

By Senator Gaetz

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1 A bill to be entitled
2 An act relating to adoption and foster care; creating
3 s. 409.1662, F.S.; providing the purpose of the
4 adoption incentive program; directing the Department
5 of Children and Families to establish an adoption
6 incentive program for certain agencies and
7 subcontractors; requiring that the department conduct
8 a comprehensive baseline assessment of lead agencies
9 and provider performance and compile annual data for
10 the most recent 5 years of available data; providing a
11 nonexclusive list of factors for the assessment to
12 identify; requiring that the department negotiate an
13 outcome-based agreement; requiring that several
14 factors be included in the agreement; requiring the
15 department to allocate incentive payments; creating s.
16 409.1664, F.S.; defining terms; providing certain
17 amounts payable to a qualifying adoptive employee who
18 adopts specified children under certain circumstances
19 subject to a specific appropriation to the department;
20 providing prorated payments for a part-time employee
21 and limiting the monetary benefit to one award per
22 child; requiring that a qualifying adoptive employee
23 apply to the agency head for the monetary benefit on
24 forms approved by the department and include a
25 certified copy of the final order of adoption;
26 providing that the rights offered by this act do not
27 preclude a qualifying adoptive employee who adopts a
28 special needs child to receive any other assistance or
29 incentive; requiring that parental leave for

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30 qualifying adoptive employees be provided; requiring
31 the department to adopt rules; requiring the Chief
32 Financial Officer to submit payment to a qualifying
33 adoptive employee depending on where he or she works;
34 requiring state agencies to develop uniform procedures
35 for informing employees about this benefit and for
36 assisting the department in making eligibility
37 determinations and processing applications; creating
38 s. 409.1666, F.S.; requiring the Governor to annually
39 select and recognize certain individuals, families, or
40 organizations for adoption achievement awards;
41 requiring the department to define categories for the
42 achievement awards and seek nominations for potential
43 recipients; authorizing a direct-support organization
44 established by the Office of Adoption and Child
45 Protection to accept donations of products or services
46 from private sources to be given to the recipients of
47 the adoption achievement awards; providing an
48 effective date.

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

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52 Section 1. Section 409.1662, Florida Statutes, is created
53 to read:

54 409.1662 Children within the child welfare system; adoption
55 incentive program.-

56 (1) PURPOSE.-The purpose of the adoption incentive program
57 is to advance the state's achievement of permanency and
58 stability in living arrangements for children in foster care who

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59 cannot be reunited with their families. The department shall
60 establish the adoption incentive program to award incentive
61 payment to community-based care lead agencies, as defined in s.
62 409.986, and their subcontractors that are involved in the
63 adoption process for achievement of specific and measureable
64 adoption performance standards.

65 (2) ADMINISTRATION OF THE PROGRAM.—

66 (a) The department shall conduct a comprehensive baseline
67 assessment of the performance of lead agencies and providers
68 related to adoption of children from foster care. The assessment
69 shall compile annual data for each of the most recent 5 years
70 for which data is available. At a minimum, the assessment shall
71 identify:

72 1. The number of families attempting to adopt children from
73 foster care and the number of families completing the adoption
74 process.

75 2. The number of children eligible for adoption and the
76 number of children whose adoptions were finalized.

77 3. The amount of time eligible children waited for
78 adoption.

79 4. The number of adoptions that resulted in disruption or
80 dissolution and the subset of those disrupted adoptions that
81 were preventable by the lead agency or the subcontracted
82 provider.

83 5. The time taken to complete each phase of the adoption
84 process.

85 6. The expenditures made to recruit adoptive homes and a
86 description of any initiative to improve adoption performance or
87 streamline the adoption process.

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88 7. The results of any specific effort to gather feedback
89 from prospective adoptive parents and adoptive parents.

90 (b) Using the information from the baseline assessment, the
91 department shall negotiate an outcome-based agreement with lead
92 agencies and their subcontracted providers that are involved in
93 the adoption process. The agreement shall establish measureable
94 outcome targets, define the method for measuring performance and
95 for determining the level of performance required to earn the
96 incentive payment, and the amount of the incentive payment which
97 may be earned for each target. The department shall update the
98 assessment annually.

99 (3) INCENTIVE PAYMENTS.—

100 (a) The department shall allocate incentive payments to
101 performance improvement targets in a manner that ensures that
102 total payments do not exceed the amount appropriated for this
103 purpose.

104 (b) The department shall ensure that the amount of the
105 incentive payments are proportionate to the value of the
106 performance improvement.

107 Section 2. Section 409.1664, Florida Statutes, is created
108 to read:

109 409.1664 Adoption benefits for qualifying adoptive
110 employees of state agencies.—

111 (1) As used in this section, the term:

112 (a) "Child within the child welfare system" has the same
113 meaning as in s. 409.166.

114 (b) "Qualifying adoptive employee" means a full-time or
115 part-time employee of a state agency who is paid from regular
116 salary appropriations, or otherwise meets the state agency

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117 employer's definition of a regular rather than temporary
118 employee, and who adopts a child within the child welfare system
119 pursuant to chapter 63. The term includes instructional
120 personnel, as defined in s. 1012.01, employed by the Florida
121 School for the Deaf and the Blind.

122 (c) "State agency" means a branch, department, or agency of
123 state government for which the Chief Financial Officer processes
124 payroll requisitions, a state university or Florida College
125 System institution as defined in s. 1000.21, a school district
126 unit as defined in s. 1001.30, or a water management district as
127 defined in s. 373.019.

128 (2) A qualifying adoptive employee that adopts a child
129 within the child welfare system who has additional special needs
130 as described in s. 409.166 is eligible to receive a lump-sum
131 monetary benefit in the amount of \$10,000 per child within the
132 child welfare system, subject to applicable taxes. A qualifying
133 adoptive employee that adopts a child within the child welfare
134 system who has no additional special needs as described in s.
135 409.166 is eligible to receive a lump-sum monetary benefit in
136 the amount of \$5,000 per child within the child welfare system,
137 subject to applicable taxes.

138 (a) Benefits paid to a qualifying adoptive employee who is
139 a part-time employee must be prorated based on the qualifying
140 adoptive employee's full-time equivalency at the time of
141 applying for the benefits.

142 (b) Monetary benefits are limited to one award per adopted
143 child within the child welfare system.

144 (c) The payment of a lump-sum monetary benefit for adopting
145 a child within the child welfare system under this section is

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146 subject to a specific appropriation to the department for such
147 purpose.

148 (3) A qualifying adoptive employee must apply to his or her
149 agency head to obtain the monetary benefit provided in
150 subsection (2). Applications must be on forms approved by the
151 department and must include a certified copy of the final order
152 of adoption naming the applicant as the adoptive parent.

153 (4) This section does not affect the right of any
154 qualifying adoptive employee who adopts a special needs child
155 that is not a child within the child welfare system to receive
156 adoption assistance under s. 409.166 or any other statute that
157 provides financial incentives for the adoption of children.

158 (5) Parental leave for a qualifying adoptive employee must
159 be provided in accordance with the personnel policies and
160 procedures of the employee's state agency employer.

161 (6) The department shall adopt rules to administer this
162 section. The rules may provide for an application process such
163 as, but not limited to, an open enrollment period during which
164 qualifying adoptive employees may apply for monetary benefits
165 under this section.

166 (7) The Chief Financial Officer shall disburse a monetary
167 benefit to a qualifying adoptive employee upon the department's
168 submission of a payroll requisition. The Chief Financial Officer
169 shall transfer funds from the department to a state university,
170 Florida College System institution, school district unit, or
171 water management district, as appropriate, to enable payment to
172 the qualifying adoptive employee through the payroll systems as
173 long as funds are available for such purpose.

174 (8) Each state agency shall develop a uniform procedure for

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175 informing employees about this benefit and for assisting the
176 department in making eligibility determinations and processing
177 applications. Any procedure adopted by a state agency is valid
178 and enforceable if the procedure does not conflict with the
179 express terms of this section.

180 Section 3. Section 409.1666, Florida Statutes, is created
181 to read:

182 409.1666 Annual adoption achievement awards.—Each year, the
183 Governor shall select and recognize one or more individuals,
184 families, or organizations that make significant contributions
185 to enabling this state's foster children to achieve permanency
186 through adoption. The department shall define appropriate
187 categories for the achievement awards and seek nominations for
188 potential recipients in each category from individuals and
189 organizations knowledgeable about foster care and adoption.

190 (1) The award shall recognize persons whose contributions
191 involve extraordinary effort or personal sacrifice in order to
192 provide caring and permanent homes for foster children.

193 (2) A direct-support organization established in accordance
194 with s. 39.0011 by the Office of Adoption and Child Protection
195 within the Executive Office of the Governor may accept donations
196 of products or services from private sources to be given to the
197 recipients of the adoption achievement awards. The direct-
198 support organization may also provide suitable plaques, framed
199 certificates, pins, and other tokens of recognition.

200 Section 4. This act shall take effect July 1, 2015.