



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.

38

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

40

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.

PCS for HB 925

ORIGINAL

2023

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