

Bill No. SB 1612

Barcode 043348

CHAMBER ACTION

Senate

House

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The Committee on Children, Families, and Elder Affairs (Rich)
recommended the following amendment:

Senate Amendment (with title amendment)

Delete everything after the enacting clause

and insert:

Section 1. Section 39.8298, Florida Statutes, is
created to read:

39.8298 Guardian Ad Litem direct-support
organization.--

(1) AUTHORITY.--The Statewide Guardian Ad Litem Office
created under s. 39.8926 is authorized to create a
direct-support organization.

(a) The direct-support organization must be a Florida
corporation not for profit, incorporated under chapter 617.
The direct-support organization is exempt from paying fees
under s. 617.0122.

(b) The direct-support organization must be organized
and operated to conduct programs and activities; raise funds;
request and receive grants, gifts, and bequests of moneys;

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1 acquire, receive, hold, invest, and administer, in its own
2 name, securities, funds, objects of value, or other property,
3 real or personal; and make expenditures to or for the direct
4 or indirect benefit of the Statewide Guardian Ad Litem Office.

5 (c) If the executive director of the Statewide
6 Guardian Ad Litem Office determines the direct-support
7 organization is operating in a manner that is inconsistent
8 with the goals and purposes of the Statewide Guardian Ad Litem
9 Office or not acting in the best interest of the state, the
10 executive director may terminate the contract and thereafter
11 the organization may not use the name of the Statewide
12 Guardian Ad Litem Office.

13 (2) CONTRACT.--The direct-support organization shall
14 operate under a written contract with the Statewide Guardian
15 Ad Litem Office. The written contract must, at a minimum,
16 provide for:

17 (a) Approval of the articles of incorporation and
18 bylaws of the direct-support organization by the executive
19 director of the Statewide Guardian Ad Litem Office.

20 (b) Submission of an annual budget for approval by the
21 executive director of the Statewide Guardian Ad Litem Office.

22 (c) The reversion without penalty to the Statewide
23 Guardian Ad Litem Office, or the state if the Statewide
24 Guardian Ad Litem Office ceases to exist, of all moneys and
25 property held in trust by the direct-support organization for
26 the Statewide Guardian Ad Litem Office if the direct-support
27 organization ceases to exist or if the contract is terminated.

28 (d) The fiscal year of the direct-support
29 organization, which must begin July 1 of each year and end
30 June 30 of the following year.

31 (e) The disclosure of material provisions of the

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1 contract and the distinction between the Statewide Guardian Ad
 2 Litem Office and the direct-support organization to donors of
 3 gifts, contributions, or bequests, as well as on all
 4 promotional and fundraising publications.

5 (3) BOARD OF DIRECTORS.--The executive director of the
 6 Statewide Guardian Ad Litem Office shall appoint a board of
 7 directors for the direct-support organization. The executive
 8 director may designate employees of the Statewide Guardian Ad
 9 Litem Office to serve on the board of directors. Members of
 10 the board shall serve at the pleasure of the executive
 11 director.

12 (4) USE OF PROPERTY AND SERVICES.--The executive
 13 director of the Statewide Guardian Ad Litem Office:

14 (a) May authorize the use of facilities and property
 15 other than money which are owned by the Statewide Guardian Ad
 16 Litem Office to be used by the direct-support organization.

17 (b) May authorize the use of personal services
 18 provided by employees of the Statewide Guardian Ad Litem
 19 Office. For the purposes of this section, the term "personal
 20 services" includes full-time personnel and part-time personnel
 21 as well as payroll processing.

22 (c) May prescribe the conditions by which the
 23 direct-support organization may use property, facilities, or
 24 personal services of the office.

25 (d) May not authorize the use of property, facilities,
 26 or personal services of the direct-support organization if the
 27 organization does not provide equal employment opportunities
 28 to all persons, regardless of race, color, religion, gender,
 29 age, or national origin.

30 (5) MONEYS.--Money of the direct-support organization
 31 may be held in a separate depository account in the name of

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1 the direct-support organization and subject to the provisions
2 of the contract with the Statewide Guardian Ad Litem Office.

3 (6) ANNUAL AUDIT.--The direct-support organization
4 shall provide for an annual financial audit in accordance with
5 s. 215.981.

6 (7) LIMITS ON DIRECT-SUPPORT ORGANIZATION.--The
7 direct-support organization may not exercise any power under
8 s. 617.0302(12) or (16). A state employee may not receive
9 compensation from the direct-support organization for service
10 on the board of directors or for services rendered to the
11 direct-support organization.

12 Section 2. This act shall take effect July 1, 2007.

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15 ===== T I T L E A M E N D M E N T =====

16 And the title is amended as follows:

17 Delete everything before the enacting clause A bill to
18 be entitled

19
20 and insert:

21 A bill to be entitled

22 An act relating to the guardian ad litem
23 program; creating s. 39.8298, F.S.; creating a
24 direct-support organization for the Guardian Ad
25 Litem program; providing for the organization
26 and operation of the organization for the
27 Statewide Guardian Ad Litem Office; providing
28 for a contract; providing for a board of
29 directors; providing for the use of property,
30 facilities, and personal services of the
31 Statewide Guardian Ad Litem Office by the

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1 direct-support organization; providing
2 restrictions; providing for the deposit of
3 moneys; providing for an annual audit;
4 providing limits on the direct-support
5 organization; providing an effective date.

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