Florida House of Representatives - 2002 By Representative Gottlieb HB 1177

A bill to be entitled 1 2 An act relating to direct-support 3 organizations; creating ss. 20.193 and 430.065, 4 F.S.; providing for direct-support 5 organizations for the benefit of the Department of Children and Family Services and the б 7 Department of Elderly Affairs, respectively; providing a definition; providing purposes and 8 9 objectives; authorizing certain use of state property and facilities; requiring annual 10 11 audit; providing an effective date. 12 13 Be It Enacted by the Legislature of the State of Florida: 14 Section 1. Section 20.193, Florida Statutes, is 15 16 created to read: 17 20.193 Department of Children and Family Services 18 direct-support organization.--19 (1) As used in this section, the term "direct-support 20 organization" means a not-for-profit corporation incorporated 21 under chapter 617 and organized and operated to conduct 2.2 programs and activities; initiate developmental projects; 23 raise funds; request and receive grants, gifts, and bequests 24 of moneys; acquire, receive, hold, invest, and administer, in 25 its own name, securities, funds, objectives of value, or other property, real or personal; and make expenditures to or for 26 27 the direct or indirect benefit of the Department of Children 28 and Family Services or individual programs or projects of the 29 department. 30 (2) The purposes and objectives of the direct-support organization must be consistent with the priority issues and 31

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objectives of the department and must be in the best interest 1 of the state. 2 3 (3) The department may permit, without charge, the 4 appropriate use of property and facilities of the state by the 5 direct-support organization subject to the provisions of this б section. Such use must be directly in keeping with the 7 approved purpose of the direct-support organization. 8 (4) The direct-support organization shall provide for 9 an annual postaudit of its financial accounts to be conducted by an independent certified public accountant. The annual 10 audit report shall include a management letter and shall be 11 12 submitted to the Auditor General and the department for 13 review. The department and the Auditor General have the 14 authority to require and receive from the organization or from its independent auditor any detail or supplemental data 15 16 relative to the operation of the organization. 17 Section 2. Section 430.065, Florida Statutes, is created to read: 18 19 430.065 Department of Elderly Affairs direct-support 20 organization.--(1) As used in this section, the term "direct-support 21 22 organization" means a not-for-profit corporation incorporated 23 under chapter 617 and organized and operated to conduct 24 programs and activities; initiate developmental projects; 25 raise funds; request and receive grants, gifts, and bequests 26 of moneys; acquire, receive, hold, invest, and administer, in 27 its own name, securities, funds, objectives of value, or other 28 property, real or personal; and make expenditures to or for 29 the direct or indirect benefit of the Department of Elderly Affairs or individual programs or projects of the department. 30 31

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The purposes and objectives of the direct-support 1 (2) 2 organization must be consistent with the priority issues and 3 objectives of the department and must be in the best interest of the state. 4 5 (3) The department may permit, without charge, the appropriate use of property and facilities of the state by the 6 7 direct-support organization subject to the provisions of this 8 section. Such use must be directly in keeping with the 9 approved purpose of the direct-support organization. 10 The direct-support organization shall provide for (4) 11 an annual postaudit of its financial accounts to be conducted 12 by an independent certified public accountant. The annual 13 audit report shall include a management letter and shall be submitted to the Auditor General and the department for 14 review. The department and the Auditor General have the 15 16 authority to require and receive from the organization or from 17 its independent auditor any detail or supplemental data relative to the operation of the organization. 18 19 Section 3. This act shall take effect upon becoming a 20 law. 21 22 23 HOUSE SUMMARY 24 Provides for nonprofit direct-support organizations for the Department of Children and Family Services and the Department of Elderly Affairs, respectively. Provides a definition. Provides purposes and objectives. Authorizes certain use of state property and facilities by the direct-support organizations. Requires annual audits by an independent certified public accountant. 25 26 27 28 29 30 31 3

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