

**HOUSE OF REPRESENTATIVES STAFF ANALYSIS**

**BILL #:** HB 395

Direct-support Organization for the Department of Military Affairs

**SPONSOR(S):** Abruzzo

**TIED BILLS:**

**IDEN./SIM. BILLS:** SB 644

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	<b>REFERENCE</b>	<b>ACTION</b>	<b>ANALYST</b>	<b>STAFF DIRECTOR</b>
1)	<u>Military &amp; Local Affairs Policy Committee</u>	<u></u>	<u>Fudge</u>	<u>Hoagland</u>
2)	<u>Governmental Affairs Policy Committee</u>	<u></u>	<u></u>	<u></u>
3)	<u>Government Operations Appropriations Committee</u>	<u></u>	<u></u>	<u></u>
4)	<u>Economic Development &amp; Community Affairs Policy Council</u>	<u></u>	<u></u>	<u></u>
5)	<u></u>	<u></u>	<u></u>	<u></u>

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**SUMMARY ANALYSIS**

The bill creates s. 250.116, F.S., for the Soldiers and Airmen Assistance Program. The program would provide financial assistance and services to eligible servicemembers of the Florida National Guard and eligible members of their families. The program will be implemented through funding provided by the direct-support organization of the Department of Military Affairs. The bill also deletes provisions that specify the number of authorized direct-support organization board members, the terms of office, qualifications for appointment, and the board's authorization to remove any board member for cause and fill vacancies that occur.

## HOUSE PRINCIPLES

Members are encouraged to evaluate proposed legislation in light of the following guiding principles of the House of Representatives

- Balance the state budget.
- Create a legal and regulatory environment that fosters economic growth and job creation.
- Lower the tax burden on families and businesses.
- Reverse or restrain the growth of government.
- Promote public safety.
- Promote educational accountability, excellence, and choice.
- Foster respect for the family and for innocent human life.
- Protect Florida's natural beauty.

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. EFFECT OF PROPOSED CHANGES:

##### Present Situation

In 2005, the Legislature created the Family Readiness Program under the Department of Military Affairs. The purpose of the program was to provide need-based assistance to families of members of the Florida National Guard on active duty serving in the Global War on Terrorism or Homeland Defense operations. The program was dependent on appropriation expressly provided for the program. Program funds could be used in emergency situations to purchase critically needed services, including, but not limited to, reasonable living expenses, housing, vehicles, equipment or renovations necessary to meet disability needs and health care. Five million dollars was appropriated in 2005 and that amount has decreased each year to \$200,000 for fiscal year 2009.

The president of the board is appointed by the Adjutant General. The board president is authorized to appoint up to 15 board members who serve terms of office of 3 years. Qualifications for appointment include Florida residents who are highly knowledgeable about the United States military, its service personnel, its mission, and consideration is given to the potential member's background in community service. The board is authorized to remove a member for cause and fill vacancies that occur.

##### Effect of Proposed Changes

The bill creates s. 250.116, F.S., for the Soldiers and Airmen Assistance Program. The program would provide financial assistance and services to eligible servicemembers of the Florida National Guard and eligible members of their families.<sup>1</sup> The program will be implemented through funding provided by the direct-support organization authorized under s. 250.115, F.S. The assistance available under the program includes: housing assistance, living expenses, vehicles, health care, and other services.

The financial committee of the direct-support organization must conduct quarterly reviews of the financial transactions of the program and may request the Office of Inspector General to conduct additional reviews.

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<sup>1</sup> Eligible individuals include servicemembers who are members of the Florida National Guard who are: on active duty serving in the Global War on terrorism or Overseas Contingency Operation or request assistance within 120 days after the termination of orders for such service and return to home of record; deployed by the Federal Government and participating in state operations for homeland defense or request assistance within 120 days after the termination of orders for such service and return to home of record; beneficiaries of an eligible servicemember designated on the United States Department of Defense Form 93; and individuals demonstrating a financial need for authorized assistance who are dependents or family members of an eligible servicemember.

The bill also revises the composition of the board of directors of the direct-support organization by removing the limitation on the number of members that may serve on the board as well as the terms of office and criteria for selecting members.

**B. SECTION DIRECTORY:**

Section 1: Amends s. 250.115, F.S., to authorize the direct-support organization of the Department of Military Affairs to administer the Soldiers and Airmen Assistance Program or similar programs and revises the composition of the board.

Section 2: Creates the Soldiers and Airmen Assistance Program.

Section 3: Provides an effective date of July 1, 2010.

**II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT**

**A. FISCAL IMPACT ON STATE GOVERNMENT:**

1. Revenues:

None.

2. Expenditures:

None. Provides privately funded alternative to a state funded program.

**B. FISCAL IMPACT ON LOCAL GOVERNMENTS:**

1. Revenues:

None.

2. Expenditures:

None.

**C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:**

None.

**D. FISCAL COMMENTS:**

None.

**III. COMMENTS**

**A. CONSTITUTIONAL ISSUES:**

1. Applicability of Municipality/County Mandates Provision:

None.

2. Other:

None.

**B. RULE-MAKING AUTHORITY:**

The bill authorizes the Department of Military Affairs to adopt rules to administer the program.

C. DRAFTING ISSUES OR OTHER COMMENTS:

The bill authorizes living expenses for eligible service members and their families including expenses for gasoline and transportation. Substituting a term such as “motor vehicle fuel” for the term “gasoline” would allow for the inclusion of other common fuels.

Generally, DSOs operate under the oversight of an agency through a written contract.<sup>2</sup> This oversight ensures that the DSO is operating consistent with the goals and purposes of the department and in the best interests of the state. Moreover, the contract can provide for reversion of money and property held by the DSO to the department if the DSO is no longer approved to operate for the department or if the DSO ceases to exist.

**IV. AMENDMENTS/COUNCIL OR COMMITTEE SUBSTITUTE CHANGES**

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<sup>2</sup> See *e.g.*, ss. 430.82 and 267.1736, F.S.