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LEGISLATIVE ACTION

Senate

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House

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Floor: WD/2R

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05/01/2009 06:40 PM

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Senator Fasano moved the following:

Senate Amendment (with title amendment)

Between lines 3633 and 3634

insert:

Section 70. Section 430.82, Florida Statutes, is created to read:

430.82 Direct-support organization.—

(1) DIRECT-SUPPORT ORGANIZATION ESTABLISHED.—The Department of Elderly Affairs may establish a direct-support organization to provide assistance, funding, and support for the department in carrying out its mission. This section governs the creation, use, powers, and duties of the direct-support organization.



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

14 (a) "Department" means the Department of Elderly Affairs.

15 (b) "Direct-support organization" means an organization
16 that is:

17 1. A Florida corporation, not for profit, incorporated
18 under chapter 617, exempted from filing fees under s. 617.0122,
19 and approved by the Department of State;

20 2. Organized and operated exclusively to obtain funds; to
21 request and receive grants, gifts, and bequests of moneys; to
22 acquire, receive, hold, invest, and administer in its own name
23 securities, funds, or property; and to make expenditures to or
24 for the direct or indirect benefit of the department and persons
25 in this state who are 60 years of age or older; and

26 3. Determined by the department to be operating in a manner
27 consistent with the goals of the department and in the best
28 interest of the state.

29 (c) "Personal services" means full-time or part-time
30 personnel.

31 (d) "Secretary" means the Secretary of Elderly Affairs.

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

34 (a) The board of directors shall consist of no fewer than
35 five members appointed by the secretary. Networks and
36 partnerships in this state involved in issues related to aging
37 may recommend nominees to the secretary.

38 (b) The term of office of the board members shall be 3
39 years, except that the terms of the initial appointees shall be
40 for 1 year, 2 years, or 3 years in order to achieve staggered
41 terms. A member may be reappointed when his or her term expires.



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42 The secretary or his or her designee shall serve as an ex
43 officio member of the board of directors.

44 (c) Members must be current residents of this state. A
45 majority of the members must be 60 years of age or older and
46 highly knowledgeable about the department, its service delivery
47 system, and its mission. The secretary may remove any member of
48 the board for cause and with the approval of a majority of the
49 members of the board of directors. The secretary shall appoint a
50 replacement for any vacancy that occurs.

51 (4) CONTRACT.—A direct-support organization shall operate
52 under a written contract with the department. The written
53 contract must provide for:

54 (a) Certification by the department that the direct-support
55 organization is complying with the terms of the contract and is
56 doing so consistent with the goals and purposes of the
57 department and in the best interests of the state. This
58 certification must be made annually and reported in the official
59 minutes of a meeting of the direct-support organization.

60 (b) The reversion of moneys and property held by the
61 direct-support organization:

62 1. To the department if the direct-support organization is
63 no longer approved to operate for the department;

64 2. To the department if the direct-support organization
65 ceases to exist; or

66 3. To the state if the department ceases to exist.

67 (c) The disclosure of the material provisions of the
68 contract and the distinction between the department and the
69 direct-support organization to donors of gifts, contributions,
70 or bequests, including such disclosure on all promotional and



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71 fundraising publications.

72 (5) USE OF PROPERTY.—

73 (a) The department may permit the use of property,
74 facilities, and personal services of the department by the
75 direct-support organization, subject to this section.

76 (b) The department may prescribe by contract any condition
77 with which the direct-support organization must comply in order
78 to use property, facilities, or personal services of the
79 department.

80 (c) The department may not permit the use of its property,
81 facilities, or personal services by any direct-support
82 organization organized under this section which does not provide
83 equal employment opportunities to all persons regardless of
84 race, color, national origin, gender, age, or religion.

85 (6) ACTIVITIES; RESTRICTIONS.—Any transaction or agreement
86 between the direct-support organization organized under this
87 section and another direct-support organization or other entity
88 must be approved by the secretary.

89 (7) ANNUAL BUDGETS AND REPORTS.—

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

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

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



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100 Section 71. Subsection (3) is added to section 272.135,
101 Florida Statutes, to read:

102 272.135 Florida Historic Capitol Curator.—

103 (3) In conjunction with the Legislative Research Center and
104 Museum at the Historic Capitol, the Capitol Curator may assist
105 the Florida Historic Capitol in the performance of its mission
106 by:

107 (a) Raising money;

108 (b) Submitting requests for and receiving grants;

109 (c) Receiving, holding, investing, and administering in the
110 name of the Historic Capitol and the Legislative Research Center
111 and Museum securities, funds, objects of value, or other real
112 and personal property;

113 (d) Receiving gifts and donations for the direct or
114 indirect benefit of the Historic Capitol; and

115 (e) Making expenditures to or for the direct or indirect
116 benefit of the Historic Capitol.

117 Section 72. Section 272.136, Florida Statutes, is created
118 to read:

119 272.136 Direct-support organization.—The Legislative
120 Research Center and Museum at the Historic Capitol and the
121 Capitol Curator may establish a direct-support organization to
122 provide assistance and promotional support through fundraising
123 for the Florida Historic Capitol and the Legislative Research
124 Center and Museum, including, but not limited to, their
125 educational programs and initiatives.

126 (1) The direct-support organization shall be governed by a
127 board of directors who have demonstrated a capacity for
128 supporting the mission of the Historic Capitol.



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129 (a) Initial appointments to the board shall be made by the
130 President of the Senate and the Speaker of the House of
131 Representatives at the recommendation of the center and the
132 curator. Appointments to the board shall thereafter be made by
133 the board.

134 (b) The initial board shall consist of nine members who
135 shall be appointed to 3-year terms, except that the terms of the
136 initial appointees shall be accomplished so that three members
137 are appointed for 1 year, three members are appointed for 2
138 years, and three members are appointed for 3 years, in order to
139 achieve staggered terms, as determined by the presiding
140 officers.

141 (c) The board may add up to two additional members.

142 (d) The board members shall serve without compensation,
143 except that they are entitled to receive reimbursement for per
144 diem and travel expenses in accordance with s. 112.061.

145 (e) The board may use the fixed property and facilities of
146 the Historic Capitol, subject to the provisions of this
147 subsection. Such use must be directly in keeping with the
148 approved purposes of the direct-support organization and may not
149 be made at times or places that would unreasonably interfere
150 with the normal operations of the Historic Capitol.

151 (2) The direct-support organization must be a Florida
152 corporation, not for profit, incorporated under chapter 617,
153 excepted from filing fees, and approved by the Department of
154 State.

155 (3) The curator and center may prescribe any condition with
156 which the direct-support organization must comply.

157 (4) The curator and the center may not permit the use of



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158 any fixed property or facilities by the direct-support
159 organization if the organization does not provide equal
160 membership and employment opportunities to all persons
161 regardless of race, color, religion, gender, age, or national
162 origin.

163 (5) The direct-support organization shall provide for an
164 annual financial audit in accordance with s. 215.981.

165 (6) If the direct-support organization is no longer
166 authorized by this section, fails to comply with the
167 requirements of this section, fails to maintain its tax-exempt
168 status pursuant to s. 501(c)(3) of the Internal Revenue Code, or
169 ceases to exist, all funds obtained through grants, gifts, and
170 donations in the direct-support organization account shall
171 revert to the state and be deposited into an account designated
172 by the Legislature for the support of the Historic Capitol,
173 provided that donations made for specific purposes in an
174 original donor agreement shall be applied only to those
175 purposes.

177 ===== T I T L E A M E N D M E N T =====

178 And the title is amended as follows:

179 Delete line 303

180 and insert:

181 cross-reference; creating s. 430.82, F.S.; authorizing
182 the Department of Elderly Affairs to create a direct-
183 support organization; providing definitions; providing
184 for appointment of members to the board of directors;
185 providing requirements for membership to the board of
186 directors; requiring the direct-support organization



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187 to operate under a contract; providing contract
188 requirements; authorizing the department to use its
189 property, facilities, and personal services for the
190 direct-support organization; requiring the Secretary
191 of Elderly Affairs to approve of any transaction or
192 agreement between the department's direct-support
193 organization and any other direct-support
194 organization; requiring the direct-support
195 organization to submit certain forms from the Internal
196 Revenue Service to the department; requiring the
197 direct-support organization to provide an annual
198 financial audit; amending s. 272.135, F.S.; providing
199 that the Capitol Curator may assist in raising funds
200 and making expenditures for the Historic Capitol;
201 creating s. 272.136, F.S.; authorizing the Legislative
202 Research Center and Museum and the Capitol Curator to
203 establish a direct-support organization; providing for
204 the appointment of members of a board of directors;
205 providing for board use of capitol property; requiring
206 the organization to be not for profit; authorizing the
207 center and curator to prescribe all conditions for the
208 organization; providing for the reversion of the
209 organization's funds; providing an effective date.