

1 A bill to be entitled

2 An act relating to citizen support and direct-support
3 organizations; amending s. 14.29, F.S.; providing for
4 future review and repeal of provisions authorizing the
5 Florida Commission on Community Service to establish
6 and operate a direct-support organization; amending s.
7 16.616, F.S.; providing for future review and repeal
8 of the direct-support organization established within
9 the Department of Legal Affairs; creating s. 20.058,
10 F.S.; requiring citizen support and direct-support
11 organizations to annually submit certain information
12 to the agency the organization was created to support;
13 requiring each agency receiving such information to
14 post submissions on the agency's website; requiring
15 each agency receiving such information to annually
16 submit a report to the Governor, the Legislature, and
17 the Office of Program Policy Analysis and Government
18 Accountability; providing report requirements;
19 requiring that a contract entered into between an
20 agency and a citizen support organization or direct-
21 support organization on or after July 1, 2014, contain
22 certain provisions; requiring that each citizen
23 support organization or direct-support organization
24 created or authorized by law be subject to legislative
25 review and repeal; requiring that citizen support
26 organizations or direct-support organizations in

27 | existence as of a certain date be subject to future
 28 | legislative review; amending s. 20.2551, F.S.;
 29 | providing for future review and repeal of the citizen
 30 | support organization established within the Department
 31 | of Environmental Protection; amending s. 39.0011,
 32 | F.S.; providing for future review and repeal of the
 33 | direct-support organization of the Office of Adoption
 34 | and Child Protection; amending s. 39.8298, F.S.;
 35 | providing for future review and repeal of the
 36 | Statewide Guardian Ad Litem Office's authorization to
 37 | create a direct-support organization; amending s.
 38 | 250.115, F.S.; providing for future review and repeal
 39 | of the direct-support organization of the Department
 40 | of Military Affairs; amending s. 257.43, F.S.;
 41 | providing for future review and repeal of the citizen
 42 | support organization of the Division of Library and
 43 | Information Services of the Department of State;
 44 | amending s. 258.015, F.S.; providing for future review
 45 | and repeal of provisions relating to citizen support
 46 | organizations under the Division of Recreation and
 47 | Parks of the Department of Environmental Protection;
 48 | amending s. 259.10521, F.S.; providing for future
 49 | review and repeal of the citizen support organization
 50 | benefitting the Babcock Ranch Preserve; amending s.
 51 | 265.703, F.S.; providing for future review and repeal
 52 | of the citizen support organization of the Division of

53 Cultural Affairs of the Department of State; amending
 54 s. 267.17, F.S.; providing for future review and
 55 repeal of the citizen support organization of the
 56 Division of Historical Resources of the Department of
 57 State; amending s. 288.1226, F.S.; providing for
 58 future review and repeal of the Florida Tourism
 59 Industry Marketing Corporation; amending s. 288.809,
 60 F.S.; providing for future review and repeal of the
 61 Florida Intergovernmental Relations Foundation;
 62 amending s. 288.923, F.S.; providing for future review
 63 and repeal of the Division of Tourism Marketing of
 64 Enterprise Florida, Inc.; amending s. 292.055, F.S.;
 65 providing for future review and repeal of the direct-
 66 support organization of the Department of Veterans'
 67 Affairs; amending s. 379.223, F.S.; providing for
 68 future review and repeal of the Fish and Wildlife
 69 Conservation Commission's authorization to establish
 70 citizen support organizations; amending s. 413.0111,
 71 F.S.; providing for future review and repeal of the
 72 direct-support organization of the Division of Blind
 73 Services of the Department of Education; amending s.
 74 413.615, F.S.; providing for future review and repeal
 75 of the Florida Endowment Foundation for Vocational
 76 Rehabilitation; amending s. 430.82, F.S.; providing
 77 for future review and repeal of the Department of
 78 Elderly Affairs' authority to establish a direct-

79 support organization; amending s. 570.903, F.S.;

80 providing for future review and repeal of the

81 Department of Agriculture and Consumer Services'

82 authority to establish a direct-support organization;

83 amending s. 570.9135, F.S.; providing for future

84 review and repeal of Florida Beef Council, Inc.;

85 amending s. 626.9895, F.S.; providing for future

86 review and repeal of the Division of Insurance Fraud

87 of the Department of Financial Services' authority to

88 establish a direct-support organization; amending s.

89 683.231, F.S.; providing for future review and repeal

90 of the Department of Law Enforcement's authority to

91 establish a citizen support organization for Florida

92 Missing Children's Day; amending s. 744.7082, F.S.;

93 providing for future review and repeal of the direct-

94 support organization supporting the Statewide Public

95 Guardianship Office; amending s. 893.055, F.S.;

96 providing for future review and repeal of the

97 Department of Health's authority to establish a

98 direct-support organization supporting the

99 prescription drug monitoring program; amending s.

100 944.802, F.S.; providing for future review and repeal

101 of the Department of Corrections' authority to

102 establish a direct-support organization; amending s.

103 960.002, F.S.; providing for future review and repeal

104 of the Governor's authority to authorize a direct-

105 support organization to assist victims of adult and
 106 juvenile crime; amending s. 985.672, F.S.; providing
 107 for future review and repeal of the Department of
 108 Juvenile Justice's direct-support organization;
 109 amending s. 1009.983, F.S.; providing for future
 110 review and repeal of the Florida Prepaid College
 111 Board's authority to establish a direct-support
 112 organization; providing an effective date.

113

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

115

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

119 14.29 Florida Commission on Community Service.—

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

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

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

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

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

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

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

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

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

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

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

157 fundraising publications.

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

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

171 (e) ~~(13)~~ The commission shall adopt rules prescribing the
 172 procedures by which the direct-support organization is governed
 173 and any conditions with which the direct-support organization
 174 must comply to use property, facilities, or personal services of
 175 the commission.

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

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

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

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

189 16.616 Direct-support organization.—

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

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

194 20.058 Citizen support and direct-support organizations.—

195 (1) By August 1 of each year, a citizen support
 196 organization or direct-support organization created or
 197 authorized pursuant to law or executive order and created,
 198 approved, or administered by an agency, shall submit the
 199 following information to the agency that the organization was
 200 created to support:

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

203 (b) The statutory authority or executive order that
 204 created the organization.

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

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

209 (e) A copy of the organization's code of ethics.
 210 (f) A copy of the organization's most recent federal
 211 Internal Revenue Service Return of Organization Exempt from
 212 Income Tax form (Form 990).

213 (2) Each agency receiving information from a citizen
 214 support organization or direct-support organization pursuant to
 215 subsection (1) shall make such information available to the
 216 public through the agency's website. In addition, if the
 217 organization maintains a website, the agency's website must
 218 provide a link to that website.

219 (3) By August 30 of each year, each agency shall report to
 220 the Governor, the President of the Senate, the Speaker of the
 221 House of Representatives, and the Office of Program Policy
 222 Analysis and Government Accountability the information provided
 223 by each citizen-support organization or direct support
 224 organization. The report must also include a recommendation by
 225 the agency, with supporting rationale, to continue, terminate,
 226 or modify the agency's association with each organization.

227 (4) Each contract entered into between an agency and a
 228 citizen support organization or direct-support organization on
 229 or after July 1, 2014, shall contain provisions that require the
 230 organization to submit information in compliance with subsection
 231 (1) and require the agency to terminate the contract if the
 232 organization fails to do so for 2 consecutive years.

233 (5) A law creating, or authorizing the creation of, a
 234 citizen support organization or a direct-support organization

235 must state that the creation of or authorization for the
 236 organization is repealed on October 1 of the 5th year after
 237 enactment, unless reviewed and saved from repeal through
 238 reenactment by the Legislature. Citizen support organizations
 239 and direct-support organizations in existence on July 1, 2014,
 240 must be reviewed by the Legislature by July 1, 2019.

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

243 20.2551 Citizen support organizations; use of property;
 244 audit; public records; partnerships.—

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

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

249 39.0011 Direct-support organization.—

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

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

254 39.8298 Guardian Ad Litem direct-support organization.—

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

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

259 250.115 Department of Military Affairs direct-support
 260 organization.—

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

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

265 257.43 Citizen support organization; use of state
 266 administrative services and property; audit.—

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

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

271 258.015 Citizen support organizations; use of property;
 272 audit.—

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

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

277 259.10521 Citizen support organization; use of property.—

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

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

282 265.703 Citizen support organizations; use of state
 283 administrative services and property; audit.—

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

286 Section 12. Subsection (4) is added to section 267.17,

287 Florida Statutes, to read:

288 267.17 Citizen support organizations; use of state
 289 administrative services and property; audit.—

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

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

295 288.1226 Florida Tourism Industry Marketing Corporation;
 296 use of property; board of directors; duties; audit.—

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

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

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

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

310 (d) Review all pertinent research findings.

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

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

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

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

324 288.809 Florida Intergovernmental Relations Foundation;
 325 use of property; board of directors; audit.—

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

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

330 288.923 Division of Tourism Marketing; definitions;
 331 responsibilities.—

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

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

336 292.055 Direct-support organization.—

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

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

341 379.223 Citizen support organizations; use of state
 342 property; audit.—

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

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

347 413.0111 Blind services direct-support organization.—

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

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

352 413.615 Florida Endowment for Vocational Rehabilitation.—

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

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

357 430.82 Direct-support organization.—

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

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

362 570.903 Direct-support organization.—

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

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

367 570.9135 Beef Market Development Act; definitions; Florida
 368 Beef Council, Inc., creation, purposes, governing board, powers,
 369 and duties; referendum on assessments imposed on gross receipts
 370 from cattle sales; payments to organizations for services;
 371 collecting and refunding assessments; vote on continuing the
 372 act; council bylaws.—

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

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

377 626.9895 Motor vehicle insurance fraud direct-support
 378 organization.—

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

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

383 683.231 Citizen support organization for Florida Missing
 384 Children's Day.—

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

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

389 744.7082 Direct-support organization; definition; use of
 390 property; board of directors; audit; dissolution.—

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

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

395 893.055 Prescription drug monitoring program.—

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

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

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

405 944.802 Direct-support organization; definition; use of
 406 property; board of directors; audit.—

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

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

411 960.002 Direct-support organization to assist victims of
 412 adult and juvenile crime.—

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

415 Section 29. Subsections (5) and (6) of section 985.672,
 416 Florida Statutes, are amended, and a new subsection (7) is added

417 to that section, to read:

418 985.672 Direct-support organization; definition; use of
 419 property; board of directors; audit.—

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

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

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

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

430 1009.983 Direct-support organization; authority.—

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

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