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CHAMBER ACTION

<u>Senate</u>	.	<u>House</u>
Comm: RCS	.	
3/11/2008	.	
	.	
	.	

1 The Committee on Military Affairs and Domestic Security (Dean)
 2 recommended the following **amendment**:

3
 4 **Senate Amendment (with title amendment)**

5 Delete everything after the enacting clause
 6 and insert:

7
 8 Section 1. Section 292.055, Florida Statutes, is created
 9 to read:

10 292.055 Direct-support organization.--

11 (1) SHORT TITLE; DIRECT-SUPPORT ORGANIZATION

12 ESTABLISHED.--This section may be cited as the "Sergeant First
 13 Class Paul R. Smith Memorial Act." The Department of Veterans'
 14 Affairs may establish a direct-support organization to provide
 15 assistance, funding, and support for the department in carrying



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16 out its mission. This section governs the creation, use, powers,
17 and duties of the direct-support organization.

18 (2) DEFINITIONS.--As used in this section, the term:

19 (a) "Department" means the Department of Veterans'
20 Affairs.

21 (b) "Direct-support organization" means an organization
22 that is:

23 1. A Florida corporation not for profit, incorporated
24 under chapter 617, exempted from filing fees, and approved by
25 the Department of State.

26 2. Organized and operated exclusively to obtain funds;
27 request and receive grants, gifts, and bequests of moneys;
28 acquire, receive, hold, invest, and administer in its own name
29 securities, funds, or property; and make expenditures to or for
30 the direct or indirect benefit of the department, the veterans
31 of this state, and congressionally chartered veteran service
32 organizations having subdivisions that are incorporated in this
33 state.

34 3. Determined by the department to be operating in a
35 manner consistent with the goals of the department and in the
36 best interest of the state.

37 (c) "Personal services" includes full-time or part-time
38 personnel.

39 (3) BOARD OF DIRECTORS.--The direct-support organization
40 shall be governed by a board of directors.

41 (a) The board of directors shall consist of no fewer than
42 five members appointed by the executive director of the

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43 department. Veteran service organizations in this state may
44 recommend nominees to the executive director of the department.

45 (b) The term of office of the board members shall be 3
46 years, except that the terms of the initial appointees shall be
47 for 1 year, 2 years, or 3 years in order to achieve staggered
48 terms. A member may be reappointed when his or her term expires.
49 The executive director of the department or his or her designee
50 shall serve as an ex officio member of the board of directors.

51 (c) Members must be current residents of this state. A
52 majority of the members must be veterans, as defined in s.
53 1.01(14), and highly knowledgeable about the United States
54 military, its service personnel, its veterans, and its missions.
55 The executive director of the department may remove any member
56 of the board for cause and with the approval of a majority of
57 the members of the board of directors. The executive director of
58 the department shall appoint a replacement for any vacancy that
59 occurs.

60 (4) CONTRACT.--A direct-support organization shall operate
61 under a written contract with the department. The written
62 contract must provide for:

63 (a) Certification by the department that the direct-
64 support organization is complying with the terms of the contract
65 and is doing so consistent with the goals and purposes of the
66 department and in the best interests of the state. This
67 certification must be made annually and reported in the official
68 minutes of a meeting of the direct-support organization.

69 (b) The reversion of moneys and property held by the
70 direct-support organization:



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71 1. To the department if the direct-support organization is
72 no longer approved to operate for the department;

73 2. To the department if the direct-support organization
74 ceases to exist; or

75 3. To the state if the department ceases to exist.

76 (c) The disclosure of the material provisions of the
77 contract, and the distinction between the department and the
78 direct-support organization, to donors of gifts, contributions,
79 or bequests, including such disclosure on all promotional and
80 fundraising publications.

81 (5) USE OF PROPERTY.--

82 (a) The department may permit the use of property,
83 facilities, and personal services of the department by the
84 direct-support organization, subject to this section.

85 (b) The department may prescribe by contract any condition
86 with which the direct-support organization must comply in order
87 to use property, facilities, or personal services of the
88 department.

89 (c) The department may not permit the use of its property,
90 facilities, or personal services by any direct-support
91 organization organized under this section which does not provide
92 equal employment opportunities to all persons regardless of
93 race, color, national origin, gender, age, or religion.

94 (6) ACTIVITIES; RESTRICTIONS.--Any transaction or
95 agreement between the direct-support organization organized
96 under this section and another direct-support organization or
97 other entity must be approved by the executive director of the
98 department.

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99 (7) ANNUAL BUDGETS AND REPORTS.--

100 (a) The fiscal year of the direct-support organization
101 shall begin on July 1 of each year and end on June 30 of the
102 following year.

103 (b) The direct-support organization shall submit to the
104 department its federal Internal Revenue Service Application for
105 Recognition of Exemption form (Form 1023) and its federal
106 Internal Revenue Service Return of Organization Exempt from
107 Income Tax form (Form 990).

108 (8) ANNUAL AUDIT.--The direct-support organization shall
109 provide for an annual financial audit in accordance with s.
110 215.981.

111 Section 2. Subsections (2) and (3) of section 265.002,
112 Florida Statutes, are amended to read:

113 265.002 Legislative intent; Florida Medal of Honor Wall;
114 duties of the Department of Veterans' Affairs.--

115 (2) (a) There is hereby established the Florida Medal of
116 Honor Wall. The Department of Management Services shall, in
117 consultation with the Department of ~~Florida Commission on~~
118 Veterans' Affairs, designate an appropriate area on the Plaza
119 Level of the Capitol Building in Tallahassee for this purpose.
120 The department shall also subsequently consult with the
121 Department of ~~Commission on~~ Veterans' Affairs regarding the
122 design and theme of such area.

123 (b) Each recipient who is accredited, or associated by
124 birth, to the State of Florida and has been awarded the Medal of
125 Honor shall have a plaque or similar designation approved by the
126 Department of ~~Florida Commission on~~ Veterans' Affairs placed on

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127 the Medal of Honor Wall, which designation shall provide
128 information regarding the Floridian's particular act of heroism
129 as well as other information relating to the nature of the act.

130 (3) Verification of residency, dates of the receipt of the
131 award, and other specific information pertaining to each
132 recipient shall be the responsibility of the ~~Florida~~ Department
133 of Veterans' Affairs, which shall certify eligibility for
134 inclusion of individuals to be added to the Florida Medal of
135 Honor Wall.

136 Section 3. Subsection (4) of section 320.08058, Florida
137 Statutes, is amended to read:

138 320.08058 Specialty license plates.--

139 (4) FLORIDA SALUTES VETERANS LICENSE PLATES.--

140 (a) The department shall develop a Florida Salutes
141 Veterans license plate. The words "Florida Salutes Veterans" and
142 the flag of the United States of America must appear on the
143 plate.

144 (b) The Florida Salutes Veterans license plate annual use
145 fee shall be distributed as follows:

146 1. Twenty percent shall be distributed to a direct-support
147 organization created under s. 292.055 for a period not to exceed
148 24 months after the date the direct-support organization is
149 incorporated.

150 2. Any remaining fees must be deposited in the State Homes
151 for Veterans Trust Fund, which is created in the State Treasury.
152 All such moneys are to be administered by the Department of
153 Veterans' Affairs and must be used solely for the purpose of
154 constructing, operating, and maintaining domiciliary and nursing

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155 homes for veterans and for continuing promotion and marketing of
156 the license plate, subject to the requirements of chapter 216.

157 Section 4. Subsection (1) of section 337.111, Florida
158 Statutes, is amended to read:

159 337.111 Contracting for monuments and memorials to
160 military veterans at rest areas.--The Department of
161 Transportation is authorized to enter into contract with any
162 not-for-profit group or organization that has been operating for
163 not less than 2 years for the installation of monuments and
164 memorials honoring Florida's military veterans at highway rest
165 areas around the state pursuant to the provisions of this
166 section.

167 (1) Proposals for contracts must be approved by a
168 committee composed of the Secretary of Transportation or the
169 secretary's designee, the executive director of the Department
170 of Veterans' Affairs or the executive director's designee, and
171 three members of the board of directors of the direct-support
172 organization established under s. 292.055, ~~Florida Commission on~~
173 ~~Veterans' Affairs~~ appointed by the executive director ~~chair~~ of
174 the Department of Veterans' Affairs ~~commission~~. The terms of the
175 appointed members ~~may~~ ~~shall be appointed for terms~~ ~~to~~ ~~exceed~~
176 2 years and shall run concurrently with the members' terms on
177 the board of directors of the direct-support organization.
178 Appointed members may be reappointed to the committee. ~~Appointed~~
179 ~~members' terms expire on January 31 of each even-numbered year.~~

180 Section 5. Section 292.04, Florida Statutes, is repealed.

181 Section 6. This act shall take effect July 1, 2008.

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

184 And the title is amended as follows:

185 Delete everything before the enacting clause
186 and insert:

188 A bill to be entitled

189 An act relating to direct-support organizations; creating
190 s. 292.055, F.S.; creating the "Sergeant First Class Paul
191 R. Smith Memorial Act"; authorizing the Department of
192 Veterans' Affairs to establish a direct-support
193 organization to assist the department; providing
194 definitions; providing purposes, objectives, and duties of
195 the direct-support organization; providing for a board of
196 directors and membership requirements for the board
197 members; requiring the direct-support organization to
198 operate under contract with the department; delineating
199 contract and other governance requirements; providing
200 guidelines for the use of funds; providing for the use of
201 property, facilities, and personal services of the
202 department; providing restrictions; providing limits on
203 the direct-support organization; requiring the direct-
204 support organization to submit certain federal tax forms
205 to the department; providing for an annual audit; amending
206 s. 265.002, F.S.; providing that the Department of
207 Veterans' Affairs replace the Florida Commission on
208 Veterans' Affairs to cooperate with the Department of
209 Management Services to establish the Florida Medal of
210 Honor Wall; amending s. 320.08058, F.S.; requiring that a

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211 certain percent of the annual license plate fee collected
212 from the sale of the "Florida Salutes Veterans" license
213 plate be distributed to the direct-support organization
214 created for the purpose of providing benefit to the
215 Department of Veterans' Affairs for a period not to exceed
216 24 months after the date the direct-support organization
217 is incorporated; providing that the remaining fees be
218 deposited in the State Homes for Veterans Trust Fund;
219 amending s. 337.111, F.S.; providing that three members of
220 the direct-support organization of the Department of
221 Veterans' Affairs participate on a committee to approve
222 contracts to install monuments and memorials honoring
223 Florida's military veterans at highway rest areas around
224 the state; repealing s. 292.04, F.S., relating to the
225 Florida Commission on Veteran's Affairs; providing an
226 effective date.