



187688

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/24/2023	.	
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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:



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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



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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



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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



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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



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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;



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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).



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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



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effective date.