

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 support the
5 processing of requests for assistance from the Soldiers
6 and Airmen Assistance Program or similar programs;
7 authorizing the president of the direct-support
8 organization to appoint all members of the board of
9 directors; requiring the direct-support organization to
10 operate pursuant to a contract with the Department of
11 Military Affairs; requiring the direct-support
12 organization to submit its annual budget and financial
13 reports to the Department of Military Affairs; creating s.
14 250.116, F.S.; creating the Soldiers and Airmen Assistance
15 Program; authorizing the program to provide specified
16 types of assistance to certain members of the Florida
17 National Guard and their families; providing for the
18 review of requests for assistance; requiring the financial
19 committee of the board of directors of the direct-support
20 organization for the Department of Military Affairs to
21 review the financial transactions of the program
22 quarterly; authorizing the financial committee of the
23 board of directors to request additional reviews by the
24 Office of Inspector General; authorizing the Department of
25 Military Affairs to adopt rules to administer the Soldiers
26 and Airmen Assistance Program; providing an effective
27 date.
28

29 Be It Enacted by the Legislature of the State of Florida:

30
 31 Section 1. Section 250.115, Florida Statutes, is amended
 32 to read:

33 250.115 Department of Military Affairs direct-support
 34 organization.—

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

36 (a) "Direct-support organization" means an organization
 37 that is:

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

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

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

56 (b) "Personal services" includes full-time or part-time

57 personnel as well as payroll processing.

58 (2) BOARD OF DIRECTORS.—The organization shall be governed
59 by a board of directors. The Adjutant General, or his or her
60 designee, shall appoint a president of the board. The board of
61 directors shall ~~consist of up to 15 members appointed by the~~
62 ~~president of the board. Up to 15 additional members may be~~
63 appointed by the president of the board of directors. The terms
64 ~~of office of the members shall be 3 years. Members must be~~
65 ~~residents of the state and highly knowledgeable about the United~~
66 ~~States military, its service personnel, and its missions. In~~
67 ~~making appointments, the board must consider a potential~~
68 ~~member's background in community service. The board may remove~~
69 ~~any member for cause and shall fill vacancies that occur.~~

70 (3) CONTRACT.—The direct-support organization shall
71 operate under a written contract with the department. The
72 written contract must provide for:

73 (a) Certification by the department that the direct-
74 support organization is complying with the terms of the contract
75 and is doing so consistent with the goals and purposes of the
76 department and in the best interests of the state. This
77 certification must be made annually and reported in the official
78 minutes of a meeting of the direct-support organization.

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

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

83 2. To the department if the direct-support organization
84 ceases to exist; or

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

86 (c) The disclosure of the material provisions of the
 87 contract and the distinction between the department and the
 88 direct-support organization to donors of gifts, contributions,
 89 or bequests, including such disclosure on all promotional and
 90 fundraising publications.

91 (4)~~(3)~~ USE OF PROPERTY.—

92 (a) The Department of Military Affairs may permit the use
 93 of property, facilities, and personal services of the Department
 94 of Military Affairs by the direct-support organization, subject
 95 to the provisions of this section.

96 (b) The Department of Military Affairs may prescribe by
 97 rule any condition with which a direct-support organization
 98 organized under this section must comply in order to use
 99 property, facilities, or personal services of the Department of
 100 Military Affairs.

101 (c) The Department of Military Affairs may not permit the
 102 use of its property, facilities, or personal services by any
 103 direct-support organization organized under this section which
 104 does not provide equal employment opportunities to all persons
 105 regardless of race, color, national origin, gender, age, or
 106 religion.

107 (5)~~(4)~~ ACTIVITIES; RESTRICTIONS.—Any transaction or
 108 agreement between the direct-support organization organized
 109 pursuant to this section and another direct-support organization
 110 or center of technology innovation designated under s. 1004.77
 111 must be approved by the Department of Military Affairs.

112 (6)~~(5)~~ ANNUAL BUDGETS AND REPORTS.—The direct-support

113 organization shall submit to the Department of Military Affairs
 114 its annual budget and financial reports, its federal Internal
 115 Revenue Service Application for Recognition of Exemption form
 116 (Form 1023), and its federal Internal Revenue Service Return of
 117 Organization Exempt from Income Tax form (Form 990).

118 ~~(7)-(6)~~ ANNUAL AUDIT.—The direct-support organization shall
 119 provide for an annual financial audit in accordance with s.
 120 215.981.

121 Section 2. Section 250.116, Florida Statutes, is created
 122 to read:

123 250.116 Soldiers and Airmen Assistance Program.—

124 (1) PROGRAM PURPOSE.—The purpose of the program is to
 125 provide financial assistance and services to eligible
 126 servicemembers of the Florida National Guard and eligible
 127 members of their families. The program shall be administered by
 128 the Department of Military Affairs. The department may be
 129 assisted in the processing of applications and the
 130 administration of the program by the direct-support organization
 131 authorized under s. 250.115.

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

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

136 (a) Housing.—The program may provide housing assistance.
 137 Housing assistance includes assistance with emergency repairs,
 138 renovations, or replacements that are needed for a
 139 servicemember's primary residential property in order to address
 140 health or safety issues or meet disability needs. Housing

141 assistance also includes assistance with lease deposits,
142 mortgage payments, and rent payments.

143 (b) Living expenses.—The program may provide assistance
144 for living expenses that are reasonable and necessary to meet
145 basic needs for eligible members of the Florida National Guard
146 and eligible members of their families. Living expenses include
147 expenses for clothing, groceries, utility services, motor
148 vehicle fuel and transportation, insurance, and child care that
149 is necessary to obtain or maintain employment.

150 (c) Vehicles.—The program may provide assistance for
151 repairs or short-term rentals required to maintain the primary
152 vehicle of a servicemember's family in a safe operating
153 condition. If a repair will not restore the primary vehicle to a
154 safe operating condition or if there is no vehicle, assistance
155 with the purchase of a vehicle may be provided if such a vehicle
156 is necessary.

157 (d) Health care.—The program may provide assistance for
158 services that are documented by a medical authority as necessary
159 for the health and welfare of the individual. Assistance is not
160 available for elective procedures or medical care that is
161 covered by insurance.

162 (e) Other services.—The program may provide assistance for
163 a service or expense that is not specifically enumerated in this
164 subsection if the service or expense is reasonable under the
165 circumstances.

166 (4) ELIGIBILITY.—Persons eligible for assistance from the
167 program include:

168 (a) Servicemembers who are members of the Florida National

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169 Guard who are:

170 1. On active duty serving in the Global War on Terrorism
171 or Overseas Contingency Operation or request assistance within
172 120 days after the termination of orders for such service and
173 return to home of record.

174 2. Deployed by the Federal Government and participating in
175 state operations for homeland defense or request assistance
176 within 120 days after the termination of orders for such service
177 and return to home of record.

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

180 2. Individuals demonstrating a financial need for
181 authorized assistance who are dependents or family members of an
182 eligible servicemember.

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

184 (a) A request for assistance shall be reviewed and
185 processed at the local level by an official designated by the
186 Adjutant General. During the initial review and processing of
187 the request, the Department of Military Affairs may accept
188 assistance from the direct-support organization. Final review
189 and approval of requests for assistance shall be made by the
190 Department of Military Affairs.

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

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

196 2. The economic impact of deployment;

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197 3. The overall financial situation of the applicant;

198 4. The assistance authorized under the program; and

199 5. Other relevant information.

200 (6) QUARTERLY FINANCIAL REVIEW.—The financial committee of
201 the board of directors of the direct-support organization shall
202 review financial transactions of the program each quarter. This
203 review shall be provided to the Department of Military Affairs
204 in order to determine whether the direct-support organization is
205 being operated in a manner that is consistent with the purposes
206 of the Soldiers and Airmen Assistance Fund, and in the best
207 interests of the department. The financial committee may request
208 the Office of Inspector General to conduct additional reviews.

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

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