

By the Committees on Children and Families; Governmental Oversight and Productivity; and Senator Wise

300-1821A-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 providing for incorporation of the organization
9 and the appointment of the board; requiring
10 funds to be used for the enhancement of
11 department programs and projects; authorizing
12 certain use of state property and facilities;
13 requiring an annual audit; amending ss. 20.19
14 and 20.41, F.S.; authorizing designation of
15 employees to solicit funds; creating s.
16 430.065, F.S.; providing for direct-support
17 organizations for the benefit of the Department
18 of Elderly Affairs; providing purposes and
19 objectives; providing for incorporation of the
20 organization and the appointment of the board;
21 requiring funds to be used for the enhancement
22 of department programs and projects;
23 authorizing certain use of state property and
24 facilities; requiring an annual audit;
25 providing an effective date.

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

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29 Section 1. Section 20.193, Florida Statutes, is
30 created to read:

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1 20.193 Department of Children and Family Services
2 direct-support organization.--

3 (1) As used in this section, the term "direct-support
4 organization" means a not-for-profit corporation incorporated
5 under chapter 617 and organized and operated to conduct
6 programs and activities; initiate developmental projects;
7 raise funds; request and receive grants, gifts, and bequests
8 of moneys; acquire, receive, hold, invest, and administer, in
9 its own name, securities, funds, objects of value, or other
10 property, real or personal; and make expenditures to or for
11 the direct or indirect benefit of the Department of Children
12 and Family Services or individual programs or projects of the
13 department.

14 (2) The secretary of the department may organize and
15 incorporate a direct-support organization pursuant to the
16 requirements of this section and chapter 617 to accomplish the
17 purposes and objectives set forth in subsection (3). The
18 secretary shall appoint a board of directors that includes no
19 more than five members, at least two of whom must be members
20 of the business community with financial management experience
21 and with no direct association with the department. The
22 articles of incorporation must state that the corporation is
23 subject to the requirements of s. 24, Art. I of the State
24 Constitution, chapter 119, and s. 286.011 and that, upon
25 dissolution, all properties of the corporation revert to the
26 state. The direct-support organization shall maintain
27 donations and direct service expenditures in a bank account
28 outside of the State Treasury. Any administrative costs of
29 running and promoting the purposes of the corporation shall be
30 paid for by private funds or state appropriations to the

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1 extent the receipt of federal funding by the department is not
2 jeopardized.

3 (3) The purposes and objectives of the direct-support
4 organization must be consistent with the priority issues and
5 objectives of the department and must be in the best interest
6 of the state.

7 (4) Funds designated for the direct-support
8 organization shall be used for the enhancement of programs and
9 projects of the department.

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

15 (6) The direct-support organization shall provide for
16 an annual financial audit in accordance with s. 215.981.

17 Section 2. Subsection (10) is added to section 20.19,
18 Florida Statutes, to read:

19 20.19 Department of Children and Family
20 Services.--There is created a Department of Children and
21 Family Services.

22 (10) SOLICITATION OF DONATIONS TO DIRECT-SUPPORT
23 ORGANIZATIONS.--The secretary may designate employees of the
24 department to solicit donations from public or private sources
25 pursuant to s. 20.193.

26 Section 3. Section 430.065, Florida Statutes, is
27 created to read:

28 430.065 Department of Elderly Affairs direct-support
29 organization.--

30 (1) As used in this section, the term "direct-support
31 organization" means a not-for-profit corporation incorporated

1 under chapter 617 and organized and operated to conduct
2 programs and activities; initiate developmental projects;
3 raise funds; request and receive grants, gifts, and bequests
4 of moneys; acquire, receive, hold, invest, and administer, in
5 its own name, securities, funds, objects of value, or other
6 property, real or personal; and make expenditures to or for
7 the direct or indirect benefit of the Department of Elderly
8 Affairs or individual programs or projects of the 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 a board of directors that includes no
14 more than five members, at least two of whom must be members
15 of the business community with financial management experience
16 and with no direct association with the department. The
17 articles of incorporation must state that the corporation is
18 subject to the requirements of s. 24, Art. I of the State
19 Constitution, chapter 119, and s. 286.011 and that, upon
20 dissolution, all properties of the corporation revert to the
21 state. The direct-support organization shall maintain
22 donations and direct service expenditures in a bank account
23 outside of the State Treasury. Any administrative costs of
24 running and promoting the purposes of the corporation shall be
25 paid for by private funds or state appropriations to the
26 extent the receipt of federal funding by the department is not
27 jeopardized.

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

1 (4) Funds designated for the direct-support
2 organization shall be used for the enhancement of programs and
3 projects of the department.

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

9 (6) The direct-support organization shall provide for
10 an annual financial audit in accordance with s. 215.981.

11 Section 4. Subsection (10) is added to section 20.41,
12 Florida Statutes, to read:

13 20.41 Department of Elderly Affairs.--There is created
14 a Department of Elderly Affairs.

15 (10) SOLICITATION OF DONATIONS TO DIRECT-SUPPORT
16 ORGANIZATIONS.--The secretary may designate employees of the
17 department to solicit donations from public or private sources
18 pursuant to s. 430.065.

19 Section 5. This act shall take effect upon becoming a
20 law.

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22 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
23 COMMITTEE SUBSTITUTE FOR
24 CS/SB 58

25 Limits the board of directors to no more than five members and
26 specifies that at least two must be members of the business
27 community with financial management experience and have no
28 direct association with the department.
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