

By the Committee on Banking and Insurance; and Senator
Yarborough

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1 A bill to be entitled
2 An act relating to paid family leave insurance;
3 amending s. 624.406, F.S.; authorizing life insurers
4 to transact paid family leave insurance; creating s.
5 624.6086, F.S.; defining terms; creating s. 627.445,
6 F.S.; defining terms; specifying circumstances under
7 which family leave benefits may be provided under a
8 paid family leave insurance policy; requiring that
9 paid family leave insurance policies specify details
10 and requirements with regard to covered circumstances;
11 specifying requirements for policies relating to
12 benefit periods, waiting periods, benefit amounts and
13 certain offsets, and the payment of benefits;
14 providing that eligibility for family leave benefits
15 may be limited, excluded, or reduced, but must be
16 specified in the policy; specifying permissible
17 limitations, exclusions, and reductions; providing
18 applicable provisions for calculating rates;
19 specifying the means by which a policy must offer
20 family leave benefits; authorizing the Financial
21 Services Commission to adopt rules; providing an
22 effective date.

23
24 Be It Enacted by the Legislature of the State of Florida:

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

28 624.406 Combinations of insuring powers, one insurer.—An
29 insurer which otherwise qualifies therefor may be authorized to

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30 transact any one kind or combination of kinds of insurance as
31 defined in part V except:

32 (1) A life insurer may also grant annuities, but shall not
33 be authorized to transact any other kind of insurance except
34 health insurance, disability income insurance, paid family leave
35 insurance, excess coverage for health maintenance organizations,
36 or excess insurance, specific and aggregate, for self-insurers
37 of a plan of health insurance and multiple-employer welfare
38 arrangements.

39 Section 2. Section 624.6086, Florida Statutes, is created
40 to read:

41 624.6086 "Paid family leave insurance" defined.—

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

46 (a) The birth of a child or the adoption of a child by the
47 employee;

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

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

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

55 (2) Paid family leave insurance may be issued to and
56 purchased by an employer as an amendment or a rider to a group
57 disability income policy, included in a group disability income
58 policy, or issued as a separate group insurance policy.

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59 (3) As used in this section, the terms "child," "family
60 leave," and "family member" have the same meanings as provided
61 in s. 627.445(1).

62 Section 3. Section 627.445, Florida Statutes, is created to
63 read:

64 627.445 Paid family leave insurance.—

65 (1) DEFINITIONS.—As used in this section, the term:

66 (a) "Armed Forces of the United States" means an officer or
67 enlisted member of the Army, Navy, Air Force, Marine Corps,
68 Space Force, or Coast Guard of the United States, the Florida
69 National Guard, and the United States Reserve Forces.

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

71 1. Under 18 years of age, or 18 years of age or older and
72 incapable of self-care because of a mental or physical
73 disability; and

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

77 (c) "Family leave" means any leave taken by an employee
78 from work for any of the circumstances specified in subsection
79 (2).

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

83 (e) "Health care provider" means any hospital licensed
84 under chapter 395 and any health care institution licensed under
85 chapter 400 or chapter 429 or an individual licensed under
86 chapter 458, chapter 459, chapter 460, chapter 461, chapter 464,
87 or chapter 466.

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88 (f) "Parent" means a biological, foster, or adoptive
89 parent; a stepparent; a legal guardian; or other person who
90 stood in loco parentis to the employee when the employee was a
91 child.

92 (g) "Serious health condition" means an illness, an injury,
93 an impairment, or a physical or mental condition, including, but
94 not limited to, pregnancy complications that threaten the life
95 of the mother or unborn child; transplantation preparation and
96 recovery from surgery related to organ or tissue donation, which
97 involves inpatient care in a hospital, hospice, or residential
98 health care facility; continuing treatment; or continuing
99 supervision by a health care provider. Continuing supervision by
100 a health care provider includes a period of incapacity which is
101 permanent or long-term due to a condition for which treatment
102 may not be effective and where the family member need not be
103 receiving active treatment by a health care provider.

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

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

111 (b) Bonding with the employee's child during the first 12
112 months after the child's birth or the first 12 months after the
113 placement of the child for adoption by or foster care with the
114 employee;

115 (c) Addressing a qualifying exigency as interpreted under
116 the Family and Medical Leave Act of 1993, 29 U.S.C. s.

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117 2612(a)(1)(E) and 29 C.F.R. s. 825.126(a)(1)-(8), arising out of
118 the fact that the spouse, child, or parent of the employee is on
119 active duty or has been notified of an impending call or order
120 to active duty in the Armed Forces of the United States;

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

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

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

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

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

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

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

135 2. The period is counted toward the annual allotment of
136 covered family leave benefits or is in addition to the annual
137 allotment of covered family leave benefits;

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

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

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

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

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

147 (g) If the family leave benefits are subject to offsets for
148 wages or other income received or for which the insured may be
149 eligible, all such wages or other income that may be set off and
150 the circumstances under which it may be offset.

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

152 (4) CALCULATION OF 52 CONSECUTIVE CALENDAR WEEKS.—For
153 purposes of this section, 52 consecutive calendar weeks may be
154 calculated by:

155 (a) A calendar year;

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

158 (c) The employee's hiring date or anniversary of hiring
159 date;

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

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

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

165 (5) PERMISSIBLE LIMITATIONS, EXCLUSIONS, OR REDUCTIONS.—
166 Eligibility for family leave benefits under this section may be
167 limited, excluded, or reduced, but any limitation, exclusion, or
168 reduction must be specified in the policy and not conflict with
169 the Florida Insurance Code. Permissible limitations, exclusions,
170 or reductions may be made for the following:

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

173 (b) For any leave related to a serious health condition or
174 other harm to a family member brought about by a willful act by

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175 the employee;

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

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

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

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

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

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

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

198 (7) INSURANCE POLICY.—

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

202 (b) Forms for policies or riders providing paid family
203 leave insurance benefits are subject to review by the office

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204 under s. 627.410.

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

207 (8) RULEMAKING.—The commission may adopt rules to
208 administer this section.

209 Section 4. This act shall take effect upon becoming a law.