

By Senator Rich

34-1240-07

See HB 229

1                                   A bill to be entitled  
2           An act relating to the guardian ad litem  
3           direct-support organization; creating s.  
4           39.8298, F.S.; providing for the organization  
5           and operation of a direct-support organization  
6           for the Statewide Guardian Ad Litem Office;  
7           providing definitions; providing for a  
8           contract; providing for a board of directors;  
9           providing for the use of property, facilities,  
10          and personal services of the Statewide Guardian  
11          Ad Litem Office by the direct-support  
12          organization; providing restrictions; providing  
13          for the deposit of moneys and for an annual  
14          audit; providing an effective date.

16 Be It Enacted by the Legislature of the State of Florida:

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

20           39.8298 Guardian ad litem direct-support  
21 organization.--

22           (1) DEFINITIONS.--For the purposes of this section,  
23 the term:

24           (a) "Direct-support organization" means an  
25 organization that is:

26           1. A Florida corporation not for profit, incorporated  
27 under the provisions of chapter 617 and approved by the  
28 Department of State.

29           2. Organized and operated to conduct programs and  
30 activities; raise funds; request and receive grants, gifts,  
31 and bequests of moneys; acquire, receive, hold, invest, and

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

5 3. Determined by the Statewide Guardian Ad Litem  
6 Office to be operating in a manner consistent with the goals  
7 and purposes of the office and in the best interest of the  
8 state.

9 (b) "Personal services" includes full-time and  
10 part-time personnel as well as payroll processing.

11 (2) CONTRACT.--The direct-support organization shall  
12 operate under written contract with the Statewide Guardian Ad  
13 Litem Office. The written contract must provide for:

14 (a) Approval of the articles of incorporation and  
15 bylaws of the direct-support organization by the executive  
16 director of the Statewide Guardian Ad Litem Office.

17 (b) Submission of an annual budget for the approval of  
18 the executive director of the Statewide Guardian Ad Litem  
19 Office.

20 (c) Certification by the executive director of the  
21 Statewide Guardian Ad Litem Office that the direct-support  
22 organization is complying with the terms of the contract in a  
23 manner consistent with the goals and purposes of the Statewide  
24 Guardian Ad Litem Office and is acting in the best interest of  
25 the state.

26 (d) The reversion to the Statewide Guardian Ad Litem  
27 Office of moneys and property held in trust by the  
28 direct-support organization if the direct-support organization  
29 ceases to exist or if the contract is terminated.

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

4           (f) The disclosure of material provisions of the  
5 contract and the distinction between the Statewide Guardian Ad  
6 Litem Office and the direct-support organization to donors of  
7 gifts, contributions, or bequests, as well as on all  
8 promotional and fundraising publications.

9           (3) BOARD OF DIRECTORS.--The executive director of the  
10 Statewide Guardian Ad Litem Office shall appoint a board of  
11 directors for the direct-support organization. The executive  
12 director may designate one individual from the Statewide  
13 Guardian Ad Litem Office to serve on the board of directors.

14           (4) USE OF PROPERTY.--The executive director of the  
15 Statewide Guardian Ad Litem Office:

16           (a) May permit the use of property (except money),  
17 facilities, and personal services of the office by the  
18 direct-support organization, subject to the provisions of this  
19 section.

20           (b) May prescribe by rule conditions with which the  
21 direct-support organization must comply in order to use  
22 property, facilities, or personal services of the office.

23           (c) Shall not permit the use of property, facilities,  
24 or personal services of the direct-support organization if the  
25 organization does not provide equal employment opportunities  
26 to all persons, regardless of race, color, religion, sex, age,  
27 or national origin.

28           (5) MONEYS.--Moneys of the direct-support organization  
29 may be held in a separate depository account in the name of  
30 the direct-support organization and subject to the provisions  
31 of the contract with the Statewide Guardian Ad Litem Office.

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

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