

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: Children and Families Committee

BILL: SB 1896

INTRODUCER: Senator Wilson

SUBJECT: Adoption Benefits

DATE: March 13, 2006

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	McKay	Wilson	GO	Fav/4 amendments
2.	Sanford	Whiddon	CF	Favorable
3.			ED	
4.			GA	
5.			WM	
6.				

Please see last section for Summary of Amendments

- Technical amendments were recommended
- Amendments were recommended
- Significant amendments were recommended

I. Summary:

The bill expands the categories of persons who are eligible to receive adoption benefits under s. 110.152, F.S., by changing the phrases “state employees” and “employee of the state” to “qualifying adoptive parents,” which is defined to include a full or part-time employee of:

- The state, including a full-time or part-time employee of the State University System;
- Any community college; and
- Any county school district, including teachers.

By changing the terminology, the bill makes university, community college, and county school district employees eligible to receive the \$10,000 benefit available to those who adopt a special needs child and the \$5,000 benefit available to those who adopt a child other than a special needs child. The terminology change makes the requirements concerning application for the monetary benefit, the right to receive other statutory adoption expenses, and the six month parental leave provision applicable to university, community college, and county school district employees.

The bill clarifies the rule-making authority of the Department of Management Service with respect to adoption benefits to reflect the expanded categories of persons eligible for such benefits by changing the term “employees” to “qualifying adoptive parents.”

The bill provides for an effective date of July 1, 2006.

This bill amends sections 110.152 and 110.15201 of the Florida Statutes.

II. Present Situation:

Current Adoption Benefit

Section 110.152(1)(a), F.S., provides for adoption benefits for “state employees,” defined as “any full-time or part-time employee of the state who is paid from regular salary appropriations,” who adopts a special needs child as defined in s. 110.152(b), F.S.¹ Such state employees are eligible to receive a monetary benefit in the amount of \$10,000 per child, payable in equal monthly installments over a one-year period.

Any “employee of the state” who adopts a child whose permanent custody has been awarded to the Department of Children and Family Services (DCF) or to a Florida-licensed child-placing agency, *other* than a special-needs child, is eligible to receive a monetary benefit in the amount of \$5,000 per child, payable in equal monthly installments over a one-year period. Benefits payable to a part-time employee under this subsection must be prorated based on the employee's full-time-equivalency status at the time of applying for the benefits.

Section 110.152(2), F.S., provides that an employee of the state who adopts a special-needs child must apply to his or her agency head to obtain the monetary benefit provided in subsection (1) and that applications must be on forms approved by the Department of Management Services (DMS) and must include a certified copy of the final order of adoption naming the applicant as the adoptive parent.

Section 110.152(3), F.S., provides that nothing in this section affects the right of any state employee who adopts a special-needs child to receive financial aid for adoption expenses pursuant to s. 409.166, F.S., or any other statute that provides financial incentives for the adoption of children.

Section 110.152(4), F.S., provides that any employee of the state who has a child placed in the custody of the employee for adoption, and who continues to reside in the same household as the child placed for adoption, must be granted parental leave for a period not to exceed six months as provided in s. 110.221, F.S.

Section 110.15201, F.S., provides that the DMS may adopt rules to administer the provisions of this act and that the rules may provide for an application process that may include an open enrollment period during which employees may apply for monetary benefits provided in s. 110.152(1), F.S.

¹ A “special needs child” is a child whose permanent custody has been awarded to the Department of Children and Family Services or to a Florida-licensed child-placing agency and who is not likely to be adopted because he or she is: Eight years of age or older; a person with a developmental disability; a person with a physical or emotional handicap; of a minority race or of a racially mixed heritage; or a member of a sibling group of any age, provided that two or more members of a sibling group remain together for the purposes of adoption.

Currently, the DMS has mutual agreements with the state universities to provide a method for transferring the funds for the adoption benefit. The DMS does not have such agreements with state community colleges or county school districts.

According to the DCF, in 2005, the DMS received 167 eligible applications to receive benefits under s. 110.152(1), F.S., of which it funded 89 children from an appropriation of approximately \$888,000, which left 78 unfunded. In 2000, out of 75 eligible adoptions, 20 were funded due to the amount appropriated. In 2001, out of 77 eligible adoptions, 12 were funded due to the amount appropriated. In 2002, all 40 eligible adoptions were funded. In 2003, no appropriations were made to fund the program. In 2004, out of 243 eligible adoptions, 179 were funded due to the amount appropriated to the DMS.

III. Effect of Proposed Changes:

Section 1 amends the catch line and substance of s. 110.152, F.S., by replacing a reference to “state employees” with “qualifying adoptive parents,” and providing in a new subsection (1) that “qualifying adoptive parents” means a full-time or part-time employee of:

- The state, including a full-time or part-time employee of the State University System;
- Any community college; and
- Any county school district, including teachers.

Paragraph (1)(a) is renumbered as (2)(a), and the phrase “full-time or part-time employee of the state who is paid from regular salary appropriations” is replaced with “qualifying adoptive parent.” The terminology changes make university, community college, and county school district employees eligible to receive the \$10,000 benefit available to those who adopt a special needs child and the \$5,000 benefit available to those who adopt a child other than a special needs child.

The same terminology changes made in subsequent subsections of s. 110.152, F.S., make the requirements concerning application for the monetary benefit, the right to receive other statutory adoption expenses, and the six month parental leave provision applicable to university, community college, and county school district employees.

Section 2 amends s. 110.15201, F.S., which provides rule-making authority to the Department of Management Services with respect to the provisions to this act, by replacing a reference to “employees” with a reference to “qualifying adoptive parents.” The effect of the change means the application process for receiving the benefits of this section, which is provided by Rule 60L-32.005, F.A.C., is applicable to university, community college, and county school district employees seeking the monetary benefits of s. 110.152, F.S.

Section 3 provides the act shall take effect July 1, 2006.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Economic Impact and Fiscal Note:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

To the extent the appropriation is sufficient, employees of community colleges and county school districts could receive adoption benefits when they adopt certain children.

C. Government Sector Impact:

Given that the appropriation for the benefit under current s. 110.152(1), F.S., was insufficient to cover all eligible applications for the benefit in five of the past six years, an increase in the number of persons eligible to receive the benefit, without an increase in the appropriation, would suggest that not all eligible applicants will receive the benefit in the future.

To the extent that employees of community colleges and county school districts who were not previously eligible for the monetary benefits of s. 110.152, F.S., use them in the future, the cost to the state may rise, in both increased demand for the benefit, and increased costs to the DMS in entering into agreements with community colleges and county school districts to transfer funds outside the state payroll system. To the extent that the benefits act as incentive for employees of universities, community colleges, and county school districts to adopt children they otherwise may not have, the cost to the state may decrease, as the state would no longer need to provide directly for the support of those children. The net increase or decrease in costs to the state is indeterminate.

If universities, community colleges, and county school districts do not currently provide the six month parental leave as provided in s. 110.052, F.S.,² they may incur productivity and personnel costs associated with providing the leave. Those costs are indeterminate.

VI. Technical Deficiencies:

The bill renumbers current subsection (1) of section 111.152, F.S., as subsection (2), but does not renumber subsequent subsections, leaving two subsections (2), at page 1, line 29, and page 2,

² Section 110.152(4), F.S., references s. 110.221, F.S., which provides for parental and family medical leave for career service employees.

line 27. The second subsection (2) should be subsection (3), and the following subsections renumbered.

A corrective amendment is required to properly cross reference the monetary benefit from its current location in ss. (1) to ss. (2).

In section two of the bill, the catch line for s. 110.15201, F.S., still refers to “state employees,” though the bill changes a reference in that section from “employees” to “qualified adoptive parents.”

As written in s. 110.152(1), F.S., the bill provides that a full-time or part-time employee of *any* community college and *any* county school district is a “qualifying adoptive parent.” The Legislature may wish to clarify that only such employees of Florida institutions so qualify, by adding the phrase “in the state” to the relevant clauses.

VII. Related Issues:

None.

This Senate staff analysis does not reflect the intent or official position of the bill’s introducer or the Florida Senate.

VIII. Summary of Amendments:

Barcode 752336 by Governmental Oversight and Productivity:

Clarifies that employees of community colleges and county school districts *in Florida* are “qualifying adoptive parents.”

Barcode 653124 by Governmental Oversight and Productivity:

Corrects the numbering of the subsections.

Barcode 253670 by Governmental Oversight and Productivity:

Corrects an internal cross-reference.

Barcode 843430 by Governmental Oversight and Productivity:

Modifies the catch line of section 110.15201, F.S., to reflect the terminology change from “employees” to “qualifying adoptive parents.”

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