

By the Committees on Transportation and Economic Development
Appropriations; and Governmental Oversight and Accountability;
and Senator Justice

606-02204-10

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

87 (c) The disclosure of the material provisions of the

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88 contract and the distinction between the department and the
89 direct-support organization to donors of gifts, contributions,
90 or bequests, including such disclosure on all promotional and
91 fundraising publications.

92 (4)~~(3)~~ USE OF PROPERTY.—

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

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

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

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

113 (6)~~(5)~~ ANNUAL BUDGETS AND REPORTS.—The direct-support
114 organization shall submit to the Department of Military Affairs
115 its annual budget and financial reports, its federal Internal
116 Revenue Service Application for Recognition of Exemption form

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117 (Form 1023), and its federal Internal Revenue Service Return of
118 Organization Exempt from Income Tax form (Form 990).

119 (7)~~(6)~~ ANNUAL AUDIT.—The direct-support organization shall
120 provide for an annual financial audit in accordance with s.
121 215.981.

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

124 250.116 Soldiers and Airmen Assistance Program.—

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

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

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

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

144 (b) Living expenses.—The program may provide assistance for
145 living expenses that are reasonable and necessary to meet basic

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146 needs for eligible members of the Florida National Guard and
147 eligible members of their families. Living expenses include
148 expenses for clothing, groceries, utility services, motor
149 vehicle fuel and transportation, insurance, and child care that
150 is necessary in order to obtain or maintain employment.

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

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

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

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

169 (a) Servicemembers who are members of the Florida National
170 Guard who are:

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

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

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

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

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

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

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

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

196 2. The economic impact of deployment;

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

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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.