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1
2 An act relating to the Department of Military Affairs
3 direct-support organization; amending s. 250.115,
4 F.S.; abrogating the scheduled repeal of provisions
5 governing a direct-support organization established
6 under the department; providing an effective date.
7

8 Be It Enacted by the Legislature of the State of Florida:
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10 Section 1. Section 250.115, Florida Statutes, is amended to
11 read:

12 250.115 Department of Military Affairs direct-support
13 organization.—

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

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

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

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

28 3. Determined by the Department of Military Affairs to be
29 operating in a manner consistent with the goals of the

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30 Department of Military Affairs and the Florida National Guard
31 and in the best interest of the state. Any organization that is
32 denied certification by the Adjutant General may not use the
33 name of the Florida National Guard or the Department of Military
34 Affairs in any part of its name or its publications.

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

37 (2) BOARD OF DIRECTORS.—The organization shall be governed
38 by a board of directors. The Adjutant General, or his or her
39 designee, shall appoint a president of the board. The board of
40 directors shall be appointed by the president of the board.

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

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

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

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

54 2. To the department if the direct-support organization
55 ceases to exist; or

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

57 (c) The disclosure of the material provisions of the
58 contract and the distinction between the department and the

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59 direct-support organization to donors of gifts, contributions,
60 or bequests, including such disclosure on all promotional and
61 fundraising publications.

62 (4) USE OF PROPERTY.—

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

67 (b) The Department of Military Affairs may prescribe by
68 rule any condition with which a direct-support organization
69 organized under this section must comply in order to use
70 property, facilities, or personal services of the Department of
71 Military Affairs.

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

78 (5) ACTIVITIES; RESTRICTIONS.—Any transaction or agreement
79 between the direct-support organization organized pursuant to
80 this section and another direct-support organization must be
81 approved by the Department of Military Affairs.

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

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88 (7) ANNUAL AUDIT.—The direct-support organization shall
89 provide for an annual financial audit in accordance with s.
90 215.981.

91 ~~(8) REPEAL. This section is repealed October 1, 2017,~~
92 ~~unless reviewed and saved from repeal by the Legislature.~~

93 Section 2. This act shall take effect July 1, 2017.