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LEGISLATIVE ACTION

Senate

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House

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Floor: WD/2R

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04/26/2017 10:15 AM

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Senator Bean moved the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Paragraph (e) of subsection (2) and subsection
(5) of section 318.21, Florida Statutes, are amended to read:

318.21 Disposition of civil penalties by county courts.—All
civil penalties received by a county court pursuant to the
provisions of this chapter shall be distributed and paid monthly
as follows:

(2) Of the remainder:



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12 (e) Two percent shall be remitted to the Department of
13 Revenue for deposit in the Grants and Donations Trust Fund of
14 the Division of ~~and transmitted monthly to the Florida Endowment~~
15 ~~Foundation for Vocational Rehabilitation of the Department of~~
16 Education as provided in s. 413.615.

17 (5) Of the additional fine assessed under s. 318.18(3)(f)
18 for a violation of s. 316.1303(1), 60 percent must be remitted
19 to the Department of Revenue for deposit in the Grants and
20 Donations Trust Fund of the Division of ~~and transmitted monthly~~
21 ~~to the Florida Endowment Foundation for Vocational~~
22 Rehabilitation of the Department of Education, and 40 percent
23 must be distributed pursuant to subsections (1) and (2).

24 Section 2. Subsection (4) of section 320.08068, Florida
25 Statutes, is amended to read:

26 320.08068 Motorcycle specialty license plates.—

27 (4) A license plate annual use fee of \$20 shall be
28 collected for each motorcycle specialty license plate. Annual
29 use fees shall be distributed ~~to The Able Trust as custodial~~
30 ~~agent. The Able Trust may retain a maximum of 10 percent of the~~
31 ~~proceeds from the sale of the license plate for administrative~~
32 ~~costs. The Able Trust shall distribute the remaining funds as~~
33 follows:

34 (a) Twenty percent to the Brain and Spinal Cord Injury
35 Program Trust Fund.

36 (b) Twenty percent to Prevent Blindness Florida.

37 (c) Twenty percent to the Blind Services Foundation of
38 Florida.

39 (d) Twenty percent to the Florida Association of Centers
40 for Independent Living ~~Endowment Foundation for Vocational~~



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41 ~~Rehabilitation~~ to support the James Patrick Memorial Work
42 Incentive Personal Attendant Services and Employment Assistance
43 Program pursuant to s. 413.402.

44 (e) Twenty percent to the Florida Association of Centers
45 for Independent Living.

46 Section 3. Paragraph (c) of subsection (4) of section
47 320.0848, Florida Statutes, is amended to read:

48 320.0848 Persons who have disabilities; issuance of
49 disabled parking permits; temporary permits; permits for certain
50 providers of transportation services to persons who have
51 disabilities.-

52 (4) From the proceeds of the temporary disabled parking
53 permit fees:

54 (c) The remainder must be distributed monthly as follows:

55 1. To be deposited in the Grants and Donations Trust Fund
56 of the Division of the Florida Endowment Foundation for
57 Vocational Rehabilitation of the Department of Education, ~~known~~
58 ~~as "The Able Trust,"~~ for the purpose of improving employment and
59 training opportunities for persons who have disabilities, with
60 special emphasis on removing transportation barriers, \$4. ~~These~~
61 ~~fees must be directly deposited into the Florida Endowment~~
62 ~~Foundation for Vocational Rehabilitation as established in s.~~
63 ~~413.615.~~

64 2. To be deposited in the Transportation Disadvantaged
65 Trust Fund to be used for funding matching grants to counties
66 for the purpose of improving transportation of persons who have
67 disabilities, \$5.

68 Section 4. Section 413.402, Florida Statutes, is amended to
69 read:



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70 413.402 James Patrick Memorial Work Incentive Personal
71 Attendant Services and Employment Assistance Program.—The
72 ~~Florida Endowment Foundation for Vocational Rehabilitation shall~~
73 ~~maintain an agreement with the~~ Florida Association of Centers
74 for Independent Living shall ~~to~~ administer the James Patrick
75 Memorial Work Incentive Personal Attendant Services and
76 Employment Assistance Program ~~and shall remit sufficient funds~~
77 ~~monthly to meet the requirements of subsection (5).~~

78 (1) As used in this section, the term “competitive and
79 integrated employment” means employment in the public or private
80 sector in which the employee earns comparable wages and
81 benefits, commensurate with his or her qualifications and
82 experience, and works in comparable conditions to those
83 experienced by the general workforce in that industry or
84 profession.

85 (2) The program shall provide personal care attendants and
86 other support and services necessary to enable persons eligible
87 under subsection (3) who have significant and chronic
88 disabilities to obtain or maintain competitive and integrated
89 employment, including self-employment.

90 (3) In order to be eligible to participate in the program,
91 a person must:

92 (a) Be at least 18 years of age, be a legal resident of
93 this state, and be significantly and chronically disabled.

94 (b) As determined by a physician, psychologist, or
95 psychiatrist, require a personal care attendant for assistance
96 with or support for at least two activities of daily living as
97 defined in s. 429.02.

98 (c) Require a personal care attendant and, as needed, other



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99 support and services to accept an offer of employment and
100 commence working or to maintain competitive and integrated
101 employment.

102 (d) Be able to acquire and direct the support and services
103 provided pursuant to this section, including the services of a
104 personal care attendant.

105 (4) (a) The Florida Association of Centers for Independent
106 Living shall provide program participants with appropriate
107 training on the hiring and management of a personal care
108 attendant and on other self-advocacy skills needed to
109 effectively access and manage the support and services provided
110 under this section.

111 (b) In cooperation with the oversight council created in
112 subsection (6), the Florida Association of Centers for
113 Independent Living shall adopt and, as necessary, revise the
114 policies and procedures governing the operation of the program
115 and the training required in paragraph (a). The oversight
116 council shall recommend the maximum monthly reimbursement
117 provided to program participants. The association shall provide
118 technical assistance to program participants and administrative
119 support services to the program and implement appropriate
120 internal financial controls to ensure program integrity.

121 (5) The James Patrick Memorial Work Incentive Personal
122 Attendant Services and Employment Assistance Program shall
123 reimburse the Florida Association of Centers for Independent
124 Living monthly for payments made to program participants and for
125 costs associated with program administration and oversight in
126 accordance with the annual operating budget approved by the
127 board of directors of the association, taking into consideration



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128 recommendations made by the oversight council created under
129 subsection (6). The annual operating budget for costs associated
130 with activities of the association for program operation,
131 administration, and oversight may not exceed 10 ~~12~~ percent of
132 the funds provided ~~deposited with the Florida Endowment~~
133 ~~Foundation for Vocational Rehabilitation~~ pursuant to ss.
134 320.08068(4) (d) and 413.4021(1) for the previous fiscal year or
135 the budget approved for the previous fiscal year, whichever
136 amount is greater.

137 (6) The James Patrick Memorial Work Incentive Personal
138 Attendant Services and Employment Assistance Program Oversight
139 Council is created adjunct to the Department of Education for
140 the purpose of providing program recommendations, recommending
141 the maximum monthly reimbursement available to program
142 participants, advising the Florida Association of Centers for
143 Independent Living on policies and procedures, and recommending
144 the program's annual operating budget for activities of the
145 association associated with operations, administration, and
146 oversight. The oversight council shall also advise on and
147 recommend the schedule of eligible services for which program
148 participants may be reimbursed subject to the requirements and
149 limitations of paragraph (3) (c) which, at a minimum, must
150 include personal care attendant services. The oversight council
151 shall advise and make its recommendations under this section to
152 the board of directors of the association. The oversight council
153 is not subject to the control of or direction by the department,
154 and the department is not responsible for providing staff
155 support or paying any expenses incurred by the oversight council
156 in the performance of its duties.



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- 157 (a) The oversight council consists of the following
158 members:
- 159 1. The director of the division or his or her designee;
 - 160 2. A human resources professional or an individual who has
161 significant experience managing and operating a business based
162 in this state, recommended by the Florida Chamber of Commerce
163 and appointed by the Governor;
 - 164 3. A financial management professional, appointed by the
165 Governor;
 - 166 4. A program participant, appointed by the Secretary of
167 Health or his or her designee;
 - 168 5. The director of the advisory council on brain and spinal
169 cord injuries or his or her designee;
 - 170 6. The director of the Florida Endowment Foundation for
171 Vocational Rehabilitation or his or her designee; and
 - 172 7. The director of the Florida Association of Centers for
173 Independent Living or his or her designee.

174 (b) The appointed members shall serve for a term concurrent
175 with the term of the official who made the appointment and shall
176 serve at the pleasure of such official.

177 (c) By February 1 of each year, the oversight council shall
178 submit a report to the Governor, the President of the Senate,
179 the Speaker of the House of Representatives, and the
180 Commissioner of Education which summarizes the performance of
181 the program.

182 Section 5. Subsections (1) and (2) of section 413.4021,
183 Florida Statutes, are amended to read:

184 413.4021 Program participant selection; tax collection
185 enforcement diversion program.—The Department of Revenue, in



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186 coordination with the Florida Association of Centers for
187 Independent Living and the Florida Prosecuting Attorneys
188 Association, shall select judicial circuits in which to operate
189 the program. The association and the state attorneys' offices
190 shall develop and implement a tax collection enforcement
191 diversion program, which shall collect revenue due from persons
192 who have not remitted their collected sales tax. The criteria
193 for referral to the tax collection enforcement diversion program
194 shall be determined cooperatively between the state attorneys'
195 offices and the Department of Revenue.

196 (1) Notwithstanding s. 212.20, 50 percent of the revenues
197 collected from the tax collection enforcement diversion program
198 shall be deposited into the special reserve account of the
199 Florida Association of Centers for Independent Living Endowment
200 ~~Foundation for Vocational Rehabilitation~~, to be used to
201 administer the James Patrick Memorial Work Incentive Personal
202 Attendant Services and Employment Assistance Program and to
203 contract with the state attorneys participating in the tax
204 collection enforcement diversion program in an amount of not
205 more than \$75,000 for each state attorney.

206 (2) The program shall operate only from funds deposited
207 into the operating account of the Florida Association of Centers
208 for Independent Living Endowment ~~Foundation for Vocational~~
209 ~~Rehabilitation~~.

210 Section 6. Subsections (4), (6), (10), (12), and (14) of
211 section 413.615, Florida Statutes, are amended, and paragraphs
212 (j) and (k) are added to subsection (9) of that section, to
213 read:

214 413.615 Florida Endowment for Vocational Rehabilitation.—



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215 (4) REVENUE FOR THE ENDOWMENT FUND.—

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

221 (b) The principal of the endowment fund shall derive from
222 ~~the deposits made pursuant to s. 318.21(2)(c), together with any~~
223 legislative appropriations which may be made to the endowment,
224 and such bequests, gifts, grants, and donations as may be
225 solicited for such purpose by the foundation from public or
226 private sources.

227 (c) ~~All funds remitted to the Department of Revenue~~
228 ~~pursuant to s. 318.21(2)(c) and (5) shall be transmitted monthly~~
229 ~~to the foundation for use as provided in subsection (10).~~ All
230 remaining liquid balances of funds held for investment and
231 reinvestment by the State Board of Administration for the
232 endowment fund on the effective date of this act shall be
233 transmitted to the foundation within 60 days for use as provided
234 in subsection (10).

235 (d) The board of directors of the foundation shall
236 establish the operating account and shall deposit therein the
237 moneys transmitted pursuant to paragraph (c). Moneys in the
238 operating account shall be available to carry out the purposes
239 of subsection (10).

240 (e) Funds received from state sources shall be accounted
241 for separately from bequests, gifts, grants, and donations which
242 may be solicited for such purposes by the foundation from public
243 or private sources. Earnings on funds received from state



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244 sources and funds received from public or private sources shall
245 be accounted for separately.

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

248 (a) Approval of the articles of incorporation of the
249 foundation by the division.

250 (b) Governance of the foundation by a board of directors
251 appointed by the Governor.

252 (c) Submission of an annual budget of the foundation for
253 approval by the division. The division may not approve an annual
254 budget that does not comply with paragraph (9) (j).

255 (d) Certification by the division, after an annual
256 financial and performance review, that the foundation is
257 operating in compliance with the terms of the contract and the
258 rules of the division, and in a manner consistent with the goals
259 of the Legislature in providing assistance to disabled citizens.

260 (e) The release and conditions of the expenditure of any
261 state revenues.

262 (f) The orderly cessation of operations and reversion to
263 the state of moneys in the foundation and in any other funds and
264 accounts held in trust by the foundation if the contract is
265 terminated, the foundation is dissolved, or this section is
266 repealed.

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

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

271 (j) Administrative costs shall be kept to the minimum
272 amount necessary for the efficient and effective administration



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273 of the foundation and are limited to 15 percent of total
274 estimated expenditures in any calendar year. Administrative
275 costs include payment of travel and per diem expenses of board
276 members, officer salaries, chief executive officer program
277 management, audits, salaries or other costs for nonofficers and
278 contractors providing services that are not directly related to
279 the mission of the foundation as described in subsection (5),
280 costs of promoting the purposes of the foundation, and other
281 allowable costs. Administrative costs may be paid from the
282 following sources:

283 1. Interest and earnings on the endowment principal for the
284 2017-2018 fiscal year.

285 2. Private sources and up to 75 percent of interest and
286 earnings on the endowment principal for the 2018-2019 fiscal
287 year.

288 3. Private sources and up to 50 percent of interest and
289 earnings on the endowment principal for the 2019-2020 fiscal
290 year.

291 4. Private sources and up to 25 percent of interest and
292 earnings on the endowment principal for the 2020-2021 fiscal
293 year.

294 5. Solely private sources for the 2021-2022 fiscal year and
295 thereafter.

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

297 1. The annual audit required by subsection (11) and the
298 annual report required by subsection (12).

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

301 3. A copy of each contract into which the foundation



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302 enters.
303 4. Information on each program, gift, or grant funded by
304 the foundation, including:
305 a. Projected economic benefits at the time of the initial
306 award date.
307 b. Information describing the program, gift, or grant
308 funded.
309 c. The geographic area impacted.
310 d. Any matching, in-kind support or other support.
311 e. The expected duration.
312 f. Evaluation criteria.
313 5. The foundation's contract with the division required by
314 subsection (6).
315 (10) DISTRIBUTION OF MONEYS.—The board shall use the moneys
316 in the operating account, by whatever means, to provide for:
317 (a) Planning, research, and policy development for issues
318 related to the employment and training of disabled citizens, and
319 publication and dissemination of such information as may serve
320 the objectives of this section.
321 (b) Promotion of initiatives for disabled citizens.
322 (c) Funding of programs which engage in, contract for,
323 foster, finance, or aid in job training and counseling for
324 disabled citizens or research, education, demonstration, or
325 other activities related thereto.
326 (d) Funding of programs which engage in, contract for,
327 foster, finance, or aid in activities designed to advance better
328 public understanding and appreciation of the field of vocational
329 rehabilitation.
330 (e) Funding of programs, property, or facilities which aid,



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331 strengthen, and extend in any proper and useful manner the
332 objectives, work, services, and physical facilities of the
333 division, in accordance with the purposes of this section.

334
335 Any allocation of funds for research, advertising, or consulting
336 shall be subject to a competitive solicitation process. State
337 funds may not be used to fund events for private sector donors
338 or potential donors or to honor supporters.

339 (12) ANNUAL REPORT.—The board shall issue a report to the
340 Governor, the President of the Senate, the Speaker of the House
341 of Representatives, and the Commissioner of Education by
342 December 31 ~~February 1~~ each year, summarizing the performance of
343 the endowment fund for the previous fiscal year, summarizing the
344 foundation's fundraising activities and performance, and
345 detailing those activities and programs supported by the
346 endowment principal or earnings on the endowment principal and
347 those activities and programs supported by private sources, ~~or~~
348 ~~by~~ bequests, gifts, grants, donations, and other valued goods
349 and services received. The report shall also include:

350 (a) Financial data, by service type, including expenditures
351 for administration and the provision of services.

352 (b) The amount of funds spent on administrative expenses
353 and fundraising and the amount of funds raised from private
354 sources.

355 (c) Outcome data, including the number of individuals
356 served and employment outcomes.

357 (14) REPEAL.—This section is repealed October 1, 2019 ~~2017~~,
358 unless reviewed and saved from repeal by the Legislature.

359 Section 7. The Florida Endowment Foundation for Vocational



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360 Rehabilitation shall transfer any funds received pursuant to s.
361 320.08068(4), Florida Statutes, to the entities identified in s.
362 320.08068(4) (a)-(e), Florida Statutes, in accordance with the
363 requirements of this act. Any funds held in the special reserve
364 account under s. 413.4021(1), Florida Statutes, to administer
365 the James Patrick Memorial Work Incentive Personal Attendant
366 Services and Employment Assistance Program shall be immediately
367 transferred to the Florida Association of Centers for
368 Independent Living to provide for continuity of participant
369 payments and essential program operations.

370 Section 8. This act shall take effect July 1, 2017.

371
372 ===== T I T L E A M E N D M E N T =====

373 And the title is amended as follows:

374 Delete everything before the enacting clause
375 and insert:

376 A bill to be entitled
377 An act relating to direct-support organizations;
378 amending ss. 318.21, 320.08068, and 320.0848, F.S.;
379 revising provisions relating to the distribution of
380 proceeds from civil penalties for traffic infractions,
381 the annual use fee of motorcycle specialty license
382 plates, and temporary disabled parking permit fees,
383 respectively; requiring that certain proceeds be
384 deposited into the Grants and Donations Trust Fund of
385 the Division of Vocational Rehabilitation of the
386 Department of Education, instead of the Florida
387 Endowment Foundation for Vocational Rehabilitation;
388 amending s. 413.402, F.S.; deleting a requirement that



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389 a specified agreement be maintained between the
390 foundation and the Florida Association of Centers for
391 Independent Living; requiring the association to
392 administer the James Patrick Memorial Work Incentive
393 Personal Attendant Services and Employment Assistance
394 Program; reducing the maximum percentage of certain
395 funds authorized for program operation,
396 administration, and oversight; requiring the program's
397 oversight council to submit an annual report to the
398 Governor, Legislature, and Commissioner of Education
399 by a specified date; amending s. 413.4021, F.S.;
400 requiring a specified percentage of certain revenues
401 to be deposited into the Florida Association of
402 Centers for Independent Living special reserve account
403 to administer specified programs; amending s. 413.615,
404 F.S.; requiring separate accounts for certain funds
405 received from state sources and public or private
406 sources; providing requirements for the contract
407 between the Florida Endowment Foundation for
408 Vocational Rehabilitation and the Division of
409 Vocational Rehabilitation; providing additional duties
410 of the foundation; requiring the foundation to publish
411 certain information on its website; requiring certain
412 funding allocations to be subject to a competitive
413 solicitation process; prohibiting the use of state
414 funds for certain purposes; specifying data to be
415 included in an annual report to the Governor,
416 Legislature, and Commissioner of Education and
417 revising the report submission date; extending the



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418 date for future review and repeal of provisions
419 relating to the Florida Endowment for Vocational
420 Rehabilitation Act; requiring the foundation to
421 transfer funds to specified entities for certain
422 purposes; providing an effective date.