

By the Committees on Appropriations; and Governmental Oversight and Accountability

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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.

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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.;

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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 the Florida Beef Council, Inc.;
86 amending s. 626.9895, F.S.; providing for future
87 review and repeal of the Division of Insurance Fraud

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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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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.

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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

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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

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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 (2) Each agency receiving information from a citizen
214 support organization or direct-support organization pursuant to
215 subsection (1) shall make such information available to the
216 public through the agency's website. If the organization
217 maintains a website, the agency's website must provide a link to
218 the organization's website.

219 (3) By August 15 of each year, each agency shall report to
220 the Governor, the President of the Senate, the Speaker of the
221 House of Representatives, and the Office of Program Policy
222 Analysis and Government Accountability the information provided
223 by each citizen support organization and direct-support
224 organization. The report must also include a recommendation by
225 the agency, with supporting rationale, to continue, terminate,
226 or modify the agency's association with each organization.

227 (4) Any contract between an agency and a citizen support
228 organization or direct-support organization must be contingent
229 upon the organization's submission and posting of information
230 pursuant to subsections (1) and (2). If an organization fails to
231 submit the required information for 2 consecutive years, the
232 agency head shall terminate any contract between the agency and

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233 the organization.

234 (5) A law creating, or authorizing the creation of, a
235 citizen support organization or a direct-support organization
236 must state that the creation of or authorization for the
237 organization is repealed on October 1 of the 5th year after
238 enactment, unless reviewed and saved from repeal through
239 reenactment by the Legislature. Citizen support organizations
240 and direct-support organizations in existence on July 1, 2014,
241 must be reviewed by the Legislature by July 1, 2019.

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

244 20.2551 Citizen support organizations; use of property;
245 audit; public records; partnerships.-

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

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

250 39.0011 Direct-support organization.-

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

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

255 39.8298 Guardian Ad Litem direct-support organization.-

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

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

260 250.115 Department of Military Affairs direct-support
261 organization.-

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262 (8) REPEAL.—This section is repealed October 1, 2017,
263 unless reviewed and saved from repeal by the Legislature.

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

266 257.43 Citizen support organization; use of state
267 administrative services and property; audit.—

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

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

272 258.015 Citizen support organizations; use of property;
273 audit.—

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

276 Section 10. Subsection (4) is added to section 259.10521,
277 Florida Statutes, to read:

278 259.10521 Citizen support organization; use of property.—

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

281 Section 11. Subsection (4) is added to section 265.703,
282 Florida Statutes, to read:

283 265.703 Citizen support organizations; use of state
284 administrative services and property; audit.—

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

287 Section 12. Subsection (4) is added to section 267.17,
288 Florida Statutes, to read:

289 267.17 Citizen support organizations; use of state
290 administrative services and property; audit.—

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

293 Section 13. Subsections (7) and (8) of section 288.1226,
294 Florida Statutes, are amended, and a new subsection (9) is added
295 to that section, to read:

296 288.1226 Florida Tourism Industry Marketing Corporation;
297 use of property; board of directors; duties; audit.—

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

300 (a) Measure the current vitality of the visitor industry of
301 this state as compared to the vitality of such industry for the
302 year to date and for comparable quarters of past years.
303 Indicators of vitality shall be determined by Enterprise
304 Florida, Inc., and shall include, but not be limited to,
305 estimated visitor count and party size, length of stay, average
306 expenditure per party, and visitor origin and destination.

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

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

311 (d) Review all pertinent research findings.

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

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

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320 Constitution.

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

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

325 288.809 Florida Intergovernmental Relations Foundation; use
326 of property; board of directors; audit.—

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

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

331 288.923 Division of Tourism Marketing; definitions;
332 responsibilities.—

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

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

337 292.055 Direct-support organization.—

338 (10) REPEAL.—This section is repealed October 1, 2017,
339 unless reviewed and saved from repeal by the Legislature.

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

342 379.223 Citizen support organizations; use of state
343 property; audit.—

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

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

348 413.0111 Blind services direct-support organization.—

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

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

353 413.615 Florida Endowment for Vocational Rehabilitation.—

354 (14) REPEAL.—This section is repealed October 1, 2017,
355 unless reviewed and saved from repeal by the Legislature.

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

358 430.82 Direct-support organization.—

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

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

363 570.903 Direct-support organization.—

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

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

368 570.9135 Beef Market Development Act; definitions; Florida
369 Beef Council, Inc., creation, purposes, governing board, powers,
370 and duties; referendum on assessments imposed on gross receipts
371 from cattle sales; payments to organizations for services;
372 collecting and refunding assessments; vote on continuing the
373 act; council bylaws.—

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

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

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378 626.9895 Motor vehicle insurance fraud direct-support
379 organization.-

380 (9) REPEAL.-This section is repealed October 1, 2019,
381 unless reviewed and saved from repeal by the Legislature.

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

384 683.231 Citizen support organization for Florida Missing
385 Children's Day.-

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

388 Section 25. Subsection (9) is added to section 744.7082,
389 Florida Statutes, to read:

390 744.7082 Direct-support organization; definition; use of
391 property; board of directors; audit; dissolution.-

392 (9) REPEAL.-This section is repealed October 1, 2018,
393 unless reviewed and saved from repeal by the Legislature.

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

396 893.055 Prescription drug monitoring program.-

397 (11) The department may establish a direct-support
398 organization that has a board consisting of at least five
399 members to provide assistance, funding, and promotional support
400 for the activities authorized for the prescription drug
401 monitoring program.

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

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

406 944.802 Direct-support organization; definition; use of

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407 property; board of directors; audit.-

408 (4) REPEAL.-This section is repealed October 1, 2018,
409 unless reviewed and saved from repeal by the Legislature.

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

412 960.002 Direct-support organization to assist victims of
413 adult and juvenile crime.-

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

416 Section 29. Subsections (5) and (6) of section 985.672,
417 Florida Statutes, are amended, and a new subsection (7) is added
418 to that section, to read:

419 985.672 Direct-support organization; definition; use of
420 property; board of directors; audit.-

421 (5) DEPOSIT OF FUNDS.-Any moneys may be held in a separate
422 depository account in the name of the direct-support
423 organization and subject to the provisions of the contract with
424 the department.

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

427 (7) REPEAL.-This section is repealed October 1, 2018,
428 unless reviewed and saved from repeal by the Legislature.

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

431 1009.983 Direct-support organization; authority.-

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

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