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602-03790-17

Proposed Committee Substitute by Appropriations Subcommittee on  
Pre-K - 12 Education

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:

20  
21       Section 1. Section 1. Section 413.615, Florida Statutes,  
22 is amended to 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



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28 Endowment Foundation for Vocational Rehabilitation.

29 (b) "Endowment fund" means an account established within  
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



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57 citizens.

58 (4) REVENUE FOR THE ENDOWMENT FUND.—

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



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86 or private sources. Earnings on funds received from state  
87 sources and funds received from public or private sources shall  
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



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115 approval by the division.

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



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144 Constitution, and may not be released by the foundation.  
145 Portions of meetings of the Florida Endowment Foundation for  
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



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173 Governor may remove any member from office for malfeasance,  
174 misfeasance, neglect of duty, incompetence, or permanent  
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



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202 organized and operated exclusively for charitable, educational,  
203 or scientific purposes.

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





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231 costs for nonofficers or constructors providing services that  
232 are not considered program costs, and costs for promoting the  
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



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260 the objectives of this section.

261 (b) Promotion of initiatives for disabled citizens.

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.

274

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



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289 foundation's fundraising activities and performance, and  
290 detailing those activities and programs supported by the  
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.