

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 Appropriations Subcommittee on Health and Human Services

BILL: SB 136

INTRODUCER: Senators Bean and Harrell

SUBJECT: Adoption Benefits

DATE: November 12, 2019 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Delia</u>	<u>Hendon</u>	<u>CF</u>	Favorable
2.	<u>Gerbrandt</u>	<u>Kidd</u>	<u>AHS</u>	Pre-meeting
3.	<u> </u>	<u> </u>	<u>AP</u>	<u> </u>

I. Summary:

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

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

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

² Section 409.166(4), F.S.

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

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of a child with special needs within the child welfare system (\$10,000).⁴ The original Program was enacted in 2000,⁵ repealed in 2010⁶ and reenacted in 2015.⁷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

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 for the monetary benefit paid to qualifying adoptive employees, regardless of whether the veteran or service member is considered a qualifying adoptive employee under statute. The bill provides the DCF with rulemaking authority to administer the changes proposed in the bill.

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.

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

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.

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 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:

The bill expands the pool of applicants eligible to apply to receive a monetary benefit under the State Employee Adoption Benefit Program (Program) to include veterans and servicemembers. However, the bill does not address key administrative components of the Program for these potential applicants who are outside of the state payroll system. Specifically,

- Under the current Program, a qualified adoptive *employee* may apply to his or her agency¹² head or school director to obtain the monetary benefit. The bill does not address how a veteran or service member would apply to receive the monetary benefit.
- Under the current Program, the state's Chief Financial Officer (CFO) disburses the monetary benefit to a qualified adoptive *employee* upon a department's submission of a *payroll* requisition. The CFO also transfers funds from the department to a state university, a Florida College System institution, a school district unit, a charter school, the Florida Virtual School, or a water management district, as appropriate, to enable payment to the qualifying adoptive employee through the payroll systems. The bill does not address the mechanism for payment from the CFO to a veteran or service member.

Under current law, the Program pays the monetary benefit to part-time qualified adoptive employees on a prorated basis based on the employee's full-time equivalency at the time of application. The bill does not include veterans and service members in the definition of a "qualified adoptive employee" and, therefore, it is unclear if this statutory provision is applicable to veterans and servicemembers.

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.

¹² A state agency is defined as 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 s. [1000.21](#), a school district unit as defined in s. [1001.30](#), or a water management district as defined in s. [373.019](#). See s. 409.1664(c), F.S.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.
