

HB 395

2010

1 A bill to be entitled
2 An act relating to the direct-support organization for the
3 Department of Military Affairs; amending s. 250.115, F.S.;
4 authorizing the direct-support organization to administer
5 the Soldiers and Airmen Assistance Program or similar
6 programs; authorizing the president of the direct-support
7 organization to appoint all members of the board of
8 directors; requiring the direct-support organization to
9 submit its annual budget and financial reports to the
10 Department of Military Affairs; creating s. 250.116, F.S.;
11 creating the Soldiers and Airmen Assistance Program;
12 authorizing the program to provide specified types of
13 assistance to certain members of the Florida National
14 Guard and their families; providing for the review of
15 requests for assistance; requiring the financial committee
16 of the board of directors of the direct-support
17 organization for the Department of Military Affairs to
18 review the financial transactions of the program
19 quarterly; authorizing the financial committee of the
20 board of directors to request additional reviews by the
21 Office of Inspector General; authorizing the Department of
22 Military Affairs to adopt rules to administer the Soldiers
23 and Airmen Assistance Program; providing an effective
24 date.

25
26 Be It Enacted by the Legislature of the State of Florida:

27
28 Section 1. Section 250.115, Florida Statutes, is amended

29 | to read:

30 | 250.115 Department of Military Affairs direct-support
31 | organization.—

32 | (1) DEFINITIONS.—As used in this section, the term:

33 | (a) "Direct-support organization" means an organization
34 | that is:

35 | 1. A Florida corporation not for profit, incorporated
36 | under chapter 617, and approved by the Department of State.

37 | 2. Organized and operated exclusively to raise funds;
38 | request and receive grants, gifts, and bequests of moneys;
39 | acquire, receive, hold, invest, and administer in its own name
40 | securities, funds, or property; administer the Soldiers and
41 | Airmen Assistance Program or similar programs as directed by the
42 | Adjutant General; and make expenditures to or for the direct or
43 | indirect benefit of the Department of Military Affairs or the
44 | Florida National Guard.

45 | 3. Determined by the Department of Military Affairs to be
46 | operating in a manner consistent with the goals of the
47 | Department of Military Affairs and the Florida National Guard
48 | and in the best interest of the state. Any organization that is
49 | denied certification by the Adjutant General may not use the
50 | name of the Florida National Guard or the Department of Military
51 | Affairs in any part of its name or its publications.

52 | (b) "Personal services" includes full-time or part-time
53 | personnel as well as payroll processing.

54 | (2) BOARD OF DIRECTORS.—The organization shall be governed
55 | by a board of directors. The Adjutant General, or his or her
56 | designee, shall appoint a president of the board. The board of

57 | ~~directors shall consist of up to 15 members appointed by the~~
58 | ~~president of the board. Up to 15 additional members may be~~
59 | ~~appointed by the president of the board of directors. The terms~~
60 | ~~of office of the members shall be 3 years. Members must be~~
61 | ~~residents of the state and highly knowledgeable about the United~~
62 | ~~States military, its service personnel, and its missions. In~~
63 | ~~making appointments, the board must consider a potential~~
64 | ~~member's background in community service. The board may remove~~
65 | ~~any member for cause and shall fill vacancies that occur.~~

66 | (3) USE OF PROPERTY.—

67 | (a) The Department of Military Affairs may permit the use
68 | of property, facilities, and personal services of the Department
69 | of Military Affairs by the direct-support organization, subject
70 | to the provisions of this section.

71 | (b) The Department of Military Affairs may prescribe by
72 | rule any condition with which a direct-support organization
73 | organized under this section must comply in order to use
74 | property, facilities, or personal services of the Department of
75 | Military Affairs.

76 | (c) The Department of Military Affairs may not permit the
77 | use of its property, facilities, or personal services by any
78 | direct-support organization organized under this section which
79 | does not provide equal employment opportunities to all persons
80 | regardless of race, color, national origin, gender, age, or
81 | religion.

82 | (4) ACTIVITIES; RESTRICTIONS.—Any transaction or agreement
83 | between the direct-support organization organized pursuant to
84 | this section and another direct-support organization or center

85 of technology innovation designated under s. 1004.77 must be
86 approved by the Department of Military Affairs.

87 (5) ANNUAL BUDGETS AND REPORTS.—The direct-support
88 organization shall submit to the Department of Military Affairs
89 its annual budget and financial reports, its federal Internal
90 Revenue Service Application for Recognition of Exemption form
91 (Form 1023), and its federal Internal Revenue Service Return of
92 Organization Exempt from Income Tax form (Form 990).

93 (6) ANNUAL AUDIT.—The direct-support organization shall
94 provide for an annual financial audit in accordance with s.
95 215.981.

96 Section 2. Section 250.116, Florida Statutes, is created
97 to read:

98 250.116 Soldiers and Airmen Assistance Program.—

99 (1) PROGRAM PURPOSE.—The purpose of the program is to
100 provide financial assistance and services to eligible
101 servicemembers of the Florida National Guard and eligible
102 members of their families. The program shall be headed by a
103 program director appointed by the direct-support organization
104 authorized under s. 250.115.

105 (2) FUNDING.—The program shall be implemented through
106 funding provided by the direct-support organization.

107 (3) AUTHORIZED ASSISTANCE.—The assistance available under
108 the program may include:

109 (a) Housing.—The program may provide housing assistance.
110 Housing assistance includes assistance with emergency repairs,
111 renovations, or replacements that are needed for a
112 servicemember's primary residential property in order to address

113 health or safety issues or meet disability needs. Housing
114 assistance also includes assistance with lease deposits,
115 mortgage payments, and rent payments.

116 (b) *Living expenses.*—The program may provide assistance
117 for living expenses that are reasonable and necessary to meet
118 basic needs for eligible members of the Florida National Guard
119 and eligible members of their families. Living expenses include
120 expenses for clothing, groceries, utility services, gasoline and
121 transportation, insurance, and child care that is necessary to
122 obtain or maintain employment.

123 (c) *Vehicles.*—The program may provide assistance for
124 repairs or short-term rentals required to maintain the primary
125 vehicle of a servicemember's family in a safe operating
126 condition. If a repair will not restore the primary vehicle to a
127 safe operating condition or if there is no vehicle, assistance
128 with the purchase of a vehicle may be provided if such a vehicle
129 is necessary.

130 (d) *Health care.*—The program may provide assistance for
131 services that are documented by a medical authority as necessary
132 for the health and welfare of the individual. Assistance is not
133 available for elective procedures or medical care that is
134 covered by insurance.

135 (e) *Other services.*—The program may provide assistance for
136 a service or expense that is not specifically enumerated in this
137 subsection if the service or expense is reasonable under the
138 circumstances.

139 (4) ELIGIBILITY.—Persons eligible for assistance from the
140 program include:

141 (a) Servicemembers who are members of the Florida National
 142 Guard who are:

143 1. On active duty serving in the Global War on Terrorism
 144 or Overseas Contingency Operation or request assistance within
 145 120 days after the termination of orders for such service and
 146 return to home of record.

147 2. Deployed by the Federal Government and participating in
 148 state operations for homeland defense or request assistance
 149 within 120 days after the termination of orders for such service
 150 and return to home of record.

151 (b)1. Beneficiaries of an eligible servicemember
 152 designated on the United States Department of Defense Form 93.

153 2. Individuals demonstrating a financial need for
 154 authorized assistance who are dependents or family members of an
 155 eligible servicemember.

156 (5) REQUESTS FOR ASSISTANCE; REVIEW; AWARDS.—

157 (a) A request for assistance shall be reviewed and
 158 processed at the local level by an official designated by the
 159 Adjutant General. A recommendation from the local level for
 160 assistance shall be forwarded to the program director of the
 161 direct-support organization for final review and approval.

162 (b) Requests for assistance shall be reviewed and
 163 evaluated based on the following criteria:

164 1. The impact of a servicemember's absence and inability
 165 to assist in home and vehicle repairs or meet other family
 166 needs;

167 2. The economic impact of deployment;

168 3. The overall financial situation of the applicant;

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169 4. The assistance authorized under the program; and

170 5. Other relevant information.

171 (6) QUARTERLY FINANCIAL REVIEW.—The financial committee of
172 the board of directors of the direct-support organization shall
173 review financial transactions of the program each quarter. The
174 financial committee may request the Office of Inspector General
175 to conduct additional reviews.

176 (7) RULES.—The Department of Military Affairs may adopt
177 rules to administer this section.

178 Section 3. This act shall take effect July 1, 2010.