

By Senator Bean

4-00153B-20

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1 A bill to be entitled
2 An act relating to adoption benefits; amending s.
3 409.1664, F.S.; revising the definition of the term
4 "qualifying adoptive employee"; providing that certain
5 adoptive veterans and servicemembers are eligible to
6 apply for certain monetary benefits; defining the
7 terms "veteran" and "servicemember"; authorizing the
8 Department of Children and Families to adopt rules;
9 providing an effective date.

10
11 Be It Enacted by the Legislature of the State of Florida:

12
13 Section 1. Section 409.1664, Florida Statutes, is amended
14 to read:

15 409.1664 Adoption benefits for qualifying adoptive
16 employees of state agencies, veterans, and servicemembers.-

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

18 (a) "Child within the child welfare system" has the same
19 meaning as provided in s. 409.166.

20 (b) "Qualifying adoptive employee" means a full-time or
21 part-time employee of a state agency, a charter school
22 established under s. 1002.33, or the Florida Virtual School
23 established under s. 1002.37 who is paid from regular salary
24 appropriations, or otherwise meets his or her employer's
25 definition of a regular rather than temporary employee, and who
26 adopts a child within the child welfare system pursuant to
27 chapter 63 on or after July 1, 2015. The term includes
28 instructional personnel, as defined in s. 1012.01, who are
29 employed by the Florida School for the Deaf and the Blind. For

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30 purposes of this paragraph, an employer's definition of a
31 regular employee may include an other-personal-services employee
32 who has been continuously employed full-time or part-time by the
33 state agency for at least 1 year.

34 (c) "State agency" means a branch, department, or agency of
35 state government for which the Chief Financial Officer processes
36 payroll requisitions, a state university or Florida College
37 System institution as defined in s. 1000.21, a school district
38 unit as defined in s. 1001.30, or a water management district as
39 defined in s. 373.019.

40 (2) A qualifying adoptive employee who adopts a child
41 within the child welfare system who has special needs described
42 in s. 409.166(2)(a)2. is eligible to receive a lump-sum monetary
43 benefit in the amount of \$10,000 per such child, subject to
44 applicable taxes. A qualifying adoptive employee who adopts a
45 child within the child welfare system who does not have special
46 needs described in s. 409.166(2)(a)2. is eligible to receive a
47 lump-sum monetary benefit in the amount of \$5,000 per such
48 child, subject to applicable taxes. A qualifying adoptive
49 employee of a charter school or the Florida Virtual School may
50 retroactively apply for the monetary benefit provided in this
51 subsection if such employee was employed by a charter school or
52 the Florida Virtual School when he or she adopted a child within
53 the child welfare system pursuant to chapter 63 on or after July
54 1, 2015.

55 (a) Benefits paid to a qualifying adoptive employee who is
56 a part-time employee must be prorated based on the qualifying
57 adoptive employee's full-time equivalency at the time of
58 applying for the benefits.

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59 (b) Monetary benefits awarded under this subsection are
60 limited to one award per adopted child within the child welfare
61 system.

62 (c) The payment of a lump-sum monetary benefit for adopting
63 a child within the child welfare system under this section is
64 subject to a specific appropriation to the department for such
65 purpose.

66 (3) A qualifying adoptive employee must apply to his or her
67 agency head, or to his or her school director in the case of a
68 qualifying adoptive employee of a charter school or the Florida
69 Virtual School, to obtain the monetary benefit provided in
70 subsection (2). Applications must be on forms approved by the
71 department and must include a certified copy of the final order
72 of adoption naming the applicant as the adoptive parent.
73 Monetary benefits shall be approved on a first-come, first-
74 served basis based upon the date that each fully completed
75 application is received by the department.

76 (4) This section does not preclude a qualifying adoptive
77 employee from receiving adoption assistance for which he or she
78 may qualify under s. 409.166 or any other statute that provides
79 financial incentives for the adoption of children.

80 (5) Parental leave for a qualifying adoptive employee must
81 be provided in accordance with the personnel policies and
82 procedures of his or her employer.

83 (6) The department may adopt rules to administer this
84 section. The rules may provide for an application process such
85 as, but not limited to, an open enrollment period during which
86 qualifying adoptive employees may apply for monetary benefits
87 under this section.

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88 (7) The Chief Financial Officer shall disburse a monetary
89 benefit to a qualifying adoptive employee upon the department's
90 submission of a payroll requisition. The Chief Financial Officer
91 shall transfer funds from the department to a state university,
92 a Florida College System institution, a school district unit, a
93 charter school, the Florida Virtual School, or a water
94 management district, as appropriate, to enable payment to the
95 qualifying adoptive employee through the payroll systems as long
96 as funds are available for such purpose.

97 (8) Each state agency shall develop a uniform procedure for
98 informing employees about this benefit and for assisting the
99 department in making eligibility determinations and processing
100 applications. Any procedure adopted by a state agency is valid
101 and enforceable if the procedure does not conflict with the
102 express terms of this section.

103 (9) A veteran or servicemember who is domiciled in this
104 state and who adopts a child within the child welfare system
105 pursuant to chapter 63 on or after July 1, 2020, is eligible to
106 apply for the monetary benefits awarded under subsection (2),
107 regardless of whether the veteran or servicemember is a
108 qualifying adoptive employee. As used in this subsection, the
109 term "veteran" has the same meaning as provided in s. 1.01(14)
110 and the term "servicemember" has the same meaning as provided in
111 s. 250.01(19). The department may adopt rules to administer this
112 subsection.

113 Section 2. This act shall take effect July 1, 2020.