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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/14/2017	.	
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Appropriations Subcommittee on Pre-K - 12 Education (Bean)
recommended the following:

Senate Amendment (with title amendment)

Delete lines 73 - 247

and insert:

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



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11 (5) THE FLORIDA ENDOWMENT FOUNDATION FOR VOCATIONAL
12 REHABILITATION.—The Florida Endowment Foundation for Vocational
13 Rehabilitation is hereby created as a direct-support
14 organization of the Division of Vocational Rehabilitation, to
15 encourage public and private support to enhance vocational
16 rehabilitation and employment of citizens who are disabled. As a
17 direct-support organization, the foundation shall operate under
18 contract with the division and shall:

19 (a) Be a Florida corporation not for profit incorporated
20 under the provisions of chapter 617 and approved by the
21 Department of State.

22 (b) Be organized and operated exclusively to raise funds;
23 to submit requests and receive grants from the Federal
24 Government, the state, private foundations, and individuals; to
25 receive, hold, and administer property; and to make expenditures
26 to or for the benefit of the rehabilitation programs approved by
27 the board of directors of the foundation.

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

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

32 (a) Approval of the articles of incorporation of the
33 foundation by the division.

34 (b) Governance of the foundation by a board of directors
35 appointed by the Governor.

36 (c) Submission of an annual budget of the foundation for
37 approval by the division.

38 (d) Certification by the division, after an annual
39 financial and performance review, that the foundation is



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40 operating in compliance with the terms of the contract and the
41 rules of the division, and in a manner consistent with the goals
42 of the Legislature in providing assistance to disabled citizens.

43 (e) The release and conditions of the expenditure of any
44 state revenues.

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

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

50 (7) CONFIDENTIALITY.—

51 (a) The identity of a donor or prospective donor to the
52 Florida Endowment Foundation for Vocational Rehabilitation who
53 desires to remain anonymous and all information identifying such
54 donor or prospective donor are confidential and exempt from the
55 provisions of s. 119.07(1) and s. 24(a), Art. I of the State
56 Constitution. Portions of meetings of the Florida Endowment
57 Foundation for Vocational Rehabilitation during which the
58 identity of donors or prospective donors is discussed are exempt
59 from the provisions of s. 286.011 and s. 24(b), Art. I of the
60 State Constitution.

61 (b) Records relating to clients of or applicants to the
62 Division of Vocational Rehabilitation that come into the
63 possession of the foundation and that are confidential by other
64 provisions of law are confidential and exempt from the
65 provisions of s. 119.07(1) and s. 24(a), Art. I of the State
66 Constitution, and may not be released by the foundation.
67 Portions of meetings of the Florida Endowment Foundation for
68 Vocational Rehabilitation during which the identities of such



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69 clients of or applicants to the Division of Vocational
70 Rehabilitation are discussed are exempt from the provisions of
71 s. 286.011 and s. 24(b), Art. I of the State Constitution.

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

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

77 1. Have skills in foundation work or other fundraising
78 activities, financial consulting, or investment banking or other
79 related experience; or

80 2. Have experience in policymaking or management-level
81 positions or have otherwise distinguished themselves in the
82 field of business, industry, or rehabilitation.

83
84 Disabled individuals who meet the above criteria shall be given
85 special consideration for appointment.

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

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

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

93 (e) *Removal for cause*.—Each member is accountable to the
94 Governor for the proper performance of the duties of office. The
95 Governor may remove any member from office for malfeasance,
96 misfeasance, neglect of duty, incompetence, or permanent
97 inability to perform official duties or for pleading nolo



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98 contendere to, or being found guilty of, a crime.

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

101 (a) Upon appointment, the board shall meet and organize.
102 Thereafter, the board shall hold such meetings as are necessary
103 to implement the provisions of this section and shall conduct
104 its business in accordance with rules promulgated by the
105 division.

106 (b) The board may solicit and receive bequests, gifts,
107 grants, donations, goods, and services. Where gifts are
108 restricted as to purpose, they may be used only for the purpose
109 or purposes stated by the donor. The board may transmit monetary
110 gifts to the State Board of Administration for deposit in the
111 endowment fund principal.

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

115 (d) The board may identify, initiate, and fund new and
116 creative programs to carry out the purposes of this section,
117 utilizing existing organizations, associations, and agencies to
118 carry out such rehabilitation programs and purposes wherever
119 possible.

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

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

123 2. To a corporation, trust, association, or foundation
124 organized and operated exclusively for charitable, educational,
125 or scientific purposes.

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



127 4. To the division for purposes of program recognition and
128 marketing, public relations and education, professional
129 development, and technical assistance and workshops for grant
130 applicants and recipients, the business community, and
131 individuals with disabilities or recognized groups organized on
132 their behalf.

133 (f) The board may advertise and solicit applications for
134 funding and shall evaluate applications and program proposals
135 submitted thereto. Funding shall be awarded only where the
136 evaluation is positive and the proposal meets both the
137 guidelines for use established in subsection (10) and such
138 evaluation criteria as the division may prescribe by rule.

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

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

144 (i) The board may take such additional actions, including
145 the hiring of necessary staff, as are deemed necessary and
146 appropriate to administer this section, subject to rules of the
147 division.

148 (j) Administrative costs shall be kept to the minimum
149 necessary for the efficient and effective administration of the
150 foundation and are limited to 15 percent of total estimated
151 expenditures in any calendar year. Administrative costs include
152 nonprogram costs, officer salaries, audits, salaries or other
153 costs for nonofficers or constructors providing services that
154 are not considered program costs, and costs for promoting the
155 purposes of the foundation, and other allowable administrative



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156 costs. Administrative costs may not be paid from funds received
157 directly from the state.

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

159 1. The annual audit required by subsection (11) and the
160 annual report required by subsection (12).

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

163 3. A copy of each contract into which the foundation
164 enters.

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

167 a. Projected economic benefits at the time of the initial
168 award date.

169 b. Information describing the program, gift, or grant
170 funded.

171 c. The geographic area impacted.

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

173 e. The expected duration.

174 f. Evaluation criteria.

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

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

179 (a) Planning, research, and policy development for issues
180 related to the employment and training of disabled citizens, and
181 publication and dissemination of such information as may serve
182 the objectives of this section.

183 (b) Promotion of initiatives for disabled citizens.

184 (c) Funding of programs which engage in, contract for,



185 foster, finance, or aid in job training and counseling for
186 disabled citizens or research, education, demonstration, or
187 other activities related thereto.

188 (d) Funding of programs which engage in, contract for,
189 foster, finance, or aid in activities designed to advance better
190 public understanding and appreciation of the field of vocational
191 rehabilitation.

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

196

197 Any allocation of funds for research, advertising, or consulting
198 shall be subject to a competitive solicitation process. State
199 funds may not be used to fund events for private sector donors
200 or potential donors or to honor supporters.

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

206 (12) ANNUAL REPORT.—The board shall issue a report to the
207 Governor, the President of the Senate, the Speaker of the House
208 of Representatives, and the Commissioner of Education by
209 February 1 each year, summarizing the performance of the
210 endowment fund for the previous fiscal year, summarizing the
211 foundation's fundraising activities and performance, and
212 detailing those activities and programs supported by the
213 endowment principal or earnings on the endowment principal or by



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214 bequests, gifts, grants, donations, and other valued goods and
215 services received.

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

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

220

221 ===== T I T L E A M E N D M E N T =====

222 And the title is amended as follows:

223 Between lines 3 and 4

224 insert:

225 requiring the foundation to maintain separate accounts
226 for certain funds received from state sources and
227 public or private sources; establishing restrictions
228 regarding administrative costs of the foundation;
229 requiring the foundation to publish specified
230 information on its website; requiring that funds
231 allocated for research, advertising, or consulting be
232 subject to a competitive solicitation process;
233 prohibiting use of state funds to fund certain events;