

CHAPTER 2010-98

Committee Substitute for Committee Substitute for Senate Bill No. 644

An act relating to the direct-support organization for the Department of Military Affairs; amending s. 250.115, F.S.; authorizing the direct-support organization to support the processing of requests from the Soldiers and Airmen Assistance Program or similar programs; authorizing the president of the direct-support organization to appoint all members of the board of directors; requiring the direct-support organization to operate pursuant to a contract with the Department of Military Affairs; requiring the direct-support organization to submit its annual budget and financial reports to the Department of Military Affairs; creating s. 250.116, F.S.; creating the Soldiers and Airmen Assistance Program; authorizing the program to provide specified types of assistance to certain members of the Florida National Guard and their families; providing for the review of requests for assistance; requiring the financial committee of the board of directors of the direct-support organization for the Department of Military Affairs to review the financial transactions of the program quarterly; authorizing the financial committee of the board of directors to request additional reviews by the Office of Inspector General; authorizing the Department of Military Affairs to adopt rules to administer the Soldiers and Airmen Assistance Program; providing an effective date.

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

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

250.115 Department of Military Affairs direct-support organization.—

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

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

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

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

3. Determined by the Department of Military Affairs to be operating in a manner consistent with the goals of the Department of Military Affairs and the Florida National Guard and in the best interest of the state. Any

organization that is denied certification by the Adjutant General may not use the name of the Florida National Guard or the Department of Military Affairs in any part of its name or its publications.

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

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

(3) CONTRACT.—The 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 by 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.

(4)(3) USE OF PROPERTY.—

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

(b) The Department of Military Affairs may prescribe by rule any condition with which a direct-support organization organized under this

section must comply in order to use property, facilities, or personal services of the Department of Military Affairs.

(c) The Department of Military Affairs 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.

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

(6)(5) **ANNUAL BUDGETS AND REPORTS.**—The direct-support organization shall submit to the Department of Military Affairs its annual budget and financial reports, 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).

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

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

250.116 Soldiers and Airmen Assistance Program.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1. The impact of a servicemember's absence and inability to assist in home and vehicle repairs or meet other family needs;
2. The economic impact of deployment;
3. The overall financial situation of the applicant;
4. The assistance authorized under the program; and
5. Other relevant information.

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

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

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

Approved by the Governor May 26, 2010.

Filed in Office Secretary of State May 26, 2010.