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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/17/2010	.	
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The Committee on Transportation and Economic Development
Appropriations (Fasano) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

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

250.115 Department of Military Affairs direct-support
organization.—

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

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

1. A Florida corporation not for profit, incorporated under



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13 chapter 617, and approved by the Department of State.

14 2. Organized and operated exclusively to raise funds;
15 request and receive grants, gifts, and bequests of moneys;
16 acquire, receive, hold, invest, and administer in its own name
17 securities, funds, or property; support the processing of
18 requests for assistance from the Soldiers and Airmen Assistance
19 Program or similar programs, as directed by the Adjutant
20 General; and make expenditures to or for the direct or indirect
21 benefit of the Department of Military Affairs or the Florida
22 National Guard.

23 3. Determined by the Department of Military Affairs to be
24 operating in a manner consistent with the goals of the
25 Department of Military Affairs and the Florida National Guard
26 and in the best interest of the state. Any organization that is
27 denied certification by the Adjutant General may not use the
28 name of the Florida National Guard or the Department of Military
29 Affairs in any part of its name or its publications.

30 (b) "Personal services" includes full-time or part-time
31 personnel as well as payroll processing.

32 (2) BOARD OF DIRECTORS.—The organization shall be governed
33 by a board of directors. The Adjutant General, or his or her
34 designee, shall appoint a president of the board. The board of
35 directors shall ~~consist of up to 15 members appointed by the~~
36 ~~president of the board. Up to 15 additional members may be~~
37 ~~appointed by the president of the board of directors. The terms~~
38 ~~of office of the members shall be 3 years. Members must be~~
39 ~~residents of the state and highly knowledgeable about the United~~
40 ~~States military, its service personnel, and its missions. In~~
41 ~~making appointments, the board must consider a potential~~



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42 ~~member's background in community service. The board may remove~~
43 ~~any member for cause and shall fill vacancies that occur.~~

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

47 (a) Certification by the department that the direct-support
48 organization is complying with the terms of the contract and is
49 doing so consistent with the goals and purposes of the
50 department and in the best interests of the state. This
51 certification must be made annually and reported in the official
52 minutes of a meeting of the direct-support organization.

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

55 1. To the department if the direct-support organization is
56 no longer approved to operate by the department;

57 2. To the department if the direct-support organization
58 ceases to exist; or

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

60 (c) The disclosure of the material provisions of the
61 contract and the distinction between the department and the
62 direct-support organization to donors of gifts, contributions,
63 or bequests, including such disclosure on all promotional and
64 fundraising publications.

65 (4) ~~(3)~~ USE OF PROPERTY.—

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

70 (b) The Department of Military Affairs may prescribe by



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

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

81 (5)~~(4)~~ ACTIVITIES; RESTRICTIONS.—Any transaction or
82 agreement between the direct-support organization organized
83 pursuant to this section and another direct-support organization
84 or center of technology innovation designated under s. 1004.77
85 must be approved by the Department of Military Affairs.

86 (6)~~(5)~~ ANNUAL BUDGETS AND REPORTS.—The direct-support
87 organization shall submit to the Department of Military Affairs
88 its annual budget and financial reports, its federal Internal
89 Revenue Service Application for Recognition of Exemption form
90 (Form 1023), and its federal Internal Revenue Service Return of
91 Organization Exempt from Income Tax form (Form 990).

92 (7)~~(6)~~ ANNUAL AUDIT.—The direct-support organization shall
93 provide for an annual financial audit in accordance with s.
94 215.981.

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

97 250.116 Soldiers and Airmen Assistance Program.—

98 (1) PROGRAM PURPOSE.—The purpose of the program is to
99 provide financial assistance and services to eligible



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100 servicemembers of the Florida National Guard and eligible
101 members of their families. The program shall be administered by
102 the Department of Military Affairs. The department may be
103 assisted in the processing of applications and the administering
104 of the program by the direct-support organization authorized
105 under s. 250.115.

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

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

110 (a) Housing.—The program may provide housing assistance.
111 Housing assistance includes assistance with emergency repairs,
112 renovations, or replacements that are needed for a
113 servicemember's primary residential property in order to address
114 health or safety issues or meet disability needs. Housing
115 assistance also includes assistance with lease deposits,
116 mortgage payments, and rent payments.

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

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



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129 with the purchase of a vehicle may be provided if such a vehicle
130 is necessary.

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

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

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

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

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

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

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

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

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



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158 (a) A request for assistance shall be reviewed and
159 processed at the local level by an official designated by the
160 Adjutant General. During the initial review and processing of
161 the request, the Department of Military Affairs may accept
162 assistance from the direct-support organization. Final review
163 and approval of requests for assistance shall be made by the
164 Department of Military Affairs.

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

- 167 1. The impact of a servicemember's absence and inability to
168 assist in home and vehicle repairs or meet other family needs;
169 2. The economic impact of deployment;
170 3. The overall financial situation of the applicant;
171 4. The assistance authorized under the program; and
172 5. Other relevant information.

173 (6) QUARTERLY FINANCIAL REVIEW.—The financial committee of
174 the board of directors of the direct-support organization shall
175 review financial transactions of the program each quarter. This
176 review shall be provided to the Department of Military Affairs
177 in order to determine whether the direct-support organization is
178 being operated in a manner that is consistent with the purposes
179 of the Soldiers and Airmen Assistance Fund, and in the best
180 interests of the department. The financial committee may request
181 the Office of Inspector General to conduct additional reviews.

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

184 ===== T I T L E A M E N D M E N T =====

185 And the title is amended as follows:

186 Delete everything before the enacting clause



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187 and insert:

188 A bill to be entitled
189 An act relating to the direct-support
190 organization for the Department of Military Affairs;
191 amending s. 250.115, F.S.; authorizing the direct-
192 support organization to support the processing of
193 requests in the Soldiers and Airmen Assistance Program
194 or similar programs; authorizing the president of the
195 direct-support organization to appoint all members of
196 the board of directors; requiring the direct-support
197 organization to operate pursuant to a contract with
198 the Department of Military Affairs; requiring the
199 direct-support organization to submit its annual
200 budget and financial reports to the Department of
201 Military Affairs; creating s. 250.116, F.S.; creating
202 the Soldiers and Airmen Assistance Program;
203 authorizing the program to provide specified types of
204 assistance to certain members of the Florida National
205 Guard and their families; providing for the review of
206 requests for assistance; requiring the financial
207 committee of the board of directors of the direct-
208 support organization for the Department of Military
209 Affairs to review the financial transactions of the
210 program quarterly; authorizing the financial committee
211 of the board of directors to request additional
212 reviews by the Office of Inspector General;
213 authorizing the Department of Military Affairs to
214 adopt rules to administer the Soldiers and Airmen
215 Assistance Program; providing an effective date.