

By the Committee on Education; and Senator Bean

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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 extending the date for future review and repeal of
5 provisions governing the Florida Endowment for
6 Vocational Rehabilitation; providing an effective
7 date.

8
9 Be It Enacted by the Legislature of the State of Florida:

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

13 413.615 Florida Endowment for Vocational Rehabilitation.—

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

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

17 (a) “Board” means the board of directors of the Florida
18 Endowment Foundation for Vocational Rehabilitation.

19 (b) “Endowment fund” means an account established within
20 the Florida Endowment Foundation for Vocational Rehabilitation
21 to provide a continuing and growing source of revenue for
22 vocational rehabilitation efforts.

23 (c) “Foundation” means the Florida Endowment Foundation for
24 Vocational Rehabilitation.

25 (d) “Operating account” means an account established under
26 paragraph (4)(d) to carry out the purposes provided in
27 subsection (10).

28 (3) LEGISLATIVE INTENT.—The Legislature recognizes that it
29 is in the best interest of the citizens of this state that

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30 citizens with disabilities be afforded a fair opportunity to
31 become self-supporting, productive members of society. However,
32 there is a critical need for significant additional funding to
33 achieve this goal. Accordingly, the Legislature further finds
34 and declares that:

35 (a) With skilled evaluation procedures and proper
36 rehabilitative treatment, plus employment, training, and
37 supportive services consistent with the needs of the individual,
38 persons who are disabled can assume the activities of daily
39 living and join their communities with dignity and independence.

40 (b) The purpose of this section is to broaden the
41 participation and funding potential for further significant
42 support for the rehabilitation of Florida citizens who are
43 disabled.

44 (c) It is appropriate to encourage individual and corporate
45 support and involvement, as well as state support and
46 involvement, to promote employment opportunities for disabled
47 citizens.

48 (4) REVENUE FOR THE ENDOWMENT FUND.—

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

54 (b) The principal of the endowment fund shall derive from
55 the deposits made pursuant to s. 318.21(2)(e), together with any
56 legislative appropriations which may be made to the endowment,
57 and such bequests, gifts, grants, and donations as may be
58 solicited for such purpose by the foundation from public or

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59 private sources.

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

68 (d) The board of directors of the foundation shall
69 establish the operating account and shall deposit therein the
70 moneys transmitted pursuant to paragraph (c). Moneys in the
71 operating account shall be available to carry out the purposes
72 of subsection (10).

73 (5) THE FLORIDA ENDOWMENT FOUNDATION FOR VOCATIONAL
74 REHABILITATION.—The Florida Endowment Foundation for Vocational
75 Rehabilitation is hereby created as a direct-support
76 organization of the Division of Vocational Rehabilitation, to
77 encourage public and private support to enhance vocational
78 rehabilitation and employment of citizens who are disabled. As a
79 direct-support organization, the foundation shall operate under
80 contract with the division and shall:

81 (a) Be a Florida corporation not for profit incorporated
82 under the provisions of chapter 617 and approved by the
83 Department of State.

84 (b) Be organized and operated exclusively to raise funds;
85 to submit requests and receive grants from the Federal
86 Government, the state, private foundations, and individuals; to
87 receive, hold, and administer property; and to make expenditures

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88 to or for the benefit of the rehabilitation programs approved by
89 the board of directors of the foundation.

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

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

94 (a) Approval of the articles of incorporation of the
95 foundation by the division.

96 (b) Governance of the foundation by a board of directors
97 appointed by the Governor.

98 (c) Submission of an annual budget of the foundation for
99 approval by the division.

100 (d) Certification by the division, after an annual
101 financial and performance review, that the foundation is
102 operating in compliance with the terms of the contract and the
103 rules of the division, and in a manner consistent with the goals
104 of the Legislature in providing assistance to disabled citizens.

105 (e) The release and conditions of the expenditure of any
106 state revenues.

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

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

112 (7) CONFIDENTIALITY.—

113 (a) The identity of a donor or prospective donor to the
114 Florida Endowment Foundation for Vocational Rehabilitation who
115 desires to remain anonymous and all information identifying such
116 donor or prospective donor are confidential and exempt from the

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117 provisions of s. 119.07(1) and s. 24(a), Art. I of the State
118 Constitution. Portions of meetings of the Florida Endowment
119 Foundation for Vocational Rehabilitation during which the
120 identity of donors or prospective donors is discussed are exempt
121 from the provisions of s. 286.011 and s. 24(b), Art. I of the
122 State Constitution.

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

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

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

139 1. Have skills in foundation work or other fundraising
140 activities, financial consulting, or investment banking or other
141 related experience; or

142 2. Have experience in policymaking or management-level
143 positions or have otherwise distinguished themselves in the
144 field of business, industry, or rehabilitation.

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146 Disabled individuals who meet the above criteria shall be given
147 special consideration for appointment.

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

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

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

155 (e) *Removal for cause.*—Each member is accountable to the
156 Governor for the proper performance of the duties of office. The
157 Governor may remove any member from office for malfeasance,
158 misfeasance, neglect of duty, incompetence, or permanent
159 inability to perform official duties or for pleading nolo
160 contendere to, or being found guilty of, a crime.

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

163 (a) Upon appointment, the board shall meet and organize.
164 Thereafter, the board shall hold such meetings as are necessary
165 to implement the provisions of this section and shall conduct
166 its business in accordance with rules promulgated by the
167 division.

168 (b) The board may solicit and receive bequests, gifts,
169 grants, donations, goods, and services. Where gifts are
170 restricted as to purpose, they may be used only for the purpose
171 or purposes stated by the donor. The board may transmit monetary
172 gifts to the State Board of Administration for deposit in the
173 endowment fund principal.

174 (c) The board may enter into contracts with the Federal

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175 Government, state or local agencies, private entities, or
176 individuals to carry out the purposes of this section.

177 (d) The board may identify, initiate, and fund new and
178 creative programs to carry out the purposes of this section,
179 utilizing existing organizations, associations, and agencies to
180 carry out such rehabilitation programs and purposes wherever
181 possible.

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

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

185 2. To a corporation, trust, association, or foundation
186 organized and operated exclusively for charitable, educational,
187 or scientific purposes.

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

189 4. To the division for purposes of program recognition and
190 marketing, public relations and education, professional
191 development, and technical assistance and workshops for grant
192 applicants and recipients, the business community, and
193 individuals with disabilities or recognized groups organized on
194 their behalf.

195 (f) The board may advertise and solicit applications for
196 funding and shall evaluate applications and program proposals
197 submitted thereto. Funding shall be awarded only where the
198 evaluation is positive and the proposal meets both the
199 guidelines for use established in subsection (10) and such
200 evaluation criteria as the division may prescribe by rule.

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

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

206 (i) The board may take such additional actions, including
207 the hiring of necessary staff, as are deemed necessary and
208 appropriate to administer this section, subject to rules of the
209 division.

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

212 (a) Planning, research, and policy development for issues
213 related to the employment and training of disabled citizens, and
214 publication and dissemination of such information as may serve
215 the objectives of this section.

216 (b) Promotion of initiatives for disabled citizens.

217 (c) Funding of programs which engage in, contract for,
218 foster, finance, or aid in job training and counseling for
219 disabled citizens or research, education, demonstration, or
220 other activities related thereto.

221 (d) Funding of programs which engage in, contract for,
222 foster, finance, or aid in activities designed to advance better
223 public understanding and appreciation of the field of vocational
224 rehabilitation.

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

229 (11) ANNUAL AUDIT.—The board shall provide for an annual
230 financial audit of the foundation in accordance with s. 215.981.
231 The identities of donors and prospective donors who desire to
232 remain anonymous shall be protected, and that anonymity shall be

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233 maintained in the auditor's report.

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

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

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

248 Section 2. This act shall take effect July 1, 2017.