



590326

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/02/2010	.	
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The Committee on Governmental Oversight and Accountability  
(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) USE OF PROPERTY.—

45 (a) The Department of Military Affairs may permit the use  
46 of property, facilities, and personal services of the Department  
47 of Military Affairs by the direct-support organization, subject  
48 to the provisions of this section.

49 (b) The Department of Military Affairs may prescribe by  
50 rule any condition with which a direct-support organization  
51 organized under this section must comply in order to use  
52 property, facilities, or personal services of the Department of  
53 Military Affairs.

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

60 (4) ACTIVITIES; RESTRICTIONS.—Any transaction or agreement  
61 between the direct-support organization organized pursuant to  
62 this section and another direct-support organization or center  
63 of technology innovation designated under s. 1004.77 must be  
64 approved by the Department of Military Affairs.

65 (5) ANNUAL BUDGETS AND REPORTS.—The direct-support  
66 organization shall submit to the Department of Military Affairs  
67 its annual budget and financial reports, its federal Internal  
68 Revenue Service Application for Recognition of Exemption form  
69 (Form 1023), and its federal Internal Revenue Service Return of  
70 Organization Exempt from Income Tax form (Form 990).



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71 (6) ANNUAL AUDIT.—The direct-support organization shall  
72 provide for an annual financial audit in accordance with s.  
73 215.981.

74 Section 2. Section 250.116, Florida Statutes, is created to  
75 read:

76 250.116 Soldiers and Airmen Assistance Program.—

77 (1) PROGRAM PURPOSE.—The purpose of the program is to  
78 provide financial assistance and services to eligible  
79 servicemembers of the Florida National Guard and eligible  
80 members of their families. The program shall be administered by  
81 the Director of Financial Management for the Department of  
82 Military Affairs. The Director of Financial Management may be  
83 assisted in the processing of applications and the administering  
84 of the program by the direct-support organization authorized  
85 under s. 250.115.

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

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

90 (a) Housing.—The program may provide housing assistance.  
91 Housing assistance includes assistance with emergency repairs,  
92 renovations, or replacements that are needed for a  
93 servicemember's primary residential property in order to address  
94 health or safety issues or meet disability needs. Housing  
95 assistance also includes assistance with lease deposits,  
96 mortgage payments, and rent payments.

97 (b) Living expenses.—The program may provide assistance for  
98 living expenses that are reasonable and necessary to meet basic  
99 needs for eligible members of the Florida National Guard and



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100 eligible members of their families. Living expenses include  
101 expenses for clothing, groceries, utility services, gasoline and  
102 transportation, insurance, and child care that is necessary to  
103 obtain or maintain employment.

104 (c) Vehicles.—The program may provide assistance for  
105 repairs or short-term rentals required to maintain the primary  
106 vehicle of a servicemember's family in a safe operating  
107 condition. If a repair will not restore the primary vehicle to a  
108 safe operating condition, or if there is no vehicle, assistance  
109 with the purchase of a vehicle may be provided if such a vehicle  
110 is necessary.

111 (d) Health care.—The program may provide assistance for  
112 services that are documented by a medical authority as necessary  
113 for the health and welfare of the individual. Assistance is not  
114 available for elective procedures or medical care that is  
115 covered by insurance.

116 (e) Other services.—The program may provide assistance for  
117 a service or expense that is not specifically enumerated in this  
118 subsection if the service or expense is reasonable under the  
119 circumstances.

120 (4) ELIGIBILITY.—Persons eligible for assistance from the  
121 program include:

122 (a) Servicemembers who are members of the Florida National  
123 Guard who are:

124 1. On active duty serving in the Global War on Terrorism or  
125 Overseas Contingency Operation or who request assistance within  
126 120 days after the termination of orders for such service and  
127 return to their home of record.

128 2. Deployed by the Federal Government and participating in



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129 state operations for homeland defense or request assistance  
130 within 120 days after the termination of orders for such service  
131 and return to their home of record.

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

134 2. Individuals demonstrating a financial need for  
135 authorized assistance who are dependents or family members of an  
136 eligible servicemember.

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

138 (a) A request for assistance shall be reviewed and  
139 processed at the local level by an official designated by the  
140 Adjutant General. During the initial review and processing of  
141 the request, the Department of Military Affairs may accept  
142 assistance from the direct-support organization. Final review  
143 and approval of requests for assistance shall be made by the  
144 Director of Financial Management for the Department of Military  
145 Affairs.

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

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

150 2. The economic impact of deployment;

151 3. The overall financial situation of the applicant;

152 4. The assistance authorized under the program; and

153 5. Other relevant information.

154 (6) QUARTERLY FINANCIAL REVIEW.—The financial committee of  
155 the board of directors of the direct-support organization shall  
156 review financial transactions of the program each quarter. This  
157 review shall be provided to the Director of Financial Management



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158 in order to determine whether the direct-support organization is  
159 being operated in a manner that is consistent with the purposes  
160 of the Soldiers and Airmen Assistance Fund, and in the best  
161 interests of the Department of Military Affairs. The financial  
162 committee may request the Office of Inspector General to conduct  
163 additional reviews.

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

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

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

168 And the title is amended as follows:

169 Delete everything before the enacting clause  
170 and insert:

171 A bill to be entitled

172 An act relating to the direct-support organization for  
173 the Department of Military Affairs; amending s.

174 250.115, F.S.; authorizing the direct-support

175 organization to support the processing of requests in

176 the Soldiers and Airmen Assistance Program or similar

177 programs; authorizing the president of the direct-

178 support organization to appoint all members of the

179 board of directors; requiring the direct-support

180 organization to submit its annual budget and financial

181 reports to the Department of Military Affairs;

182 creating s. 250.116, F.S.; creating the Soldiers and

183 Airmen Assistance Program; authorizing the program to

184 provide specified types of assistance to certain

185 members of the Florida National Guard and their

186 families; providing for the review of requests for



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187 assistance; requiring the financial committee of the  
188 board of directors of the direct-support organization  
189 for the Department of Military Affairs to review the  
190 financial transactions of the program quarterly;  
191 authorizing the financial committee of the board of  
192 directors to request additional reviews by the Office  
193 of Inspector General; authorizing the Department of  
194 Military Affairs to adopt rules to administer the  
195 Soldiers and Airmen Assistance Program; providing an  
196 effective date.