

By 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 abrogating the future repeal of provisions relating to
5 the Florida Endowment for Vocational Rehabilitation;
6 providing an effective date.

7
8 Be It Enacted by the Legislature of the State of Florida:

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10 Section 1. Subsection (14) of section 413.615, Florida
11 Statutes, is amended, and subsections (1) through (13) of that
12 section are republished, 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 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 any legislative appropriations which may be made to the
56 endowment, and such bequests, gifts, grants, and donations as
57 may be solicited for such purpose by the foundation from public
58 or private sources.

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59 (c) All remaining liquid balances of funds held for
60 investment and reinvestment by the State Board of Administration
61 for the endowment fund on the effective date of this act shall
62 be transmitted to the foundation within 60 days for use as
63 provided in subsection (10).

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

69 (e) Funds received from state sources shall be accounted
70 for separately from bequests, gifts, grants, and donations which
71 may be solicited for such purposes by the foundation from public
72 or private sources. Earnings on funds received from state
73 sources and funds received from public or private sources shall
74 be accounted for separately.

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

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

86 (b) Be organized and operated exclusively to raise funds;
87 to submit requests and receive grants from the Federal

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88 Government, the state, private foundations, and individuals; to
89 receive, hold, and administer property; and to make expenditures
90 to or for the benefit of the rehabilitation programs approved by
91 the board of directors of the foundation.

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

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

96 (a) Approval of the articles of incorporation of the
97 foundation by the division.

98 (b) Governance of the foundation by a board of directors
99 appointed by the Governor.

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

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

108 (e) The release and conditions of the expenditure of any
109 state revenues.

110 (f) The orderly cessation of operations and reversion to
111 the state of funds held in trust by the foundation if the
112 contract is terminated, the foundation is dissolved, or this
113 section is repealed.

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

116 (7) CONFIDENTIALITY.—

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117 (a) The identity of a donor or prospective donor to the
118 Florida Endowment Foundation for Vocational Rehabilitation who
119 desires to remain anonymous and all information identifying such
120 donor or prospective donor are confidential and exempt from the
121 provisions of s. 119.07(1) and s. 24(a), Art. I of the State
122 Constitution. Portions of meetings of the Florida Endowment
123 Foundation for Vocational Rehabilitation during which the
124 identity of donors or prospective donors is discussed are exempt
125 from the provisions of s. 286.011 and s. 24(b), Art. I of the
126 State Constitution.

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

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

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

143 1. Have skills in foundation work or other fundraising
144 activities, financial consulting, or investment banking or other
145 related experience; or

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146 2. Have experience in policymaking or management-level
147 positions or have otherwise distinguished themselves in the
148 field of business, industry, or rehabilitation.

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150 Disabled individuals who meet the above criteria shall be given
151 special consideration for appointment.

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

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

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

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

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

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

172 (b) The board may solicit and receive bequests, gifts,
173 grants, donations, goods, and services. Where gifts are
174 restricted as to purpose, they may be used only for the purpose

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175 or purposes stated by the donor. The board may transmit monetary
176 gifts to the State Board of Administration for deposit in the
177 endowment fund principal.

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

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

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

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

189 2. To a corporation, trust, association, or foundation
190 organized and operated exclusively for charitable, educational,
191 or scientific purposes.

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

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

199 (f) The board may advertise and solicit applications for
200 funding and shall evaluate applications and program proposals
201 submitted thereto. Funding shall be awarded only where the
202 evaluation is positive and the proposal meets both the
203 guidelines for use established in subsection (10) and such

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204 evaluation criteria as the division may prescribe by rule.

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

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

210 (i) The board may take such additional actions, including
211 the hiring of necessary staff, as are deemed necessary and
212 appropriate to administer this section, subject to rules of the
213 division.

214 (j) Administrative costs shall be kept to the minimum
215 amount necessary for the efficient and effective administration
216 of the foundation and are limited to 15 percent of total
217 estimated expenditures in any calendar year. Administrative
218 costs include payment of travel and per diem expenses of board
219 members, officer salaries, chief executive officer program
220 management, audits, salaries or other costs for nonofficers and
221 contractors providing services that are not directly related to
222 the mission of the foundation as described in subsection (5),
223 costs of promoting the purposes of the foundation, and other
224 allowable costs. Administrative costs may be paid from the
225 following sources:

226 1. Interest and earnings on the endowment principal for the
227 2017-2018 fiscal year.

228 2. Private sources and up to 75 percent of interest and
229 earnings on the endowment principal for the 2018-2019 fiscal
230 year.

231 3. Private sources and up to 50 percent of interest and
232 earnings on the endowment principal for the 2019-2020 fiscal

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233 year.

234 4. Private sources and up to 25 percent of interest and
235 earnings on the endowment principal for the 2020-2021 fiscal
236 year.

237 5. Solely private sources for the 2021-2022 fiscal year and
238 thereafter.

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

240 1. The annual audit required by subsection (11) and the
241 annual report required by subsection (12).

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

244 3. A copy of each contract into which the foundation
245 enters.

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

248 a. Projected economic benefits at the time of the initial
249 award date.

250 b. Information describing the program, gift, or grant
251 funded.

252 c. The geographic area impacted.

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

254 e. The expected duration.

255 f. Evaluation criteria.

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

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

260 (a) Planning, research, and policy development for issues
261 related to the employment and training of disabled citizens, and

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262 publication and dissemination of such information as may serve
263 the objectives of this section.

264 (b) Promotion of initiatives for disabled citizens.

265 (c) Funding of programs which engage in, contract for,
266 foster, finance, or aid in job training and counseling for
267 disabled citizens or research, education, demonstration, or
268 other activities related thereto.

269 (d) Funding of programs which engage in, contract for,
270 foster, finance, or aid in activities designed to advance better
271 public understanding and appreciation of the field of vocational
272 rehabilitation.

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

277
278 Any allocation of funds for research, advertising, or consulting
279 shall be subject to a competitive solicitation process. State
280 funds may not be used to fund events for private sector donors
281 or potential donors or to honor supporters.

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

287 (12) ANNUAL REPORT.—The board shall issue a report to the
288 Governor, the President of the Senate, the Speaker of the House
289 of Representatives, and the Commissioner of Education by
290 December 30 each year summarizing the performance of the

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291 endowment fund for the previous fiscal year, summarizing the
292 foundation's fundraising activities and performance, and
293 detailing those activities and programs supported by the
294 endowment principal or earnings on the endowment principal and
295 those activities and programs supported by private sources,
296 bequests, gifts, grants, donations, and other valued goods and
297 services received. The report shall also include:

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

300 (b) The amount of funds spent on administrative expenses
301 and fundraising and the amount of funds raised from private
302 sources.

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

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

307 ~~(14) REPEAL. This section is repealed October 1, 2019,~~
308 ~~unless reviewed and saved from repeal by the Legislature.~~

309 Section 2. This act shall take effect upon becoming a law.