

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Children, Families, and Elder Affairs

BILL: SB 136

INTRODUCER: Senator Bean

SUBJECT: Adoption Benefits

DATE: October 14, 2019

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Delia	Hendon	CF	Pre-meeting
2.			AHS	
3.			AP	

I. Summary:

SB 136 allows military veterans and service members who adopt a child through the state child welfare system to receive monetary benefits. Such benefits are currently available to employees of state agencies, charter schools and the Florida Virtual School. The State Employee Adoption Benefit Program administered through the Department of Children and Families (DCF) allows qualifying employees who adopt a child from the child welfare system to receive a one-time benefit of \$5,000, or \$10,000 for the adoption of a child with special needs. The bill also modifies the existing benefit criteria by allowing other-personal-services (OPS) employees who have been employed full-time or part-time by a state agency for at least one year to qualify for the benefit.

The adoption benefit program is subject to appropriation. If the program is expanded it would still be limited to the amount of funds appropriated by the Legislature.

The bill takes effect July 1, 2020.

II. Present Situation:

In Florida, the Department of Children and Families (DCF) provides child welfare services.¹ Florida law requires that child welfare services, including adoption services, be delivered through community-based care (CBC) lead agencies contracted by DCF.² For example, CBCs provide pre- and post-adoption services and administer maintenance adoption subsidies that provide ongoing financial support for children adopted from the foster care system.

¹ Section 20.19(4)(a)3., F.S.

² Section 409.986(1), F.S.

The State Employee Adoption Incentive Program

The State Employee Adoption Incentive Program (Program) was reenacted in July 1, 2015.³ The original program, enacted in 2000,⁴ was repealed in 2010.⁵ The program was designed to increase the number of adoptions in Florida by offering an incentive to certain state employees and other applicants.⁶ The program provides a lump-sum benefit payment for the adoption of a child within the child welfare system (\$5,000), and a higher benefit amount for adoptions of children with special needs within the child welfare system (\$10,000).⁷

The program is currently available to both full and part-time employees of a state agency, a charter school, or the Florida Virtual School.⁸ A “qualifying adoptive employee” includes individuals who are regular, and not temporary, employees of:⁹

- A branch, department, or agency of state government for which the Chief Financial Officer processes payroll requisitions;
- A state university or Florida College System institution as defined in law;
- A school district unit as defined in law;
- A water management district as defined in law;
- The Florida School for the Deaf and Blind (limited to instructional personnel as defined in law).
- A charter school as defined in law; or
- The Florida Virtual School.

The receipt of a benefit payment through the program does not preclude the employee from receiving adoption assistance under any other state program.¹⁰ The program’s capacity is limited by the amount of funds appropriated for the program.¹¹ Payments under the program are based solely on the employment relationship between the employed individual and the employing entity.

III. Effect of Proposed Changes:

Section 1 amends s. 409.1664, F.S., by allowing veterans and service members living in the state of Florida who adopt a child from the state child welfare system on or after July 1, 2020, to receive the monetary benefit paid to qualifying adoptive employees, regardless of whether the veteran or service member is considered a qualifying adoptive employee under statute.

³ Section 6, ch. 2015-130, L.O.F.

⁴ Section 1, ch. 2000-241, L.O.F.

⁵ Chapter 2010-158, L.O.F.

⁶ Chapter 2010-158, L.O.F. Currently the following applicants who adopt a child within the child welfare system after July 1, 2020 are eligible for the program: full or part-time employees of the state (Executive, Legislative and Judicial Branches, including the Department of the Lottery), the state universities, community colleges, school districts, water management districts, charter schools, FLVS employees, and instructional personnel employed by the Florida School for the Deaf and Blind, provided the employee is paid from regular salary appropriations (not OPS or otherwise “temporary” or casual labor).

⁷ Section 409.1664, F.S. Section 409.166(2)(a), F.S. defines a special needs child for purposes of the State Employee Adoption Incentive Program.

⁸ Section 409.1664(1)(b), F.S.

⁹ *Id.* at (1)(c).

¹⁰ *Id.* at (4).

¹¹ *Id.* at (2)(c).

The bill also clarifies that, for the purposes of qualifying for the benefit, an employee of a state agency may include other-personal-services (OPS) employees who have been employed full-time or part-time by a state agency for at least one year. The bill also provides DCF with rulemaking authority to administer needed changes.

Section 2 provides that the bill takes effect July 1, 2020.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The table below includes the amount of funds appropriated and the total payments issued under the program to adoptive families, as well as the number of applicants for the awards and the number of awards actually distributed. The data ranges from FY 2015-2016 through FY 2018-2019.

State Employee Adoptive Benefits Program				
Fiscal Year	Number of Applicants	Number of Awards	Available GR	Total Amount of Expenditures
FY 2015-2016	104	139	\$3 million	\$1,386,900
FY 2016-2017	151	219	\$2.75 million	\$2,185,000
FY 2017-2018	259	166	\$2.75 million	\$2,560,000
FY 2018-2019	314	233	\$4,880,694	\$3,130,000

Adoption award payments are disbursed to qualified applicants on a first-come, first served basis. If sufficient funding is not available to pay an eligible applicant, the applicant may reapply for the adoption benefit the following year.

At this time, the fiscal impact of extending the adoption benefits to veterans and service members is indeterminate. No analysis has been received from the Department of Children and Families.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 409.1664 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.