

HB 861

2008

1                                   A bill to be entitled  
2           An act relating to the Department of Veterans' Affairs;  
3           creating s. 292.055, F.S.; providing for the establishment  
4           of direct-support organizations for the Department of  
5           Veterans' Affairs; providing definitions; providing for  
6           governance of the direct-support organization by a board  
7           of directors; providing for organization and membership of  
8           the board; requiring the direct-support organization to  
9           operate under a contract with the Department of Veterans'  
10          Affairs; providing contract requirements; providing  
11          conditions and requirements with respect to the use of  
12          property, facilities, and personal services of the  
13          department by the direct-support organization; providing  
14          for annual budgets, audits, and reports; amending s.  
15          320.08058, F.S.; revising the distribution of the annual  
16          use fee from the Florida Salutes Veterans license plate;  
17          specifying use of funds; repealing s. 292.04, F.S.;  
18          eliminating the Florida Commission on Veterans' Affairs;  
19          amending s. 265.002, F.S.; revising provisions relating to  
20          the Florida Medal of Honor Wall, to conform; amending s.  
21          337.111, F.S.; revising the composition and terms of  
22          committee members whose duty it is to approve contract  
23          proposals for specified monuments and memorials to  
24          military veterans, to conform; providing an effective  
25          date.

26  
27   Be It Enacted by the Legislature of the State of Florida:  
28

29 Section 1. Section 292.055, Florida Statutes, is created  
 30 to read:

31 292.055 Direct-support organization.--

32 (1) DIRECT-SUPPORT ORGANIZATION; ESTABLISHMENT.--The  
 33 Department of Veterans' Affairs shall authorize the  
 34 establishment of direct-support organizations to provide  
 35 assistance, funding, and support for the department in carrying  
 36 out its mission. The provisions of this section shall govern the  
 37 creation, use, powers, and duties of the direct-support  
 38 organization.

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

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

42 (b) "Direct-support organization" means an organization  
 43 that is:

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

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

52 3. Determined by the department to be operating in a  
 53 manner consistent with the goals of the department and in the  
 54 best interest of the state.

55 (c) "Personal services" includes full-time or part-time  
 56 personnel.

57       (3) BOARD OF DIRECTORS.--The direct-support organization  
58 shall be governed by a board of directors. The board of  
59 directors shall consist of no fewer than five members appointed  
60 by the executive director of the department. Veteran service  
61 organizations in Florida may recommend nominees to the executive  
62 director of the department. The term of office of the board  
63 members shall be 3 years, except that the terms of the initial  
64 appointees shall be for 1 year, 2 years, or 3 years in order to  
65 achieve staggering of terms. A member may be reappointed when  
66 his or her term expires. The executive director of the  
67 department or his or her designee shall serve as an ex officio  
68 member of the board of directors. Members must be current  
69 residents of the state. A majority of the members must be  
70 veterans, as defined in s. 1.01(14), and highly knowledgeable  
71 about the United States military, its service personnel, its  
72 veterans, and its missions. The executive director of the  
73 department may remove any member of the board for cause. The  
74 executive director of the department shall appoint a replacement  
75 for any vacancy that occurs.

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

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

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

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

89           2. To the department if the direct-support organization  
 90 ceases to exist; or

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

92           (c) The disclosure of the material provisions of the  
 93 contract, and the distinction between the department and the  
 94 direct-support organization, to donors of gifts, contributions,  
 95 or bequests, including such disclosure on all promotional and  
 96 fundraising publications.

97           (5) USE OF PROPERTY.--

98           (a) The department may permit the use of property,  
 99 facilities, and personal services of the department by the  
 100 direct-support organization, subject to the provisions of this  
 101 section.

102           (b) The department may prescribe by contract any condition  
 103 with which a direct-support organization organized under this  
 104 section must comply in order to use property, facilities, or  
 105 personal services of the department.

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

111           (6) ACTIVITIES; RESTRICTIONS.--Any transaction or  
 112 agreement between the direct-support organization organized

113 pursuant to this section and another direct-support organization  
 114 or other entity must be approved by the executive director of  
 115 the department.

116 (7) ANNUAL BUDGETS AND REPORTS.--

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

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

125 (8) ANNUAL AUDIT.--The direct-support organization shall  
 126 provide for an annual financial audit in accordance with s.  
 127 215.981.

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

130 320.08058 Specialty license plates.--

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

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

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

138 1. Twenty-percent shall be distributed to a direct-support  
 139 organization created under s. 292.055. Such funds shall be used  
 140 for the sole purpose of providing direct or indirect benefit to

141 the 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  
 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. Subsections (2) and (3) of section 265.002,  
 151 Florida Statutes, are amended to read:

152 265.002 Legislative intent; Florida Medal of Honor Wall;  
 153 duties of the Department of Veterans' Affairs.--

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

162 (b) Each recipient who is accredited, or associated by  
 163 birth, to the State of Florida and has been awarded the Medal of  
 164 Honor shall have a plaque or similar designation approved by the  
 165 Department of Veterans' Affairs ~~Florida Commission on Veterans'~~  
 166 ~~Affairs~~ placed on the Medal of Honor Wall, which designation  
 167 shall provide information regarding the Floridian's particular

168 act of heroism as well as other information relating to the  
 169 nature of the act.

170 (3) Verification of residency, dates of the receipt of the  
 171 award, and other specific information pertaining to each  
 172 recipient shall be the responsibility of the Florida Department  
 173 of Veterans' Affairs, which shall certify eligibility for  
 174 inclusion of individuals to be added to the Florida Medal of  
 175 Honor Wall.

176 Section 5. Subsection (1) of section 337.111, Florida  
 177 Statutes, is amended to read:

178 337.111 Contracting for monuments and memorials to  
 179 military veterans at rest areas.--The Department of  
 180 Transportation is authorized to enter into contract with any  
 181 not-for-profit group or organization that has been operating for  
 182 not less than 2 years for the installation of monuments and  
 183 memorials honoring Florida's military veterans at highway rest  
 184 areas around the state pursuant to the provisions of this  
 185 section.

186 (1) Proposals for contracts must be approved by a  
 187 committee composed of the Secretary of Transportation or the  
 188 secretary's designee, the executive director of the Department  
 189 of Veterans' Affairs or the executive director's designee, and  
 190 three members of the board of directors of the direct-support  
 191 organization established under s. 292.055 ~~Florida Commission on~~  
 192 ~~Veterans' Affairs~~ appointed by the executive director ~~chair~~ of  
 193 the Department of Veterans' Affairs ~~commission~~. The terms of the  
 194 appointed members shall be appointed for terms not to exceed 2  
 195 years and shall run concurrently with the members' terms on the

HB 861

2008

196 board of directors of the direct-support organization.  
197 Appointed members and may be reappointed to the committee.  
198 ~~Appointed members' terms expire on January 31 of each even-~~  
199 ~~numbered year.~~  
200       Section 6. This act shall take effect July 1, 2008.