

CHAPTER 2014-96

Committee Substitute for Senate Bill No. 1194

An act relating to citizen support and direct-support organizations; amending s. 14.29, F.S.; providing for future review and repeal of provisions authorizing the Florida Commission on Community Service to establish and operate a direct-support organization; amending s. 16.616, F.S.; providing for future review and repeal of the direct-support organization established within the Department of Legal Affairs; creating s. 20.058, F.S.; requiring citizen support and direct-support organizations to annually submit certain information to the appropriate agency; requiring each agency receiving such information to post submissions on the agency's website; requiring each agency receiving such information to annually submit a report to the Governor, the Legislature, and the Office of Program Policy Analysis and Government Accountability; providing report requirements; requiring that a contract between an agency and a citizen support organization or direct-support organization be contingent on disclosure requirements; requiring an agency head to terminate a contract if an organization fails to meet disclosure requirements; requiring that each citizen support organization or direct-support organization created or authorized by law be subject to legislative review and repeal; requiring that citizen support organizations or direct-support organizations in existence as of a certain date be subject to future legislative review; amending s. 20.2551, F.S.; providing for future review and repeal of the citizen support organization established within the Department of Environmental Protection; amending s. 39.0011, F.S.; providing for future review and repeal of the direct-support organization of the Office of Adoption and Child Protection; amending s. 39.8298, F.S.; providing for future review and repeal of the Statewide Guardian Ad Litem Office's authorization to create a direct-support organization; amending s. 250.115, F.S.; providing for future review and repeal of the direct-support organization of the Department of Military Affairs; amending s. 257.43, F.S.; providing for future review and repeal of the citizen support organization of the Division of Library and Information Services of the Department of State; amending s. 258.015, F.S.; providing for future review and repeal of provisions relating to citizen support organizations under the Division of Recreation and Parks of the Department of Environmental Protection; amending s. 259.10521, F.S.; providing for future review and repeal of the citizen support organization benefitting the Babcock Ranch Preserve; amending s. 265.703, F.S.; providing for future review and repeal of the citizen support organization of the Division of Cultural Affairs of the Department of State; amending s. 267.17, F.S.; providing for future review and repeal of the citizen support organization of the Division of Historical Resources of the Department of State; amending s. 288.1226, F.S.; providing for future review and repeal of the Florida Tourism Industry Marketing Corporation; amending s. 288.809, F.S.; providing for future review and repeal of the Florida

Intergovernmental Relations Foundation; amending s. 288.923, F.S.; providing for future review and repeal of the Division of Tourism Marketing of Enterprise Florida, Inc.; amending s. 292.055, F.S.; providing for future review and repeal of the direct-support organization of the Department of Veterans' Affairs; amending s. 379.223, F.S.; providing for future review and repeal of the Fish and Wildlife Conservation Commission's authorization to establish citizen support organizations; amending s. 413.0111, F.S.; providing for future review and repeal of the direct-support organization of the Division of Blind Services of the Department of Education; amending s. 413.615, F.S.; providing for future review and repeal of the Florida Endowment Foundation for Vocational Rehabilitation; amending s. 430.82, F.S.; providing for future review and repeal of the Department of Elderly Affairs' authority to establish a direct-support organization; amending s. 570.903, F.S.; providing for future review and repeal of the Department of Agriculture and Consumer Services' authority to establish a direct-support organization; amending s. 570.9135, F.S.; providing for future review and repeal of the Florida Beef Council, Inc.; amending s. 626.9895, F.S.; providing for future review and repeal of the Division of Insurance Fraud of the Department of Financial Services' authority to establish a direct-support organization; amending s. 683.231, F.S.; providing for future review and repeal of the Department of Law Enforcement's authority to establish a citizen support organization for Florida Missing Children's Day; amending s. 744.7082, F.S.; providing for future review and repeal of the direct-support organization supporting the Statewide Public Guardianship Office; amending s. 893.055, F.S.; providing for future review and repeal of the Department of Health's authority to establish a direct-support organization supporting the prescription drug monitoring program; amending s. 944.802, F.S.; providing for future review and repeal of the Department of Corrections' authority to establish a direct-support organization; amending s. 960.002, F.S.; providing for future review and repeal of the Governor's authority to authorize a direct-support organization to assist victims of adult and juvenile crime; amending s. 985.672, F.S.; providing for future review and repeal of the Department of Juvenile Justice's direct-support organization; amending s. 1009.983, F.S.; providing for future review and repeal of the Florida Prepaid College Board's authority to establish a direct-support organization; providing an effective date.

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

Section 1. Subsections (9), (10), (11), (12), (13), (14), and (15) of section 14.29, Florida Statutes, are amended to read:

14.29 Florida Commission on Community Service.—

(9)(a) The commission may establish a direct-support organization which is:

1.(a) A Florida corporation, not for profit, incorporated under the provisions of chapter 617 and approved by the Secretary of State.

2.(b) Organized and operated exclusively to receive, hold, invest, and administer property and funds and to make expenditures to or for the benefit of the program.

3.(e) An organization which the commission, after review, has certified to be operating in a manner consistent with the goals of the program and in the best interests of the state.

(b)(10) The direct-support organization shall operate under written contract with the commission. The contract must provide for:

1.(a) Approval of the articles of incorporation and bylaws of the direct-support organization by the commission.

2.(b) Submission of an annual budget for the approval of the commission. The budget must comply with rules adopted by the commission.

3.(e) Certification by the commission that the direct-support organization is complying with the terms of the contract and in a manner consistent with the goals and purposes of the commission and in the best interest of the state. Such certification must be made annually and reported in the official minutes of a meeting of the commission.

4.(d) The reversion to the commission, or the state if the commission ceases to exist, of moneys and property held in trust by the direct-support organization if the direct-support organization is no longer approved to operate for the commission or the commission ceases to exist.

5.(e) The fiscal year of the direct-support organization, to begin July 1 of each year and end June 30 of the following year.

6.(f) The disclosure of material provisions of the contract and the distinction between the board of directors and the direct-support organization to donors of gifts, contributions, or bequests, as well as on all promotional and fundraising publications.

(c)(11) The members of the direct-support organization's board of directors must include members of the commission.

(d)(12) The commission may authorize a direct-support organization to use its personal services, facilities, and property, ~~(except money), facilities, and personal services~~, subject to the provisions of this section. A direct-support organization that does not provide equal employment opportunities to all persons regardless of race, color, religion, sex, age, or national origin may not use the property, facilities, or personal services of the commission. For the purposes of this subsection, the term "personal services" includes full-time personnel and part-time personnel as well as payroll processing.

(e)(13) The commission shall adopt rules prescribing the procedures by which the direct-support organization is governed and any conditions with

which the direct-support organization must comply to use property, facilities, or personal services of the commission.

~~(f)(14)~~ Moneys of the direct-support organization may be held in a separate depository account in the name of the direct-support organization and subject to the provisions of the contract with the commission. Such moneys may include membership fees, private donations, income derived from fundraising activities, and grants applied for and received by the direct-support organization.

~~(g)(15)~~ The direct-support organization shall provide for an annual financial audit in accordance with s. 215.981.

(h) This subsection is repealed effective October 1, 2018, unless reviewed and saved from repeal by the Legislature.

Section 2. Subsection (7) is added to section 16.616, Florida Statutes, to read:

16.616 Direct-support organization.—

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

Section 3. Section 20.058, Florida Statutes, is created to read:

20.058 Citizen support and direct-support organizations.—

(1) By August 1 of each year, a citizen support organization or direct-support organization created or authorized pursuant to law or executive order and created, approved, or administered by an agency, shall submit the following information to the appropriate agency:

(a) The name, mailing address, telephone number, and website address of the organization.

(b) The statutory authority or executive order pursuant to which the organization was created.

(c) A brief description of the mission of, and results obtained by, the organization.

(d) A brief description of the plans of the organization for the next 3 fiscal years.

(e) A copy of the organization's code of ethics.

(f) A copy of the organization's most recent federal Internal Revenue Service Return of Organization Exempt from Income Tax form (Form 990).

(2) Each agency receiving information from a citizen support organization or direct-support organization pursuant to subsection (1) shall make

such information available to the public through the agency’s website. If the organization maintains a website, the agency’s website must provide a link to the organization’s website.

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

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

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

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

20.2551 Citizen support organizations; use of property; audit; public records; partnerships.—

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

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

39.0011 Direct-support organization.—

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

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

39.8298 Guardian Ad Litem direct-support organization.—

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

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

250.115 Department of Military Affairs direct-support organization.—

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

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

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

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

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

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

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

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

259.10521 Citizen support organization; use of property.—

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

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

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

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

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

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

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

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

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

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

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

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

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

(d) Review all pertinent research findings.

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

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

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

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

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

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

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

288.923 Division of Tourism Marketing; definitions; responsibilities.—

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

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

292.055 Direct-support organization.—

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

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

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

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

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

413.0111 Blind services direct-support organization.—

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

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

413.615 Florida Endowment for Vocational Rehabilitation.—

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

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

430.82 Direct-support organization.—

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

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

570.903 Direct-support organization.—

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

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

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

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

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

626.9895 Motor vehicle insurance fraud direct-support organization.—

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

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

683.231 Citizen support organization for Florida Missing Children’s Day.

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

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

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

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

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

893.055 Prescription drug monitoring program.—

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

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

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

944.802 Direct-support organization; definition; use of property; board of directors; audit.—

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

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

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

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

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

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

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

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

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

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

1009.983 Direct-support organization; authority.—

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

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

Approved by the Governor June 13, 2014.

Filed in Office Secretary of State June 13, 2014.