adoptive  
68 parent; a stepparent; a legal guardian; or other person who



187688

69 stood in loco parentis to the employee when the employee was a  
70 child.

71 (g) "Serious health condition" means an illness, an injury,  
72 an impairment, or a physical or mental condition, including, but  
73 not limited to, pregnancy complications that threaten the life  
74 of the mother or unborn child; transplantation preparation and  
75 recovery from surgery related to organ or tissue donation, which  
76 involves inpatient care in a hospital, hospice, or residential  
77 health care facility; continuing treatment; or continuing  
78 supervision by a health care provider. Continuing supervision by  
79 a health care provider includes a period of incapacity which is  
80 permanent or long-term due to a condition for which treatment  
81 may not be effective and where the family member need not be  
82 receiving active treatment by a health care provider.

83 (2) COVERED FAMILY LEAVE BENEFITS.—Family leave insurance  
84 benefits provided in a paid family leave insurance policy may be  
85 provided for any leave taken by an employee from work for any of  
86 the following circumstances:

87 (a) Participation in providing care, including physical or  
88 psychological care, for a family member made necessary by a  
89 serious health condition of the family member;

90 (b) Bonding with the employee's child during the first 12  
91 months after the child's birth or the first 12 months after the  
92 placement of the child for adoption by or foster care with the  
93 employee;

94 (c) Addressing a qualifying exigency as interpreted under  
95 the Family and Medical Leave Act of 1993, 29 U.S.C. s.  
96 2612(a)(1)(E) and 29 C.F.R. s. 825.126(a)(1)-(8), arising out of  
97 the fact that the spouse, child, or parent of the employee is on



187688

98 active duty or has been notified of an impending call or order  
99 to active duty in the Armed Forces of the United States;

100 (d) Caring for a family member injured in the line of duty  
101 with the Armed Forces of the United States; or

102 (e) Caring for a family member or other leave as specified  
103 in the policy.

104 (3) REQUIRED POLICY SPECIFICITY.—The policy must specify:

105 (a) Details and requirements with regard to each of the  
106 covered circumstances specified in subsection (2).

107 (b) The length of family leave benefits available for each  
108 covered circumstance, which may not be less than 2 weeks during  
109 a period of 52 consecutive calendar weeks.

110 (c) Whether there is an uncovered waiting period, and if  
111 so, the terms and conditions of the uncovered waiting period,  
112 which may include, but are not limited to, whether:

113 1. The period runs over a consecutive calendar day period;

114 2. The period is counted toward the annual allotment of  
115 covered family leave benefits or is in addition to the annual  
116 allotment of covered family leave benefits;

117 3. The period must be met only once per benefit year or  
118 must be met for each separate claim for benefits; and

119 4. The employee may work or receive paid time off or other  
120 compensation during the period.

121 (d) The amount of benefits that will be paid for covered  
122 circumstances provided in subsection (2).

123 (e) The definition of the wages or other income upon which  
124 the amount of benefits will be issued.

125 (f) How such wages or other income will be calculated.

126 (g) If the family leave benefits are subject to offsets for



187688

127 wages or other income received or for which the insured may be  
128 eligible, all such wages or other income that may be set off and  
129 the circumstances under which it may be offset.

130 (h) The frequency of payments due for covered benefits.

131 (4) For purposes of this section, 52 consecutive calendar  
132 weeks may be calculated by:

133 (a) A calendar year;

134 (b) Any fixed period starting on a particular date, such as  
135 the effective or anniversary date of the policy;

136 (c) The employee's hiring date or anniversary of hiring  
137 date;

138 (d) The period measured forward from the employee's first  
139 day of family leave;

140 (e) A rolling period measured by looking back from the  
141 employee's first day of family leave; or

142 (f) Any other method specified in the policy.

143 (5) PERMISSIBLE LIMITATIONS, EXCLUSIONS, OR REDUCTIONS.—

144 Eligibility for family leave benefits under this section may be  
145 limited, excluded, or reduced, but any limitation, exclusion, or  
146 reduction must be specified in the policy and not conflict with  
147 the Florida Insurance Code. Permissible limitations, exclusions,  
148 or reductions may be made for the following:

149 (a) For any period wherein the required notice and medical  
150 certification as prescribed in the policy has not been provided;

151 (b) For any leave related to a serious health condition or  
152 other harm to a family member brought about by a willful act by  
153 the employee;

154 (c) For any period during which the employee performed work  
155 for remuneration or profit;



187688

156 (d) For any period for which the employee is eligible to  
157 receive remuneration or maintenance from her or his employer, or  
158 from a fund to which the employer has contributed;

159 (e) For any period during which the employee is eligible to  
160 receive benefits under any other statutory program or employer-  
161 sponsored program, including, but not limited to, unemployment  
162 insurance benefits, workers' compensation benefits, or any paid  
163 time off or employer's paid leave policy;

164 (f) For any period commencing before the employee becomes  
165 eligible for family leave benefits under the policy;

166 (g) For periods where more than one person seeks family  
167 leave for the same family member under the same policy, unless  
168 the policy specifies otherwise; or

169 (h) For other reasons specified in the policy.

170 (6) PAYMENT OF FAMILY LEAVE BENEFITS.—Family leave benefits  
171 provided under a policy that complies with this section must be  
172 paid periodically and promptly, as specified in the policy,  
173 except as to a contested period of family leave and subject to  
174 any of the limitations, exclusions, or reductions permitted  
175 under subsection (5).

176 (7) INSURANCE POLICY.—

177 (a) Rates for policies or riders providing paid family  
178 leave insurance benefits must be calculated in accordance with  
179 the rate standards provided in s. 627.062.

180 (b) Forms for policies or riders providing paid family  
181 leave insurance benefits are subject to review by the office  
182 under s. 627.410.

183 (c) A policy issued under this section must be issued as  
184 provided in s. 624.6086(2).



187688

185       (8) RULEMAKING.—The commission may adopt rules to  
186 administer this section.

187           Section 6. This act shall take effect upon becoming a law.

188  
189 ===== T I T L E   A M E N D M E N T =====

190 And the title is amended as follows:

191           Delete everything before the enacting clause  
192 and insert:

193                           A bill to be entitled  
194           An act relating to paid family leave insurance;  
195           amending s. 624.406, F.S.; authorizing life insurers  
196           to transact paid family leave insurance; creating s.  
197           624.6086, F.S.; defining terms; creating s. 627.445,  
198           F.S.; defining terms; specifying circumstances under  
199           which family leave benefits may be provided under a  
200           paid family leave insurance policy; requiring that  
201           paid family leave insurance policies specify details  
202           and requirements with regard to covered circumstances;  
203           specifying requirements for policies relating to  
204           benefit periods, waiting periods, benefit amounts and  
205           certain offsets, and the payment of benefits;  
206           providing that eligibility for family leave benefits  
207           may be limited, excluded, or reduced but must be  
208           specified in the policy; specifying permissible  
209           limitations, exclusions, and reductions; providing  
210           applicable provisions for calculating rates;  
211           specifying the means by which a policy must offer  
212           family leave benefits; authorizing the Financial  
213           Services Commission to adopt rules; providing an





187688

214

effective date.