

1                                   A bill to be entitled  
2       An act relating to paid family leave insurance;  
3       providing a short title; amending s. 624.406, F.S.;  
4       authorizing life insurers to transact paid family  
5       leave insurance; amending s. 624.6011, F.S.; revising  
6       the definition of the term "kinds of insurance" to  
7       include paid family leave insurance; creating s.  
8       624.6086, F.S.; defining terms; creating s. 627.445,  
9       F.S.; providing a short title; providing legislative  
10      findings and intent; defining terms; specifying  
11      circumstances under which family leave benefits may be  
12      provided; requiring paid family leave insurance  
13      policies to specify details and requirements with  
14      regard to covered family leave reasons; specifying  
15      requirements for policies relating to benefit periods,  
16      waiting periods, benefit amounts and certain offsets,  
17      and the payment of benefits; providing that  
18      eligibility for family leave benefits may be limited,  
19      excluded, or reduced but must be specified in the  
20      policy; specifying permissible limitations,  
21      exclusions, and reductions; providing applicable  
22      provisions for calculating rates; specifying the means  
23      by which a policy may offer family leave benefits;  
24      authorizing the Financial Services Commission to adopt  
25      rules; providing an effective date.

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

Section 1. This act may be cited as the "Florida Paid Family Leave Insurance Act."

Section 2. 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:

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

Section 3. Subsection (8) is added to section 624.6011, Florida Statutes, to read:

624.6011 "Kinds of insurance" defined.—Insurance shall be classified into the following "kinds of insurance":

(8) Paid family leave.

Section 4. Section 624.6086, Florida Statutes, is created to read:

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51 624.6086 "Paid family leave insurance" defined.-

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

56 (a) The birth of a child or adoption of a child by the  
57 employee;

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

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

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

66 (2) Family leave insurance may be written as an amendment  
67 or a rider to a group disability income policy, included in a  
68 group disability income policy, or written as a separate group  
69 insurance policy purchased by an employer.

70 (3) As used in this section, the terms "child," "family  
71 leave," and "family member" have the same meanings as provided  
72 in s. 627.445(3).

73 Section 5. Section 627.445, Florida Statutes, is created  
74 to read:

75 627.445 Paid family leave insurance.-

76        (1) SHORT TITLE.—This section may be cited as the "Paid  
77 Family Leave Income Replacement Benefits Act."

78        (2) LEGISLATIVE FINDINGS AND INTENT.—The Legislature  
79 intends to provide the workers of this family-friendly state  
80 with access to paid family leave insurance to encourage an  
81 entrepreneurial atmosphere, to encourage economic growth, and to  
82 promote a healthy business climate. Many workers need to take  
83 time off work for family reasons, including bonding with a new  
84 child or caring for an ill family member. Increasingly,  
85 employers in this state want to make paid leave benefits  
86 available to workers who need time off for these reasons.  
87 Employers recognize workers will be healthier and more  
88 productive when able to take care of family responsibilities  
89 without a complete loss of income, and employers believe that  
90 offering paid family leave benefits to their employees will  
91 improve recruitment opportunities and reduce turnover in the  
92 workplace. Disability insurers currently offer income  
93 replacement benefits to workers who need time off from work  
94 because of their own disabling medical condition. Disability  
95 insurers have extensive experience, claims staff, systems, and  
96 expertise that can be used to provide fully insured paid family  
97 leave benefits for employees, either through employer-sponsored  
98 group insurance policies or voluntarily purchased employee  
99 policies. It is in the best interests of this state's workers  
100 and employers to permit disability insurers to expand their

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101 fully insured benefits in this state to include paid family  
102 leave benefits.

103 (3) DEFINITIONS.—As used in this section, the term:

104 (a) "Armed Forces of the United States" includes members  
105 of the National Guard and the reserves.

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

107 1. Under 18 years of age, or 18 years of age or older and  
108 incapable of self-care because of a mental or physical  
109 disability; and

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

113 (c) "Family leave" is any leave taken by an employee from  
114 work for any of the reasons specified in subsection (4).

115 (d) "Family member" includes a child, spouse, or parent,  
116 or other person defined as a family member in the policy.

117 (e) "Health care provider" means any physician, hospital,  
118 or other institution, organization, or person that furnishes  
119 health care services and is licensed or otherwise authorized to  
120 practice in this state.

121 (f) "Parent" means a biological, foster, or adoptive  
122 parent; a stepparent; a legal guardian; or other person who  
123 stood in loco parentis to the employee when the employee was a  
124 child.

125 (g) "Serious health condition" means an illness, injury,

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126 impairment, or physical or mental condition, including  
127 transplantation preparation and recovery from surgery related to  
128 organ or tissue donation, which involves inpatient care in a  
129 hospital, hospice, or residential health care facility;  
130 continuing treatment; or continuing supervision by a health care  
131 provider as defined in the policy. Continuing supervision by a  
132 health care provider includes a period of incapacity which is  
133 permanent or long-term due to a condition for which treatment  
134 may not be effective and where the family member need not be  
135 receiving active treatment by a health care provider.

136 (4) FAMILY LEAVE BENEFITS.—Family leave benefits may be  
137 provided for any leave taken by an employee from work to:

138 (a) Participate in providing care, including physical or  
139 psychological care, for a family member of the employee made  
140 necessary by a serious health condition of the family member;

141 (b) Bond with the employee's child during the first 12  
142 months after the child's birth or the first 12 months after the  
143 placement of the child for adoption by or foster care with the  
144 employee;

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

151 (d) Care for a family servicemember injured in the line of  
 152 duty; or

153 (e) Take other leave to provide care for a family member  
 154 or other family leave as specified in the policy.

155 (5) EXPLANATION OF FAMILY LEAVE REASONS.—The policy must  
 156 specify details and requirements with regard to each of the  
 157 covered family leave reasons.

158 (6) BENEFIT PERIOD.—The policy must specify the length of  
 159 family leave benefits available for each covered family leave  
 160 reason, which may not be less than 2 weeks during a period of 52  
 161 consecutive calendar weeks. For purposes of this subsection, 52  
 162 consecutive calendar weeks may be calculated by:

163 (a) A calendar year;

164 (b) Any fixed period starting on a particular date, such  
 165 as the effective or anniversary date;

166 (c) The period measured forward from the employee's first  
 167 day of family leave;

168 (d) A rolling period measured by looking back from the  
 169 employee's first day of family leave; or

170 (e) Any other method specified in the policy.

171 (7) WAITING PERIOD.—The policy must specify whether there  
 172 is an unpaid waiting period, and if so, the terms and conditions  
 173 of the unpaid waiting period, which may include, but are not  
 174 limited to, whether:

175 (a) The waiting period runs over a consecutive calendar

176 day period;

177 (b) The waiting period is counted toward the annual  
 178 allotment of family leave benefits or is in addition to the  
 179 annual allotment of family leave benefits;

180 (c) The waiting period must be met only once per benefit  
 181 year or must be met for each separate claim for benefits; and

182 (d) The employee may work or receive paid time off or  
 183 other compensation by the employer during the waiting period.

184 (8) AMOUNT OF FAMILY LEAVE BENEFITS; OTHER INCOME.-

185 (a) The policy must specify:

186 1. The amount of benefits that will be paid for covered  
 187 family reasons;

188 2. The definition of the wages or other income upon which  
 189 the amount of family leave benefits will be issued; and

190 3. How such wages or other income will be calculated.

191 (b) If the family leave benefits are subject to offsets  
 192 for wages or other income received or for which the insured may  
 193 be eligible, the policy must specify all such wages or other  
 194 income that may be set off and the circumstances under which it  
 195 may be offset.

196 (9) PERMISSIBLE LIMITATIONS, EXCLUSIONS, OR REDUCTIONS.-

197 Eligibility for family leave benefits under this section may be  
 198 limited, excluded, or reduced, but any limitation, exclusion, or  
 199 reduction must be specified in the policy. Permissible  
 200 limitations, exclusions, or reductions may include, but are not



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201 limited to, any of the following reasons:

202 (a) For any period of family leave wherein the required  
203 notice and medical certification as prescribed in the policy has  
204 not been provided;

205 (b) For any family leave related to a serious health  
206 condition or other harm to a family member brought about by the  
207 willful intention of the employee;

208 (c) For any period of family leave during which the  
209 employee performed work for remuneration or profit;

210 (d) For any period of family leave for which the employee  
211 is eligible to receive from his or her employer, or from a fund  
212 to which the employer has contributed, remuneration or  
213 maintenance;

214 (e) For any period of family leave in which the employee  
215 is eligible to receive benefits under any other statutory  
216 program or employer-sponsored program, including, but not  
217 limited to, unemployment insurance benefits, workers'  
218 compensation benefits, statutory disability benefits, statutory  
219 paid leave benefits, or any paid time off or employer's paid  
220 leave policy;

221 (f) For any period of family leave commencing before the  
222 employee becomes eligible for family leave benefits under the  
223 policy; or

224 (g) For periods of family leave where more than one person  
225 seeks family leave for the same family member.

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226        (10) PAYMENT OF FAMILY LEAVE BENEFITS.—Family leave  
 227 benefits provided under this section must be paid periodically  
 228 and promptly, except as to a contested period of family leave  
 229 and subject to any of the limitations, exclusions, or reductions  
 230 under subsection (9).

231        (11) INSURANCE POLICY.—

232        (a) Rates for policies or riders providing paid family  
 233 leave benefits must be calculated pursuant to s. 627.062.

234        (b) A policy issued pursuant to this section may offer  
 235 coverage for paid family leave benefits or may offer paid family  
 236 leave benefits as a rider to a policy of disability income  
 237 insurance.

238        (12) RULEMAKING.—The commission may adopt rules to  
 239 administer this section.

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