

By Senator Garcia

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1 A bill to be entitled
2 An act relating to the Office of Public and
3 Professional Guardians direct-support organization;
4 amending s. 744.2105, F.S.; abrogating the scheduled
5 repeal of provisions governing a direct-support
6 organization established under the Office of Public
7 and Professional Guardians within the Department of
8 Elderly Affairs; providing an effective date.

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

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12 Section 1. Section 744.2105, Florida Statutes, is amended
13 to read:

14 744.2105 Direct-support organization; definition; use of
15 property; board of directors; audit; dissolution.—

16 (1) DEFINITION.—As used in this section, the term "direct-
17 support organization" means an organization whose sole purpose
18 is to support the Office of Public and Professional Guardians
19 and is:

20 (a) A not-for-profit corporation incorporated under chapter
21 617 and approved by the Department of State;

22 (b) Organized and operated to conduct programs and
23 activities; to raise funds; to request and receive grants,
24 gifts, and bequests of moneys; to acquire, receive, hold,
25 invest, and administer, in its own name, securities, funds,
26 objects of value, or other property, real or personal; and to
27 make expenditures to or for the direct or indirect benefit of
28 the Office of Public and Professional Guardians; and

29 (c) Determined by the Office of Public and Professional

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30 Guardians to be consistent with the goals of the office, in the
31 best interests of the state, and in accordance with the adopted
32 goals and mission of the Department of Elderly Affairs and the
33 Office of Public and Professional Guardians.

34 (2) CONTRACT.—The direct-support organization shall operate
35 under a written contract with the Office of Public and
36 Professional Guardians. The written contract must provide for:

37 (a) Certification by the Office of Public and Professional
38 Guardians that the direct-support organization is complying with
39 the terms of the contract and is doing so consistent with the
40 goals and purposes of the office and in the best interests of
41 the state. This certification must be made annually and reported
42 in the official minutes of a meeting of the direct-support
43 organization.

44 (b) The reversion of moneys and property held in trust by
45 the direct-support organization:

46 1. To the Office of Public and Professional Guardians if
47 the direct-support organization is no longer approved to operate
48 for the office;

49 2. To the Office of Public and Professional Guardians if
50 the direct-support organization ceases to exist;

51 3. To the Department of Elderly Affairs if the Office of
52 Public and Professional Guardians ceases to exist; or

53 4. To the state if the Department of Elderly Affairs ceases
54 to exist.

55
56 The fiscal year of the direct-support organization shall begin
57 on July 1 of each year and end on June 30 of the following year.

58 (c) The disclosure of the material provisions of the

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59 contract, and the distinction between the Office of Public and
60 Professional Guardians and the direct-support organization, to
61 donors of gifts, contributions, or bequests, including such
62 disclosure on all promotional and fundraising publications.

63 (3) BOARD OF DIRECTORS.—The Secretary of Elderly Affairs
64 shall appoint a board of directors for the direct-support
65 organization from a list of nominees submitted by the executive
66 director of the Office of Public and Professional Guardians.

67 (4) USE OF PROPERTY.—The Department of Elderly Affairs may
68 permit, without charge, appropriate use of fixed property and
69 facilities of the department or the Office of Public and
70 Professional Guardians by the direct-support organization. The
71 department may prescribe any condition with which the direct-
72 support organization must comply in order to use fixed property
73 or facilities of the department or the Office of Public and
74 Professional Guardians.

75 (5) MONEYS.—Any moneys may be held in a separate depository
76 account in the name of the direct-support organization and
77 subject to the provisions of the written contract with the
78 Office of Public and Professional Guardians. Expenditures of the
79 direct-support organization shall be expressly used to support
80 the Office of Public and Professional Guardians. The
81 expenditures of the direct-support organization may not be used
82 for the purpose of lobbying as defined in s. 11.045.

83 (6) PUBLIC RECORDS.—Personal identifying information of a
84 donor or prospective donor to the direct-support organization
85 who desires to remain anonymous is confidential and exempt from
86 s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

87 (7) AUDIT.—The direct-support organization shall provide

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88 for an annual financial audit in accordance with s. 215.981.

89 (8) DISSOLUTION.—A not-for-profit corporation incorporated
90 under chapter 617 that is determined by a circuit court to be
91 representing itself as a direct-support organization created
92 under this section, but that does not have a written contract
93 with the Office of Public and Professional Guardians in
94 compliance with this section, is considered to meet the grounds
95 for a judicial dissolution described in s. 617.1430(1)(a). The
96 Office of Public and Professional Guardians shall be the
97 recipient for all assets held by the dissolved corporation which
98 accrued during the period that the dissolved corporation
99 represented itself as a direct-support organization created
100 under this section.

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

103 Section 2. This act shall take effect July 1, 2018.