

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 1275 CS Adoption Benefits
SPONSOR(S): Cusack
TIED BILLS: None. **IDEN./SIM. BILLS:** SB 1896

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) Future of Florida's Families Committee	6 Y, 0 N, w/CS	Davis	Collins
2) Governmental Operations Committee			
3) State Administration Appropriations Committee			
4) Health & Families Council			
5) _____			

SUMMARY ANALYSIS

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 Services 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."

For fiscal impact see Fiscal Comments section of analysis.

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

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

Empower Families: The bill increases the opportunity for children to thrive in the custody of their adoptive mother and father.

B. EFFECT OF PROPOSED CHANGES:

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. 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 subsection (1) 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.

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 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. 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.

Effect:

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 paternal leave provisions applicable to university, community college, and county school district employees.

The bill 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.

C. SECTION DIRECTORY:

Section 1. Amends s. 110.152, F.S., expanding the categories of persons who are eligible to receive adoption benefits.

Section 2. Amends s.110.15201, F.S., authorizing the Department of Management Services to adopt rules to administer the adoption benefits program.

Section 3. Provides an effective date of July 1, 2006.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT**A. FISCAL IMPACT ON STATE GOVERNMENT:****1. Revenues:**

See Fiscal Comments Section.

2. Expenditures:

See Fiscal Comments Section.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:**1. Revenues:**

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

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

D. FISCAL COMMENTS:

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 incentives 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., they may incur productivity and personnel costs associated with providing the leave. Those costs are indeterminate.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

The bill does not require counties or municipalities to spend funds or to take an action requiring the expenditure of funds. The bill does not reduce the percentage of a state tax shared with counties or municipalities. The bill does not reduce the authority that municipalities have to raise revenue.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

The bill provides rulemaking authority for DMS under s. 110.15201, F.S., to adopt rules and administer the adoptions benefit program.

C. DRAFTING ISSUES OR OTHER COMMENTS:

Several technical changes are proposed in a strike all amendment to correct cross references, and to clarify that only employees of Florida institutions are eligible for benefits.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE & COMBINED BILL CHANGES

On April 4, 2006, the Future of Florida's Families Committee adopted a Committee Substitute to HB 1275. The Committee Substitute made several technical changes to conform HB 1275 to SB 1896. The bill analysis reflects these changes.