

By Senators Mitchell and Forman

4-1425-00

See HB

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 the term:

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

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

29 2. Organized and operated exclusively to raise funds;
30 request and receive grants, gifts, bequests of moneys;
31 acquire, receive, hold, invest, and administer in its own name

1 securities, funds, or property; and make expenditures to or
2 for the direct or indirect benefit of the Department of
3 Military Affairs or the Florida National Guard.

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

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

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

26 (3) USE OF PROPERTY.--

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

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1 (b) The Adjutant General may prescribe by rule any
2 condition with which a direct-support organization organized
3 under this section must comply in order to use property,
4 facilities, or personal services of the Department of Military
5 Affairs.

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

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

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

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

3 Section 2. This act shall take effect upon becoming a
4 law.

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7 LEGISLATIVE SUMMARY

8 Provides for the organization and operation of a
9 direct-support organization for the Department of
10 Military Affairs and the Florida National Guard. Provides
11 for a board of directors. Provides for the use of
12 property, facilities, and personal services of the
13 Department of Military Affairs by the direct-support
14 organization. Provides restrictions. Provides for
15 submission of annual budgets and reports. Provides for
16 annual audit.
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