

By the Committee on Governmental Oversight and Accountability;
and Senator Justice

585-02026-10

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1 A bill to be entitled

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

27
28 Be It Enacted by the Legislature of the State of Florida:
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30 Section 1. Section 250.115, Florida Statutes, is amended to
31 read:

32 250.115 Department of Military Affairs direct-support
33 organization.—

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

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

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

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

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

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

57 (2) BOARD OF DIRECTORS.—The organization shall be governed
58 by a board of directors. The Adjutant General, or his or her

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

69 (3) USE OF PROPERTY.—

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

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

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

85 (4) ACTIVITIES; RESTRICTIONS.—Any transaction or agreement
86 between the direct-support organization organized pursuant to
87 this section and another direct-support organization or center

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

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

96 (6) ANNUAL AUDIT.—The direct-support organization shall
97 provide for an annual financial audit in accordance with s.
98 215.981.

99 Section 2. Section 250.116, Florida Statutes, is created to
100 read:

101 250.116 Soldiers and Airmen Assistance Program.—

102 (1) PROGRAM PURPOSE.—The purpose of the program is to
103 provide financial assistance and services to eligible
104 servicemembers of the Florida National Guard and eligible
105 members of their families. The program shall be administered by
106 the Director of Financial Management for the Department of
107 Military Affairs. The Director of Financial Management may be
108 assisted in the processing of applications and the administering
109 of the program by the direct-support organization authorized
110 under s. 250.115.

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

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

115 (a) Housing.—The program may provide housing assistance.
116 Housing assistance includes assistance with emergency repairs,

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117 renovations, or replacements that are needed for a
118 servicemember's primary residential property in order to address
119 health or safety issues or meet disability needs. Housing
120 assistance also includes assistance with lease deposits,
121 mortgage payments, and rent payments.

122 (b) Living expenses.—The program may provide assistance for
123 living expenses that are reasonable and necessary to meet basic
124 needs for eligible members of the Florida National Guard and
125 eligible members of their families. Living expenses include
126 expenses for clothing, groceries, utility services, gasoline and
127 transportation, insurance, and child care that is necessary to
128 obtain or maintain employment.

129 (c) Vehicles.—The program may provide assistance for
130 repairs or short-term rentals required to maintain the primary
131 vehicle of a servicemember's family in a safe operating
132 condition. If a repair will not restore the primary vehicle to a
133 safe operating condition, or if there is no vehicle, assistance
134 with the purchase of a vehicle may be provided if such a vehicle
135 is necessary.

136 (d) Health care.—The program may provide assistance for
137 services that are documented by a medical authority as necessary
138 for the health and welfare of the individual. Assistance is not
139 available for elective procedures or medical care that is
140 covered by insurance.

141 (e) Other services.—The program may provide assistance for
142 a service or expense that is not specifically enumerated in this
143 subsection if the service or expense is reasonable under the
144 circumstances.

145 (4) ELIGIBILITY.—Persons eligible for assistance from the

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146 program include:

147 (a) Servicemembers who are members of the Florida National
148 Guard who are:

149 1. On active duty serving in the Global War on Terrorism or
150 Overseas Contingency Operation or who request assistance within
151 120 days after the termination of orders for such service and
152 return to their home of record.

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

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

159 2. Individuals demonstrating a financial need for
160 authorized assistance who are dependents or family members of an
161 eligible servicemember.

162 (5) REQUESTS FOR ASSISTANCE; REVIEW; AWARDS.-

163 (a) A request for assistance shall be reviewed and
164 processed at the local level by an official designated by the
165 Adjutant General. During the initial review and processing of
166 the request, the Department of Military Affairs may accept
167 assistance from the direct-support organization. Final review
168 and approval of requests for assistance shall be made by the
169 Director of Financial Management for the Department of Military
170 Affairs.

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

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

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- 175 2. The economic impact of deployment;
176 3. The overall financial situation of the applicant;
177 4. The assistance authorized under the program; and
178 5. Other relevant information.

179 (6) QUARTERLY FINANCIAL REVIEW.—The financial committee of
180 the board of directors of the direct-support organization shall
181 review financial transactions of the program each quarter. This
182 review shall be provided to the Director of Financial Management
183 in order to determine whether the direct-support organization is
184 being operated in a manner that is consistent with the purposes
185 of the Soldiers and Airmen Assistance Fund, and in the best
186 interests of the Department of Military Affairs. The financial
187 committee may request the Office of Inspector General to conduct
188 additional reviews.

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

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