

Amendment No. ____ (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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The Committee on Governmental Operations offered the following:

Amendment (with title amendment)

Remove from the bill: Everything after the enacting clause and insert in lieu thereof:

Section 1. Section 110.152, Florida Statutes, is created to read:

110.152 Adoption benefits for state employees; parental leave.--

(1)(a) Any employee of the state who adopts a special needs child, as defined in paragraph (b), shall be entitled to a monetary benefit in the amount of \$10,000, \$5,000 of which is payable in equal monthly installments over a 2-year period. Any employee of the state who adopts a child, other than a special needs child as defined in paragraph (b), shall be entitled to a monetary benefit of \$5,000.

(b) For purposes of this section, a "special needs child" is a child whose permanent custody has been awarded to the Department of Children and Family Services or to a

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1 licensed child-placing agency and is not likely to be adopted
2 because he or she is:

- 3 1. Eight years of age or older.
- 4 2. A person with a developmental disability.
- 5 3. A person with a physical or emotional handicap.
- 6 4. Of a minority race or of a racially mixed heritage.
- 7 5. A member of a sibling group of any age, provided
8 two or more members of a sibling group remain together for the
9 purposes of adoption.

10 (2) An employee of the state who adopts a child or a
11 special needs child must apply to his or her agency head to
12 obtain the monetary benefit provided in subsection (1).
13 Applications shall be on forms approved by the department and
14 must include a certified copy of the final order of adoption
15 naming the applicant as the adoptive parent.

16 (3) Nothing in this section shall affect the right of
17 any state employee who adopts a special needs child to receive
18 financial aid for adoption expenses pursuant to s. 409.166 or
19 any other statute which provides financial incentives for the
20 adoption of children.

21 (4) Any employee of the state who adopts a child or a
22 special needs child and who is the legal guardian of the
23 adopted child and resides in the same household as the adopted
24 child shall be granted parental leave for a period not to
25 exceed 6 months as provided in s. 110.221.

26 (5) A state employee who is the adoptive parent of a
27 child or a special needs child and is using authorized paid
28 annual or sick leave while on parental leave as provided in
29 subsection (4) shall:

- 30 (a) Remain eligible to receive employer-paid benefits.
- 31 (b) Continue to accrue paid leave time as if he or she

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1 were on active employment status.

2 (c) If receiving disability benefits prior to the
3 adoption, continue to receive disability benefits during the
4 parental leave period for the duration of the disabling
5 condition.

6 (d) Not be eligible for overtime or holiday pay.

7 Section 2. Section 110.221, Florida Statutes, is
8 amended to read:

9 110.221 Parental or family medical leave.--

10 (1) As used in this section, the term "family" means a
11 child, parent, or spouse, and the term "family medical leave"
12 means leave requested by an employee for a serious family
13 illness including an accident, disease, or condition that
14 poses imminent danger of death, requires hospitalization
15 involving an organ transplant, limb amputation, or other
16 procedure of similar severity, or any mental or physical
17 condition that requires constant in-home care. The term
18 "parental leave" means leave for the father or mother of a
19 child who is born to or adopted by that parent.

20 (2) The state shall not:

21 (a) Terminate the employment of any employee in the
22 career service because of the pregnancy of the employee or the
23 employee's spouse or the adoption of a child by that employee.

24 (b) Refuse to grant to a career service employee
25 parental or family medical leave without pay for a period not
26 to exceed 6 months. Such leave shall commence on a date that
27 is determined by the employee in consultation with the
28 attending physician following notification to the employer in
29 writing, and that is approved by the employer or, in the case
30 of adoption, the Department of Management Services shall
31 develop a model rule establishing a personnel policy pursuant

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1 to ss. 110.1522 and 110.1523.

2 (c) Deny a career service employee the use of and
3 payment for annual leave credits for parental or family
4 medical leave. Such leave shall commence on a date determined
5 by the employee in consultation with the attending physician
6 following notification to the employer in writing or, in the
7 case of adoption, the Department of Management Services shall
8 develop a model rule establishing a personnel policy pursuant
9 to ss. 110.1522 and 110.1523.

10 (d) Deny a career service employee the use of and
11 payment for accrued sick leave or family sick leave for any
12 reason deemed necessary by a physician or as established by
13 policy.

14 (e) Require that a career service employee take a
15 mandatory parental or family medical leave.

16 (3) Any employee of the state who adopts a child shall
17 be subject to the conditions regarding parental leave set
18 forth in ss. 110.1522 and 110.1523.

19 (4)(3) Upon returning at the end of parental or family
20 medical leave of absence, such employee shall be reinstated to
21 the same job or to an equivalent position with equivalent pay
22 and with seniority, retirement, fringe benefits, and other
23 service credits accumulated prior to the leave period. If any
24 portion of the parental or family medical leave is paid leave,
25 the employee shall be entitled to accumulate all benefits
26 granted under paid leave status.

27 Section 3. This act shall take effect July 1, 2000.

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

31 And the title is amended as follows:

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1 remove from the title of the bill: the entire title
2
3 and insert in lieu thereof:
4 A bill to be entitled
5 An act relating to adoption benefits for state
6 employees; creating s. 110.152, F.S.; providing
7 a monetary benefit for a state employee who
8 adopts a child or a special needs child;
9 defining "special needs child" for purposes of
10 the act; providing procedure; providing for
11 eligibility for parental leave; providing
12 conditions of such leave; amending s. 110.221,
13 F.S.; clarifying provisions with respect to
14 commencement of parental leave; requiring the
15 Department of Management Services to develop a
16 model rule establishing a personnel policy for
17 adoption; providing an effective date.
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