



CHAMBER ACTION

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The Committee on State Administration recommends the following:

**Committee Substitute**

Remove the entire bill and insert:

A bill to be entitled

An act relating to blind services; providing a popular name; creating the Florida Commission for the Blind in the Department of Education; providing membership, powers and duties, and meetings of the commission; providing for administrative support by the department; providing that the commission is the agency head of the Division of Blind Services; providing that the division is the designated state unit under the federal Rehabilitation Act of 1973; providing that the division is a separate budget entity; providing for an executive director of the commission, who is also chief administrative officer of the division; providing for the executive director to employ personnel; 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



29 | such equipment from certain record and inventory  
30 | requirements; creating a children's program; requiring an  
31 | annual report by the commission; providing for dispute  
32 | resolution; amending s. 20.15, F.S.; providing that  
33 | members of the Florida Commission for the Blind are not  
34 | appointed by the Commissioner of Education; amending s.  
35 | 413.011, F.S.; providing legislative purpose and policy;  
36 | providing duties of the commission and the division;  
37 | eliminating division authority to recommend personnel;  
38 | prescribing principles for commission activities;  
39 | providing definitions; requiring background investigations  
40 | of commission personnel; repealing the Advisory Council  
41 | for the Blind; creating s. 413.093, F.S.; providing  
42 | budgetary procedures for the commission; providing duties  
43 | of the executive director of the commission; creating s.  
44 | 413.094, F.S.; providing for management flexibility in the  
45 | division's allocation of funds and the amendment of  
46 | authorized positions; requiring the commission to maintain  
47 | records; creating s. 413.095, F.S.; providing for the  
48 | division to retain title to certain real and personal  
49 | property intended for use by people who have visual  
50 | impairments and certain commission personnel; allowing the  
51 | division to repossess, transfer, and dispose of such  
52 | property; providing for rulemaking by the commission;  
53 | authorizing the commission to create a blind services  
54 | direct-support organization; providing purposes and  
55 | objectives; providing for members of board of the direct-  
56 | support organization; providing that the organization is



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57 | subject to s. 24, Art. I of the State Constitution, ch.  
58 | 119, F.S., and s. 286.011, F.S.; requiring expenses of the  
59 | organization to be paid by private funds; providing  
60 | guidelines for the use of the funds; amending s. 413.0115,  
61 | F.S., relating to the State Board of Administration's  
62 | authorization to invest a portfolio, s. 413.012, F.S.,  
63 | relating to prohibiting the disclosure of confidential  
64 | records and providing exemptions to the prohibition, s.  
65 | 413.013, F.S., relating to the destruction of certain  
66 | records, s. 413.014, F.S., relating to community-based  
67 | rehabilitation programs, s. 413.041, F.S., relating to  
68 | placing eligible blind persons in vending facilities in  
69 | public places, s. 413.051, F.S., the Little Randolph  
70 | Sheppard Act, s. 413.091, F.S., relating to the issuance  
71 | of identification cards to persons known to be blind or  
72 | partially sighted, and s. 413.092, F.S., relating to the  
73 | Blind Babies Program; conforming provisions to the changes  
74 | made by the act and providing technical changes; providing  
75 | that the act does not modify status of certain employees;  
76 | repealing ss. 413.061, 413.062, 413.063, 413.064, 413.065,  
77 | 413.066, 413.067, 413.068, 413.069, F.S., relating to the  
78 | issuance of permits for soliciting funds on behalf of  
79 | blind persons; providing an effective date.

80 |  
81 | Be It Enacted by the Legislature of the State of Florida:

82 |  
83 | Section 1. This act may be cited as the "Florida  
84 | Commission for the Blind Act."



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85           Section 2. Florida Commission for the Blind; creation;  
86 membership; powers and duties.--

87           (1)(a) There is created within the Department of Education  
88 a commission under section 20.03(10), Florida Statutes, which is  
89 independent of the department and which is designated as the  
90 Florida Commission for the Blind. The Florida Commission for the  
91 Blind is the designated state agency in accordance with the  
92 Rehabilitation Act of 1973, as amended.

93           (b) The commission is the agency head of the Division of  
94 Blind Services within the Department of Education, which  
95 division is the designated state unit in accordance with the  
96 Rehabilitation Act of 1973, as amended. The division is a  
97 separate budget entity, and the commission shall serve as its  
98 agency head for all purposes.

99           (c) The Department of Education shall provide  
100 administrative support and services to the commission and to the  
101 division to the extent requested by the commission or the  
102 executive director. The division is not subject to control,  
103 supervision, or direction by the Department of Education in any  
104 matter, including, but not limited to, personnel, purchasing,  
105 transactions involving real or personal property, and budgetary  
106 matters.

107           (2)(a) The commission shall consist of nine members, the  
108 majority of whom are blind, who are appointed by the Governor  
109 and confirmed by the Senate.

110           (b) Members of the commission must be qualified to serve  
111 based on their knowledge and experience in rehabilitation and  
112 related services for the blind. Before making appointments, the



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113 Governor shall consult with recognized consumer groups of people  
114 who are blind in this state to obtain their recommendations for  
115 appointees.

116 (c) Each commissioner shall be appointed for a 3-year  
117 term, except that, in order to establish staggered terms, three  
118 of the initial appointments shall be for 3-year terms; three of  
119 the initial appointments shall be for 2-year terms; and three of  
120 the initial appointments shall be for 1-year terms. Thereafter,  
121 all commissioners shall be appointed for 3-year terms. The  
122 initial appointments to the commission shall be made no later  
123 than July 15, 2003.

124 (d) Each commissioner is accountable to the Governor for  
125 the proper performance of the duties of his or her office. The  
126 Governor may remove any member from office for malfeasance,  
127 misfeasance, neglect of duty, incompetence, or permanent  
128 inability to perform his or her official duties or for pleading  
129 nolo contendere to or being found guilty of a crime.

130 (3) The first meeting of the commission must be held no  
131 later than August 1, 2003. A majority of the members of the  
132 commission constitutes a quorum to transact business. The chair  
133 of the commission shall be elected by the members present and  
134 voting at the first meeting, a quorum being present, and  
135 annually thereafter. The commission shall meet at least  
136 quarterly or at the call of the chair or at the call of a  
137 majority of the members at such other times as the commissioners  
138 determine appropriate. The commission is subject to Section 24,  
139 Article I of the State Constitution, chapter 119, Florida  
140 Statutes, and section 286.011, Florida Statutes.



141           (4) A commissioner:  
 142           (a) May not be employed by the division during the term of  
 143 his or her membership;  
 144           (b) May not receive compensation for services on the  
 145 commission;  
 146           (c) Shall be reimbursed for travel expenses and per diem  
 147 as provided in section 112.061, Florida Statutes; and  
 148           (d) May not receive financial benefit from contracts  
 149 entered into by the commission.  
 150           (5)(a) The commission shall appoint an executive director  
 151 who has knowledge and experience in rehabilitation and related  
 152 services for the blind or has a background in management and any  
 153 other area, as determined appropriate by the commission. The  
 154 executive director serves at the pleasure of the commission.  
 155 Removal of the executive director by vote of the commission  
 156 requires five votes in favor of such action.  
 157           (b) The executive director shall serve as the chief  
 158 administrative officer of the Division of Blind Services. The  
 159 executive director shall employ such personnel as are needed and  
 160 shall fix their compensation. All division employees shall  
 161 report to the executive director.  
 162           (6)(a) The division shall develop and implement a state  
 163 plan for vocational rehabilitation services for individuals who  
 164 are blind, pursuant to section 101 of the Rehabilitation Act of  
 165 1973, as amended.  
 166           (b) In conjunction with the Florida Independent Living  
 167 Council, the division shall develop and implement a 3-year state  
 168 plan for independent living services and provide independent



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169 living services for blind and visually impaired individuals,  
170 including services for older individuals who are blind, pursuant  
171 to Title VII, chapter 2 of the Rehabilitation Act of 1973, as  
172 amended.

173 (c) The division shall provide services that contribute to  
174 the maintenance of or the increased independence of older  
175 individuals who are blind.

176 (d) The division shall establish, equip, and maintain an  
177 orientation and adjustment center or centers to provide  
178 independent living skills training and other training such as,  
179 but not limited to, instruction in Braille; use of the long  
180 white cane for independent travel; homemaking and home-  
181 management skills; and communication skills, including the use  
182 of computer technology, to prepare individuals who are blind or  
183 visually impaired for eventual vocational training, job  
184 placement, and independence.

185 (e) The division shall establish and implement a small  
186 business enterprises program and serve as the state licensing  
187 agency for individuals who are blind, pursuant to the federal  
188 Randolph-Sheppard Act.

189 (f) The division shall purchase and distribute specialized  
190 equipment, devices, and technology, including low-vision aids,  
191 obtained directly from specialty vendors without using state  
192 centralized purchasing procedures. Property that is purchased by  
193 a state agency for the purpose of making accommodations for  
194 individuals who are blind is not subject to the record and  
195 inventory requirements set forth in section 273.02, Florida



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196 Statutes. A state agency may use funds from all possible sources  
197 to make accommodations for individuals who are blind.

198 (g) In cooperation with the Library of Congress, the  
199 division shall provide library services to persons who are blind  
200 and persons who have physical disabilities.

201 (h) In cooperation with other appropriate agencies, the  
202 division shall provide to employers, the state education agency,  
203 and local education agencies technical assistance in the  
204 provision of auxiliary aids and services to people who are  
205 blind, students, and their parents in complying with the  
206 Americans with Disabilities Act and the Individuals with  
207 Disabilities Education Act, as amended.

208 (i) The division shall provide technical assistance to  
209 agencies within the state in order to assure that information  
210 technology purchased or used by such agencies is accessible to  
211 and usable by individuals who are blind, at the time the  
212 technology is purchased or used.

213 (j) The division shall participate, through the  
214 designation of the executive director or an appropriate staff  
215 member of the commission, on boards, commissions, or bodies in  
216 this state for the purpose of coordinating and planning  
217 services.

218 (k) The division shall conduct a review of consumer  
219 satisfaction with programs of the division and perform other  
220 functions of the statewide rehabilitation council specified in  
221 section 105(c) of the Rehabilitation Act of 1973, as amended.

222 (l) The commission shall adopt rules for administering the  
223 programs of the division.





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224 (m) The division shall apply for and receive money from  
225 any state or federal agency to support the programs of the  
226 commission.

227 (n) The division shall develop and administer any other  
228 program that will further the provision of services to people  
229 who are blind and that the commission determines falls within  
230 its scope of responsibility.

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

239 (b) The division shall provide vocational rehabilitation  
240 services to individuals in this state who are blind, pursuant to  
241 the Rehabilitation Act of 1973, as amended.

242 (c) The division shall provide independent living services  
243 to individuals in this state who are blind, including older  
244 individuals, pursuant to the Rehabilitation Act of 1973, as  
245 amended.

246 (8) The Florida Commission for the Blind shall publish an  
247 annual report that includes a list of accomplishments, findings,  
248 and recommendations for improvements based on the division's  
249 performance during the year. The report must also contain  
250 information needed to evaluate the progress of the division in  
251 meeting the needs of blind individuals in this state.



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252       (9)(a) Any applicant for or recipient of services from the  
253 division who is dissatisfied with any action taken or decision  
254 made regarding such services may file a complaint setting forth  
255 the basis for the dissatisfaction and the remedy sought. Upon  
256 receipt of the complaint, the executive director shall inform  
257 the individual of the voluntary procedures for mediation of the  
258 dispute. The mediation must be conducted by a qualified and  
259 impartial mediator, and the commission must pay the costs.

260       (b) If the dispute cannot be resolved by mediation or  
261 other informal means, the executive director shall, through a  
262 designee, notify the complainant of his or her rights for appeal  
263 under state and federal law related to the program from which  
264 the complaint arises. The commission shall adopt rules  
265 sufficient to regulate the conduct of all proceedings required  
266 under this section and to assure the rights of all parties  
267 participating therein.

268       Section 3. Section 20.15, Florida Statutes, is amended to  
269 read:

270       20.15 Department of Education.--There is created a  
271 Department of Education.

272       (1) STATE BOARD OF EDUCATION.--In accordance with s. 2,  
273 Art. IX of the State Constitution, the State Board of Education  
274 is a body corporate and must supervise the system of free public  
275 education as is provided by law. The State Board of Education is  
276 the head of the Department of Education.

277       (2) COMMISSIONER OF EDUCATION.--The Commissioner of  
278 Education is appointed by the State Board of Education and  
279 serves as the Executive Director of the Department of Education.



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

282 (a) Division of Community Colleges.

283 (b) Division of Public Schools.

284 (c) Division of Colleges and Universities.

285 (d) Division of Vocational Rehabilitation.

286 (e) Division of Blind Services.

287 (4) DIRECTORS.--Except as otherwise provided, the  
288 directors of all divisions shall be appointed by the  
289 commissioner subject to approval by the state board.

290 (5) POWERS AND DUTIES.--The State Board of Education and  
291 the Commissioner of Education shall assign to the divisions such  
292 powers, duties, responsibilities, and functions as are necessary  
293 to ensure the greatest possible coordination, efficiency, and  
294 effectiveness of education for students in K-20 education.

295 (6) COUNCILS AND COMMITTEES.--Notwithstanding anything  
296 contained in law to the contrary, the commissioner shall appoint  
297 all members of all councils, commissions, and committees of the  
298 Department of Education, except the Commission for Independent  
299 Education, ~~and~~ the Education Practices Commission, and the  
300 Florida Commission for the Blind.

301 (7) BOARDS.--Notwithstanding anything contained in law to  
302 the contrary, all members of the university and community  
303 college boards of trustees must be appointed according to  
304 chapter 1001.

305 Section 4. Section 413.011, Florida Statutes, is amended  
306 to read:



307 413.011 Division of Blind Services, internal  
308 organizational structure; ~~Advisory Council for the Blind.--~~

309 (1) PURPOSE AND POLICY.--

310 (a) Purpose.--The purpose of this act is to establish a  
311 coordinated program of services which will be available to  
312 individuals throughout this state who are blind. The program  
313 must be designed to maximize employment opportunities for such  
314 individuals and to increase their independence and self-  
315 sufficiency. In implementing this program, the Florida  
316 Commission for the Blind ~~The internal organizational structure~~  
317 ~~of the Division of Blind Services shall be designed for the~~  
318 ~~purpose of ensuring the greatest possible efficiency and~~  
319 ~~effectiveness of services to the blind and to be consistent with~~  
320 ~~chapter 20. The Division of Blind Services shall plan and,~~  
321 ~~supervise, and~~ the division shall carry out, the following  
322 activities:

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

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

332 1.(e) Inquire into the cause of blindness, inaugurate  
333 preventive measures, and provide for the examination and  
334 treatment of the blind, or those threatened with blindness, for



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335 the benefit of such persons, and shall pay therefor, including  
336 necessary incidental expenses.

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

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

352 4.~~(f)~~ Provide special services and benefits for the blind  
353 for developing their social life through community activities  
354 and recreational facilities.

355 5.~~(g)~~ Undertake such other activities as may ameliorate  
356 the condition of blind residents ~~citizens~~ of this state.

357 6.~~(h)~~ Cooperate with other agencies, public or private,  
358 especially the Division of the Blind and Physically Handicapped  
359 of the Library of Congress and the Division of Library and  
360 Information Services of the Department of State, to provide  
361 library service to the blind and other handicapped persons as



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362 defined in federal law and regulations in carrying out any or  
363 all of the provisions of this law.

364 7.(i) Recommend contracts and agreements with federal,  
365 state, county, municipal and private corporations, and  
366 individuals.

367 8.(j) Receive moneys or properties by gift or bequest from  
368 any person, firm, corporation, or organization for any of the  
369 purposes ~~herein~~ set out in this part, but without authority to  
370 bind the state to any expenditure or policy except such as is  
371 ~~may be~~ specifically authorized by law. All such moneys or  
372 properties so received by gift or bequest as ~~herein~~ authorized  
373 in this subparagraph may be disbursed and expended by the  
374 division upon its own warrant upon approval of the commission  
375 for any of the purposes ~~herein~~ set forth in this part, and such  
376 moneys or properties do shall not constitute nor may they ~~or~~ be  
377 considered a part of any legislative appropriation made by the  
378 state for the purpose of carrying out this section ~~the~~  
379 ~~provisions of this law~~.

380 9.(k) Prepare and make available to the blind, in braille  
381 and on electronic recording equipment, Florida Statutes chapters  
382 20, 120, 121, and 413, in their entirety.

383 10.(l) Adopt by rule procedures for providing vocational  
384 rehabilitation services for the blind upon approval of the  
385 commission.

386 11.(m) Adopt by rule forms and instructions to be used by  
387 the division in its general administration upon approval of the  
388 commission.



389           (b) Policy.--It is the policy of the Legislature that all  
 390 programs, projects, and activities of the Florida Commission for  
 391 the Blind and the division are to be carried out in a manner  
 392 consistent with the following principles:

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

396           2. Support for the involvement of an individual's  
 397 representative if an individual requests, desires, or needs such  
 398 support;

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

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

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

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

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

409           (3) FLORIDA COMMISSION FOR THE BLIND.--The Florida  
 410 Commission for the Blind shall, because of the special trust  
 411 placed in and the special responsibility imposed on employees of  
 412 the commission, require all employees and applicants for  
 413 employment to undergo personnel screening and security  
 414 background investigations as provided in chapter 435, using the  
 415 level 1 standards for screening set forth in that chapter, as a  
 416 condition of employment and continued employment. The commission



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417 shall pay the cost of a personnel screening and security  
418 background investigation for each employee of the commission.

419 ~~(c) "Department" means the Department of Labor and~~  
420 ~~Employment Security.~~

421 ~~(3) There is hereby created in the department the Advisory~~  
422 ~~Council for the Blind to assist the division in the planning and~~  
423 ~~development of statewide rehabilitation programs and services,~~  
424 ~~to recommend improvements to such programs and services, and to~~  
425 ~~perform the functions provided in this section.~~

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

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

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

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

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

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

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

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





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

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

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

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

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

- 461 ~~1. Blind; and~~
- 462 ~~2. Not employed by the division.~~

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

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

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

470 ~~2. The terms of service of the members initially appointed~~  
 471 ~~shall be, as specified by the Governor, for such fewer number of~~



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472 ~~years as will provide for the expiration of terms on a staggered~~  
473 ~~basis.~~

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

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

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

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

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

486 ~~b. The extent, scope, and effectiveness of services~~  
487 ~~provided; and~~

488 ~~c. Functions performed by state agencies that affect or~~  
489 ~~potentially affect the ability of individuals who are blind to~~  
490 ~~achieve rehabilitation goals and objectives under Title I.~~

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

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



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

501 ~~b. Vocational rehabilitation services:~~

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

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

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

512 ~~5. Coordinate with other councils within the state,~~  
513 ~~including the Independent Living Council, the advisory panel~~  
514 ~~established under s. 613(a)(12) of the Individuals with~~  
515 ~~Disabilities Education Act, 20 U.S.C. 1413(a)(12), the State~~  
516 ~~Planning Council described in s. 124 of the Developmental~~  
517 ~~Disabilities Assistance and Bill of Rights Act, 42 U.S.C. s.~~  
518 ~~6024, and the state mental health planning council established~~  
519 ~~under s. 1916(e) of the Public Health Service Act, 42 U.S.C.~~  
520 ~~300X-4(e).~~

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



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

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

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

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

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

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

549 ~~(k) The council shall convene at least four meetings each~~  
550 ~~year. These meetings shall occur in such places as the council~~  
551 ~~deems necessary to conduct council business. The council may~~  
552 ~~conduct such forums or hearings as the council considers~~



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553 ~~appropriate. The meetings, hearings, and forums shall be~~  
554 ~~publicly announced. The meetings shall be open and accessible to~~  
555 ~~the public. The council shall make a report of each meeting~~  
556 ~~which shall include a record of its discussions and~~  
557 ~~recommendations, all of which reports shall be made available to~~  
558 ~~the public.~~

559 Section 5. Section 413.0115, Florida Statutes, is amended  
560 to read:

561 413.0115 State Board of Administration; authorization to  
562 invest division's portfolio.--The State Board of Administration  
563 may invest and reinvest the portfolio of stocks, bonds, and  
564 mutual funds held by the Division of Blind Services in  
565 accordance with the trust agreement approved by the Florida  
566 Commission for the Blind ~~Division of Blind Services~~ and the  
567 State Board of Administration and the provisions of ss. 215.44-  
568 215.53. The executive director of the Florida Commission for the  
569 Blind ~~Division of Blind Services~~ shall make the portfolio  
570 available and shall transfer it to the State Board of  
571 Administration for investment.

572 Section 6. Section 413.012, Florida Statutes, is amended  
573 to read:

574 413.012 Confidential records disclosure prohibited;  
575 exemptions.--

576 (1) All records furnished to the Division of Blind  
577 Services in connection with state or local vocational  
578 rehabilitation programs and containing information as to  
579 personal facts about applicants or clients given or made  
580 available to the state or local vocational rehabilitation agency



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581 or its representatives or employees in the course of the  
582 administration of the program, including lists of names and  
583 addresses and records of evaluations of clients, are  
584 confidential and exempt from the provisions of s. 119.07(1). The  
585 division may disclose such exempt and confidential records to  
586 the Florida Commission for the Blind when necessary for the  
587 commission to perform its duties, but commissioners shall  
588 maintain the exempt and confidential status of such records.

589 (2) It is unlawful for any person to disclose, authorize  
590 the disclosure, solicit, receive, or make use of any list of  
591 names and addresses or any record containing any information set  
592 forth in subsection (1) and maintained in the division. The  
593 prohibition provided for in this subsection does ~~shall~~ not apply  
594 to the use of such information for purposes directly connected  
595 with the administration of the vocational rehabilitation program  
596 or with the monthly dispatch to the Division of Driver Licenses  
597 of the Department of Highway Safety and Motor Vehicles of the  
598 name in full, place and date of birth, sex, social security  
599 number, and resident address of individuals who have ~~with~~  
600 central visual acuity of 20/200 or less in the better eye with  
601 correcting glasses, or a disqualifying field defect in which the  
602 peripheral field has contracted to such an extent that the  
603 widest diameter or visual field subtends an angular distance no  
604 greater than 20 degrees. When requested in writing by an  
605 applicant or client, or her or his representative, the Division  
606 of Blind Services shall release confidential information to the  
607 applicant or client or her or his representative.



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

611 Section 7. Section 413.013, Florida Statutes, is amended  
612 to read:

613 413.013 Destruction of records.--The Florida Commission  
614 for the Blind ~~Division of Blind Services~~ may authorize the  
615 destruction of any division correspondence, documents, or other  
616 records when the subject matter involved has been closed or  
617 terminated and their preservation is not required by federal or  
618 state law, rule, or regulation. ~~No~~ Such material may not shall  
619 be destroyed unless the commission has given specific authority  
620 to destroy it is given by the division and unless the said  
621 records have been in the possession of the commission ~~division~~ 5  
622 or more years prior to their destruction.

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

625 413.014 Community-based rehabilitation programs.--The  
626 Division of Blind Services shall enter into cooperative  
627 agreements with community-based rehabilitation programs to be  
628 the service providers for the blind citizens of their  
629 communities. The division shall, as rapidly as feasible,  
630 increase the amount of such services provided by community-based  
631 rehabilitation programs. The goal shall be to decrease the  
632 amount of such services provided by division employees and to  
633 increase to the maximum extent allowed by federal law the amount  
634 of such services provided through cooperative agreements with  
635 community-based service providers. The division shall seek, to



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636 the maximum extent allowed by federal and state law and  
 637 regulation, all available federal funds for such purposes.  
 638 Funds and in-kind matching contributions from community and  
 639 private sources shall be used to maximize federal funds. Unless  
 640 prohibited by federal law or regulation, the share of the  
 641 federal vocational rehabilitation grant apportioned for services  
 642 to the blind must ~~shall~~ be not less than 17 percent.

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

645 413.041 Eligible blind persons; placement in vending  
 646 facilities in public places.--For the purpose of assisting blind  
 647 persons to become self-supporting, the Division of Blind  
 648 Services is hereby authorized to carry on activities to promote  
 649 the employment of eligible blind persons, including the  
 650 licensing and establishment of such persons as operators of  
 651 vending facilities on public property. The ~~said~~ division may  
 652 cooperate with any agency of the Federal Government in the  
 653 furtherance of the provisions of the Act of Congress entitled  
 654 "An Act to authorize the operation of stands in federal  
 655 buildings by blind persons, to enlarge the economic  
 656 opportunities of the blind and for other purposes," Pub. L. No.  
 657 732, 74th Congress, and the ~~said~~ division may cooperate in the  
 658 furtherance of the provisions of any other act of Congress  
 659 providing for the rehabilitation of the blind which is ~~that may~~  
 660 now ~~be~~ in effect or is ~~may~~ hereafter ~~be~~ enacted by Congress.

661 Section 10. Section 413.051, Florida Statutes, is amended  
 662 to read:





663 413.051 Eligible blind persons; operation of vending  
664 stands.--

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

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

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

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

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

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

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

686 (3) Blind licensees shall be given the first opportunity  
687 to participate in the operation of vending stands on all state  
688 properties acquired after July 1, 1979, when such facilities are  
689 operated under the supervision of the Division of Blind Services  
690 of the Department of Education.



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

695 (5) All property custodians and duly authorized agents or  
696 employees of the state shall cooperate with the division in its  
697 survey of state properties and shall make available adequate  
698 space, electrical wiring, plumbing, and ventilation necessary to  
699 the installation of a vending facility on any state property  
700 designated as suitable by the division.

701 (6) The division shall be notified by property custodians  
702 or persons in charge at least 180 days prior to the initiation  
703 of any new construction, expansion, leasing, or acquisition of  
704 property occupied or to be occupied by a state agency.

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

710 (8) Income from new vending machines or replacement of  
711 existing machines installed on state property after July 1,  
712 1979, shall accrue to the blind licensee who operates a vending  
713 facility on the same property or, if none, to the division. The  
714 division shall be responsible for the servicing and maintenance  
715 of all vending machines.

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



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719 a vending stand on state, county, or municipal property from  
720 continuing to do so; however, the property custodian or person  
721 in charge shall notify the Division of Blind Services at least  
722 180 days prior to the expiration whether the ~~such~~ vending  
723 facility location is suitable for operation by a blind licensee.

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

726 (11) Effective July 1, 1996, blind licensees who remain  
727 members of the Florida Retirement System pursuant to s.  
728 121.051(6)(b)1. shall pay any unappropriated retirement costs  
729 from their net profits or from program income. Within 30 days  
730 after the effective date of this act, each blind licensee who is  
731 eligible to maintain membership in the Florida Retirement System  
732 under s. 121.051(6)(b)1., but who elects to withdraw from the  
733 system as provided in s. 121.051(6)(b)3., must, on or before  
734 July 31, 1996, notify the Division of Blind Services and the  
735 Department of Management Services in writing of his or her  
736 election to withdraw. Failure to timely notify the divisions  
737 shall be deemed a decision to remain a compulsory member of the  
738 Florida Retirement System. However, if, at any time after July  
739 1, 1996, sufficient funds are not paid by a blind licensee to  
740 cover the required contribution to the Florida Retirement  
741 System, that blind licensee shall become ineligible to  
742 participate in the Florida Retirement System on the last day of  
743 the first month for which no contribution is made or the amount  
744 contributed is insufficient to cover the required contribution.  
745 For any blind licensee who becomes ineligible to participate in  
746 the Florida Retirement System as described in this subsection,



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747 no creditable service shall be earned under the Florida  
748 Retirement System for any period following the month that  
749 retirement contributions ceased to be reported. However, any  
750 such person may participate in the Florida Retirement System in  
751 the future if employed by a participating employer in a covered  
752 position.

753 (12) The Division of Blind Services may adopt rules upon  
754 the approval of the Florida Commission for the Blind to permit  
755 the division to establish and maintain vending facilities, issue  
756 licenses, establish and maintain a vending facility training  
757 program, provide vendors access to financial data of the  
758 program, set aside funds from net proceeds of the vending  
759 facility, provide for the transfer and promotion of vendors,  
760 establish a vendors committee, provide for an operation  
761 agreement, provide duties and responsibilities of the commission  
762 ~~division~~ with respect to the vending facility program, and  
763 provide procedures for newspaper vending sales.

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

766 413.091 Identification cards.--

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

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

773 (3) The division is ~~will be~~ responsible for design and  
774 content of the identification card and shall develop and adopt



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775 ~~promulgate~~ rules, regulations, and procedures relating to the  
776 eligibility and application for, and issuance and control of,  
777 these identification cards.

778 Section 12. Section 413.092, Florida Statutes, is amended  
779 to read:

780 413.092 Blind Babies Program.--

781 (1) The Blind Babies Program is created within the  
782 Division of Blind Services of the Department of Education to  
783 provide community-based early-intervention education to children  
784 from birth through 5 years of age who are blind or visually  
785 impaired, and to their parents, families, and caregivers,  
786 through community-based provider organizations. The division  
787 shall enlist parents, ophthalmologists, pediatricians, schools,  
788 Infant and Toddlers Early Intervention Programs, and therapists  
789 to help identify and enroll blind and visually impaired  
790 children, as well as their parents, families, and caregivers, in  
791 these educational programs.

792 (2) The program is not an entitlement but shall promote  
793 early development with a special emphasis on vision skills to  
794 minimize developmental delays. The education must ~~shall~~ lay the  
795 groundwork for future learning by helping a child progress  
796 through normal developmental stages. It must ~~shall~~ teach  
797 children to discover and make the best use of their skills for  
798 future success in school. It must ~~shall~~ seek to ensure that  
799 visually impaired and blind children enter school as ready to  
800 learn as their sighted classmates. The program shall seek to  
801 link these children, and their parents, families, and  
802 caregivers, to other available services, training, education,



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803 and employment programs that could assist these families in the  
804 future. This linkage may include referrals to the school  
805 districts and the Infants and Toddlers Early Intervention  
806 Program for assessments to identify any additional services that  
807 are needed but ~~which~~ are not provided by the Blind Babies  
808 Program. The Florida Commission for the Blind ~~division~~ shall  
809 develop a formula for eligibility based on financial means and  
810 may create a means-based matrix to set a copayment fee for  
811 families having sufficient financial means.

812 (3) The commission ~~division~~ shall establish outcomes for  
813 this program, which must ~~shall~~ include, but are not limited to,  
814 outcomes relating to the children's age-appropriate  
815 developmental stages; knowledge of assistive technology;  
816 proficiency at daily living; ability to participate in pre-  
817 school and school; participation in their communities; and  
818 ability to be literate. The commission ~~division~~ shall develop  
819 criteria to be used in identifying and contracting with  
820 community-based provider organizations. All services offered  
821 through the Blind Babies Program shall be provided by community-  
822 based provider organizations. The division shall require any  
823 community-based provider organization delivering services under  
824 this program to develop performance measures related to those  
825 services and report to the division on the progress in achieving  
826 those measures.

827 Section 13. Section 413.093, Florida Statutes, is created  
828 to read:

829 413.093 Budget procedures.--



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830       (1) The executive director of the Florida Commission for  
831 the Blind shall recommend to the commission a budget of income  
832 and expenditures at such time and in such form as the commission  
833 prescribes. The commission shall adopt procedures for the  
834 approval of budget amendments.

835       (2) In preparing the division's legislative budget  
836 request, the Florida Commission for the Blind shall use the same  
837 format, procedures, and timelines that are required for  
838 preparing and submitting the legislative budget of the  
839 Department of Education. The Commissioner of Education shall  
840 include without modification the division's budget request in  
841 the department's legislative budget request to the State Board  
842 of Education. The State Board of Education shall include the  
843 division's budget request without modification in the State  
844 Board of Education's budget request to the Governor and the  
845 Legislature. The legislative budget request and the  
846 appropriation for the Florida Commission for the Blind must  
847 constitute a separate identifiable sum in the Department of  
848 Education budget. The annual appropriation for the commission  
849 must be distributed monthly in payments that are as nearly equal  
850 as possible. Appropriations for client services, instructional  
851 technology, and motor vehicles may be released and distributed  
852 as necessary to serve the instructional program for the clients.

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

856       Section 14. Section 413.094, Florida Statutes, is created  
857 to read:



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858           413.094 Management flexibility.--

859           (1) Notwithstanding ss. 216.031, 216.181, and 216.262 to  
860 the contrary and pursuant to s. 216.351, but subject to any  
861 guidelines imposed in the General Appropriations Act, funds for  
862 the operation of the Division of Blind Services must be  
863 requested and appropriated within budget entities, program  
864 components, program categories, lump sums, or special  
865 categories. Funds appropriated to the division for each program  
866 category, lump sum, or special category may be transferred to  
867 traditional categories for expenditure by the division. The  
868 commission shall develop an annual operating budget for the  
869 division that allocates funds by program component and  
870 traditional expenditure category.

871           (2) Notwithstanding s. 216.181 and pursuant to s. 216.351,  
872 but subject to any requirements imposed in the General  
873 Appropriations Act, a lump-sum plan is not a prerequisite to  
874 implementing the special categories, program categories, or  
875 lump-sum appropriations. Upon release of the special categories,  
876 program categories, or lump-sum appropriations to the  
877 commission, the Chief Financial Officer, upon the request of the  
878 commission, shall transfer or reallocate funds to or among  
879 accounts established for disbursement purposes. The commission  
880 shall maintain records to account for the original appropriation  
881 to the division.

882           (3) Notwithstanding ss. 216.031, 216.181, 216.251, and  
883 216.262 to the contrary and pursuant to s. 216.351, but subject  
884 to any requirements imposed in the General Appropriations Act,  
885 the executive director shall establish the authorized positions





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886 and may amend such positions, within the total funds authorized  
887 annually in the appropriations act.

888 Section 15. Section 413.095, Florida Statutes, is created  
889 to read:

890 413.095 Retention of title to and disposal of property and  
891 equipment.--

892 (1) The Division of Blind Services retains title to any  
893 real or personal property, such as tools, instruments, training  
894 supplies, equipment, motor vehicles, real property, or other  
895 items of value acquired for use by people who have visual  
896 impairments or personnel employed in operating programs of the  
897 division, and may repossess and transfer such property for use  
898 by other people who have visual impairments or personnel  
899 employed in the operation of the division.

900 (2) The Division of Blind Services, upon approval of the  
901 commission, may offer for sale any surplus items acquired in the  
902 operation of the program when they are no longer necessary or  
903 may exchange them for necessary items that can be used to  
904 greater advantage. When any such surplus equipment is sold or  
905 exchanged, a receipt for the sale or exchange which shows the  
906 consideration given for the equipment must be taken from the  
907 purchaser, and the consideration must be forwarded to the  
908 division to be included in the division's portfolio of  
909 investments pursuant to s. 413.115. Any funds that the division  
910 receives pursuant to any such transaction must be deposited in  
911 the Grants and Donations Trust Fund, are exempt from the State  
912 Treasury pursuant to s. 215.311, and are available for



913 expenditure for any purposes consistent with ss. 413.011-  
 914 413.092.

915 (3) The Florida Commission for the Blind has the exclusive  
 916 right to develop rules relating to records and recordkeeping for  
 917 property owned by the commission which is referred to in  
 918 subsections (1) and (2).

919 Section 16. Blind services direct-support organization.--

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

930 (2)(a) The Florida Commission for the Blind is authorized  
 931 to organize and incorporate a direct-support organization  
 932 pursuant to the requirements of this section and chapter 617,  
 933 Florida Statutes, to accomplish the purposes and objectives set  
 934 forth in this section.

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



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941        (c) The chairman of the commission shall serve as an ex  
942 officio member of the board of the direct-support organization.

943        (d) The direct-support organization is subject to the  
944 requirements of Section 24 of Article I of the State  
945 Constitution, chapter 119, Florida Statutes, and section  
946 286.011, Florida Statutes.

947        (e) Upon the dissolution of the corporation, all  
948 properties of the corporation revert to the commission.

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

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

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

963        (4) Funds designated for the direct-support organization  
964 must be used for the enhancement of programs and projects of the  
965 Division of Blind Services. All moneys received by the direct-  
966 support organization must be deposited into an account of the  
967 direct-support organization and must be used by the organization



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968 | in a manner consistent with the purposes and goals of the  
969 | direct-support organization.

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

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

976 | Section 17. Reorganization of the division under this act  
977 | does not modify the status of division employees under chapter  
978 | 110 and chapter 121, Florida Statutes.

979 | Section 18. Sections 413.061, 413.062, 413.063, 413.064,  
980 | 413.065, 413.066, 413.067, 413.068, and 413.069, Florida  
981 | Statutes, are repealed.

982 | Section 19. This act shall take effect July 1, 2003.