

By Senator Fasano

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1 A bill to be entitled
2 An act relating to direct-support organizations;
3 creating s. 430.82, F.S.; authorizing the Department
4 of Elderly Affairs to create a direct-support
5 organization; providing definitions; providing for
6 appointment of members to the board of directors;
7 providing requirements for membership to the board of
8 directors; requiring the direct-support organization
9 to operate under a contract; providing contract
10 requirements; authorizing the department to use its
11 property, facilities, and personal services for the
12 direct-support organization; requiring the Secretary
13 of Elderly Affairs to approve of any transaction or
14 agreement between the department's direct-support
15 organization and any other direct-support
16 organization; requiring the direct-support
17 organization to submit certain forms from the Internal
18 Revenue Service to the department; requiring the
19 direct-support organization to provide an annual
20 financial audit; providing an effective date.

21
22 Be It Enacted by the Legislature of the State of Florida:

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24 Section 1. Section 430.82, Florida Statutes, is created to
25 read:

26 430.82 Direct-support organization.—

27 (1) DIRECT-SUPPORT ORGANIZATION ESTABLISHED.—The Department
28 of Elderly Affairs may establish a direct-support organization
29 to provide assistance, funding, and support for the department

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30 in carrying out its mission. This section governs the creation,
31 use, powers, and duties of the direct-support organization.

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

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

34 (b) "Direct-support organization" means an organization
35 that is:

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

39 2. Organized and operated exclusively to obtain funds; to
40 request and receive grants, gifts, and bequests of moneys; to
41 acquire, receive, hold, invest, and administer in its own name
42 securities, funds, or property; and to make expenditures to or
43 for the direct or indirect benefit of the department and persons
44 in this state who are 60 years of age or older; and

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

48 (c) "Personal services" means full-time or part-time
49 personnel.

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

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

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

57 (b) The term of office of the board members shall be 3
58 years, except that the terms of the initial appointees shall be

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59 for 1 year, 2 years, or 3 years in order to achieve staggered
60 terms. A member may be reappointed when his or her term expires.
61 The secretary or his or her designee shall serve as an ex
62 officio member of the board of directors.

63 (c) Members must be current residents of this state. A
64 majority of the members must be 60 years of age or older and
65 highly knowledgeable about the department, its service
66 personnel, its veterans, and its missions. The secretary may
67 remove any member of the board for cause and with the approval
68 of a majority of the members of the board of directors. The
69 secretary shall appoint a replacement for any vacancy that
70 occurs.

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

74 (a) Certification by the department that the direct-support
75 organization is complying with the terms of the contract and is
76 doing so consistent with the goals and purposes of the
77 department and in the best interests of the state. This
78 certification must be made annually and reported in the official
79 minutes of a meeting of the direct-support organization.

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

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

84 2. To the department if the direct-support organization
85 ceases to exist; or

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

87 (c) The disclosure of the material provisions of the

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88 contract and the distinction between the department and the
89 direct-support organization to donors of gifts, contributions,
90 or bequests, including such disclosure on all promotional and
91 fundraising publications.

92 (5) USE OF PROPERTY.—

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

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

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

105 (6) ACTIVITIES; RESTRICTIONS.—Any transaction or agreement
106 between the direct-support organization organized under this
107 section and another direct-support organization or other entity
108 must be approved by the secretary.

109 (7) ANNUAL BUDGETS AND REPORTS.—

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

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

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117 (8) ANNUAL AUDIT.-The direct-support organization shall
118 provide for an annual financial audit in accordance with s.
119 215.981.

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