Florida House of Representatives - 2000

HB 1861

By Representatives Hart, Feeney, Fiorentino, J. Miller, Lynn, Waters, Fasano, K. Smith, Detert, Cosgrove, Bitner, Arnall, Harrington, Johnson, Murman, Stansel, Bilirakis, Ritchie, Henriquez, Melvin, C. Green and Wiles

1	A bill to be entitled
2	An act relating to military affairs; creating
3	s. 250.115, F.S.; providing for the
4	organization and operation of a direct-support
5	organization for the Department of Military
6	Affairs and the Florida National Guard;
7	providing definitions; providing for a board of
8	directors; providing for the use of property,
9	facilities, and personal services of the
10	Department of Military Affairs by the
11	direct-support organization; providing
12	restrictions; providing for submission of
13	annual budgets and reports; providing for
14	annual audit; providing an effective date.
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16	Be It Enacted by the Legislature of the State of Florida:
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18	Section 1. Section 250.115, Florida Statutes, is
19	created to read:
20	250.115 Department of Military Affairs direct-support
21	organization
22	(1) DEFINITIONS For the purposes of this section:
23	(a) "Direct-support organization" means an
24	organization that is:
25	1. A Florida corporation not for profit, incorporated
26	under the provisions of chapter 617 and approved by the
27	Department of State.
28	2. Organized and operated exclusively to raise funds;
29	request and receive grants, gifts, bequests of moneys;
30	acquire, receive, hold, invest, and administer in its own name
31	securities, funds, or property; and make expenditures to or
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for the direct or indirect benefit of the Department of 1 2 Military Affairs or the Florida National Guard. 3 3. Determined by the Department of Military Affairs to be operating in a manner consistent with the goals of the 4 5 Department of Military Affairs and the Florida National Guard б and in the best interest of the state. Any organization that 7 is denied certification by the Adjutant General may not use 8 the name of the Florida National Guard or the Department of 9 Military Affairs in any part of its name or its publications. 10 (b) "Personal services" includes full-time or 11 part-time personnel as well as payroll processing. (2) BOARD OF DIRECTORS. -- The organization shall be 12 13 governed by a board of directors. The Adjutant General, or his 14 or her designee, shall serve as president of the board. The board of directors shall consist of up to 15 members appointed 15 16 by the Adjutant General. Up to 15 additional members shall be 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 19 state and highly knowledgeable about the United States 20 military, its service personnel, and its missions. In making appointments, the board must consider a potential member's 21 22 background in community service. The Adjutant General may remove any member for cause and shall fill vacancies that 23 24 occur. 25 (3) USE OF PROPERTY.--26 (a) The Adjutant General is authorized to permit the 27 use of property, facilities, and personal services of the 28 Department of Military Affairs by the direct-support 29 organization, subject to the provisions of this section. (b) The Adjutant General may prescribe by rule any 30 condition with which a direct-support organization organized 31 2

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under this section must comply in order to use property, 1 2 facilities, or personal services of the Department of Military 3 Affairs. 4 (c) The Adjutant General may not permit the use of 5 property, facilities, or personal services of the Department 6 of Military Affairs by any direct-support organization 7 organized under this section that does not provide equal 8 employment opportunities to all persons regardless of race, 9 color, national origin, sex, age, or religion. 10 (4) ACTIVITIES; RESTRICTIONS.--Any transaction or 11 agreement between the direct-support organization organized 12 pursuant to this section and another direct-support 13 organization or center of technology innovation designated 14 under s. 240.3335 must be approved by the Adjutant General. 15 (5) ANNUAL BUDGETS AND REPORTS. -- The direct-support 16 organization shall submit to the Adjutant General its federal Internal Revenue Service Application for Recognition of 17 Exemption form (Form 1023) and its federal Internal Revenue 18 19 Service Return of Organization Exempt from Income Tax form 20 (Form 990). (6) ANNUAL AUDIT.--The direct-support organization 21 shall make provisions for an annual postaudit of its financial 22 23 accounts to be conducted by an independent certified public 24 accountant in accordance with rules to be promulgated by the Adjutant General. The annual audit report shall be submitted 25 26 to the Auditor General and the Adjutant General. The Adjutant 27 General and the Auditor General may require and receive from 28 the organization or its independent auditor any detail or supplemental data relative to the operation of the 29 organization. 30 31

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1	Section 2. This act shall take effect upon becoming a
2	law.
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5	HOUSE SUMMARY
6	Provides for the organization and operation of a
7	Provides for the organization and operation of a direct-support organization for the Department of Military Affairs and the Florida National Guard. Provides
8	for a board of directors. Provides for the use of property, facilities, and personal services of the Department of Military Affairs by the direct-support organization. Provides restrictions. Provides for
9	Department of Military Affairs by the direct-support organization. Provides restrictions. Provides for
10	submission of annual budgets and reports. Provides for annual audit.
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