

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 percentage of the annual license plate fee
25 collected from the sale of the "Florida Salutes Veterans"
26 license plate be distributed to the direct-support
27 organization created for the purpose of providing benefit
28 to the Department of Veterans' Affairs for a specified

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

39 |

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

41 |

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

44 | 292.055 Direct-support organization.--

45 | (1) SHORT TITLE; DIRECT-SUPPORT ORGANIZATION

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

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

53 | (a) "Department" means the Department of Veterans'

54 | Affairs.

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

57 1. A Florida corporation not for profit, incorporated
58 under chapter 617, exempted from filing fees, and approved by
59 the 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
65 of 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
69 manner consistent with the goals of the department and in the
70 best 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
88 military, its service personnel, its veterans, and its missions.
89 The executive director of the department may remove any member
90 of the board for cause and with the approval of a majority of
91 the members of the board of directors. The executive director of
92 the 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-
98 support organization is complying with the terms of the contract
99 and is doing so consistent with the goals and purposes of the
100 department and in the best interests of the state. This
101 certification must be made annually and reported in the official
102 minutes of a 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,
 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
 127 race, color, national origin, gender, age, or religion.

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

133 (7) ANNUAL BUDGETS AND REPORTS.--

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

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

141 Income Tax form (Form 990).

142 (8) ANNUAL AUDIT.--The direct-support organization shall
 143 provide for an annual financial audit in accordance with s.
 144 215.981.

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

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

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

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

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

169 Honor Wall.

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

172 320.08058 Specialty license plates.--

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

174 (a) The department shall develop a Florida Salutes
 175 Veterans license plate. The words "Florida Salutes Veterans" and
 176 the flag of the United States of America must appear on the
 177 plate.

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

180 1. Twenty percent shall be distributed to a direct-support
 181 organization created under s. 292.055 for a period not to exceed
 182 24 months after the date the direct-support organization is
 183 incorporated.

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

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

193 337.111 Contracting for monuments and memorials to
 194 military veterans at rest areas.--The Department of
 195 Transportation is authorized to enter into contract with any
 196 not-for-profit group or organization that has been operating for

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197 not less than 2 years for the installation of monuments and
198 memorials honoring Florida's military veterans at highway rest
199 areas around the state pursuant to the provisions of this
200 section.

201 (1) Proposals for contracts must be approved by a
202 committee composed of the Secretary of Transportation or the
203 secretary's designee, the executive director of the Department
204 of Veterans' Affairs or the executive director's designee, and
205 three members of the board of directors of the direct-support
206 organization established under s. 292.055, Florida Commission on
207 Veterans' Affairs appointed by the executive director chair of
208 the Department of Veterans' Affairs commission. The terms of the
209 appointed members may shall be appointed for terms not to exceed
210 2 years and shall run concurrently with the members' terms on
211 the board of directors of the direct-support organization.
212 Appointed members may be reappointed to the committee. Appointed
213 members' terms expire on January 31 of each even numbered year.

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

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