

Amendment No. 1

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WITHDRAWN	_____	(Y/N)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		

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1 Committee/Subcommittee hearing bill: Commerce Committee  
 2 Representative Chaney offered the following:

**Amendment (with title amendment)**

5 Remove everything after the enacting clause and insert:

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

8 624.406 Combinations of insuring powers, one insurer.—An  
 9 insurer which otherwise qualifies therefor may be authorized to  
 10 transact any one kind or combination of kinds of insurance as  
 11 defined in part V except:

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

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17 of a plan of health insurance and multiple-employer welfare  
18 arrangements.

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

21 624.6086 "Paid family leave insurance" defined.-

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

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

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

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

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

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

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

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42 in s. 627.445(1).

43 Section 3. Section 627.445, Florida Statutes, is created  
44 to read:

45 627.445 Paid family leave insurance.—

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

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

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

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

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

58 (c) "Family leave" means any leave taken by an employee  
59 from work for any of the circumstances specified in subsection  
60 (2).

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

64 (e) "Health care provider" means any hospital licensed  
65 under chapter 395 and any health care institution licensed under  
66 chapter 400 or chapter 429 or an individual licensed under

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67 chapter 458, chapter 459, chapter 460, chapter 461, chapter 464,  
68 or chapter 466.

69 (f) "Parent" means a biological, foster, or adoptive  
70 parent; a stepparent; a legal guardian; or other person who  
71 stood in loco parentis to the employee when the employee was a  
72 child.

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

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

90 (a) Participation in providing care, including physical or  
91 psychological care, for a family member made necessary by a

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92 serious health condition of the family member;

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

97 (c) Addressing a qualifying exigency as interpreted under  
98 the Family and Medical Leave Act of 1993, 29 U.S.C. s.  
99 2612(a)(1)(E) and 29 C.F.R. s. 825.126(a)(1)-(8), arising out of  
100 the fact that the spouse, child, or parent of the employee is on  
101 active duty or has been notified of an impending call or order  
102 to active duty in the Armed Forces of the United States;

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

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

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

108 (a) Details and requirements with regard to each of the  
109 covered circumstances specified in subsection (2),

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

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

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

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117 2. The period is counted toward the annual allotment of  
118 covered family leave insurance benefits or is in addition to the  
119 annual allotment of covered family leave insurance benefits;

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

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

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

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

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

129 (g) If the family leave insurance benefits are subject to  
130 offsets for wages or other income received or for which the  
131 insured may be eligible, all such wages or other income that may  
132 be set off and the circumstances under which it may be offset.

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

134 (4) CALCULATION OF 52 CONSECUTIVE CALENDAR WEEKS.-For  
135 purposes of this section, 52 consecutive calendar weeks may be  
136 calculated by:

137 (a) A calendar year;

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

140 (c) The employee's hiring date or anniversary of hiring  
141 date;

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

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

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

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

148 Eligibility for family leave insurance benefits under this

149 section may be limited, excluded, or reduced, but any

150 limitation, exclusion, or reduction must be specified in the

151 policy and not conflict with the Florida Insurance Code.

152 Permissible limitations, exclusions, or reductions may be made

153 for the following:

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

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

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

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

164 (e) For any period during which the employee is eligible  
165 to receive benefits under any other statutory program or  
166 employer-sponsored program, including, but not limited to,

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167 unemployment insurance benefits, workers' compensation benefits,  
168 or any paid time off or employer's paid leave policy;

169 (f) For any period commencing before the employee becomes  
170 eligible for family leave insurance benefits under the policy;

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

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

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

181 (7) INSURANCE POLICY.—

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

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

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

190 (8) RULEMAKING.—The commission may adopt rules to  
191 administer this section.

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192 Section 4. This act shall take effect upon becoming a law.  
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195 **T I T L E A M E N D M E N T**

196 Remove everything before the enacting clause and insert:

197 A bill to be entitled

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

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 721 (2023)

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217 | authorizing the Financial Services Commission to adopt  
218 | rules; providing an effective date.  
219 |