

By the Committee on Governmental Oversight and Accountability;
and Senator Fasano

585-05357-09

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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; amending s. 272.135, F.S.; providing
21 that the Capitol Curator may assist in raising funds
22 and making expenditures for the Historic Capitol;
23 creating s. 272.136, F.S.; authorizing the Legislative
24 Research Center and Museum and the Capitol Curator to
25 establish a direct-support organization; providing for
26 the appointment of members of a board of directors;
27 providing for board use of capitol property; requiring
28 the organization to be not for profit; authorizing the
29 center and curator to prescribe all conditions for the

585-05357-09

2009746c1

30 organization; providing for the reversion of the
31 organization's funds; providing an effective date.

32
33 Be It Enacted by the Legislature of the State of Florida:

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35 Section 1. Section 430.82, Florida Statutes, is created to
36 read:

37 430.82 Direct-support organization.—

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

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

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

45 (b) "Direct-support organization" means an organization
46 that is:

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

50 2. Organized and operated exclusively to obtain funds; to
51 request and receive grants, gifts, and bequests of moneys; to
52 acquire, receive, hold, invest, and administer in its own name
53 securities, funds, or property; and to make expenditures to or
54 for the direct or indirect benefit of the department and persons
55 in this state who are 60 years of age or older; and

56 3. Determined by the department to be operating in a manner
57 consistent with the goals of the department and in the best
58 interest of the state.

585-05357-09

2009746c1

59 (c) "Personal services" means full-time or part-time
60 personnel.

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

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

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

68 (b) The term of office of the board members shall be 3
69 years, except that the terms of the initial appointees shall be
70 for 1 year, 2 years, or 3 years in order to achieve staggered
71 terms. A member may be reappointed when his or her term expires.
72 The secretary or his or her designee shall serve as an ex
73 officio member of the board of directors.

74 (c) Members must be current residents of this state. A
75 majority of the members must be 60 years of age or older and
76 highly knowledgeable about the department, its service delivery
77 system, and its mission. The secretary may remove any member of
78 the board for cause and with the approval of a majority of the
79 members of the board of directors. The secretary shall appoint a
80 replacement for any vacancy that occurs.

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

84 (a) Certification by the department that the direct-support
85 organization is complying with the terms of the contract and is
86 doing so consistent with the goals and purposes of the
87 department and in the best interests of the state. This

585-05357-09

2009746c1

88 certification must be made annually and reported in the official
89 minutes of a meeting of the direct-support organization.

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

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

94 2. To the department if the direct-support organization
95 ceases to exist; or

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

97 (c) The disclosure of the material provisions of the
98 contract and the distinction between the department and the
99 direct-support organization to donors of gifts, contributions,
100 or bequests, including such disclosure on all promotional and
101 fundraising publications.

102 (5) USE OF PROPERTY.—

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

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

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

115 (6) ACTIVITIES; RESTRICTIONS.—Any transaction or agreement
116 between the direct-support organization organized under this

585-05357-09

2009746c1

117 section and another direct-support organization or other entity
118 must be approved by the secretary.

119 (7) ANNUAL BUDGETS AND REPORTS.-

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

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

127 (8) ANNUAL AUDIT.-The direct-support organization shall
128 provide for an annual financial audit in accordance with s.
129 215.981.

130 Section 2. Subsection (3) is added to section 272.135,
131 Florida Statutes, to read:

132 272.135 Florida Historic Capitol Curator.-

133 (3) In conjunction with the Legislative Research Center and
134 Museum at the Historic Capitol, the Capitol Curator may assist
135 the Florida Historic Capitol in the performance of its mission
136 by:

137 (a) Raising money;

138 (b) Submitting requests for and receiving grants;

139 (c) Receiving, holding, investing, and administering in the
140 name of the Historic Capitol and the Legislative Research Center
141 and Museum securities, funds, objects of value, or other real
142 and personal property;

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

145 (e) Making expenditures to or for the direct or indirect

585-05357-09

2009746c1

146 benefit of the Historic Capitol.

147 Section 3. Section 272.136, Florida Statutes, is created to
148 read:

149 272.136 Direct-support organization.—The Legislative
150 Research Center and Museum at the Historic Capitol and the
151 Capitol Curator may establish a direct-support organization to
152 provide assistance and promotional support through fundraising
153 for the Florida Historic Capitol and the Legislative Research
154 Center and Museum, including, but not limited to, their
155 educational programs and initiatives.

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

159 (a) Initial appointments to the board shall be made by the
160 President of the Senate and the Speaker of the House of
161 Representatives at the recommendation of the center and the
162 curator. Appointments to the board shall thereafter be made by
163 the board.

164 (b) The initial board shall consist of nine members who
165 shall be appointed to 3-year terms, except that the terms of the
166 initial appointees shall be accomplished so that three members
167 are appointed for 1 year, three members are appointed for 2
168 years, and three members are appointed for 3 years, in order to
169 achieve staggered terms, as determined by the presiding
170 officers.

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

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

585-05357-09

2009746c1

175 (e) The board may use the fixed property and facilities of
176 the Historic Capitol, subject to the provisions of this
177 subsection. Such use must be directly in keeping with the
178 approved purposes of the direct-support organization and may not
179 be made at times or places that would unreasonably interfere
180 with the normal operations of the Historic Capitol.

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

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

187 (4) The curator and the center may not permit the use of
188 any fixed property or facilities by the direct-support
189 organization if the organization does not provide equal
190 membership and employment opportunities to all persons
191 regardless of race, color, religion, gender, age, or national
192 origin.

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

195 (6) If the direct-support organization is no longer
196 authorized by this section, fails to comply with the
197 requirements of this section, fails to maintain its tax-exempt
198 status pursuant to s. 501(c)(3) of the Internal Revenue Code, or
199 ceases to exist, all funds obtained through grants, gifts, and
200 donations in the direct-support organization account shall
201 revert to the state and be deposited into an account designated
202 by the Legislature for the support of the Historic Capitol,
203 provided that donations made for specific purposes in an

585-05357-09

2009746c1

204 original donor agreement shall be applied only to those
205 purposes.

206 Section 4. This act shall take effect July 1, 2009.