

By Senator Dean

3-01252-09

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1 A bill to be entitled
2 An act relating to direct-support organizations;
3 creating s. 381.986, F.S.; authorizing the Department
4 of Health to create a direct-support organization;
5 providing definitions; providing for appointment of
6 members to the board of directors; providing
7 requirements for membership to the board of directors;
8 authorizing the department to allow the direct-support
9 organization to use the department's fixed property
10 and facilities; requiring the direct-support
11 organization to comply with directives and
12 requirements established by the sources of its
13 funding; requiring the direct-support organization to
14 submit certain forms from the Internal Revenue Service
15 to the department; requiring the direct-support
16 organization to provide an annual financial audit;
17 providing an 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. Section 381.986, Florida Statutes, is created to
22 read:

23 381.986 Direct-support organization.-

24 (1) DIRECT-SUPPORT ORGANIZATION ESTABLISHED.-The Department
25 of Health may establish a direct-support organization to provide
26 assistance, funding, and support for the department in carrying
27 out its mission upon written approval by the State Surgeon
28 General. This section governs the creation, use, powers, and
29 duties of the direct-support organization.

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30 (2) DEFINITIONS.—As used in this section, the term:

31 (a) "Department" means the Department of Health.

32 (b) "Direct-support organization" means an organization
33 that is:

34 1. A Florida corporation, not for profit, incorporated
35 under chapter 617, exempted from filing fees, and approved by
36 the Department of State;

37 2. Organized and operated to conduct programs and
38 activities; to initiate developmental projects; to raise funds;
39 to request and receive grants, gifts, and bequests of moneys; to
40 acquire, receive, hold, invest, and administer in its own name
41 securities, funds, or property; and to make expenditures to or
42 for the direct or indirect benefit of the state public health
43 system through the department or its individual county health
44 departments;

45 3. Determined by the department to be operating in a manner
46 consistent with the priority issues and objectives of the
47 department and in the best interest of the state; and

48 4. Approved in writing by the State Surgeon General to
49 operate for the direct or indirect benefit of the department or
50 its individual county health departments. This approval shall be
51 in a form determined by the department.

52 (3) BOARD OF DIRECTORS.—The direct-support organization
53 shall be governed by a board of directors.

54 (a) The board of directors shall consist of no fewer than
55 seven members appointed by the State Surgeon General. Networks
56 and partnerships in this state involved in issues related to
57 public health may recommend nominees to the State Surgeon
58 General.

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59 (b) The term of office of the board members shall be 3
60 years, except that the terms of the initial appointees shall be
61 for 1 year, 2 years, or 3 years in order to achieve staggered
62 terms. A member may be reappointed when his or her term expires.
63 The State Surgeon General or his or her designee shall serve as
64 an ex officio member of the board of directors.

65 (c) Members must be current residents of this state. A
66 majority of the members must be highly knowledgeable about the
67 department, its service personnel, and its missions. The board
68 must include members from county government, the health care
69 industry, the medical community, and other components of the
70 public health system. The State Surgeon General may remove any
71 member of the board for cause and with the approval of a
72 majority of the members of the board of directors. The State
73 Surgeon General shall appoint a replacement for any vacancy that
74 occurs.

75 (4) USE OF PROPERTY.—

76 (a) The department and each county health department in the
77 state may allow, without charge, the use of the department's
78 fixed property and facilities within the state public health
79 system by the direct-support organization, subject to this
80 section. Use of the fixed property and facilities by the direct-
81 support organization may not interfere with use of the fixed
82 property and facilities by the department's clients or staff.

83 (b) The department may not allow the use of its fixed
84 property and facilities by any direct-support organization
85 organized under this section which does not provide equal
86 employment opportunities to all persons regardless of race,
87 color, national origin, gender, age, or religion.

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88 (5) DIRECTIVES.—The direct-support organization organized
89 under this section shall comply with directives and requirements
90 established by the sources of its funding.

91 (6) ANNUAL BUDGETS AND REPORTS.—

92 (a) The fiscal year of the direct-support organization
93 shall begin on July 1 of each year and end on June 30 of the
94 following year.

95 (b) The direct-support organization shall submit to the
96 department its federal Internal Revenue Service Application for
97 Recognition of Exemption form and its federal Internal Revenue
98 Service Return of Organization Exempt from Income Tax form.

99 (7) ANNUAL AUDIT.—The direct-support organization shall
100 provide for an annual financial audit in accordance with s.
101 215.981.

102 Section 2. This act shall take effect July 1, 2009.