

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 Appropriations

BILL: CS/SB 136

INTRODUCER: Appropriations Committee (Recommended by Appropriations Subcommittee on Health and Human Services); and Senators Bean, Harrell, and Perry

SUBJECT: Adoption Benefits

DATE: February 6, 2020

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Delia</u>	<u>Hendon</u>	<u>CF</u>	<u>Favorable</u>
2.	<u>Gerbrandt</u>	<u>Kidd</u>	<u>AHS</u>	<u>Recommend: Fav/CS</u>
3.	<u>Gerbrandt</u>	<u>Kynoch</u>	<u>AP</u>	<u>Fav/CS</u>

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 136 allows certain military veterans and service members who adopt a child through the state's child welfare system to receive a monetary benefit through the State Employee Adoption Benefit Program. Currently, such monetary benefits are available to employees of state agencies, charter schools and the Florida Virtual School. The bill also clarifies, for purposes of qualifying for the benefit, that an employee of a state agency may include other-personal-services employees who have been employed full-time or part-time by a state agency for at least one year.

The adoption benefit program is subject to Legislative appropriation.

The bill takes effect on July 1, 2020.

II. Present Situation:

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

¹ See ss. 20.19(4)(a)3., F.S., and 409.986(1), F.S.

² Section 409.166(4), F.S.

The State Employee Adoption Benefit Program

The State Employee Adoption Benefit Program (Program) was created to increase the number of adoptions in Florida by offering an incentive to certain state employees and other applicants.³ The incentive is a lump-sum benefit payment for the adoption of a child within the child welfare system (\$5,000), and a higher benefit payment for the adoption of a child with special needs within the child welfare system (\$10,000).⁴ The original Program was enacted in 2000,⁵ repealed in 2010⁶ and reenacted in 2015.⁷

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 to provide benefit payments is limited by the amount of funds appropriated by the Legislature for the Program.¹¹

Vendor Registration

To register as a vendor in the State of Florida a vendor must create an account in the My Florida Marketplace Vendor Information Portal and provide the following information: company name, federal tax identification number, tax filing name, business location, commodities and service

³ Chapter 2015-130, L.O.F., codified as s. 409.1664, F.S.

⁴ A special needs child is defined as a child whose permanent custody has been awarded to the DCF or to a licensed child-placing agency; a child who has established significant emotional ties with his or her foster parents or is not likely to be adopted because he or she is eight years of age or older, developmentally disabled, physically or emotionally handicapped, of black or racially mixed parentage or is a member of a sibling group, provided two or more members of a sibling group remain together for the purposes of adoption; or a child for whom a reasonable but unsuccessful effort has been made to place the child without providing a maintenance subsidy. *See* s. 409.166(2)(a), F.S.

⁵ Section 1, ch. 2000-241, L.O.F.

⁶ Chapter 2010-158, L.O.F.

⁷ Section 6, ch. 2015-130, L.O.F.

⁸ Section 409.1664(1)(b), F.S.

⁹ Section 409.1664(1)(c), F.S.

¹⁰ Section 409.1664(4), F.S.

¹¹ Section 409.1664(2)(c), F.S.

offered, and certified business enterprise status.¹² There is no initial registration or ongoing subscription fee charged to vendors.¹³ To receive a payment from the State of Florida vendors are also required to submit a Substitute Form W-9 to the Department of Financial Services (DFS).¹⁴ The DFS must have the correct taxpayer identification number and other related information in order to report accurate tax information to the Internal Revenue Service and determine if a vendor should receive a Form 1099.

III. Effect of Proposed Changes:

Section 1 amends s. 409.1664, F.S., to allow veterans and service members living in the state of Florida who adopt a child from the child welfare system on or after July 1, 2020, to apply to the DCF for the monetary benefit paid to qualifying adoptive employees. The bill requires veterans and servicemembers to register as vendors with the state in order to receive a monetary benefit under the Program.

The bill also clarifies, for the purposes of qualifying for the benefit, that 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 and does not include independent contractors.

Section 2 provides that the bill takes effect on 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.

¹² Florida Department of Management Services, *Requirements for Vendor Registration*, available at https://www.dms.myflorida.com/business_operations/state_purchasing/myfloridamarketplace/mfmp_vendors/requirements_for_vendor_registration (last visited November 13, 2019).

¹³ Florida Department of Management Services, *MFMP Overview FAQ*, available at https://www.dms.myflorida.com/business_operations/state_purchasing/myfloridamarketplace/mfmp_vendors/vendor_frequently_asked_questions_faqs/mfmp_overview_faq (last visited November 13, 2019).

¹⁴ Florida Department of Financial Services, *Vendors*, available at <https://www.myfloridacfo.com/Division/AA/Vendors/default.htm> (last visited November 13, 2019).

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 Adoption Benefit Program				
Fiscal Year	Number of Applicants	Number of Awards	General Revenue Appropriation	Total Amount of Expenditures
2015-16	104	139	\$3.0 million	\$1.39 million
2016-17	151	219	\$2.75 million	\$2.19 million
2017-18	259	166	\$2.75 million	\$2.56 million
2018-19	314	233	\$4.88 million	\$3.13 million

Adoption benefit 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 fiscal analysis has been received from the Department of Children and Families.

VI. Technical Deficiencies:

None.

VII. Related Issues:

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.)

CS by Appropriations on February 5, 2019:

The committee substitute clarifies the administrative processes for the application and receipt of monetary benefits under the State Employee Adoption Benefit Program for veterans and servicemembers and the definition of a “qualified adoptive employee” does not include independent contractors. Specifically the committee substitute:

- Clarifies that veterans and servicemember must apply to the Department of Children and Families to obtain the monetary benefit.
- Requires veterans and servicemembers to register as a vendor with the state in order to receive an approved monetary benefit.
- Clarifies that veterans and servicemembers may receive other state adoption assistance or incentives for the adoption of a child from the child welfare system.

B. Amendments:

None.