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A bill to be entitled

An act relating to blind services; providing a popular name; transferring the powers, duties, records, personnel, property, and funds of the Division of Blind Services within the Department of Education to the Florida Commission for the Blind, which is created by this act; amending s. 20.15, F.S.; deleting the division from the Department of Education; amending s. 413.011, F.S.; providing legislative purpose and policy; creating the Florida Commission for the Blind; providing for commission membership, terms, and meetings and for the election of the commission chair; naming the commission as the designated state unit and the Department of Education as the designated state agency under the federal Rehabilitation Act of 1973; providing for commission personnel, including an executive director; requiring background investigations of personnel; providing powers and duties of the commission, including the duty to license blind individuals under the federal Randolph-Sheppard Act; exempting certain property from record and inventory requirements and from bidding requirements; creating a children's program; providing purposes of the program; requiring an annual report; providing for the resolution of disputes; repealing the Advisory Council for the Blind; creating s. 413.093, F.S.; providing budgetary procedures for the commission; providing duties of the executive director of the Florida Commission for the Blind; creating s. 413.094, F.S.; providing for management flexibility in the commission's allocation of funds and the amendment of authorized positions; creating s.



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31 413.095, F.S.; providing for the commission to retain  
 32 title to certain real and personal property intended for  
 33 use by people who have visual impairments and certain  
 34 commission personnel; allowing the commission to  
 35 repossess, transfer, and dispose of such property;  
 36 providing for rulemaking; amending s. 110.131, F.S.,  
 37 relating to other-personal-services temporary employment,  
 38 s. 121.051, F.S., relating to participation in the Florida  
 39 Retirement System, s. 215.311, F.S., relating to  
 40 exceptions from s. 215.31, F.S., which apply to funds  
 41 collected by and under the direction of the division, s.  
 42 318.21, F.S., relating to the disposition of civil  
 43 penalties by county courts, s. 413.0115, F.S., relating to  
 44 the State Board of Administration's authorization to  
 45 invest a portfolio, s. 413.012, F.S., relating to  
 46 prohibiting the disclosure of confidential records and  
 47 providing exemptions to the prohibition, s. 413.013, F.S.,  
 48 relating to the destruction of certain records, s.  
 49 413.014, F.S., relating to community-based rehabilitation  
 50 programs, s. 413.041, F.S., relating to placing eligible  
 51 blind persons in vending facilities in public places, s.  
 52 413.051, F.S., the Little Randolph Sheppard Act, s.  
 53 413.091, F.S., relating to the issuance of identification  
 54 cards to persons known to be blind or partially sighted,  
 55 s. 413.092, F.S., relating to the Blind Babies Program;  
 56 conforming provisions to the changes made by this act;  
 57 repealing ss. 413.061, 413.062, 413.063, 413.064, 413.065,  
 58 413.066, 413.067, 413.068, 413.069, F.S., relating to the  
 59 issuance of permits for soliciting funds on behalf of  
 60 blind persons; providing an effective date.



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

Section 1. This act shall be known by the popular name the "Florida Commission for the Blind Act."

Section 2. (1) The powers, duties, records, personnel, property, and unexpended balances of appropriations, allocations, or other funds of the Division of Blind Services of the Department of Education are transferred, by a type two transfer, as defined in section 20.06, Florida Statutes, to the Florida Commission for the Blind.

(2) Any contract or agreement concerning services for the blind to which the Division of Blind Services is a party and which is in effect before January 1, 2004, is binding upon the Florida Commission for the Blind to the same extent that the contract or agreement was binding upon the division.

(3) All proceeds from claims filed with any agency, including, but not limited to, the Social Security Administration, which relate to the provision of services for the blind shall be transferred to the commission from any agency that has received such proceeds.

Section 3. Subsection (3) of section 20.15, Florida Statutes, is amended to read:

20.15 Department of Education.--There is created a Department of Education.

(3) DIVISIONS.--The following divisions of the Department of Education are established:

- (a) Division of Community Colleges.
- (b) Division of Public Schools.
- (c) Division of Colleges and Universities.



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91 (d) Division of Vocational Rehabilitation.

92 ~~(e) Division of Blind Services.~~

93 Section 4. Paragraph (b) of subsection (6) of section  
94 110.131, Florida Statutes, is amended to read:

95 110.131 Other-personal-services temporary employment.--  
96 (6)

97 (b) ~~The provisions of~~ Subsections (2), (3), and (4) do not  
98 apply to any employee of the Florida Commission for the Blind  
99 ~~Division of Blind Services~~ Library for the Blind and Physically  
100 Handicapped for whom the Florida Commission for the Blind  
101 ~~Division of Blind Services~~ is the employer as defined in s.  
102 447.203(2); except that, for purposes of subsection (5), the  
103 Florida Commission for the Blind ~~Division of Blind Services~~  
104 shall comply with the recordkeeping and reporting requirements  
105 adopted by the department pursuant to subsection (3) with  
106 respect to those other-personal-services employees exempted by  
107 this subsection.

108 Section 5. Subsection (6) of section 121.051, Florida  
109 Statutes, is amended to read:

110 121.051 Participation in the system.--

111 (6) SEASONAL STATE EMPLOYMENT; BLIND VENDING FACILITY  
112 OPERATORS.--

113 (a) Seasonal state employment shall be included under this  
114 chapter, and the time limit and procedure for claiming same as  
115 set forth in s. 122.07 shall continue under this chapter for  
116 those members transferring to this system and for all new  
117 members.

118 (b)1. All blind or partially sighted persons employed or  
119 licensed by the Division of Blind Services as vending facility  
120 operators on or after December 1, 1970, and prior to July 1,



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121 1996, are hereby declared to be state employees within the  
122 meaning of this chapter, and all vending facility operators  
123 licensed and employed during that period shall be compulsory  
124 members of the Florida Retirement System in compliance with this  
125 chapter for as long as the member is a vending facility  
126 operator, except as provided in subparagraph 3.

127 2. Blindness shall not be deemed a retirement disability  
128 within the provisions of this chapter for such members as are  
129 contemplated by this paragraph.

130 3. Any vending facility operator as described in  
131 subparagraph 1. may elect, on or before July 31, 1996, to  
132 withdraw from the Florida Retirement System as provided in s.  
133 413.051(11). The election to withdraw shall take effect as of  
134 July 1, 1996, and the decision to withdraw is irrevocable. A  
135 vending facility operator who withdraws from the Florida  
136 Retirement System as provided in this subparagraph shall retain  
137 all creditable service earned in the Florida Retirement System  
138 through the month that retirement contributions ceased to be  
139 reported, and no creditable service shall be earned as a vending  
140 facility operator after such month. However, any such person  
141 may participate in the Florida Retirement System in the future  
142 if employed by a participating employer in a covered position.

143 4. All blind or partially sighted persons employed or  
144 licensed by the Division of Blind Services or by the Florida  
145 Commission for the Blind as vending facility operators on or  
146 after July 1, 1996, shall be independent contractors within the  
147 meaning of this chapter and shall not be eligible for membership  
148 in the Florida Retirement System.

149 Section 6. Section 215.311, Florida Statutes, is amended  
150 to read:



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151           215.311 State funds; exceptions.--Section 215.31 does ~~The~~  
 152 ~~provisions of s. 215.31 shall~~ not apply to funds collected by  
 153 and under the direction and supervision of the Florida  
 154 Commission for the Blind ~~Division of Blind Services of the~~  
 155 ~~Department of Education~~ as provided under ss. 413.011, 413.041,  
 156 and 413.051; however, ~~nothing in this section~~ does not shall be  
 157 ~~construed to~~ except from ~~the provisions of~~ s. 215.31 any  
 158 appropriations made by the state to the commission ~~division~~.

159           Section 7. Subsection (4) of section 318.21, Florida  
 160 Statutes, is amended to read:

161           318.21 Disposition of civil penalties by county  
 162 courts.--All civil penalties received by a county court pursuant  
 163 to the provisions of this chapter shall be distributed and paid  
 164 monthly as follows:

165           (4) Of the additional fine assessed under s. 318.18(3)(e)  
 166 for a violation of s. 316.1301, 40 percent must be remitted to  
 167 the Department of Revenue for deposit in the Grants and  
 168 Donations Trust Fund of the Florida Commission for the Blind  
 169 ~~Division of Blind Services of the Department of Education~~, and  
 170 60 percent must be distributed pursuant to subsections(1) and  
 171 (2). Section 8. Section 413.011, Florida Statutes, is amended  
 172 to read:

173           413.011 Florida Commission for the Blind ~~Division of Blind~~  
 174 ~~Services~~, internal organizational structure; ~~Advisory Council~~  
 175 ~~for the Blind~~--

176           (1) PURPOSE AND POLICY--

177           (a) The purpose of this act is to establish a coordinated  
 178 program of services which will be available to individuals  
 179 throughout this state who are blind. The program must be  
 180 designed to maximize employment opportunities for such



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181 individuals and to increase their independence and self-  
 182 sufficiency. In implementing this program, the Florida  
 183 Commission for the Blind ~~The internal organizational structure~~  
 184 ~~of the Division of Blind Services shall be designed for the~~  
 185 ~~purpose of ensuring the greatest possible efficiency and~~  
 186 ~~effectiveness of services to the blind and to be consistent with~~  
 187 ~~chapter 20. The Division of Blind Services shall plan,~~  
 188 supervise, and carry out the following activities:

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

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

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

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

209 4.(e) Establish one or more training schools and workshops  
 210 for the employment of suitable blind persons; make expenditures



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211 of funds for such purposes; receive moneys from sales of  
 212 commodities involved in such activities and from such funds make  
 213 payments of wages, repairs, insurance premiums and replacements  
 214 of equipment. All of the activities provided for in this section  
 215 may be carried on in cooperation with private workshops for the  
 216 blind, except that all tools and equipment furnished by the  
 217 commission ~~division~~ shall remain the property of the state.

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

221 6.(g) Undertake such other activities as may ameliorate  
 222 the condition of blind residents ~~citizens~~ of this state.

223 7.(h) Cooperate with other agencies, public or private,  
 224 especially the Division of the Blind and Physically Handicapped  
 225 of the Library of Congress and the Division of Library and  
 226 Information Services of the Department of State, to provide  
 227 library service to the blind and other handicapped persons as  
 228 defined in federal law and regulations in carrying out any or  
 229 all of the provisions of this law.

230 8.(i) Recommend contracts and agreements with federal,  
 231 state, county, municipal and private corporations, and  
 232 individuals.

233 9.(j) Receive moneys or properties by gift or bequest from  
 234 any person, firm, corporation, or organization for any of the  
 235 purposes ~~herein~~ set out in this paragraph, but without authority  
 236 to bind the state to any expenditure or policy except such as is  
 237 ~~may be~~ specifically authorized by law. All such moneys or  
 238 properties so received by gift or bequest as ~~herein~~ authorized  
 239 in this subparagraph may be disbursed and expended by the  
 240 commission ~~division~~ upon its own warrant for any of the purposes





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241 herein set forth, and such moneys or properties do ~~shall~~ not  
 242 constitute nor may they ~~or~~ be considered a part of any  
 243 legislative appropriation made by the state for the purpose of  
 244 carrying out this section ~~the provisions of this law~~.

245 10.(k) Prepare and make available to the blind, in braille  
 246 and on electronic recording equipment, Florida Statutes chapters  
 247 20, 120, 121, and 413, in their entirety.

248 11.(l) Adopt by rule procedures for providing vocational  
 249 rehabilitation services for the blind.

250 12.(m) Adopt by rule forms and instructions to be used by  
 251 the commission ~~division~~ in its general administration.

252 (b) It is the policy of the Legislature that all programs,  
 253 projects, and activities of the Florida Commission for the Blind  
 254 are to be carried out in a manner consistent with the following  
 255 principles:

256 1. Respect for individual dignity, personal  
 257 responsibility, self-determination to live independently, and  
 258 pursuit of meaningful careers, based on informed choice;

259 2. Support for the involvement of an individual's  
 260 representative if an individual requests, desires, or needs such  
 261 support;

262 3. Respect for the individual's privacy and equal access,  
 263 including the use of information in accessible formats; and

264 4. Integration and full participation of individuals who  
 265 are blind in society on equal terms with others.

266 (2) DEFINITIONS.--As used in this section, the term:

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



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

272 (3) FLORIDA COMMISSION FOR THE BLIND; CREATION;  
 273 MEMBERSHIP.--

274 (a) There is created the Florida Commission for the Blind,  
 275 consisting of seven members appointed by the Governor with the  
 276 confirmation of the Senate and qualified to serve based on  
 277 knowledge and experience in rehabilitation and related services  
 278 for the blind. A majority of the members must be individuals who  
 279 are blind. A member of the commission may not be employed by the  
 280 commission during the term of his or her membership.

281 (b) The Governor shall consult with recognized consumer  
 282 groups of people who are blind in the state to obtain their  
 283 recommendations of individuals to be appointed.

284 (c) Each commissioner shall be appointed for a 3-year  
 285 term, except that the Governor shall specify shorter terms in  
 286 the initial appointment in order to establish staggered terms.  
 287 Three of the initial appointments shall be for 3-year terms. Two  
 288 of the initial appointments shall be for 2-year terms and two of  
 289 the initial appointments shall be for 1-year terms as specified  
 290 by the Governor. Thereafter, all commissioners shall be  
 291 appointed for 3-year terms.

292 (d) The commission shall meet quarterly or at the call of  
 293 the chair or a majority of the members and at such other times  
 294 as the commissioners determine. All meetings of the commission  
 295 must be open to the public unless closed meetings are  
 296 specifically authorized by law. The chair of the commission  
 297 shall be elected by the members present and voting at the first  
 298 meeting of the commission and annually thereafter. Commissioners



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299 may not receive compensation for their services, but they shall  
300 be reimbursed for travel expenses as provided in s. 112.061. A  
301 majority of the members of the commission constitutes a quorum  
302 to transact business.

303 (e) It is the intent of the Legislature that the  
304 commission is the designated state unit and the Department of  
305 Education is the designated state agency in accordance with the  
306 Rehabilitation Act of 1973, as amended.

307 (4) PERSONNEL.--

308 (a) The commission shall appoint an executive director who  
309 has knowledge and experience in rehabilitation and related  
310 services for the blind or has a background in management and any  
311 other area determined by the commission. The executive director  
312 shall serve as secretary to the commission and shall be the  
313 chief administrative officer of the commission. The executive  
314 director's appointment shall be for an indefinite period but may  
315 be terminated for cause by a vote of at least five members of  
316 the commission.

317 (b) The executive director shall employ such personnel as  
318 are needed and shall fix their compensation. All employees of  
319 the commission are exempt from the Career Service System. The  
320 executive director, in consultation with the commission, may  
321 contract for services ordinarily performed by state employees.

322 (c) The Florida Commission for the Blind shall, because of  
323 the special trust placed in and the special responsibility  
324 imposed on employees of the commission, require all employees  
325 and applicants for employment to undergo personnel screening and  
326 security background investigations as provided in chapter 435,  
327 using the level one standards for screening set forth in that  
328 chapter, as a condition of employment and continued employment.



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329 The commission shall pay the cost of a personnel screening and  
 330 security background investigation for each employee of the  
 331 commission.

332 (5) POWERS AND DUTIES.--The commission shall:

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

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

342 (c) Provide services that contribute to the maintenance of  
 343 or the increased independence of older individuals who are  
 344 blind.

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

353 (e) Establish and carry out a small business enterprises  
 354 program and serve as the state licensing agency for individuals  
 355 who are blind, pursuant to the federal Randolph-Sheppard Act.

356 (f) Purchase and distribute specialized equipment,  
 357 devices, and technology, including low-vision aids, obtained  
 358 directly from specialty vendors without using state centralized



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359 purchasing procedures. Property that is purchased by a state  
360 agency for the purpose of making accommodations for individuals  
361 who are blind is not subject to the record and inventory  
362 requirements set forth in s. 273.02. A state agency may use  
363 funds from all possible sources to make accommodations for  
364 individuals who are blind.

365 (g) In cooperation with the Library of Congress, provide  
366 library services to persons who are blind and persons who have  
367 physical disabilities.

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

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

380 (j) Participate, through the designation of the executive  
381 director or an appropriate staff member of the commission, on  
382 boards, commissions, or bodies in this state for the purpose of  
383 coordinating and planning services.

384 (k) Conduct a review of consumer satisfaction with  
385 programs of the commission and perform other functions of the  
386 statewide rehabilitation council specified in section 105(c) of  
387 the Rehabilitation Act of 1973, as amended.



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388 (l) Adopt rules for administering the programs of the  
389 commission.

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

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

396 (6) PROGRAMS OF THE COMMISSION.--

397 (a) There is created within the Florida Commission for the  
398 Blind a children's program to serve children who are blind from  
399 5 years of age through transition to the Vocational  
400 Rehabilitation Program. This program must supplement services  
401 already offered by the school system to foster the child's  
402 learning and ability to function independently. The child's  
403 parents, guardian, and family members should be an integral part  
404 of the program in order to foster independence.

405 (b) The commission shall provide vocational rehabilitation  
406 services to individuals in this state who are blind pursuant to  
407 the Rehabilitation Act of 1973, as amended.

408 (c) The commission shall provide independent living  
409 services to individuals in this state who are blind, including  
410 older individuals, pursuant to the Rehabilitation Act of 1973,  
411 as amended.

412 (7) REPORTS.--The Florida Commission for the Blind shall  
413 publish an annual report that includes a list of  
414 accomplishments, findings, and recommendations for improvements  
415 based on the commission's performance during the year. The  
416 report must also contain information needed to evaluate the



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417 progress of the commission in meeting the needs of blind  
 418 individuals in the state.

419 (8) RESOLUTION OF DISPUTES.--

420 (a) Any applicant for or recipient of services from the  
 421 Florida Commission for the Blind who is dissatisfied with any  
 422 action taken or decision made regarding such services may file a  
 423 complaint setting forth the basis for the dissatisfaction and  
 424 the remedy sought. Upon receipt of the complaint, the executive  
 425 director shall inform the individual of the voluntary procedures  
 426 for mediation of the dispute. The mediation must be conducted by  
 427 a qualified and impartial mediator, and the commission must pay  
 428 the costs.

429 (b) If the dispute cannot be resolved by mediation or  
 430 other informal means, the executive director shall, through a  
 431 designee, notify the complainant of his or her rights for appeal  
 432 under state and federal law related to the program from which  
 433 the complaint arises. The commission shall adopt rules  
 434 sufficient to regulate the conduct of all proceedings required  
 435 under this section and to assure the rights of all parties  
 436 participating therein.

437 ~~(c) "Department" means the Department of Labor and~~  
 438 ~~Employment Security.~~

439 ~~(3) There is hereby created in the department the Advisory~~  
 440 ~~Council for the Blind to assist the division in the planning and~~  
 441 ~~development of statewide rehabilitation programs and services,~~  
 442 ~~to recommend improvements to such programs and services, and to~~  
 443 ~~perform the functions provided in this section.~~

444 ~~(a) The advisory council shall be composed of:~~



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

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

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

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

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

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

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

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

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

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

472 ~~(b) Members of the council shall be appointed by the~~  
473 ~~Governor, who shall select members after soliciting~~  
474 ~~recommendations from representatives of organizations~~





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475 ~~representing a broad range of individuals who have disabilities,~~  
476 ~~and organizations interested in those individuals.~~

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

479 ~~1. Blind; and~~

480 ~~2. Not employed by the division.~~

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

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

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

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

492 ~~(f) No member of the council may serve more than two~~  
493 ~~consecutive full terms.~~

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

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

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

503 ~~a. Eligibility, including order of selection;~~



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504 ~~b. The extent, scope, and effectiveness of services~~  
505 ~~provided; and~~

506 ~~e. Functions performed by state agencies that affect or~~  
507 ~~potentially affect the ability of individuals who are blind to~~  
508 ~~achieve rehabilitation goals and objectives under Title I.~~

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

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

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

519 ~~b. Vocational rehabilitation services:~~

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

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

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

530 ~~5. Coordinate with other councils within the state,~~  
531 ~~including the Independent Living Council, the advisory panel~~  
532 ~~established under s. 613(a)(12) of the Individuals with~~  
533 ~~Disabilities Education Act, 20 U.S.C. 1413(a)(12), the State~~



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534 ~~Planning Council described in s. 124 of the Developmental~~  
535 ~~Disabilities Assistance and Bill of Rights Act, 42 U.S.C. s.~~  
536 ~~6024, and the state mental health planning council established~~  
537 ~~under s. 1916(e) of the Public Health Service Act, 42 U.S.C.~~  
538 ~~300X-4(e).~~

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

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

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

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

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

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



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563       ~~(j) No council member shall cast a vote on any matter that~~  
 564 ~~would provide direct financial benefit to the member or~~  
 565 ~~otherwise give the appearance of a conflict of interest under~~  
 566 ~~state law.~~

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

577       Section 9. Section 413.0115, Florida Statutes, is amended  
 578 to read:

579       413.0115 State Board of Administration; authorization to  
 580 invest commission's ~~division's~~ portfolio.--The State Board of  
 581 Administration may invest and reinvest the portfolio of stocks,  
 582 bonds, and mutual funds held by the Florida Commission for the  
 583 Blind Division of Blind Services in accordance with the trust  
 584 agreement approved by the commission ~~Division of Blind Services~~  
 585 and the State Board of Administration and the provisions of ss.  
 586 215.44-215.53. The executive director of the Florida Commission  
 587 for the Blind ~~Division of Blind Services~~ shall make the  
 588 portfolio available and shall transfer it to the State Board of  
 589 Administration for investment.

590       Section 10. Section 413.012, Florida Statutes, is amended  
 591 to read:



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592 413.012 Confidential records disclosure prohibited;  
593 exemptions.--

594 (1) All records furnished to the Florida Commission for  
595 the Blind ~~Division of Blind Services~~ in connection with state or  
596 local vocational rehabilitation programs and containing  
597 information as to personal facts about applicants or clients  
598 given or made available to the state or local vocational  
599 rehabilitation agency or its representatives or employees in the  
600 course of the administration of the program, including lists of  
601 names and addresses and records of evaluations of clients, are  
602 confidential and exempt from the provisions of s. 119.07(1).

603 (2) It is unlawful for any person to disclose, authorize  
604 the disclosure, solicit, receive, or make use of any list of  
605 names and addresses or any record containing any information set  
606 forth in subsection (1) and maintained in the commission  
607 ~~division~~. The prohibition provided for in this subsection does  
608 ~~shall~~ not apply to the use of such information for purposes  
609 directly connected with the administration of the vocational  
610 rehabilitation program or with the monthly dispatch to the  
611 Division of Driver Licenses of the Department of Highway Safety  
612 and Motor Vehicles of the name in full, place and date of birth,  
613 sex, social security number, and resident address of individuals  
614 who have ~~with~~ central visual acuity of 20/200 or less in the  
615 better eye with correcting glasses, or a disqualifying field  
616 defect in which the peripheral field has contracted to such an  
617 extent that the widest diameter or visual field subtends an  
618 angular distance no greater than 20 degrees. When requested in  
619 writing by an applicant or client, or her or his representative,  
620 the Florida Commission for the Blind ~~Division of Blind Services~~



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621 shall release confidential information to the applicant or  
 622 client or her or his representative.

623 (3) Any person who violates a provision of this section is  
 624 guilty of a misdemeanor of the second degree, punishable as  
 625 provided in s. 775.082 or s. 775.083.

626 Section 11. Section 413.013, Florida Statutes, is amended  
 627 to read:

628 413.013 Destruction of records.--The Florida Commission  
 629 for the Blind ~~Division of Blind Services~~ may authorize the  
 630 destruction of any correspondence, documents, or other records  
 631 when the subject matter involved has been closed or terminated  
 632 and their preservation is not required by federal or state law,  
 633 rule, or regulation. ~~No~~ Such material may not ~~shall~~ be  
 634 destroyed unless the commission has given specific authority to  
 635 destroy it ~~is given by the division~~ and unless the ~~said~~ records  
 636 have been in the possession of the commission ~~division~~ 5 or more  
 637 years prior to their destruction.

638 Section 12. Section 413.014, Florida Statutes, is amended  
 639 to read:

640 413.014 Community-based rehabilitation programs.--The  
 641 Florida Commission for the Blind ~~Division of Blind Services~~  
 642 shall enter into cooperative agreements with community-based  
 643 rehabilitation programs to be the service providers for the  
 644 blind citizens of their communities. The commission ~~division~~  
 645 shall, as rapidly as feasible, increase the amount of such  
 646 services provided by community-based rehabilitation programs.  
 647 The goal shall be to decrease the amount of such services  
 648 provided by commission ~~division~~ employees and to increase to the  
 649 maximum extent allowed by federal law the amount of such  
 650 services provided through cooperative agreements with community-



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651 based service providers. The commission ~~division~~ shall seek, to  
 652 the maximum extent allowed by federal and state law and  
 653 regulation, all available federal funds for such purposes.  
 654 Funds and in-kind matching contributions from community and  
 655 private sources shall be used to maximize federal funds. Unless  
 656 prohibited by federal law or regulation, the share of the  
 657 federal vocational rehabilitation grant apportioned for services  
 658 to the blind must ~~shall~~ be not less than 17 percent.

659 Section 13. Section 413.041, Florida Statutes, is amended  
 660 to read:

661 413.041 Eligible blind persons; placement in vending  
 662 facilities in public places.--For the purpose of assisting blind  
 663 persons to become self-supporting, the Florida Commission for  
 664 the Blind ~~may Division of Blind Services is hereby authorized to~~  
 665 carry on activities to promote the employment of eligible blind  
 666 persons, including the licensing and establishment of such  
 667 persons as operators of vending facilities on public property.  
 668 The commission ~~said division~~ may cooperate with any agency of  
 669 the Federal Government in the furtherance of the provisions of  
 670 the Act of Congress entitled "An Act to authorize the operation  
 671 of stands in federal buildings by blind persons, to enlarge the  
 672 economic opportunities of the blind and for other purposes,"  
 673 Pub. L. No. 732, 74th Congress, and the commission ~~said division~~  
 674 may cooperate in the furtherance of the provisions of any other  
 675 act of Congress providing for the rehabilitation of the blind  
 676 which is that ~~may~~ now be in effect or is ~~may~~ hereafter be  
 677 enacted by Congress.

678 Section 14. Section 413.051, Florida Statutes, is amended  
 679 to read:



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680 413.051 Eligible blind persons; operation of vending  
681 stands.--

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

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

685 (a) "Blind licensee" means any blind person trained and  
686 licensed by the Florida Commission for the Blind ~~Division of~~  
687 ~~Blind Services~~ of the Department of Education to operate a  
688 vending stand.

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

694 (c) "State agency" means any agency of the state.

695 (d) "State property" means any building or land owned,  
696 leased, or otherwise controlled by the state, but does not  
697 include any building or land under the control of the Board of  
698 Regents, a community college district board of trustees, or any  
699 state correctional institution as defined in s. 944.02.

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

704 (3) Blind licensees shall be given the first opportunity  
705 to participate in the operation of vending stands on all state  
706 properties acquired after July 1, 1979, when such facilities are  
707 operated under the supervision of the Florida Commission for the  
708 Blind ~~Division of Blind Services~~ of the Department of Education.





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

713 (5) All property custodians and duly authorized agents or  
 714 employees of the state shall cooperate with the commission  
 715 ~~division~~ in its survey of state properties and shall make  
 716 available adequate space, electrical wiring, plumbing, and  
 717 ventilation necessary to the installation of a vending facility  
 718 on any state property designated as suitable by the commission  
 719 ~~division~~.

720 (6) The commission ~~division~~ shall be notified by property  
 721 custodians or persons in charge at least 180 days prior to the  
 722 initiation of any new construction, expansion, leasing, or  
 723 acquisition of property occupied or to be occupied by a state  
 724 agency.

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

730 (8) Income from new vending machines or replacement of  
 731 existing machines installed on state property after July 1,  
 732 1979, shall accrue to the blind licensee who operates a vending  
 733 facility on the same property or, if none, to the commission  
 734 ~~division~~. The commission ~~is division~~ shall be responsible for  
 735 the servicing and maintenance of all vending machines.

736 (9) This section does not ~~It is the legislative intent~~  
 737 ~~that this section shall not apply or operate, in any way or any~~  
 738 ~~manner, to~~ divest any person or organization presently operating



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739 a vending stand on state, county, or municipal property from  
740 continuing to do so; however, the property custodian or person  
741 in charge shall notify the Florida Commission for the Blind  
742 ~~Division of Blind Services~~ at least 180 days prior to the  
743 expiration whether the ~~such~~ vending facility location is  
744 suitable for operation by a blind licensee.

745 (10) All the preceding provisions are permissive regarding  
746 all political subdivisions of the state.

747 (11) Effective July 1, 1996, blind licensees who remain  
748 members of the Florida Retirement System pursuant to s.  
749 121.051(6)(b)1. shall pay any unappropriated retirement costs  
750 from their net profits or from program income. Within 30 days  
751 after the effective date of this act, each blind licensee who is  
752 eligible to maintain membership in the Florida Retirement System  
753 under s. 121.051(6)(b)1., but who elects to withdraw from the  
754 system as provided in s. 121.051(6)(b)3., must, on or before  
755 July 31, 1996, notify the Division of Blind Services and the  
756 Department of Management Services in writing of his or her  
757 election to withdraw. Failure to timely notify the divisions  
758 shall be deemed a decision to remain a compulsory member of the  
759 Florida Retirement System. However, if, at any time after July  
760 1, 1996, sufficient funds are not paid by a blind licensee to  
761 cover the required contribution to the Florida Retirement  
762 System, that blind licensee shall become ineligible to  
763 participate in the Florida Retirement System on the last day of  
764 the first month for which no contribution is made or the amount  
765 contributed is insufficient to cover the required contribution.  
766 For any blind licensee who becomes ineligible to participate in  
767 the Florida Retirement System as described in this subsection,  
768 no creditable service shall be earned under the Florida



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769 Retirement System for any period following the month that  
 770 retirement contributions ceased to be reported. However, any  
 771 such person may participate in the Florida Retirement System in  
 772 the future if employed by a participating employer in a covered  
 773 position.

774 (12) The Florida Commission for the Blind ~~Division of~~  
 775 ~~Blind Services~~ may adopt rules to permit the commission ~~division~~  
 776 to establish and maintain vending facilities, issue licenses,  
 777 establish and maintain a vending facility training program,  
 778 provide vendors access to financial data of the program, set  
 779 aside funds from net proceeds of the vending facility, provide  
 780 for the transfer and promotion of vendors, establish a vendors  
 781 committee, provide for an operation agreement, provide duties  
 782 and responsibilities of the commission ~~division~~ with respect to  
 783 the vending facility program, and provide procedures for  
 784 newspaper vending sales.

785 Section 15. Section 413.091, Florida Statutes, is amended  
 786 to read:

787 413.091 Identification cards.--

788 (1) The Florida Commission for the Blind ~~Division of Blind~~  
 789 ~~Services~~ of the Department of Education shall ~~is hereby~~  
 790 ~~empowered to~~ issue identification cards to persons known to be  
 791 blind or partially sighted, upon the written request of such  
 792 individual.

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

795 (3) The commission ~~is division~~ ~~will be~~ responsible for the  
 796 design and content of the identification card and shall develop  
 797 and adopt ~~promulgate~~ rules, regulations, and procedures relating



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798 to the eligibility and application for, and issuance and control  
799 of, these identification cards.

800 Section 16. Section 413.092, Florida Statutes, is amended  
801 to read:

802 413.092 Blind Babies Program.--

803 (1) The Blind Babies Program is created within the Florida  
804 Commission for the Blind ~~Division of Blind Services~~ of the  
805 Department of Education to provide community-based early-  
806 intervention education to children from birth through 5 years of  
807 age who are blind or visually impaired, and to their parents,  
808 families, and caregivers, through community-based provider  
809 organizations. The commission ~~division~~ shall enlist parents,  
810 ophthalmologists, pediatricians, schools, Infant and Toddlers  
811 Early Intervention Programs, and therapists to help identify and  
812 enroll blind and visually impaired children, as well as their  
813 parents, families, and caregivers, in these educational  
814 programs.

815 (2) The program is not an entitlement but shall promote  
816 early development with a special emphasis on vision skills to  
817 minimize developmental delays. The education must ~~shall~~ lay the  
818 groundwork for future learning by helping a child progress  
819 through normal developmental stages. It must ~~shall~~ teach  
820 children to discover and make the best use of their skills for  
821 future success in school. It must ~~shall~~ seek to ensure that  
822 visually impaired and blind children enter school as ready to  
823 learn as their sighted classmates. The program shall seek to  
824 link these children, and their parents, families, and  
825 caregivers, to other available services, training, education,  
826 and employment programs that could assist these families in the  
827 future. This linkage may include referrals to the school



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828 districts and the Infants and Toddlers Early Intervention  
829 Program for assessments to identify any additional services that  
830 are needed but ~~which~~ are not provided by the Blind Babies  
831 Program. The commission ~~division~~ shall develop a formula for  
832 eligibility based on financial means and may create a means-  
833 based matrix to set a copayment fee for families having  
834 sufficient financial means.

835 (3) The commission ~~division~~ shall establish outcomes for  
836 this program, which must ~~shall~~ include, but are not limited to,  
837 outcomes relating to the children's age-appropriate  
838 developmental stages; knowledge of assistive technology;  
839 proficiency at daily living; ability to participate in pre-  
840 school and school; participation in their communities; and  
841 ability to be literate. The commission ~~division~~ shall develop  
842 criteria to be used in identifying and contracting with  
843 community-based provider organizations. All services offered  
844 through the Blind Babies Program shall be provided by community-  
845 based provider organizations. The commission ~~division~~ shall  
846 require any community-based provider organization delivering  
847 services under this program to develop performance measures  
848 related to those services and report to the commission ~~division~~  
849 on the progress in achieving those measures.

850 Section 17. Section 413.093, Florida Statutes, is created  
851 to read:

852 413.093 Budget procedures.--

853 (1) The executive director of the Florida Commission for  
854 the Blind shall recommend to the commission a budget of income  
855 and expenditures at such time and in such form as the commission  
856 prescribes. The commission shall adopt procedures for the  
857 approval of budget amendments.



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858 (2) In preparing its legislative budget request, the  
 859 Florida Commission for the Blind shall use the same format,  
 860 procedures, and timelines that are required for preparing and  
 861 submitting the legislative budget of the Department of  
 862 Education. The Commissioner of Education shall include the  
 863 Florida Commission for the Blind in the department's legislative  
 864 budget request to the State Board of Education, the Governor,  
 865 and the Legislature. The legislative budget request and the  
 866 appropriation for the Florida Commission for the Blind must  
 867 constitute a separate identifiable sum in the Department of  
 868 Education budget. The annual appropriation for the commission  
 869 must be distributed monthly in payments that are as nearly equal  
 870 as possible. Appropriations for client services, instructional  
 871 technology, and motor vehicles may be released and distributed  
 872 as necessary to serve the instructional program for the clients.

873 (3) Fixed capital outlay needs of the commission must  
 874 continue to be requested in the public education capital outlay  
 875 legislative budget request of the Department of Education.

876 Section 18. Section 413.094, Florida Statutes, is created  
 877 to read:

878 413.094 Management flexibility.--

879 (1) Notwithstanding ss. 216.031, 216.181, and 216.262 to  
 880 the contrary and pursuant to s. 216.351, but subject to any  
 881 guidelines imposed in the General Appropriations Act, funds for  
 882 the operation of the Florida Commission for the Blind must be  
 883 requested and appropriated within budget entities, program  
 884 components, program categories, lump sums, or special  
 885 categories. Funds appropriated to the Florida Commission for the  
 886 Blind for each program category, lump sum, or special category  
 887 may be transferred to traditional categories for expenditure by



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888 the commission. The commission shall develop an annual operating  
889 budget that allocates funds by program component and traditional  
890 expenditure category.

891 (2) Notwithstanding s. 216.181 and pursuant to s. 216.351,  
892 but subject to any requirements imposed in the General  
893 Appropriations Act, a lump-sum plan is not a prerequisite to  
894 implementing the special categories, program categories, or  
895 lump-sum appropriations. Upon release of the special categories,  
896 program categories, or lump-sum appropriations to the  
897 commission, the Chief Financial Officer, upon the request of the  
898 commission, shall transfer or reallocate funds to or among  
899 accounts established for disbursement purposes. The commission  
900 shall maintain records to account for the original  
901 appropriation.

902 (3) Notwithstanding ss. 216.031, 216.181, 216.251, and  
903 216.262 to the contrary and pursuant to s. 216.351, but subject  
904 to any requirements imposed in the General Appropriations Act,  
905 the commission shall establish the authorized positions and may  
906 amend such positions, within the total funds authorized annually  
907 in the appropriations act.

908 Section 19. Section 413.095, Florida Statutes, is created  
909 to read:

910 413.095 Retention of title to and disposal of property and  
911 equipment.--

912 (1) The Florida Commission for the Blind retains title to  
913 any real or personal property, such as tools, instruments,  
914 training supplies, equipment, motor vehicles, real property, or  
915 other items of value acquired for use by people who have visual  
916 impairments or personnel employed in operating programs of the  
917 Florida Commission for the Blind, and may repossess and transfer



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918 such property for use by other people who have visual  
919 impairments or personnel employed in the operation of the  
920 commission.

921 (2) The commission may offer for sale any surplus items  
922 acquired in the operation of the program when they are no longer  
923 necessary or may exchange them for necessary items that can be  
924 used to greater advantage. When any such surplus equipment is  
925 sold or exchanged, a receipt for the sale or exchange which  
926 shows the consideration given for the equipment must be taken  
927 from the purchaser, and the consideration must be forwarded to  
928 the commission to be included in the commission's portfolio of  
929 investments pursuant to s. 413.0115. Any funds that the  
930 commission receives pursuant to any such transaction must be  
931 deposited in the Grants and Donations Trust Fund, are exempt  
932 from the State Treasury pursuant to s. 215.311, and are  
933 available for expenditure for any purposes consistent with ss.  
934 413.011-413.092.

935 (3) The Florida Commission for the Blind has the exclusive  
936 right to develop rules relating to records and recordkeeping for  
937 property owned by the commission which is referred to in  
938 subsections (1) and (2).

939 Section 20. Sections 413.061, 413.062, 413.063, 413.064,  
940 413.065, 413.066, 413.067, 413.068, and 413.069, Florida  
941 Statutes, are repealed.

942 Section 21. This act shall take effect January 1, 2004.