

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

26 382.0255(3), F.S., relating to identification cards,
 27 license fees, and fees, respectively, to incorporate
 28 the amendment made to s. 985.461, F.S., in references
 29 thereto; providing an effective date.

30

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

32

33 Section 1. This act may be cited as the "Charting a
 34 Positive Path for the Future Act."

35 Section 2. Subsection (2) of section 744.1097, Florida
 36 Statutes, is amended to read:

37 744.1097 Venue.—

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

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

42 (b) If the incapacitated person is not a resident of this
 43 state, in any county in this state where property of the
 44 incapacitated person is located.

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

48 (d) If the incapacitated person is a child who has been
 49 adjudicated dependent pursuant to chapter 39, in the county
 50 where the child resides or in the county with jurisdiction of

51 the dependency case.

52 Section 3. Subsection (2) of section 985.43, Florida
53 Statutes, is amended to read:

54 985.43 Predisposition reports; other evaluations.—

55 (2) The court shall consider the child's entire assessment
56 and predisposition report and shall review the records of
57 earlier judicial proceedings before ~~prior to~~ making a final
58 disposition of the case. If the child is under the jurisdiction
59 of a dependency court, the court may receive and consider any
60 information provided by the Guardian Ad Litem Program and the
61 child's attorney ad litem, if appointed. The court may, by
62 order, require additional evaluations and studies to be
63 performed by the department; the county school system; or any
64 social, psychological, or psychiatric agency of the state. The
65 court shall order the educational needs assessment completed
66 under s. 985.18(2) to be included in the assessment and
67 predisposition report.

68 Section 4. Subsection (4) of section 985.441, Florida
69 Statutes, is amended to read:

70 985.441 Commitment.—

71 (4) The department may transfer a child, when necessary to
72 appropriately administer the child's commitment, from one
73 facility or program to another facility or program operated,
74 contracted, subcontracted, or designated by the department,
75 including a postcommitment nonresidential conditional release

76 | program, except that the department may not transfer any child
77 | adjudicated solely for a misdemeanor to a residential program
78 | except as provided in subsection (2). The department shall
79 | notify the court that committed the child to the department and
80 | any attorney of record for the child, in writing, of its intent
81 | to transfer the child from a commitment facility or program to
82 | another facility or program of a higher or lower restrictiveness
83 | level. If the child is under the jurisdiction of a dependency
84 | court, the department shall also provide notice to the
85 | dependency court and the Department of Children and Families,
86 | and, if appointed, the Guardian Ad Litem Program and the child's
87 | attorney ad litem. The court that committed the child may agree
88 | to the transfer or may set a hearing to review the transfer. If
89 | the court does not respond within 10 days after receipt of the
90 | notice, the transfer of the child shall be deemed granted.

91 | Section 5. Subsection (3) of section 985.455, Florida
92 | Statutes, is amended to read:

93 | 985.455 Other dispositional issues.—

94 | (3) Any commitment of a delinquent child to the department
95 | must be for an indeterminate period of time, which may include
96 | periods of temporary release; however, the period of time may
97 | not exceed the maximum term of imprisonment that an adult may
98 | serve for the same offense, except that the duration of a
99 | minimum-risk nonresidential commitment for an offense that is a
100 | misdemeanor of the second degree, or is equivalent to a

101 | misdemeanor of the second degree, may be for a period not to
102 | exceed 6 months. The duration of the child's placement in a
103 | commitment program of any restrictiveness level shall be based
104 | on objective performance-based treatment planning. The child's
105 | treatment plan progress and adjustment-related issues shall be
106 | reported to the court quarterly, unless the court requests
107 | monthly reports. If the child is under the jurisdiction of a
108 | dependency court, the court may receive and consider any
109 | information provided by the Guardian Ad Litem Program or the
110 | child's attorney ad litem, if appointed. The child's length of
111 | stay in a commitment program may be extended if the child fails
112 | to comply with or participate in treatment activities. The
113 | child's length of stay in the program shall not be extended for
114 | purposes of sanction or punishment. Any temporary release from
115 | such program must be approved by the court. Any child so
116 | committed may be discharged from institutional confinement or a
117 | program upon the direction of the department with the
118 | concurrence of the court. The child's treatment plan progress
119 | and adjustment-related issues must be communicated to the court
120 | at the time the department requests the court to consider
121 | releasing the child from the commitment program. The department
122 | shall give the court that committed the child to the department
123 | reasonable notice, in writing, of its desire to discharge the
124 | child from a commitment facility. The court that committed the
125 | child may thereafter accept or reject the request. If the court

126 | does not respond within 10 days after receipt of the notice, the
127 | request of the department shall be deemed granted. This section
128 | does not limit the department's authority to revoke a child's
129 | temporary release status and return the child to a commitment
130 | facility for any violation of the terms and conditions of the
131 | temporary release.

132 | Section 6. Paragraph (b) of subsection (4) of section
133 | 985.461, Florida Statutes, is amended to read:

134 | 985.461 Transition to adulthood.—

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

140 | (b) Use community reentry teams to assist in the
141 | development of a list of age-appropriate activities and
142 | responsibilities to be incorporated in the child's written case
143 | plan for any youth who is under the custody or supervision of
144 | the department. Community reentry teams may include
145 | representatives from school districts, law enforcement,
146 | workforce development services, community-based service
147 | providers, the Guardian Ad Litem Program, and the youth's
148 | family. Such community reentry teams must be created within
149 | existing resources provided to the department. Activities may
150 | include, but are not limited to, life skills training, including

151 training to develop banking and budgeting skills, interviewing
152 and career planning skills, parenting skills, personal health
153 management, and time management or organizational skills;
154 educational support; employment training; and counseling.

155 Section 7. For the purpose of incorporating the amendment
156 made by this act to section 985.461, Florida Statutes, in a
157 reference thereto, subsection (9) of section 322.051, Florida
158 Statutes, is reenacted to read:

159 322.051 Identification cards.—

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

176 Section 8. For the purpose of incorporating the amendment
177 made by this act to section 985.461, Florida Statutes, in a
178 reference thereto, paragraph (f) of subsection (1) of section
179 322.21, Florida Statutes, is reenacted to read:

180 322.21 License fees; procedure for handling and collecting
181 fees.—

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

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

195 1. For an original identification card issued pursuant to
196 s. 322.051, the fee shall be deposited into the General Revenue
197 Fund.

198 2. For a renewal identification card issued pursuant to s.
199 322.051, \$6 shall be deposited into the Highway Safety Operating
200 Trust Fund, and \$19 shall be deposited into the General Revenue

201 Fund.

202 3. For a replacement identification card issued pursuant
203 to s. 322.051, \$9 shall be deposited into the Highway Safety
204 Operating Trust Fund, and \$16 shall be deposited into the
205 General Revenue Fund. Beginning July 1, 2015, or upon completion
206 of the transition of the driver license issuance services, if
207 the replacement identification card is issued by the tax
208 collector, the tax collector shall retain the \$9 that would
209 otherwise be deposited into the Highway Safety Operating Trust
210 Fund and the remaining revenues shall be deposited into the
211 General Revenue Fund.

212 Section 9. For the purpose of incorporating the amendment
213 made by this act to section 985.461, Florida Statutes, in a
214 reference thereto, subsection (3) of section 382.0255, Florida
215 Statutes, is reenacted to read:

216 382.0255 Fees.—

217 (3) Fees shall be established by rule. However, until
218 rules are adopted, the fees assessed pursuant to this section
219 shall be the minimum fees cited. The fees established by rule
220 must be sufficient to meet the cost of providing the service.
221 All fees shall be paid by the person requesting the record, are
222 due and payable at the time services are requested, and are
223 nonrefundable, except that, when a search is conducted and no
224 vital record is found, any fees paid for additional certified
225 copies shall be refunded. The department may waive all or part

HB 115

2019

226 | of the fees required under this section for any government
227 | entity. The department shall waive all fees required under this
228 | section for a certified copy of a birth certificate issued for
229 | purposes of an inmate acquiring a state identification card
230 | before release pursuant to s. 944.605(7) and for a juvenile
231 | offender who is in the custody or under the supervision of the
232 | Department of Juvenile Justice and receiving services under s.
233 | 985.461.

234 | Section 10. This act shall take effect upon becoming a
235 | law.