

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u> </u>	(Y/N)
ADOPTED AS AMENDED	<u> </u>	(Y/N)
ADOPTED W/O OBJECTION	<u> </u>	(Y/N)
FAILED TO ADOPT	<u> </u>	(Y/N)
WITHDRAWN	<u> </u>	(Y/N)
OTHER	<u> </u>	

1 Committee/Subcommittee hearing bill: Insurance & Banking
 2 Subcommittee

3 Representative Chaney offered the following:

4

5 **Amendment (with title amendment)**

6 Remove everything after the enacting clause and insert:

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

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

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

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17 or excess insurance, specific and aggregate, for self-insurers
18 of a plan of health insurance and multiple-employer welfare
19 arrangements.

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

22 624.6086 "Paid family leave insurance" defined.-

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

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

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

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

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

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

41 (3) As used in this section, the terms "child," "family

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42 leave," and "family member" have the same meanings as provided
43 in s. 627.445(1).

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

46 627.445 Paid family leave insurance.-

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

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

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

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

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

59 (c) "Family leave" is any leave taken by an employee from
60 work for any of the circumstances specified in subsection (4).

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

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

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

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

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

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

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

106 (5) REQUIRED POLICY SPECIFICITY.—The policy must specify:

107 (a) Details and requirements with regard to each of the
108 covered circumstances specified in subsection (4),

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

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

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

116 2. The period is counted toward the annual allotment of

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117 covered family leave benefits or is in addition to the annual
118 allotment of covered family leave benefits;

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

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

123 (d) The amount of benefits that will be paid for covered
124 circumstances provided in subsection (4).

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

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

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

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

133 (6) For purposes of this section, 52 consecutive calendar
134 weeks may be calculated by:

135 (a) A calendar year;

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

138 (c) The employee's hiring date or anniversary of hiring
139 date;

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

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

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

145 (7) PERMISSIBLE LIMITATIONS, EXCLUSIONS, OR REDUCTIONS.—
146 Eligibility for family leave benefits under this section may be
147 limited, excluded, or reduced, but any limitation, exclusion, or
148 reduction must be specified in the policy and not conflict with
149 the Insurance Code. Permissible limitations, exclusions, or
150 reductions may be made for the following:

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

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

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

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

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

166 (f) For any period commencing before the employee becomes

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167 eligible for family leave benefits under the policy; or
168 (g) For periods where more than one person seeks family
169 leave for the same family member under the same policy, unless
170 the policy specifies otherwise.

171 (h) other reasons specified in the policy.

172 (8) PAYMENT OF FAMILY LEAVE BENEFITS.—Family leave
173 benefits provided under a policy that complies with this section
174 must be paid periodically and promptly, as specified in the
175 policy, except as to a contested period of family leave and
176 subject to any of the limitations, exclusions, or reductions
177 permitted under subsection (7).

178 (9) INSURANCE POLICY.—

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

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

185 (c) A policy issued under to this section must be issued
186 as provided in s. 624.6086(2).

187 (10) RULEMAKING.—The commission may adopt rules to
188 implement this section.

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

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T I T L E A M E N D M E N T

Remove everything before the enacting clause and insert:

A bill to be entitled

An act relating to paid family leave insurance;
amending s. 624.406, F.S.; authorizing life insurers
to transact paid family leave insurance; creating s.
624.6086, F.S.; defining terms; creating s. 627.445,
F.S.; defining terms; specifying circumstances under
which family leave benefits may be provided; requiring
paid family leave insurance policies to specify
details and requirements with regard to covered
circumstances; specifying requirements for policies
relating to benefit periods, waiting periods, benefit
amounts and certain offsets, and the payment of
benefits; providing that eligibility for family leave
benefits may be limited, excluded, or reduced but must
be specified in the policy; specifying permissible
limitations, exclusions, and reductions; providing
applicable provisions for calculating rates;
specifying the means by which a policy may offer
family leave benefits; authorizing the Financial
Services Commission to adopt rules; providing an
effective date.