

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

26 requirements for the contract for operation of the
 27 direct-support organization assisting the Children and
 28 Youth Cabinet; amending s. 1001.453, F.S.; authorizing
 29 district school boards to contract with direct-support
 30 organizations for personal services and operations;
 31 providing requirements for certain persons providing
 32 personal services; revising the amount of expenditures
 33 and expenses a direct-support organization must have
 34 to be required to provide for an annual financial
 35 audit; authorizing district school boards to contract
 36 with a vendor for such audits; providing an effective
 37 date.

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

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41 Section 1. Section 402.57, Florida Statutes, is amended to
 42 read:

43 402.57 Direct-support organizations ~~organization~~.

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

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

49 1. A not-for-profit corporation incorporated under chapter
 50 617 and approved by the Department of State as a not-for-profit

51 corporation;

52 2. Organized and operated to conduct programs and
53 activities; to raise funds; to request and receive grants,
54 gifts, and bequests of moneys; to acquire, receive, hold,
55 invest, and administer, in its own name, securities, funds,
56 objects of value, or other property, real or personal; and to
57 make expenditures to or for the direct or indirect benefit of
58 the department and the individuals it serves; and

59 3. Determined by the department to be operating in a
60 manner consistent with the goals and purposes of the department,
61 the best interest of the state, and the needs of children and
62 adults served by the department.

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

66 1. Department approval of the articles of incorporation
67 and bylaws of the direct-support organization.

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

69 3. Certification by the department that the direct-support
70 organization is complying with the terms of the contract and
71 operating in a manner consistent with the goals and purposes of
72 the department and in the best interest of the state. Such
73 certification must be made annually and reported in the official
74 minutes of a meeting of the direct-support organization.

75 4. The reversion to the state of moneys and property held

76 in trust by the direct-support organization for the benefit of
77 those served by the department if the department ceases to exist
78 or the reversion to the department if the direct-support
79 organization is no longer approved to operate for the department
80 or ceases to exist.

81 5. The fiscal year of the direct-support organization,
82 which must begin July 1 of each year and end June 30 of the
83 following year.

84 6. The disclosure of material provisions of the contract,
85 and the distinction between the department and the direct-
86 support organization, to donors of gifts, contributions, or
87 bequests, including such disclosure on all promotional and
88 fundraising publications.

89 (c) The Secretary of Children and Families shall appoint
90 the board of directors of the direct-support organization. Each
91 member of the board of directors shall be appointed to a 4-year
92 term. However, for the purpose of providing staggered terms, the
93 initial appointments shall be for either 2 years or 4 years, as
94 determined by the secretary.

95 (d) The department may allow, without charge, appropriate
96 use of fixed property, facilities, and personnel services of the
97 department by the direct-support organization, subject to the
98 requirements of this section. As used in this subsection, the
99 term "personnel services" includes full-time or part-time
100 personnel, as well as payroll processing services.

101 1. The department may not allow a direct-support
102 organization to use any fixed property, facilities, or personnel
103 services of the department if the direct-support organization
104 does not provide equal membership and employment opportunities
105 to all persons regardless of race, color, religion, sex, age, or
106 national origin.

107 2. The department may prescribe any conditions with which
108 a direct-support organization must comply to use fixed property,
109 facilities, or personnel services of the department and shall
110 adopt rules prescribing those conditions and the procedures by
111 which the direct-support organization is governed.

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

114 1. Addressing gaps in services for the children and adults
115 served by the department.

116 2. Developing, implementing, and operating targeted
117 prevention efforts.

118 3. Providing services and activities that support the
119 goals of the department.

120 4. Supporting the functions of the direct-support
121 organization's board of directors, as necessary and approved by
122 the department.

123
124 The funds of the direct-support organization may not be used for
125 the purpose of lobbying as defined in s. 11.045(1).

126 (f) Any moneys may be held in a separate depository
 127 account in the name of the direct-support organization, subject
 128 to the provisions of the contract with the department.

129 (g) The direct-support organization shall provide for an
 130 annual financial audit in accordance with s. 215.981.

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

133 (2) CHILDREN AND YOUTH CABINET.—The Department of Children
 134 and Families shall establish a direct-support organization to
 135 assist the Children and Youth Cabinet established in s. 402.56
 136 in carrying out its purposes and responsibilities, primarily
 137 regarding fostering public awareness of children and youth
 138 issues and developing new partners in the effort to serve
 139 children and youth by raising money; submitting requests for and
 140 receiving grants from the Federal Government, the state or its
 141 political subdivisions, private foundations, and individuals;
 142 and making expenditures to or for the benefit of the cabinet.
 143 The sole purpose for the direct-support organization is to
 144 support the cabinet.

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

146 1.-(a) Incorporated under chapter 617 and approved by the
 147 Department of State as a Florida corporation not for profit.

148 2.-(b) Organized and operated to make expenditures to or
 149 for the benefit of the cabinet.

150 3.-(c) Approved by the department to be operating for the

151 benefit of and in a manner consistent with the goals of the
152 cabinet and in the best interest of the state.

153 ~~(b)-(2)~~ The board of directors of the direct-support
154 organization shall consist of seven members appointed by the
155 Governor. Each member of the board of directors shall be
156 appointed to a 4-year term. ~~However, for the purpose of~~
157 ~~providing staggered terms, the initial appointments shall be for~~
158 ~~either 2 years or 4 years, as determined by the Governor.~~

159 ~~(c)-(3)~~ The direct-support organization shall operate under
160 a written contract with the department. The contract must
161 provide for all of the following:

162 1. Department approval of the articles of incorporation
163 and bylaws of the direct-support organization.

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

165 3. Certification by the department that the direct-support
166 organization is complying with the terms of the contract and
167 operating in a manner consistent with the goals and purposes of
168 the department and in the best interest of the state. Such
169 certification must be made annually and reported in the official
170 minutes of a meeting of the direct-support organization.

171 4. The reversion to the state of moneys and property held
172 in trust by the direct-support organization for the benefit of
173 those served by the department if the department ceases to exist
174 or the reversion to the department if the direct-support
175 organization is no longer approved to operate for the department

176 | or ceases to exist.

177 | ~~(d)(4)~~ All moneys received by the direct-support
 178 | organization must be deposited into an account of the direct-
 179 | support organization and shall be used in a manner consistent
 180 | with the goals of the cabinet.

181 | ~~(e)(5)~~ This subsection ~~section~~ is repealed October 1,
 182 | 2024, unless reviewed and saved from repeal by the Legislature.

183 | Section 2. Paragraphs (a) and (c) of subsection (2) and
 184 | subsection (4) of section 1001.453, Florida Statutes, are
 185 | amended to read:

186 | 1001.453 Direct-support organization; use of property;
 187 | board of directors; audit.—

188 | (2) USE OF PROPERTY.—A district school board:

189 | (a) Is authorized to:

190 | 1. Permit the use of property, facilities, and personal
 191 | services of the district by a direct-support organization,
 192 | subject to ~~the provisions of this section;~~ or

193 | 2. Contract with a direct-support organization for
 194 | personal services or operations. However, a retiree of the
 195 | Florida Retirement System providing such personal services must
 196 | first satisfy the requirements for termination from employment
 197 | provided in s. 121.021(39) before providing such services for a
 198 | Florida Retirement System employer and is subject to the
 199 | reemployment limitations provided in s. 121.091(9).

200 | (c) May ~~shall~~ not permit the use of property, facilities,

201 or personal services ~~by~~ of a direct-support organization if such
 202 organization does not provide equal employment opportunities to
 203 all persons, regardless of race, color, religion, sex, age, or
 204 national origin.

205 (4) ANNUAL FINANCIAL AUDIT.—Each direct-support
 206 organization with more than \$250,000 ~~\$100,000~~ in expenditures or
 207 expenses shall provide for an annual financial audit of its
 208 accounts and records, to be conducted by an independent
 209 certified public accountant in accordance with rules adopted by
 210 the Auditor General pursuant to s. 11.45(8) and the Commissioner
 211 of Education. A district school board may contract with a vendor
 212 for an annual financial audit of a direct-support organization.

213 The annual financial audit report shall be submitted within 9
 214 months after the fiscal year's end to the district school board
 215 and the Auditor General. The Commissioner of Education, the
 216 Auditor General, and the Office of Program Policy Analysis and
 217 Government Accountability have the authority to require and
 218 receive from the organization or the district auditor any
 219 records relative to the operation of the organization. The
 220 identity of donors and all information identifying donors and
 221 prospective donors are confidential and exempt from ~~the~~
 222 ~~provisions~~ of s. 119.07(1), and that anonymity shall be
 223 maintained in the auditor's report. All other records and
 224 information shall be considered public records for the purposes
 225 of chapter 119.

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226 | Section 3. This act shall take effect upon becoming a law. |