

By the Committee on Children and Families; and Senator Diaz-Balart

300-1765A-00

1                                   A bill to be entitled  
2           An act providing for the Interstate Compact on  
3           Adoption and Medical Assistance; creating s.  
4           409.406, F.S.; providing authority for the  
5           Department of Children and Family Services to  
6           enter into interstate agreements with other  
7           participating states for medical and other  
8           necessary services for special needs children;  
9           establishing procedures for interstate delivery  
10          of adoption assistance and related services and  
11          benefits; providing for the adoption of  
12          administrative rules; creating s. 409.407,  
13          F.S.; prohibiting expansion of Florida's  
14          financial commitment; providing an effective  
15          date.

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

19           Section 1. Section 409.406, Florida Statutes, is  
20 created to read:

21           409.406 Interstate Compact on Adoption and Medical  
22 Assistance.--The Interstate Compact on Adoption and Medical  
23 Assistance is enacted into law and entered into with all other  
24 jurisdictions legally joining therein in form substantially as  
25 follows:

26           INTERSTATE COMPACT ON ADOPTION AND MEDICAL ASSISTANCE

27                                   ARTICLE I. Findings

28 The Legislature finds that:

29           (a) Special measures are required to find adoptive  
30 families for children for whom state assistance is desirable  
31 pursuant to s. 409.166 and to assure the protection of the

1 interest of the children affected during the entire assistance  
2 period when the adoptive parents move to other states or are  
3 residents of another state.

4 (b) The providers of medical and other necessary  
5 services for children, with state assistance, encounter  
6 special difficulties when the provision of services takes  
7 place in other states.

8 ARTICLE II. Purposes

9 The purposes of the Act are to:

10 (a) Authorize the Department of Children and Family  
11 Services to enter into interstate agreements with agencies of  
12 other states to protect children for whom adoption assistance  
13 is provided by the Department of Children and Family Services.

14 (b) Provide procedures for interstate children's  
15 adoption assistance payments, including medical payments.

16 ARTICLE III. Definitions

17 As used in this compact, the term:

18 (a) "Agency" means the Agency for Health Care  
19 Administration.

20 (b) "Department" means the Florida Department of  
21 Children and Family Services.

22 (c) "State" means a state of the United States, the  
23 District of Columbia, the Commonwealth of Puerto Rico, the  
24 United States Virgin Islands, Guam, the Commonwealth of the  
25 Northern Mariana Islands, or a territory or possession of or  
26 administered by the United States.

27 (d) "Adoption assistance state" means the state that  
28 is signatory to an adoption assistance agreement in a  
29 particular case.

30 (e) "Residence state" means the state where the child  
31 resides.

1           (f) "Medical assistance" means the medical assistance  
2 program authorized by Title XIX of the Social Security Act.

3                           ARTICLE IV. Compacts Authorized

4 The Department of Children and Family Services, by and through  
5 its secretary, may participate in the development of and  
6 negotiate and enter into interstate compacts on behalf of this  
7 state with other states to implement the purposes of this act.  
8 Such a compact has the force and effect of law.

9                           ARTICLE V. Contents of Compacts

10 A compact entered into under this act must have the following  
11 content:

12           (a) A provision making it available for joinder by all  
13 states;

14           (b) A provision for withdrawal from the compact upon  
15 written notice to the parties, but with a period of 1 year  
16 between the date of the notice and the effective date of the  
17 withdrawal;

18           (c) A requirement that the protections afforded under  
19 the compact continue in force for the duration of the adoption  
20 assistance and are applicable to all children and their  
21 adoptive parents who, on the effective date of the withdrawal,  
22 are receiving adoption assistance from a party state other  
23 than the one in which they are residents and have their  
24 principal place of abode;

25           (d) A requirement that each instance of adoption  
26 assistance to which the compact applies be covered by an  
27 adoption assistance agreement in writing between the adoptive  
28 parents and the state child welfare agency of the state which  
29 undertakes to provide the adoption assistance, and further,  
30 that any such agreement be expressly for the benefit of the

31

1 adopted child and enforceable by the adoptive parents, and the  
2 state agency providing the adoption assistance; and

3 (e) Such other provisions as are appropriate to the  
4 proper administration of the compact.

5 ARTICLE VI. Optional Contents of Compacts

6 A compact entered into under this section may contain  
7 provisions in addition to those required pursuant to Article  
8 V, as follows:

9 (a) Provisions establishing procedures and entitlement  
10 to medical and other necessary social services for the child  
11 in accordance with applicable laws, even though the child and  
12 the adoptive parents are in a state other than the one  
13 responsible for or providing the services or the funds to  
14 defray part or all of the costs thereof; and

15 (b) Such other provisions as are appropriate or  
16 incidental to the proper administration of the compact.

17 ARTICLE VII. Medical Assistance

18 (a) A child with special needs who is a resident of  
19 this state and who is the subject of an adoption assistance  
20 agreement with another state is entitled to receive a medical  
21 assistance identification from this state upon the filing with  
22 the agency of a certified copy of the adoption assistance  
23 agreement obtained from the adoption assistance state.

24 Pursuant to rules of the agency, the adoptive parents shall at  
25 least annually show that the agreement is still in force or  
26 has been renewed.

27 (b) The terms of the compact entered into by the  
28 department apply to children who are the subject of federal  
29 adoption assistance agreements. At the department's option and  
30 in concurrence with the agency, the state may elect to provide

31

1 the benefits under this section to children who are the  
2 subject of a state adoption assistance agreement.

3 (c) The agency shall consider the holder of a medical  
4 assistance identification pursuant to this section as any  
5 other holder of a medical assistance identification under the  
6 laws of this state and shall process and make payment on  
7 claims of such holder in the same manner and under the same  
8 conditions and procedures established for other recipients of  
9 medical assistance.

10 (d) The provisions of this article apply only to  
11 medical assistance for children under adoption assistance  
12 agreements from states that have entered into a compact with  
13 this state under which the other state provided medical  
14 assistance to children with special needs under adoption  
15 assistance agreements made by this state. All other children  
16 entitled to medical assistance pursuant to an adoption  
17 assistance agreement entered into by this state are eligible  
18 to receive such assistance under the laws and procedures  
19 applicable thereto.

20 (e) The department shall adopt administrative rules  
21 necessary for administering this section.

22 ARTICLE VIII. Federal Participation

23 Consistent with federal law, the department and the agency, in  
24 administering the provisions of this act and any compact  
25 pursuant hereto must include in any state plan made pursuant  
26 to the Adoption Assistance and Child Welfare Act of 1980 (Pub.  
27 L. No. 96-272), Titles IV(E) and XIX of the Social Security  
28 Act and any other applicable federal laws, the provision of  
29 adoption assistance and medical assistance for which the  
30 Federal Government pays some or all of the cost. The

31

1 department and the agency shall apply for and administer all  
2 relevant federal aid in accordance with law.

3 Section 2. Section 409.407, Florida Statutes, is  
4 created to read:

5 409.407 Interstate agreements between the Department  
6 of Children and Family Services and agencies of other  
7 states.--The Department of Children and Family Services, which  
8 is authorized to enter into interstate agreements with  
9 agencies of other states for the implementation of the  
10 purposes of the Interstate Compact on Adoptions and Medical  
11 Assistance pursuant to s. 409.406, shall not expand the  
12 financial commitment of Florida beyond the financial  
13 obligation of the adoption assistance agreements and Medicaid.

14 Section 3. This act shall take effect July 1, 2000.  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31

STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
COMMITTEE SUBSTITUTE FOR  
Senate Bill 1362

- Moves the section created for the Interstate Compact on Adoption and Medical Assistance from s. 409.4015 to s. 409.406. Section 409.4015 fell within the set of sections dedicated to the Interstate Compact on Placement of Children.
- Creates s. 409.407 which prohibits the Department of Children and Family Services from expanding the financial commitment of the state beyond the current financial obligation for the adoption assistance agreements and Medicaid.
- Adds a definition for "medical assistance" which specifically identifies medical assistance as Medicaid.
- Provides rulemaking authority for the Department of Children and Family Services to administer the Compact.
- Conforms wording with the enabling language that states are expected to adopt for the Compact.
- Removes the requirement that the Agency for Health Care Administration reimburse parents living in other states for Medicaid benefits provided in Florida that are not provided in other states. The companion provision stipulating that the false submission of claims is punishable as perjury, with corresponding fines and sentencing, is also removed.