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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/21/2017	.	
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The Committee on Education (Bean) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

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

413.615 Florida Endowment for Vocational Rehabilitation.—

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

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

(a) “Board” means the board of directors of the Florida



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12 Endowment Foundation for Vocational Rehabilitation.

13 (b) "Endowment fund" means an account established within  
14 the Florida Endowment Foundation for Vocational Rehabilitation  
15 to provide a continuing and growing source of revenue for  
16 vocational rehabilitation efforts.

17 (c) "Foundation" means the Florida Endowment Foundation for  
18 Vocational Rehabilitation.

19 (d) "Operating account" means an account established under  
20 paragraph (4)(d) to carry out the purposes provided in  
21 subsection (10).

22 (3) LEGISLATIVE INTENT.—The Legislature recognizes that it  
23 is in the best interest of the citizens of this state that  
24 citizens with disabilities be afforded a fair opportunity to  
25 become self-supporting, productive members of society. However,  
26 there is a critical need for significant additional funding to  
27 achieve this goal. Accordingly, the Legislature further finds  
28 and declares that:

29 (a) With skilled evaluation procedures and proper  
30 rehabilitative treatment, plus employment, training, and  
31 supportive services consistent with the needs of the individual,  
32 persons who are disabled can assume the activities of daily  
33 living and join their communities with dignity and independence.

34 (b) The purpose of this section is to broaden the  
35 participation and funding potential for further significant  
36 support for the rehabilitation of Florida citizens who are  
37 disabled.

38 (c) It is appropriate to encourage individual and corporate  
39 support and involvement, as well as state support and  
40 involvement, to promote employment opportunities for disabled



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41 citizens.

42 (4) REVENUE FOR THE ENDOWMENT FUND.—

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

48 (b) The principal of the endowment fund shall derive from  
49 the deposits made pursuant to s. 318.21(2)(e), together with any  
50 legislative appropriations which may be made to the endowment,  
51 and such bequests, gifts, grants, and donations as may be  
52 solicited for such purpose by the foundation from public or  
53 private sources.

54 (c) All funds remitted to the Department of Revenue  
55 pursuant to s. 318.21(2)(e) and (5) shall be transmitted monthly  
56 to the foundation for use as provided in subsection (10). All  
57 remaining liquid balances of funds held for investment and  
58 reinvestment by the State Board of Administration for the  
59 endowment fund on the effective date of this act shall be  
60 transmitted to the foundation within 60 days for use as provided  
61 in subsection (10).

62 (d) The board of directors of the foundation shall  
63 establish the operating account and shall deposit therein the  
64 moneys transmitted pursuant to paragraph (c). Moneys in the  
65 operating account shall be available to carry out the purposes  
66 of subsection (10).

67 (5) THE FLORIDA ENDOWMENT FOUNDATION FOR VOCATIONAL  
68 REHABILITATION.—The Florida Endowment Foundation for Vocational  
69 Rehabilitation is hereby created as a direct-support



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70 organization of the Division of Vocational Rehabilitation, to  
71 encourage public and private support to enhance vocational  
72 rehabilitation and employment of citizens who are disabled. As a  
73 direct-support organization, the foundation shall operate under  
74 contract with the division and shall:

75 (a) Be a Florida corporation not for profit incorporated  
76 under the provisions of chapter 617 and approved by the  
77 Department of State.

78 (b) Be organized and operated exclusively to raise funds;  
79 to submit requests and receive grants from the Federal  
80 Government, the state, private foundations, and individuals; to  
81 receive, hold, and administer property; and to make expenditures  
82 to or for the benefit of the rehabilitation programs approved by  
83 the board of directors of the foundation.

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

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

88 (a) Approval of the articles of incorporation of the  
89 foundation by the division.

90 (b) Governance of the foundation by a board of directors  
91 appointed by the Governor.

92 (c) Submission of an annual budget of the foundation for  
93 approval by the division.

94 (d) Certification by the division, after an annual  
95 financial and performance review, that the foundation is  
96 operating in compliance with the terms of the contract and the  
97 rules of the division, and in a manner consistent with the goals  
98 of the Legislature in providing assistance to disabled citizens.



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99 (e) The release and conditions of the expenditure of any  
100 state revenues.

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

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

106 (7) CONFIDENTIALITY.—

107 (a) The identity of a donor or prospective donor to the  
108 Florida Endowment Foundation for Vocational Rehabilitation who  
109 desires to remain anonymous and all information identifying such  
110 donor or prospective donor are confidential and exempt from the  
111 provisions of s. 119.07(1) and s. 24(a), Art. I of the State  
112 Constitution. Portions of meetings of the Florida Endowment  
113 Foundation for Vocational Rehabilitation during which the  
114 identity of donors or prospective donors is discussed are exempt  
115 from the provisions of s. 286.011 and s. 24(b), Art. I of the  
116 State Constitution.

117 (b) Records relating to clients of or applicants to the  
118 Division of Vocational Rehabilitation that come into the  
119 possession of the foundation and that are confidential by other  
120 provisions of law are confidential and exempt from the  
121 provisions of s. 119.07(1) and s. 24(a), Art. I of the State  
122 Constitution, and may not be released by the foundation.  
123 Portions of meetings of the Florida Endowment Foundation for  
124 Vocational Rehabilitation during which the identities of such  
125 clients of or applicants to the Division of Vocational  
126 Rehabilitation are discussed are exempt from the provisions of  
127 s. 286.011 and s. 24(b), Art. I of the State Constitution.



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

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

133 1. Have skills in foundation work or other fundraising  
134 activities, financial consulting, or investment banking or other  
135 related experience; or

136 2. Have experience in policymaking or management-level  
137 positions or have otherwise distinguished themselves in the  
138 field of business, industry, or rehabilitation.

139  
140 Disabled individuals who meet the above criteria shall be given  
141 special consideration for appointment.

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

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

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

149 (e) *Removal for cause*.—Each member is accountable to the  
150 Governor for the proper performance of the duties of office. The  
151 Governor may remove any member from office for malfeasance,  
152 misfeasance, neglect of duty, incompetence, or permanent  
153 inability to perform official duties or for pleading nolo  
154 contendere to, or being found guilty of, a crime.

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



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157           (a) Upon appointment, the board shall meet and organize.  
158    Thereafter, the board shall hold such meetings as are necessary  
159    to implement the provisions of this section and shall conduct  
160    its business in accordance with rules promulgated by the  
161    division.

162           (b) The board may solicit and receive bequests, gifts,  
163    grants, donations, goods, and services. Where gifts are  
164    restricted as to purpose, they may be used only for the purpose  
165    or purposes stated by the donor. The board may transmit monetary  
166    gifts to the State Board of Administration for deposit in the  
167    endowment fund principal.

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

171           (d) The board may identify, initiate, and fund new and  
172    creative programs to carry out the purposes of this section,  
173    utilizing existing organizations, associations, and agencies to  
174    carry out such rehabilitation programs and purposes wherever  
175    possible.

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

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

179           2. To a corporation, trust, association, or foundation  
180    organized and operated exclusively for charitable, educational,  
181    or scientific purposes.

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

183           4. To the division for purposes of program recognition and  
184    marketing, public relations and education, professional  
185    development, and technical assistance and workshops for grant



186 applicants and recipients, the business community, and  
187 individuals with disabilities or recognized groups organized on  
188 their behalf.

189 (f) The board may advertise and solicit applications for  
190 funding and shall evaluate applications and program proposals  
191 submitted thereto. Funding shall be awarded only where the  
192 evaluation is positive and the proposal meets both the  
193 guidelines for use established in subsection (10) and such  
194 evaluation criteria as the division may prescribe by rule.

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

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

200 (i) The board may take such additional actions, including  
201 the hiring of necessary staff, as are deemed necessary and  
202 appropriate to administer this section, subject to rules of the  
203 division.

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

206 (a) Planning, research, and policy development for issues  
207 related to the employment and training of disabled citizens, and  
208 publication and dissemination of such information as may serve  
209 the objectives of this section.

210 (b) Promotion of initiatives for disabled citizens.

211 (c) Funding of programs which engage in, contract for,  
212 foster, finance, or aid in job training and counseling for  
213 disabled citizens or research, education, demonstration, or  
214 other activities related thereto.





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215 (d) Funding of programs which engage in, contract for,  
216 foster, finance, or aid in activities designed to advance better  
217 public understanding and appreciation of the field of vocational  
218 rehabilitation.

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

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

228 (12) ANNUAL REPORT.—The board shall issue a report to the  
229 Governor, the President of the Senate, the Speaker of the House  
230 of Representatives, and the Commissioner of Education by  
231 February 1 each year, summarizing the performance of the  
232 endowment fund for the previous fiscal year, summarizing the  
233 foundation's fundraising activities and performance, and  
234 detailing those activities and programs supported by the  
235 endowment principal or earnings on the endowment principal or by  
236 bequests, gifts, grants, donations, and other valued goods and  
237 services received.

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

240 (14) REPEAL.—This section is repealed October 1, 2027 ~~2017~~,  
241 unless reviewed and saved from repeal by the Legislature.

242 Section 2. This act shall take effect July 1, 2017.  
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244 ===== T I T L E A M E N D M E N T =====

245 And the title is amended as follows:

246       Delete everything before the enacting clause

247 and insert:

248                       A bill to be entitled

249       An act relating to the Florida Endowment for

250       Vocational Rehabilitation; amending s. 413.615, F.S.;

251       extending the date for future review and repeal of

252       provisions governing the Florida Endowment for

253       Vocational Rehabilitation; providing an effective

254       date.