

CHAPTER 2019-10

Committee Substitute for Senate Bill No. 124

An act relating to dependent children; amending s. 744.1097, F.S.; specifying the venue in proceedings for the appointment of a guardian for a child or young adult who has been adjudicated dependent; conforming a provision to changes made by the act; amending s. 985.43, F.S.; authorizing a court to receive and consider any information provided by the Guardian Ad Litem Program and the child's attorney ad litem if a child is under the jurisdiction of a dependency court; amending s. 985.441, F.S.; requiring the Department of Juvenile Justice, if a child is under the jurisdiction of a dependency court, to provide notice to the dependency court and the Department of Children and Families, and, if appointed, the Guardian Ad Litem Program and the child's attorney ad litem; amending s. 985.455, F.S.; authorizing a court to receive and consider any information provided by the Guardian Ad Litem Program or the child's attorney ad litem if a child is under the jurisdiction of a dependency court; amending s. 985.461, F.S.; adding the Guardian Ad Litem Program as an authorized entity of community reentry teams under which the Department of Juvenile Justice is authorized to provide transition-to-adulthood services to certain children; reenacting ss. 322.051(9), 322.21(1)(f), and 382.0255(3), F.S., relating to identification cards, license fees, and fees, respectively, to incorporate the amendment made to s. 985.461, F.S., in references thereto; providing an effective date.

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

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

744.1097 Venue.—

- (2) The venue in proceedings for the appointment of a guardian shall be:
 - (a) If the incapacitated person is a resident of this state, in the county where the incapacitated person resides.
 - (b) If the incapacitated person is not a resident of this state, in any county in this state where property of the incapacitated person is located.
 - (c) If the incapacitated person is not a resident of this state and owns no property in this state, in the county where any debtor of the incapacitated person resides.
 - (d) If the incapacitated person is a child or young adult under the jurisdiction of a dependency court, in the county where the child or young adult resides or in the county having jurisdiction of the dependency case.

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

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

985.43 Predisposition reports; other evaluations.—

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

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

985.441 Commitment.—

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

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

985.455 Other dispositional issues.—

(3) Any commitment of a delinquent child to the department must be for an indeterminate period of time, which may include periods of temporary

release; however, the period of time may not exceed the maximum term of imprisonment that an adult may serve for the same offense, except that the duration of a minimum-risk nonresidential commitment for an offense that is a misdemeanor of the second degree, or is equivalent to a misdemeanor of the second degree, may be for a period not to exceed 6 months. The duration of the child's placement in a commitment program of any restrictiveness level shall be based on objective performance-based treatment planning. The child's treatment plan progress and adjustment-related issues shall be reported to the court quarterly, unless the court requests monthly reports. If the child is under the jurisdiction of a dependency court, the court may receive and consider any information provided by the Guardian Ad Litem Program or the child's attorney ad litem, if appointed. The child's length of stay in a commitment program may be extended if the child fails to comply with or participate in treatment activities. The child's length of stay in the program shall not be extended for purposes of sanction or punishment. Any temporary release from such program must be approved by the court. Any child so committed may be discharged from institutional confinement or a program upon the direction of the department with the concurrence of the court. The child's treatment plan progress and adjustment-related issues must be communicated to the court at the time the department requests the court to consider releasing the child from the commitment program. The department shall give the court that committed the child to the department reasonable notice, in writing, of its desire to discharge the child from a commitment facility. The court that committed the child may thereafter accept or reject the request. If the court does not respond within 10 days after receipt of the notice, the request of the department shall be deemed granted. This section does not limit the department's authority to revoke a child's temporary release status and return the child to a commitment facility for any violation of the terms and conditions of the temporary release.

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

985.461 Transition to adulthood.—

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

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

skills, parenting skills, personal health management, and time management or organizational skills; educational support; employment training; and counseling.

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

322.051 Identification cards.—

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

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

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

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

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

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

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

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

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

382.0255 Fees.—

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

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

Approved by the Governor April 26, 2019.

Filed in Office Secretary of State April 26, 2019.