

By the Committee on Education; and Senator Wise

304-2304-03

1 A bill to be entitled
2 An act relating to blind services; providing a
3 short title; creating the Florida Commission
4 for the Blind in the Department of Education;
5 providing membership, powers and duties, and
6 meetings of the commission; providing for
7 administrative support by the department;
8 providing that the commission is the agency
9 head of the Division of Blind Services;
10 providing that the division is the designated
11 state unit under the federal Rehabilitation Act
12 of 1973; providing that the division is a
13 separate budget entity; providing for an
14 executive director of the commission, who is
15 also chief administrative officer of the
16 division; providing for the executive director
17 to employ personnel; requiring the division to
18 develop and implement a state plan for
19 vocational rehabilitation services; requiring
20 the commission to develop and implement a state
21 plan for independent living services; providing
22 for the division to purchase and distribute
23 specialized equipment without using state
24 centralized purchasing procedures; exempting
25 such equipment from certain record and
26 inventory requirements; creating a children's
27 program; requiring an annual report by the
28 commission; providing for dispute resolution;
29 amending s. 20.15, F.S.; providing that members
30 of the Florida Commission for the Blind are not
31 appointed by the Commissioner of Education;

1 amending s. 413.011, F.S.; providing
2 legislative purpose and policy; providing
3 duties of the commission and the division;
4 eliminating division authority to recommend
5 personnel; prescribing principles for
6 commission activities; providing definitions;
7 requiring background investigations of
8 commission personnel; repealing the Advisory
9 Council for the Blind; creating s. 413.093,
10 F.S.; providing budgetary procedures for the
11 commission; providing duties of the executive
12 director of the Florida Commission for the
13 Blind; creating s. 413.094, F.S.; providing for
14 management flexibility in the division's
15 allocation of funds and the amendment of
16 authorized positions; requiring the commission
17 to maintain records; creating s. 413.095, F.S.;
18 providing for the division to retain title to
19 certain real and personal property intended for
20 use by people who have visual impairments and
21 certain commission personnel; allowing the
22 division to repossess, transfer, and dispose of
23 such property; providing for rulemaking by the
24 commission; authorizing the commission to
25 create a blind services direct-support
26 organization; providing purposes and
27 objectives; providing for members of the board
28 of the direct-support organization; providing
29 that the organization is subject to s. 24, Art.
30 I of the State Constitution, ch. 119, F.S., and
31 s. 286.011, F.S.; requiring expenses of the

1 organization to be paid by private funds;
2 providing guidelines for the use of the funds;
3 amending s. 413.0115, F.S., relating to the
4 State Board of Administration's authorization
5 to invest a portfolio, s. 413.012, F.S.,
6 relating to prohibiting the disclosure of
7 confidential records and providing exemptions
8 to the prohibition, s. 413.013, F.S., relating
9 to the destruction of certain records, s.
10 413.014, F.S., relating to community-based
11 rehabilitation programs, s. 413.041, F.S.,
12 relating to placing eligible blind persons in
13 vending facilities in public places, s.
14 413.051, F.S., the Little Randolph Sheppard
15 Act, s. 413.091, F.S., relating to the issuance
16 of identification cards to persons known to be
17 blind or partially sighted, s. 413.092, F.S.,
18 relating to the Blind Babies Program;
19 conforming provisions to the changes made by
20 this act; providing that this act does not
21 modify the status of certain employees;
22 repealing ss. 413.061, 413.062, 413.063,
23 413.064, 413.065, 413.066, 413.067, 413.068,
24 413.069, F.S., relating to the issuance of
25 permits for soliciting funds on behalf of blind
26 persons; providing an effective date.

27
28 Be It Enacted by the Legislature of the State of Florida:

29
30 Section 1. This act may be cited as the "Florida
31 Commission for the Blind Act."

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

3 (1)(a) There is created within the Department of
4 Education a commission under section 20.03(10), Florida
5 Statutes, which is independent of the department and which is
6 designated as the Florida Commission for the Blind. The
7 Florida Commission for the Blind is the designated state
8 agency in accordance with the Rehabilitation Act of 1973, as
9 amended.

10 (b) The commission is the agency head of the Division
11 of Blind Services within the Department of Education, which
12 division is the designated state unit in accordance with the
13 Rehabilitation Act of 1973, as amended. The division is a
14 separate budget entity, and the commission shall serve as its
15 agency head for all purposes.

16 (c) The Department of Education shall provide
17 administrative support and services to the commission and to
18 the division to the extent requested by the commission or the
19 executive director. The division is not subject to control,
20 supervision, or direction by the Department of Education in
21 any matter, including, but not limited to, personnel,
22 purchasing, transactions involving real or personal property,
23 and budgetary matters.

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

27 (b) Members of the commission must be qualified to
28 serve based on their knowledge and experience in
29 rehabilitation and related services for the blind. Before
30 making appointments, the Governor shall consult with
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1 recognized consumer groups of people who are blind in this
2 state to obtain their recommendations for appointees.

3 (c) Each commissioner shall be appointed for a 3-year
4 term, except that, in order to establish staggered terms,
5 three of the initial appointments shall be for 3-year terms;
6 three of the initial appointments shall be for 2-year terms;
7 and three of the initial appointments shall be for 1-year
8 terms. Thereafter, all commissioners shall be appointed for
9 3-year terms. The initial appointments to the commission shall
10 be made no later than July 15, 2003.

11 (d) Each commissioner is accountable to the Governor
12 for the proper performance of the duties of his or her office.
13 The Governor may remove any member from office for
14 malfeasance, misfeasance, neglect of duty, incompetence, or
15 permanent inability to perform his or her official duties or
16 for pleading nolo contendere to or being found guilty of a
17 crime.

18 (3) The first meeting of the commission must be held
19 no later than August 1, 2003. A majority of the members of the
20 commission constitutes a quorum to transact business. The
21 chair of the commission shall be elected by the members
22 present and voting at the first meeting, a quorum being
23 present, and annually thereafter. The commission shall meet at
24 least quarterly or at the call of the chair or at the call of
25 a majority of the members at such other times as the
26 commissioners determine appropriate. The commission is subject
27 to Section 24, Article I of the State Constitution, chapter
28 119, Florida Statutes, and section 286.011, Florida Statutes.

29 (4) A commissioner:

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

1 (b) May not receive compensation for services on the
2 commission;

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

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

7 (5)(a) The commission shall appoint an executive
8 director who has knowledge and experience in rehabilitation
9 and related services for the blind or has a background in
10 management and any other area, as determined appropriate by
11 the commission. The executive director serves at the pleasure
12 of the commission. Removal of the executive director by vote
13 of the commission requires five votes in favor of such action.

14 (b) The executive director shall serve as the chief
15 administrative officer of the Division of Blind Services. The
16 executive director shall employ such personnel as are needed
17 and shall fix their compensation. All division employees shall
18 report to the executive director.

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

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

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1 (c) The division shall provide services that
2 contribute to the maintenance of or the increased independence
3 of older individuals who are blind.

4 (d) The division shall establish, equip, and maintain
5 an orientation and adjustment center or centers to provide
6 independent living skills training and other training such as,
7 but not limited to, instruction in Braille; use of the long
8 white cane for independent travel; homemaking and
9 home-management skills; and communication skills, including
10 the use of computer technology, to prepare individuals who are
11 blind or visually impaired for eventual vocational training,
12 job placement, and independence.

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

17 (f) The division shall purchase and distribute
18 specialized equipment, devices, and technology, including
19 low-vision aids, obtained directly from specialty vendors
20 without using state centralized purchasing procedures.
21 Property that is purchased by a state agency for the purpose
22 of making accommodations for individuals who are blind is not
23 subject to the record and inventory requirements set forth in
24 section 273.02, Florida Statutes. A state agency may use funds
25 from all possible sources to make accommodations for
26 individuals who are blind.

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

30 (h) In cooperation with other appropriate agencies,
31 the division shall provide to employers, the state education

1 agency, and local education agencies technical assistance in
2 the provision of auxiliary aids and services to people who are
3 blind, students, and their parents in complying with the
4 Americans with Disabilities Act and the Individuals with
5 Disabilities Education Act, as amended.

6 (i) The division shall provide technical assistance to
7 agencies within the state in order to assure that information
8 technology purchased or used by such agencies is accessible to
9 and usable by individuals who are blind, at the time the
10 technology is purchased or used.

11 (j) The division shall participate, through the
12 designation of the executive director or an appropriate staff
13 member of the commission, on boards, commissions, or bodies in
14 this state for the purpose of coordinating and planning
15 services.

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

20 (l) The commission shall adopt rules for administering
21 the programs of the division.

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

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

29 (7)(a) There is created within the Division of Blind
30 Services a children's program to serve children who are blind
31 from 5 years of age through transition to the Vocational

1 Rehabilitation Program. This program must supplement services
2 already offered by the school system to foster the child's
3 learning and ability to function independently. The child's
4 parents, guardian, and family members should be an integral
5 part of the program in order to foster independence.

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

9 (c) The division shall provide independent living
10 services to individuals in this state who are blind, including
11 older individuals, pursuant to the Rehabilitation Act of 1973,
12 as amended.

13 (8) The Florida Commission for the Blind shall publish
14 an annual report that includes a list of accomplishments,
15 findings, and recommendations for improvements based on the
16 division's performance during the year. The report must also
17 contain information needed to evaluate the progress of the
18 division in meeting the needs of blind individuals in this
19 state.

20 (9)(a) Any applicant for or recipient of services from
21 the division who is dissatisfied with any action taken or
22 decision made regarding such services may file a complaint
23 setting forth the basis for the dissatisfaction and the remedy
24 sought. Upon receipt of the complaint, the executive director
25 shall inform the individual of the voluntary procedures for
26 mediation of the dispute. The mediation must be conducted by a
27 qualified and impartial mediator, and the commission must pay
28 the costs.

29 (b) If the dispute cannot be resolved by mediation or
30 other informal means, the executive director shall, through a
31 designee, notify the complainant of his or her rights for

1 appeal under state and federal law related to the program from
2 which the complaint arises. The commission shall adopt rules
3 sufficient to regulate the conduct of all proceedings required
4 under this section and to assure the rights of all parties
5 participating therein.

6 Section 3. Section 20.15, Florida Statutes, is amended
7 to read:

8 20.15 Department of Education.--There is created a
9 Department of Education.

10 (1) STATE BOARD OF EDUCATION.--In accordance with s.
11 2, Art. IX of the State Constitution, the State Board of
12 Education is a body corporate and must supervise the system of
13 free public education as is provided by law. The State Board
14 of Education is the head of the Department of Education.

15 (2) COMMISSIONER OF EDUCATION.--The Commissioner of
16 Education is appointed by the State Board of Education and
17 serves as the Executive Director of the Department of
18 Education.

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

21 (a) Division of Community Colleges.

22 (b) Division of Public Schools.

23 (c) Division of Colleges and Universities.

24 (d) Division of Vocational Rehabilitation.

25 (e) Division of Blind Services.

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

29 (5) POWERS AND DUTIES.--The State Board of Education
30 and the Commissioner of Education shall assign to the
31 divisions such powers, duties, responsibilities, and functions

1 as are necessary to ensure the greatest possible coordination,
2 efficiency, and effectiveness of education for students in
3 K-20 education.

4 (6) COUNCILS AND COMMITTEES.--Notwithstanding anything
5 contained in law to the contrary, the commissioner shall
6 appoint all members of all councils, commissions, and
7 committees of the Department of Education, except the
8 Commission for Independent Education, and the Education
9 Practices Commission, and the Florida Commission for the
10 Blind.

11 (7) BOARDS.--Notwithstanding anything contained in law
12 to the contrary, all members of the university and community
13 college boards of trustees must be appointed according to
14 chapter 1001.

15 Section 4. Section 413.011, Florida Statutes, is
16 amended to read:

17 413.011 Division of Blind Services, internal
18 organizational structure; ~~Advisory Council for the Blind.--~~

19 (1) PURPOSE AND POLICY.--

20 (a) Purpose.--The purpose of this act is to establish
21 a coordinated program of services which will be available to
22 individuals throughout this state who are blind. The program
23 must be designed to maximize employment opportunities for such
24 individuals and to increase their independence and
25 self-sufficiency. In implementing this program, the Florida
26 Commission for the Blind ~~The internal organizational structure~~
27 ~~of the Division of Blind Services shall be designed for the~~
28 ~~purpose of ensuring the greatest possible efficiency and~~
29 ~~effectiveness of services to the blind and to be consistent~~
30 ~~with chapter 20. The Division of Blind Services shall plan~~
31

1 and, supervise, and the division shall carry out, the
2 following activities:

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

5 ~~(b) Cause to be compiled and maintained a complete~~
6 ~~register of the blind in the state, which shall describe the~~
7 ~~condition, cause of blindness, and capacity for education and~~
8 ~~industrial training, with such other facts as may seem to the~~
9 ~~division to be of value. Any information in the register of~~
10 ~~the blind which, when released, could identify an individual~~
11 ~~is confidential and exempt from the provisions of s.~~
12 ~~119.07(1).~~

13 1.(c) Inquire into the cause of blindness, inaugurate
14 preventive measures, and provide for the examination and
15 treatment of the blind, or those threatened with blindness,
16 for the benefit of such persons, and shall pay therefor,
17 including necessary incidental expenses.

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

24 3.(e) Establish one or more training schools and
25 workshops for the employment of suitable blind persons; make
26 expenditures of funds for such purposes; receive moneys from
27 sales of commodities involved in such activities and from such
28 funds make payments of wages, repairs, insurance premiums and
29 replacements of equipment. All of the activities provided for
30 in this section may be carried on in cooperation with private
31 workshops for the blind, except that all tools and equipment

1 furnished by the division shall remain the property of the
2 state.

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

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

9 6.(h) Cooperate with other agencies, public or
10 private, especially the Division of the Blind and Physically
11 Handicapped of the Library of Congress and the Division of
12 Library and Information Services of the Department of State,
13 to provide library service to the blind and other handicapped
14 persons as defined in federal law and regulations in carrying
15 out any or all of the provisions of this law.

16 7.(i) Recommend contracts and agreements with federal,
17 state, county, municipal and private corporations, and
18 individuals.

19 8.(j) Receive moneys or properties by gift or bequest
20 from any person, firm, corporation, or organization for any of
21 the purposes ~~herein~~ set out in part I of this chapter, but
22 without authority to bind the state to any expenditure or
23 policy except such as is ~~may be~~ specifically authorized by
24 law. All such moneys or properties so received by gift or
25 bequest as ~~herein~~ authorized in this subparagraph may be
26 disbursed and expended by the division upon its own warrant
27 upon approval of the commission for any of the purposes herein
28 set forth, and such moneys or properties do ~~shall~~ not
29 constitute nor may they ~~or~~ be considered a part of any
30 legislative appropriation made by the state for the purpose of
31 carrying out this section ~~the provisions of this law~~.

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

4 10.~~(l)~~ Adopt by rule procedures for providing
5 vocational rehabilitation services for the blind upon approval
6 of the commission.

7 11.~~(m)~~ Adopt by rule forms and instructions to be used
8 by the division in its general administration upon approval of
9 the commission.

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

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

17 2. Support for the involvement of an individual's
18 representative if an individual requests, desires, or needs
19 such support;

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

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

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

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

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

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1 (3) The Florida Commission for the Blind shall,
2 because of the special trust placed in and the special
3 responsibility imposed on employees of the commission, require
4 all employees and applicants for employment to undergo
5 personnel screening and security background investigations as
6 provided in chapter 435, using the level one standards for
7 screening set forth in that chapter, as a condition of
8 employment and continued employment. The commission shall pay
9 the cost of a personnel screening and security background
10 investigation for each employee of the commission.

11 ~~(c) "Department" means the Department of Labor and~~
12 ~~Employment Security.~~

13 ~~(3) There is hereby created in the department the~~
14 ~~Advisory Council for the Blind to assist the division in the~~
15 ~~planning and development of statewide rehabilitation programs~~
16 ~~and services, to recommend improvements to such programs and~~
17 ~~services, and to perform the functions provided in this~~
18 ~~section.~~

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

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

23 ~~2. At least one representative of a parent training~~
24 ~~and information center established pursuant to s. 631(c)(9) of~~
25 ~~the Individuals with Disabilities Act, 20 U.S.C. s.~~
26 ~~1431(c)(9);~~

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

29 ~~4. At least one vocational rehabilitation counselor~~
30 ~~who has knowledge of and experience in vocational~~
31 ~~rehabilitation services for the blind, who shall serve as an~~

1 ~~ex officio nonvoting member of the council if the counselor is~~
2 ~~an employee of the department;~~
3 5. ~~At least one representative of community~~
4 ~~rehabilitation program service providers;~~
5 6. ~~Four representatives of business, industry, and~~
6 ~~labor;~~
7 7. ~~At least one representative of a disability~~
8 ~~advocacy group representing individuals who are blind;~~
9 8. ~~At least one parent, family member, guardian,~~
10 ~~advocate, or authorized representative of an individual who is~~
11 ~~blind, has multiple disabilities, and either has difficulties~~
12 ~~representing himself or herself or is unable, due to~~
13 ~~disabilities, to represent himself or herself;~~
14 9. ~~Current or former applicants for, or recipients of,~~
15 ~~vocational rehabilitation services; and~~
16 10. ~~The director of the division, who shall be an ex~~
17 ~~officio member of the council.~~
18 (b) ~~Members of the council shall be appointed by the~~
19 ~~Governor, who shall select members after soliciting~~
20 ~~recommendations from representatives of organizations~~
21 ~~representing a broad range of individuals who have~~
22 ~~disabilities, and organizations interested in those~~
23 ~~individuals.~~
24 (c) ~~A majority of council members shall be persons who~~
25 ~~are:~~
26 1. ~~Blind; and~~
27 2. ~~Not employed by the division.~~
28 (d) ~~The council shall select a chair from among its~~
29 ~~membership.~~
30 (e) ~~Each member of the council shall serve for a term~~
31 ~~of not more than 3 years, except that:~~

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

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

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

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

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

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

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

21 ~~b. The extent, scope, and effectiveness of services~~
22 ~~provided; and~~

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

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

31

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

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

7 ~~b. Vocational rehabilitation services:~~

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

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

13 ~~4. Prepare and submit an annual report on the status~~
14 ~~of vocational rehabilitation services for the blind in the~~
15 ~~state to the Governor and the Commissioner of the~~
16 ~~Rehabilitative Services Administration, established under s.~~
17 ~~702 of the act, and make the report available to the public.~~

18 ~~5. Coordinate with other councils within the state,~~
19 ~~including the Independent Living Council, the advisory panel~~
20 ~~established under s. 613(a)(12) of the Individuals with~~
21 ~~Disabilities Education Act, 20 U.S.C. 1413(a)(12), the State~~
22 ~~Planning Council described in s. 124 of the Developmental~~
23 ~~Disabilities Assistance and Bill of Rights Act, 42 U.S.C. s.~~
24 ~~6024, and the state mental health planning council established~~
25 ~~under s. 1916(e) of the Public Health Service Act, 42 U.S.C.~~
26 ~~300X-4(e).~~

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

31

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

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

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

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

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

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

27 ~~(k) The council shall convene at least four meetings~~
28 ~~each year. These meetings shall occur in such places as the~~
29 ~~council deems necessary to conduct council business. The~~
30 ~~council may conduct such forums or hearings as the council~~
31 ~~considers appropriate. The meetings, hearings, and forums~~

1 ~~shall be publicly announced. The meetings shall be open and~~
2 ~~accessible to the public. The council shall make a report of~~
3 ~~each meeting which shall include a record of its discussions~~
4 ~~and recommendations, all of which reports shall be made~~
5 ~~available to the public.~~

6 Section 5. Section 413.0115, Florida Statutes, is
7 amended to read:

8 413.0115 State Board of Administration; authorization
9 to invest division's portfolio.--The State Board of
10 Administration may invest and reinvest the portfolio of
11 stocks, bonds, and mutual funds held by the Division of Blind
12 Services in accordance with the trust agreement approved by
13 the commission ~~Division of Blind Services~~ and the State Board
14 of Administration and the provisions of ss. 215.44-215.53. The
15 executive director of the Florida Commission for the Blind
16 ~~Division of Blind Services~~ shall make the portfolio available
17 and shall transfer it to the State Board of Administration for
18 investment.

19 Section 6. Section 413.012, Florida Statutes, is
20 amended to read:

21 413.012 Confidential records disclosure prohibited;
22 exemptions.--

23 (1) All records furnished to the Division of Blind
24 Services in connection with state or local vocational
25 rehabilitation programs and containing information as to
26 personal facts about applicants or clients given or made
27 available to the state or local vocational rehabilitation
28 agency or its representatives or employees in the course of
29 the administration of the program, including lists of names
30 and addresses and records of evaluations of clients, are
31 confidential and exempt from the provisions of s. 119.07(1).

1 The division may disclose such exempt and confidential records
2 to the commission when necessary for the commission to perform
3 its duties, but commissioners shall maintain the exempt and
4 confidential status of such records.

5 (2) It is unlawful for any person to disclose,
6 authorize the disclosure, solicit, receive, or make use of any
7 list of names and addresses or any record containing any
8 information set forth in subsection (1) and maintained in the
9 division. The prohibition provided for in this subsection
10 does ~~shall~~ not apply to the use of such information for
11 purposes directly connected with the administration of the
12 vocational rehabilitation program or with the monthly dispatch
13 to the Division of Driver Licenses of the Department of
14 Highway Safety and Motor Vehicles of the name in full, place
15 and date of birth, sex, social security number, and resident
16 address of individuals who have ~~with~~ central visual acuity of
17 20/200 or less in the better eye with correcting glasses, or a
18 disqualifying field defect in which the peripheral field has
19 contracted to such an extent that the widest diameter or
20 visual field subtends an angular distance no greater than 20
21 degrees. When requested in writing by an applicant or client,
22 or her or his representative, the Division of Blind Services
23 shall release confidential information to the applicant or
24 client or her or his representative.

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

28 Section 7. Section 413.013, Florida Statutes, is
29 amended to read:

30 413.013 Destruction of records.--The Florida
31 Commission for the Blind ~~Division of Blind Services~~ may

1 authorize the destruction of any division correspondence,
2 documents, or other records when the subject matter involved
3 has been closed or terminated and their preservation is not
4 required by federal or state law, rule, or regulation. ~~No~~
5 Such material may not ~~shall~~ be destroyed unless the commission
6 has given specific authority to destroy it ~~is given by the~~
7 ~~division~~ and unless the ~~said~~ records have been in the
8 possession of the commission ~~division~~ 5 or more years prior to
9 their destruction.

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

12 413.014 Community-based rehabilitation programs.--The
13 Division of Blind Services shall enter into cooperative
14 agreements with community-based rehabilitation programs to be
15 the service providers for the blind citizens of their
16 communities. The division shall, as rapidly as feasible,
17 increase the amount of such services provided by
18 community-based rehabilitation programs. The goal shall be to
19 decrease the amount of such services provided by division
20 employees and to increase to the maximum extent allowed by
21 federal law the amount of such services provided through
22 cooperative agreements with community-based service providers.
23 The division shall seek, to the maximum extent allowed by
24 federal and state law and regulation, all available federal
25 funds for such purposes. Funds and in-kind matching
26 contributions from community and private sources shall be used
27 to maximize federal funds. Unless prohibited by federal law or
28 regulation, the share of the federal vocational rehabilitation
29 grant apportioned for services to the blind must ~~shall~~ be not
30 less than 17 percent.

31

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

3 413.041 Eligible blind persons; placement in vending
4 facilities in public places.--For the purpose of assisting
5 blind persons to become self-supporting, the Division of Blind
6 Services is hereby authorized to carry on activities to
7 promote the employment of eligible blind persons, including
8 the licensing and establishment of such persons as operators
9 of vending facilities on public property. The ~~said~~ division
10 may cooperate with any agency of the Federal Government in the
11 furtherance of the provisions of the Act of Congress entitled
12 "An Act to authorize the operation of stands in federal
13 buildings by blind persons, to enlarge the economic
14 opportunities of the blind and for other purposes," Pub. L.
15 No. 732, 74th Congress, and the ~~said~~ division may cooperate in
16 the furtherance of the provisions of any other act of Congress
17 providing for the rehabilitation of the blind which is that
18 ~~may now be~~ in effect or is ~~may~~ hereafter ~~be~~ enacted by
19 Congress.

20 Section 10. Section 413.051, Florida Statutes, is
21 amended to read:

22 413.051 Eligible blind persons; operation of vending
23 stands.--

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

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

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

30 (b) "Vending stand" means any manually operated
31 cafeteria, snack bar, cart service, shelter, counter, or other

1 manually operated facility for the sale of newspapers,
2 periodicals, confections, tobacco products, foods, beverages,
3 or other such articles or services.

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

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

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

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

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

23 (5) All property custodians and duly authorized agents
24 or employees of the state shall cooperate with the division in
25 its survey of state properties and shall make available
26 adequate space, electrical wiring, plumbing, and ventilation
27 necessary to the installation of a vending facility on any
28 state property designated as suitable by the division.

29 (6) The division shall be notified by property
30 custodians or persons in charge at least 180 days prior to the
31 initiation of any new construction, expansion, leasing, or

1 acquisition of property occupied or to be occupied by a state
2 agency.

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

8 (8) Income from new vending machines or replacement of
9 existing machines installed on state property after July 1,
10 1979, shall accrue to the blind licensee who operates a
11 vending facility on the same property or, if none, to the
12 division. The division shall be responsible for the servicing
13 and maintenance of all vending machines.

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

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

25 (11) Effective July 1, 1996, blind licensees who
26 remain members of the Florida Retirement System pursuant to s.
27 121.051(6)(b)1. shall pay any unappropriated retirement costs
28 from their net profits or from program income. Within 30 days
29 after the effective date of this act, each blind licensee who
30 is eligible to maintain membership in the Florida Retirement
31 System under s. 121.051(6)(b)1., but who elects to withdraw

1 from the system as provided in s. 121.051(6)(b)3., must, on or
2 before July 31, 1996, notify the Division of Blind Services
3 and the Department of Management Services in writing of his or
4 her election to withdraw. Failure to timely notify the
5 divisions shall be deemed a decision to remain a compulsory
6 member of the Florida Retirement System. However, if, at any
7 time after July 1, 1996, sufficient funds are not paid by a
8 blind licensee to cover the required contribution to the
9 Florida Retirement System, that blind licensee shall become
10 ineligible to participate in the Florida Retirement System on
11 the last day of the first month for which no contribution is
12 made or the amount contributed is insufficient to cover the
13 required contribution. For any blind licensee who becomes
14 ineligible to participate in the Florida Retirement System as
15 described in this subsection, no creditable service shall be
16 earned under the Florida Retirement System for any period
17 following the month that retirement contributions ceased to be
18 reported. However, any such person may participate in the
19 Florida Retirement System in the future if employed by a
20 participating employer in a covered position.

21 (12) The Division of Blind Services may adopt rules
22 upon the approval of the commission to permit the division to
23 establish and maintain vending facilities, issue licenses,
24 establish and maintain a vending facility training program,
25 provide vendors access to financial data of the program, set
26 aside funds from net proceeds of the vending facility, provide
27 for the transfer and promotion of vendors, establish a vendors
28 committee, provide for an operation agreement, provide duties
29 and responsibilities of the commission ~~division~~ with respect
30 to the vending facility program, and provide procedures for
31 newspaper vending sales.

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

3 413.091 Identification cards.--

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

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

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

15 Section 12. Section 413.092, Florida Statutes, is
16 amended to read:

17 413.092 Blind Babies Program.--

18 (1) The Blind Babies Program is created within the
19 Division of Blind Services of the Department of Education to
20 provide community-based early-intervention education to
21 children from birth through 5 years of age who are blind or
22 visually impaired, and to their parents, families, and
23 caregivers, through community-based provider organizations.
24 The division shall enlist parents, ophthalmologists,
25 pediatricians, schools, Infant and Toddlers Early Intervention
26 Programs, and therapists to help identify and enroll blind and
27 visually impaired children, as well as their parents,
28 families, and caregivers, in these educational programs.

29 (2) The program is not an entitlement but shall
30 promote early development with a special emphasis on vision
31 skills to minimize developmental delays. The education must

1 ~~shall~~ lay the groundwork for future learning by helping a
2 child progress through normal developmental stages. It must
3 ~~shall~~ teach children to discover and make the best use of
4 their skills for future success in school. It must ~~shall~~ seek
5 to ensure that visually impaired and blind children enter
6 school as ready to learn as their sighted classmates. The
7 program shall seek to link these children, and their parents,
8 families, and caregivers, to other available services,
9 training, education, and employment programs that could assist
10 these families in the future. This linkage may include
11 referrals to the school districts and the Infants and Toddlers
12 Early Intervention Program for assessments to identify any
13 additional services that are needed but ~~which~~ are not provided
14 by the Blind Babies Program. The commission ~~division~~ shall
15 develop a formula for eligibility based on financial means and
16 may create a means-based matrix to set a copayment fee for
17 families having sufficient financial means.

18 (3) The commission ~~division~~ shall establish outcomes
19 for this program, which must ~~shall~~ include, but are not
20 limited to, outcomes relating to the children's
21 age-appropriate developmental stages; knowledge of assistive
22 technology; proficiency at daily living; ability to
23 participate in pre-school and school; participation in their
24 communities; and ability to be literate. The commission
25 ~~division~~ shall develop criteria to be used in identifying and
26 contracting with community-based provider organizations. All
27 services offered through the Blind Babies Program shall be
28 provided by community-based provider organizations. The
29 division shall require any community-based provider
30 organization delivering services under this program to develop
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1 performance measures related to those services and report to
2 the division on the progress in achieving those measures.

3 Section 13. Section 413.093, Florida Statutes, is
4 created to read:

5 413.093 Budget procedures.--

6 (1) The executive director of the Florida Commission
7 for the Blind shall recommend to the commission a budget of
8 income and expenditures at such time and in such form as the
9 commission prescribes. The commission shall adopt procedures
10 for the approval of budget amendments.

11 (2) In preparing the division's legislative budget
12 request, the Florida Commission for the Blind shall use the
13 same format, procedures, and timelines that are required for
14 preparing and submitting the legislative budget of the
15 Department of Education. The Commissioner of Education shall
16 include without modification the division's budget request in
17 the department's legislative budget request to the State Board
18 of Education. The State Board of Education shall include the
19 division's budget request without modification in the State
20 Board of Education's budget request to the Governor and the
21 Legislature. The legislative budget request and the
22 appropriation for the Florida Commission for the Blind must
23 constitute a separate identifiable sum in the Department of
24 Education budget. The annual appropriation for the commission
25 must be distributed monthly in payments that are as nearly
26 equal as possible. Appropriations for client services,
27 instructional technology, and motor vehicles may be released
28 and distributed as necessary to serve the instructional
29 program for the clients.

30 (3) Fixed capital outlay needs of the commission must
31 continue to be requested in the public education capital

1 outlay legislative budget request of the Department of
2 Education.

3 Section 14. Section 413.094, Florida Statutes, is
4 created to read:

5 413.094 Management flexibility.--

6 (1) Notwithstanding ss. 216.031, 216.181, and 216.262
7 to the contrary and pursuant to s. 216.351, but subject to any
8 guidelines imposed in the General Appropriations Act, funds
9 for the operation of the Division of Blind Services must be
10 requested and appropriated within budget entities, program
11 components, program categories, lump sums, or special
12 categories. Funds appropriated to the division for each
13 program category, lump sum, or special category may be
14 transferred to traditional categories for expenditure by the
15 division. The commission shall develop an annual operating
16 budget for the division that allocates funds by program
17 component and traditional expenditure category.

18 (2) Notwithstanding s. 216.181 and pursuant to s.
19 216.351, but subject to any requirements imposed in the
20 General Appropriations Act, a lump-sum plan is not a
21 prerequisite to implementing the special categories, program
22 categories, or lump-sum appropriations. Upon release of the
23 special categories, program categories, or lump-sum
24 appropriations to the commission, the Chief Financial Officer,
25 upon the request of the commission, shall transfer or
26 reallocate funds to or among accounts established for
27 disbursement purposes. The commission shall maintain records
28 to account for the original appropriation to the division.

29 (3) Notwithstanding ss. 216.031, 216.181, 216.251, and
30 216.262 to the contrary and pursuant to s. 216.351, but
31 subject to any requirements imposed in the General

1 Appropriations Act, the executive director shall establish the
2 authorized positions and may amend such positions, within the
3 total funds authorized annually in the appropriations act.

4 Section 15. Section 413.095, Florida Statutes, is
5 created to read:

6 413.095 Retention of title to and disposal of property
7 and equipment.--

8 (1) The Division of Blind Services retains title to
9 any real or personal property, such as tools, instruments,
10 training supplies, equipment, motor vehicles, real property,
11 or other items of value acquired for use by people who have
12 visual impairments or personnel employed in operating programs
13 of the division, and may repossess and transfer such property
14 for use by other people who have visual impairments or
15 personnel employed in the operation of the division.

16 (2) The Division of Blind Services, upon approval of
17 the commission, may offer for sale any surplus items acquired
18 in the operation of the program when they are no longer
19 necessary or may exchange them for necessary items that can be
20 used to greater advantage. When any such surplus equipment is
21 sold or exchanged, a receipt for the sale or exchange which
22 shows the consideration given for the equipment must be taken
23 from the purchaser, and the consideration must be forwarded to
24 the division to be included in the division's portfolio of
25 investments pursuant to s. 413.115. Any funds that the
26 division receives pursuant to any such transaction must be
27 deposited in the Grants and Donations Trust Fund, are exempt
28 from the State Treasury pursuant to s. 215.311, and are
29 available for expenditure for any purposes consistent with ss.
30 413.011-413.092.

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

5 Section 16. Blind services direct-support
6 organization.--

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

17 (2)(a) The Florida Commission for the Blind is
18 authorized to organize and incorporate a direct-support
19 organization pursuant to the requirements of this section and
20 chapter 617, Florida Statutes, to accomplish the purposes and
21 objectives set forth in this section.

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

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

1 (d) The direct-support organization is subject to the
2 requirements of Section 24 of Article I of the State
3 Constitution, chapter 119, Florida Statutes, and section
4 286.011, Florida Statutes.

5 (e) Upon the dissolution of the corporation, all
6 properties of the corporation revert to the commission.

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

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

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

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

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

30 (6) The executive director of the Division of Blind
31 Services may designate employees of the division to solicit

1 donations from public or private sources to fund the
2 authorized purposes of the direct-support organization.

3 Section 17. Reorganization of the Division of Blind
4 Services under this act does not modify the status of division
5 employees under chapter 110 and chapter 121, Florida Statutes.

6 Section 18. Sections 413.061, 413.062, 413.063,
7 413.064, 413.065, 413.066, 413.067, 413.068, and 413.069,
8 Florida Statutes, are repealed.

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

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1 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
2 COMMITTEE SUBSTITUTE FOR
3 Senate Bill 2126

4 The committee substitute creates the Florida Commission for
5 the Blind within the Department of Education. The commission
6 is independent of the department but serves as the agency head
7 of the Division of Blind Services. The division is not subject
8 to the control, supervision, or direction by the department in
9 any matter.

10 The committee substitute provides that the commission shall
11 consist of nine members appointed by the Governor with
12 confirmation by the Senate. A majority of the commission
13 members must be blind. The committee substitute provides that
14 removal of a member may only be made for cause. Members are
15 prohibited from being employed by the division, receive
16 compensation for services, or receive financial benefit from
17 any commission contracts.

18 The committee substitute provides for an executive director,
19 appointed by the commission. The executive director serves as
20 the chief administrative officer of the division and is
21 responsible for all personnel.

22 The committee substitute expands the powers and duties of the
23 division to include: implementing a state plan for vocational
24 rehabilitation for blind individuals, implementing a state
25 plan for independent living services for blind or visually
26 impaired individuals, maintaining centers to provide
27 independent living skills training, implementing a small
28 business enterprises program, providing library services,
29 administering a blind children's program, and providing
30 technical assistance to other agencies and employers.

31 The committee substitute provides that the commission's budget
 request is submitted to the Commissioner of Education, State
 Board of Education, Governor, and Legislature. The committee
 substitute provides that neither the Commissioner of Education
 nor the State Board of Education may modify the budget request
 of the commission.

 The committee substitute provides management flexibility to
 the commission by exempting the commission from the
 requirements of ss. 216.031, 216.181, 216.262, and 216.251,
 F.S.

 The committee substitute provides that the division retains
 title to all property acquired for use by people who have
 visual impairments or personnel employed in operating programs
 of the division.

 The committee substitute authorizes the commission to create a
 direct-support organization.

 The committee substitute repeals the Advisory Council for the
 Blind.

 The licensing procedure of the division for those individuals
 soliciting funds or value or selling merchandise for the use

1 and benefit of blind persons is repealed.
2 The committee substitute advances the effective date of the
3 act to July 1, 2003.
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