

By Senator Cowin

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1 A bill to be entitled
2 An act relating to state employees; creating s.
3 110.152, F.S.; providing family leave and
4 benefits to state employees who adopt a child;
5 providing conditions; specifying a monetary
6 benefit; specifying a monetary benefit for
7 adopting a special needs child; providing
8 guidelines for determining special needs
9 children; providing procedure for applying for
10 benefits; specifying conditions relating to an
11 adoptive parent-employee's annual and sick
12 leave and disability benefits; prohibiting
13 payment to an employee who is an adoptive
14 parent for overtime or holiday pay during
15 family leave; providing an effective date.

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

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

21 110.152 Adoption Benefits For State Employees.--
22 (1) To be eligible for family leave and benefits under
23 this section, the state employee must be the legal guardian of
24 and reside in the same household as the newly adopted child.
25 (2) Family leave of absence must be granted for a
26 period of up to 6 months to a state employee who adopts a
27 child. The family leave of absence will begin on the first day
28 the child is taken into the custody of the adoptive parents
29 after the final order of adoption has been executed by a court
30 of competent jurisdiction. The first 6 weeks of this leave is
31 with pay. The remainder of the family leave is without pay.

1 If the employee is a salaried employee, the salary of that
2 employee during this period must be consistent with the salary
3 that employee would have normally been paid for work over a
4 normal 6 weeks.

5 (3) A state employee who adopts a child is entitled to
6 a monetary benefit in the amount of \$5,000. However, if the
7 child adopted by the state employee is a special needs child,
8 the employee will be entitled to a monetary benefit in the
9 amount of \$10,000.

10 (a) A special needs child, for purposes of this
11 section, is a child whose permanent custody has been awarded
12 to the Department of Children and Families or to a licensed
13 child-placing agency and is not likely to be adopted because
14 he or she is:

15 1. Eight years of age or older;

16 2. A person with a developmental disability;

17 3. A person with a physical or emotional handicap;

18 4. Of a minority race or is of a racially mixed
19 heritage; or

20 5. A member of a sibling group of any age, provided
21 two or more members of a sibling group remain together for the
22 purposes of adoption.

23 (b) To obtain this adoption benefit the state employee
24 who is the adoptive parent must apply to his or her agency
25 head. This application must include a certified copy of the
26 final order of adoption naming the employee the new parent of
27 the child.

28 (c) This section does not affect the state employee's
29 ability to receive financial aid for adoption expenses under
30 s. 409.166 or any other statute or incentive program.

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1 (4) The following provisions also apply to a state
 2 employee who adopts a child:
 3 (a) The employee remains eligible to receive
 4 employer-paid benefits. Subject to current rules governing
 5 leave accrual, the employee may continue to accrue paid leave
 6 time as if the employee were in active status.
 7 (b) The employee must be permitted to use available
 8 annual and sick leave balances to receive pay during the
 9 unpaid portion of the 6-month family leave.
 10 (c) Disability benefits for an employee who was
 11 receiving them before the adoption must continue during the
 12 family leave for the duration of the disabling condition.
 13 However, there will be no doubling of these benefits and the
 14 pay the employee receives during the first 6 weeks of the
 15 family leave.
 16 (d) The employee is ineligible for overtime or holiday
 17 pay during the family leave. However, a holiday during the
 18 family leave is counted as part of family leave and will be
 19 paid if the employee is in active status on the day preceding
 20 the holiday.
 21 Section 2. This act shall take effect July 1, 2000.
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 24 SENATE SUMMARY
 25 Provides family leave and benefits for a state employee
 26 who adopts a child. Provides conditions. Specifies
 27 monetary benefits, including a specified amount for the
 28 adoption of a special needs child. Provides procedures
 29 for applying for benefits. Specifies conditions relating
 30 to an adoptive parent-employee's annual and sick leave
 31 and disability benefits. Prohibits payment for overtime
 and holiday work performed by an employee who is an
 adoptive parent.