

By Senator Dean

3-02995-08

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1 A bill to be entitled

2 An act relating to direct-support organizations; creating
3 s. 292.075, F.S.; providing definitions; authorizing the
4 Department of Veterans' Affairs to establish a direct-
5 support organization to assist the department; providing
6 purposes, objectives, and duties of the direct-support
7 organization; providing for a board of directors and
8 membership requirements for the board members; requiring
9 the direct-support organization to operate under contract
10 with the department; delineating contract and other
11 governance requirements; providing guidelines for the use
12 of funds; providing for the use of property, facilities,
13 and personal services of the department; providing
14 restrictions; providing limits on the direct-support
15 organization; requiring the direct-support organization to
16 submit certain federal tax forms to the department;
17 providing for an annual audit; amending s. 320.08058,
18 F.S.; requiring that 20 percent of the annual license
19 plate fee collected from the sale of the "Florida Salutes
20 Veterans" license plate be distributed to the direct-
21 support organization created for the purpose of providing
22 benefit to the Department of Veterans' Affairs; providing
23 that the remaining fees be deposited in the State Homes
24 for Veterans Trust Fund; repealing s. 292.04, F.S.,
25 relating to the Florida Commission on Veteran's Affairs;
26 providing an effective date.

27
28 Be It Enacted by the Legislature of the State of Florida:
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30 Section 1. Section 292.075, Florida Statutes, is created to
31 read:

32 292.075 Direct-support organization.--

33 (1) PURPOSE.--The Department of Veterans' Affairs is
34 authorized to establish a direct-support organization to
35 accomplish the purposes and objectives set forth in this section.

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

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

38 (b) "Personal services" includes full-time or part-time
39 personnel.

40 (3) AUTHORITY.--The direct-support organization must be an
41 organization that is:

42 (a) A Florida corporation not for profit, incorporated
43 under chapter 617, and approved by the Department of State. The
44 direct-support organization is exempt from paying fees under s.
45 617.0122.

46 (b) Organized and operated exclusively to obtain funds;
47 request and receive grants, gifts, and bequests of moneys;
48 acquire, receive, hold, invest, and administer in its own name
49 securities, funds, or property; and make expenditures to or for
50 the direct or indirect benefit of the department.

51 (c) Determined by the department to be operating in a
52 manner consistent with the goals and purposes of the department
53 and in the best interest of the state.

54 (4) BOARD OF DIRECTORS.--The direct-support organization
55 shall be governed by a board of directors.

56 (a) The board of directors shall consist of not fewer than
57 five members appointed by the executive director of the
58 department. Veteran service organizations in this state may

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59 recommend nominees to the position of executive director.

60 (b) The term of office of each member shall be 3 years. For
61 the initial term, at least one member shall be appointed to a 1-
62 year term, two members shall be appointed to 2-year terms, and
63 two members appointed to 3-year terms. A member may be
64 reappointed when his or her term expires. The executive director
65 or his or her designee shall serve as an ex officio member of the
66 board of the direct-support organization.

67 (c) Members must be current residents of the state, a
68 majority of whom must be veterans, as defined in s. 1.01(14), and
69 highly knowledgeable about the United States military and its
70 service personnel, veterans, and missions. The executive director
71 may remove any member of the board. The executive director of the
72 department shall appoint a replacement for any vacancy that
73 occurs.

74 (5) CONTRACT.--The direct-support organization shall
75 operate under a written contract with the department. The written
76 contract must, at a minimum, provide for:

77 (a) Approval of the articles of incorporation and bylaws of
78 the direct-support organization by the department.

79 (b) Submission of an annual budget for the approval of the
80 department. The budget must comply with rules adopted by the
81 department.

82 (c) Certification by the department that the direct-support
83 organization is complying with the terms of the contract and is
84 doing so consistent with the goals and purposes of the department
85 and in the best interest of the state. This certification must be
86 made annually and reported in the official minutes of a meeting
87 of the department.

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88 (d) The reversion of moneys and property held by the
89 direct-support organization to:

90 1 The department if the direct-support organization is no
91 longer approved to operate for the department;

92 2. The department if the direct-support organization ceases
93 to exist or the contract is terminated; or

94 3 The state if the department ceases to exist.

95 (e) The fiscal year of the direct-support organization,
96 which must begin July 1 of each year and end June 30 of the
97 following year.

98 (f) The disclosure of the material provisions of the
99 contract, and the distinction between the department and the
100 direct-support organization, to donors of gifts, contributions,
101 or bequests, including such disclosure on all promotional and
102 fundraising publications.

103 (6) PROPERTY AND SERVICES.--

104 (a) The department may authorize the use of property,
105 facilities, and personal services of the department by the
106 direct-support organization, subject to the provisions of this
107 section.

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

112 (c) The department may not permit the direct-support
113 organization to use its property, facilities, or personal
114 services if the direct-support organization does not provide
115 equal employment opportunities to all persons regardless of race,
116 color, national origin, gender, age, or religion.

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117 (7) ACTIVITIES; RESTRICTIONS.--Any transaction or agreement
118 between the direct-support organization organized under this
119 section and another direct-support organization or other entity
120 must be approved by the executive director.

121 (8) TAX EXEMPTION.--The direct-support organization shall
122 submit to the department its federal Internal Revenue Service
123 Application for Recognition of Exemption form (Form 1023) and its
124 federal Internal Revenue Service Return of Organization Exempt
125 from Income Tax form (Form 990).

126 (9) AUNNUAL AUDIT.--The direct-support organization shall
127 provide for an annual financial audit in accordance with s.
128 215.981.

129 Section 2. Subsection (4) of section 320.08058, Florida
130 Statutes, is amended to read:

131 320.08058 Specialty license plates.--

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

133 (a) The department shall develop a Florida Salutes Veterans
134 license plate. The words "Florida Salutes Veterans" and the flag
135 of the United States of America must appear on the plate.

136 (b) The Florida Salutes Veterans license plate annual use
137 fee shall be distributed as provided in this paragraph:

138 1. Twenty percent must be distributed to the direct-support
139 organization created in s. 292.075. The funds must be used for
140 the sole purpose of providing direct or indirect benefit to the
141 Department of Veterans' Affairs.

142 2. Any remaining fees must be deposited in the State Homes
143 for Veterans Trust Fund, which is created in the State Treasury.
144 All such moneys are to be administered by the Department of
145 Veterans' Affairs and must be used solely for the purpose of

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146 constructing, operating, and maintaining domiciliary and nursing
147 homes for veterans and for continuing promotion and marketing of
148 the license plate, subject to the requirements of chapter 216.

149 Section 3. Section 292.04, Florida Statutes, is repealed.

150 Section 4. This act shall take effect July 1, 2008.