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1  
2 An act relating to direct-support organizations;  
3 amending s. 20.058, F.S.; requiring a contract between  
4 an agency and a citizen support organization or  
5 direct-support organization to include a provision for  
6 the orderly cessation of operations and reversion of  
7 state funds within a specified timeframe; amending ss.  
8 318.21, 320.08068, and 320.0848, F.S.; revising  
9 provisions relating to the distribution of proceeds  
10 from civil penalties for traffic infractions, the sale  
11 of motorcycle specialty license plates, and temporary  
12 disabled parking permits, respectively; requiring that  
13 certain proceeds be deposited into the Grants and  
14 Donations Trust Fund of the Division of Vocational  
15 Rehabilitation, instead of the Florida Endowment  
16 Foundation for Vocational Rehabilitation; amending s.  
17 413.402, F.S.; deleting a requirement that a specified  
18 agreement be maintained between the foundation and the  
19 Florida Association of Centers for Independent Living;  
20 requiring the association to administer the James  
21 Patrick Memorial Work Incentive Personal Attendant  
22 Services and Employment Assistance Program; reducing  
23 the maximum percentage of certain funds authorized for  
24 program operation, administration, and oversight;  
25 requiring the program's oversight council to submit an  
26 annual report to the Governor, Legislature, and  
27 Commissioner of Education by a specified date;  
28 amending s. 413.4021, F.S.; requiring a specified  
29 percentage of certain revenues to be deposited into

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30 the Florida Association of Centers for Independent  
31 Living special reserve account to administer specified  
32 programs; amending s. 413.615, F.S.; requiring  
33 separate accounts for certain funds received from  
34 state sources and public or private sources; providing  
35 requirements for the contract between the Florida  
36 Endowment Foundation for Vocational Rehabilitation and  
37 the Division of Vocational Rehabilitation; providing  
38 additional duties of the foundation; requiring the  
39 foundation to publish certain information on its  
40 website; requiring certain funding allocations to be  
41 subject to a competitive solicitation process;  
42 prohibiting the use of state funds for certain  
43 purposes; specifying data to be included in an annual  
44 report to the Governor, Legislature, and Commissioner  
45 of Education and revising the report submission date;  
46 extending the date for future review and repeal of  
47 provisions relating to the Florida Endowment for  
48 Vocational Rehabilitation Act; requiring the  
49 foundation to transfer funds to specified entities for  
50 certain purposes; providing an effective date.

51  
52 Be It Enacted by the Legislature of the State of Florida:

53  
54 Section 1. Subsection (4) of section 20.058, Florida  
55 Statutes, is amended to read:

56 20.058 Citizen support and direct-support organizations.—

57 (4) Any contract between an agency and a citizen support  
58 organization or direct-support organization must be contingent

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59 upon the organization's submission and posting of information  
60 pursuant to subsections (1) and (2) and must include a provision  
61 for the orderly cessation of operations and reversion to the  
62 state of state funds held in trust by the organization within 30  
63 days after its authorizing statute is repealed, the contract is  
64 terminated, or the organization is dissolved. If an organization  
65 fails to submit the required information for 2 consecutive  
66 years, the agency head shall terminate any contract between the  
67 agency and the organization.

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

70 318.21 Disposition of civil penalties by county courts.—All  
71 civil penalties received by a county court pursuant to the  
72 provisions of this chapter shall be distributed and paid monthly  
73 as follows:

74 (2) Of the remainder:

75 (e) Two percent shall be remitted to the Department of  
76 Revenue for deposit in the Grants and Donations Trust Fund of  
77 the Division of ~~and transmitted monthly to the Florida Endowment~~  
78 ~~Foundation for Vocational Rehabilitation of the Department of~~  
79 Education as provided in s. 413.615.

80 (5) Of the additional fine assessed under s. 318.18(3)(f)  
81 for a violation of s. 316.1303(1), 60 percent must be remitted  
82 to the Department of Revenue for deposit in the Grants and  
83 Donations Trust Fund of the Division of ~~and transmitted monthly~~  
84 ~~to the Florida Endowment Foundation for Vocational~~  
85 Rehabilitation of the Department of Education, and 40 percent  
86 must be distributed pursuant to subsections (1) and (2).

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

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88 Statutes, is amended to read:

89 320.08068 Motorcycle specialty license plates.—

90 (4) A license plate annual use fee of \$20 shall be  
91 collected for each motorcycle specialty license plate. Annual  
92 use fees shall be distributed to ~~The Able Trust as custodial~~  
93 ~~agent. The Able Trust may retain a maximum of 10 percent of the~~  
94 ~~proceeds from the sale of the license plate for administrative~~  
95 ~~costs. The Able Trust shall distribute the remaining funds as~~  
96 follows:

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

99 (b) Twenty percent to Prevent Blindness Florida.

100 (c) Twenty percent to the Blind Services Foundation of  
101 Florida.

102 (d) Twenty percent to the Florida Association of Centers  
103 for Independent Living ~~Endowment Foundation for Vocational~~  
104 ~~Rehabilitation~~ to support the James Patrick Memorial Work  
105 Incentive Personal Attendant Services and Employment Assistance  
106 Program pursuant to s. 413.402.

107 (e) Twenty percent to the Florida Association of Centers  
108 for Independent Living.

109 Section 4. Paragraph (c) of subsection (4) of section  
110 320.0848, Florida Statutes, is amended to read:

111 320.0848 Persons who have disabilities; issuance of  
112 disabled parking permits; temporary permits; permits for certain  
113 providers of transportation services to persons who have  
114 disabilities.—

115 (4) From the proceeds of the temporary disabled parking  
116 permit fees:

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

118 1. To be deposited in the Grants and Donations Trust Fund  
119 of the Division of the Florida Endowment Foundation for  
120 Vocational Rehabilitation of the Department of Education, ~~known~~  
121 ~~as "The Able Trust,"~~ for the purpose of improving employment and  
122 training opportunities for persons who have disabilities, with  
123 special emphasis on removing transportation barriers, \$4. ~~These~~  
124 ~~fees must be directly deposited into the Florida Endowment~~  
125 ~~Foundation for Vocational Rehabilitation as established in s.~~  
126 ~~413.615.~~

127 2. To be deposited in the Transportation Disadvantaged  
128 Trust Fund to be used for funding matching grants to counties  
129 for the purpose of improving transportation of persons who have  
130 disabilities, \$5.

131 Section 5. Section 413.402, Florida Statutes, is amended to  
132 read:

133 413.402 James Patrick Memorial Work Incentive Personal  
134 Attendant Services and Employment Assistance Program.—~~The~~  
135 ~~Florida Endowment Foundation for Vocational Rehabilitation shall~~  
136 ~~maintain an agreement with the Florida Association of Centers~~  
137 ~~for Independent Living shall~~ ~~to~~ administer the James Patrick  
138 Memorial Work Incentive Personal Attendant Services and  
139 Employment Assistance Program ~~and shall remit sufficient funds~~  
140 ~~monthly to meet the requirements of subsection (5).~~

141 (1) As used in this section, the term "competitive and  
142 integrated employment" means employment in the public or private  
143 sector in which the employee earns comparable wages and  
144 benefits, commensurate with his or her qualifications and  
145 experience, and works in comparable conditions to those

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146 experienced by the general workforce in that industry or  
147 profession.

148 (2) The program shall provide personal care attendants and  
149 other support and services necessary to enable persons eligible  
150 under subsection (3) who have significant and chronic  
151 disabilities to obtain or maintain competitive and integrated  
152 employment, including self-employment.

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

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

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

161 (c) Require a personal care attendant and, as needed, other  
162 support and services to accept an offer of employment and  
163 commence working or to maintain competitive and integrated  
164 employment.

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

168 (4) (a) The Florida Association of Centers for Independent  
169 Living shall provide program participants with appropriate  
170 training on the hiring and management of a personal care  
171 attendant and on other self-advocacy skills needed to  
172 effectively access and manage the support and services provided  
173 under this section.

174 (b) In cooperation with the oversight council created in

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175 subsection (6), the Florida Association of Centers for  
176 Independent Living shall adopt and, as necessary, revise the  
177 policies and procedures governing the operation of the program  
178 and the training required in paragraph (a). The oversight  
179 council shall recommend the maximum monthly reimbursement  
180 provided to program participants. The association shall provide  
181 technical assistance to program participants and administrative  
182 support services to the program and implement appropriate  
183 internal financial controls to ensure program integrity.

184 (5) The James Patrick Memorial Work Incentive Personal  
185 Attendant Services and Employment Assistance Program shall  
186 reimburse the Florida Association of Centers for Independent  
187 Living monthly for payments made to program participants and for  
188 costs associated with program administration and oversight in  
189 accordance with the annual operating budget approved by the  
190 board of directors of the association, taking into consideration  
191 recommendations made by the oversight council created under  
192 subsection (6). The annual operating budget for costs associated  
193 with activities of the association for program operation,  
194 administration, and oversight may not exceed 10 ~~12~~ percent of  
195 the funds provided ~~deposited with the Florida Endowment~~  
196 ~~Foundation for Vocational Rehabilitation~~ pursuant to ss.  
197 320.08068(4) (d) and 413.4021(1) for the previous fiscal year or  
198 the budget approved for the previous fiscal year, whichever  
199 amount is greater.

200 (6) The James Patrick Memorial Work Incentive Personal  
201 Attendant Services and Employment Assistance Program Oversight  
202 Council is created adjunct to the Department of Education for  
203 the purpose of providing program recommendations, recommending

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204 the maximum monthly reimbursement available to program  
205 participants, advising the Florida Association of Centers for  
206 Independent Living on policies and procedures, and recommending  
207 the program's annual operating budget for activities of the  
208 association associated with operations, administration, and  
209 oversight. The oversight council shall also advise on and  
210 recommend the schedule of eligible services for which program  
211 participants may be reimbursed subject to the requirements and  
212 limitations of paragraph (3)(c) which, at a minimum, must  
213 include personal care attendant services. The oversight council  
214 shall advise and make its recommendations under this section to  
215 the board of directors of the association. The oversight council  
216 is not subject to the control of or direction by the department,  
217 and the department is not responsible for providing staff  
218 support or paying any expenses incurred by the oversight council  
219 in the performance of its duties.

220 (a) The oversight council consists of the following  
221 members:

- 222 1. The director of the division or his or her designee;
- 223 2. A human resources professional or an individual who has  
224 significant experience managing and operating a business based  
225 in this state, recommended by the Florida Chamber of Commerce  
226 and appointed by the Governor;
- 227 3. A financial management professional, appointed by the  
228 Governor;
- 229 4. A program participant, appointed by the Secretary of  
230 Health or his or her designee;
- 231 5. The director of the advisory council on brain and spinal  
232 cord injuries or his or her designee;



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233           6. The director of the Florida Endowment Foundation for  
234 Vocational Rehabilitation or his or her designee; and

235           7. The director of the Florida Association of Centers for  
236 Independent Living or his or her designee.

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

240           (c) By February 1 of each year, the oversight council shall  
241 submit a report to the Governor, the President of the Senate,  
242 the Speaker of the House of Representatives, and the  
243 Commissioner of Education which summarizes the performance of  
244 the program.

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

247           413.4021 Program participant selection; tax collection  
248 enforcement diversion program.—The Department of Revenue, in  
249 coordination with the Florida Association of Centers for  
250 Independent Living and the Florida Prosecuting Attorneys  
251 Association, shall select judicial circuits in which to operate  
252 the program. The association and the state attorneys' offices  
253 shall develop and implement a tax collection enforcement  
254 diversion program, which shall collect revenue due from persons  
255 who have not remitted their collected sales tax. The criteria  
256 for referral to the tax collection enforcement diversion program  
257 shall be determined cooperatively between the state attorneys'  
258 offices and the Department of Revenue.

259           (1) Notwithstanding s. 212.20, 50 percent of the revenues  
260 collected from the tax collection enforcement diversion program  
261 shall be deposited into the special reserve account of the

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262 Florida Association of Centers for Independent Living ~~Endowment~~  
263 ~~Foundation for Vocational Rehabilitation~~, to be used to  
264 administer the James Patrick Memorial Work Incentive Personal  
265 Attendant Services and Employment Assistance Program and to  
266 contract with the state attorneys participating in the tax  
267 collection enforcement diversion program in an amount of not  
268 more than \$75,000 for each state attorney.

269 (2) The program shall operate only from funds deposited  
270 into the operating account of the Florida Association of Centers  
271 for Independent Living ~~Endowment Foundation for Vocational~~  
272 ~~Rehabilitation~~.

273 Section 7. Subsections (4), (6), (10), (12), and (14) of  
274 section 413.615, Florida Statutes, are amended, and paragraphs  
275 (j) and (k) are added to subsection (9) of that section, to  
276 read:

277 413.615 Florida Endowment for Vocational Rehabilitation.—

278 (4) REVENUE FOR THE ENDOWMENT FUND.—

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

284 (b) The principal of the endowment fund shall derive from  
285 ~~the deposits made pursuant to s. 318.21(2)(c), together with any~~  
286 legislative appropriations which may be made to the endowment,  
287 and such bequests, gifts, grants, and donations as may be  
288 solicited for such purpose by the foundation from public or  
289 private sources.

290 (c) ~~All funds remitted to the Department of Revenue~~

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291 ~~pursuant to s. 318.21(2)(e) and (5) shall be transmitted monthly~~  
292 ~~to the foundation for use as provided in subsection (10). All~~  
293 remaining liquid balances of funds held for investment and  
294 reinvestment by the State Board of Administration for the  
295 endowment fund on the effective date of this act shall be  
296 transmitted to the foundation within 60 days for use as provided  
297 in subsection (10).

298 (d) The board of directors of the foundation shall  
299 establish the operating account and shall deposit therein the  
300 moneys transmitted pursuant to paragraph (c). Moneys in the  
301 operating account shall be available to carry out the purposes  
302 of subsection (10).

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

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

311 (a) Approval of the articles of incorporation of the  
312 foundation by the division.

313 (b) Governance of the foundation by a board of directors  
314 appointed by the Governor.

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

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

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320 operating in compliance with the terms of the contract and the  
321 rules of the division, and in a manner consistent with the goals  
322 of the Legislature in providing assistance to disabled citizens.

323 (e) The release and conditions of the expenditure of any  
324 state revenues.

325 (f) The orderly cessation of operations and reversion to  
326 the state of moneys in the foundation and in any other funds and  
327 accounts held in trust by the foundation if the contract is  
328 terminated, the foundation is dissolved, or this section is  
329 repealed.

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

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

334 (j) Administrative costs shall be kept to the minimum  
335 amount necessary for the efficient and effective administration  
336 of the foundation and are limited to 15 percent of total  
337 estimated expenditures in any calendar year. Administrative  
338 costs include payment of travel and per diem expenses of board  
339 members, officer salaries, chief executive officer program  
340 management, audits, salaries or other costs for nonofficers and  
341 contractors providing services that are not directly related to  
342 the mission of the foundation as described in subsection (5),  
343 costs of promoting the purposes of the foundation, and other  
344 allowable costs. Administrative costs may be paid from the  
345 following sources:

346 1. Interest and earnings on the endowment principal for the  
347 2017-2018 fiscal year.

348 2. Private sources and up to 75 percent of interest and

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349 earnings on the endowment principal for the 2018-2019 fiscal  
350 year.

351 3. Private sources and up to 50 percent of interest and  
352 earnings on the endowment principal for the 2019-2020 fiscal  
353 year.

354 4. Private sources and up to 25 percent of interest and  
355 earnings on the endowment principal for the 2020-2021 fiscal  
356 year.

357 5. Solely private sources for the 2021-2022 fiscal year and  
358 thereafter.

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

360 1. The annual audit required by subsection (11) and the  
361 annual report required by subsection (12).

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

364 3. A copy of each contract into which the foundation  
365 enters.

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

368 a. Projected economic benefits at the time of the initial  
369 award date.

370 b. Information describing the program, gift, or grant  
371 funded.

372 c. The geographic area impacted.

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

374 e. The expected duration.

375 f. Evaluation criteria.

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

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

380 (a) Planning, research, and policy development for issues  
381 related to the employment and training of disabled citizens, and  
382 publication and dissemination of such information as may serve  
383 the objectives of this section.

384 (b) Promotion of initiatives for disabled citizens.

385 (c) Funding of programs which engage in, contract for,  
386 foster, finance, or aid in job training and counseling for  
387 disabled citizens or research, education, demonstration, or  
388 other activities related thereto.

389 (d) Funding of programs which engage in, contract for,  
390 foster, finance, or aid in activities designed to advance better  
391 public understanding and appreciation of the field of vocational  
392 rehabilitation.

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

397  
398 Any allocation of funds for research, advertising, or consulting  
399 shall be subject to a competitive solicitation process. State  
400 funds may not be used to fund events for private sector donors  
401 or potential donors or to honor supporters.

402 (12) ANNUAL REPORT.—The board shall issue a report to the  
403 Governor, the President of the Senate, the Speaker of the House  
404 of Representatives, and the Commissioner of Education by  
405 December 30 ~~February 1~~ each year, summarizing the performance of  
406 the endowment fund for the previous fiscal year, summarizing the

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407 foundation's fundraising activities and performance, and  
408 detailing those activities and programs supported by the  
409 endowment principal or earnings on the endowment principal and  
410 those activities and programs supported by private sources, ~~or~~  
411 ~~by~~ bequests, gifts, grants, donations, and other valued goods  
412 and services received. The report shall also include:

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

415 (b) The amount of funds spent on administrative expenses  
416 and fundraising and the amount of funds raised from private  
417 sources.

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

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

422 Section 8. The Florida Endowment Foundation for Vocational  
423 Rehabilitation shall transfer any funds received pursuant to s.  
424 320.08068(4), Florida Statutes, to the entities identified in s.  
425 320.08068(4) (a)-(e), Florida Statutes, in accordance with the  
426 requirements of this act. Any funds held in the special reserve  
427 account under s. 413.4021(1), Florida Statutes, to administer  
428 the James Patrick Memorial Work Incentive Personal Attendant  
429 Services and Employment Assistance Program shall be immediately  
430 transferred to the Florida Association of Centers for  
431 Independent Living to provide for continuity of participant  
432 payments and essential program operations.

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