

By the Committee on Governmental Oversight and Productivity;  
and Senators Cowin and Mitchell

302-2006A-00

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

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 or water  
20 management district employees; parental leave.--

21           (1)(a) Any employee of the state or of a water  
22 management district who adopts a special-needs child, as  
23 defined in paragraph (b), is eligible to receive a monetary  
24 benefit in the amount of \$10,000 per child, \$8,000 of which is  
25 payable in equal monthly installments over a 2-year period.

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

31           1. Eight years of age or older.

- 1           2. A person with a developmental disability.  
2           3. A person with a physical or emotional handicap.  
3           4. Of a minority race or of a racially mixed heritage.  
4           5. A member of a sibling group of any age, provided  
5 that two or more members of a sibling group remain together  
6 for the purposes of adoption.
- 7           (2) An employee of the state or of a water management  
8 district who adopts a special-needs child must apply to his or  
9 her agency head to obtain the monetary benefit provided in  
10 subsection (1). Applications must be on forms approved by the  
11 department and must include a certified copy of the final  
12 order of adoption naming the applicant as the adoptive parent.
- 13           (3) Nothing in this section shall affect the right of  
14 any state employee who adopts a special-needs child to receive  
15 financial aid for adoption expenses pursuant to s. 409.166 or  
16 any other statute that provides financial incentives for the  
17 adoption of children.
- 18           (4) Any employee of the state or of a water management  
19 district who adopts a special-needs child and who is the legal  
20 guardian of the adopted child and resides in the same  
21 household as the adopted child shall, upon adoption, be  
22 granted parental leave for a period not to exceed 6 months as  
23 provided in s. 110.221. The parental leave shall commence on  
24 the first day the child is taken into the custody of the  
25 adoptive parent following execution of the final order of  
26 adoption by a court of competent jurisdiction. If the employee  
27 is a salaried employee, the salary of the employee during the  
28 period of parental leave must be consistent with the  
29 employee's normal rate of pay prior to the commencement of  
30 parental leave.  
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1           (5) A state or water management district employee who  
2 is the adoptive parent of a special-needs child and is on  
3 parental leave as provided in subsection (4) shall, if  
4 otherwise eligible:

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

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

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

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

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

21           Section 2. Section 110.221, Florida Statutes, is  
22 amended to read:

23           110.221 Parental or family medical leave.--

24           (1) As used in this section, the term "family" means a  
25 child, parent, or spouse, and the term "family medical leave"  
26 means leave requested by an employee for a serious family  
27 illness including an accident, disease, or condition that  
28 poses imminent danger of death, requires hospitalization  
29 involving an organ transplant, limb amputation, or other  
30 procedure of similar severity, or any mental or physical  
31 condition that requires constant in-home care. The term

1 "parental leave" means leave for the father or mother of a  
2 child who is born to or adopted by that parent.

3 (2) The state shall not:

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

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

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

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

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

1           (3) Any employee of the state who adopts a child shall  
2 be subject to the conditions regarding parental leave set  
3 forth in s. 110.152.

4           (4)~~(3)~~ Upon returning at the end of parental or family  
5 medical leave of absence, such employee shall be reinstated to  
6 the same job or to an equivalent position with equivalent pay  
7 and with seniority, retirement, fringe benefits, and other  
8 service credits accumulated prior to the leave period. If any  
9 portion of the parental or family medical leave is paid leave,  
10 the employee shall be entitled to accumulate all benefits  
11 granted under paid leave status.

12           Section 3. This act shall take effect October 1, 2000,  
13 and shall apply to adoptions finalized on and after that date.

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15                           STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
16                           COMMITTEE SUBSTITUTE FOR  
17                           Senate Bill 2208

18           The Committee Substitute eliminates the six weeks of paid  
19 leave for adoptive parents, removes the \$5,000 monetary  
20 payment for a non-special needs child, structures the \$10,000  
21 monetary benefit for a special needs child over 24 months,  
22 amends existing s. 110.121, F.S., on parental and family leave  
23 to cross reference the newly created s. 110.152, F.S., and  
24 extends provisions of the bill to include employees of the  
25 several water management districts.  
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