

Council Substitute for House Bill No. 861

An act relating to direct-support organizations; creating s. 292.055, F.S.; creating the “Sergeant First Class Paul R. Smith Memorial Act”; authorizing the Department of Veterans’ Affairs to establish a direct-support organization to assist the department; providing definitions; providing purposes, objectives, and duties of the direct-support organization; providing for a board of directors and membership requirements for the board members; requiring the direct-support organization to operate under contract with the department; delineating contract and other governance requirements; providing guidelines for the use of funds; providing for the use of property, facilities, and personal services of the department; providing restrictions; providing limits on the direct-support organization; requiring the direct-support organization to submit certain federal tax forms to the department; providing for an annual audit; amending s. 265.002, F.S.; providing for the Department of Veterans’ Affairs to replace the Florida Commission on Veterans’ Affairs in cooperating with the Department of Management Services to establish the Florida Medal of Honor Wall; amending s. 320.08058, F.S.; requiring that a certain percentage of the annual license plate fee collected from the sale of the “Florida Salutes Veterans” license plate be distributed to the direct-support organization created for the purpose of providing benefit to the Department of Veterans’ Affairs for a specified period; providing that the remaining fees be deposited in the State Homes for Veterans Trust Fund; amending s. 337.111, F.S.; providing that three members of the direct-support organization of the Department of Veterans’ Affairs participate on a committee to approve contracts to install monuments and memorials honoring Florida’s military veterans at highway rest areas around the state; repealing s. 292.04, F.S., relating to the Florida Commission on Veteran’s Affairs; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Section 292.055, Florida Statutes, is created to read:

292.055 Direct-support organization.—

(1) SHORT TITLE; DIRECT-SUPPORT ORGANIZATION ESTABLISHED.—This section may be cited as the “Sergeant First Class Paul R. Smith Memorial Act.” The Department of Veterans’ Affairs may establish a direct-support organization to provide assistance, funding, and support for the department in carrying out its mission. This section governs the creation, use, powers, and duties of the direct-support organization.

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

(a) “Department” means the Department of Veterans’ Affairs.

(b) “Direct-support organization” means an organization that is:

1. A Florida corporation not for profit, incorporated under chapter 617, exempted from filing fees, and approved by the Department of State.

2. Organized and operated exclusively to obtain funds; request and receive grants, gifts, and bequests of moneys; acquire, receive, hold, invest, and administer in its own name securities, funds, or property; and make expenditures to or for the direct or indirect benefit of the department, the veterans of this state, and congressionally chartered veteran service organizations having subdivisions that are incorporated in this state.

3. Determined by the department to be operating in a manner consistent with the goals of the department and in the best interest of the state.

(c) “Personal services” includes full-time or part-time personnel.

(3) BOARD OF DIRECTORS.—The direct-support organization shall be governed by a board of directors.

(a) The board of directors shall consist of no fewer than five members appointed by the executive director of the department. Veteran service organizations in this state may recommend nominees to the executive director of the department.

(b) The term of office of the board members shall be 3 years, except that the terms of the initial appointees shall be for 1 year, 2 years, or 3 years in order to achieve staggered terms. A member may be reappointed when his or her term expires. The executive director of the department or his or her designee shall serve as an ex officio member of the board of directors.

(c) Members must be current residents of this state. A majority of the members must be veterans, as defined in s. 1.01(14), and highly knowledgeable about the United States military, its service personnel, its veterans, and its missions. The executive director of the department may remove any member of the board for cause and with the approval of a majority of the members of the board of directors. The executive director of the department shall appoint a replacement for any vacancy that occurs.

(4) CONTRACT.—A direct-support organization shall operate under a written contract with the department. The written contract must provide for:

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

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

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

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

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

(c) The disclosure of the material provisions of the contract, and the distinction between the department and the direct-support organization, to donors of gifts, contributions, or bequests, including such disclosure on all promotional and fundraising publications.

(5) USE OF PROPERTY.—

(a) The department may permit the use of property, facilities, and personal services of the department by the direct-support organization, subject to this section.

(b) The department may prescribe by contract any condition with which the direct-support organization must comply in order to use property, facilities, or personal services of the department.

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

(6) ACTIVITIES; RESTRICTIONS.—Any transaction or agreement between the direct-support organization organized under this section and another direct-support organization or other entity must be approved by the executive director of the department.

(7) ANNUAL BUDGETS AND REPORTS.—

(a) The fiscal year of the direct-support organization shall begin on July 1 of each year and end on June 30 of the following year.

(b) The direct-support organization shall submit to the department its federal Internal Revenue Service Application for Recognition of Exemption form (Form 1023) and its federal Internal Revenue Service Return of Organization Exempt from Income Tax form (Form 990).

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

Section 2. Subsections (2) and (3) of section 265.002, Florida Statutes, are amended to read:

265.002 Legislative intent; Florida Medal of Honor Wall; duties of the Department of Veterans' Affairs.—

(2)(a) There is hereby established the Florida Medal of Honor Wall. The Department of Management Services shall, in consultation with the ~~Department of Florida Commission on~~ Veterans' Affairs, designate an appropriate area on the Plaza Level of the Capitol Building in Tallahassee for this purpose. The department shall also subsequently consult with the ~~Depart-~~

ment of Commission on Veterans' Affairs regarding the design and theme of such area.

(b) Each recipient who is accredited, or associated by birth, to the State of Florida and has been awarded the Medal of Honor shall have a plaque or similar designation approved by the Department of Florida Commission on Veterans' Affairs placed on the Medal of Honor Wall, which designation shall provide information regarding the Floridian's particular act of heroism as well as other information relating to the nature of the act.

(3) Verification of residency, dates of the receipt of the award, and other specific information pertaining to each recipient shall be the responsibility of the Florida Department of Veterans' Affairs, which shall certify eligibility for inclusion of individuals to be added to the Florida Medal of Honor Wall.

Section 3. Subsection (4) of section 320.08058, Florida Statutes, is amended to read:

320.08058 Specialty license plates.—

(4) FLORIDA SALUTES VETERANS LICENSE PLATES.—

(a) The department shall develop a Florida Salutes Veterans license plate. The words "Florida Salutes Veterans" and the flag of the United States of America must appear on the plate.

(b) The Florida Salutes Veterans license plate annual use fee shall be distributed as follows:

1. Twenty percent shall be distributed to a direct-support organization created under s. 292.055 for a period not to exceed 24 months after the date the direct-support organization is incorporated.

2. Any remaining fees must be deposited in the State Homes for Veterans Trust Fund, which is created in the State Treasury. All such moneys are to be administered by the Department of Veterans' Affairs and must be used solely for the purpose of constructing, operating, and maintaining domiciliary and nursing homes for veterans and for continuing promotion and marketing of the license plate, subject to the requirements of chapter 216.

Section 4. Subsection (1) of section 337.111, Florida Statutes, is amended to read:

337.111 Contracting for monuments and memorials to military veterans at rest areas.—The Department of Transportation is authorized to enter into contract with any not-for-profit group or organization that has been operating for not less than 2 years for the installation of monuments and memorials honoring Florida's military veterans at highway rest areas around the state pursuant to the provisions of this section.

(1) Proposals for contracts must be approved by a committee composed of the Secretary of Transportation or the secretary's designee, the executive director of the Department of Veterans' Affairs or the executive director's designee, and three members of the board of directors of the direct-support

~~organization established under s. 292.055, Florida Commission on Veterans' Affairs appointed by the executive director chair of the Department of Veterans' Affairs commission. The terms of the appointed members may shall be appointed for terms not to exceed 2 years and shall run concurrently with the members' terms on the board of directors of the direct-support organization. Appointed members may be reappointed to the committee. Appointed members' terms expire on January 31 of each even-numbered year.~~

Section 5. Section 292.04, Florida Statutes, is repealed.

Section 6. This act shall take effect July 1, 2008.

Approved by the Governor May 28, 2008.

Filed in Office Secretary of State May 28, 2008.