

ENROLLED

HB 6021

2018 Legislature

1
2 An act relating to the guardian ad litem direct-
3 support organization; amending s. 39.8298, F.S.;
4 abrogating the future repeal of provisions related to
5 the guardian ad litem direct-support organization;
6 providing an effective date.

7
8 Be It Enacted by the Legislature of the State of Florida:

9
10 Section 1. Subsection (8) of section 39.8298, Florida
11 Statutes, is amended, and subsections (1) through (7) of that
12 section are republished, to read:

13 39.8298 Guardian ad litem direct-support organization.—

14 (1) AUTHORITY.—The Statewide Guardian Ad Litem Office
15 created under s. 39.8296 is authorized to create a direct-
16 support organization.

17 (a) The direct-support organization must be a Florida
18 corporation not for profit, incorporated under the provisions of
19 chapter 617. The direct-support organization shall be exempt
20 from paying fees under s. 617.0122.

21 (b) The direct-support organization shall be organized and
22 operated to conduct programs and activities; raise funds;
23 request and receive grants, gifts, and bequests of moneys;
24 acquire, receive, hold, invest, and administer, in its own name,
25 securities, funds, objects of value, or other property, real or

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26 | personal; and make expenditures to or for the direct or indirect
27 | benefit of the Statewide Guardian Ad Litem Office.

28 | (c) If the executive director of the Statewide Guardian Ad
29 | Litem Office determines the direct-support organization is
30 | operating in a manner that is inconsistent with the goals and
31 | purposes of the Statewide Guardian Ad Litem Office or not acting
32 | in the best interest of the state, the executive director may
33 | terminate the contract and thereafter the organization may not
34 | use the name of the Statewide Guardian Ad Litem Office.

35 | (2) CONTRACT.—The direct-support organization shall
36 | operate under a written contract with the Statewide Guardian Ad
37 | Litem Office. The written contract must, at a minimum, provide
38 | for:

39 | (a) Approval of the articles of incorporation and bylaws
40 | of the direct-support organization by the executive director of
41 | the Statewide Guardian Ad Litem Office.

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

44 | (c) The reversion without penalty to the Statewide
45 | Guardian Ad Litem Office, or to the state if the Statewide
46 | Guardian Ad Litem Office ceases to exist, of all moneys and
47 | property held in trust by the direct-support organization for
48 | the Statewide Guardian Ad Litem Office if the direct-support
49 | organization ceases to exist or if the contract is terminated.

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

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51 | which must begin July 1 of each year and end June 30 of the
52 | following year.

53 | (e) The disclosure of material provisions of the contract
54 | and the distinction between the Statewide Guardian Ad Litem
55 | Office and the direct-support organization to donors of gifts,
56 | contributions, or bequests, as well as on all promotional and
57 | fundraising publications.

58 | (3) BOARD OF DIRECTORS.—The executive director of the
59 | Statewide Guardian Ad Litem Office shall appoint a board of
60 | directors for the direct-support organization. The executive
61 | director may designate employees of the Statewide Guardian Ad
62 | Litem Office to serve on the board of directors. Members of the
63 | board shall serve at the pleasure of the executive director.

64 | (4) USE OF PROPERTY AND SERVICES.—The executive director
65 | of the Statewide Guardian Ad Litem Office:

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

69 | (b) May authorize the use of personal services provided by
70 | employees of the Statewide Guardian Ad Litem Office. For the
71 | purposes of this section, the term "personal services" includes
72 | full-time personnel and part-time personnel as well as payroll
73 | processing.

74 | (c) May prescribe the conditions by which the direct-
75 | support organization may use property, facilities, or personal

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76 | services of the office.

77 | (d) Shall not authorize the use of property, facilities,
78 | or personal services of the direct-support organization if the
79 | organization does not provide equal employment opportunities to
80 | all persons, regardless of race, color, religion, sex, age, or
81 | national origin.

82 | (5) MONEYS.—Moneys of the direct-support organization may
83 | be held in a separate depository account in the name of the
84 | direct-support organization and subject to the provisions of the
85 | contract with the Statewide Guardian Ad Litem Office.

86 | (6) ANNUAL AUDIT.—The direct-support organization shall
87 | provide for an annual financial audit in accordance with s.
88 | 215.981.

89 | (7) LIMITS ON DIRECT-SUPPORT ORGANIZATION.—The direct-
90 | support organization shall not exercise any power under s.
91 | 617.0302(12) or (16). No state employee shall receive
92 | compensation from the direct-support organization for service on
93 | the board of directors or for services rendered to the direct-
94 | support organization.

95 | ~~(8) REPEAL. This section is repealed October 1, 2018,~~
96 | ~~unless reviewed and saved from repeal by the Legislature.~~

97 | Section 2. This act shall take effect upon becoming a law.