



342848

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/20/2009	.	
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The Committee on Health and Human Services Appropriations
(Gaetz) recommended the following:

Senate Amendment (with title amendment)

Between lines 1493 and 1494

insert:

Section 26. Section 385.401, Florida Statutes, is created
to read:

385.401 Direct-support organization.-

(1) DIRECT-SUPPORT ORGANIZATION ESTABLISHED.-The Department
of Health may establish a direct-support organization to provide
assistance, funding, and support for the department in carrying
out its mission upon written approval by the State Surgeon



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12 General. This section governs the creation, use, powers, and
13 duties of the direct-support organization.

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

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

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

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

21 2. Organized and operated to conduct programs and
22 activities; to initiate developmental projects; to raise funds;
23 to request and receive grants, gifts, and bequests of moneys; to
24 acquire, receive, hold, invest, and administer in its own name
25 securities, funds, or property; and to make expenditures to or
26 for the direct or indirect benefit of the state public health
27 system through the department or its individual county health
28 departments;

29 3. Determined by the department to be operating in a manner
30 consistent with the priority issues and objectives of the
31 department and in the best interest of the state; and

32 4. Approved in writing by the State Surgeon General to
33 operate for the direct or indirect benefit of the department or
34 its individual county health departments. This approval shall be
35 in a form determined by the department.

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

38 (a) The board of directors shall consist of no fewer than
39 seven members appointed by the State Surgeon General. Networks
40 and partnerships in this state which are involved in issues



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41 related to public health may recommend nominees to the State
42 Surgeon General.

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

49 (c) Members must be current residents of this state. A
50 majority of the members must be highly knowledgeable about the
51 department, its service personnel, and its missions. The board
52 must include members from county government, the health care
53 industry, the medical community, and other components of the
54 public health system. The State Surgeon General may remove any
55 member of the board for cause and with the approval of a
56 majority of the members of the board of directors. The State
57 Surgeon General shall appoint a replacement for any vacancy that
58 occurs.

59 (4) USE OF PROPERTY.—

60 (a) The department and each county health department in the
61 state may allow, without charge, the use of the department's
62 fixed property and facilities within the state public health
63 system by the direct-support organization, subject to this
64 section. Use of the fixed property and facilities by the direct
65 support organization may not interfere with use of the fixed
66 property and facilities by the department's clients or staff.

67 (b) The department may not allow the use of its fixed
68 property and facilities by any direct-support organization that
69 is organized under this section and does not provide equal



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70 employment opportunities to all persons regardless of race,
71 color, national origin, gender, age, or religion.

72 (5) DIRECTIVES.—The direct-support organization that is
73 organized under this section shall comply with directives and
74 requirements established by the sources of its funding.

75 (6) ANNUAL BUDGETS AND REPORTS.—

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

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

83 (7) ANNUAL AUDIT.—The direct-support organization shall
84 provide for an annual financial audit in accordance with s.
85 215.981.

86
87 ===== T I T L E A M E N D M E N T =====

88 And the title is amended as follows:

89 Delete line 150

90 and insert:

91 administer the act; creating s. 385.401, F.S.;

92 authorizing the department to establish a direct-

93 support organization; providing definitions; providing

94 for a board of directors; providing terms; providing

95 for membership; authorizing the department to allow

96 the direct-support organization to use the

97 department's fixed property and facilities within the

98 state public health system; providing an exception;



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99 requiring that the direct-support organization submit
100 certain federal forms to the department; requiring
101 that the direct-support organization provide an annual
102 financial audit; amending s. 409.904, F.S.;