Florida Senate - 2003

 $\mathbf{B}\mathbf{y}$ the Committee on Governmental Oversight and Productivity; and Senator Wise

	302-711-03
1	A bill to be entitled
2	An act relating to direct-support
3	organizations; creating s. 20.193, F.S.;
4	providing for direct-support organizations for
5	the benefit of the Department of Children and
6	Family Services; providing for administration
7	of funds; providing purposes and objectives;
8	requiring funds to be used for the enhancement
9	of department programs and projects;
10	authorizing certain use of state property and
11	facilities; requiring an annual audit; amending
12	ss. 20.19 and 20.41, F.S.; authorizing
13	designation of employees to solicit funds;
14	creating s. 430.065, F.S.; providing for
15	direct-support organizations for the benefit of
16	the Department of Elderly Affairs; providing
17	purposes and objectives; requiring funds to be
18	used for the enhancement of department programs
19	and projects; authorizing certain use of state
20	property and facilities; requiring an annual
21	audit; providing an effective date.
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23	Be It Enacted by the Legislature of the State of Florida:
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25	Section 1. Section 20.193, Florida Statutes, is
26	created to read:
27	20.193 Department of Children and Family Services
28	direct-support organization
29	(1) As used in this section, the term "direct-support
30	organization" means a not-for-profit corporation incorporated
31	under chapter 617 and organized and operated to conduct
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1 programs and activities; initiate developmental projects; raise funds; request and receive grants, gifts, and bequests 2 3 of moneys; acquire, receive, hold, invest, and administer, in its own name, securities, funds, objects of value, or other 4 5 property, real or personal; and make expenditures to or for б the direct or indirect benefit of the Department of Children 7 and Family Services or individual programs or projects of the 8 department. 9 (2) The secretary of the department may organize and 10 incorporate a direct-support organization pursuant to the 11 requirements of this section and chapter 617 to accomplish the purposes and objectives set forth in subsection (3). The 12 secretary shall appoint the members of the board of the 13 14 direct-support organization. The articles of incorporation must state that the corporation is subject to the requirements 15 of s. 24, Art. I of the State Constitution, chapter 119, and 16 17 s. 286.011 and that, upon dissolution, all properties of the corporation revert to the state. The direct-support 18 19 organization shall maintain donations and direct service expenditures in a bank account outside of the State Treasury. 20 Any administrative costs of running and promoting the purposes 21 of the corporation shall be paid for by private funds or state 22 appropriations to the extent the receipt of federal funding by 23 24 the department is not jeopardized. 25 (3) The purposes and objectives of the direct-support organization must be consistent with the priority issues and 26 27 objectives of the department and must be in the best interest 28 of the state. 29 Funds designated for the direct-support (4) 30 organization shall be used for the enhancement of programs and 31 projects of the department.

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1 (5) The department may permit, without charge, the appropriate use of property and facilities of the state by the 2 3 direct-support organization subject to the provisions of this section. Such use must be directly in keeping with the 4 5 approved purpose of the direct-support organization. б (6) The direct-support organization shall provide for 7 an annual financial audit in accordance with s. 215.981. 8 Section 2. Subsection (10) is added to section 20.19, Florida Statutes, to read: 9 10 20.19 Department of Children and Family 11 Services.--There is created a Department of Children and Family Services. 12 (10) SOLICITATION OF DONATIONS TO DIRECT-SUPPORT 13 14 ORGANIZATIONS. -- The secretary may designate employees of the department to solicit donations from public or private sources 15 pursuant to s. 20.193. 16 17 Section 3. Section 430.065, Florida Statutes, is 18 created to read: 19 430.065 Department of Elderly Affairs direct-support organization.--20 21 (1) As used in this section, the term "direct-support organization" means a not-for-profit corporation incorporated 22 under chapter 617 and organized and operated to conduct 23 24 programs and activities; initiate developmental projects; raise funds; request and receive grants, gifts, and bequests 25 of moneys; acquire, receive, hold, invest, and administer, in 26 27 its own name, securities, funds, objects of value, or other property, real or personal; and make expenditures to or for 28 29 the direct or indirect benefit of the Department of Elderly 30 Affairs or individual programs or projects of the department. 31

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2incorporate a direct-support organization pursuant to the requirements of this section and chapter 617 to accomplish the purposes and objectives set forth in subsection (3). The secretary shall appoint the members of the board of the direct-support organization. The articles of incorporation must state that the corporation is subject to the requirements of s. 24, Art. I of the State Constitution, chapter 119, and s. 286.011 and that, upon dissolution, all properties of the corporation revert to the state. The direct-support organization shall maintain donations and direct service expenditures in a bank account outside of the State Treasury. Any administrative costs of running and promoting the purposes of the corporation shall be paid for by private funds or state appropriations to the extent the receipt of federal funding by the department is not jeopardized.11(3) The purposes and objectives of the direct-support organization must be consistent with the priority issues and objectives of the department and must be in the best interest of the state.21(4) Funds designated for the direct-support organization shall be used for the direct-support22section. Such use must be directly in keeping with the approved purpose of the direct-support organization. (6) The direct-support organization shall provide for an annual financial audit in accordance with s. 215.981.	1	(2) The secretary of the department may organize and
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31	30	an annual financial audit in accordance with s. 215.981.
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1	Section 4. Subsection (10) is added to section 20.41,
2	Florida Statutes, to read:
3	20.41 Department of Elderly AffairsThere is created
4	a Department of Elderly Affairs.
5	(10) SOLICITATION OF DONATIONS TO DIRECT-SUPPORT
6	ORGANIZATIONS The secretary may designate employees of the
7	department to solicit donations from public or private sources
8	pursuant to s. 430.065.
9	Section 5. This act shall take effect upon becoming a
10	law.
11	
12	STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN COMMITTEE SUBSTITUTE FOR
13	<u>SB 58</u>
14	
15	Specifies that the department secretary is authorized to incorporate the direct-support organization.
16	Specifies that the secretary of the department is authorized
17	to appoint members of the corporate board.
18	Provides that all corporate assets revert to the state upon dissolution of the corporation.
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