

**FOR CONSIDERATION** By the Committee on Military and Veterans Affairs, Space, and Domestic Security

583-00875A-17

20177010pb

1 A bill to be entitled

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:  
9

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  
30 Department of Military Affairs and the Florida National Guard  
31 and in the best interest of the state. Any organization that is

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

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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).

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

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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.