

By Senator Bennett

21-590-07

1 A bill to be entitled
2 An act relating to direct-support
3 organizations; amending s. 163.3247, F.S., and
4 creating s. 760.065, F.S.; creating a
5 direct-support organization for the Century
6 Commission for a Sustainable Florida and
7 another for the Commission on Human Relations;
8 providing for contracts between each
9 direct-support organization and the commission
10 it serves; creating a board of directors for
11 each organization; providing for the use of
12 property of each commission by its
13 direct-support organization; providing for the
14 deposit of moneys into specified accounts;
15 providing for the dissolution of the
16 direct-support organizations; providing an
17 effective date.

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

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21 Section 1. Subsection (6) is added to section
22 163.3247, Florida Statutes, to read:

23 163.3247 Century Commission for a Sustainable
24 Florida.--

25 (6) DIRECT SUPPORT ORGANIZATION; USE OF PROPERTY;
26 BOARD OF DIRECTORS; USE OF MONEYS; AUDIT; DISSOLUTION.--

27 (a) As used in this subsection, the term
28 "direct-support organization" means an organization the sole
29 purpose of which is to support the Century Commission for a
30 Sustainable Florida and which is:
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1 1. A not-for-profit corporation incorporated under
2 chapter 617;
3 2. Organized and operated to conduct programs and
4 activities; to raise funds; to request and receive grants,
5 gifts, and bequests of moneys; to acquire, receive, hold,
6 invest, and administer, in its own name, securities, funds,
7 objects of value, or other property, real or personal; and to
8 make expenditures to or for the direct or indirect benefit of
9 the commission; and
10 3. Determined by the commission to be consistent with
11 the goals of the commission, in the best interests of the
12 state, and in accordance with the adopted goals and mission of
13 the commission.
14 (b) The direct-support organization shall operate
15 under a written contract with the commission. The written
16 contract must provide for:
17 1. Approval of the articles of incorporation and
18 bylaws of the direct-support organization by the commission.
19 2. Submission of an annual budget for the approval of
20 the commission. The budget must comply with rules adopted by
21 the commission.
22 3. Certification by the commission that the
23 direct-support organization is complying with the terms of the
24 contract and is doing so consistent with the goals and
25 purposes of the office and in the best interests of the state.
26 This certification must be made annually and reported in the
27 official minutes of a meeting of the direct-support
28 organization.
29 4. The reversion of moneys and property held in trust
30 by the direct-support organization:
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1 a. To the commission if the direct-support
2 organization is no longer approved to operate for the
3 commission;

4 b. To the commission if the direct-support
5 organization ceases to exist; or

6 c. To the state if the commission ceases to exist.

7 5. The fiscal year of the direct-support organization
8 shall begin on July 1 of each year and end on June 30 of the
9 following year.

10 6. The disclosure of the material provisions of the
11 contract, and of the distinction between the commission and
12 the direct-support organization, to donors of gifts,
13 contributions, or bequests, including such disclosure on all
14 promotional and fundraising publications.

15 (c) The commissioners shall appoint a board of
16 directors for the direct-support organization from a list of
17 nominees submitted by the executive director of the commission
18 and agreed upon by the appointed commissioners.

19 (d) The commission may permit, without charge,
20 appropriate use of fixed property and facilities of the
21 commission by the direct-support organization. The commission
22 may prescribe any condition with which the direct-support
23 organization must comply in order to use fixed property or
24 facilities of the commission.

25 (e) Any moneys may be held in a separate depository
26 account in the name of the direct-support organization and
27 subject to the provisions of the written contract with the
28 commission. Expenditures of the direct-support organization
29 must be expressly used to support the commission's mission.
30 The expenditures of the direct-support organization may not be
31 used for the purpose of lobbying as defined in s. 11.045.

1 (f) The direct-support organization shall arrange for
2 an annual financial audit in accordance with s. 215.981.

3 (g) After July 1, 2008, any not-for-profit corporation
4 that is incorporated under chapter 617, that is determined by
5 a circuit court to be representing itself as a direct-support
6 organization created under this subsection, and that does not
7 have a written contract with the commission which complies
8 with this subsection, is subject to a judicial dissolution
9 under s. 617.1430(1). The commission shall receive all assets
10 held by the dissolved corporation which accrued during the
11 period when the dissolved corporation represented itself as a
12 direct-support organization created under this subsection.

13 Section 2. Section 760.065, Florida Statutes, is
14 created to read:

15 760.065 Direct-support organization; definition; use
16 of property; board of directors; use of moneys; audit;
17 dissolution.--

18 (1) DEFINITION.--As used in this section, the term
19 "direct-support organization" means an organization the sole
20 purpose of which is to support the Commission on Human
21 Relations and which is:

22 (a) A not-for-profit corporation incorporated under
23 chapter 617;

24 (b) Organized and operated to conduct programs and
25 activities; to raise funds; to request and receive grants,
26 gifts, and bequests of moneys; to acquire, receive, hold,
27 invest, and administer, in its own name, securities, funds,
28 objects of value, or other property, real or personal; and to
29 make expenditures to or for the direct or indirect benefit of
30 the commission; and

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1 (c) Determined by the commission to be consistent with
2 the goals of the commission, in the best interests of the
3 state, and in accordance with the adopted goals and mission of
4 the Commission on Human Relations.

5 (2) CONTRACT.--The direct-support organization shall
6 operate under a written contract with the commission. The
7 written contract must provide for:

8 (a) Approval of the articles of incorporation and
9 bylaws of the direct-support organization by the commission.

10 (b) Submission of an annual budget for the approval of
11 the commission. The budget must comply with rules adopted by
12 the commission.

13 (c) Certification by the commission that the
14 direct-support organization is complying with the terms of the
15 contract and is doing so consistent with the goals and
16 purposes of the commission and in the best interests of the
17 state. This certification must be made annually and reported
18 in the official minutes of a meeting of the direct-support
19 organization.

20 (d) The reversion of moneys and property held in trust
21 by the direct-support organization:

22 1. To the commission if the direct-support
23 organization is no longer approved to operate for the
24 commission;

25 2. To the commission if the direct-support
26 organization ceases to exist; or

27 3. To the state if the commission ceases to exist.

28 (e) The fiscal year of the direct-support organization
29 shall begin on July 1 of each year and end on June 30 of the
30 following year.

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1 (f) The disclosure of the material provisions of the
2 contract, and of the distinction between the commission and
3 the direct-support organization, to donors of gifts,
4 contributions, or bequests, including such disclosure on all
5 promotional and fundraising publications.

6 (3) BOARD OF DIRECTORS.--The commissioners shall
7 appoint a board of directors for the direct-support
8 organization from a list of nominees submitted by the
9 executive director of the Commission on Human Relations.

10 (4) USE OF PROPERTY.--The commission may permit,
11 without charge, appropriate use of fixed property and
12 facilities of the commission by the direct-support
13 organization. The commission may prescribe any condition with
14 which the direct-support organization must comply in order to
15 use fixed property or facilities of the commission.

16 (5) MONEYS.--Any moneys may be held in a separate
17 depository account in the name of the direct-support
18 organization and subject to the provisions of the written
19 contract with the commission. Expenditures of the
20 direct-support organization shall be expressly used to support
21 the commission. The expenditures of the direct-support
22 organization may not be used for the purpose of lobbying as
23 defined in s. 11.045.

24 (6) AUDIT.--The direct-support organization shall
25 arrange for an annual financial audit in accordance with s.
26 215.981.

27 (7) DISSOLUTION.--After July 1, 2008, any
28 not-for-profit corporation that is incorporated under chapter
29 617, that is determined by a circuit court to be representing
30 itself as a direct-support organization created under this
31 section, and that does not have a written contract with the

1 commission which complies with this section, is subject to a
2 judicial dissolution under s. 617.1430(1)(a). The commission
3 shall receive all assets held by the dissolved corporation
4 which accrued during the period when the dissolved corporation
5 represented itself as a direct-support organization created
6 under this section.

7 Section 3. This act shall take effect July 1, 2007.

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10 SENATE SUMMARY

11 Creates a direct-support organization for the Century
12 Commission for a Sustainable Florida and another for the
13 Commission on Human Relations. Provides for contracts
14 between each direct-support organization and the
15 commission it serves. Creates a board of directors for
16 each organization. Provides for the use of property of
17 each commission by its direct-support organization.
18 Provides for the deposit of moneys into a specified
19 account.
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