

MEMORANDUM OF AGREEMENT

between the

FLORIDA DIVISION OF EMERGENCY MANAGEMENT

and the

FLORIDA EMERGENCY MANAGEMENT ASSISTANCE FOUNDATION, INC.

The purpose of this Memorandum of Agreement (MOA) is to set forth the terms and conditions associated with the implementation of section 252.71, Florida Statutes. This statute addresses the establishment and operation of the Florida Emergency Management Assistance Foundation (FEMAF) as a direct support organization for the Florida Division of Emergency Management (Division).

The mission of the Division is to maintain a comprehensive statewide program of emergency management. The Division is responsible for coordinating the federal government's efforts with the efforts of other state government departments and agencies, as well as county and municipal governments, school boards, and private agencies that have a role in emergency management.

The mission of FEMAF is to obtain funds; request and receive grants, gifts, and bequests of moneys or other items; 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 Division, political subdivisions within the State of Florida, and individuals adversely impacted by a natural emergency occurring within the State of Florida.

FEMAF Responsibilities

1. Support the programs, personnel, and services of the Division through raising and managing external resources such as grants, contributions, community partnerships, and the variety of above-mentioned financial activities that directly or indirectly benefit the Division, political subdivisions within the State of Florida, and individuals adversely impacted by natural emergencies occurring within the State of Florida.
2. Maintain status as a not-for-profit corporation incorporated under the provisions of chapter 617, Florida Statutes, and approved by the Florida Department of State.
3. Provide equal employment opportunities to all persons regardless of race, color, national origin, gender, age, or religion.
4. Operate in accordance with sections 252.71(5)-(7), Florida Statutes, including: submitting budget reports and other documentation as outlined in the Statute, and conducting audits pursuant to section 215.981, Florida Statutes.
5. Work collaboratively with Division leadership in the following areas:
 - a. Disaster response and long-term recovery needs including expenditures aimed at supporting critical functions of ESF 15 partners on a limited, as-needed basis.

- b. Recovery needs including home repair or rebuilding, replacement of household items, staffing, volunteer support, and office supplies.
- c. Short- and long-term recovery needs that are not met by other local, state, federal, and nonprofit funding sources.

Division Responsibilities

1. Appoint members of the Board of Directors that include representation from business, industry, and other components of Florida's economy.
2. Authorize use of Division property, facilities, and personnel services as determined annually by the Division Executive Director to be necessary for FEMAF operations, and in accordance with section 252.71(5), Florida Statutes. This includes technology and communications resources.
3. Provide leadership to FEMAF through collaboration with the Board of Directors and FEMAF staff.

Additional Provisions

In accordance with section 252.71(4), Florida Statutes, the Division and FEMAF agree as follows:

1. The FEMAF Articles of Incorporation and Bylaws are hereby approved by the Division Executive Director and shall be filed by Division staff with the Department of State as necessary.
2. The Division shall certify that FEMAF is complying with this MOA's terms and is doing so consistent with the goals and purposes of the Division and in the best interests of the State. This certification shall occur annually and must be reported in the official minutes of a FEMAF meeting.
3. Moneys and property held by FEMAF shall revert to the Division if FEMAF is no longer approved to operate by the Division, fails to maintain tax-exempt status pursuant to section 501(c)(3) of the Internal Revenue Code, or ceases to exist. Such moneys and property shall revert to the State if the Division ceases to exist.
4. There shall be prominent disclosure of the distinction between FEMAF and the Division to donors and in all promotional and fundraising activities.
5. FEMAF's annual operating budget must be approved by its Board of Directors.
6. FEMAF shall adopt and maintain an ethics code, as required by section 112.3251, Florida Statutes.

Amendments and Termination

This MOA may be amended as needed by mutual agreement of the parties in a written modification signed by both parties. The MOA will remain in effect so long as there continues to be statutory authority for FEMAF operations as a direct support organization and as long as FEMAF continues to meet the obligations specified in its governing statute and this MOA.

Effective Date and Signatures

This MOA shall take effect upon the date of the last party to sign below. The parties indicate agreement with this MOA by their signatures below.

For the Florida Division of Emergency Management


Kevin Guthrie, Executive Director

Date

**For the Florida Emergency Management
Assistance Foundation**



Brian Mimbs, Chairman of the Board



Date