

1 A bill to be entitled
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
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.

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

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 funds held in trust by the organization within 30 days after its authorizing statute is repealed, the contract is terminated, or the organization is dissolved. If an organization fails to submit the required information for 2 consecutive years, the agency head shall terminate any contract between the agency and the organization.

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

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

(2) Of the remainder:

(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
 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:

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
 132 | to 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
 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,
162 other 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
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
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
232 | spinal cord injuries or his or her designee;

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
238 | concurrent with the term of the official who made the
239 | appointment and shall serve at the pleasure of such official.

240 | (c) By February 1 of each year, the oversight council
241 | shall submit a report to the Governor, the President of the
242 | Senate, 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
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)(e), 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~~
 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
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
347 | the 2017-2018 fiscal year.

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

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

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

385 (b) Promotion of initiatives for disabled citizens.

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

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

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

398
 399 Any allocation of funds for research, advertising, or consulting
 400 shall be subject to a competitive solicitation process. State

401 funds may not be used to fund events for private sector donors
402 or potential donors or to honor supporters.

403 (12) ANNUAL REPORT.—The board shall issue a report to the
404 Governor, the President of the Senate, the Speaker of the House
405 of Representatives, and the Commissioner of Education by
406 December ~~February~~ 1 each year, summarizing the performance of
407 the endowment fund for the previous fiscal year, summarizing the
408 foundation's fundraising activities and performance, and
409 detailing those activities and programs supported by the
410 endowment principal or earnings on the endowment principal and
411 those activities and programs supported by private sources, or
412 ~~by~~ bequests, gifts, grants, donations, and other valued goods
413 and services received. The report shall also include:

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

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

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

421 (14) REPEAL.—This section is repealed October 1, 2018
422 ~~2017~~, unless reviewed and saved from repeal by the Legislature.

423 Section 8. The Florida Endowment Foundation for Vocational
424 Rehabilitation shall transfer any funds received pursuant to s.
425 320.08068(4), Florida Statutes, to the entities identified in s.

426 | 320.08068(4)(a)-(e), Florida Statutes, in accordance with the
427 | requirements of this act. Any funds held in the special reserve
428 | account under s. 413.4021(1), Florida Statutes, to administer
429 | the James Patrick Memorial Work Incentive Personal Attendant
430 | Services and Employment Assistance Program shall be immediately
431 | transferred to the Florida Association of Centers for
432 | Independent Living to provide for continuity of participant
433 | payments and essential program operations.

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