

By the Committee on Judiciary; and Senators Bean, Montford, and Harrell

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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 or young
5 adult who has been adjudicated dependent; conforming a
6 provision to changes made by the act; amending s.
7 985.43, F.S.; authorizing a court to receive and
8 consider any information provided by the Guardian Ad
9 Litem Program and the child's attorney ad litem if a
10 child is under the jurisdiction of a dependency court;
11 amending s. 985.441, F.S.; requiring the Department of
12 Juvenile Justice, if a child is under the jurisdiction
13 of a dependency court, to provide notice to the
14 dependency court and the Department of Children and
15 Families, and, if appointed, the Guardian Ad Litem
16 Program and the child's attorney ad litem; amending s.
17 985.455, F.S.; authorizing a court to receive and
18 consider any information provided by the Guardian Ad
19 Litem Program or the child's attorney ad litem if a
20 child is under the jurisdiction of a dependency court;
21 amending s. 985.461, F.S.; adding the Guardian Ad
22 Litem Program as an authorized entity of community
23 reentry teams under which the Department of Juvenile
24 Justice is authorized to provide transition-to-
25 adulthood services to certain children; reenacting ss.
26 322.051(9), 322.21(1)(f), and 382.0255(3), F.S.,
27 relating to identification cards, license fees, and
28 fees, respectively, to incorporate the amendment made
29 to s. 985.461, F.S., in references thereto; providing

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30 an effective date.

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

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34 Section 1. Subsections (2) and (3) of section 744.1097,
35 Florida Statutes, are amended to read:

36 744.1097 Venue.—

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

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

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

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

47 (d) If the incapacitated person is a child or young adult
48 under the jurisdiction of a dependency court, in the county
49 where the child or young adult resides or in the county having
50 jurisdiction of the dependency case.

51 (3) When the residence of an incapacitated person is
52 changed to another county, the guardian shall petition to have
53 the venue of the guardianship changed to the county of the
54 acquired residence, except in cases where venue was established
55 under paragraph (2) (d) or as provided in s. 744.1098.

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

58 985.43 Predisposition reports; other evaluations.—

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

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

74 985.441 Commitment.—

75 (4) The department may transfer a child, when necessary to
76 appropriately administer the child's commitment, from one
77 facility or program to another facility or program operated,
78 contracted, subcontracted, or designated by the department,
79 including a postcommitment nonresidential conditional release
80 program, except that the department may not transfer any child
81 adjudicated solely for a misdemeanor to a residential program
82 except as provided in subsection (2). The department shall
83 notify the court that committed the child to the department and
84 any attorney of record for the child, in writing, of its intent
85 to transfer the child from a commitment facility or program to
86 another facility or program of a higher or lower restrictiveness
87 level. If the child is under the jurisdiction of a dependency

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88 court, the department shall also provide notice to the
89 dependency court and the Department of Children and Families,
90 and, if appointed, the Guardian Ad Litem Program and the child's
91 attorney ad litem. The court that committed the child may agree
92 to the transfer or may set a hearing to review the transfer. If
93 the court does not respond within 10 days after receipt of the
94 notice, the transfer of the child shall be deemed granted.

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

97 985.455 Other dispositional issues.—

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

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117 child's length of stay in the program shall not be extended for
118 purposes of sanction or punishment. Any temporary release from
119 such program must be approved by the court. Any child so
120 committed may be discharged from institutional confinement or a
121 program upon the direction of the department with the
122 concurrence of the court. The child's treatment plan progress
123 and adjustment-related issues must be communicated to the court
124 at the time the department requests the court to consider
125 releasing the child from the commitment program. The department
126 shall give the court that committed the child to the department
127 reasonable notice, in writing, of its desire to discharge the
128 child from a commitment facility. The court that committed the
129 child may thereafter accept or reject the request. If the court
130 does not respond within 10 days after receipt of the notice, the
131 request of the department shall be deemed granted. This section
132 does not limit the department's authority to revoke a child's
133 temporary release status and return the child to a commitment
134 facility for any violation of the terms and conditions of the
135 temporary release.

136 Section 5. Paragraph (b) of subsection (4) of section
137 985.461, Florida Statutes, is amended to read:

138 985.461 Transition to adulthood.—

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

144 (b) Use community reentry teams to assist in the
145 development of a list of age-appropriate activities and

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146 responsibilities to be incorporated in the child's written case
147 plan for any youth who is under the custody or supervision of
148 the department. Community reentry teams may include
149 representatives from school districts, law enforcement,
150 workforce development services, community-based service
151 providers, the Guardian Ad Litem Program, and the youth's
152 family. Such community reentry teams must be created within
153 existing resources provided to the department. Activities may
154 include, but are not limited to, life skills training, including
155 training to develop banking and budgeting skills, interviewing
156 and career planning skills, parenting skills, personal health
157 management, and time management or organizational skills;
158 educational support; employment training; and counseling.

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

163 322.051 Identification cards.—

164 (9) Notwithstanding any other provision of this section or
165 s. 322.21 to the contrary, the department shall issue or renew a
166 card at no charge to a person who presents evidence satisfactory
167 to the department that he or she is homeless as defined in s.
168 414.0252(7), to a juvenile offender who is in the custody or
169 under the supervision of the Department of Juvenile Justice and
170 receiving services pursuant to s. 985.461, to an inmate
171 receiving a card issued pursuant to s. 944.605(7), or, if
172 necessary, to an inmate receiving a replacement card if the
173 department determines that he or she has a valid state
174 identification card. If the replacement state identification

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175 card is scheduled to expire within 6 months, the department may
176 also issue a temporary permit valid for at least 6 months after
177 the release date. The department's mobile issuing units shall
178 process the identification cards for juvenile offenders and
179 inmates at no charge, as provided by s. 944.605 (7) (a) and (b).

180 Section 7. For the purpose of incorporating the amendment
181 made by this act to section 985.461, Florida Statutes, in a
182 reference thereto, paragraph (f) of subsection (1) of section
183 322.21, Florida Statutes, is reenacted to read:

184 322.21 License fees; procedure for handling and collecting
185 fees.—

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

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

199 1. For an original identification card issued pursuant to
200 s. 322.051, the fee shall be deposited into the General Revenue
201 Fund.

202 2. For a renewal identification card issued pursuant to s.
203 322.051, \$6 shall be deposited into the Highway Safety Operating

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204 Trust Fund, and \$19 shall be deposited into the General Revenue
205 Fund.

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

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

220 382.0255 Fees.—

221 (3) Fees shall be established by rule. However, until rules
222 are adopted, the fees assessed pursuant to this section shall be
223 the minimum fees cited. The fees established by rule must be
224 sufficient to meet the cost of providing the service. All fees
225 shall be paid by the person requesting the record, are due and
226 payable at the time services are requested, and are
227 nonrefundable, except that, when a search is conducted and no
228 vital record is found, any fees paid for additional certified
229 copies shall be refunded. The department may waive all or part
230 of the fees required under this section for any government
231 entity. The department shall waive all fees required under this
232 section for a certified copy of a birth certificate issued for

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233 purposes of an inmate acquiring a state identification card
234 before release pursuant to s. 944.605(7) and for a juvenile
235 offender who is in the custody or under the supervision of the
236 Department of Juvenile Justice and receiving services under s.
237 985.461.

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