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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/25/2009	.	
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The Committee on Children, Families, and Elder Affairs (Rich) recommended the following:

**Senate Amendment**

Delete lines 217 - 306  
and insert:

(b)1. A surrogate parent shall be appointed for a child known to the department who has or is suspected of having a disability, as defined in s. 1003.01(3), by the dependency court or by the district school superintendent where the child is located if:

- a. After reasonable efforts, a parent cannot be located; or
- b. The court determines that no person has the authority



302916

12 under the Individuals with Disabilities Education Act or that no  
13 person having such authority is willing or able to serve as the  
14 child's educational decisionmaker; and

15 c. A surrogate parent has not been previously appointed for  
16 the child.

17 2. The minimum qualifications, responsibilities, rights,  
18 and liabilities of a surrogate parent appointed pursuant to this  
19 section are the same as the minimum qualifications,  
20 responsibilities, rights, and liabilities of a surrogate parent  
21 appointed by a district school superintendent in accordance with  
22 rules adopted by the Department of Education.

23 3. Employees of the Department of Education, the child's  
24 local school district, a community-based care provider, the  
25 Department of Children and Family Services, or any other public  
26 or private agency involved in the education or care of the  
27 child; group home staff; and therapeutic foster home parents may  
28 not serve as surrogate parents. A person who acts in a parental  
29 role to a child, such as a foster parent or relative caregiver,  
30 a guardian ad litem, or a relative or other adult involved in  
31 the child's life, regardless of whether that person has physical  
32 custody of the child, may serve as a surrogate parent.

33 4. If the court appoints a surrogate parent, the court  
34 shall provide notice to the district school superintendent as  
35 soon as practicable.

36 5. The district school superintendent must accept the  
37 appointment of a surrogate parent made by the dependency court  
38 if he or she has not previously appointed a surrogate parent.  
39 Similarly, the dependency court must accept a surrogate parent  
40 previously appointed by a district school superintendent.



302916

41           6. The appointment of a surrogate parent by a dependency  
42 court must be accepted by any subsequent school without regard  
43 to where the child resides in order for a single surrogate  
44 parent to follow the education of the child during the entire  
45 time the child is known to the department.

46           7. The termination of a surrogate parent appointed pursuant  
47 to this section is governed by the same rules governing the  
48 termination of a surrogate parent appointed by a district school  
49 superintendent.