

1 A bill to be entitled
 2 An act relating to the Office of Public and
 3 Professional Guardians direct-support organization;
 4 amending s. 744.2105, F.S.; abrogating the scheduled
 5 repeal of provisions governing a direct-support
 6 organization established under the Office of Public
 7 and Professional Guardians within the Department of
 8 Elderly Affairs; providing an effective date.

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

11
 12 Section 1. Section 744.2105, Florida Statutes, is amended
 13 to read:

14 744.2105 Direct-support organization; definition; use of
 15 property; board of directors; audit; dissolution.—

16 (1) DEFINITION.—As used in this section, the term "direct-
 17 support organization" means an organization whose sole purpose
 18 is to support the Office of Public and Professional Guardians
 19 and is:

20 (a) A not-for-profit corporation incorporated under
 21 chapter 617 and approved by the Department of State;

22 (b) Organized and operated to conduct programs and
 23 activities; to raise funds; to request and receive grants,
 24 gifts, and bequests of moneys; to acquire, receive, hold,
 25 invest, and administer, in its own name, securities, funds,

26 | objects of value, or other property, real or personal; and to
27 | make expenditures to or for the direct or indirect benefit of
28 | the Office of Public and Professional Guardians; and

29 | (c) Determined by the Office of Public and Professional
30 | Guardians to be consistent with the goals of the office, in the
31 | best interests of the state, and in accordance with the adopted
32 | goals and mission of the Department of Elderly Affairs and the
33 | Office of Public and Professional Guardians.

34 | (2) CONTRACT.—The direct-support organization shall
35 | operate under a written contract with the Office of Public and
36 | Professional Guardians. The written contract must provide for:

37 | (a) Certification by the Office of Public and Professional
38 | Guardians that the direct-support organization is complying with
39 | the terms of the contract and is doing so consistent with the
40 | goals and purposes of the office and in the best interests of
41 | the state. This certification must be made annually and reported
42 | in the official minutes of a meeting of the direct-support
43 | organization.

44 | (b) The reversion of moneys and property held in trust by
45 | the direct-support organization:

46 | 1. To the Office of Public and Professional Guardians if
47 | the direct-support organization is no longer approved to operate
48 | for the office;

49 | 2. To the Office of Public and Professional Guardians if
50 | the direct-support organization ceases to exist;

51 3. To the Department of Elderly Affairs if the Office of
52 Public and Professional Guardians ceases to exist; or

53 4. To the state if the Department of Elderly Affairs
54 ceases to exist.

55
56 The fiscal year of the direct-support organization shall begin
57 on July 1 of each year and end on June 30 of the following year.

58 (c) The disclosure of the material provisions of the
59 contract, and the distinction between the Office of Public and
60 Professional Guardians and the direct-support organization, to
61 donors of gifts, contributions, or bequests, including such
62 disclosure on all promotional and fundraising publications.

63 (3) BOARD OF DIRECTORS.—The Secretary of Elderly Affairs
64 shall appoint a board of directors for the direct-support
65 organization from a list of nominees submitted by the executive
66 director of the Office of Public and Professional Guardians.

67 (4) USE OF PROPERTY.—The Department of Elderly Affairs may
68 permit, without charge, appropriate use of fixed property and
69 facilities of the department or the Office of Public and
70 Professional Guardians by the direct-support organization. The
71 department may prescribe any condition with which the direct-
72 support organization must comply in order to use fixed property
73 or facilities of the department or the Office of Public and
74 Professional Guardians.

75 (5) MONEYS.—Any moneys may be held in a separate

76 depository account in the name of the direct-support
77 organization and subject to the provisions of the written
78 contract with the Office of Public and Professional Guardians.
79 Expenditures of the direct-support organization shall be
80 expressly used to support the Office of Public and Professional
81 Guardians. The expenditures of the direct-support organization
82 may not be used for the purpose of lobbying as defined in s.
83 11.045.

84 (6) PUBLIC RECORDS.—Personal identifying information of a
85 donor or prospective donor to the direct-support organization
86 who desires to remain anonymous is confidential and exempt from
87 s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

88 (7) AUDIT.—The direct-support organization shall provide
89 for an annual financial audit in accordance with s. 215.981.

90 (8) DISSOLUTION.—A not-for-profit corporation incorporated
91 under chapter 617 that is determined by a circuit court to be
92 representing itself as a direct-support organization created
93 under this section, but that does not have a written contract
94 with the Office of Public and Professional Guardians in
95 compliance with this section, is considered to meet the grounds
96 for a judicial dissolution described in s. 617.1430(1)(a). The
97 Office of Public and Professional Guardians shall be the
98 recipient for all assets held by the dissolved corporation which
99 accrued during the period that the dissolved corporation
100 represented itself as a direct-support organization created

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101 | under this section.

102 | ~~(9) REPEAL. This section is repealed October 1, 2018,~~

103 | ~~unless reviewed and saved from repeal by the Legislature.~~

104 | Section 2. This act shall take effect July 1, 2018.