

Amendment No.

CHAMBER ACTION

Senate

House

.

Representative Killebrew offered the following:

Amendment (with title amendment)

Remove everything after the enacting clause and insert:

Section 1. Subsection (4) of section 20.058, Florida Statutes, is amended to read:

20.058 Citizen support and direct-support organizations.—

(4) Any contract between an agency and a citizen support organization or direct-support organization must be contingent upon the organization's submission and posting of information pursuant to subsections (1) and (2) and must include a provision for the orderly cessation of operations and reversion to the state of state funds held in trust by the organization within 30

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14 days after its authorizing statute is repealed, the contract is
15 terminated, or the organization is dissolved. If an organization
16 fails to submit the required information for 2 consecutive
17 years, the agency head shall terminate any contract between the
18 agency and the organization.

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

21 318.21 Disposition of civil penalties by county courts.—
22 All civil penalties received by a county court pursuant to the
23 provisions of this chapter shall be distributed and paid monthly
24 as follows:

25 (2) Of the remainder:

26 (e) Two percent shall be remitted to the Department of
27 Revenue for deposit in the Grants and Donations Trust Fund of
28 the Division of ~~and transmitted monthly to the Florida Endowment~~
29 ~~Foundation for~~ Vocational Rehabilitation of the Department of
30 Education ~~as provided in s. 413.615.~~

31 (5) Of the additional fine assessed under s. 318.18(3)(f)
32 for a violation of s. 316.1303(1), 60 percent must be remitted
33 to the Department of Revenue for deposit in the Grants and
34 Donations Trust Fund of the Division of ~~and transmitted monthly~~
35 ~~to the Florida Endowment Foundation for~~ Vocational
36 Rehabilitation of the Department of Education, and 40 percent
37 must be distributed pursuant to subsections (1) and (2).

38 Section 3. Subsection (4) of section 320.08068, Florida

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39 Statutes, is amended to read:

40 320.08068 Motorcycle specialty license plates.—

41 (4) A license plate annual use fee of \$20 shall be
42 collected for each motorcycle specialty license plate. Annual
43 use fees shall be distributed to ~~The Able Trust as custodial~~
44 ~~agent. The Able Trust may retain a maximum of 10 percent of the~~
45 ~~proceeds from the sale of the license plate for administrative~~
46 ~~costs. The Able Trust shall distribute the remaining funds as~~
47 follows:

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

50 (b) Twenty percent to Prevent Blindness Florida.

51 (c) Twenty percent to the Blind Services Foundation of
52 Florida.

53 (d) Twenty percent to the Florida Association of Centers
54 for Independent Living ~~Endowment Foundation for Vocational~~
55 ~~Rehabilitation~~ to support the James Patrick Memorial Work
56 Incentive Personal Attendant Services and Employment Assistance
57 Program pursuant to s. 413.402.

58 (e) Twenty percent to the Florida Association of Centers
59 for Independent Living.

60 Section 4. Paragraph (c) of subsection (4) of section
61 320.0848, Florida Statutes, is amended to read:

62 320.0848 Persons who have disabilities; issuance of
63 disabled parking permits; temporary permits; permits for certain

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64 providers of transportation services to persons who have
65 disabilities.—

66 (4) From the proceeds of the temporary disabled parking
67 permit fees:

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

69 1. To be deposited in the Grants and Donations Trust Fund
70 of the Division of the Florida Endowment Foundation for
71 Vocational Rehabilitation of the Department of Education, ~~known~~
72 ~~as "The Able Trust,"~~ for the purpose of improving employment and
73 training opportunities for persons who have disabilities, with
74 special emphasis on removing transportation barriers, \$4. ~~These~~
75 ~~fees must be directly deposited into the Florida Endowment~~
76 ~~Foundation for Vocational Rehabilitation as established in s.~~
77 ~~413.615.~~

78 2. To be deposited in the Transportation Disadvantaged
79 Trust Fund to be used for funding matching grants to counties
80 for the purpose of improving transportation of persons who have
81 disabilities, \$5.

82 Section 5. Section 413.402, Florida Statutes, is amended
83 to read:

84 413.402 James Patrick Memorial Work Incentive Personal
85 Attendant Services and Employment Assistance Program.—~~The~~
86 ~~Florida Endowment Foundation for Vocational Rehabilitation shall~~
87 ~~maintain an agreement with the~~ Florida Association of Centers
88 for Independent Living shall ~~to~~ administer the James Patrick

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89 Memorial Work Incentive Personal Attendant Services and
90 Employment Assistance Program and shall remit sufficient funds
91 monthly to meet the requirements of subsection (5).

92 (1) As used in this section, the term "competitive and
93 integrated employment" means employment in the public or private
94 sector in which the employee earns comparable wages and
95 benefits, commensurate with his or her qualifications and
96 experience, and works in comparable conditions to those
97 experienced by the general workforce in that industry or
98 profession.

99 (2) The program shall provide personal care attendants and
100 other support and services necessary to enable persons eligible
101 under subsection (3) who have significant and chronic
102 disabilities to obtain or maintain competitive and integrated
103 employment, including self-employment.

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

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

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

112 (c) Require a personal care attendant and, as needed,
113 other support and services to accept an offer of employment and

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114 commence working or to maintain competitive and integrated
115 employment.

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

119 (4) (a) The Florida Association of Centers for Independent
120 Living shall provide program participants with appropriate
121 training on the hiring and management of a personal care
122 attendant and on other self-advocacy skills needed to
123 effectively access and manage the support and services provided
124 under this section.

125 (b) In cooperation with the oversight council created in
126 subsection (6), the Florida Association of Centers for
127 Independent Living shall adopt and, as necessary, revise the
128 policies and procedures governing the operation of the program
129 and the training required in paragraph (a). The oversight
130 council shall recommend the maximum monthly reimbursement
131 provided to program participants. The association shall provide
132 technical assistance to program participants and administrative
133 support services to the program and implement appropriate
134 internal financial controls to ensure program integrity.

135 (5) The James Patrick Memorial Work Incentive Personal
136 Attendant Services and Employment Assistance Program shall
137 reimburse the Florida Association of Centers for Independent
138 Living monthly for payments made to program participants and for

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139 costs associated with program administration and oversight in
140 accordance with the annual operating budget approved by the
141 board of directors of the association, taking into consideration
142 recommendations made by the oversight council created under
143 subsection (6). The annual operating budget for costs associated
144 with activities of the association for program operation,
145 administration, and oversight may not exceed 10 ~~12~~ percent of
146 the funds provided ~~deposited with the Florida Endowment~~
147 ~~Foundation for Vocational Rehabilitation~~ pursuant to ss.
148 320.08068(4)(d) and 413.4021(1) for the previous fiscal year or
149 the budget approved for the previous fiscal year, whichever
150 amount is greater.

151 (6) The James Patrick Memorial Work Incentive Personal
152 Attendant Services and Employment Assistance Program Oversight
153 Council is created adjunct to the Department of Education for
154 the purpose of providing program recommendations, recommending
155 the maximum monthly reimbursement available to program
156 participants, advising the Florida Association of Centers for
157 Independent Living on policies and procedures, and recommending
158 the program's annual operating budget for activities of the
159 association associated with operations, administration, and
160 oversight. The oversight council shall also advise on and
161 recommend the schedule of eligible services for which program
162 participants may be reimbursed subject to the requirements and
163 limitations of paragraph (3)(c) which, at a minimum, must

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164 include personal care attendant services. The oversight council
165 shall advise and make its recommendations under this section to
166 the board of directors of the association. The oversight council
167 is not subject to the control of or direction by the department,
168 and the department is not responsible for providing staff
169 support or paying any expenses incurred by the oversight council
170 in the performance of its duties.

171 (a) The oversight council consists of the following
172 members:

- 173 1. The director of the division or his or her designee;
- 174 2. A human resources professional or an individual who has
175 significant experience managing and operating a business based
176 in this state, recommended by the Florida Chamber of Commerce
177 and appointed by the Governor;
- 178 3. A financial management professional, appointed by the
179 Governor;
- 180 4. A program participant, appointed by the Secretary of
181 Health or his or her designee;
- 182 5. The director of the advisory council on brain and
183 spinal cord injuries or his or her designee;
- 184 6. The director of the Florida Endowment Foundation for
185 Vocational Rehabilitation or his or her designee; and
- 186 7. The director of the Florida Association of Centers for
187 Independent Living or his or her designee.

188 (b) The appointed members shall serve for a term

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189 concurrent with the term of the official who made the
190 appointment and shall serve at the pleasure of such official.

191 (c) By February 1 of each year, the oversight council
192 shall submit a report to the Governor, the President of the
193 Senate, the Speaker of the House of Representatives, and the
194 Commissioner of Education which summarizes the performance of
195 the program.

196 Section 6. Subsections (1) and (2) of section 413.4021,
197 Florida Statutes, are amended to read:

198 413.4021 Program participant selection; tax collection
199 enforcement diversion program.—The Department of Revenue, in
200 coordination with the Florida Association of Centers for
201 Independent Living and the Florida Prosecuting Attorneys
202 Association, shall select judicial circuits in which to operate
203 the program. The association and the state attorneys' offices
204 shall develop and implement a tax collection enforcement
205 diversion program, which shall collect revenue due from persons
206 who have not remitted their collected sales tax. The criteria
207 for referral to the tax collection enforcement diversion program
208 shall be determined cooperatively between the state attorneys'
209 offices and the Department of Revenue.

210 (1) Notwithstanding s. 212.20, 50 percent of the revenues
211 collected from the tax collection enforcement diversion program
212 shall be deposited into the special reserve account of the
213 Florida Association of Centers for Independent Living ~~Endowment~~

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214 ~~Foundation for Vocational Rehabilitation~~, to be used to
215 administer the James Patrick Memorial Work Incentive Personal
216 Attendant Services and Employment Assistance Program and to
217 contract with the state attorneys participating in the tax
218 collection enforcement diversion program in an amount of not
219 more than \$75,000 for each state attorney.

220 (2) The program shall operate only from funds deposited
221 into the operating account of the Florida Association of Centers
222 for Independent Living ~~Endowment Foundation for Vocational~~
223 ~~Rehabilitation~~.

224 Section 7. Subsections (4), (6), (10), (12), and (14) of
225 section 413.615, Florida Statutes, are amended, and paragraphs
226 (j) and (k) are added to subsection (9) of that section, to
227 read:

228 413.615 Florida Endowment for Vocational Rehabilitation.—

229 (4) REVENUE FOR THE ENDOWMENT FUND.—

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

235 (b) The principal of the endowment fund shall derive from
236 ~~the deposits made pursuant to s. 318.21(2)(c), together with any~~
237 legislative appropriations which may be made to the endowment,
238 and such bequests, gifts, grants, and donations as may be

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239 solicited for such purpose by the foundation from public or
240 private sources.

241 (c) ~~All funds remitted to the Department of Revenue~~
242 ~~pursuant to s. 318.21(2)(e) and (5) shall be transmitted monthly~~
243 ~~to the foundation for use as provided in subsection (10).~~ All
244 remaining liquid balances of funds held for investment and
245 reinvestment by the State Board of Administration for the
246 endowment fund on the effective date of this act shall be
247 transmitted to the foundation within 60 days for use as provided
248 in subsection (10).

249 (d) The board of directors of the foundation shall
250 establish the operating account and shall deposit therein the
251 moneys transmitted pursuant to paragraph (c). Moneys in the
252 operating account shall be available to carry out the purposes
253 of subsection (10).

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

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

262 (a) Approval of the articles of incorporation of the
263 foundation by the division.

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264 (b) Governance of the foundation by a board of directors
265 appointed by the Governor.

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

269 (d) Certification by the division, after an annual
270 financial and performance review, that the foundation is
271 operating in compliance with the terms of the contract and the
272 rules of the division, and in a manner consistent with the goals
273 of the Legislature in providing assistance to disabled citizens.

274 (e) The release and conditions of the expenditure of any
275 state revenues.

276 (f) The orderly cessation of operations and reversion to
277 the state of moneys in the foundation and in any other funds and
278 accounts held in trust by the foundation if the contract is
279 terminated, the foundation is dissolved, or this section is
280 repealed.

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

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

285 (j) Administrative costs shall be kept to the minimum
286 amount necessary for the efficient and effective administration
287 of the foundation and are limited to 15 percent of total
288 estimated expenditures in any calendar year. Administrative

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289 costs include payment of travel and per diem expenses of board
290 members, officer salaries, chief executive officer program
291 management, audits, salaries or other costs for nonofficers and
292 contractors providing services that are not directly related to
293 the mission of the foundation as described in subsection (5),
294 costs of promoting the purposes of the foundation, and other
295 allowable costs. Administrative costs may be paid from the
296 following sources:

297 1. Interest and earnings on the endowment principal for
298 the 2017-2018 fiscal year.

299 2. Private sources and up to 75 percent of interest and
300 earnings on the endowment principal for the 2018-2019 fiscal
301 year.

302 3. Private sources and up to 50 percent of interest and
303 earnings on the endowment principal for the 2019-2020 fiscal
304 year.

305 4. Private sources and up to 25 percent of interest and
306 earnings on the endowment principal for the 2020-2021 fiscal
307 year.

308 5. Solely private sources for the 2021-2022 fiscal year
309 and thereafter.

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

311 1. The annual audit required by subsection (11) and the
312 annual report required by subsection (12).

313 2. For each position filled by an officer or employee, the

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314 position's compensation level.

315 3. A copy of each contract into which the foundation
316 enters.

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

319 a. Projected economic benefits at the time of the initial
320 award date.

321 b. Information describing the program, gift, or grant
322 funded.

323 c. The geographic area impacted.

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

325 e. The expected duration.

326 f. Evaluation criteria.

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

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

332 (a) Planning, research, and policy development for issues
333 related to the employment and training of disabled citizens, and
334 publication and dissemination of such information as may serve
335 the objectives of this section.

336 (b) Promotion of initiatives for disabled citizens.

337 (c) Funding of programs which engage in, contract for,
338 foster, finance, or aid in job training and counseling for

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339 disabled citizens or research, education, demonstration, or
340 other activities related thereto.

341 (d) Funding of programs which engage in, contract for,
342 foster, finance, or aid in activities designed to advance better
343 public understanding and appreciation of the field of vocational
344 rehabilitation.

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

349
350 Any allocation of funds for research, advertising, or consulting
351 shall be subject to a competitive solicitation process. State
352 funds may not be used to fund events for private sector donors
353 or potential donors or to honor supporters.

354 (12) ANNUAL REPORT.—The board shall issue a report to the
355 Governor, the President of the Senate, the Speaker of the House
356 of Representatives, and the Commissioner of Education by
357 December 30 ~~February 1~~ each year, summarizing the performance of
358 the endowment fund for the previous fiscal year, summarizing the
359 foundation's fundraising activities and performance, and
360 detailing those activities and programs supported by the
361 endowment principal or earnings on the endowment principal and
362 those activities and programs supported by private sources, ~~or~~
363 ~~by~~ bequests, gifts, grants, donations, and other valued goods

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364 and services received. The report shall also include:

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

367 (b) The amount of funds spent on administrative expenses
368 and fundraising and the amount of funds raised from private
369 sources.

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

372 (14) REPEAL.—This section is repealed October 1, 2019
373 2017, unless reviewed and saved from repeal by the Legislature.

374 Section 8. The Florida Endowment Foundation for Vocational
375 Rehabilitation shall transfer any funds received pursuant to s.
376 320.08068(4), Florida Statutes, to the entities identified in s.
377 320.08068(4) (a)-(e), Florida Statutes, in accordance with the
378 requirements of this act. Any funds held in the special reserve
379 account under s. 413.4021(1), Florida Statutes, to administer
380 the James Patrick Memorial Work Incentive Personal Attendant
381 Services and Employment Assistance Program shall be immediately
382 transferred to the Florida Association of Centers for
383 Independent Living to provide for continuity of participant
384 payments and essential program operations.

385 Section 9. This act shall take effect July 1, 2017.

386
387 -----

388 **T I T L E A M E N D M E N T**

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389 Remove everything before the enacting clause and insert:
390 A bill to be entitled
391 An act relating to direct-support organizations;
392 amending s. 20.058, F.S.; requiring a contract between
393 an agency and a citizen support organization or
394 direct-support organization to include a provision for
395 the orderly cessation of operations and reversion of
396 state funds within a specified timeframe; amending ss.
397 318.21, 320.08068, and 320.0848, F.S.; revising
398 provisions relating to the distribution of proceeds
399 from civil penalties for traffic infractions, the sale
400 of motorcycle specialty license plates, and temporary
401 disabled parking permits, respectively; requiring that
402 certain proceeds be deposited into the Grants and
403 Donations Trust Fund of the Division of Vocational
404 Rehabilitation, instead of the Florida Endowment
405 Foundation for Vocational Rehabilitation; amending s.
406 413.402, F.S.; deleting a requirement that a specified
407 agreement be maintained between the foundation and the
408 Florida Association of Centers for Independent Living;
409 requiring the association to administer the James
410 Patrick Memorial Work Incentive Personal Attendant
411 Services and Employment Assistance Program; reducing
412 the maximum percentage of certain funds authorized for
413 program operation, administration, and oversight;

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414 requiring the program's oversight council to submit an
415 annual report to the Governor, Legislature, and
416 Commissioner of Education by a specified date;
417 amending s. 413.4021, F.S.; requiring a specified
418 percentage of certain revenues to be deposited into
419 the Florida Association of Centers for Independent
420 Living special reserve account to administer specified
421 programs; amending s. 413.615, F.S.; requiring
422 separate accounts for certain funds received from
423 state sources and public or private sources; providing
424 requirements for the contract between the Florida
425 Endowment Foundation for Vocational Rehabilitation and
426 the Division of Vocational Rehabilitation; providing
427 additional duties of the foundation; requiring the
428 foundation to publish certain information on its
429 website; requiring certain funding allocations to be
430 subject to a competitive solicitation process;
431 prohibiting the use of state funds for certain
432 purposes; specifying data to be included in an annual
433 report to the Governor, Legislature, and Commissioner
434 of Education and revising the report submission date;
435 extending the date for future review and repeal of
436 provisions relating to the Florida Endowment for
437 Vocational Rehabilitation Act; requiring the

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438 foundation to transfer funds to specified entities for
439 certain purposes; providing an effective date.

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