

By Representatives Littlefield, Feeney and Roberts

1                                   A bill to be entitled  
2           An act relating to adoption benefits for state  
3           employees; creating s. 110.152, F.S.; providing  
4           a monetary benefit for a state employee who  
5           adopts a child or a special needs child;  
6           defining "special needs child" for purposes of  
7           the act; providing procedure; providing for  
8           eligibility for parental leave; providing  
9           conditions of such leave; amending s. 110.221,  
10          F.S.; clarifying provisions with respect to  
11          commencement of parental leave; providing  
12          conforming provisions; providing an effective  
13          date.

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

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

19                   110.152 Adoption benefits for state employees;  
20          parental leave.--

21                   (1)(a) Any employee of the state who adopts a special  
22          needs child, as defined in paragraph (b), shall be entitled to  
23          a monetary benefit in the amount of \$10,000. Any employee of  
24          the state who adopts a child, other than a special needs child  
25          as defined in paragraph (b), shall be entitled to a monetary  
26          benefit of \$5,000.

27                   (b) For purposes of this section, a "special needs  
28          child" is a child whose permanent custody has been awarded to  
29          the Department of Children and Family Services or to a  
30          licensed child-placing agency and is not likely to be adopted  
31          because he or she is:

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

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

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

19           (4) Any employee of the state who adopts a child or a  
20 special needs child and who is the legal guardian of the  
21 adopted child and resides in the same household as the adopted  
22 child shall, upon adoption, be granted parental leave for a  
23 period not to exceed 6 months as provided in s. 110.221. The  
24 parental leave shall commence on the first day the child is  
25 taken into the custody of the adoptive parent following  
26 execution of the final order of adoption by a court of  
27 competent jurisdiction. Parental leave granted under this  
28 section shall be paid leave for the first 6 weeks and unpaid  
29 leave for the remainder of the parental leave period. If the  
30 employee is a salaried employee, the salary of the employee  
31 during the period of parental leave shall be consistent with

1 the employee's normal rate of pay prior to the commencement of  
2 parental leave.

3 (5) A state employee who is the adoptive parent of a  
4 child or a special needs child and is on parental leave as  
5 provided in subsection (4) shall:

6 (a) Remain eligible to receive employer-paid benefits.

7 (b) Continue to accrue paid leave time as if he or she  
8 were on active employment status.

9 (c) Be allowed to utilize available sick leave  
10 balances in order to receive pay during the unpaid portion of  
11 the 6-month parental leave period.

12 (d) If receiving disability benefits prior to the  
13 adoption, continue to receive disability benefits during the  
14 parental leave period for the duration of the disabling  
15 condition. However, disability benefits or pay received  
16 during the first 6 weeks of parental leave shall not be  
17 doubled.

18 (e) Not be eligible for overtime or holiday pay.  
19 However, a holiday that occurs during the parental leave  
20 period shall be counted as part of the parental leave and  
21 shall be a paid holiday if the employee is on active status on  
22 the day preceding the holiday.

23 Section 2. Section 110.221, Florida Statutes, is  
24 amended to read:

25 110.221 Parental or family medical leave.--

26 (1) As used in this section, the term "family" means a  
27 child, parent, or spouse, and the term "family medical leave"  
28 means leave requested by an employee for a serious family  
29 illness including an accident, disease, or condition that  
30 poses imminent danger of death, requires hospitalization  
31 involving an organ transplant, limb amputation, or other

1 procedure of similar severity, or any mental or physical  
2 condition that requires constant in-home care. The term  
3 "parental leave" means leave for the father or mother of a  
4 child who is born to or adopted by that parent.

5 (2) The state shall not:

6 (a) Terminate the employment of any employee in the  
7 career service because of the pregnancy of the employee or the  
8 employee's spouse or the adoption of a child by that employee.

9 (b) Refuse to grant to a career service employee  
10 parental or family medical leave without pay for a period not  
11 to exceed 6 months. Such leave shall commence on a date that  
12 is determined by the employee in consultation with the  
13 attending physician following notification to the employer in  
14 writing, and that is approved by the employer or, in the case  
15 of adoption, on the first day the child is taken into the  
16 custody of the adoptive parent after execution of the final  
17 order of adoption by the court, following notification to the  
18 employer in writing, and approval by the employer.

19 (c) Deny a career service employee the use of and  
20 payment for annual leave credits for parental or family  
21 medical leave. Such leave shall commence on a date determined  
22 by the employee in consultation with the attending physician  
23 following notification to the employer in writing or, in the  
24 case of adoption, on the first day the child is taken into the  
25 custody of the adoptive parent after execution of the final  
26 order of adoption by the court, following notification to the  
27 employer in writing.

28 (d) Deny a career service employee the use of and  
29 payment for accrued sick leave or family sick leave for any  
30 reason deemed necessary by a physician or as established by  
31 policy.

1           (e) Require that a career service employee take a  
2 mandatory parental or family medical leave.  
3           (3) Any employee of the state who adopts a child shall  
4 be subject to the conditions regarding parental leave set  
5 forth in s. 110.152.  
6           ~~(4)~~~~(3)~~ Upon returning at the end of parental or family  
7 medical leave of absence, such employee shall be reinstated to  
8 the same job or to an equivalent position with equivalent pay  
9 and with seniority, retirement, fringe benefits, and other  
10 service credits accumulated prior to the leave period. If any  
11 portion of the parental or family medical leave is paid leave,  
12 the employee shall be entitled to accumulate all benefits  
13 granted under paid leave status.

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

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17           HOUSE SUMMARY

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19           Provides a \$5,000 monetary benefit for a state employee  
20 who adopts a child and a \$10,000 monetary benefit for a  
21 state employee who adopts a special needs child. Defines  
22 "special needs child" for purposes of the act. Provides  
23 procedure. Provides for eligibility for parental leave  
24 and conditions of such leave.  
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