

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

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 20 Be It Enacted by the Legislature of the State of Florida:

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 22 Section 1. Section 430.82, Florida Statutes, is created to
 23 read:

24 430.82 Direct-support organization.--
 25 (1) DIRECT-SUPPORT ORGANIZATION ESTABLISHED.--The
 26 Department of Elderly Affairs may establish a direct-support
 27 organization to provide assistance, funding, and support for the
 28 department in carrying out its mission. This section governs the

29 creation, use, powers, and duties of the direct-support
 30 organization.

31 (2) DEFINITIONS.--As used in this section, the term:

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

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

35 1. A Florida corporation, not for profit, incorporated
 36 under chapter 617, exempt from paying filing fees under s.
 37 617.0122, and approved by the Department of State;

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

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

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

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

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

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

56 (b) The term of office of the board members shall be 3

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

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

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

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

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

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

82 2. To the department if the direct-support organization
 83 ceases to exist; or

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

85 (c) The disclosure of the material provisions of the
86 contract and the distinction between the department and the
87 direct-support organization to donors of gifts, contributions,
88 or bequests, including such disclosure on all promotional and
89 fundraising publications.

90 (5) USE OF PROPERTY.--

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

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

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

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

107 (7) ANNUAL BUDGETS AND REPORTS.--

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

111 (b) The direct-support organization shall submit to the
112 department its federal Internal Revenue Service Application for

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113 Recognition of Exemption form (Form 1023) and its federal
114 Internal Revenue Service Return of Organization Exempt from
115 Income Tax form (Form 990).

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

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