

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:

10  
 11           Section 1.   Section 413.615, Florida Statutes, is amended  
 12           to 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  
 24           for 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  
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  
45 | corporate 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  
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  
 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  
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.

145  
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  
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.

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  
211 moneys in the operating account, by whatever means, to provide  
212 for:

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

217 (b) Promotion of initiatives for disabled citizens.

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

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

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

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

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

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

247 (14) REPEAL.—This section is repealed October 1, 2027  
 248 ~~2017~~, unless reviewed and saved from repeal by the Legislature.

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