

By the Committees on Appropriations; and Education; and Senators Bean and Montford

576-04157-17

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1 A bill to be entitled
 2 An act relating to the Florida Endowment for
 3 Vocational Rehabilitation; amending s. 413.615, F.S.;
 4 requiring the Florida Endowment Foundation for
 5 Vocational Rehabilitation to maintain separate
 6 accounts for certain funds received from state sources
 7 and public or private sources; establishing
 8 restrictions regarding administrative costs of the
 9 foundation; requiring the foundation to publish
 10 specified information on its website; requiring that
 11 funds allocated for research, advertising, or
 12 consulting be subject to a competitive solicitation
 13 process; prohibiting use of state funds to fund
 14 certain events; extending the date for future review
 15 and repeal of provisions governing the Florida
 16 Endowment for Vocational Rehabilitation; providing an
 17 effective date.

18
 19 Be It Enacted by the Legislature of the State of Florida:

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 21 Section 1. Section 413.615, Florida Statutes, is amended to
 22 read:

23 413.615 Florida Endowment for Vocational Rehabilitation.—

24 (1) SHORT TITLE.—This section may be cited as the “Florida
 25 Endowment for Vocational Rehabilitation Act.”

26 (2) DEFINITIONS.—For the purposes of this section:

27 (a) “Board” means the board of directors of the Florida
 28 Endowment Foundation for Vocational Rehabilitation.

29 (b) “Endowment fund” means an account established within

576-04157-17

2017890c2

30 the Florida Endowment Foundation for Vocational Rehabilitation
31 to provide a continuing and growing source of revenue for
32 vocational rehabilitation efforts.

33 (c) "Foundation" means the Florida Endowment Foundation for
34 Vocational Rehabilitation.

35 (d) "Operating account" means an account established under
36 paragraph (4)(d) to carry out the purposes provided in
37 subsection (10).

38 (3) LEGISLATIVE INTENT.—The Legislature recognizes that it
39 is in the best interest of the citizens of this state that
40 citizens with disabilities be afforded a fair opportunity to
41 become self-supporting, productive members of society. However,
42 there is a critical need for significant additional funding to
43 achieve this goal. Accordingly, the Legislature further finds
44 and declares that:

45 (a) With skilled evaluation procedures and proper
46 rehabilitative treatment, plus employment, training, and
47 supportive services consistent with the needs of the individual,
48 persons who are disabled can assume the activities of daily
49 living and join their communities with dignity and independence.

50 (b) The purpose of this section is to broaden the
51 participation and funding potential for further significant
52 support for the rehabilitation of Florida citizens who are
53 disabled.

54 (c) It is appropriate to encourage individual and corporate
55 support and involvement, as well as state support and
56 involvement, to promote employment opportunities for disabled
57 citizens.

58 (4) REVENUE FOR THE ENDOWMENT FUND.—

576-04157-17

2017890c2

59 (a) The endowment fund of the Florida Endowment for
60 Vocational Rehabilitation is created as a long-term, stable, and
61 growing source of revenue to be administered, in accordance with
62 rules promulgated by the division, by the foundation as a
63 direct-support organization of the division.

64 (b) The principal of the endowment fund shall derive from
65 the deposits made pursuant to s. 318.21(2)(e), together with any
66 legislative appropriations which may be made to the endowment,
67 and such bequests, gifts, grants, and donations as may be
68 solicited for such purpose by the foundation from public or
69 private sources.

70 (c) All funds remitted to the Department of Revenue
71 pursuant to s. 318.21(2)(e) and (5) shall be transmitted monthly
72 to the foundation for use as provided in subsection (10). All
73 remaining liquid balances of funds held for investment and
74 reinvestment by the State Board of Administration for the
75 endowment fund on the effective date of this act shall be
76 transmitted to the foundation within 60 days for use as provided
77 in subsection (10).

78 (d) The board of directors of the foundation shall
79 establish the operating account and shall deposit therein the
80 moneys transmitted pursuant to paragraph (c). Moneys in the
81 operating account shall be available to carry out the purposes
82 of subsection (10).

83 (e) Funds received from state sources shall be accounted
84 for separately from bequests, gifts, grants, and donations that
85 may be solicited for such purposes by the foundation from public
86 or private sources. Earnings on funds received from state
87 sources and funds received from public or private sources shall

576-04157-17

2017890c2

88 be accounted for separately.

89 (5) THE FLORIDA ENDOWMENT FOUNDATION FOR VOCATIONAL
90 REHABILITATION.—The Florida Endowment Foundation for Vocational
91 Rehabilitation is hereby created as a direct-support
92 organization of the Division of Vocational Rehabilitation, to
93 encourage public and private support to enhance vocational
94 rehabilitation and employment of citizens who are disabled. As a
95 direct-support organization, the foundation shall operate under
96 contract with the division and shall:

97 (a) Be a Florida corporation not for profit incorporated
98 under the provisions of chapter 617 and approved by the
99 Department of State.

100 (b) Be organized and operated exclusively to raise funds;
101 to submit requests and receive grants from the Federal
102 Government, the state, private foundations, and individuals; to
103 receive, hold, and administer property; and to make expenditures
104 to or for the benefit of the rehabilitation programs approved by
105 the board of directors of the foundation.

106 (c) Be approved by the division to be operating for the
107 benefit and best interest of the state.

108 (6) DIRECT-SUPPORT ORGANIZATION CONTRACT.—The contract
109 between the foundation and the division shall provide for:

110 (a) Approval of the articles of incorporation of the
111 foundation by the division.

112 (b) Governance of the foundation by a board of directors
113 appointed by the Governor.

114 (c) Submission of an annual budget of the foundation for
115 approval by the division.

116 (d) Certification by the division, after an annual

576-04157-17

2017890c2

117 financial and performance review, that the foundation is
118 operating in compliance with the terms of the contract and the
119 rules of the division, and in a manner consistent with the goals
120 of the Legislature in providing assistance to disabled citizens.

121 (e) The release and conditions of the expenditure of any
122 state revenues.

123 (f) The reversion to the state of moneys in the foundation
124 and in any other funds and accounts held in trust by the
125 foundation if the contract is terminated.

126 (g) The fiscal year of the foundation, to begin on July 1
127 and end on June 30 of each year.

128 (7) CONFIDENTIALITY.—

129 (a) The identity of a donor or prospective donor to the
130 Florida Endowment Foundation for Vocational Rehabilitation who
131 desires to remain anonymous and all information identifying such
132 donor or prospective donor are confidential and exempt from the
133 provisions of s. 119.07(1) and s. 24(a), Art. I of the State
134 Constitution. Portions of meetings of the Florida Endowment
135 Foundation for Vocational Rehabilitation during which the
136 identity of donors or prospective donors is discussed are exempt
137 from the provisions of s. 286.011 and s. 24(b), Art. I of the
138 State Constitution.

139 (b) Records relating to clients of or applicants to the
140 Division of Vocational Rehabilitation that come into the
141 possession of the foundation and that are confidential by other
142 provisions of law are confidential and exempt from the
143 provisions of s. 119.07(1) and s. 24(a), Art. I of the State
144 Constitution, and may not be released by the foundation.
145 Portions of meetings of the Florida Endowment Foundation for

576-04157-17

2017890c2

146 Vocational Rehabilitation during which the identities of such
147 clients of or applicants to the Division of Vocational
148 Rehabilitation are discussed are exempt from the provisions of
149 s. 286.011 and s. 24(b), Art. I of the State Constitution.

150 (8) BOARD OF DIRECTORS.—The foundation shall be
151 administered by a board of directors, as follows:

152 (a) *Membership*.—The board of directors shall consist of
153 nine members who have an interest in service to persons with
154 disabilities and who:

155 1. Have skills in foundation work or other fundraising
156 activities, financial consulting, or investment banking or other
157 related experience; or

158 2. Have experience in policymaking or management-level
159 positions or have otherwise distinguished themselves in the
160 field of business, industry, or rehabilitation.

161
162 Disabled individuals who meet the above criteria shall be given
163 special consideration for appointment.

164 (b) *Appointment*.—The board members shall be appointed by
165 the Governor.

166 (c) *Terms*.—Board members shall serve for 3-year terms or
167 until resignation or removal for cause.

168 (d) *Filling of vacancies*.—In the event of a vacancy on the
169 board caused by other than the expiration of a term, a new
170 member shall be appointed.

171 (e) *Removal for cause*.—Each member is accountable to the
172 Governor for the proper performance of the duties of office. The
173 Governor may remove any member from office for malfeasance,
174 misfeasance, neglect of duty, incompetence, or permanent

576-04157-17

2017890c2

175 inability to perform official duties or for pleading nolo
176 contendere to, or being found guilty of, a crime.

177 (9) ORGANIZATION, POWERS, AND DUTIES.—Within the limits
178 prescribed in this section or by rule of the division:

179 (a) Upon appointment, the board shall meet and organize.
180 Thereafter, the board shall hold such meetings as are necessary
181 to implement the provisions of this section and shall conduct
182 its business in accordance with rules promulgated by the
183 division.

184 (b) The board may solicit and receive bequests, gifts,
185 grants, donations, goods, and services. Where gifts are
186 restricted as to purpose, they may be used only for the purpose
187 or purposes stated by the donor. The board may transmit monetary
188 gifts to the State Board of Administration for deposit in the
189 endowment fund principal.

190 (c) The board may enter into contracts with the Federal
191 Government, state or local agencies, private entities, or
192 individuals to carry out the purposes of this section.

193 (d) The board may identify, initiate, and fund new and
194 creative programs to carry out the purposes of this section,
195 utilizing existing organizations, associations, and agencies to
196 carry out such rehabilitation programs and purposes wherever
197 possible.

198 (e) The board may make gifts or grants:

199 1. To the State of Florida or any political subdivision
200 thereof, or any public agency of state or local government.

201 2. To a corporation, trust, association, or foundation
202 organized and operated exclusively for charitable, educational,
203 or scientific purposes.

576-04157-17

2017890c2

204 3. To any citizen who has a documented disability.

205 4. To the division for purposes of program recognition and
206 marketing, public relations and education, professional
207 development, and technical assistance and workshops for grant
208 applicants and recipients, the business community, and
209 individuals with disabilities or recognized groups organized on
210 their behalf.

211 (f) The board may advertise and solicit applications for
212 funding and shall evaluate applications and program proposals
213 submitted thereto. Funding shall be awarded only where the
214 evaluation is positive and the proposal meets both the
215 guidelines for use established in subsection (10) and such
216 evaluation criteria as the division may prescribe by rule.

217 (g) The board shall monitor, review, and annually evaluate
218 funded programs to determine whether funding should be
219 continued, terminated, reduced, or increased.

220 (h) The board shall establish an operating account as
221 provided in paragraph (4) (d).

222 (i) The board may take such additional actions, including
223 the hiring of necessary staff, as are deemed necessary and
224 appropriate to administer this section, subject to rules of the
225 division.

226 (j) Administrative costs shall be kept to the minimum
227 necessary for the efficient and effective administration of the
228 foundation and are limited to 15 percent of total estimated
229 expenditures in any calendar year. Administrative costs include
230 nonprogram costs, officer salaries, audits, salaries or other
231 costs for nonofficers or contractors providing services that are
232 not considered program costs, and costs for promoting the

576-04157-17

2017890c2

233 purposes of the foundation, and other allowable administrative
234 costs. Administrative costs may not be paid from funds received
235 directly from the state.

236 (k) The foundation shall publish on its website:

237 1. The annual audit required by subsection (11) and the
238 annual report required by subsection (12).

239 2. For each position filled by an officer or employee, the
240 position's compensation level.

241 3. A copy of each contract into which the foundation
242 enters.

243 4. Information on each program, gift, or grant funded by
244 the foundation, including:

245 a. Projected economic benefits at the time of the initial
246 award date.

247 b. Information describing the program, gift, or grant
248 funded.

249 c. The geographic area impacted.

250 d. Any matching, in-kind support or other support.

251 e. The expected duration.

252 f. Evaluation criteria.

253 5. The foundation's contract with the division required by
254 subsection (6).

255 (10) DISTRIBUTION OF MONEYS.—The board shall use the moneys
256 in the operating account, by whatever means, to provide for:

257 (a) Planning, research, and policy development for issues
258 related to the employment and training of disabled citizens, and
259 publication and dissemination of such information as may serve
260 the objectives of this section.

261 (b) Promotion of initiatives for disabled citizens.

576-04157-17

2017890c2

262 (c) Funding of programs which engage in, contract for,
263 foster, finance, or aid in job training and counseling for
264 disabled citizens or research, education, demonstration, or
265 other activities related thereto.

266 (d) Funding of programs which engage in, contract for,
267 foster, finance, or aid in activities designed to advance better
268 public understanding and appreciation of the field of vocational
269 rehabilitation.

270 (e) Funding of programs, property, or facilities which aid,
271 strengthen, and extend in any proper and useful manner the
272 objectives, work, services, and physical facilities of the
273 division, in accordance with the purposes of this section.

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275 Any allocation of funds for research, advertising, or consulting
276 shall be subject to a competitive solicitation process. State
277 funds may not be used to fund events for private sector donors
278 or potential donors or to honor supporters.

279 (11) ANNUAL AUDIT.—The board shall provide for an annual
280 financial audit of the foundation in accordance with s. 215.981.
281 The identities of donors and prospective donors who desire to
282 remain anonymous shall be protected, and that anonymity shall be
283 maintained in the auditor's report.

284 (12) ANNUAL REPORT.—The board shall issue a report to the
285 Governor, the President of the Senate, the Speaker of the House
286 of Representatives, and the Commissioner of Education by
287 February 1 each year, summarizing the performance of the
288 endowment fund for the previous fiscal year, summarizing the
289 foundation's fundraising activities and performance, and
290 detailing those activities and programs supported by the

576-04157-17

2017890c2

291 endowment principal or earnings on the endowment principal or by
292 bequests, gifts, grants, donations, and other valued goods and
293 services received.

294 (13) RULES.—The division shall promulgate rules for the
295 implementation of this section.

296 (14) REPEAL.—This section is repealed October 1, 2022 ~~2017~~,
297 unless reviewed and saved from repeal by the Legislature.

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