

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED (Y/N)
ADOPTED AS AMENDED (Y/N)
ADOPTED W/O OBJECTION (Y/N)
FAILED TO ADOPT (Y/N)
WITHDRAWN (Y/N)
OTHER

1 Committee/Subcommittee hearing bill: Education Committee
2 Representative Killebrew offered the following:

Amendment (with title amendment)

5 Remove everything after the enacting clause and insert:

6 Section 1. Subsection (4) of section 20.058, Florida

7 Statutes, is amended to read:

8 20.058 Citizen support and direct-support organizations.—

9 (4) Any contract between an agency and a citizen support
10 organization or direct-support organization must be contingent
11 upon the organization's submission and posting of information
12 pursuant to subsections (1) and (2) and must include a provision
13 for the orderly cessation of operations and reversion of any
14 state funds held by the citizen support organization or direct-
15 support organization within 30 days of repeal of its authorizing
16 statute, termination of the contract, or dissolution. If an

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17 organization fails to submit the required information for 2
18 consecutive years, the agency head shall terminate any contract
19 between the agency and the organization.

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

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

26 (2) Of the remainder:

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

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

39 Section 3. Subsection (4) of section 320.08068, Florida
40 Statutes, is amended to read:

41 320.08068 Motorcycle specialty license plates.—

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

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

51 (b) Twenty percent to Prevent Blindness Florida.

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

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

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

61 Section 4. Paragraph (c) of subsection (4) of section
62 320.0848, Florida Statutes, is amended to read:

63 320.0848 Persons who have disabilities; issuance of
64 disabled parking permits; temporary permits; permits for certain
65 providers of transportation services to persons who have
66 disabilities.-

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

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

70 1. To be deposited in the Grants and Donations Trust Fund
71 of the Division of the Florida Endowment Foundation for
72 Vocational Rehabilitation of the Department of Education, ~~known~~
73 ~~as "The Able Trust,"~~ for the purpose of improving employment and
74 training opportunities for persons who have disabilities, with
75 special emphasis on removing transportation barriers, \$4. ~~These~~
76 ~~fees must be directly deposited into the Florida Endowment~~
77 ~~Foundation for Vocational Rehabilitation as established in s.~~
78 ~~413.615.~~

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

83 Section 5. Subsection (5) of section 413.402, Florida
84 Statutes, is amended and paragraph (c) is added subsection (6)
85 of that section to read:

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

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92 Employment Assistance Program and shall remit sufficient funds
93 monthly to meet the requirements of subsection (5).

94 (5) The James Patrick Memorial Work Incentive Personal
95 Attendant Services and Employment Assistance Program shall
96 reimburse the Florida Association of Centers for Independent
97 Living monthly for payments made to program participants and for
98 costs associated with program administration and oversight in
99 accordance with the annual operating budget approved by the
100 board of directors of the association, taking into consideration
101 recommendations made by the oversight council created under
102 subsection (6). The annual operating budget for costs associated
103 with activities of the association for program operation,
104 administration, and oversight may not exceed 10 ~~12~~ percent of
105 the funds provided ~~deposited with the Florida Endowment~~
106 ~~Foundation for Vocational Rehabilitation~~ pursuant to ss.
107 320.08068(4)(d) and 413.4021(1) for the previous fiscal year or
108 the budget approved for the previous fiscal year, whichever
109 amount is greater.

110 (6) The James Patrick Memorial Work Incentive Personal
111 Attendant Services and Employment Assistance Program Oversight
112 Council is created adjunct to the Department of Education for
113 the purpose of providing program recommendations, recommending
114 the maximum monthly reimbursement available to program
115 participants, advising the Florida Association of Centers for
116 Independent Living on policies and procedures, and recommending

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117 the program's annual operating budget for activities of the
118 association associated with operations, administration, and
119 oversight. The oversight council shall also advise on and
120 recommend the schedule of eligible services for which program
121 participants may be reimbursed subject to the requirements and
122 limitations of paragraph (3)(c) which, at a minimum, must
123 include personal care attendant services. The oversight council
124 shall advise and make its recommendations under this section to
125 the board of directors of the association. The oversight council
126 is not subject to the control of or direction by the department,
127 and the department is not responsible for providing staff
128 support or paying any expenses incurred by the oversight council
129 in the performance of its duties.

130 (c) The oversight council shall issue a report to the
131 Governor, the President of the Senate, the Speaker of the House
132 of Representatives, and the Commissioner of Education by
133 February 1 each year, summarizing the performance of the
134 program.

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

137 413.4021 Program participant selection; tax collection
138 enforcement diversion program.—The Department of Revenue, in
139 coordination with the Florida Association of Centers for
140 Independent Living and the Florida Prosecuting Attorneys
141 Association, shall select judicial circuits in which to operate

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142 the program. The association and the state attorneys' offices
143 shall develop and implement a tax collection enforcement
144 diversion program, which shall collect revenue due from persons
145 who have not remitted their collected sales tax. The criteria
146 for referral to the tax collection enforcement diversion program
147 shall be determined cooperatively between the state attorneys'
148 offices and the Department of Revenue.

149 (1) Notwithstanding s. 212.20, 50 percent of the revenues
150 collected from the tax collection enforcement diversion program
151 shall be deposited into the special reserve account of the
152 Florida Association of Centers for Independent Living Endowment
153 ~~Foundation for Vocational Rehabilitation~~, to be used to
154 administer the James Patrick Memorial Work Incentive Personal
155 Attendant Services and Employment Assistance Program and to
156 contract with the state attorneys participating in the tax
157 collection enforcement diversion program in an amount of not
158 more than \$75,000 for each state attorney.

159 (2) The program shall operate only from funds deposited
160 into the operating account of the Florida Association of Centers
161 for Independent Living Endowment ~~Foundation for Vocational~~
162 ~~Rehabilitation~~.

163 Section 7. Section 413.615, Florida Statutes, is amended
164 to read:

165 413.615 Florida Endowment for Vocational Rehabilitation.—

166 (4) REVENUE FOR THE ENDOWMENT FUND.—

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

172 (b) The principal of the endowment fund shall derive from
173 ~~the deposits made pursuant to s. 318.21(2)(e), together with any~~
174 legislative appropriations which may be made to the endowment,
175 and such bequests, gifts, grants, and donations as may be
176 solicited for such purpose by the foundation from public or
177 private sources.

178 (c) ~~All funds remitted to the Department of Revenue~~
179 ~~pursuant to s. 318.21(2)(e) and (5) shall be transmitted monthly~~
180 ~~to the foundation for use as provided in subsection (10).~~ All
181 remaining liquid balances of funds held for investment and
182 reinvestment by the State Board of Administration for the
183 endowment fund on the effective date of this act shall be
184 transmitted to the foundation within 60 days for use as provided
185 in subsection (10).

186 (d) The board of directors of the foundation shall
187 establish the operating account and shall deposit therein the
188 moneys transmitted pursuant to paragraph (c). Moneys in the
189 operating account shall be available to carry out the purposes
190 of subsection (10).

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

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

199 (a) Approval of the articles of incorporation of the
200 foundation by the division.

201 (b) Governance of the foundation by a board of directors
202 appointed by the Governor.

203 (c) Submission of an annual budget of the foundation for
204 approval by the division. The division may not approve an annual
205 budget that does not comply with the requirements of (9)(j).

206 (d) Certification by the division, after an annual
207 financial and performance review, that the foundation is
208 operating in compliance with the terms of the contract and the
209 rules of the division, and in a manner consistent with the goals
210 of the Legislature in providing assistance to disabled citizens.

211 (e) The release and conditions of the expenditure of any
212 state revenues.

213 (f) The orderly cessation of operations and reversion to
214 the state of moneys in the foundation and in any other funds and
215 accounts held in trust by the foundation if the contract is

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216 terminated, the foundation is dissolved, or upon the repeal of
217 this section.

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

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

222 (a) Upon appointment, the board shall meet and organize.
223 Thereafter, the board shall hold such meetings as are necessary
224 to implement the provisions of this section and shall conduct
225 its business in accordance with rules promulgated by the
226 division.

227 (b) The board may solicit and receive bequests, gifts,
228 grants, donations, goods, and services. Where gifts are
229 restricted as to purpose, they may be used only for the purpose
230 or purposes stated by the donor. The board may transmit monetary
231 gifts to the State Board of Administration for deposit in the
232 endowment fund principal.

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

236 (d) The board may identify, initiate, and fund new and
237 creative programs to carry out the purposes of this section,
238 utilizing existing organizations, associations, and agencies to
239 carry out such rehabilitation programs and purposes wherever
240 possible.

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

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

244 2. To a corporation, trust, association, or foundation
245 organized and operated exclusively for charitable, educational,
246 or scientific purposes.

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

248 4. To the division for purposes of program recognition and
249 marketing, public relations and education, professional
250 development, and technical assistance and workshops for grant
251 applicants and recipients, the business community, and
252 individuals with disabilities or recognized groups organized on
253 their behalf.

254 (f) The board may advertise and solicit applications for
255 funding and shall evaluate applications and program proposals
256 submitted thereto. Funding shall be awarded only where the
257 evaluation is positive and the proposal meets both the
258 guidelines for use established in subsection (10) and such
259 evaluation criteria as the division may prescribe by rule.

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

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

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265 (i) The board may take such additional actions, including
266 the hiring of necessary staff, as are deemed necessary and
267 appropriate to administer this section, subject to rules of the
268 division.

269 (j) Administrative costs shall be kept to the minimum
270 necessary for the efficient and effective administration of the
271 foundation and are limited to 15 percent of total estimated
272 expenditures in any calendar year. Administrative costs include
273 payment of travel and per diem expenses of board members;
274 officer salaries; chief executive officer program management;
275 audits; salaries or other costs for nonofficers and contractors
276 providing services that are not directly related to the mission
277 of the foundation as described in subsection (5); costs of
278 promoting the purposes of the foundation; and other allowable
279 costs. Administrative costs may be paid from the following
280 sources:

281 1. Interest and earnings on the endowment principal for the
282 2017-2018 fiscal year.

283 2. Private sources and up to seventy-five percent of
284 interest and earnings on the endowment principal for the 2018-
285 2019 fiscal year.

286 3. Private sources and up to fifty percent of interest and
287 earnings on the endowment principal for the 2019-2020 fiscal
288 year.

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289 4. Private sources and up to twenty-five percent of
290 interest and earnings on the endowment principal for the 2020-
291 2021 fiscal year.

292 5. Solely private sources for the 2021-2022 fiscal year
293 and thereafter.

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

295 1. The annual audit required by subsection (11) and the
296 annual report required by subsection (12).

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

299 3. A copy of each contract into which the foundation
300 enters.

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

303 a. Projected economic benefits at the time of the initial
304 award date.

305 b. Information describing the program, gift, or grant
306 funded.

307 c. The geographic area impacted.

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

309 e. The expected duration.

310 f. Evaluation criteria.

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

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

316 (a) Planning, research, and policy development for issues
317 related to the employment and training of disabled citizens, and
318 publication and dissemination of such information as may serve
319 the objectives of this section.

320 (b) Promotion of initiatives for disabled citizens.

321 (c) Funding of programs which engage in, contract for,
322 foster, finance, or aid in job training and counseling for
323 disabled citizens or research, education, demonstration, or
324 other activities related thereto.

325 (d) Funding of programs which engage in, contract for,
326 foster, finance, or aid in activities designed to advance better
327 public understanding and appreciation of the field of vocational
328 rehabilitation.

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

333

334 Any allocation of funds for research, advertising, or consulting
335 shall be subject to a competitive solicitation process. State
336 funds may not be used to fund events for private sector donors
337 or potential donors or to honor supporters.

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

343 (12) ANNUAL REPORT.—The board shall issue a report to the
344 Governor, the President of the Senate, the Speaker of the House
345 of Representatives, and the Commissioner of Education by
346 December ~~February~~ 1 each year, summarizing the performance of
347 the endowment fund for the previous fiscal year, summarizing the
348 foundation's fundraising activities and performance, and
349 detailing those activities and programs supported by the
350 endowment principal or earnings on the endowment principal and
351 those supported ~~or~~ by private sources, bequests, gifts, grants,
352 donations, and other valued goods and services received. The
353 report shall also include:

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

356 (b) The amount spent on administrative expenses,
357 fundraising and the amount of funds raised from private sources.

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

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

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362 (14) REPEAL.—This section is repealed October 1, 2018
363 ~~2017~~, unless reviewed and saved from repeal by the Legislature.

364 Section 8. The Florida Endowment for Vocational
365 Rehabilitation shall transfer any funds received pursuant to s.
366 320.08068(4) to the respective entities identified in s.
367 320.08068(4) (a)-(e) in accordance with the requirements of this
368 act. Any funds held in the special reserve account under s.
369 413.4021(1) to administer the James Patrick Memorial Work
370 Incentive Personal Attendant Services and Employment Assistance
371 Program shall be immediately transferred to the Florida
372 Association of Centers for Independent Living for continuity of
373 participant payments and essential program operations.

374
375
376 -----
377 **T I T L E A M E N D M E N T**

378 Remove everything before the enacting clause and insert:
379 An act relating to direct-support organizations; amending s.
380 20.058; requiring certain organizations to include contractual
381 provision for the orderly cessation of operations; amending ss.
382 318.21, 320.08068, and 320.0848, F.S.; revising provisions
383 relating to the distribution of proceeds from civil penalties
384 for traffic infractions, the sale of motorcycle specialty
385 license plates, and temporary disabled parking permits,
386 respectively; requiring that certain proceeds be deposited into

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387 the Grants and Donations Trust Fund of the Division of
388 Vocational Rehabilitation, instead of the Florida Endowment
389 Foundation for Vocational Rehabilitation; amending s. 413.402,
390 F.S.; deleting a requirement that a specified agreement be
391 maintained between the foundation and the Florida Association of
392 Centers for Independent Living; requiring the association to
393 administer the James Patrick Memorial Work Incentive Personal
394 Attendant Services and Employment Assistance Program; reducing
395 the maximum percentage of certain funds authorized for program
396 operation, administration, and oversight; amending s. 413.4021,
397 F.S.; requiring a specified percentage of certain revenues to be
398 deposited into the Florida Association of Centers for
399 Independent Living special reserve account to administer
400 specified programs; amending s. 413.615, F.S.; requiring
401 separate accounts for certain funds received from state sources
402 and public or private sources; providing additional duties of
403 the Florida Endowment for Vocational Rehabilitation; requiring
404 the foundation to publish certain information on its website;
405 requiring certain funding allocations to be subject to a
406 competitive solicitation process; prohibiting the use of state
407 funds for certain purposes; specifying data to be included in an
408 annual report to the Governor, Legislature, and Commissioner of
409 Education; extending the date for future review and repeal of
410 provisions relating to the endowment; creating an unnumbered
411 section of law; requiring the Florida Endowment Foundation for

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412 Vocational Rehabilitation to transfer funds to specified
413 entities; providing an effective date.
414