



CHAMBER ACTION

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The Committee on Future of Florida's Families recommends the following:

**Committee Substitute**

A bill to be entitled

An act relating to services for deaf persons and blind persons; creating the Florida Council on Deafness; providing membership and organization of the council; providing role, purpose, powers, duties, and responsibilities of the council; 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



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29 vocational rehabilitation services; requiring the division  
30 to develop and implement a state plan for independent  
31 living services; providing for the division to purchase  
32 and distribute specialized equipment without using state  
33 centralized purchasing procedures; exempting such  
34 equipment from certain record and inventory requirements;  
35 creating a children's program; requiring an annual report  
36 by the commission; providing for dispute resolution;  
37 amending s. 20.15, F.S.; providing that members of the  
38 Florida Commission for the Blind are not appointed by the  
39 Commissioner of Education; amending s. 413.011, F.S. ;  
40 providing legislative purpose and policy; providing duties  
41 of the commission and the division; eliminating division  
42 authority to recommend personnel; prescribing principles  
43 for commission activities; providing definitions;  
44 requiring background investigations of commission  
45 personnel; repealing the Advisory Council for the Blind;  
46 creating s. 413.093, F.S.; providing budgetary procedures  
47 for the commission; providing duties of the executive  
48 director of the commission; creating s. 413.094, F.S. ;  
49 providing for management flexibility in the division's  
50 allocation of funds and the amendment of authorized  
51 positions; requiring the commission to maintain records;  
52 creating s. 413.095, F.S.; providing for the division to  
53 retain title to certain real and personal property  
54 intended for use by people who have visual impairments and  
55 certain commission personnel; allowing the division to  
56 repossess, transfer, and dispose of such property;



57 providing for rulemaking by the commission; authorizing  
58 the commission to create a blind services direct-support  
59 organization; providing purposes and objectives; providing  
60 for members of board of the direct-support organization;  
61 providing that the organization is subject to s. 24, Art.  
62 I of the State Constitution, ch. 119, F.S., and s.  
63 286.011, F.S.; requiring expenses of the organization to  
64 be paid by private funds; providing guidelines for the use  
65 of the funds; amending s. 413.0115, F.S., relating to the  
66 State Board of Administration's authorization to invest a  
67 portfolio, s. 413.012, F.S., relating to prohibiting the  
68 disclosure of confidential records and providing  
69 exemptions to the prohibition, s. 413.013, F.S., relating  
70 to the destruction of certain records, s. 413.014, F.S.,  
71 relating to community-based rehabilitation programs, s.  
72 413.021, F.S. which prohibits persons or organizations  
73 from selling, distributing, or exhibiting any product or  
74 service which purports to be "blind-made," without  
75 specified certification, s. 413.031, F.S.; which defines  
76 "accredited nonprofit workshop," s. 413.041, F.S.,  
77 relating to placing eligible blind persons in vending  
78 facilities in public places, s. 413.051, F.S., the Little  
79 Randolph Sheppard Act, s. 413.091, F.S., relating to the  
80 issuance of identification cards to persons known to be  
81 blind or partially sighted, s. 413.092, F.S., relating to  
82 the Blind Babies Program, s. 413.395, F.S., relating to  
83 the Florida Independent Living Council, s. 553.512, F.S.,  
84 relating to membership of the Accessibility Advisory



85 Council, and s. 1013.38, F.S., relating to specified  
 86 facilities services provided by the Department of  
 87 Management Services; conforming provisions to the changes  
 88 made by the act and providing technical changes; providing  
 89 that the act does not modify status of certain employees;  
 90 repealing ss. 413.061, 413.062, 413.063, 413.064, 413.065,  
 91 413.066, 413.067, 413.068, 413.069, F.S., relating to the  
 92 issuance of permits for soliciting funds on behalf of  
 93 blind persons; providing an effective date.

94

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

96

97 Section 1. Florida Council on Deafness.--

98 (1)(a) There is established the Florida Council on  
 99 Deafness. The council is assigned to the Department of Education  
 100 for administrative and fiscal purposes, but it shall otherwise  
 101 function independently of the control, supervision, and  
 102 direction of the Department of Education.

103 (b) The council shall consist of 9 members appointed by  
 104 the Governor, after consultation with statewide not-for-profit  
 105 professional organizations that represent deaf, hard-of-hearing,  
 106 and late-deafened individuals, which members shall be confirmed  
 107 by the Senate. The Governor shall make appointments to the  
 108 council no later than July 1, 2003. Each member shall serve a  
 109 term of 4 years; however, for the purpose of providing staggered  
 110 terms, of the initial appointments, five members shall be  
 111 appointed to a 2-year term and four members shall be appointed  
 112 to a 4-year term. Any vacancy on the council shall be filled in



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113 the same manner as the original appointment, and any member  
114 appointed to fill a vacancy occurring because of death,  
115 resignation, or ineligibility for membership shall serve only  
116 for the unexpired term of the member's predecessor.

117 (c) The first meeting of the council shall be held no  
118 later than August 1, 2003. The council members, at the  
119 organizational meeting, shall elect by a majority vote of the  
120 members one member to serve as chair of the council for a term  
121 of 1 year. The council shall meet at least once each quarter.  
122 All meetings are subject to the call of the chair. Five members  
123 of the council shall constitute a quorum.

124 (d) Members of the council shall serve without  
125 compensation but may be reimbursed for per diem and travel  
126 expenses pursuant to section 112.061, Florida Statutes.

127 (e) Staff of the Department of Education shall be assigned  
128 by the Commissioner of Education to assist the council in the  
129 duties assigned to it by this section.

130 (2) It shall be the role of the council to serve as an  
131 advisory and coordinating body in the state that recommends  
132 policies that address the needs of deaf, hard-of-hearing, and  
133 late-deafened persons and that recommends methods that improve  
134 the coordination of services among the public and private  
135 entities that provide services to deaf, hard-of-hearing, and  
136 late-deafened persons. The council is authorized to provide  
137 technical assistance, advocacy, and education. To that end, the  
138 council shall:

139 (a) Provide information and assistance to the Legislature.

140 (b) Provide technical assistance to other state agencies.



- 141        (c) Provide information and referral services.
- 142        (d) Promote public and individual advocacy for deaf, hard-  
 143 of-hearing, and late-deafened citizens.
- 144        (e) Conduct public hearings as needed.
- 145        (3) The council shall prepare a report, which shall be  
 146 filed with the Governor, the President of the Senate, the  
 147 Speaker of the House of Representatives and the Chief Justice of  
 148 the Supreme Court by January 1, 2004, which shall include:
- 149            (a) A review of state agencies to determine if they are in  
 150 compliance with accessibility standards as they relate to  
 151 services for deaf, hard-of-hearing, and late-deafened  
 152 individuals.
- 153            (b) A review of federal and state statutes, rules, and  
 154 regulations that establish requirements with which agencies must  
 155 comply, including, but not limited to, equipment and  
 156 communication accessibility standards in the provision of  
 157 services to deaf, hard-of-hearing, and late-deafened  
 158 individuals.
- 159            (c) A comparison of the licensure and accreditation  
 160 requirements for sign-language interpreters, oral interpreters,  
 161 and entities providing services, both directly and indirectly,  
 162 to individuals with hearing loss among the ten most populous  
 163 states.
- 164            (d) Recommendations for standards for and licensure of  
 165 sign-language interpreters and providers of Computer-Aided Real-  
 166 time Translation services (CART) and other service provider  
 167 accreditation standards.
- 168        (4) The council may:



169       (a) Secure assistance from all state departments and  
 170 agencies in order to avail itself of expertise at minimal cost.

171       (b) Obtain information and assistance from the state or  
 172 any political subdivision, municipal corporation, public  
 173 officer, or governmental department or agency thereof.

174       (c) Apply for and accept funds, grants, gifts, and  
 175 services from local or state government or the Federal  
 176 Government, or from any of their agencies, or any other public  
 177 or private source, and use funds for the purposes authorized by  
 178 this section.

179       (5) All executive branch state agencies are instructed,  
 180 and all other state agencies are requested, to aid and assist  
 181 the council in the accomplishment of its purposes.

182       (6) Nothing in this act is intended to or shall be  
 183 interpreted as extending the duties or responsibilities of the  
 184 council to any program, service, or activity which is subject to  
 185 the jurisdiction or oversight of the Public Service Commission.

186       Section 2. Florida Commission for the Blind; creation;  
 187 membership; powers and duties.--

188       (1)(a) There is created within the Department of Education  
 189 a commission under section 20.03(10), Florida Statutes, which is  
 190 independent of the department and which is designated as the  
 191 Florida Commission for the Blind. The Florida Commission for the  
 192 Blind is the designated state agency in accordance with the  
 193 Rehabilitation Act of 1973, as amended.

194       (b) The commission is the agency head of the Division of  
 195 Blind Services within the Department of Education, which  
 196 division is the designated state unit in accordance with the



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197 Rehabilitation Act of 1973, as amended. The division is a  
198 separate budget entity, and the commission shall serve as its  
199 agency head for all purposes.

200 (c) The Department of Education shall provide  
201 administrative support and services to the commission and to the  
202 division to the extent requested by the commission or the  
203 executive director. The division is not subject to control,  
204 supervision, or direction by the Department of Education in any  
205 matter, including, but not limited to, personnel, purchasing,  
206 transactions involving real or personal property, and budgetary  
207 matters.

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

211 (b) Members of the commission must be qualified to serve  
212 based on their knowledge and experience in rehabilitation and  
213 related services for the blind. Before making appointments, the  
214 Governor shall consult with recognized consumer groups of people  
215 who are blind in this state to obtain their recommendations for  
216 appointees.

217 (c) Each commissioner shall be appointed for a 3-year  
218 term, except that, in order to establish staggered terms, three  
219 of the initial appointments shall be for 3-year terms; three of  
220 the initial appointments shall be for 2-year terms; and three of  
221 the initial appointments shall be for 1-year terms. Thereafter,  
222 all commissioners shall be appointed for 3-year terms. The  
223 initial appointments to the commission shall be made no later  
224 than July 15, 2003.





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225        (d) Each commissioner is accountable to the Governor for  
226 the proper performance of the duties of his or her office. The  
227 Governor may remove any member from office for malfeasance,  
228 misfeasance, neglect of duty, incompetence, or permanent  
229 inability to perform his or her official duties or for pleading  
230 nolo contendere to or being found guilty of a crime.

231        (3) The first meeting of the commission must be held no  
232 later than August 1, 2003. A majority of the members of the  
233 commission constitutes a quorum to transact business. The chair  
234 of the commission shall be elected by the members present and  
235 voting at the first meeting, a quorum being present, and  
236 annually thereafter. The commission shall meet at least  
237 quarterly or at the call of the chair or at the call of a  
238 majority of the members at such other times as the commissioners  
239 determine appropriate. The commission is subject to Section 24,  
240 Article I of the State Constitution, chapter 119, Florida  
241 Statutes, and section 286.011, Florida Statutes.

242        (4) A commissioner:

243        (a) May not be employed by the division during the term of  
244 his or her membership;

245        (b) May not receive compensation for services on the  
246 commission;

247        (c) Shall be reimbursed for travel expenses and per diem  
248 as provided in section 112.061, Florida Statutes; and

249        (d) May not receive financial benefit from contracts  
250 entered into by the commission.

251        (5)(a) The commission shall appoint an executive director  
252 who has knowledge and experience in rehabilitation and related



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253 services for the blind or has a background in management and any  
254 other area, as determined appropriate by the commission. The  
255 executive director serves at the pleasure of the commission.  
256 Removal of the executive director by vote of the commission  
257 requires five votes in favor of such action.

258 (b) The executive director shall serve as the chief  
259 administrative officer of the Division of Blind Services. The  
260 executive director shall employ such personnel as are needed and  
261 shall fix their compensation. All division employees shall  
262 report to the executive director.

263 (6)(a) The division shall develop and implement a state  
264 plan for vocational rehabilitation services for individuals who  
265 are blind, pursuant to section 101 of the Rehabilitation Act of  
266 1973, as amended.

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

274 (c) The division shall provide services that contribute to  
275 the maintenance of or the increased independence of older  
276 individuals who are blind.

277 (d) The division shall establish, equip, and maintain an  
278 orientation and adjustment center or centers to provide  
279 independent living skills training and other training such as,  
280 but not limited to, instruction in Braille; use of the long



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281 | white cane for independent travel; homemaking and home-  
282 | management skills; and communication skills, including the use  
283 | of computer technology, to prepare individuals who are blind or  
284 | visually impaired for eventual vocational training, job  
285 | placement, and independence.

286 | (e) The division shall establish and implement a small  
287 | business enterprises program and serve as the state licensing  
288 | agency for individuals who are blind, pursuant to the federal  
289 | Randolph-Sheppard Act.

290 | (f) The division shall purchase and distribute specialized  
291 | equipment, devices, and technology, including low-vision aids,  
292 | obtained directly from specialty vendors without using state  
293 | centralized purchasing procedures. Property that is purchased by  
294 | a state agency for the purpose of making accommodations for  
295 | individuals who are blind is not subject to the record and  
296 | inventory requirements set forth in section 273.02, Florida  
297 | Statutes. A state agency may use funds from all possible sources  
298 | to make accommodations for individuals who are blind.

299 | (g) In cooperation with the Library of Congress, the  
300 | division shall provide library services to persons who are blind  
301 | and persons who have physical disabilities.

302 | (h) In cooperation with other appropriate agencies, the  
303 | division shall provide to employers, the state education agency,  
304 | and local education agencies technical assistance in the  
305 | provision of auxiliary aids and services to people who are  
306 | blind, students, and their parents in complying with the  
307 | Americans with Disabilities Act and the Individuals with  
308 | Disabilities Education Act, as amended.



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309        (i) The division shall provide technical assistance to  
310 agencies within the state in order to assure that information  
311 technology purchased or used by such agencies is accessible to  
312 and usable by individuals who are blind, at the time the  
313 technology is purchased or used.

314        (j) The division shall participate, through the  
315 designation of the executive director or an appropriate staff  
316 member of the commission, on boards, commissions, or bodies in  
317 this state for the purpose of coordinating and planning  
318 services.

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

323        (l) The commission shall adopt rules for administering the  
324 programs of the division.

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

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

332        (7)(a) There is created within the Division of Blind  
333 Services a children's program to serve children who are blind  
334 from 5 years of age through transition to the Vocational  
335 Rehabilitation Program. This program must supplement services  
336 already offered by the school system to foster the child's



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337 learning and ability to function independently. The child's  
338 parents, guardian, and family members should be an integral part  
339 of the program in order to foster independence.

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

343 (c) The division shall provide independent living services  
344 to individuals in this state who are blind, including older  
345 individuals, pursuant to the Rehabilitation Act of 1973, as  
346 amended.

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

353 (9)(a) Any applicant for or recipient of services from the  
354 division who is dissatisfied with any action taken or decision  
355 made regarding such services may file a complaint setting forth  
356 the basis for the dissatisfaction and the remedy sought. Upon  
357 receipt of the complaint, the executive director shall inform  
358 the individual of the voluntary procedures for mediation of the  
359 dispute. The mediation must be conducted by a qualified and  
360 impartial mediator, and the commission must pay the costs.

361 (b) If the dispute cannot be resolved by mediation or  
362 other informal means, the executive director shall, through a  
363 designee, notify the complainant of his or her rights for appeal  
364 under state and federal law related to the program from which



365 the complaint arises. The commission shall adopt rules  
 366 sufficient to regulate the conduct of all proceedings required  
 367 under this section and to assure the rights of all parties  
 368 participating therein.

369 Section 3. Section 20.15, Florida Statutes, is amended to  
 370 read:

371 20.15 Department of Education.--There is created a  
 372 Department of Education.

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

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

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

- 383 (a) Division of Community Colleges.
- 384 (b) Division of Public Schools.
- 385 (c) Division of Colleges and Universities.
- 386 (d) Division of Vocational Rehabilitation.
- 387 (e) Division of Blind Services.

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

391 (5) POWERS AND DUTIES.--The State Board of Education and  
 392 the Commissioner of Education shall assign to the divisions such



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393 powers, duties, responsibilities, and functions as are necessary  
394 to ensure the greatest possible coordination, efficiency, and  
395 effectiveness of education for students in K-20 education.

396 (6) COUNCILS AND COMMITTEES.--Notwithstanding anything  
397 contained in law to the contrary, the commissioner shall appoint  
398 all members of all councils, commissions, and committees of the  
399 Department of Education, except the Commission for Independent  
400 Education, ~~and~~ the Education Practices Commission, and the  
401 Florida Commission for the Blind.

402 (7) BOARDS.--Notwithstanding anything contained in law to  
403 the contrary, all members of the university and community  
404 college boards of trustees must be appointed according to  
405 chapter 1001.

406 Section 4. Section 413.011, Florida Statutes, is amended  
407 to read:

408 413.011 Division of Blind Services, internal  
409 organizational structure; ~~Advisory Council for the Blind.--~~

410 (1) PURPOSE AND POLICY.--

411 (a) Purpose.--The purpose of this act is to establish a  
412 coordinated program of services which will be available to  
413 individuals throughout this state who are blind. The program  
414 must be designed to maximize employment opportunities for such  
415 individuals and to increase their independence and self-  
416 sufficiency. In implementing this program, the Florida  
417 Commission for the Blind ~~The internal organizational structure~~  
418 ~~of the Division of Blind Services shall be designed for the~~  
419 ~~purpose of ensuring the greatest possible efficiency and~~  
420 ~~effectiveness of services to the blind and to be consistent with~~



421 ~~chapter 20. The Division of Blind Services shall plan and,~~  
 422 supervise, and the division shall carry out, the following  
 423 activities:

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

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

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

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

444 3.(e) Establish one or more training schools and workshops  
 445 for the employment of suitable blind persons; make expenditures  
 446 of funds for such purposes; receive moneys from sales of  
 447 commodities involved in such activities and from such funds make  
 448 payments of wages, repairs, insurance premiums and replacements





449 of equipment. All of the activities provided for in this section  
 450 may be carried on in cooperation with private workshops for the  
 451 blind, except that all tools and equipment furnished by the  
 452 division shall remain the property of the state.

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

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

458 6.(h) Cooperate with other agencies, public or private,  
 459 especially the Division of the Blind and Physically Handicapped  
 460 of the Library of Congress and the Division of Library and  
 461 Information Services of the Department of State, to provide  
 462 library service to the blind and other handicapped persons as  
 463 defined in federal law and regulations in carrying out any or  
 464 all of the provisions of this law.

465 7.(i) Recommend contracts and agreements with federal,  
 466 state, county, municipal and private corporations, and  
 467 individuals.

468 8.(j) Receive moneys or properties by gift or bequest from  
 469 any person, firm, corporation, or organization for any of the  
 470 purposes ~~herein~~ set out in this part, but without authority to  
 471 bind the state to any expenditure or policy except such as is  
 472 ~~may be~~ specifically authorized by law. All such moneys or  
 473 properties so received by gift or bequest as ~~herein~~ authorized  
 474 in this subparagraph may be disbursed and expended by the  
 475 division upon its own warrant upon approval of the commission  
 476 for any of the purposes ~~herein~~ set forth in this part, and such



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477 moneys or properties ~~do shall~~ not constitute nor may they ~~or~~ be  
 478 considered a part of any legislative appropriation made by the  
 479 state for the purpose of carrying out this section ~~the~~  
 480 ~~provisions of this law.~~

481 9.(k) Prepare and make available to the blind, in braille  
 482 and on electronic recording equipment, Florida Statutes chapters  
 483 20, 120, 121, and 413, in their entirety.

484 10.(l) Adopt by rule procedures for providing vocational  
 485 rehabilitation services for the blind upon approval of the  
 486 commission.

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

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

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

497 2. Support for the involvement of an individual's  
 498 representative if an individual requests, desires, or needs such  
 499 support;

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

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

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



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

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

510 (3) FLORIDA COMMISSION FOR THE BLIND.--The Florida  
511 Commission for the Blind shall, because of the special trust  
512 placed in and the special responsibility imposed on employees of  
513 the commission, require all employees and applicants for  
514 employment to undergo personnel screening and security  
515 background investigations as provided in chapter 435, using the  
516 level 1 standards for screening set forth in that chapter, as a  
517 condition of employment and continued employment. The commission  
518 shall pay the cost of a personnel screening and security  
519 background investigation for each employee of the commission.

520 ~~(c) "Department" means the Department of Labor and~~  
521 ~~Employment Security.~~

522 ~~(3) There is hereby created in the department the Advisory~~  
523 ~~Council for the Blind to assist the division in the planning and~~  
524 ~~development of statewide rehabilitation programs and services,~~  
525 ~~to recommend improvements to such programs and services, and to~~  
526 ~~perform the functions provided in this section.~~

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

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



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

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

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

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

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

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

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

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

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

555 ~~(b) Members of the council shall be appointed by the~~  
 556 ~~Governor, who shall select members after soliciting~~  
 557 ~~recommendations from representatives of organizations~~



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

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

562 ~~1. Blind; and~~

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

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

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

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

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

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

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

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

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



586 ~~a. Eligibility, including order of selection;~~  
 587 ~~b. The extent, scope, and effectiveness of services~~  
 588 ~~provided; and~~  
 589 ~~e. Functions performed by state agencies that affect or~~  
 590 ~~potentially affect the ability of individuals who are blind to~~  
 591 ~~achieve rehabilitation goals and objectives under Title I.~~  
 592 ~~2. Advise the department and the division, and, at the~~  
 593 ~~discretion of the department or division, assist in the~~  
 594 ~~preparation of applications, the state plan, the strategic plan,~~  
 595 ~~and amendments to the plans, reports, needs assessments, and~~  
 596 ~~evaluations required by Title I.~~  
 597 ~~3. To the extent feasible, conduct a review and analysis~~  
 598 ~~of the effectiveness of, and consumer satisfaction with:~~  
 599 ~~a. The functions performed by state agencies and other~~  
 600 ~~public and private entities responsible for performing functions~~  
 601 ~~for individuals who are blind.~~  
 602 ~~b. Vocational rehabilitation services:~~  
 603 ~~(I) Provided or paid for from funds made available under~~  
 604 ~~the act or through other public or private sources.~~  
 605 ~~(II) Provided by state agencies and other public and~~  
 606 ~~private entities responsible for providing vocational~~  
 607 ~~rehabilitation services to individuals who are blind.~~  
 608 ~~4. Prepare and submit an annual report on the status of~~  
 609 ~~vocational rehabilitation services for the blind in the state to~~  
 610 ~~the Governor and the Commissioner of the Rehabilitative Services~~  
 611 ~~Administration, established under s. 702 of the act, and make~~  
 612 ~~the report available to the public.~~



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613 ~~5.— Coordinate with other councils within the state,~~  
614 ~~including the Independent Living Council, the advisory panel~~  
615 ~~established under s. 613(a)(12) of the Individuals with~~  
616 ~~Disabilities Education Act, 20 U.S.C. 1413(a)(12), the State~~  
617 ~~Planning Council described in s. 124 of the Developmental~~  
618 ~~Disabilities Assistance and Bill of Rights Act, 42 U.S.C. s.~~  
619 ~~6024, and the state mental health planning council established~~  
620 ~~under s. 1916(e) of the Public Health Service Act, 42 U.S.C.~~  
621 ~~300X-4(e).~~

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

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

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

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



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

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

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

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

660 Section 5. Section 413.0115, Florida Statutes, is amended  
 661 to read:

662 413.0115 State Board of Administration; authorization to  
 663 invest division's portfolio.--The State Board of Administration  
 664 may invest and reinvest the portfolio of stocks, bonds, and  
 665 mutual funds held by the Division of Blind Services in  
 666 accordance with the trust agreement approved by the Florida





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667 Commission for the Blind ~~Division of Blind Services~~ and the  
668 State Board of Administration and the provisions of ss. 215.44-  
669 215.53. The executive director of the Florida Commission for the  
670 Blind ~~Division of Blind Services~~ shall make the portfolio  
671 available and shall transfer it to the State Board of  
672 Administration for investment.

673 Section 6. Section 413.012, Florida Statutes, is amended  
674 to read:

675 413.012 Confidential records disclosure prohibited;  
676 exemptions.--

677 (1) All records furnished to the Division of Blind  
678 Services in connection with state or local vocational  
679 rehabilitation programs and containing information as to  
680 personal facts about applicants or clients given or made  
681 available to the state or local vocational rehabilitation agency  
682 or its representatives or employees in the course of the  
683 administration of the program, including lists of names and  
684 addresses and records of evaluations of clients, are  
685 confidential and exempt from the provisions of s. 119.07(1). The  
686 division may disclose such exempt and confidential records to  
687 the Florida Commission for the Blind when necessary for the  
688 commission to perform its duties, but commissioners shall  
689 maintain the exempt and confidential status of such records.

690 (2) It is unlawful for any person to disclose, authorize  
691 the disclosure, solicit, receive, or make use of any list of  
692 names and addresses or any record containing any information set  
693 forth in subsection (1) and maintained in the division. The  
694 prohibition provided for in this subsection does ~~shall~~ not apply



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695 to the use of such information for purposes directly connected  
 696 with the administration of the vocational rehabilitation program  
 697 or with the monthly dispatch to the Division of Driver Licenses  
 698 of the Department of Highway Safety and Motor Vehicles of the  
 699 name in full, place and date of birth, sex, social security  
 700 number, and resident address of individuals who have ~~with~~  
 701 central visual acuity of 20/200 or less in the better eye with  
 702 correcting glasses, or a disqualifying field defect in which the  
 703 peripheral field has contracted to such an extent that the  
 704 widest diameter or visual field subtends an angular distance no  
 705 greater than 20 degrees. When requested in writing by an  
 706 applicant or client, or her or his representative, the Division  
 707 of Blind Services shall release confidential information to the  
 708 applicant or client or her or his representative.

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

712 Section 7. Section 413.013, Florida Statutes, is amended  
 713 to read:

714 413.013 Destruction of records.--The Florida Commission  
 715 for the Blind ~~Division of Blind Services~~ may authorize the  
 716 destruction of any division correspondence, documents, or other  
 717 records when the subject matter involved has been closed or  
 718 terminated and their preservation is not required by federal or  
 719 state law, rule, or regulation. ~~Ne~~ Such material may not ~~shall~~  
 720 be destroyed unless the commission has given specific authority  
 721 to destroy it ~~is given by the division~~ and unless the said



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722 records have been in the possession of the commission ~~division~~ 5  
723 or more years prior to their destruction.

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

726 413.014 Community-based rehabilitation programs.--The  
727 Division of Blind Services shall enter into cooperative  
728 agreements with community-based rehabilitation programs to be  
729 the service providers for the blind citizens of their  
730 communities. The division shall, as rapidly as feasible,  
731 increase the amount of such services provided by community-based  
732 rehabilitation programs. The goal shall be to decrease the  
733 amount of such services provided by division employees and to  
734 increase to the maximum extent allowed by federal law the amount  
735 of such services provided through cooperative agreements with  
736 community-based service providers. The division shall seek, to  
737 the maximum extent allowed by federal and state law and  
738 regulation, all available federal funds for such purposes.  
739 Funds and in-kind matching contributions from community and  
740 private sources shall be used to maximize federal funds. Unless  
741 prohibited by federal law or regulation, the share of the  
742 federal vocational rehabilitation grant apportioned for services  
743 to the blind must ~~shall~~ be not less than 17 percent.

744 Section 9. Subsection (3) of section 413.021, Florida  
745 Statutes, is amended to read:

746 413.021 Products and services by blind persons; sale,  
747 exhibition regulated.--

748 (3) No person or organization shall sell, distribute, or  
749 exhibit any product or service which purports or is advertised



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750 to be "blind-made," unless the Florida Commission for the Blind  
751 ~~Division of Blind Services~~ shall certify that such product or  
752 service complies with the provisions of subsection (2).

753 (4) Any person, including the officers, owners, or members  
754 of any corporation or organization that violates the provisions  
755 of this section shall be guilty of a misdemeanor of the second  
756 degree, punishable as provided in s. 775.082 or s. 775.083.

757 Section 10. Paragraph (a) of subsection (1) of section  
758 413.031, Florida Statutes, is amended to read:

759 413.031 Products, purchase by state agencies and  
760 institutions.--

761 (1) DEFINITIONS.--When used in this section:

762 (a) "Accredited nonprofit workshop" means a Florida  
763 workshop which has been certified by either the Florida  
764 Commission for the Blind ~~Division of Blind Services~~, for  
765 workshops concerned with blind persons, or the Department of  
766 Children and Family Services, when other handicapped persons are  
767 concerned, and such "workshop" means a place where any article  
768 is manufactured or handwork is carried on and which is operated  
769 for the primary purpose of providing employment to severely  
770 handicapped individuals, including the blind, who cannot be  
771 readily absorbed in the competitive labor market.

772 Section 11. Section 413.041, Florida Statutes, is amended  
773 to read:

774 413.041 Eligible blind persons; placement in vending  
775 facilities in public places.--For the purpose of assisting blind  
776 persons to become self-supporting, the Division of Blind  
777 Services is hereby authorized to carry on activities to promote



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778 the employment of eligible blind persons, including the  
 779 licensing and establishment of such persons as operators of  
 780 vending facilities on public property. The ~~said~~ division may  
 781 cooperate with any agency of the Federal Government in the  
 782 furtherance of the provisions of the Act of Congress entitled  
 783 "An Act to authorize the operation of stands in federal  
 784 buildings by blind persons, to enlarge the economic  
 785 opportunities of the blind and for other purposes," Pub. L. No.  
 786 732, 74th Congress, and the ~~said~~ division may cooperate in the  
 787 furtherance of the provisions of any other act of Congress  
 788 providing for the rehabilitation of the blind which is ~~that may~~  
 789 now ~~be~~ in effect or is ~~may~~ hereafter ~~be~~ enacted by Congress.

790 Section 12. Section 413.051, Florida Statutes, is amended  
 791 to read:

792 413.051 Eligible blind persons; operation of vending  
 793 stands.--

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

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

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

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

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



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

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

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

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

824 (5) All property custodians and duly authorized agents or  
825 employees of the state shall cooperate with the division in its  
826 survey of state properties and shall make available adequate  
827 space, electrical wiring, plumbing, and ventilation necessary to  
828 the installation of a vending facility on any state property  
829 designated as suitable by the division.

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



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

839           (8) Income from new vending machines or replacement of  
840 existing machines installed on state property after July 1,  
841 1979, shall accrue to the blind licensee who operates a vending  
842 facility on the same property or, if none, to the division. The  
843 division shall be responsible for the servicing and maintenance  
844 of all vending machines.

845           (9) This section does not ~~It is the legislative intent~~  
846 ~~that this section shall not apply or operate, in any way or any~~  
847 ~~manner, to~~ divest any person or organization presently operating  
848 a vending stand on state, county, or municipal property from  
849 continuing to do so; however, the property custodian or person  
850 in charge shall notify the Division of Blind Services at least  
851 180 days prior to the expiration whether the ~~such~~ vending  
852 facility location is suitable for operation by a blind licensee.

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

855           (11) Effective July 1, 1996, blind licensees who remain  
856 members of the Florida Retirement System pursuant to s.  
857 121.051(6)(b)1. shall pay any unappropriated retirement costs  
858 from their net profits or from program income. Within 30 days  
859 after the effective date of this act, each blind licensee who is  
860 eligible to maintain membership in the Florida Retirement System  
861 under s. 121.051(6)(b)1., but who elects to withdraw from the



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862 system as provided in s. 121.051(6)(b)3., must, on or before  
863 July 31, 1996, notify the Division of Blind Services and the  
864 Department of Management Services in writing of his or her  
865 election to withdraw. Failure to timely notify the divisions  
866 shall be deemed a decision to remain a compulsory member of the  
867 Florida Retirement System. However, if, at any time after July  
868 1, 1996, sufficient funds are not paid by a blind licensee to  
869 cover the required contribution to the Florida Retirement  
870 System, that blind licensee shall become ineligible to  
871 participate in the Florida Retirement System on the last day of  
872 the first month for which no contribution is made or the amount  
873 contributed is insufficient to cover the required contribution.  
874 For any blind licensee who becomes ineligible to participate in  
875 the Florida Retirement System as described in this subsection,  
876 no creditable service shall be earned under the Florida  
877 Retirement System for any period following the month that  
878 retirement contributions ceased to be reported. However, any  
879 such person may participate in the Florida Retirement System in  
880 the future if employed by a participating employer in a covered  
881 position.

882 (12) The Division of Blind Services may adopt rules upon  
883 the approval of the Florida Commission for the Blind to permit  
884 the division to establish and maintain vending facilities, issue  
885 licenses, establish and maintain a vending facility training  
886 program, provide vendors access to financial data of the  
887 program, set aside funds from net proceeds of the vending  
888 facility, provide for the transfer and promotion of vendors,  
889 establish a vendors committee, provide for an operation





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890 agreement, provide duties and responsibilities of the commission  
891 ~~division~~ with respect to the vending facility program, and  
892 provide procedures for newspaper vending sales.

893 Section 13. Section 413.091, Florida Statutes, is amended  
894 to read:

895 413.091 Identification cards.--

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

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

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

907 Section 14. Section 413.092, Florida Statutes, is amended  
908 to read:

909 413.092 Blind Babies Program.--

910 (1) The Blind Babies Program is created within the  
911 Division of Blind Services of the Department of Education to  
912 provide community-based early-intervention education to children  
913 from birth through 5 years of age who are blind or visually  
914 impaired, and to their parents, families, and caregivers,  
915 through community-based provider organizations. The division  
916 shall enlist parents, ophthalmologists, pediatricians, schools,  
917 Infant and Toddlers Early Intervention Programs, and therapists



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918 to help identify and enroll blind and visually impaired  
919 children, as well as their parents, families, and caregivers, in  
920 these educational programs.

921 (2) The program is not an entitlement but shall promote  
922 early development with a special emphasis on vision skills to  
923 minimize developmental delays. The education must ~~shall~~ lay the  
924 groundwork for future learning by helping a child progress  
925 through normal developmental stages. It must ~~shall~~ teach  
926 children to discover and make the best use of their skills for  
927 future success in school. It must ~~shall~~ seek to ensure that  
928 visually impaired and blind children enter school as ready to  
929 learn as their sighted classmates. The program shall seek to  
930 link these children, and their parents, families, and  
931 caregivers, to other available services, training, education,  
932 and employment programs that could assist these families in the  
933 future. This linkage may include referrals to the school  
934 districts and the Infants and Toddlers Early Intervention  
935 Program for assessments to identify any additional services that  
936 are needed but ~~which~~ are not provided by the Blind Babies  
937 Program. The Florida Commission for the Blind ~~division~~ shall  
938 develop a formula for eligibility based on financial means and  
939 may create a means-based matrix to set a copayment fee for  
940 families having sufficient financial means.

941 (3) The commission ~~division~~ shall establish outcomes for  
942 this program, which must ~~shall~~ include, but are not limited to,  
943 outcomes relating to the children's age-appropriate  
944 developmental stages; knowledge of assistive technology;  
945 proficiency at daily living; ability to participate in pre-



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946 school and school; participation in their communities; and  
947 ability to be literate. The commission ~~division~~ shall develop  
948 criteria to be used in identifying and contracting with  
949 community-based provider organizations. All services offered  
950 through the Blind Babies Program shall be provided by community-  
951 based provider organizations. The division shall require any  
952 community-based provider organization delivering services under  
953 this program to develop performance measures related to those  
954 services and report to the division on the progress in achieving  
955 those measures.

956 Section 15. Section 413.093, Florida Statutes, is created  
957 to read:

958 413.093 Budget procedures.--

959 (1) The executive director of the Florida Commission for  
960 the Blind shall recommend to the commission a budget of income  
961 and expenditures at such time and in such form as the commission  
962 prescribes. The commission shall adopt procedures for the  
963 approval of budget amendments.

964 (2) In preparing the division's legislative budget  
965 request, the Florida Commission for the Blind shall use the same  
966 format, procedures, and timelines that are required for  
967 preparing and submitting the legislative budget of the  
968 Department of Education. The Commissioner of Education shall  
969 include without modification the division's budget request in  
970 the department's legislative budget request to the State Board  
971 of Education. The State Board of Education shall include the  
972 division's budget request without modification in the State  
973 Board of Education's budget request to the Governor and the



974 Legislature. The legislative budget request and the  
 975 appropriation for the Florida Commission for the Blind must  
 976 constitute a separate identifiable sum in the Department of  
 977 Education budget. The annual appropriation for the commission  
 978 must be distributed monthly in payments that are as nearly equal  
 979 as possible. Appropriations for client services, instructional  
 980 technology, and motor vehicles may be released and distributed  
 981 as necessary to serve the instructional program for the clients.

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

985 Section 16. Section 413.094, Florida Statutes, is created  
 986 to read:

987 413.094 Management flexibility.--

988 (1) Notwithstanding ss. 216.031, 216.181, and 216.262 to  
 989 the contrary and pursuant to s. 216.351, but subject to any  
 990 guidelines imposed in the General Appropriations Act, funds for  
 991 the operation of the Division of Blind Services must be  
 992 requested and appropriated within budget entities, program  
 993 components, program categories, lump sums, or special  
 994 categories. Funds appropriated to the division for each program  
 995 category, lump sum, or special category may be transferred to  
 996 traditional categories for expenditure by the division. The  
 997 commission shall develop an annual operating budget for the  
 998 division that allocates funds by program component and  
 999 traditional expenditure category.

1000 (2) Notwithstanding s. 216.181 and pursuant to s. 216.351,  
 1001 but subject to any requirements imposed in the General



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1002 Appropriations Act, a lump-sum plan is not a prerequisite to  
1003 implementing the special categories, program categories, or  
1004 lump-sum appropriations. Upon release of the special categories,  
1005 program categories, or lump-sum appropriations to the  
1006 commission, the Chief Financial Officer, upon the request of the  
1007 commission, shall transfer or reallocate funds to or among  
1008 accounts established for disbursement purposes. The commission  
1009 shall maintain records to account for the original appropriation  
1010 to the division.

1011 (3) Notwithstanding ss. 216.031, 216.181, 216.251, and  
1012 216.262 to the contrary and pursuant to s. 216.351, but subject  
1013 to any requirements imposed in the General Appropriations Act,  
1014 the executive director shall establish the authorized positions  
1015 and may amend such positions, within the total funds authorized  
1016 annually in the appropriations act.

1017 Section 17. Section 413.095, Florida Statutes, is created  
1018 to read:

1019 413.095 Retention of title to and disposal of property and  
1020 equipment.--

1021 (1) The Division of Blind Services retains title to any  
1022 real or personal property, such as tools, instruments, training  
1023 supplies, equipment, motor vehicles, real property, or other  
1024 items of value acquired for use by people who have visual  
1025 impairments or personnel employed in operating programs of the  
1026 division, and may repossess and transfer such property for use  
1027 by other people who have visual impairments or personnel  
1028 employed in the operation of the division.



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1029       (2) The Division of Blind Services, upon approval of the  
 1030 commission, may offer for sale any surplus items acquired in the  
 1031 operation of the program when they are no longer necessary or  
 1032 may exchange them for necessary items that can be used to  
 1033 greater advantage. When any such surplus equipment is sold or  
 1034 exchanged, a receipt for the sale or exchange which shows the  
 1035 consideration given for the equipment must be taken from the  
 1036 purchaser, and the consideration must be forwarded to the  
 1037 division to be included in the division's portfolio of  
 1038 investments pursuant to s. 413.115. Any funds that the division  
 1039 receives pursuant to any such transaction must be deposited in  
 1040 the Grants and Donations Trust Fund, are exempt from the State  
 1041 Treasury pursuant to s. 215.311, and are available for  
 1042 expenditure for any purposes consistent with ss. 413.011-  
 1043 413.092.

1044       (3) The Florida Commission for the Blind has the exclusive  
 1045 right to develop rules relating to records and recordkeeping for  
 1046 property owned by the commission which is referred to in  
 1047 subsections (1) and (2).

1048       Section 18. Blind services direct-support organization.--

1049       (1) As used in this section, the term "direct-support  
 1050 organization" means a not-for-profit corporation incorporated  
 1051 under chapter 617, Florida Statutes, and organized and operated  
 1052 to conduct programs and activities; initiate developmental  
 1053 projects; raise funds; request and receive grants, gifts, and  
 1054 bequests of moneys; acquire, receive, hold, invest, and  
 1055 administer, in its own name, securities, funds, objects of  
 1056 value, or other property, real or personal; and make



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1057 expenditures to or for the direct or indirect benefit of the  
1058 state and for blind persons in this state.

1059 (2)(a) The Florida Commission for the Blind is authorized  
1060 to organize and incorporate a direct-support organization  
1061 pursuant to the requirements of this section and chapter 617,  
1062 Florida Statutes, to accomplish the purposes and objectives set  
1063 forth in this section.

1064 (b) The first board of seven members of the direct-support  
1065 organization shall be appointed by the Governor. Two members  
1066 shall serve 2-year terms, three members shall serve 3-year  
1067 terms, and two members shall serve 4-year terms. Thereafter,  
1068 the board shall be self-appointed according to the established  
1069 bylaw.

1070 (c) The chairman of the commission shall serve as an ex  
1071 officio member of the board of the direct-support organization.

1072 (d) The direct-support organization is subject to the  
1073 requirements of Section 24 of Article I of the State  
1074 Constitution, chapter 119, Florida Statutes, and section  
1075 286.011, Florida Statutes.

1076 (e) Upon the dissolution of the corporation, all  
1077 properties of the corporation revert to the commission.

1078 (f) The direct-support organization shall maintain  
1079 donations and direct service expenditures in a bank account  
1080 outside of the State Treasury.

1081 (g) Any administrative costs of running and promoting the  
1082 purposes of the corporation must be paid by private funds.

1083 (3) The purposes and objectives of the direct-support  
1084 organization must be consistent with the priority issues and



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1085 objectives of the Department of Education and must be in the  
1086 best interests of the state, though the Division of Blind  
1087 Services may permit, without charge, the appropriate use of  
1088 property and facilities of the state by the direct-support  
1089 organization subject to this section. Such use must be directly  
1090 in keeping with the approved purposes of the direct-support  
1091 organization.

1092 (4) Funds designated for the direct-support organization  
1093 must be used for the enhancement of programs and projects of the  
1094 Division of Blind Services. All moneys received by the direct-  
1095 support organization must be deposited into an account of the  
1096 direct-support organization and must be used by the organization  
1097 in a manner consistent with the purposes and goals of the  
1098 direct-support organization.

1099 (5) The direct-support organization shall comply with the  
1100 audit requirements of section 215.981, Florida Statutes.

1101 (6) The executive director of the Division of Blind  
1102 Services may designate employees of the division to solicit  
1103 donations from public or private sources to fund the authorized  
1104 purposes of the direct-support organization.

1105 Section 19. Reorganization of the division under this act  
1106 does not modify the status of division employees under chapter  
1107 110 and chapter 121, Florida Statutes.

1108 Section 20. Subsection (1), paragraph (b) of subsection  
1109 (3), and subsection (10) of section 413.395, Florida Statutes,  
1110 are amended to read:

1111 413.395 Florida Independent Living Council.--





1112 (1) There is created the Florida Independent Living  
 1113 Council to assist the division and the Florida Commission for  
 1114 the Blind ~~Division of Blind Services~~ of the Department of  
 1115 Education, as well as other state agencies and local planning  
 1116 and administrative entities assisted under Title VII of the act,  
 1117 in the expansion and development of statewide independent living  
 1118 policies, programs, and concepts and to recommend improvements  
 1119 for such programs and services. The council shall function  
 1120 independently of the division and, unless the council elects to  
 1121 incorporate as a not-for-profit corporation, is assigned to the  
 1122 division for administrative purposes only. The council may elect  
 1123 to be incorporated as a Florida corporation not for profit and,  
 1124 upon such election, shall be assisted in the incorporation by  
 1125 the division for the purposes stated in this section. The  
 1126 appointed members of the council may constitute the board of  
 1127 directors for the corporation.

1128 (3) The council shall include:

1129 (b) As ex officio, nonvoting members:

1130 1. A representative from the division.

1131 2. A representative from the Florida Commission for the  
 1132 Blind ~~Division of Blind Services~~.

1133 3. Representatives from other state agencies that provide  
 1134 services to persons who have disabilities.

1135 (10) The council may meet at the call of the chairperson,  
 1136 at the joint request of the division and the Florida Commission  
 1137 for the Blind ~~Division of Blind Services~~, or at such times as  
 1138 may be prescribed by rule, but not less than twice each calendar  
 1139 year. The council shall make a report of each meeting, which



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1140 shall include a record of its discussions and recommendations.  
 1141 The division and the Florida Commission for the Blind ~~Division~~  
 1142 ~~of Blind Services~~ shall make such reports available to the  
 1143 public.

1144 Section 21. Subsection (2) of section 553.512, Florida  
 1145 Statutes, is amended to read:

1146 553.512 Modifications and waivers; advisory council.--

1147 (2) The Accessibility Advisory Council shall consist of  
 1148 the following seven members, who shall be knowledgeable in the  
 1149 area of accessibility for persons with disabilities. The  
 1150 Secretary of Community Affairs shall appoint the following: a  
 1151 representative from the Advocacy Center for Persons with  
 1152 Disabilities, Inc.; a representative from the Florida Commission  
 1153 for the Blind ~~Division of Blind Services~~; a representative from  
 1154 the Division of Vocational Rehabilitation; a representative from  
 1155 a statewide organization representing the physically  
 1156 handicapped; a representative from the hearing impaired; a  
 1157 representative from the President, Florida Council of  
 1158 Handicapped Organizations; and a representative of the Paralyzed  
 1159 Veterans of America. The terms for the first three council  
 1160 members appointed subsequent to October 1, 1991, shall be for 4  
 1161 years, the terms for the next two council members appointed  
 1162 shall be for 3 years, and the terms for the next two members  
 1163 shall be for 2 years. Thereafter, all council member  
 1164 appointments shall be for terms of 4 years. No council member  
 1165 shall serve more than two 4-year terms subsequent to October 1,  
 1166 1991. Any member of the council may be replaced by the secretary  
 1167 upon three unexcused absences. Upon application made in the form



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1168 provided, an individual waiver or modification may be granted by  
 1169 the commission so long as such modification or waiver is not in  
 1170 conflict with more stringent standards provided in another  
 1171 chapter.

1172 Section 22. Subsection (3) of section 1013.38, Florida  
 1173 Statutes, is amended to read:

1174 1013.38 Boards to ensure that facilities comply with  
 1175 building codes and life safety codes.--

1176 (3) The Department of Management Services may, upon  
 1177 request, provide facilities services for the Florida School for  
 1178 the Deaf and the Blind, the Florida Commission for the Blind  
 1179 ~~Division of Blind Services~~, and public broadcasting. As used in  
 1180 this section, the term "facilities services" means project  
 1181 management, code and design plan review, and code compliance  
 1182 inspection for projects as defined in s. 287.017(1)(e).

1183 Section 23. Sections 413.061, 413.062, 413.063, 413.064,  
 1184 413.065, 413.066, 413.067, 413.068, and 413.069, Florida  
 1185 Statutes, are repealed.

1186 Section 24. This act shall take effect July 1, 2003.