

By the Committee on Community Affairs; and Senators Stargel and Gaetz

578-02604-16

20161426c1

1 A bill to be entitled

2 An act relating to membership associations; creating  
3 s. 617.221, F.S.; defining the term "membership  
4 association"; requiring membership associations to  
5 file an annual report with the Legislature; specifying  
6 the requirements for the annual report; prohibiting a  
7 membership association from using public funds for  
8 certain litigation; requiring the assessment of dues  
9 paid to a membership association by certain elected  
10 and appointed officials with public funds; requiring  
11 the Auditor General to conduct certain audits  
12 annually; specifying that all membership association  
13 records constitute public records under certain law;  
14 providing an effective date.

15  
16 Be It Enacted by the Legislature of the State of Florida:

17  
18 Section 1. Section 617.221, Florida Statutes, is created to  
19 read:

20 617.221 Membership associations; reporting requirements;  
21 restrictions on use of funds.—

22 (1) As used in this section, the term "membership  
23 association" means a not-for-profit corporation, including a  
24 department or division of such corporation, the majority of  
25 whose board members are constitutional officers who, pursuant to  
26 s. 1001.32(2), operate, control, and supervise public entities  
27 that receive annual state appropriations through a statutorily  
28 defined formulaic allocation that is funded and prescribed  
29 annually in the General Appropriations Act or the substantive  
30 bill implementing the annual appropriations act. The term does  
31 not include a labor organization as defined in s. 447.02 or an

578-02604-16

20161426c1

32 entity funded through the Justice Administrative Commission.

33 (2) A membership association shall file a report with the  
34 President of the Senate and the Speaker of the House of  
35 Representatives by January 1 of each year. The report must  
36 provide:

37 (a) The name and address of the membership association and  
38 any parent membership association or state, national, or  
39 international membership association with which it is  
40 affiliated.

41 (b) The names, titles, telephone numbers, and addresses of  
42 the principal officers and all representatives of the membership  
43 association.

44 (c) The amount of the fee required to become a member of  
45 the membership association, if any, and the annual dues each  
46 member must pay.

47 (d) The current annual financial statements of the  
48 membership association as described in s. 617.1605.

49 (e) A copy of the current constitution and bylaws of the  
50 membership association.

51 (f) A description of the assets and liabilities of the  
52 membership association at the beginning and end of the preceding  
53 fiscal year.

54 (g) A description of the salary, allowances, and other  
55 direct or indirect disbursements, including reimbursed expenses,  
56 to each officer and to each employee who, during the preceding  
57 fiscal year, received more than \$10,000 in the aggregate from  
58 the membership association and any other state, national, or  
59 international membership association affiliated with the  
60 membership association.

578-02604-16

20161426c1

61 (h) The annual amount of the following benefit packages  
62 paid to each of the principal officers of the membership  
63 association:

64 1. Health, major medical, vision, dental, and life  
65 insurance.

66 2. Retirement plans.

67 3. Automobile allowances.

68 (i) The per-member amount of annual dues sent from the  
69 membership association to each state, national, or international  
70 affiliate.

71 (j) The total amount of direct or indirect disbursements  
72 for lobbying activity at the federal, state, or local level  
73 incurred by the membership association, listed by full name and  
74 address of each person who received a disbursement.

75 (k) The total amount of direct or indirect disbursements  
76 for litigation expenses incurred by the membership association,  
77 listed by case citation.

78 (3) A membership association may not expend moneys received  
79 from public funds, as defined in s. 215.85(3), on litigation  
80 against the state.

81 (4) Dues paid to a membership association which are paid  
82 with public funds shall be assessed for each elected or  
83 appointed public officer. If a public officer elects not to join  
84 the membership association, the dues assessed to that public  
85 officer may not be paid to the membership association.

86 (5) The Auditor General shall conduct an annual financial  
87 and operational audit of accounts and records of each membership  
88 association.

89 (6) All records of a membership association constitute

578-02604-16

20161426c1

90 public records for purposes of chapter 119.

91 Section 2. This act shall take effect upon becoming a law.

92