

Committee Substitute for Senate Bill No. 2918

An act relating to the Florida School for the Deaf and the Blind; amending s. 11.45, F.S.; requiring the Auditor General to conduct audits of the accounts and records of the Florida School for the Deaf and the Blind; amending s. 1001.20, F.S.; including the Florida School for the Deaf and Blind in the entities subject to inspection by the Department of Education's Inspector General; amending s. 1002.36, F.S., relating to the Florida School for the Deaf and the Blind; providing that the school is a component of the delivery of public education within Florida's K-20 education system; requiring certain compliance; revising audit requirements; revising provisions specifying authority of the Board of Trustees for the Florida School for the Deaf and the Blind to perform certain actions; revising the power and authority of the board of trustees; revising duties of the board of trustees; amending s. 1011.55, F.S.; revising the procedure for legislative budget requests of the Florida School for the Deaf and the Blind; creating s. 1013.351, F.S.; providing definitions; providing a policy statement concerning the coordination of planning between the board of trustees and local governments on property acquired after a certain date; authorizing the board of trustees to enter into an interlocal agreement with the municipality where the school is located; providing for the makeup of the interlocal agreement; requiring the submission of the interlocal agreement with the Office of Educational Facilities and the state land planning agency; providing for a review of the interlocal agreement by the office and the agency; providing for amendments of the interlocal agreement; authorizing an alternative process to the interlocal agreement concerning expansion of the school's campus; providing for improved coordination between the board of trustees and the affected local governments concerning future acquisitions of real property; providing for the board of trustees to request a determination of consistency with the local government's comprehensive plan and local development regulations for the proposed use of property acquired after a certain date; providing for a local government that regulates land use to make that determination; requiring that disputes concerning the implementation of an executed interlocal agreement be resolved in accordance with ch. 164, F.S.; creating s. 1002.361, F.S.; authorizing the board of trustees to create a direct-support organization; requiring the organization to operate under a contract with the board of trustees; providing for the elements of the contract; providing for audits of the organization; providing for membership to the board of directors of the organization; requiring the board of trustees to adopt rules; amending s. 413.011, F.S.; providing legislative policy and intent; providing duties of the Division of Blind Services; requiring the division to develop and implement a state plan for vocational rehabilitation services; requiring the division to develop and implement a state plan for independent living services; providing for the division to purchase and distribute specialized equipment without using state centralized purchasing procedures; exempting such

equipment from certain record and inventory requirements; creating a children's program; requiring background investigations of division personnel; requiring division personnel and applicants for employment to meet level 2 screening standards as a condition of employment; redesignating the Advisory Council for the Blind as the Rehabilitation Council for the Blind; amending ss. 413.014, 413.041, 413.051, and 413.091, F.S.; modernizing terminology; requiring the division to conduct a periodic survey of state properties; authorizing the division to create a blind services direct-support organization; providing purposes and objectives; providing for members of the board of the direct-support organization; providing that the organization is subject to s. 24, Art. I of the State Constitution, ch. 119, F.S., and s. 286.011, F.S.; requiring expenses of the organization to be paid by private funds; providing guidelines for the use of the funds; repealing ss. 413.061, 413.062, 413.063, 413.064, 413.065, 413.066, 413.067, 413.068, and 413.069, F.S., relating to permits for soliciting funds to benefit the blind; providing effective dates.

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

Section 1. Paragraphs (f) through (k) of subsection (2) of section 11.45, Florida Statutes, are redesignated as paragraphs (g) through (l), respectively, and a new paragraph (f) is added to that subsection to read:

11.45 Definitions; duties; authorities; reports; rules.—

(2) DUTIES.—The Auditor General shall:

(f) Annually conduct audits of the accounts and records of the Florida School for the Deaf and the Blind.

The Auditor General shall perform his or her duties independently but under the general policies established by the Legislative Auditing Committee. This subsection does not limit the Auditor General's discretionary authority to conduct other audits or engagements of governmental entities as authorized in subsection (3).

Section 2. Paragraph (e) of subsection (4) of section 1001.20, Florida Statutes, is amended to read:

1001.20 Department under direction of state board.—

(4) The Department of Education shall establish the following offices within the Office of the Commissioner of Education which shall coordinate their activities with all other divisions and offices:

(e) Office of Inspector General.—Organized using existing resources and funds and responsible for promoting accountability, efficiency, and effectiveness and detecting fraud and abuse within school districts, the Florida School for the Deaf and the Blind, community colleges, and state universities in Florida. If the Commissioner of Education determines that a district school board, ~~the Board of Trustees for the Florida School for the Deaf the~~

Blind, or a public postsecondary educational institution board is unwilling or unable to address substantiated allegations made by any person relating to waste, fraud, or financial mismanagement, the office shall conduct, coordinate, or request investigations into substantiated allegations made by any person relating to waste, fraud, or financial mismanagement within school districts, the Florida School for the Deaf and the Blind, community colleges, and state universities in Florida. The office shall have access to all information and personnel necessary to perform its duties and shall have all of its current powers, duties, and responsibilities authorized in s. 20.055.

Section 3. Subsections (1), (3), and (4) of section 1002.36, Florida Statutes, are amended to read:

1002.36 Florida School for the Deaf and the Blind.—

(1) RESPONSIBILITIES.—The Florida School for the Deaf and the Blind, located in St. Johns County, is a state-supported residential public school for hearing-impaired and visually impaired students in preschool through 12th grade. The school is a component of the delivery of public education within Florida's K-20 education system ~~part of the state system of public education~~ and shall be funded through the Department of Education. The school shall provide educational programs and support services appropriate to meet the education and related evaluation and counseling needs of hearing-impaired and visually impaired students in the state who meet enrollment criteria. Unless otherwise provided by law, the school shall comply with all laws and rules applicable to state agencies. Education services may be provided on an outreach basis for sensory-impaired children ages 0 through 5 years and their parents. Graduates of the Florida School for the Deaf and the Blind shall be eligible for the William L. Boyd, IV, Florida Resident Access Grant Program as provided in s. 1009.89.

(3) AUDITS.—The Auditor General shall conduct annual audits of audit the accounts and records of the Florida School for the Deaf and the Blind as provided in chapter 11. The Department of Education's Inspector General is authorized to conduct investigations at the school as provided in s. 1001.20(4)(e).

(4) BOARD OF TRUSTEES.—

(a) There is hereby created a Board of Trustees for the Florida School for the Deaf and the Blind which shall consist of seven members. Of these seven members, one appointee shall be a blind person and one appointee shall be a deaf person. Each member shall have been a resident of the state for a period of at least 10 years. Their terms of office shall be 4 years. The appointment of the trustees shall be by the Governor with the confirmation of the Senate. The Governor may remove any member for cause and shall fill all vacancies that occur.

(b) The board of trustees shall elect a chair annually. The trustees shall be reimbursed for travel expenses as provided in s. 112.061, the accounts of which shall be paid by the Chief Financial Officer upon itemized vouchers duly approved by the chair.

(c) The board of trustees has authority to adopt rules pursuant to ss. 120.536(1) and 120.54 to implement provisions of law relating to operation of the Florida School for the Deaf and the Blind. Such rules shall be submitted to the State Board of Education for approval or disapproval. After a rule is approved ~~If any rule is not disapproved by the State Board of Education within 60 days of its receipt~~ by the State Board of Education, the rule shall be filed immediately with the Department of State. The board of trustees shall act at all times in conjunction with the rules of the State Board of Education.

(d) The board of trustees is a body corporate and shall have a corporate seal. Unless otherwise provided by law, all actions of the board of trustees shall be consistent with all laws and rules applicable to state agencies. Title to any gift, donation, or bequest received by the board of trustees pursuant to subparagraph (e)11, subsection (5) ~~shall~~ vest in the board of trustees. Title to all other property and other assets of the Florida School for the Deaf and the Blind shall vest in the State Board of Education, but the board of trustees shall have complete jurisdiction over the management of the school, ~~and~~

(e) The board of trustees is invested with full power and authority to:

1. Appoint a president, faculty, teachers, and other employees and remove the same as in its judgment may be best and fix their compensation; ~~to~~

2. Procure professional services, such as medical, mental health, architectural, and engineering, ~~and legal services;~~ ~~to~~

3. Procure legal services without the prior written approval of the Attorney General.

4. Determine eligibility of students and procedure for admission; ~~to~~

5. Provide for the students of the school necessary bedding, clothing, food, and medical attendance and such other things as may be proper for the health and comfort of the students without cost to their parents, except that the board of trustees may set tuition and other fees for nonresidents; ~~to~~

6. Provide for the proper keeping of accounts and records and for budgeting of funds; ~~to~~

7. Enter into contracts; ~~to~~

8. Sue and be sued; ~~to~~

9. Secure public liability insurance; ~~and to~~

10. Do and perform every other matter or thing requisite to the proper management, maintenance, support, and control of the school at the highest efficiency economically possible, the board of trustees taking into consideration the purposes of the establishment.

~~11.(e)1.~~ The board of trustees is authorized to Receive gifts, donations, and bequests of money or property, real or personal, tangible or intangible, from any person, firm, corporation, or other legal entity. However, the board of trustees may not obligate the state to any expenditure or policy that is not specifically authorized by law.

2. If the bill of sale, will, trust indenture, deed, or other legal conveyance specifies terms and conditions concerning the use of such money or property, the board of trustees shall observe such terms and conditions.

~~12.3.~~ The board of trustees may Deposit outside the State Treasury such moneys as are received as gifts, donations, or bequests and may disburse and expend such moneys, upon its own warrant, for the use and benefit of the Florida School for the Deaf and the Blind and its students, as the board of trustees deems to be in the best interest of the school and its students. Such money or property shall not constitute or be considered a part of any legislative appropriation, and such money shall not be used to compensate any person for engaging in lobbying activities before the House of Representatives or Senate or any committee thereof.

~~13.4.~~ The board of trustees may Sell or convey by bill of sale, deed, or other legal instrument any property, real or personal, received as a gift, donation, or bequest, upon such terms and conditions as the board of trustees deems to be in the best interest of the school and its students.

~~14.5.~~ The board of trustees may Invest such moneys in securities enumerated under s. 215.47(1), (2)(d), (3), (4), and (9) s. 215.47, and in The Common Fund, an Investment Management Fund exclusively for nonprofit educational institutions.

(f) The board of trustees shall:

1. Prepare and submit legislative budget requests for operations and fixed capital outlay, including fixed capital outlay requests, in accordance with chapter 216 and ss. s. 1011.56 and 1013.60, to the Department of Education for review and approval. The department must analyze the amount requested for fixed capital outlay to determine if the request is consistent with the school's campus master plan, educational plant survey, and facilities master plan.

2. Approve and administer an annual operating budget in accordance with ss. 1011.56 and 1011.57.

3. Require all funds received other than gifts, donations, bequests, funds raised by or belonging to student clubs or student organizations, and funds held for specific students or in accounts for individual students to be deposited in the State Treasury and expended as authorized in the General Appropriations Act.

4. Require all purchases to be in accordance with the provisions of chapter 287.

5.2. Administer and maintain personnel programs for all employees of the board of trustees and the Florida School for the Deaf and the Blind who

shall be state employees, including the personnel classification and pay plan established in accordance with ss. 110.205(2)(d) and 216.251(2)(a)2. for academic and academic administrative personnel, the provisions of chapter 110, and the provisions of law that grant authority to the Department of Management Services over such programs for state employees.

6. Give preference in appointment and retention in positions of employment as provided within s. 295.07(1).

7. Ensure that the Florida School for the Deaf and the Blind complies with s. 1013.351 concerning the coordination of planning between the Florida School for the Deaf and the Blind and local governing bodies.

8. Ensure that the Florida School for the Deaf and the Blind complies with s. 112.061 concerning per diem and travel expenses of public officers, employees, and authorized persons.

9.3. Adopt a master plan which specifies the mission and objectives of the Florida School for the Deaf and the Blind. The plan shall include, but not be limited to, procedures for systematically measuring the school's progress toward meeting its objectives, analyzing changes in the student population, and modifying school programs and services to respond to such changes. The plan shall be for a period of 5 years and shall be reviewed for needed modifications every 2 years. The board of trustees shall submit the initial plan and subsequent modifications to the Speaker of the House of Representatives and the President of the Senate.

~~4.— Seek the advice of the Division of Public Schools within the Department of Education.~~

~~10.(g) The Board of Trustees for the Florida School for the Deaf and the Blind, located in St. Johns County, shall designate a portion of the school as "The Verle Allyn Pope Complex for the Deaf," in tribute to the late Senator Verle Allyn Pope.~~

Section 4. Section 1011.55, Florida Statutes, is amended to read:

1011.55 Procedure for legislative budget requests for the Florida School for the Deaf and the Blind.—

(1) The legislative budget request of the Florida School for the Deaf and the Blind shall be prepared using the same format, procedures, and timelines required for the submission of the legislative budget of the Department of Education. The Florida School for the Deaf and the Blind shall submit its legislative budget request to the Department of Education for review and approval. Subsequent to the Department of Education's approval, the Commissioner of Education shall include the Florida School for the Deaf and the Blind in the department's legislative budget request to the State Board of Education, the Governor, and the Legislature. The legislative budget request and the appropriation for the Florida School for the Deaf and the Blind shall be a separate identifiable sum in the public schools budget entity of the Department of Education. The annual appropriation for the school shall be distributed monthly in payments as nearly equal as possible. Appropriations

for textbooks, instructional technology, and school buses may be released and distributed as necessary to serve the instructional program for the students.

(2) ~~The school shall submit its fixed capital outlay request to the Department of Education for review and approval in accordance with s. 1002.36(4)(f)1. Subsequent to the department's approval, the school's request shall be included within the department's public education capital outlay legislative budget request. Fixed capital outlay needs of the school shall continue to be requested in the public education capital outlay legislative budget request of the Department of Education.~~

Section 5. Section 1013.351, Florida Statutes, is created to read:

1013.351 Coordination of planning between the Florida School for the Deaf and the Blind and local governing bodies.—

(1) As used in this section, the term:

(a) “Board of Trustees” means the Board of Trustees of the Florida School for the Deaf and the Blind.

(b) “Local government” means the municipality or county in which the school is located.

(c) “School” means the Florida School for the Deaf and the Blind.

(2) It is the policy of this state to require the board of trustees to coordinate planning for new facilities with local governments to ensure that plans for site acquisition, construction, and opening of new facilities of the school are facilitated, concurrent with other necessary services. The planning shall include the integration of the educational plant survey for the school and applicable policies and procedures of the board of trustees with the local comprehensive plan and land development regulations of the local governments. The planning must consider the effect of the location of new facilities to be located on property acquired on or after January 1, 1998, including the efficient use of local infrastructure, the proximity of the proposed new facilities to the school's existing campus, and the effect and impact of any property proposed to be acquired by the school after the effective date of this act. In addition, all parties to the planning process must consult with state and local road departments to assist in implementing the Safe Paths to Schools Program administered by the Department of Transportation.

(3) The board of trustees and the municipality in which the school is located may enter into an interlocal agreement to establish the specific ways in which the plans and processes of the board of trustees and the local government are to be coordinated. If the school and local government enter into an interlocal agreement, the agreement must be submitted to the state land planning agency and the Office of Educational Facilities.

(4) At a minimum, an interlocal agreement must address the following issues:

(a) The process by which each local government and the board of trustees will agree and base their plans on consistent projections of the growth and needs of the school's student enrollment.

(b) A process to coordinate and share information relating to planned expansions of the school's facilities.

(c) Participation by affected local governments when the board of trustees is evaluating potential land acquisitions before the land acquisition occurs and when the board of trustees proposes uses for property acquired by the board of trustees on or after January 1, 1998. The local governments shall advise the board of trustees as to the consistency of any future land acquisitions and the uses proposed by the school for lands acquired on or after January 1, 1998, including appropriate circumstances and criteria under which the board of trustees may request an amendment to the comprehensive plan for the expansion of the school's campus or for school facilities to be located on property acquired by the board of trustees on or after January 1, 1998.

(d) A process for determining the need for and timing of onsite and offsite improvements to support new facilities that are to be located on property acquired by the board of trustees on or after January 1, 1998, except new facilities for which a construction contract was entered on or before the effective date of this act. The process shall address identification of the party or parties responsible for the improvements.

(e) A process for the board of trustees to inform local governments of the school's enrollment demographics and its capacity to meet it. The capacity reporting must identify how the board of trustees will meet the demands for enrollment at the school, based on the educational plant survey required by s. 1013.31.

(f) A process for determining where and how joint use of the school or local government facilities can be shared for mutual benefit and efficiency.

(g) A procedure for resolving disputes between the board of trustees and local governments, which may include the dispute resolution processes contained in chapters 164 and 186.

The board of trustees and the local governments may choose not to include a provision meeting the requirements of paragraph (e). However, this decision may be made only after a public hearing on the proposed decision, which may include the public hearing at which the board of trustees or the local governments adopt the interlocal agreements. An interlocal agreement entered into under this section must be consistent with the adopted comprehensive plan and land development regulations of the local governments.

(5)(a) The Office of Educational Facilities shall submit any comments or concerns regarding the executed interlocal agreements to the state land planning agency no later than 30 days after receipt of the executed interlocal agreements. The state land planning agency shall review the executed interlocal agreements to determine whether it is consistent with the requirements of subsection (4), the adopted local government comprehensive plans,

and other requirements of law. Not later than 60 days after receipt of an executed interlocal agreement, the state land planning agency shall publish a notice of intent in the Florida Administrative Weekly. The notice of intent must state that the interlocal agreement is consistent or inconsistent with the requirements of subsection (4) and this subsection as appropriate.

(b)1. The state land planning agency's notice is subject to challenge under chapter 120. However, an affected person, as defined in s. 163.3184, has standing to initiate the administrative proceeding, and this proceeding is the sole means available to challenge the consistency of an interlocal agreement with the criteria contained in subsection (4) and this subsection. In order to have standing, a person must have submitted oral or written comments, recommendations, or objections to the appropriate local government or the board of trustees before the adoption of the interlocal agreement by the board of trustees and local government. The board of trustees and the appropriate local government are parties to any such proceeding.

2. In the administrative proceeding, if the state land planning agency finds the interlocal agreement to be consistent with the criteria in subsection (4) and this subsection, the interlocal agreement must be determined to be consistent with subsection (4) and this subsection if the local government and board of trustees is fairly debatable.

3. If the state land planning agency finds the interlocal agreement to be inconsistent with the requirements of subsection (4) and this subsection, the determination of consistency by the local government and board of trustees shall be sustained unless it is shown by a preponderance of the evidence that the interlocal agreement is inconsistent.

(c) If the state land planning agency enters a final order that finds that the interlocal agreement is inconsistent with the requirements of subsection (4) or this subsection, the state land planning agency shall identify the issues in dispute and submit the matter to the Administration Commission for final action. The report to the Administration Commission must list each issue in dispute, describe the nature and basis for each dispute, identify alternative resolutions of each dispute, and make recommendations. After receiving the report from the state land planning agency, the Administration Commission shall take action to resolve the issues. In deciding upon a proper resolution, the Administration Commission shall consider the nature of the issues in dispute, the compliance of the parties with this section, the extent of the conflict between the parties, the comparative hardships, and the public interest involved. In resolving the matter, the Administration Commission may prescribe, by order, the contents of the interlocal agreement which shall be executed by the board of trustees and the local government.

(6) An interlocal agreement may be amended under subsections (2)-(5):

(a) In conjunction with updates to the school's educational plant survey prepared under s. 1013.31; or

(b) If either party delays by more than 12 months the construction of a capital improvement identified in the agreement.

(7) This section does not prohibit a local governing body and the board of trustees from agreeing and establishing an alternative process for reviewing proposed expansions to the school's campus and offsite impacts, under the interlocal agreement adopted in accordance with subsections (2)-(6).

(8) School facilities within the geographic area or the campus of the school as it existed on or before January 1, 1998, are consistent with the local government's comprehensive plan developed under part II of chapter 163 and consistent with the plan's implementing land development regulations.

(9) To improve coordination relative to potential educational facility sites, the board of trustees shall provide written notice to the local governments consistent with the interlocal agreements entered under subsections (2)-(6) at least 60 days before the board of trustees acquires any additional property. The local government shall notify the board of trustees no later than 45 days after receipt of this notice if the site proposed for acquisition is consistent with the land use categories and policies of the local government's comprehensive plan. This preliminary notice does not constitute the local government's determination of consistency under subsection (10).

(10) As early in the design phase as feasible, but no later than 90 days before commencing construction, the board of trustees shall request in writing a determination of consistency with the local government's comprehensive plan and local development regulations for the proposed use of any property acquired by the board of trustees on or after January 1, 1998. The local governing body that regulates the use of land shall determine, in writing, no later than 45 days after receiving the necessary information and a school board's request for a determination, whether a proposed use of the property is consistent with the local comprehensive plan and consistent with local land development regulations. If the local governing body determines the proposed use is consistent, construction may commence and additional local government approvals are not required, except as provided in this section. Failure of the local governing body to make a determination in writing within 90 days after receiving the board of trustees' request for a determination of consistency shall be considered an approval of the board of trustee's application. This subsection does not apply to facilities to be located on the property if a contract for construction of the facilities was entered on or before the effective date of this act.

(11) Disputes that arise in the implementation of an executed interlocal agreement or in the determinations required pursuant to subsection (9) or subsection (10) must be resolved in accordance with chapter 164.

Section 6. Effective July 1, 2005, section 1002.361, Florida Statutes, is created to read:

1002.361 Florida School for the Deaf and the Blind; direct-support organization; authority.—

(1) The board of trustees of the Florida School for the Deaf and the Blind may establish a direct-support organization that is:

(a) A Florida corporation, not for profit, incorporated under chapter 617 and approved by the Secretary of State.

(b) Organized and operated exclusively to receive, hold, invest, and administer property and to make expenditures to or for the benefit of the Florida School for the Deaf and the Blind or the board of trustees.

(c) An organization that the board of trustees, after review, has certified to be operating in a manner consistent with the goals of the Florida School for the Deaf and the Blind and the board of trustees and in the best interests of the state. Unless so certified, the organization may not use the name of the Florida School for the Deaf and the Blind.

(2) The direct-support organization shall operate under written contract with the board of trustees. The contract must provide for:

(a) Approval of the articles of incorporation and bylaws of the direct-support organization by the board of trustees.

(b) Submission of an annual budget for the approval of the board of trustees. The budget must comply with rules adopted by the board of trustees.

(c) Certification by the board of trustees that the direct-support organization is complying with the terms of the contract and in a manner consistent with the goals and purposes of the board and in the best interest of the state. The certification must be made annually and reported in the official minutes of a meeting of the board of trustees.

(d) The reversion to the board of trustees, or to the state if the Florida School for the Deaf and the Blind or the board of trustees cease to exist, of moneys and property held in trust by the direct-support organization for the benefit of the Florida School for the Deaf and the Blind or the board of trustees, if the direct-support organization is no longer approved to operate for the Florida School for the Deaf and the Blind or board of trustees or if the Florida School for the Deaf and the Blind or the board of trustees ceases to exist.

(e) The fiscal year of the direct-support organization, which must begin July 1 of each year and end June 30 of the following year.

(f) The disclosure of material provisions of the contract and of the distinction between the board of trustees and the direct-support organization to donors of gifts, contributions, or bequests, and the disclosure on all promotional and fundraising publications.

(3) The direct-support organization shall provide for an annual financial audit in accordance with s. 215.981. The board of trustees and Auditor General may require and receive from the organization or its independent auditor any detail or supplemental data relative to the operation of the organization.

(4) The chair of the board of trustees and the chief administrative employee of the Florida School for the Deaf and the Blind shall be directors of

the direct-support organization and shall jointly name, at a minimum, three other individuals to serve as directors of the organization.

(5) The board of trustees may authorize the direct-support organization established in this section to use property of the Florida School for the Deaf and the Blind or of the board of trustees, except money, and use facilities and personal services subject to this section. If the direct-support organization does not provide equal employment opportunities to all persons regardless of race, color, religion, gender, age, or national origin, it may not use the property, facilities, or personal services of the Florida School for the Deaf and the Blind or of the board of trustees. For the purposes of this section, the term "personal services" includes full-time personnel and part-time personnel as well as payroll processing as prescribed by rule of the board of trustees. The board of trustees shall adopt rules prescribing the procedures by which the direct-support organization is governed and any conditions with which a direct-support organization must comply to use property, facilities, or personal services of the Florida School for the Deaf and the Blind or of the board of trustees.

Section 7. Section 413.011, Florida Statutes, is amended to read:

413.011 Division of Blind Services, legislative policy, intent; internal organizational structure and powers; Rehabilitation Advisory Council for the Blind.—

(1) Policy.—It is the policy of the Legislature that all programs, projects, and activities of the division are to be carried out in a manner consistent with the following principles:

(a) Respect for individual dignity, personal responsibility, self-determination to live independently, and pursuit of meaningful careers, based on informed choice;

(b) Support for the involvement of an individual's representative if an individual requests, desires, or needs such support;

(c) Respect for the individual's privacy and equal access, including the use of information in accessible formats; and

(d) Integration and full participation of individuals who are blind in society on equal terms with others.

(2) It is the intent of the Legislature to establish a coordinated program of services which will be available to individuals throughout this state who are blind. The program must be designed to maximize employment opportunities for such individuals and to increase their independence and self-sufficiency.

(3)(4) The internal organizational structure of the Division of Blind Services shall be designed for the purpose of ensuring the greatest possible efficiency and effectiveness of services to the blind and to be consistent with chapter 20. The Division of Blind Services shall plan, supervise, and carry out the following activities:

(a) Recommend personnel as may be necessary to carry out the purposes of this section.

(b) Develop and implement a state plan for vocational rehabilitation services for individuals who are blind, pursuant to section 101 of the Rehabilitation Act of 1973, as amended.

(c) In conjunction with the Florida Independent Living Council, develop and implement a 3-year state plan for independent living services and provide independent living services for blind and visually impaired individuals, including services for older individuals who are blind, pursuant to Title VII, chapter 2 of the Rehabilitation Act of 1973, as amended.

(d) Provide services that contribute to the maintenance of or the increased independence of older individuals who are blind.

(e) Establish, equip, and maintain an orientation and adjustment center or centers to provide independent living skills training and other training such as, but not limited to, instruction in Braille; use of the long white cane for independent travel; homemaking and home-management skills; and communication skills, including the use of computer technology, to prepare individuals who are blind or visually impaired for eventual vocational training, job placement, and independence.

(f) Establish and implement a small business enterprises program and serve as the state licensing agency for individuals who are blind, pursuant to the federal Randolph-Sheppard Act.

(g) Purchase and distribute specialized equipment, devices, and technology, including low-vision aids, obtained directly from specialty vendors without using state centralized purchasing procedures.

(h) In cooperation with the Library of Congress, provide library services to persons who are blind and persons who have other print-related disabilities.

(i) In cooperation with other appropriate agencies, provide to employers, the state education agency, and local education agencies technical assistance in the provision of auxiliary aids and services to people who are blind, students, and their parents in complying with the Americans with Disabilities Act and the Individuals with Disabilities Education Act, as amended.

(j) Provide technical assistance to agencies within the state in order to assure that information technology purchased or used by such agencies is accessible to and usable by individuals who are blind, at the time the technology is purchased or used.

(k) Participate, through the designation of the director or an appropriate staff member of the division, on boards, commissions, or bodies in this state for the purpose of coordinating and planning services.

(l) Adopt rules for administering the programs of the division.

(m) Apply for and receive money from any state or federal agency to support the programs of the division.

(n) Develop and administer any other program that will further the provision of services to people who are blind and that the division determines falls within its scope of responsibility.

~~(b) Cause to be compiled and maintained a complete register of the blind in the state, which shall describe the condition, cause of blindness, and capacity for education and industrial training, with such other facts as may seem to the division to be of value. Any information in the register of the blind which, when released, could identify an individual is confidential and exempt from the provisions of s. 119.07(1).~~

(o)(e) Inquire into the cause of blindness, inaugurate preventive measures, and provide for the examination and treatment of the blind, or those threatened with blindness, for the benefit of such persons, and shall pay therefor, including necessary incidental expenses.

(p)(d) Aid the blind in finding employment, teach them trades and occupations within their capacities, assist them in disposing of products made by them in home industries, assist them in obtaining funds for establishing enterprises where federal funds reimburse the state, and do such things as will contribute to the efficiency of self-support of the blind.

(q)(e) Establish one or more training schools and workshops for the employment of suitable blind persons; make expenditures of funds for such purposes; receive moneys from sales of commodities involved in such activities and from such funds make payments of wages, repairs, insurance premiums and replacements of equipment. All of the activities provided for in this section may be carried on in cooperation with private workshops for the blind, except that all tools and equipment furnished by the division shall remain the property of the state.

(r)(f) Provide special services and benefits for the blind for developing their social life through community activities and recreational facilities.

(s)(g) Undertake such other activities as may ameliorate the condition of blind citizens of this state.

(t)(h) Cooperate with other agencies, public or private, especially the National Library Service for the Division of the Blind and Physically Handicapped of the Library of Congress and the Division of Library and Information Services of the Department of State, to provide library service to persons with visual, physical, or reading disabilities the blind and other handicapped persons as defined in federal law and regulations in carrying out any or all of the provisions of this law.

(u)(i) Recommend contracts and agreements with federal, state, county, municipal and private corporations, and individuals.

(v)(j) Receive moneys or properties by gift or bequest from any person, firm, corporation, or organization for any of the purposes herein set out, but

without authority to bind the state to any expenditure or policy except such as may be specifically authorized by law. All such moneys or properties so received by gift or bequest as herein authorized may be disbursed and expended by the division upon its own warrant for any of the purposes herein set forth, and such moneys or properties shall not constitute or be considered a part of any legislative appropriation made by the state for the purpose of carrying out the provisions of this law.

~~(w)(k)~~ Prepare and make available to the blind, in braille and on electronic recording equipment, Florida Statutes chapters 20, 120, 121, and 413, in their entirety.

(x)(4) Adopt by rule:

1. Procedures for providing vocational rehabilitation services for the blind; and.

~~2.(m) — Adopt by rule forms and~~ Instructions to be used by the division in its general administration.

(4)(2) As used in this section, the term:

(a) “Act,” unless the context indicates otherwise, means the Rehabilitation Act of 1973, 29 U.S.C. ss. 701-797.

(b) “Blind” or “blindness” means the condition of any person for whom blindness is a disability as defined by the Rehabilitation Act of 1973, 29 U.S.C. s. 706(8)(b).

(c) “Department” means the Department of Education.

(5) There is created within the Division of Blind Services a children’s program to serve children who are blind from 5 years of age through transition to the Vocational Rehabilitation Program. This program must supplement services already offered by the school system to foster the child’s learning and ability to function independently. The child’s parents, guardian, and family members should be an integral part of the program in order to foster independence.

(6) A state agency may use funds from all possible sources to make accommodations for individuals who are blind.

(7) The division shall require all employees and applicants for employment to undergo personnel screening and security background investigations as provided in chapter 435, using the level two standards for screening set forth in that chapter, as a condition of employment and continued employment. All division employees and applicants for employment must meet level 2 screening standards as provided in s. 435.04 prior to employment and as a condition of continued employment.

(8)(3) There is hereby created in the department the Rehabilitation Advisory Council for the Blind, which is an advisory council as defined in s. 20.03, to assist the division in the planning and development of statewide vocational rehabilitation programs and services pursuant to the Rehabilitation

Act of 1973, as amended, to recommend improvements to such programs and services, and to perform the functions provided in this section.

(a) The advisory council shall be composed of:

1. At least one representative of the Independent Living Council, which representative may be the chair or other designee of the council;

2. At least one representative of a parent training and information center established pursuant to s. 631(c)(9) of the Individuals with Disabilities Act, 20 U.S.C. s. 1431(c)(9);

3. At least one representative of the client assistance program established under the act;

4. At least one vocational rehabilitation counselor who has knowledge of and experience in vocational rehabilitation services for the blind, who shall serve as an ex officio nonvoting member of the council if the counselor is an employee of the department;

5. At least one representative of community rehabilitation program service providers;

6. Four representatives of business, industry, and labor;

7. At least one representative of a disability advocacy group representing individuals who are blind;

8. At least one parent, family member, guardian, advocate, or authorized representative of an individual who is blind, has multiple disabilities, and either has difficulties representing himself or herself or is unable, due to disabilities, to represent himself or herself;

9. Current or former applicants for, or recipients of, vocational rehabilitation services; and

10. The director of the division, who shall be an ex officio member of the council.

(b) Members of the council shall be appointed by the Governor, who shall select members after soliciting recommendations from representatives of organizations representing a broad range of individuals who have disabilities, and organizations interested in those individuals.

(c) A majority of council members shall be persons who are:

1. Blind; and

2. Not employed by the division.

(d) The council shall select a chair from among its membership.

(e) Each member of the council shall serve for a term of not more than 3 years, except that:

1. A member appointed to fill a vacancy occurring prior to the expiration of the term for which a predecessor was appointed shall be appointed for the remainder of such term; and

2. The terms of service of the members initially appointed shall be, as specified by the Governor, for such fewer number of years as will provide for the expiration of terms on a staggered basis.

(f) ~~A No~~ member of the council may not serve more than two consecutive full terms.

(g) Any vacancy occurring in the membership of the council shall be filled in the same manner as the original appointment. A vacancy does not affect the power of the remaining members to execute the duties of the council.

(h) In addition to the other functions specified in this section, the council shall:

1. Review, analyze, and advise the division regarding the performance of the responsibilities of the division under Title I of the act, particularly responsibilities relating to:

- a. Eligibility, including order of selection;
- b. The extent, scope, and effectiveness of services provided; and
- c. Functions performed by state agencies that affect or potentially affect the ability of individuals who are blind to achieve rehabilitation goals and objectives under Title I.

2. Advise the department and the division, and, at the discretion of the department or division, assist in the preparation of applications, the state plan, the strategic plan, and amendments to the plans, reports, needs assessments, and evaluations required by Title I.

3. To the extent feasible, conduct a review and analysis of the effectiveness of, and consumer satisfaction with:

a. The functions performed by state agencies and other public and private entities responsible for performing functions for individuals who are blind.

b. Vocational rehabilitation services:

(I) Provided or paid for from funds made available under the act or through other public or private sources.

(II) Provided by state agencies and other public and private entities responsible for providing vocational rehabilitation services to individuals who are blind.

4. Prepare and submit an annual report on the status of vocational rehabilitation services for the blind in the state to the Governor and the Commissioner of the Rehabilitative Services Administration, established under s. 702 of the act, and make the report available to the public.

5. Coordinate with other councils within the state, including the Independent Living Council, the advisory panel established under s. 613(a)(12) of the Individuals with Disabilities Education Act, 20 U.S.C. 1413(a)(12), the State Planning Council described in s. 124 of the Developmental Disabilities Assistance and Bill of Rights Act, 42 U.S.C. s. 6024, and the state mental health planning council established under s. 1916(e) of the Public Health Service Act, 42 U.S.C. 300X-4(e).

6. Advise the department and division and provide for coordination and the establishment of working relationships among the department, the division, the Independent Living Council, and centers for independent living in the state.

7. Perform such other functions consistent with the purposes of the act as the council determines to be appropriate that are comparable to functions performed by the council.

(i)1. The council shall prepare, in conjunction with the division, a plan for the provision of such resources, including such staff and other personnel, as may be necessary to carry out the functions of the council. The resource plan shall, to the maximum extent possible, rely on the use of resources in existence during the period of implementation of the plan.

2. If there is a disagreement between the council and the division in regard to the resources necessary to carry out the functions of the council as set forth in this section, the disagreement shall be resolved by the Governor.

3. The council shall, consistent with law, supervise and evaluate such staff and other personnel as may be necessary to carry out its functions.

4. While assisting the council in carrying out its duties, staff and other personnel shall not be assigned duties by the division or any other state agency or office that would create a conflict of interest.

(j) A ~~No~~ council member may not ~~shall~~ cast a vote on any matter that would provide direct financial benefit to the member or otherwise give the appearance of a conflict of interest under state law.

(k) The council shall convene at least four meetings each year. These meetings shall occur in such places as the council deems necessary to conduct council business. The council may conduct such forums or hearings as the council considers appropriate. The meetings, hearings, and forums shall be publicly announced. The meetings shall be open and accessible to the public. The council shall make a report of each meeting which shall include a record of its discussions and recommendations, all of which reports shall be made available to the public.

Section 8. Section 413.014, Florida Statutes, is amended to read:

413.014 Community ~~Community-based~~ rehabilitation programs.—The Division of Blind Services shall enter into cooperative agreements with community ~~community-based~~ rehabilitation programs as defined by the Rehabilitation Act of 1973, as amended, to be the service providers for the blind

citizens of their communities. The division shall, as rapidly as feasible, increase the amount of such services provided by ~~community eommunity-~~based rehabilitation programs. The goal shall be to decrease the amount of such services provided by division employees and to increase to the maximum extent allowed by federal law the amount of such services provided through cooperative agreements with ~~community eommunity-~~based service providers. The division shall seek, to the maximum extent allowed by federal and state law and regulation, all available federal funds for such purposes. Funds and in-kind matching contributions from community and private sources shall be used to maximize federal funds. Unless prohibited by federal law or regulation, the share of the federal vocational rehabilitation grant apportioned for services to the blind ~~may shall be not be~~ less than 17 percent.

Section 9. Section 413.041, Florida Statutes, is amended to read:

413.041 Eligible blind persons; placement in vending facilities in public places.—For the purpose of assisting blind persons to become self-supporting, the Division of Blind Services is hereby authorized to carry on activities to promote the employment of eligible blind persons, including the licensing and establishment of such persons as operators of vending facilities on public property. The ~~said~~ division may cooperate with any agency of the Federal Government in the furtherance of the provisions of the Act of Congress entitled “An Act to authorize the operation of stands in federal buildings by blind persons, to enlarge the economic opportunities of the blind and for other purposes,” Pub. L. No. 732, 74th Congress, and the ~~said~~ division may cooperate in the furtherance of the provisions of any other act of Congress providing for the rehabilitation of the blind which is that may now be in effect or is may hereafter be enacted by Congress.

Section 10. Subsections (1), (2), (4), (7), and (9), of section 413.051, Florida Statutes, are amended to read:

413.051 Eligible blind persons; operation of vending stands.—

(1) This section may be cited ~~shall be known~~ as the Little Randolph Sheppard Act.

(2) As used in this section, the term:

(a) “Blind licensee” means any blind person trained and licensed by the Division of Blind Services of the Department of Education to operate a vending stand.

(b) “Vending stand” means any manually operated cafeteria, snack bar, cart service, shelter, counter, or other manually operated facility for the sale of newspapers, periodicals, confections, tobacco products, foods, beverages, or other such articles or services.

(c) “State agency” means any agency of the state.

(d) “State property” means any building or land owned, leased, or otherwise controlled by the state, but does not include any building or land under

the control of the Board of Regents, a community college district board of trustees, or any state correctional institution as defined in s. 944.02.

(e) “Property custodian” or “person in charge” means any employee, agent, or person who is in control of or responsible for the maintenance, operation, and protection of any state property.

(4) The Division of Blind Services shall ~~conduct~~ ~~be responsible for~~ a periodic survey of all state properties and, where feasible, shall establish vending facilities to be operated by blind licensees.

(7) ~~A~~ ~~No~~ person or persons ~~may not~~ ~~shall~~ be offered or granted any concession by any property custodian or person in charge to operate a vending stand on any state property acquired after July 1, 1979, unless the division is notified of that proposed concession.

(9) ~~This section does not~~ ~~It is the legislative intent that this section shall not apply or operate, in any way or any manner,~~ to divest any person or organization presently operating a vending stand on state, county, or municipal property from continuing to do so; however, the property custodian or person in charge shall notify the Division of Blind Services at least 180 days prior to the expiration whether ~~the~~ ~~such~~ vending facility location is suitable for operation by a blind licensee.

Section 11. Section 413.091, Florida Statutes, is amended to read:

413.091 Identification cards.—

(1) The Division of Blind Services of the Department of Education ~~is hereby empowered to~~ issue identification cards to persons known to be blind or partially sighted, upon the written request of such individual.

(2) The individual shall submit proof of blindness as specified by the division.

(3) The division ~~is~~ ~~will be~~ responsible for design and content of the identification card and shall develop and ~~adopt~~ ~~promulgate~~ rules, regulations, and procedures relating to the eligibility and application for, and issuance and control of, these identification cards.

Section 12. Blind services direct-support organization.—

(1) As used in this section, the term “direct-support organization” means a not-for-profit corporation incorporated under chapter 617, Florida Statutes, and organized and operated to conduct programs and activities; initiate developmental projects; raise funds; request and receive grants, gifts, and bequests of moneys; acquire, receive, hold, invest, and administer, in its own name, securities, funds, objects of value, or other property, real or personal; and make expenditures to or for the direct or indirect benefit of the state and for blind persons in this state.

(2)(a) The Division of Blind Services is authorized to organize and incorporate a direct-support organization pursuant to the requirements of this

section and chapter 617, Florida Statutes, to accomplish the purposes and objectives set forth in this section.

(b) The first board of seven members of the direct-support organization shall be appointed by the Governor. Two members shall be appointed to serve 2-year terms, three members shall be appointed to serve 3-year terms, and two members shall be appointed to serve 4-year terms. Thereafter, the board shall be self-appointed according to the established by-laws.

(c) The director of the division or his or her designee shall serve as an ex officio member of the board of the direct-support organization.

(d) The direct-support organization is subject to the requirements of Section 24 of Article I of the State Constitution, chapter 119, Florida Statutes, and section 286.011, Florida Statutes.

(e) Upon the dissolution of the corporation, all properties of the corporation revert to the division.

(f) The direct-support organization shall maintain donations and direct service expenditures in a bank account outside of the State Treasury.

(g) Any administrative costs of running and promoting the purposes of the corporation must be paid by private funds.

(3) The purposes and objectives of the direct-support organization must be consistent with the priority issues and objectives of the Department of Education and must be in the best interests of the state, though the Division of Blind Services may permit, without charge, the appropriate use of property and facilities of the state by the direct-support organization subject to this section. Such use must be directly in keeping with the approved purposes of the direct-support organization.

(4) Funds designated for the direct-support organization must be used for the enhancement of programs and projects of the Division of Blind Services. All moneys received by the direct-support organization must be deposited into an account of the direct-support organization and must be used by the organization in a manner consistent with the purposes and goals of the direct-support organization.

(5) The direct-support organization shall comply with the audit requirements of section 215.981, Florida Statutes.

(6) The director of the Division of Blind Services may designate employees of the division to solicit donations from public or private sources to fund the authorized purposes of the direct-support organization.

Section 13. Sections 413.061, 413.062, 413.063, 413.064, 413.065, 413.066, 413.067, 413.068, and 413.069, Florida Statutes, are repealed.

Section 14. Except as otherwise expressly provided in this act, this act shall take effect upon becoming a law.

Approved by the Governor June 17, 2004.

Filed in Office Secretary of State June 17, 2004.