

ENROLLED

CS/CS/HB 61

2020 Legislature

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An act relating to adoption benefits; amending s. 409.1664, F.S.; revising the definition of the term "qualifying adoptive employee" and providing for retroactive application; defining the terms "servicemember" and "veteran"; providing that an adoptive veteran or servicemember is eligible to receive certain monetary benefits; specifying eligibility criteria; requiring a veteran or servicemember seeking such benefit to apply to the Department of Children and Families; revising construction to conform to changes made by the act; providing for applicability of certain department rules to veterans and servicemembers; requiring a veteran or servicemember seeking such benefit to be registered as a vendor with the state; providing an effective date.

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

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

409.1664 Adoption benefits for qualifying adoptive employees of state agencies, veterans, and servicemembers.—

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

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

28 (b) "Qualifying adoptive employee" means a full-time or
 29 part-time employee of a state agency, a charter school
 30 established under s. 1002.33, or the Florida Virtual School
 31 established under s. 1002.37, who is not an independent
 32 contractor paid from regular salary appropriations, or otherwise
 33 meets his or her employer's definition of a regular rather than
 34 temporary employee, and who adopts a child within the child
 35 welfare system pursuant to chapter 63 on or after July 1, 2015.
 36 The term includes instructional personnel, as defined in s.
 37 1012.01, who are employed by the Florida School for the Deaf and
 38 the Blind, and includes other-personal-services employees who
 39 have been continuously employed full time or part time by a
 40 state agency for at least 1 year.

41 (c) "Servicemember" has the same meaning as in s.
 42 250.01(19).

43 (d)~~(e)~~ "State agency" means a branch, department, or
 44 agency of state government for which the Chief Financial Officer
 45 processes payroll requisitions, a state university or Florida
 46 College System institution as defined in s. 1000.21, a school
 47 district unit as defined in s. 1001.30, or a water management
 48 district as defined in s. 373.019.

49 (e) "Veteran" has the same meaning as in s. 1.01(14).

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50 (2) A qualifying adoptive employee, veteran, or
51 servicemember who adopts a child within the child welfare system
52 who has special needs described in s. 409.166(2)(a)2. is
53 eligible to receive a lump-sum monetary benefit in the amount of
54 \$10,000 per such child, subject to applicable taxes. A
55 qualifying adoptive employee, veteran, or servicemember who
56 adopts a child within the child welfare system who does not have
57 special needs described in s. 409.166(2)(a)2. is eligible to
58 receive a lump-sum monetary benefit in the amount of \$5,000 per
59 such child, subject to applicable taxes. A qualifying adoptive
60 employee of a charter school or the Florida Virtual School may
61 retroactively apply for the monetary benefit provided in this
62 subsection if such employee was employed by a charter school or
63 the Florida Virtual School when he or she adopted a child within
64 the child welfare system pursuant to chapter 63 on or after July
65 1, 2015. A veteran or servicemember may apply for the monetary
66 benefit provided in this subsection if he or she is domiciled in
67 this state and adopts a child within the child welfare system
68 pursuant to chapter 63 on or after July 1, 2020.

69 (a) Benefits paid to a qualifying adoptive employee who is
70 a part-time employee must be prorated based on the qualifying
71 adoptive employee's full-time equivalency at the time of
72 applying for the benefits.

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73 (b) Monetary benefits awarded under this subsection are
74 limited to one award per adopted child within the child welfare
75 system.

76 (c) The payment of a lump-sum monetary benefit for
77 adopting a child within the child welfare system under this
78 section is subject to a specific appropriation to the department
79 for such purpose.

80 (3) A qualifying adoptive employee must apply to his or
81 her agency head, or to his or her school director in the case of
82 a qualifying adoptive employee of a charter school or the
83 Florida Virtual School, to obtain the monetary benefit provided
84 in subsection (2). A veteran or servicemember must apply to the
85 department to obtain the benefit. Applications must be on forms
86 approved by the department and must include a certified copy of
87 the final order of adoption naming the applicant as the adoptive
88 parent. Monetary benefits shall be approved on a first-come,
89 first-served basis based upon the date that each fully completed
90 application is received by the department.

91 (4) This section does not preclude a qualifying adoptive
92 employee, veteran, or servicemember from receiving adoption
93 assistance for which he or she may qualify under s. 409.166 or
94 any other statute that provides financial incentives for the
95 adoption of children.

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

99 (6) The department may adopt rules to administer this
 100 section. The rules may provide for an application process such
 101 as, but not limited to, an open enrollment period during which
 102 qualifying adoptive employees, veterans, or servicemembers may
 103 apply for monetary benefits under this section.

104 (7) The Chief Financial Officer shall disburse a monetary
 105 benefit to a qualifying adoptive employee upon the department's
 106 submission of a payroll requisition. The Chief Financial Officer
 107 shall transfer funds from the department to a state university,
 108 a Florida College System institution, a school district unit, a
 109 charter school, the Florida Virtual School, or a water
 110 management district, as appropriate, to enable payment to the
 111 qualifying adoptive employee through the payroll systems as long
 112 as funds are available for such purpose.

113 (8) To receive an approved monetary benefit under this
 114 section, a veteran or servicemember must be registered as a
 115 vendor with the state.

116 (9)~~(8)~~ Each state agency shall develop a uniform procedure
 117 for informing employees about this benefit and for assisting the
 118 department in making eligibility determinations and processing
 119 applications. Any procedure adopted by a state agency is valid
 120 and enforceable if the procedure does not conflict with the

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121 | express terms of this section.

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