

Amendment No. ____ (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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Representative(s) Hart offered the following:

Amendment (with title amendment)

On page 4, line 2,

insert:

Section 1. Section 250.115, Florida Statutes, is created to read:

250.115 Department of Military Affairs direct-support organization.--

(1) DEFINITIONS.--For the purposes of this section:

(a) "Direct-support organization" means an organization that is:

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

2. Organized and operated exclusively to raise funds; request and receive grants, gifts, bequests of moneys; acquire, receive, hold, invest, and administer in its own name securities, funds, or property; and make expenditures to or for the direct or indirect benefit of the Department of

1 Military Affairs or the Florida National Guard.

2 3. Determined by the Department of Military Affairs to
3 be operating in a manner consistent with the goals of the
4 Department of Military Affairs and the Florida National Guard
5 and in the best interest of the state. Any organization that
6 is denied certification by the Adjutant General may not use
7 the name of the Florida National Guard or the Department of
8 Military Affairs in any part of its name or its publications.

9 (b) "Personal services" includes full-time or
10 part-time personnel as well as payroll processing.

11 (2) BOARD OF DIRECTORS.--The organization shall be
12 governed by a board of directors. The Adjutant General, or his
13 or her designee, shall serve as president of the board. The
14 board of directors shall consist of up to 15 members appointed
15 by the Adjutant General. Up to 15 additional members shall be
16 appointed by the board of directors. The terms of office of
17 the members shall be 3 years. Members must be residents of the
18 state and highly knowledgeable about the United States
19 military, its service personnel, and its missions. In making
20 appointments, the board must consider a potential member's
21 background in community service. The Adjutant General may
22 remove any member for cause and shall fill vacancies that
23 occur.

24 (3) USE OF PROPERTY.--

25 (a) The Adjutant General is authorized to permit the
26 use of property, facilities, and personal services of the
27 Department of Military Affairs by the direct-support
28 organization, subject to the provisions of this section.

29 (b) The Adjutant General may prescribe by rule any
30 condition with which a direct-support organization organized
31 under this section must comply in order to use property,

1 facilities, or personal services of the Department of Military
2 Affairs.

3 (c) The Adjutant General may not permit the use of
4 property, facilities, or personal services of the Department
5 of Military Affairs by any direct-support organization
6 organized under this section that does not provide equal
7 employment opportunities to all persons regardless of race,
8 color, national origin, sex, age, or religion.

9 (4) ACTIVITIES; RESTRICTIONS.--Any transaction or
10 agreement between the direct-support organization organized
11 pursuant to this section and another direct-support
12 organization or center of technology innovation designated
13 under s. 240.3335 must be approved by the Adjutant General.

14 (5) ANNUAL BUDGETS AND REPORTS.--The direct-support
15 organization shall submit to the Adjutant General its federal
16 Internal Revenue Service Application for Recognition of
17 Exemption form (Form 1023) and its federal Internal Revenue
18 Service Return of Organization Exempt from Income Tax form
19 (Form 990).

20 (6) ANNUAL AUDIT.--The direct-support organization
21 shall make provisions for an annual postaudit of its financial
22 accounts to be conducted by an independent certified public
23 accountant in accordance with rules to be promulgated by the
24 Adjutant General. The annual audit report shall be submitted
25 to the Auditor General and the Adjutant General. The Adjutant
26 General and the Auditor General may require and receive from
27 the organization or its independent auditor any detail or
28 supplemental data relative to the operation of the
29 organization.

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1 ===== T I T L E A M E N D M E N T =====

2 And the title is amended as follows:

3 On page 1, line 2, after the semicolon

4

5 insert:

6 creating s. 250.115, F.S.; providing for the
7 organization and operation of a direct-support
8 organization for the Department of Military
9 Affairs and the Florida National Guard;
10 providing definitions; providing for a board of
11 directors; providing for the use of property,
12 facilities, and personal services of the
13 Department of Military Affairs by the
14 direct-support organization; providing
15 restrictions; providing for submission of
16 annual budgets and reports;

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