

1 A bill to be entitled
 2 An act relating to the Department of Veterans' Affairs
 3 direct-support organization; amending s. 292.055,
 4 F.S.; abrogating the scheduled repeal of provisions
 5 governing a direct-support organization established by
 6 the department; providing an effective date.

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

9
 10 Section 1. Section 292.055, Florida Statutes, is amended
 11 to read:

12 292.055 Direct-support organization.—

13 (1) SHORT TITLE; DIRECT-SUPPORT ORGANIZATION ESTABLISHED.—

14 This section may be cited as the "Sergeant First Class Paul R.
 15 Smith Memorial Act." The Department of Veterans' Affairs may
 16 establish a direct-support organization to provide assistance,
 17 funding, and support for the department in carrying out its
 18 mission. This section governs the creation, use, powers, and
 19 duties of the direct-support organization.

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

21 (a) "Department" means the Department of Veterans'
 22 Affairs.

23 (b) "Direct-support organization" means an organization
 24 that is:

25 1. A Florida corporation not for profit, incorporated

26 | under chapter 617, exempted from filing fees, and approved by
27 | the Department of State.

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

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

39 | (c) "Personal services" includes full-time or part-time
40 | personnel.

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

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

47 | (b) The term of office of the board members shall be 3
48 | years, except that the terms of the initial appointees shall be
49 | for 1 year, 2 years, or 3 years in order to achieve staggered
50 | terms. A member may be reappointed when his or her term expires.

51 The executive director of the department or his or her designee
52 shall serve as an ex officio member of the board of directors.

53 (c) Members must be current residents of this state. A
54 majority of the members must be veterans, as defined in s.
55 1.01(14), and highly knowledgeable about the United States
56 military, its service personnel, its veterans, and its missions.
57 The executive director of the department may remove any member
58 of the board for cause and with the approval of a majority of
59 the members of the board of directors. The executive director of
60 the department shall appoint a replacement for any vacancy that
61 occurs.

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

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

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

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

75 2. To the department if the direct-support organization

76 ceases to exist; or

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

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

83 (5) USE OF PROPERTY.—

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

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

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

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

100 (7) ANNUAL BUDGETS AND REPORTS.—

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

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

109 (8) ANNUAL AUDIT.—The direct-support organization shall
 110 provide for an annual financial audit in accordance with s.
 111 215.981.

112 (9) CONFIDENTIALITY OF DONORS.—

113 (a) Any information identifying a donor or prospective
 114 donor to the direct-support organization who desires to remain
 115 anonymous is confidential and exempt from s. 119.07(1) and s.
 116 24(a), Art. I of the State Constitution.

117 (b) Portions of meetings of the direct-support
 118 organization during which the identity of a donor or prospective
 119 donor, whose identity is confidential and exempt pursuant to
 120 paragraph (a), is discussed are exempt from s. 286.011 and s.
 121 24(b), Art. I of the State Constitution.

122 ~~(10) REPEAL.—This section is repealed October 1, 2017,~~
 123 ~~unless reviewed and saved from repeal by the Legislature.~~

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