

By 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

1 programs and activities; initiate developmental projects;
2 raise funds; request and receive grants, gifts, and bequests
3 of moneys; acquire, receive, hold, invest, and administer, in
4 its own name, securities, funds, objects of value, or other
5 property, real or personal; and make expenditures to or for
6 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
12 purposes and objectives set forth in subsection (3). The
13 secretary shall appoint the members of the board of the
14 direct-support organization. The articles of incorporation
15 must state that the corporation is subject to the requirements
16 of s. 24, Art. I of the State Constitution, chapter 119, and
17 s. 286.011 and that, upon dissolution, all properties of the
18 corporation revert to the state. The direct-support
19 organization shall maintain donations and direct service
20 expenditures in a bank account outside of the State Treasury.
21 Any administrative costs of running and promoting the purposes
22 of the corporation shall be paid for by private funds or state
23 appropriations to the extent the receipt of federal funding by
24 the department is not jeopardized.

25 (3) The purposes and objectives of the direct-support
26 organization must be consistent with the priority issues and
27 objectives of the department and must be in the best interest
28 of the state.

29 (4) Funds designated for the direct-support
30 organization shall be used for the enhancement of programs and
31 projects of the department.

1 (5) The department may permit, without charge, the
2 appropriate use of property and facilities of the state by the
3 direct-support organization subject to the provisions of this
4 section. Such use must be directly in keeping with the
5 approved purpose of the direct-support organization.

6 (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,
9 Florida Statutes, to read:

10 20.19 Department of Children and Family
11 Services.--There is created a Department of Children and
12 Family Services.

13 (10) SOLICITATION OF DONATIONS TO DIRECT-SUPPORT
14 ORGANIZATIONS.--The secretary may designate employees of the
15 department to solicit donations from public or private sources
16 pursuant to s. 20.193.

17 Section 3. Section 430.065, Florida Statutes, is
18 created to read:

19 430.065 Department of Elderly Affairs direct-support
20 organization.--

21 (1) As used in this section, the term "direct-support
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, objects 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
30 Affairs or individual programs or projects of the department.

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1 (2) The secretary of the department may organize and
2 incorporate a direct-support organization pursuant to the
3 requirements of this section and chapter 617 to accomplish the
4 purposes and objectives set forth in subsection (3). The
5 secretary shall appoint the members of the board of the
6 direct-support organization. The articles of incorporation
7 must state that the corporation is subject to the requirements
8 of s. 24, Art. I of the State Constitution, chapter 119, and
9 s. 286.011 and that, upon dissolution, all properties of the
10 corporation revert to the state. The direct-support
11 organization shall maintain donations and direct service
12 expenditures in a bank account outside of the State Treasury.
13 Any administrative costs of running and promoting the purposes
14 of the corporation shall be paid for by private funds or state
15 appropriations to the extent the receipt of federal funding by
16 the department is not jeopardized.

17 (3) The purposes and objectives of the direct-support
18 organization must be consistent with the priority issues and
19 objectives of the department and must be in the best interest
20 of the state.

21 (4) Funds designated for the direct-support
22 organization shall be used for the enhancement of programs and
23 projects of the department.

24 (5) The department may permit, without charge, the
25 appropriate use of property and facilities of the state by the
26 direct-support organization, subject to the provisions of this
27 section. Such use must be directly in keeping with the
28 approved purpose of the direct-support organization.

29 (6) The direct-support organization shall provide for
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 Affairs.--There 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.

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12 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
13 COMMITTEE SUBSTITUTE FOR
14 SB 58

15 Specifies that the department secretary is authorized to
16 incorporate the direct-support organization.

17 Specifies that the secretary of the department is authorized
18 to appoint members of the corporate board.

19 Provides that all corporate assets revert to the state upon
20 dissolution of the corporation.

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