

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 or young adult who is under the  
6 jurisdiction of a dependency court; conforming a  
7 provision to changes made by the act; amending s.  
8 985.43, F.S.; authorizing a court to receive and  
9 consider any information provided by the Guardian Ad  
10 Litem Program and the child's attorney ad litem if a  
11 child is under the jurisdiction of a dependency court;  
12 amending s. 985.441, F.S.; requiring the Department of  
13 Juvenile Justice, if a child is under the jurisdiction  
14 of a dependency court, to provide notice to the  
15 dependency court and the Department of Children and  
16 Families, and, if appointed, the Guardian Ad Litem  
17 Program and the child's attorney ad litem; amending s.  
18 985.455, F.S.; authorizing a court to receive and  
19 consider any information provided by the Guardian Ad  
20 Litem Program or the child's attorney ad litem if a  
21 child is under the jurisdiction of a dependency court;  
22 amending s. 985.461, F.S.; adding the Guardian Ad  
23 Litem Program as an authorized entity of community  
24 reentry teams under which the Department of Juvenile  
25 Justice is authorized to provide transition-to-

26 adulthood services to certain children; reenacting ss.  
 27 322.051, 322.21, and 382.0255, F.S., relating to  
 28 identification cards, license fees, and fees,  
 29 respectively, to incorporate the amendment made to s.  
 30 985.461, F.S., in references thereto; providing an  
 31 effective date.

32

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

34

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

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

39 744.1097 Venue.—

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

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

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

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

50 (d) If the incapacitated person is a child or young adult

51 who is under the jurisdiction of a dependency court, in the  
52 county where such incapacitated person resides or in the county  
53 with jurisdiction over the dependency case.

54 (3) When the residence of an incapacitated person is  
55 changed to another county, the guardian shall petition to have  
56 the venue of the guardianship changed to the county of the  
57 acquired residence, except in cases where the venue is  
58 established under paragraph (2)(d) or as provided in s.  
59 744.1098.

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

62 985.43 Predisposition reports; other evaluations.—

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

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

78 985.441 Commitment.—

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

99 Section 5. Subsection (3) of section 985.455, Florida  
100 Statutes, is amended to read:

101 985.455 Other dispositional issues.—

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

126 concurrence of the court. The child's treatment plan progress  
127 and adjustment-related issues must be communicated to the court  
128 at the time the department requests the court to consider  
129 releasing the child from the commitment program. The department  
130 shall give the court that committed the child to the department  
131 reasonable notice, in writing, of its desire to discharge the  
132 child from a commitment facility. The court that committed the  
133 child may thereafter accept or reject the request. If the court  
134 does not respond within 10 days after receipt of the notice, the  
135 request of the department shall be deemed granted. This section  
136 does not limit the department's authority to revoke a child's  
137 temporary release status and return the child to a commitment  
138 facility for any violation of the terms and conditions of the  
139 temporary release.

140 Section 6. Paragraph (b) of subsection (4) of section  
141 985.461, Florida Statutes, is amended to read:

142 985.461 Transition to adulthood.—

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

148 (b) Use community reentry teams to assist in the  
149 development of a list of age-appropriate activities and  
150 responsibilities to be incorporated in the child's written case

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

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

167 322.051 Identification cards.—

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

176 necessary, to an inmate receiving a replacement card if the  
177 department determines that he or she has a valid state  
178 identification card. If the replacement state identification  
179 card is scheduled to expire within 6 months, the department may  
180 also issue a temporary permit valid for at least 6 months after  
181 the release date. The department's mobile issuing units shall  
182 process the identification cards for juvenile offenders and  
183 inmates at no charge, as provided by s. 944.605 (7) (a) and (b).

184 Section 8. For the purpose of incorporating the amendment  
185 made by this act to section 985.461, Florida Statutes, in a  
186 reference thereto, paragraph (f) of subsection (1) of section  
187 322.21, Florida Statutes, is reenacted to read:

188 322.21 License fees; procedure for handling and collecting  
189 fees.—

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

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



201 original, renewal, or replacement identification cards shall be  
 202 distributed as follows:

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

206 2. For a renewal identification card issued pursuant to s.  
 207 322.051, \$6 shall be deposited into the Highway Safety Operating  
 208 Trust Fund, and \$19 shall be deposited into the General Revenue  
 209 Fund.

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

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

224 382.0255 Fees.—

225 (3) Fees shall be established by rule. However, until

226 | rules are adopted, the fees assessed pursuant to this section  
227 | shall be the minimum fees cited. The fees established by rule  
228 | must be sufficient to meet the cost of providing the service.  
229 | All fees shall be paid by the person requesting the record, are  
230 | due and payable at the time services are requested, and are  
231 | nonrefundable, except that, when a search is conducted and no  
232 | vital record is found, any fees paid for additional certified  
233 | copies shall be refunded. The department may waive all or part  
234 | of the fees required under this section for any government  
235 | entity. The department shall waive all fees required under this  
236 | section for a certified copy of a birth certificate issued for  
237 | purposes of an inmate acquiring a state identification card  
238 | before release pursuant to s. 944.605(7) and for a juvenile  
239 | offender who is in the custody or under the supervision of the  
240 | Department of Juvenile Justice and receiving services under s.  
241 | 985.461.

242 |       Section 10. This act shall take effect upon becoming a  
243 | law.