

Council Substitute for House Bill No. 803

An act relating to adoption benefits; creating s. 409.1663, F.S.; providing definitions; expanding a monetary benefit paid to employees who adopt special needs children and children in the custody of the state to include employees of state universities, community colleges, and school districts; clarifying that the availability of the monetary benefit is subject to an appropriation; authorizing the Department of Children and Family Services to administer the program; providing for rules; providing for parental leave; providing for application and eligibility procedures; providing for the transfer of funding from the department to nonstate public entities; providing that application for the monetary benefit will begin with the 2008 open enrollment period and the availability of the benefit will begin in the 2008-2009 fiscal year; repealing ss. 110.152, 110.15201, 215.32(2)(c)5., and 373.6065, F.S., relating to the present program that provides a monetary benefit only to state agency employees and employees of a water management district and that is administered by the Department of Management Services; transferring resources allocated to provide adoption benefits for state employees from the Department of Management Services to the Department of Children and Family Services by a type two transfer; providing an effective date.

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

Section 1. Section 409.1663, Florida Statutes, is created to read:

409.1663 Adoption benefits for qualifying adoptive employees of state agencies.—

(1) As used in this section, the term:

(a) “Department” means the Department of Children and Family Services.

(b) “Licensed child-placing agency” has the same meaning as in s. 39.01.

(c) “Qualifying adoptive employee” means a full-time or part-time employee of a state agency who is paid from regular salary appropriations or who otherwise meets the employer’s definition of a regular rather than temporary employee and who adopts a child pursuant to chapter 63. For purposes of this section, the term includes instructional personnel, as defined in s. 1012.01, employed by the Florida School for the Deaf and the Blind.

(d) “Special needs child” has the same meaning as in s. 409.166.

(e) “State agency” means a branch, department, or agency of state government for which the Chief Financial Officer processes payroll requisitions, a state university or community college as defined in s. 1000.21, a school

district unit as defined in s. 1001.30, or a water management district as defined in s. 373.019.

(2) A qualifying adoptive employee who adopts a special needs child shall be eligible to receive a lump-sum monetary benefit in the amount of \$10,000 per child subject to applicable taxes. Any qualifying adoptive employee who adopts a child whose permanent custody has been awarded to the department or to a licensed child-placing agency, other than a special needs child, shall be eligible to receive a lump-sum monetary benefit in the amount of \$5,000 per child subject to applicable taxes.

(a) Benefits paid to a part-time employee must be prorated based on the employee's full-time-equivalency status at the time of applying for the benefits.

(b) Monetary benefits are limited to one award per child adopted regardless of the number of adoptive parents or an employee's change of employer.

(c) The payment of a lump-sum monetary benefit for adopting a child under this section is subject to a specific appropriation to the department for such purpose.

(3) A qualifying adoptive employee must apply to his or her agency head to obtain the monetary benefit provided in subsection (2). Applications must be on forms approved by the department and must include a certified copy of the final order of adoption naming the applicant as the adoptive parent.

(4) This section does not affect the right of any qualifying adoptive employee who adopts a special needs child to receive adoption assistance under s. 409.166 or any other statute that provides financial incentives for the adoption of children.

(5) Parental leave for qualifying adoptive employees must be provided in accordance with the personnel policies and procedures of the respective state agency employer.

(6) The department shall adopt rules to administer this section. The rules may provide for an application process such as, but not limited to, an open enrollment period during which qualifying adoptive parents may apply for monetary benefits under this section.

(7) A monetary benefit paid to a qualifying adoptive employee employed in a state agency for which the Chief Financial Officer processes payroll requisitions shall be disbursed by the Chief Financial Office upon submission of a payroll requisition by the department. The Chief Financial Officer shall transfer funds from the department to a state university, community college, school district unit, or water management district to enable payment to the respective qualifying adoptive employee through the respective payroll systems as long as funds are available for such purpose.

(8) Each state agency shall develop a uniform procedure for informing employees about this benefit and for assisting the department in making eligibility determinations and processing applications. Any procedure

adopted by a state agency is valid and enforceable so long as it does not conflict with the express terms of this section.

Section 2. Participation by employees of a state university, community college, or school district unit as provided in this act shall commence with the 2008 open enrollment period for adoption benefits to be funded in the 2008-2009 fiscal year.

Section 3. Sections 110.152, 110.15201, 215.32(2)(c)5., and 373.6065, Florida Statutes, are repealed.

Section 4. The resources provided to the Department of Management Services for the adoption benefits for state employees originally enacted in section 110.152, Florida Statutes, are transferred to the Department of Children and Family Services by a type two transfer pursuant to section 20.06(2), Florida Statutes.

Section 5. This act shall take effect July 1, 2007.

Approved by the Governor June 12, 2007.

Filed in Office Secretary of State June 12, 2007.