

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; providing
6 circumstances under which paid family leave insurance
7 may be issued and purchased; creating s. 627.445,
8 F.S.; defining terms; providing circumstances under
9 which family leave insurance benefits may be provided;
10 requiring paid family leave insurance policies to
11 specify details and requirements with regard to
12 covered circumstances; specifying requirements for
13 policies relating to benefit periods, waiting periods,
14 benefit amounts, certain offsets, and the payment of
15 benefits; providing that eligibility for family leave
16 insurance benefits may be limited, excluded, or
17 reduced but must be specified in the policy; providing
18 circumstances under which limitations, exclusions, and
19 reductions are permissible; providing applicable
20 provisions for calculating rates; providing that paid
21 family leave insurance forms and riders are subject to
22 review by the Office of Insurance Regulation;
23 specifying the means by which a policy may offer
24 family leave insurance benefits; authorizing the
25 Financial Services Commission to adopt rules;

26 providing an effective date.

27

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

29

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

32 624.406 Combinations of insuring powers, one insurer.—An
 33 insurer which otherwise qualifies therefor may be authorized to
 34 transact any one kind or combination of kinds of insurance as
 35 defined in part V except:

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

43 Section 2. Section 624.6086, Florida Statutes, is created
 44 to read:

45 624.6086 "Paid family leave insurance" defined; paid
 46 family leave insurance issuance and purchase.—

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

- 51 (a) The birth of a child or adoption of a child by the
 52 employee;
 53 (b) Placement of a child with the employee for foster
 54 care;
 55 (c) Care of the employee's family member who has a serious
 56 health condition; or
 57 (d) Circumstances arising out of the fact that the
 58 employee's family member who is a servicemember is on active
 59 duty or has been notified of an impending call or order to
 60 active duty.

61
 62 As used in this subsection, the terms "child," "family leave,"
 63 and "family member" have the same meanings as provided in s.
 64 627.445(1).

65 (2) Paid family leave insurance may be issued to and
 66 purchased by an employer as an amendment or a rider to a group
 67 disability income policy, included in a group disability income
 68 policy, or issued as a separate group insurance policy.

69 Section 3. Section 627.445, Florida Statutes, is created
 70 to read:

71 627.445 Paid family leave insurance.-

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

73 (a) "Armed Forces of the United States" means an officer
 74 or enlisted member of the Army, Navy, Air Force, Marine Corps,
 75 Space Force, or Coast Guard of the United States, the Florida

76 National Guard, or the United States Reserve Forces.

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

78 1. Under 18 years of age, or 18 years of age or older and
79 incapable of self-care because of a mental or physical
80 disability; and

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

84 (c) "Family leave" is any leave taken by an employee from
85 work for any of the circumstances specified in subsection (2).

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

89 (e) "Health care provider" means a hospital licensed under
90 chapter 395, a health care institution licensed under chapter
91 400 or chapter 429, or a person licensed under chapter 458,
92 chapter 459, chapter 460, chapter 461, chapter 464, or chapter
93 466.

94 (f) "Parent" means a biological, foster, or adoptive
95 parent; a stepparent; a legal guardian; or other person who
96 stood in loco parentis to the employee when the employee was a
97 child.

98 (g) "Serious health condition" means an illness, injury,
99 impairment, or physical or mental condition, including, but not
100 limited to, pregnancy complications that threaten the life of

101 the mother or unborn child; transplantation preparation and
 102 recovery from surgery related to organ or tissue donation which
 103 involve inpatient care in a hospital, hospice, or residential
 104 health care facility; continuing treatment; or continuing
 105 supervision by a health care provider. Continuing supervision by
 106 a health care provider includes a period of incapacity which is
 107 permanent or long-term due to a condition for which treatment
 108 may not be effective and during which the family member need not
 109 be receiving active treatment by a health care provider.

110 (2) COVERED FAMILY LEAVE INSURANCE BENEFITS.—Family leave
 111 insurance benefits provided in a paid family leave insurance
 112 policy may be provided for any leave taken by an employee from
 113 work for any of the following circumstances:

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

117 (b) Bonding with the employee's child during the first 12
 118 months after the child's birth or the first 12 months after the
 119 placement of the child for adoption by or foster care with the
 120 employee;

121 (c) Addressing a qualifying exigency as interpreted under
 122 the Family and Medical Leave Act of 1993, 29 U.S.C. s.
 123 2612(a)(1)(E) and 29 C.F.R. s. 825.126(a)(1)-(8), arising out of
 124 the fact that the spouse, child, or parent of the employee is on
 125 active duty or has been notified of an impending call or order

126 to active duty in the Armed Forces of the United States;
 127 (d) Caring for a family member who was injured in the line
 128 of duty while serving in the Armed Forces of the United States;
 129 or
 130 (e) Caring for a family member or taking other leave as
 131 specified in the policy.
 132 (3) REQUIRED POLICY SPECIFICITY.—The policy must specify
 133 all of the following:
 134 (a) Details and requirements with regard to each of the
 135 covered circumstances specified in subsection (2).
 136 (b) The length of family leave insurance benefits
 137 available for each covered circumstance, which may not be less
 138 than 2 weeks during a period of 52 consecutive calendar weeks.
 139 (c) Whether there is an uncovered waiting period and, if
 140 so, the terms and conditions of the uncovered waiting period,
 141 which may include, but are not limited to, whether:
 142 1. The period runs over a consecutive calendar day period;
 143 2. The period is counted toward the annual allotment of
 144 covered family leave insurance benefits or is in addition to the
 145 annual allotment of covered family leave insurance benefits;
 146 3. The period must be met only once per benefit year or
 147 must be met for each separate claim for benefits; and
 148 4. The employee may work or receive paid time off or other
 149 compensation during the period.
 150 (d) The amount of benefits that will be paid for covered

151 circumstances specified in subsection (2).

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

154 (f) The method by which such wages or other income will be
 155 calculated.

156 (g) If the family leave insurance benefits are subject to
 157 offsets for wages or other income received or for which the
 158 insured may be eligible, all such wages or other income that may
 159 be offset and the circumstances under which it may be offset.

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

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

164 (a) A calendar year;

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

167 (c) The employee's hiring date or anniversary of hiring
 168 date;

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

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

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

174 (5) PERMISSIBLE LIMITATIONS, EXCLUSIONS, OR REDUCTIONS.—
 175 Eligibility for family leave insurance benefits under this

176 section may be limited, excluded, or reduced, but any
177 limitation, exclusion, or reduction must be specified in the
178 policy and not conflict with the insurance code. Limitations,
179 exclusions, or reductions are permissible for any of the
180 following circumstances:

181 (a) For any period during which the required notice and
182 medical certification as prescribed in the policy have not been
183 provided;

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

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

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

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

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

199 (g) For any period during which more than one person seeks
200 family leave for the same family member under the same policy,

201 unless the policy specifies otherwise; or
 202 (h) Other reasons specified in the policy.
 203 (6) PAYMENT OF FAMILY LEAVE INSURANCE BENEFITS.—Family
 204 leave insurance benefits provided under a policy that complies
 205 with this section must be paid periodically and promptly, as
 206 specified in the policy, except as to a contested period of
 207 family leave and subject to any of the limitations, exclusions,
 208 or reductions permitted under subsection (5).
 209 (7) INSURANCE POLICY.—
 210 (a) Rates for policies or riders providing paid family
 211 leave insurance benefits must be calculated in accordance with
 212 the rate standards provided in s. 627.062.
 213 (b) Forms for policies or riders providing paid family
 214 leave insurance benefits are subject to review by the office
 215 under s. 627.410.
 216 (c) A policy issued under this section must meet the
 217 requirements of s. 624.6086(2).
 218 (8) RULEMAKING.—The commission may adopt rules to
 219 implement this section.
 220 Section 4. This act shall take effect upon becoming a law.