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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

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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:

34  
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.

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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

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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

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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

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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.

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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, and  
183 approved by the Department of State.

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

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

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

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

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204 purposes.

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