

By the Committee on Governmental Oversight and Accountability

585-01903A-14

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1 A bill to be entitled
2 An act relating to citizen support and direct-support
3 organizations; amending s. 14.29, F.S.; providing for
4 future review and repeal of provisions authorizing the
5 Florida Commission on Community Service to establish
6 and operate a direct-support organization; amending s.
7 16.616, F.S.; providing for future review and repeal
8 of the direct-support organization established within
9 the Department of Legal Affairs; creating s. 20.058,
10 F.S.; requiring citizen support and direct-support
11 organizations to annually submit certain information
12 to the appropriate agency; requiring each agency
13 receiving such information to post submissions on the
14 agency's website; requiring each agency receiving such
15 information to annually submit a report to the
16 Governor, the Legislature, and the Office of Program
17 Policy Analysis and Government Accountability;
18 providing report requirements; requiring that a
19 contract between an agency and a citizen support
20 organization or direct-support organization be
21 contingent on disclosure requirements; requiring an
22 agency head to terminate a contract if an organization
23 fails to meet disclosure requirements; requiring that
24 each citizen support organization or direct-support
25 organization created or authorized by law be subject
26 to legislative review and repeal; requiring that
27 citizen support organizations or direct-support
28 organizations in existence as of a certain date be
29 subject to future legislative review; amending s.

585-01903A-14

20141194__

30 20.2551, F.S.; providing for future review and repeal
31 of the citizen support organization established within
32 the Department of Environmental Protection; amending
33 s. 39.0011, F.S.; providing for future review and
34 repeal of the direct-support organization of the
35 Office of Adoption and Child Protection; amending s.
36 39.8298, F.S.; providing for future review and repeal
37 of the Statewide Guardian Ad Litem Office's
38 authorization to create a direct-support organization;
39 amending s. 250.115, F.S.; providing for future review
40 and repeal of the direct-support organization of the
41 Department of Military Affairs; amending s. 257.43,
42 F.S.; providing for future review and repeal of the
43 citizen support organization of the Division of
44 Library and Information Services of the Department of
45 State; amending s. 258.015, F.S.; providing for future
46 review and repeal of provisions relating to citizen
47 support organizations under the Division of Recreation
48 and Parks of the Department of Environmental
49 Protection; amending s. 259.10521, F.S.; providing for
50 future review and repeal of the citizen support
51 organization benefitting the Babcock Ranch Preserve;
52 amending s. 265.703, F.S.; providing for future review
53 and repeal of the citizen support organization of the
54 Division of Cultural Affairs of the Department of
55 State; amending s. 267.17, F.S.; providing for future
56 review and repeal of the citizen support organization
57 of the Division of Historical Resources of the
58 Department of State; amending s. 288.1226, F.S.;

585-01903A-14

20141194__

59 providing for future review and repeal of the Florida
60 Tourism Industry Marketing Corporation; amending s.
61 288.809, F.S.; providing for future review and repeal
62 of the Florida Intergovernmental Relations Foundation;
63 amending s. 288.923, F.S.; providing for future review
64 and repeal of the Division of Tourism Marketing of
65 Enterprise Florida, Inc.; amending s. 292.055, F.S.;
66 providing for future review and repeal of the direct-
67 support organization of the Department of Veterans'
68 Affairs; amending s. 379.223, F.S.; providing for
69 future review and repeal of the Fish and Wildlife
70 Conservation Commission's authorization to establish
71 citizen support organizations; amending s. 413.0111,
72 F.S.; providing for future review and repeal of the
73 direct-support organization of the Division of Blind
74 Services of the Department of Education; amending s.
75 413.615, F.S.; providing for future review and repeal
76 of the Florida Endowment Foundation for Vocational
77 Rehabilitation; amending s. 430.82, F.S.; providing
78 for future review and repeal of the Department of
79 Elderly Affairs' authority to establish a direct-
80 support organization; amending s. 570.903, F.S.;
81 providing for future review and repeal of the
82 Department of Agriculture and Consumer Services'
83 authority to establish a direct-support organization;
84 amending s. 570.9135, F.S.; providing for future
85 review and repeal of Florida Beef Council, Inc.;
86 amending s. 626.9895, F.S.; providing for future
87 review and repeal of the Division of Insurance Fraud

585-01903A-14

20141194__

88 of the Department of Financial Services' authority to
89 establish a direct-support organization; amending s.
90 683.231, F.S.; providing for future review and repeal
91 of the Department of Law Enforcement's authority to
92 establish a citizen support organization for Florida
93 Missing Children's Day; amending s. 744.7082, F.S.;
94 providing for future review and repeal of the direct-
95 support organization supporting the Statewide Public
96 Guardianship Office; amending s. 893.055, F.S.;
97 providing for future review and repeal of the
98 Department of Health's authority to establish a
99 direct-support organization supporting the
100 prescription drug monitoring program; amending s.
101 944.802, F.S.; providing for future review and repeal
102 of the Department of Corrections' authority to
103 establish a direct-support organization; amending s.
104 960.002, F.S.; providing for future review and repeal
105 of the Governor's authority to authorize a direct-
106 support organization to assist victims of adult and
107 juvenile crime; amending s. 985.672, F.S.; providing
108 for future review and repeal of the Department of
109 Juvenile Justice's direct-support organization;
110 amending s. 1009.983, F.S.; providing for future
111 review and repeal of the Florida Prepaid College
112 Board's authority to establish a direct-support
113 organization; providing an effective date.

114
115 Be It Enacted by the Legislature of the State of Florida:
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585-01903A-14

20141194__

117 Section 1. Subsections (9), (10), (11), (12), (13), (14),
118 and (15) of section 14.29, Florida Statutes, are amended to
119 read:

120 14.29 Florida Commission on Community Service.—

121 (9) (a) The commission may establish a direct-support
122 organization which is:

123 1.(a) A Florida corporation, not for profit, incorporated
124 under the provisions of chapter 617 and approved by the
125 Secretary of State.

126 2.(b) Organized and operated exclusively to receive, hold,
127 invest, and administer property and funds and to make
128 expenditures to or for the benefit of the program.

129 3.(e) An organization which the commission, after review,
130 has certified to be operating in a manner consistent with the
131 goals of the program and in the best interests of the state.

132 (b) ~~(10)~~ The direct-support organization shall operate under
133 written contract with the commission. The contract must provide
134 for:

135 1.(a) Approval of the articles of incorporation and bylaws
136 of the direct-support organization by the commission.

137 2.(b) Submission of an annual budget for the approval of
138 the commission. The budget must comply with rules adopted by the
139 commission.

140 3.(e) Certification by the commission that the direct-
141 support organization is complying with the terms of the contract
142 and in a manner consistent with the goals and purposes of the
143 commission and in the best interest of the state. Such
144 certification must be made annually and reported in the official
145 minutes of a meeting of the commission.

585-01903A-14

20141194__

146 ~~4.(d)~~ The reversion to the commission, or the state if the
147 commission ceases to exist, of moneys and property held in trust
148 by the direct-support organization if the direct-support
149 organization is no longer approved to operate for the commission
150 or the commission ceases to exist.

151 ~~5.(e)~~ The fiscal year of the direct-support organization,
152 to begin July 1 of each year and end June 30 of the following
153 year.

154 ~~6.(f)~~ The disclosure of material provisions of the contract
155 and the distinction between the board of directors and the
156 direct-support organization to donors of gifts, contributions,
157 or bequests, as well as on all promotional and fundraising
158 publications.

159 ~~(c)(11)~~ The members of the direct-support organization's
160 board of directors must include members of the commission.

161 ~~(d)(12)~~ The commission may authorize a direct-support
162 organization to use its personal services, facilities, and
163 property, ~~(except money), facilities, and personal services,~~
164 subject to the provisions of this section. A direct-support
165 organization that does not provide equal employment
166 opportunities to all persons regardless of race, color,
167 religion, sex, age, or national origin may not use the property,
168 facilities, or personal services of the commission. For the
169 purposes of this subsection, the term "personal services"
170 includes full-time personnel and part-time personnel as well as
171 payroll processing.

172 ~~(e)(13)~~ The commission shall adopt rules prescribing the
173 procedures by which the direct-support organization is governed
174 and any conditions with which the direct-support organization

585-01903A-14

20141194__

175 must comply to use property, facilities, or personal services of
176 the commission.

177 (f) ~~(14)~~ Moneys of the direct-support organization may be
178 held in a separate depository account in the name of the direct-
179 support organization and subject to the provisions of the
180 contract with the commission. Such moneys may include membership
181 fees, private donations, income derived from fundraising
182 activities, and grants applied for and received by the direct-
183 support organization.

184 (g) ~~(15)~~ The direct-support organization shall provide for
185 an annual financial audit in accordance with s. 215.981.

186 (h) This subsection is repealed effective October 1, 2018,
187 unless reviewed and saved from repeal by the Legislature.

188 Section 2. Subsection (7) is added to section 16.616,
189 Florida Statutes, to read:

190 16.616 Direct-support organization.—

191 (7) This section is repealed October 1, 2018, unless
192 reviewed and saved from repeal by the Legislature.

193 Section 3. Section 20.058, Florida Statutes, is created to
194 read:

195 20.058 Citizen support and direct-support organizations.—

196 (1) By August 1 of each year, a citizen support
197 organization or direct-support organization created or
198 authorized pursuant to law or executive order and created,
199 approved, or administered by an agency, shall submit the
200 following information to the appropriate agency:

201 (a) The name, mailing address, telephone number, and
202 website address of the organization.

203 (b) The statutory authority or executive order pursuant to

585-01903A-14

20141194__

204 which the organization was created.

205 (c) A brief description of the mission of, and results
206 obtained by, the organization.

207 (d) A brief description of the plans of the organization
208 for the next 3 fiscal years.

209 (e) A copy of the organization's code of ethics.

210 (f) A copy of the organization's most recent federal
211 Internal Revenue Service Return of Organization Exempt from
212 Income Tax form (Form 990).

213 (g) For the prior fiscal year, the current fiscal year, and
214 the next fiscal year:

215 1. The amount and source of revenue generated or projected
216 to be generated by the organization;

217 2. The amounts and purposes of expenditures or projected
218 expenditures by the organization, including specific amounts, if
219 any, spent or projected to be incurred to lobby the executive or
220 legislative branch of state government and specific amounts, if
221 any, spent or projected to be incurred for travel or
222 entertainment expenses for state or local public officers and
223 employees;

224 3. The value of capital improvements made, if any, to state
225 property which has been funded or projected to be funded by the
226 organization;

227 4. The amount, if any, of any state or federal funds
228 provided to the organization; and

229 5. The names of, and compensation for, the organization's
230 officers, directors, employees, and independent contractors.

231 (2) Each agency receiving information from a citizen
232 support organization or direct-support organization pursuant to

585-01903A-14

20141194__

233 subsection (1) shall make such information available to the
234 public through the agency's website. If the organization
235 maintains a website, the agency's website must provide a link to
236 the organization's website.

237 (3) By August 15 of each year, each agency shall report to
238 the Governor, the President of the Senate, the Speaker of the
239 House of Representatives, and the Office of Program Policy
240 Analysis and Government Accountability the information provided
241 by each citizen-support organization and direct support
242 organization. The report must also include a recommendation by
243 the agency, with supporting rationale, to continue, terminate,
244 or modify the agency's association with each organization.

245 (4) Any contract between an agency and a citizen support
246 organization or direct-support organization must be contingent
247 upon the organization's submission and posting of information
248 pursuant to subsections (1) and (2). If an organization fails to
249 submit the required information for 2 consecutive years, the
250 agency head shall terminate any contract between the agency and
251 the organization.

252 (5) A law creating, or authorizing the creation of, a
253 citizen support organization or a direct-support organization
254 must state that the creation of or authorization for the
255 organization is repealed on October 1 of the 5th year after
256 reenactment, unless reviewed and saved from repeal through
257 reenactment by the Legislature. Citizen support organizations
258 and direct-support organizations in existence on July 1, 2014,
259 must be reviewed by the Legislature by July 1, 2019.

260 Section 4. Subsection (6) is added to section 20.2551,
261 Florida Statutes, to read:

585-01903A-14

20141194__

262 20.2551 Citizen support organizations; use of property;
263 audit; public records; partnerships.-

264 (6) REPEAL.-This section is repealed October 1, 2019,
265 unless reviewed and saved from repeal by the Legislature.

266 Section 5. Subsection (5) is added to section 39.0011,
267 Florida Statutes, to read:

268 39.0011 Direct-support organization.-

269 (5) This section is repealed October 1, 2017, unless
270 reviewed and saved from repeal by the Legislature.

271 Section 6. Subsection (8) is added to section 39.8298,
272 Florida Statutes, to read:

273 39.8298 Guardian Ad Litem direct-support organization.-

274 (8) REPEAL.-This section is repealed October 1, 2018,
275 unless reviewed and saved from repeal by the Legislature.

276 Section 7. Subsection (8) is added to section 250.115,
277 Florida Statutes, to read:

278 250.115 Department of Military Affairs direct-support
279 organization.-

280 (8) REPEAL.-This section is repealed October 1, 2017,
281 unless reviewed and saved from repeal by the Legislature.

282 Section 8. Subsection (4) is added to section 257.43,
283 Florida Statutes, to read:

284 257.43 Citizen support organization; use of state
285 administrative services and property; audit.-

286 (4) REPEAL.-This section is repealed October 1, 2019,
287 unless reviewed and saved from repeal by the Legislature.

288 Section 9. Subsection (4) is added to section 258.015,
289 Florida Statutes, to read:

290 258.015 Citizen support organizations; use of property;

585-01903A-14

20141194__

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audit.—

(4) REPEAL.—This section is repealed October 1, 2019,
unless reviewed and saved from repeal by the Legislature.

Section 10. Subsection (4) is added to section 259.10521,
 Florida Statutes, to read:
 259.10521 Citizen support organization; use of property.—

(4) REPEAL.—This section is repealed October 1, 2019,
unless reviewed and saved from repeal by the Legislature.

Section 11. Subsection (4) is added to section 265.703,
 Florida Statutes, to read:
 265.703 Citizen support organizations; use of state
 administrative services and property; audit.—

(4) REPEAL.—This section is repealed October 1, 2019,
unless reviewed and saved from repeal by the Legislature.

Section 12. Subsection (4) is added to section 267.17,
 Florida Statutes, to read:
 267.17 Citizen support organizations; use of state
 administrative services and property; audit.—

(4) REPEAL.—This section is repealed October 1, 2019,
unless reviewed and saved from repeal by the Legislature.

Section 13. Subsections (7) and (8) of section 288.1226,
 Florida Statutes, are amended, and a new subsection (9) is added
 to that section, to read:
 288.1226 Florida Tourism Industry Marketing Corporation;
 use of property; board of directors; duties; audit.—

(7) REPORT.—The corporation shall provide a quarterly
 report to Enterprise Florida, Inc., which shall:

(a) Measure the current vitality of the visitor industry of
 this state as compared to the vitality of such industry for the

585-01903A-14

20141194__

320 year to date and for comparable quarters of past years.
321 Indicators of vitality shall be determined by Enterprise
322 Florida, Inc., and shall include, but not be limited to,
323 estimated visitor count and party size, length of stay, average
324 expenditure per party, and visitor origin and destination.

325 (b) Provide detailed, unaudited financial statements of
326 sources and uses of public and private funds.

327 (c) Measure progress towards annual goals and objectives
328 set forth in the 4-year marketing plan.

329 (d) Review all pertinent research findings.

330 (e) Provide other measures of accountability as requested
331 by Enterprise Florida, Inc.

332 (8) PUBLIC RECORDS EXEMPTION.—The identity of any person
333 who responds to a marketing project or advertising research
334 project conducted by the corporation in the performance of its
335 duties on behalf of Enterprise Florida, Inc., or trade secrets
336 as defined by s. 812.081 obtained pursuant to such activities,
337 are exempt from s. 119.07(1) and s. 24(a), Art. I of the State
338 Constitution.

339 (9) REPEAL.—This section is repealed October 1, 2019,
340 unless reviewed and saved from repeal by the Legislature.

341 Section 14. Subsection (5) is added to section 288.809,
342 Florida Statutes, to read:

343 288.809 Florida Intergovernmental Relations Foundation; use
344 of property; board of directors; audit.—

345 (5) REPEAL.—This section is repealed October 1, 2019,
346 unless reviewed and saved from repeal by the Legislature.

347 Section 15. Subsection (6) is added to section 288.923,
348 Florida Statutes, to read:

585-01903A-14

20141194__

349 288.923 Division of Tourism Marketing; definitions;
350 responsibilities.-

351 (6) This section is repealed October 1, 2019, unless
352 reviewed and saved from repeal by the Legislature.

353 Section 16. Subsection (10) is added to section 292.055,
354 Florida Statutes, to read:

355 292.055 Direct-support organization.-

356 (10) REPEAL.-This section is repealed October 1, 2017,
357 unless reviewed and saved from repeal by the Legislature.

358 Section 17. Subsection (4) is added to section 379.223,
359 Florida Statutes, to read:

360 379.223 Citizen support organizations; use of state
361 property; audit.-

362 (4) This section is repealed October 1, 2019, unless
363 reviewed and saved from repeal by the Legislature.

364 Section 18. Subsection (7) is added to section 413.0111,
365 Florida Statutes, to read:

366 413.0111 Blind services direct-support organization.-

367 (7) This section is repealed October 1, 2017, unless
368 reviewed and saved from repeal by the Legislature.

369 Section 19. Subsection (14) is added to section 413.615,
370 Florida Statutes, to read:

371 413.615 Florida Endowment for Vocational Rehabilitation.-

372 (14) REPEAL.-This section is repealed October 1, 2017,
373 unless reviewed and saved from repeal by the Legislature.

374 Section 20. Subsection (9) is added to section 430.82,
375 Florida Statutes, to read:

376 430.82 Direct-support organization.-

377 (9) This section is repealed October 1, 2017, unless

585-01903A-14

20141194__

378 reviewed and saved from repeal by the Legislature.

379 Section 21. Subsection (10) is added to section 570.903,
380 Florida Statutes, to read:

381 570.903 Direct-support organization.—

382 (10) This section is repealed October 1, 2019, unless
383 reviewed and saved from repeal by the Legislature.

384 Section 22. Subsection (14) is added to section 570.9135,
385 Florida Statutes, to read:

386 570.9135 Beef Market Development Act; definitions; Florida
387 Beef Council, Inc., creation, purposes, governing board, powers,
388 and duties; referendum on assessments imposed on gross receipts
389 from cattle sales; payments to organizations for services;
390 collecting and refunding assessments; vote on continuing the
391 act; council bylaws.—

392 (14) REPEAL.—This section is repealed October 1, 2019,
393 unless reviewed and saved from repeal by the Legislature.

394 Section 23. Subsection (9) is added to section 626.9895,
395 Florida Statutes, to read:

396 626.9895 Motor vehicle insurance fraud direct-support
397 organization.—

398 (9) REPEAL.—This section is repealed October 1, 2019,
399 unless reviewed and saved from repeal by the Legislature.

400 Section 24. Subsection (8) is added to section 683.231,
401 Florida Statutes, to read:

402 683.231 Citizen support organization for Florida Missing
403 Children's Day.—

404 (8) This section is repealed October 1, 2018, unless
405 reviewed and saved from repeal by the Legislature.

406 Section 25. Subsection (9) is added to section 744.7082,

585-01903A-14

20141194__

407 Florida Statutes, to read:

408 744.7082 Direct-support organization; definition; use of
409 property; board of directors; audit; dissolution.—

410 (9) REPEAL.—This section is repealed October 1, 2018,
411 unless reviewed and saved from repeal by the Legislature.

412 Section 26. Paragraph (k) is added to subsection (11) of
413 section 893.055, Florida Statutes, to read:

414 893.055 Prescription drug monitoring program.—

415 (11) The department may establish a direct-support
416 organization that has a board consisting of at least five
417 members to provide assistance, funding, and promotional support
418 for the activities authorized for the prescription drug
419 monitoring program.

420 (k) This subsection is repealed October 1, 2017, unless
421 reviewed and saved from repeal by the Legislature.

422 Section 27. Subsection (4) is added to section 944.802,
423 Florida Statutes, to read:

424 944.802 Direct-support organization; definition; use of
425 property; board of directors; audit.—

426 (4) REPEAL.—This section is repealed October 1, 2018,
427 unless reviewed and saved from repeal by the Legislature.

428 Section 28. Subsection (6) is added to section 960.002,
429 Florida Statutes, to read:

430 960.002 Direct-support organization to assist victims of
431 adult and juvenile crime.—

432 (6) This section is repealed October 1, 2018, unless
433 reviewed and saved from repeal by the Legislature.

434 Section 29. Subsections (5) and (6) of section 985.672,
435 Florida Statutes, are amended, and a new subsection (7) is added

585-01903A-14

20141194__

436 to that section, to read:

437 985.672 Direct-support organization; definition; use of
438 property; board of directors; audit.—

439 (5) DEPOSIT OF FUNDS.—Any moneys may be held in a separate
440 depository account in the name of the direct-support
441 organization and subject to the provisions of the contract with
442 the department.

443 (6) AUDIT.—The direct-support organization shall provide
444 for an annual financial audit in accordance with s. 215.981.

445 (7) REPEAL.—This section is repealed October 1, 2018,
446 unless reviewed and saved from repeal by the Legislature.

447 Section 30. Subsection (9) is added to section 1009.983,
448 Florida Statutes, to read:

449 1009.983 Direct-support organization; authority.—

450 (9) This section is repealed October 1, 2017, unless
451 reviewed and saved from repeal by the Legislature.

452 Section 31. This act shall take effect upon becoming a law.