

By the Committee on Children, Families, and Elder Affairs; and
Senators Simon and Rouson

586-02771-23

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1 A bill to be entitled
2 An act relating to direct-support organizations of the
3 Department of Children and Families; amending s.
4 402.57, F.S.; authorizing the Department of Children
5 and Families to establish a direct-support
6 organization for a specified purpose; specifying
7 criteria for the direct-support organization;
8 requiring the direct-support organization to operate
9 under written contract with the department; providing
10 requirements for the contract; requiring the Secretary
11 of Children and Families to appoint a board of
12 directors for the direct-support organization;
13 providing for appointment of board members;
14 authorizing the department to allow the direct-support
15 organization to use, without charge, the department's
16 fixed property, facilities, and personnel services,
17 subject to certain requirements; defining the term
18 "personnel services"; authorizing the direct-support
19 organization to collect, expend, and provide funds for
20 specified purposes; prohibiting the use of such funds
21 for lobbying purposes; authorizing moneys to be held
22 in a separate depository account in the name of the
23 direct-support organization, subject to certain
24 requirements; requiring the direct-support
25 organization to provide for annual audits; providing
26 for future repeal; providing an effective date.

27
28 Be It Enacted by the Legislature of the State of Florida:
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30 Section 1. Section 402.57, Florida Statutes, is amended to
31 read:

32 402.57 Direct-support organizations ~~organization~~.—

33 (1) DEPARTMENT OF CHILDREN AND FAMILIES.—The Department of
34 Children and Families is authorized to create a direct-support
35 organization, the sole purpose of which is to support the
36 department in carrying out its purposes and responsibilities.

37 (a) The direct-support organization must be:

38 1. A not-for-profit corporation incorporated under chapter
39 617 and approved by the Department of State as a not-for-profit
40 corporation;

41 2. Organized and operated to conduct programs and
42 activities; to raise funds; to request and receive grants,
43 gifts, and bequests of moneys; to acquire, receive, hold,
44 invest, and administer, in its own name, securities, funds,
45 objects of value, or other property, real or personal; and to
46 make expenditures to or for the direct or indirect benefit of
47 the department and the individuals it serves; and

48 3. Determined by the department to be operating in a manner
49 consistent with the goals and purposes of the department, the
50 best interest of the state, and the needs of children and adults
51 served by the department.

52 (b) The direct-support organization shall operate under a
53 written contract with the department. The contract must provide
54 for all of the following:

55 1. Department approval of the articles of incorporation and
56 bylaws of the direct-support organization.

57 2. Submission of an annual budget for department approval.

58 3. Certification by the department that the direct-support

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59 organization is complying with the terms of the contract and
60 operating in a manner consistent with the goals and purposes of
61 the department and in the best interest of the state. Such
62 certification must be made annually and reported in the official
63 minutes of a meeting of the direct-support organization.

64 4. The reversion to the state of moneys and property held
65 in trust by the direct-support organization for the benefit of
66 those served by the department if the department ceases to exist
67 or the reversion to the department if the direct-support
68 organization is no longer approved to operate for the
69 department, a county commission, or a circuit board or ceases to
70 exist.

71 5. The fiscal year of the direct-support organization,
72 which must begin July 1 of each year and end June 30 of the
73 following year.

74 6. The disclosure of material provisions of the contract,
75 and the distinction between the department and the direct-
76 support organization, to donors of gifts, contributions, or
77 bequests, including such disclosure on all promotional and
78 fundraising publications.

79 (c) The Secretary of Children and Families shall appoint
80 the board of directors of the direct-support organization. The
81 board members shall be appointed according to the organization's
82 bylaws.

83 (d) The department may allow, without charge, appropriate
84 use of fixed property, facilities, and personnel services of the
85 department by the direct-support organization, subject to the
86 requirements of this section. As used in this subsection, the
87 term "personnel services" includes full-time or part-time

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88 personnel, as well as payroll processing services.

89 1. The department may not allow a direct-support
90 organization to use any fixed property, facilities, or personnel
91 services of the department if the direct-support organization
92 does not provide equal membership and employment opportunities
93 to all persons regardless of race, color, religion, sex, age, or
94 national origin.

95 2. The department may prescribe any conditions with which a
96 direct-support organization must comply to use fixed property,
97 facilities, or personnel services of the department and shall
98 adopt rules prescribing those conditions and the procedures by
99 which the direct-support organization is governed.

100 (e) The direct-support organization may collect, expend,
101 and provide funds for:

102 1. Addressing gaps in services for the children and adults
103 served by the department.

104 2. Development, implementation, and operation of targeted
105 prevention efforts.

106 3. Services and activities that support the goals of the
107 department.

108 4. Functions of the direct-support organization's board of
109 directors, as necessary and approved by the department.

110
111 The funds of the direct-support organization may not be used for
112 the purpose of lobbying as defined in s. 11.045.

113 (f) Any moneys may be held in a separate depository account
114 in the name of the direct-support organization and subject to
115 the provisions of the contract with the department.

116 (g) The direct-support organization shall provide for an

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117 annual financial audit in accordance with s. 215.981.

118 (h) This subsection is repealed October 1, 2028, unless
119 reviewed and saved from repeal by the Legislature.

120 (2) CHILDREN AND YOUTH CABINET.—The Department of Children
121 and Families shall establish a direct-support organization to
122 assist the Children and Youth Cabinet established in s. 402.56
123 in carrying out its purposes and responsibilities, primarily
124 regarding fostering public awareness of children and youth
125 issues and developing new partners in the effort to serve
126 children and youth by raising money; submitting requests for and
127 receiving grants from the Federal Government, the state or its
128 political subdivisions, private foundations, and individuals;
129 and making expenditures to or for the benefit of the cabinet.
130 The sole purpose for the direct-support organization is to
131 support the cabinet.

132 (a) The direct-support organization must be:

133 1.~~(a)~~ Incorporated under chapter 617 and approved by the
134 Department of State as a Florida corporation not for profit.

135 2.~~(b)~~ Organized and operated to make expenditures to or for
136 the benefit of the cabinet.

137 3.~~(e)~~ Approved by the department to be operating for the
138 benefit of and in a manner consistent with the goals of the
139 cabinet and in the best interest of the state.

140 (b)~~(2)~~ The board of directors of the direct-support
141 organization shall consist of seven members appointed by the
142 Governor. Each member of the board of directors shall be
143 appointed to a 4-year term. However, for the purpose of
144 providing staggered terms, the initial appointments shall be for
145 either 2 years or 4 years, as determined by the Governor.

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146 (c)~~(3)~~ The direct-support organization shall operate under
147 a written contract with the department.

148 (d)~~(4)~~ All moneys received by the direct-support
149 organization must be deposited into an account of the direct-
150 support organization and shall be used in a manner consistent
151 with the goals of the cabinet.

152 (e)~~(5)~~ This subsection ~~section~~ is repealed October 1, 2024,
153 unless reviewed and saved from repeal by the Legislature.

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