

ENROLLED  
CS/HB 861

2008 Legislature

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

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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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.

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

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:

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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.

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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,

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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

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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

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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.