

By Senator Margolis

35-1198-06

See HB 697

1                                   A bill to be entitled

2           An act relating to judicial circuit

3           direct-support organizations; providing a

4           definition; providing for a direct-support

5           organization in a judicial circuit; providing

6           for organization and operation of the

7           organization for certain purposes; providing

8           for approval of the organization by the state

9           attorney of a judicial circuit; providing for a

10          board of directors; providing for appointment

11          of a president of the board; providing for

12          appointment of board members; authorizing a

13          state attorney's office of a judicial circuit

14          to permit certain uses of certain property and

15          facilities of the office by the direct-support

16          organization for certain purposes; providing

17          limitations; authorizing a state attorney to

18          adopt certain rules; requiring the

19          direct-support organization to submit certain

20          information to the state attorney's office of a

21          judicial circuit; requiring the organization to

22          provide for an annual financial audit;

23          providing an effective date.

24

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

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27           Section 1. Direct-support organization; definition;

28 board of directors; use of property; budgets and reports;

29 audit.--

30           (1) DEFINITION.--For the purpose of this section, the

31 term "direct-support organization" means an organization:

1           (a) Which is a corporation not for profit that is  
2 incorporated under the provisions of chapter 617, Florida  
3 Statutes, exempted from filing fees, and approved by the  
4 Department of State.

5           (b) Established, organized, and operated in a judicial  
6 circuit to benefit victims of crime and conduct crime  
7 prevention activities; raise funds; request and receive  
8 grants, gifts, and bequests of moneys; acquire, receive, hold,  
9 invest, and administer, in its own name, securities, funds,  
10 objects of value, or other property, real or personal; and  
11 make expenditures to or for the direct or indirect benefit of  
12 victims.

13           (c) Determined by the state attorney's office of the  
14 judicial circuit to be consistent with the priority issues and  
15 objectives of such state attorney's office and in the best  
16 interest of the state.

17           (d) Approved in writing by the state attorney of the  
18 judicial circuit to operate for the purposes specified in  
19 paragraph (b). Such approval shall be in a letter of agreement  
20 from the state attorney of the judicial circuit.

21           (2) BOARD OF DIRECTORS.--The organization shall be  
22 governed by a board of directors. The state attorney of the  
23 judicial circuit shall appoint a president of the board. The  
24 board of directors shall consist of up to 15 members appointed  
25 by the president of the board. The terms of office of the  
26 members shall be 3 years. Members must be residents of the  
27 state and highly knowledgeable about issues relating to  
28 victims of crimes and crime prevention activities. In making  
29 appointments, the board must consider a potential member's  
30 background in community service. The board may remove any  
31 member for cause and shall fill vacancies that occur.

1           (3) USE OF PROPERTY.--

2           (a) The state attorney of the judicial circuit may  
3 permit, without charge, appropriate use of fixed property and  
4 facilities by the direct-support organization subject to the  
5 provisions of this section. Such use must be directly in  
6 keeping with the approved purpose of the direct-support  
7 organization and may not be made at times or places that would  
8 unreasonably interfere with opportunities for staff, victims,  
9 and witnesses to use the areas for established purposes.

10           (b) The state attorney of the judicial circuit may  
11 prescribe by rule any condition with which the direct-support  
12 organization organized under this section must comply in order  
13 to use fixed property or facilities of the state attorney's  
14 office of the judicial circuit.

15           (c) The state attorney's office of the judicial  
16 circuit may not permit the use of any fixed property or  
17 facilities of such office by a direct-support organization  
18 organized under this section which does not provide equal  
19 membership and employment opportunities to all persons  
20 regardless of race, color, religion, sex, age, or national  
21 origin.

22           (4) ANNUAL BUDGETS AND REPORTS.--The direct-support  
23 organization shall submit to the state attorney's office of  
24 the judicial circuit its federal Internal Revenue Service  
25 Application for Recognition of Exemption form (Form 1023) and  
26 its federal Internal Revenue Service Return of Organization  
27 Exempt from Income Tax form (Form 990).

28           (5) ANNUAL AUDIT.--The direct-support organization  
29 shall provide for an annual financial audit in accordance with  
30 s. 215.981, Florida Statutes.

31           Section 2. This act shall take effect July 1, 2006.