

By Senator Bean

4-00290-18

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1                                   A bill to be entitled  
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.

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

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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  
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

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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 operate  
36 under a written contract with the Statewide Guardian Ad Litem  
37 Office. The written contract must, at a minimum, provide for:

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

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

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

49 (d) The fiscal year of the direct-support organization,  
50 which must begin July 1 of each year and end June 30 of the  
51 following year.

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

57 (3) BOARD OF DIRECTORS.—The executive director of the  
58 Statewide Guardian Ad Litem Office shall appoint a board of

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59 directors for the direct-support organization. The executive  
60 director may designate employees of the Statewide Guardian Ad  
61 Litem Office to serve on the board of directors. Members of the  
62 board shall serve at the pleasure of the executive director.

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

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

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

73 (c) May prescribe the conditions by which the direct-  
74 support organization may use property, facilities, or personal  
75 services of the office.

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

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

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

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

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

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