

By the Committee on Military Affairs and Domestic Security; and  
Senator Dean

583-04788-08

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1                   A bill to be entitled  
2           An act relating to direct-support organizations; creating  
3           s. 292.055, F.S.; creating the "Sergeant First Class Paul  
4           R. Smith Memorial Act"; authorizing the Department of  
5           Veterans' Affairs to establish a direct-support  
6           organization to assist the department; providing  
7           definitions; providing purposes, objectives, and duties of  
8           the direct-support organization; providing for a board of  
9           directors and membership requirements for the board  
10          members; requiring the direct-support organization to  
11          operate under contract with the department; delineating  
12          contract and other governance requirements; providing  
13          guidelines for the use of funds; providing for the use of  
14          property, facilities, and personal services of the  
15          department; providing restrictions; providing limits on  
16          the direct-support organization; requiring the direct-  
17          support organization to submit certain federal tax forms  
18          to the department; providing for an annual audit; amending  
19          s. 265.002, F.S.; providing for the Department of  
20          Veterans' Affairs to replace the Florida Commission on  
21          Veterans' Affairs in cooperating with the Department of  
22          Management Services to establish the Florida Medal of  
23          Honor Wall; amending s. 320.08058, F.S.; requiring that a  
24          certain percent of the annual license plate fee collected  
25          from the sale of the "Florida Salutes Veterans" license  
26          plate be distributed to the direct-support organization  
27          created for the purpose of providing benefit to the  
28          Department of Veterans' Affairs for a period not to exceed  
29          24 months after the date the direct-support organization

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30 is incorporated; providing that the remaining fees be  
31 deposited in the State Homes for Veterans Trust Fund;  
32 amending s. 337.111, F.S.; providing that three members of  
33 the direct-support organization of the Department of  
34 Veterans' Affairs participate on a committee to approve  
35 contracts to install monuments and memorials honoring  
36 Florida's military veterans at highway rest areas around  
37 the state; repealing s. 292.04, F.S., relating to the  
38 Florida Commission on Veteran's Affairs; providing an  
39 effective date.

40  
41 Be It Enacted by the Legislature of the State of Florida:

42  
43 Section 1. Section 292.055, Florida Statutes, is created to  
44 read:

45 292.055 Direct-support organization.--

46 (1) SHORT TITLE; DIRECT-SUPPORT ORGANIZATION

47 ESTABLISHED.--This section may be cited as the "Sergeant First  
48 Class Paul R. Smith Memorial Act." The Department of Veterans'  
49 Affairs may establish a direct-support organization to provide  
50 assistance, funding, and support for the department in carrying  
51 out its mission. This section governs the creation, use, powers,  
52 and duties of the direct-support organization.

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

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

55 (b) "Direct-support organization" means an organization  
56 that is:

57 1. A Florida corporation not for profit, incorporated under  
58 chapter 617, exempted from filing fees, and approved by the

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59 Department of State.

60 2. Organized and operated exclusively to obtain funds;  
61 request and receive grants, gifts, and bequests of moneys;  
62 acquire, receive, hold, invest, and administer in its own name  
63 securities, funds, or property; and make expenditures to or for  
64 the direct or indirect benefit of the department, the veterans of  
65 this state, and congressionally chartered veteran service  
66 organizations having subdivisions that are incorporated in this  
67 state.

68 3. Determined by the department to be operating in a manner  
69 consistent with the goals of the department and in the best  
70 interest of the state.

71 (c) "Personal services" includes full-time or part-time  
72 personnel.

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

75 (a) The board of directors shall consist of no fewer than  
76 five members appointed by the executive director of the  
77 department. Veteran service organizations in this state may  
78 recommend nominees to the executive director of the department.

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

85 (c) Members must be current residents of this state. A  
86 majority of the members must be veterans, as defined in s.  
87 1.01(14), and highly knowledgeable about the United States

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88 military, its service personnel, its veterans, and its missions.  
89 The executive director of the department may remove any member of  
90 the board for cause and with the approval of a majority of the  
91 members of the board of directors. The executive director of the  
92 department shall appoint a replacement for any vacancy that  
93 occurs.

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

97 (a) Certification by the department that the direct-support  
98 organization is complying with the terms of the contract and is  
99 doing so consistent with the goals and purposes of the department  
100 and in the best interests of the state. This certification must  
101 be made annually and reported in the official minutes of a  
102 meeting of the direct-support organization.

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

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

107 2. To the department if the direct-support organization  
108 ceases to exist; or

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

110 (c) The disclosure of the material provisions of the  
111 contract, and the distinction between the department and the  
112 direct-support organization, to donors of gifts, contributions,  
113 or bequests, including such disclosure on all promotional and  
114 fundraising publications.

115 (5) USE OF PROPERTY.--

116 (a) The department may permit the use of property,

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117 facilities, and personal services of the department by the  
118 direct-support organization, subject to this section.

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

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

128 (6) ACTIVITIES; RESTRICTIONS.--Any transaction or agreement  
129 between the direct-support organization organized under this  
130 section and another direct-support organization or other entity  
131 must be approved by the executive director of the department.

132 (7) ANNUAL BUDGETS AND REPORTS.--

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

136 (b) The direct-support organization shall submit to the  
137 department its federal Internal Revenue Service Application for  
138 Recognition of Exemption form (Form 1023) and its federal  
139 Internal Revenue Service Return of Organization Exempt from  
140 Income Tax form (Form 990).

141 (8) ANNUAL AUDIT.--The direct-support organization shall  
142 provide for an annual financial audit in accordance with s.  
143 215.981.

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

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146 265.002 Legislative intent; Florida Medal of Honor Wall;  
147 duties of the Department of Veterans' Affairs.--

148 (2) (a) There is hereby established the Florida Medal of  
149 Honor Wall. The Department of Management Services shall, in  
150 consultation with the Department of Florida Commission on  
151 Veterans' Affairs, designate an appropriate area on the Plaza  
152 Level of the Capitol Building in Tallahassee for this purpose.  
153 The department shall also subsequently consult with the  
154 Department of Commission on Veterans' Affairs regarding the  
155 design and theme of such area.

156 (b) Each recipient who is accredited, or associated by  
157 birth, to the State of Florida and has been awarded the Medal of  
158 Honor shall have a plaque or similar designation approved by the  
159 Department of Florida Commission on Veterans' Affairs placed on  
160 the Medal of Honor Wall, which designation shall provide  
161 information regarding the Floridian's particular act of heroism  
162 as well as other information relating to the nature of the act.

163 (3) Verification of residency, dates of the receipt of the  
164 award, and other specific information pertaining to each  
165 recipient shall be the responsibility of the ~~Florida~~ Department  
166 of Veterans' Affairs, which shall certify eligibility for  
167 inclusion of individuals to be added to the Florida Medal of  
168 Honor Wall.

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

171 320.08058 Specialty license plates.--

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

173 (a) The department shall develop a Florida Salutes Veterans  
174 license plate. The words "Florida Salutes Veterans" and the flag

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175 of the United States of America must appear on the plate.

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

178 1. Twenty percent shall be distributed to a direct-support  
179 organization created under s. 292.055 for a period not to exceed  
180 24 months after the date the direct-support organization is  
181 incorporated.

182 2. Any remaining fees must be deposited in the State Homes  
183 for Veterans Trust Fund, which is created in the State Treasury.  
184 All such moneys are to be administered by the Department of  
185 Veterans' Affairs and must be used solely for the purpose of  
186 constructing, operating, and maintaining domiciliary and nursing  
187 homes for veterans and for continuing promotion and marketing of  
188 the license plate, subject to the requirements of chapter 216.

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

191 337.111 Contracting for monuments and memorials to military  
192 veterans at rest areas.--The Department of Transportation is  
193 authorized to enter into contract with any not-for-profit group  
194 or organization that has been operating for not less than 2 years  
195 for the installation of monuments and memorials honoring  
196 Florida's military veterans at highway rest areas around the  
197 state pursuant to the provisions of this section.

198 (1) Proposals for contracts must be approved by a committee  
199 composed of the Secretary of Transportation or the secretary's  
200 designee, the executive director of the Department of Veterans'  
201 Affairs or the executive director's designee, and three members  
202 of the board of directors of the direct-support organization  
203 established under s. 292.055, ~~Florida Commission on Veterans'~~

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204 ~~Affairs~~ appointed by the executive director ~~chair~~ of the  
205 Department of Veterans' Affairs ~~commission~~. The terms of the  
206 appointed members ~~may~~ ~~shall be appointed for terms~~ not to exceed  
207 2 years and shall run concurrently with the members' terms on the  
208 board of directors of the direct-support organization. Appointed  
209 members may be reappointed to the committee. ~~Appointed members'~~  
210 ~~terms expire on January 31 of each even-numbered year.~~

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

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