



THE STATE OF FLORIDA  
**JUSTICE ADMINISTRATIVE COMMISSION**

Post Office Box 1654 (32302)  
227 North Bronough Street, Suite 2100  
Tallahassee, Florida 32301



**Alton L. "Rip" Colvin, Jr.**  
Executive Director

(850) 488-2415  
FAX (850) 488-8944

[www.justiceadmin.org](http://www.justiceadmin.org)

**COMMISSIONERS**

**Brad King, Chair**  
*State Attorney*  
**Diamond R. Litty**  
*Public Defender*  
**Jerry Hill**  
*State Attorney*  
**Kathleen Smith**  
*Public Defender*

**MEMORANDUM #044-15HR**

**TO:** Agency Administrators

**FROM:** Carolyn Horwich, J.D., Director of Human Resources

**THROUGH:** Rip Colvin, Executive Director

**SUBJECT:** Adoption Benefit for State Employees

**DATE:** November 23, 2015

---

On November 22, 2015, the Department of Children and Families adopted its final rule implementing s. 409.1664, F.S. This statute creates the potential for certain state employees to receive a financial benefit when adopting a child. The statute and rule are attached.

Specifically, a qualifying adoptive employee who adopts a child within the child welfare system who has certain special needs is eligible to receive a lump-sum monetary benefit in the amount of \$10,000 per such child, subject to applicable taxes. A qualifying adoptive employee who adopts a child within the child welfare system who does not have special needs is eligible to receive a lump-sum monetary benefit in the amount of \$5,000 per such child, subject to applicable taxes.

Please note that the Department of Children and Families (DCF) will have an annual Open Enrollment to apply for this benefit starting the business day of March until the last business day of April.

It is anticipated that DCF will post additional information on its website at <http://www.myflfamilies.com/>. The Justice Administrative Commission will distribute any information it receives as well.

Thank you.

Attachments (2)

409.1664 Adoption benefits for qualifying adoptive employees of state agencies.—

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

(a) “Child within the child welfare system” has the same meaning as provided in s. [409.166](#).

(b) “Qualifying adoptive employee” means a full-time or part-time employee of a state agency who is paid from regular salary appropriations, or otherwise meets the state agency employer’s definition of a regular rather than temporary employee, and who adopts a child within the child welfare system pursuant to chapter 63 on or after July 1, 2015. The term includes instructional personnel, as defined in s. [1012.01](#), who are employed by the Florida School for the Deaf and the Blind.

(c) “State agency” means 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](#).

(2) A qualifying adoptive employee who adopts a child within the child welfare system who has special needs described in s. [409.166\(2\)\(a\)2](#). is eligible to receive a lump-sum monetary benefit in the amount of \$10,000 per such child, subject to applicable taxes. A qualifying adoptive employee who adopts a child within the child welfare system who does not have special needs described in s. [409.166\(2\)\(a\)2](#). is eligible to receive a lump-sum monetary benefit in the amount of \$5,000 per such child, subject to applicable taxes.

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

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

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

(3) A qualifying adoptive employee must apply to his or her agency head to obtain the monetary benefit provided in subsection (2). Applications must be on forms approved by the department and must include a certified copy of the final order of adoption naming the applicant as the adoptive parent. Monetary benefits shall be approved on a first-come, first-served basis based upon the date that each fully completed application is received by the department.

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

(5) Parental leave for a qualifying adoptive employee must be provided in accordance with the personnel policies and procedures of the employee’s state agency employer.

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

(7) The Chief Financial Officer shall disburse a monetary benefit to a qualifying adoptive employee upon the department’s submission of a payroll requisition. The Chief Financial Officer shall transfer funds from the department to a state university, Florida College System institution, school district unit, or water management district, as appropriate, to enable payment to the qualifying adoptive employee through the payroll systems as long as funds are available for such purpose.

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

*History.—s. 6, ch. 2015-130.*

**65C-16.021 Adoption Benefits for Qualifying Employees of State Agencies.**

(1) The adoption benefit is a non-qualified plan under Section 125 of the Internal Revenue Code, subject to withholding taxes.

(2) The Department shall hold an annual open enrollment period for submission of applications between the first business day of March and the last business day of April. To apply for this benefit, the applicant shall use the "Application for Adoption Benefit" form, CF-FSP 5327, July 2015, incorporated by reference and available at <http://www.flrules.org/Gateway/reference.asp?No=Ref-05980>.

(a) The applicant shall complete Part I of the application.

(b) The applicant shall then deliver the application to his or her agency head to complete Part II of the application. Upon completion, the agency head shall return the original application to the applicant.

(c) The applicant shall then deliver the application to the community-based care agency that facilitated or subcontracted the facilitation of the adoption to complete Part III of the application.

(d) The applicant shall submit the completed application to the Department's email address provided on the application before the close of the annual open enrollment period.

(e) For multiple adoptions, the applicant shall submit a separate application for each child.

(3) The Department shall review all timely applications and determine who is eligible to receive the benefit.

(a) Applications will be processed in the order they were received during the open enrollment period.

(b) If applications are received on the same date, those with the earlier final order of adoption shall have priority.

(c) Eligible applicants who are denied a benefit due to lack of funds must submit a new application during the next annual open enrollment period, if they desire consideration for payment of the benefit from later appropriations.

*Rulemaking Authority 409.1664(6) FS. Law Implemented 409.1664 FS. History—New 11-22-15.*