

By Senator Bean

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1 A bill to be entitled
2 An act relating to dependent children; amending s.
3 744.1097, F.S.; specifying the venue in proceedings
4 for the appointment of a guardian for a child who has
5 been adjudicated dependent; amending s. 985.43, F.S.;
6 authorizing a court to receive and consider any
7 information provided by the Guardian Ad Litem Program
8 and the child's attorney ad litem if a child is under
9 the jurisdiction of a dependency court; amending s.
10 985.441, F.S.; requiring the Department of Juvenile
11 Justice, if a child is under the jurisdiction of a
12 dependency court, to provide notice to the dependency
13 court and the Department of Children and Families,
14 and, if appointed, the Guardian Ad Litem Program and
15 the child's attorney ad litem; amending s. 985.455,
16 F.S.; authorizing a court to receive and consider any
17 information provided by the Guardian Ad Litem Program
18 or the child's attorney ad litem if a child is under
19 the jurisdiction of a dependency court; amending s.
20 985.461, F.S.; adding the Guardian Ad Litem Program as
21 an authorized entity of community reentry teams under
22 which the Department of Juvenile Justice is authorized
23 to provide transition-to-adulthood services to certain
24 children; reenacting ss. 322.051(9), 322.21(1)(f), and
25 382.0255(3), F.S., relating to identification cards,
26 license fees, and fees, respectively, to incorporate
27 the amendment made to s. 985.461, F.S., in references
28 thereto; providing an effective date.
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30 Be It Enacted by the Legislature of the State of Florida:

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32 Section 1. Subsection (2) of section 744.1097, Florida
33 Statutes, is amended to read:

34 744.1097 Venue.—

35 (2) The venue in proceedings for the appointment of a
36 guardian shall be:

37 (a) If the incapacitated person is a resident of this
38 state, in the county where the incapacitated person resides.

39 (b) If the incapacitated person is not a resident of this
40 state, in any county in this state where property of the
41 incapacitated person is located.

42 (c) If the incapacitated person is not a resident of this
43 state and owns no property in this state, in the county where
44 any debtor of the incapacitated person resides.

45 (d) If the incapacitated person is a child who has been
46 adjudicated dependent pursuant to chapter 39, in the county
47 where the child resides or in the county with jurisdiction of
48 the dependency case.

49 Section 2. Subsection (2) of section 985.43, Florida
50 Statutes, is amended to read:

51 985.43 Predisposition reports; other evaluations.—

52 (2) The court shall consider the child's entire assessment
53 and predisposition report and shall review the records of
54 earlier judicial proceedings before ~~prior to~~ making a final
55 disposition of the case. If the child is under the jurisdiction
56 of a dependency court, the court may receive and consider any
57 information provided by the Guardian Ad Litem Program and the
58 child's attorney ad litem, if appointed. The court may, by

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59 order, require additional evaluations and studies to be
60 performed by the department; the county school system; or any
61 social, psychological, or psychiatric agency of the state. The
62 court shall order the educational needs assessment completed
63 under s. 985.18(2) to be included in the assessment and
64 predisposition report.

65 Section 3. Subsection (4) of section 985.441, Florida
66 Statutes, is amended to read:

67 985.441 Commitment.—

68 (4) The department may transfer a child, when necessary to
69 appropriately administer the child's commitment, from one
70 facility or program to another facility or program operated,
71 contracted, subcontracted, or designated by the department,
72 including a postcommitment nonresidential conditional release
73 program, except that the department may not transfer any child
74 adjudicated solely for a misdemeanor to a residential program
75 except as provided in subsection (2). The department shall
76 notify the court that committed the child to the department and
77 any attorney of record for the child, in writing, of its intent
78 to transfer the child from a commitment facility or program to
79 another facility or program of a higher or lower restrictiveness
80 level. If the child is under the jurisdiction of a dependency
81 court, the department shall also provide notice to the
82 dependency court and the Department of Children and Families,
83 and, if appointed, the Guardian Ad Litem Program and the child's
84 attorney ad litem. The court that committed the child may agree
85 to the transfer or may set a hearing to review the transfer. If
86 the court does not respond within 10 days after receipt of the
87 notice, the transfer of the child shall be deemed granted.

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88 Section 4. Subsection (3) of section 985.455, Florida
89 Statutes, is amended to read:

90 985.455 Other dispositional issues.—

91 (3) Any commitment of a delinquent child to the department
92 must be for an indeterminate period of time, which may include
93 periods of temporary release; however, the period of time may
94 not exceed the maximum term of imprisonment that an adult may
95 serve for the same offense, except that the duration of a
96 minimum-risk nonresidential commitment for an offense that is a
97 misdemeanor of the second degree, or is equivalent to a
98 misdemeanor of the second degree, may be for a period not to
99 exceed 6 months. The duration of the child's placement in a
100 commitment program of any restrictiveness level shall be based
101 on objective performance-based treatment planning. The child's
102 treatment plan progress and adjustment-related issues shall be
103 reported to the court quarterly, unless the court requests
104 monthly reports. If the child is under the jurisdiction of a
105 dependency court, the court may receive and consider any
106 information provided by the Guardian Ad Litem Program or the
107 child's attorney ad litem, if appointed. The child's length of
108 stay in a commitment program may be extended if the child fails
109 to comply with or participate in treatment activities. The
110 child's length of stay in the program shall not be extended for
111 purposes of sanction or punishment. Any temporary release from
112 such program must be approved by the court. Any child so
113 committed may be discharged from institutional confinement or a
114 program upon the direction of the department with the
115 concurrence of the court. The child's treatment plan progress
116 and adjustment-related issues must be communicated to the court

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117 at the time the department requests the court to consider
118 releasing the child from the commitment program. The department
119 shall give the court that committed the child to the department
120 reasonable notice, in writing, of its desire to discharge the
121 child from a commitment facility. The court that committed the
122 child may thereafter accept or reject the request. If the court
123 does not respond within 10 days after receipt of the notice, the
124 request of the department shall be deemed granted. This section
125 does not limit the department's authority to revoke a child's
126 temporary release status and return the child to a commitment
127 facility for any violation of the terms and conditions of the
128 temporary release.

129 Section 5. Paragraph (b) of subsection (4) of section
130 985.461, Florida Statutes, is amended to read:

131 985.461 Transition to adulthood.—

132 (4) As part of the child's treatment plan, the department
133 may provide transition-to-adulthood services to children
134 released from residential commitment. To support participation
135 in transition-to-adulthood services and subject to
136 appropriation, the department may:

137 (b) Use community reentry teams to assist in the
138 development of a list of age-appropriate activities and
139 responsibilities to be incorporated in the child's written case
140 plan for any youth who is under the custody or supervision of
141 the department. Community reentry teams may include
142 representatives from school districts, law enforcement,
143 workforce development services, community-based service
144 providers, the Guardian Ad Litem Program, and the youth's
145 family. Such community reentry teams must be created within

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146 existing resources provided to the department. Activities may
147 include, but are not limited to, life skills training, including
148 training to develop banking and budgeting skills, interviewing
149 and career planning skills, parenting skills, personal health
150 management, and time management or organizational skills;
151 educational support; employment training; and counseling.

152 Section 6. For the purpose of incorporating the amendment
153 made by this act to section 985.461, Florida Statutes, in a
154 reference thereto, subsection (9) of section 322.051, Florida
155 Statutes, is reenacted to read:

156 322.051 Identification cards.—

157 (9) Notwithstanding any other provision of this section or
158 s. 322.21 to the contrary, the department shall issue or renew a
159 card at no charge to a person who presents evidence satisfactory
160 to the department that he or she is homeless as defined in s.
161 414.0252(7), to a juvenile offender who is in the custody or
162 under the supervision of the Department of Juvenile Justice and
163 receiving services pursuant to s. 985.461, to an inmate
164 receiving a card issued pursuant to s. 944.605(7), or, if
165 necessary, to an inmate receiving a replacement card if the
166 department determines that he or she has a valid state
167 identification card. If the replacement state identification
168 card is scheduled to expire within 6 months, the department may
169 also issue a temporary permit valid for at least 6 months after
170 the release date. The department's mobile issuing units shall
171 process the identification cards for juvenile offenders and
172 inmates at no charge, as provided by s. 944.605 (7) (a) and (b).

173 Section 7. For the purpose of incorporating the amendment
174 made by this act to section 985.461, Florida Statutes, in a

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175 reference thereto, paragraph (f) of subsection (1) of section
176 322.21, Florida Statutes, is reenacted to read:

177 322.21 License fees; procedure for handling and collecting
178 fees.—

179 (1) Except as otherwise provided herein, the fee for:

180 (f) An original, renewal, or replacement identification
181 card issued pursuant to s. 322.051 is \$25, except that an
182 applicant who presents evidence satisfactory to the department
183 that he or she is homeless as defined in s. 414.0252(7); his or
184 her annual income is at or below 100 percent of the federal
185 poverty level; or he or she is a juvenile offender who is in the
186 custody or under the supervision of the Department of Juvenile
187 Justice, is receiving services pursuant to s. 985.461, and whose
188 identification card is issued by the department's mobile issuing
189 units is exempt from such fee. Funds collected from fees for
190 original, renewal, or replacement identification cards shall be
191 distributed as follows:

192 1. For an original identification card issued pursuant to
193 s. 322.051, the fee shall be deposited into the General Revenue
194 Fund.

195 2. For a renewal identification card issued pursuant to s.
196 322.051, \$6 shall be deposited into the Highway Safety Operating
197 Trust Fund, and \$19 shall be deposited into the General Revenue
198 Fund.

199 3. For a replacement identification card issued pursuant to
200 s. 322.051, \$9 shall be deposited into the Highway Safety
201 Operating Trust Fund, and \$16 shall be deposited into the
202 General Revenue Fund. Beginning July 1, 2015, or upon completion
203 of the transition of the driver license issuance services, if

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204 the replacement identification card is issued by the tax
205 collector, the tax collector shall retain the \$9 that would
206 otherwise be deposited into the Highway Safety Operating Trust
207 Fund and the remaining revenues shall be deposited into the
208 General Revenue Fund.

209 Section 8. For the purpose of incorporating the amendment
210 made by this act to section 985.461, Florida Statutes, in a
211 reference thereto, subsection (3) of section 382.0255, Florida
212 Statutes, is reenacted to read:

213 382.0255 Fees.—

214 (3) Fees shall be established by rule. However, until rules
215 are adopted, the fees assessed pursuant to this section shall be
216 the minimum fees cited. The fees established by rule must be
217 sufficient to meet the cost of providing the service. All fees
218 shall be paid by the person requesting the record, are due and
219 payable at the time services are requested, and are
220 nonrefundable, except that, when a search is conducted and no
221 vital record is found, any fees paid for additional certified
222 copies shall be refunded. The department may waive all or part
223 of the fees required under this section for any government
224 entity. The department shall waive all fees required under this
225 section for a certified copy of a birth certificate issued for
226 purposes of an inmate acquiring a state identification card
227 before release pursuant to s. 944.605(7) and for a juvenile
228 offender who is in the custody or under the supervision of the
229 Department of Juvenile Justice and receiving services under s.
230 985.461.

231 Section 9. This act shall take effect upon becoming a law.