

By the Committee on Child & Family Security and
Representative Detert

1 A bill to be entitled
2 An act relating to 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.

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

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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 Department of Children and
21 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
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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
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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

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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, 2001.

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17 HOUSE SUMMARY

18 Establishes the Interstate Compact on Adoption and
19 Medical Assistance. Provides findings, purpose, and
20 definitions. Provides authority for the Department of
21 Children and Family Services to enter into interstate
22 agreements with other participating states for medical
23 and other necessary services for special needs children.
24 Establishes procedures for interstate delivery of
25 adoption assistance and related services and benefits.
26 Provides for the adoption of administrative rules by the
27 department. Prohibits expansion of Florida's financial
28 commitment beyond the financial obligation of the
29 adoption assistance agreements and Medicaid.
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