

ENROLLED
CS/HB 229

2007 Legislature

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

14
15 Be It Enacted by the Legislature of the State of Florida:

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

19 39.8298 Guardian Ad Litem direct-support organization.--

20 (1) AUTHORITY.--The Statewide Guardian Ad Litem Office
21 created under s. 39.8296 is authorized to create a direct-
22 support organization.

23 (a) The direct-support organization must be a Florida
24 corporation not for profit, incorporated under the provisions of
25 chapter 617. The direct-support organization shall be exempt
26 from paying fees under s. 617.0122.

27 (b) The direct-support organization shall be organized and
28 operated to conduct programs and activities; raise funds;

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29 request and receive grants, gifts, and bequests of moneys;
 30 acquire, receive, hold, invest, and administer, in its own name,
 31 securities, funds, objects of value, or other property, real or
 32 personal; and make expenditures to or for the direct or indirect
 33 benefit of the Statewide Guardian Ad Litem Office.

34 (c) If the executive director of the Statewide Guardian Ad
 35 Litem Office determines the direct-support organization is
 36 operating in a manner that is inconsistent with the goals and
 37 purposes of the Statewide Guardian Ad Litem Office or not acting
 38 in the best interest of the state, the executive director may
 39 terminate the contract and thereafter the organization may not
 40 use the name of the Statewide Guardian Ad Litem Office.

41 (2) CONTRACT.--The direct-support organization shall
 42 operate under a written contract with the Statewide Guardian Ad
 43 Litem Office. The written contract must, at a minimum, provide
 44 for:

45 (a) Approval of the articles of incorporation and bylaws
 46 of the direct-support organization by the executive director of
 47 the Statewide Guardian Ad Litem Office.

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

50 (c) The reversion without penalty to the Statewide
 51 Guardian Ad Litem Office, or to the state if the Statewide
 52 Guardian Ad Litem Office ceases to exist, of all moneys and
 53 property held in trust by the direct-support organization for
 54 the Statewide Guardian Ad Litem Office if the direct-support
 55 organization ceases to exist or if the contract is terminated.

56 (d) The fiscal year of the direct-support organization,

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57 which must begin July 1 of each year and end June 30 of the
58 following year.

59 (e) The disclosure of material provisions of the contract
60 and the distinction between the Statewide Guardian Ad Litem
61 Office and the direct-support organization to donors of gifts,
62 contributions, or bequests, as well as on all promotional and
63 fundraising publications.

64 (3) BOARD OF DIRECTORS.--The executive director of the
65 Statewide Guardian Ad Litem Office shall appoint a board of
66 directors for the direct-support organization. The executive
67 director may designate employees of the Statewide Guardian Ad
68 Litem Office to serve on the board of directors. Members of the
69 board shall serve at the pleasure of the executive director.

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

72 (a) May authorize the use of facilities and property other
73 than money that are owned by the Statewide Guardian Ad Litem
74 Office to be used by the direct-support organization.

75 (b) May authorize the use of personal services provided by
76 employees of the Statewide Guardian Ad Litem Office. For the
77 purposes of this section, the term "personal services" includes
78 full-time personnel and part-time personnel as well as payroll
79 processing.

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

83 (d) Shall not authorize the use of property, facilities,
84 or personal services of the direct-support organization if the

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85 organization does not provide equal employment opportunities to
86 all persons, regardless of race, color, religion, sex, age, or
87 national origin.

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

92 (6) ANNUAL AUDIT.--The direct-support organization shall
93 provide for an annual financial audit in accordance with s.
94 215.981.

95 (7) LIMITS ON DIRECT-SUPPORT ORGANIZATION.--The direct-
96 support organization shall not exercise any power under s.
97 617.0302(12) or (16). No state employee shall receive
98 compensation from the direct-support organization for service on
99 the board of directors or for services rendered to the direct-
100 support organization.

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