

By the Committee on Governmental Oversight and Productivity;  
and Senators Fasano, Sebesta, Lawson and Bennett

302-2284-03

1                                   A bill to be entitled  
2           An act relating to the Florida Council on  
3           Deafness; creating the Florida Council on  
4           Deafness; providing membership and organization  
5           of the council; providing role, purpose,  
6           powers, duties, and responsibilities of the  
7           council; creating the Florida Commission for  
8           the Blind in the Department of Education;  
9           providing membership, powers and duties, and  
10          meetings of the commission; providing for  
11          administrative support by the department;  
12          providing that the commission is the agency  
13          head of the Division of Blind Services;  
14          providing that the division is the designated  
15          state unit under the federal Rehabilitation Act  
16          of 1973; providing that the division is a  
17          separate budget entity; providing for an  
18          executive director of the commission, who is  
19          also chief administrative officer of the  
20          division; providing for the executive director  
21          to employ personnel; requiring the division to  
22          develop and implement a state plan for  
23          vocational rehabilitation services; requiring  
24          the commission to develop and implement a state  
25          plan for independent living services; providing  
26          for the division to purchase and distribute  
27          specialized equipment without using state  
28          centralized purchasing procedures; exempting  
29          such equipment from certain record and  
30          inventory requirements; creating a children's  
31          program; requiring an annual report by the

1           commission; providing for dispute resolution;  
2           amending s. 20.15, F.S.; providing that members  
3           of the Florida Commission for the Blind are not  
4           appointed by the Commissioner of Education;  
5           amending s. 413.011, F.S.; providing  
6           legislative purpose and policy; providing  
7           duties of the commission and the division;  
8           prescribing principles for commission  
9           activities; providing definitions; requiring  
10          background investigations of commission  
11          personnel; repealing the Advisory Council for  
12          the Blind; creating s. 413.093, F.S.; providing  
13          budgetary procedures for the commission;  
14          providing duties of the executive director of  
15          the Florida Commission for the Blind; creating  
16          s. 413.094, F.S.; providing for management  
17          flexibility in the division's allocation of  
18          funds and the amendment of authorized  
19          positions; requiring the commission to maintain  
20          records; creating s. 413.095, F.S.; providing  
21          for the division to retain title to certain  
22          real and personal property intended for use by  
23          people who have visual impairments and certain  
24          commission personnel; allowing the division to  
25          repossess, transfer, and dispose of such  
26          property; providing for rulemaking by the  
27          commission; authorizing the commission to  
28          create a blind services direct-support  
29          organization; providing purposes and  
30          objectives; providing that the organization is  
31          subject to s. 24, Art. I of the State

1 Constitution, ch. 119, F.S., and s. 286.011,  
2 F.S.; requiring expenses of the organization to  
3 be paid by private funds; providing guidelines  
4 for the use of the funds; amending s. 413.0115,  
5 F.S., relating to the State Board of  
6 Administration's authorization to invest a  
7 portfolio, s. 413.012, F.S., relating to  
8 prohibiting the disclosure of confidential  
9 records and providing exemptions to the  
10 prohibition, s. 413.013, F.S., relating to the  
11 destruction of certain records, s. 413.014,  
12 F.S., relating to community-based  
13 rehabilitation programs, s. 413.041, F.S.,  
14 relating to placing eligible blind persons in  
15 vending facilities in public places, s.  
16 413.051, F.S., the Little Randolph Sheppard  
17 Act, s. 413.091, F.S., relating to the issuance  
18 of identification cards to persons known to be  
19 blind or partially sighted, s. 413.092, F.S.,  
20 relating to the Blind Babies Program;  
21 conforming provisions to the changes made by  
22 this act; repealing ss. 413.061, 413.062,  
23 413.063, 413.064, 413.065, 413.066, 413.067,  
24 413.068, 413.069, F.S., relating to the  
25 issuance of permits for soliciting funds on  
26 behalf of blind persons; providing effective  
27 dates.

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

30  
31 Section 1. Florida Council on Deafness.--

1           (1)(a) There is established the Florida Council on  
2 Deafness. The council is assigned to the Department of  
3 Education for administrative and fiscal purposes, but it shall  
4 otherwise function independently of the control, supervision,  
5 and direction of the Department of Education.

6           (b) The council shall consist of nine members  
7 appointed by the Governor, after consultation with statewide  
8 not-for-profit professional organizations that represent deaf,  
9 hard-of-hearing, and late-deafened individuals. The members of  
10 the council must be confirmed by the Senate. The Governor  
11 shall make appointments to the council no later than July 1,  
12 2003. Each member shall be appointed to a term of 4 years;  
13 however, for the purpose of providing staggered terms, of the  
14 initial appointments, five members shall be appointed to a  
15 2-year term and four members shall be appointed to a 4-year  
16 term. Any vacancy on the council shall be filled in the same  
17 manner as the original appointment, and any member appointed  
18 to fill a vacancy occurring because of death, resignation, or  
19 ineligibility for membership shall serve only for the  
20 unexpired term of the member's predecessor.

21           (c) The first meeting of the council shall be held no  
22 later than August 1, 2003. The council members, at the  
23 organizational meeting, shall elect by a majority vote of the  
24 members one member to serve as chair of the council for a term  
25 of 1 year. The council shall meet at least once each quarter.  
26 All meetings are subject to the call of the chair. Five  
27 members of the council shall constitute a quorum.

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

31

1           (e) Staff of the Department of Education shall be  
2 assigned by the Commissioner of Education to assist the  
3 council in the duties assigned to it by this section.

4           (2) It shall be the role of the council to serve as an  
5 advisory and coordinating body in the state which recommends  
6 policies that address the needs of deaf, hard-of-hearing, and  
7 late-deafened persons and which recommends methods that  
8 improve the coordination of services among the public and  
9 private entities that provide services to deaf,  
10 hard-of-hearing, and late-deafened persons. The council is  
11 authorized to provide technical assistance, advocacy, and  
12 education. To that end, the council shall:

13           (a) Provide information and assistance to the  
14 Legislature.

15           (b) Provide technical assistance to other state  
16 agencies.

17           (c) Provide information and referral services.

18           (d) Promote public and individual advocacy for deaf,  
19 hard-of-hearing, and late-deafened citizens.

20           (e) Conduct public hearings as needed.

21           (3) The council shall prepare a report, which shall be  
22 filed with the Governor, the President of the Senate, the  
23 Speaker of the House of Representatives, and the Chief Justice  
24 of the Supreme Court by January 1, 2004, which shall include:

25           (a) A review of state agencies to determine if they  
26 are in compliance with accessibility standards as they relate  
27 to services for deaf, hard-of-hearing, and late-deafened  
28 individuals.

29           (b) A review of federal and state statutes, rules, and  
30 regulations that establish requirements that agencies must  
31 comply with, including, but not limited to, equipment and

1 communication accessibility standards in the provision of  
2 services to deaf, hard-of-hearing, and late-deafened  
3 individuals.

4 (c) A comparison of the licensure and accreditation  
5 requirements for sign-language interpreters, oral  
6 interpreters, and entities providing services, both directly  
7 and indirectly, to individuals with hearing loss among the 10  
8 most populous states.

9 (d) Recommendations for standards for and licensure of  
10 sign-language interpreters and providers of Computer-Aided  
11 Real-time Translation services (CART) and other service  
12 provider accreditation standards.

13 (4) The council may:

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

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

20 (c) Apply for and accept funds, grants, gifts, and  
21 services from local or state government or the Federal  
22 Government, or from any of their agencies, or any other public  
23 or private source and may use funds for the purposes  
24 authorized by this section.

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

28 (6) Nothing in this act is intended to or shall be  
29 interpreted as extending the duties or responsibilities of the  
30 council to any program, service, or activity that is subject  
31

1 to the jurisdiction or oversight of the Public Service  
2 Commission.

3 Section 2. This act may be cited as the "Florida  
4 Commission for the Blind Act."

5 Section 3. Florida Commission for the Blind; creation;  
6 membership; powers and duties.--

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

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

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

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

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

7           (c) Each commissioner shall be appointed for a 3-year  
8 term, except that, in order to establish staggered terms,  
9 three of the initial appointments shall be for 3-year terms;  
10 three of the initial appointments shall be for 2-year terms;  
11 and three of the initial appointments shall be for 1-year  
12 terms. Thereafter, all commissioners shall be appointed for  
13 3-year terms. The initial appointments to the commission shall  
14 be made no later than July 15, 2003.

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

22           (3) The first meeting of the commission must be held  
23 no later than August 1, 2003. A majority of the members of the  
24 commission constitutes a quorum to transact business. The  
25 chair of the commission shall be elected by the members  
26 present and voting at the first meeting, a quorum being  
27 present, and annually thereafter. The commission shall meet at  
28 least quarterly or at the call of the chair or at the call of  
29 a majority of the members at such other times as the  
30 commissioners determine appropriate. The commission is subject  
31



1 to Section 24, Article I of the State Constitution, chapter  
2 119, Florida Statutes, and section 286.011, Florida Statutes.

3 (4) A commissioner:

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

6 (b) May not receive compensation for services on the  
7 commission;

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

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

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

19 (b) The executive director shall serve as the chief  
20 administrative officer of the Division of Blind Services. The  
21 executive director shall employ such personnel as are needed  
22 and shall fix their compensation. All division employees shall  
23 report to the executive director.

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

28 (b) In conjunction with the Florida Independent Living  
29 Council, the division shall develop and implement a 3-year  
30 state plan for independent living services and provide  
31 independent living services for blind and visually impaired

1 individuals, including services for older individuals who are  
2 blind, pursuant to Title VII, chapter 2 of the Rehabilitation  
3 Act of 1973, as amended.

4 (c) The division shall provide services that  
5 contribute to the maintenance of or the increased independence  
6 of older individuals who are blind.

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

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

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

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

4           (h) In cooperation with other appropriate agencies,  
5 the division shall provide to employers, the state education  
6 agency, and local education agencies technical assistance in  
7 the provision of auxiliary aids and services to people who are  
8 blind, students, and their parents in complying with the  
9 Americans with Disabilities Act and the Individuals with  
10 Disabilities Education Act, as amended.

11           (i) The division shall provide technical assistance to  
12 agencies within the state in order to assure that information  
13 technology purchased or used by such agencies is accessible to  
14 and usable by individuals who are blind, at the time the  
15 technology is purchased or used.

16           (j) The division shall participate, through the  
17 designation of the executive director or an appropriate staff  
18 member of the commission, on boards, commissions, or bodies in  
19 this state for the purpose of coordinating and planning  
20 services.

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

25           (l) The division shall adopt rules for administering  
26 the programs of the division.

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

30           (n) The division shall develop and administer any  
31 other program that will further the provision of services to

1 people who are blind and that the commission determines falls  
2 within its scope of responsibility.

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

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

14 (c) The division shall provide independent living  
15 services to individuals in this state who are blind, including  
16 older individuals, pursuant to the Rehabilitation Act of 1973,  
17 as amended.

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

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

1 qualified and impartial mediator, and the commission must pay  
2 the costs.

3 (b) If the dispute cannot be resolved by mediation or  
4 other informal means, the executive director shall, through a  
5 designee, notify the complainant of his or her rights for  
6 appeal under state and federal law related to the program from  
7 which the complaint arises. The commission shall adopt rules  
8 sufficient to regulate the conduct of all proceedings required  
9 under this section and to assure the rights of all parties  
10 participating therein.

11 Section 4. Section 20.15, Florida Statutes, is amended  
12 to read:

13 20.15 Department of Education.--There is created a  
14 Department of Education.

15 (1) STATE BOARD OF EDUCATION.--In accordance with s.  
16 2, Art. IX of the State Constitution, the State Board of  
17 Education is a body corporate and must supervise the system of  
18 free public education as is provided by law. The State Board  
19 of Education is the head of the Department of Education.

20 (2) COMMISSIONER OF EDUCATION.--The Commissioner of  
21 Education is appointed by the State Board of Education and  
22 serves as the Executive Director of the Department of  
23 Education.

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

26 (a) Division of Community Colleges.

27 (b) Division of Public Schools.

28 (c) Division of Colleges and Universities.

29 (d) Division of Vocational Rehabilitation.

30 (e) Division of Blind Services.

31

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

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

10           (6) COUNCILS AND COMMITTEES.--Notwithstanding anything  
11 contained in law to the contrary, the commissioner shall  
12 appoint all members of all councils, commissions,and  
13 committees of the Department of Education, except the  
14 Commission for Independent Education,and the Education  
15 Practices Commission, and the Florida Commission for the  
16 Blind.

17           (7) BOARDS.--Notwithstanding anything contained in law  
18 to the contrary, all members of the university and community  
19 college boards of trustees must be appointed according to  
20 chapter 1001.

21           Section 5. Section 413.011, Florida Statutes, is  
22 amended to read:

23           413.011 Division of Blind Services, internal  
24 organizational structure; ~~Advisory Council for the Blind.~~--

25           (1) PURPOSE AND POLICY.--

26           (a) Purpose.--The purpose of this act is to establish  
27 a coordinated program of services which will be available to  
28 individuals throughout this state who are blind. The program  
29 must be designed to maximize employment opportunities for such  
30 individuals and to increase their independence and  
31 self-sufficiency. In implementing this program, the Florida

1 Commission for the Blind ~~The internal organizational structure~~  
2 ~~of the Division of Blind Services shall be designed for the~~  
3 ~~purpose of ensuring the greatest possible efficiency and~~  
4 ~~effectiveness of services to the blind and to be consistent~~  
5 ~~with chapter 20. The Division of Blind Services shall plan~~  
6 ~~and, supervise, and the division shall carry out, the~~  
7 following activities:

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

10       ~~(b) Cause to be compiled and maintained a complete~~  
11 ~~register of the blind in the state, which shall describe the~~  
12 ~~condition, cause of blindness, and capacity for education and~~  
13 ~~industrial training, with such other facts as may seem to the~~  
14 ~~division to be of value. Any information in the register of~~  
15 ~~the blind which, when released, could identify an individual~~  
16 ~~is confidential and exempt from the provisions of s.~~  
17 ~~119.07(1).~~

18       1.(c) Inquire into the cause of blindness, inaugurate  
19 preventive measures, and provide for the examination and  
20 treatment of the blind, or those threatened with blindness,  
21 for the benefit of such persons, and shall pay therefor,  
22 including necessary incidental expenses.

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

29       3.(e) Establish one or more training schools and  
30 workshops for the employment of suitable blind persons; make  
31 expenditures of funds for such purposes; receive moneys from

1 sales of commodities involved in such activities and from such  
2 funds make payments of wages, repairs, insurance premiums and  
3 replacements of equipment. All of the activities provided for  
4 in this section may be carried on in cooperation with private  
5 workshops for the blind, except that all tools and equipment  
6 furnished by the division shall remain the property of the  
7 state.

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

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

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

21 7.(i) Recommend contracts and agreements with federal,  
22 state, county, municipal and private corporations, and  
23 individuals.

24 8.(j) Receive moneys or properties by gift or bequest  
25 from any person, firm, corporation, or organization for any of  
26 the purposes ~~herein~~ set out in part 1 of this chapter, but  
27 without authority to bind the state to any expenditure or  
28 policy except such as is ~~may be~~ specifically authorized by  
29 law. All such moneys or properties so received by gift or  
30 bequest as ~~herein~~ authorized in this subparagraph may be  
31 disbursed and expended by the division upon its own warrant



1 upon approval of the commission for any of the purposes herein  
2 set forth, and such moneys or properties do ~~shall~~ not  
3 constitute nor may they ~~or~~ be considered a part of any  
4 legislative appropriation made by the state for the purpose of  
5 carrying out this section ~~the provisions of this law~~.

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

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

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

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

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

22 2. Support for the involvement of an individual's  
23 representative if an individual requests, desires, or needs  
24 such support;

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

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

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

31

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

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

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

16 ~~(c) "Department" means the Department of Labor and~~  
17 ~~Employment Security.~~

18 ~~(3) There is hereby created in the department the~~  
19 ~~Advisory Council for the Blind to assist the division in the~~  
20 ~~planning and development of statewide rehabilitation programs~~  
21 ~~and services, to recommend improvements to such programs and~~  
22 ~~services, and to perform the functions provided in this~~  
23 ~~section.~~

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

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

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

31 ~~1431(c)(9);~~

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

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

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

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

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

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

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

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

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

29          ~~(c) A majority of council members shall be persons who~~  
30 ~~are;~~

31          ~~1. Blind; and~~

1           2. ~~Not employed by the division.~~  
2           (d) ~~The council shall select a chair from among its~~  
3 membership.  
4           (e) ~~Each member of the council shall serve for a term~~  
5 of not more than 3 years, except that:  
6           1. ~~A member appointed to fill a vacancy occurring~~  
7 prior to the expiration of the term for which a predecessor  
8 was appointed shall be appointed for the remainder of such  
9 term; and  
10           2. ~~The terms of service of the members initially~~  
11 appointed shall be, as specified by the Governor, for such  
12 fewer number of years as will provide for the expiration of  
13 terms on a staggered basis.  
14           (f) ~~No member of the council may serve more than two~~  
15 consecutive full terms.  
16           (g) ~~Any vacancy occurring in the membership of the~~  
17 council shall be filled in the same manner as the original  
18 appointment. A vacancy does not affect the power of the  
19 remaining members to execute the duties of the council.  
20           (h) ~~In addition to the other functions specified in~~  
21 this section, the council shall:  
22           1. ~~Review, analyze, and advise the division regarding~~  
23 the performance of the responsibilities of the division under  
24 Title I of the act, particularly responsibilities relating to:  
25           a. ~~Eligibility, including order of selection;~~  
26           b. ~~The extent, scope, and effectiveness of services~~  
27 provided; and  
28           c. ~~Functions performed by state agencies that affect~~  
29 or potentially affect the ability of individuals who are blind  
30 to achieve rehabilitation goals and objectives under Title I.  
31

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

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

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

12           ~~b. Vocational rehabilitation services:~~

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

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

18           ~~4. Prepare and submit an annual report on the status~~  
19 ~~of vocational rehabilitation services for the blind in the~~  
20 ~~state to the Governor and the Commissioner of the~~  
21 ~~Rehabilitative Services Administration, established under s.~~  
22 ~~702 of the act, and make the report available to the public.~~

23           ~~5. Coordinate with other councils within the state,~~  
24 ~~including the Independent Living Council, the advisory panel~~  
25 ~~established under s. 613(a)(12) of the Individuals with~~  
26 ~~Disabilities Education Act, 20 U.S.C. 1413(a)(12), the State~~  
27 ~~Planning Council described in s. 124 of the Developmental~~  
28 ~~Disabilities Assistance and Bill of Rights Act, 42 U.S.C. s.~~  
29 ~~6024, and the state mental health planning council established~~  
30 ~~under s. 1916(e) of the Public Health Service Act, 42 U.S.C.~~  
31 ~~300X-4(e).~~

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

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

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

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

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

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

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

31

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

11           Section 6. Section 413.0115, Florida Statutes, is  
12 amended to read:

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

24           Section 7. Section 413.012, Florida Statutes, is  
25 amended to read:

26           413.012 Confidential records disclosure prohibited;  
27 exemptions.--

28           (1) All records furnished to the Division of Blind  
29 Services in connection with state or local vocational  
30 rehabilitation programs and containing information as to  
31 personal facts about applicants or clients given or made

1 available to the state or local vocational rehabilitation  
2 agency or its representatives or employees in the course of  
3 the administration of the program, including lists of names  
4 and addresses and records of evaluations of clients, are  
5 confidential and exempt from the provisions of s. 119.07(1).  
6 The division may disclose such exempt and confidential records  
7 to the commission when necessary for the commission to perform  
8 its duties, but commissioners shall maintain the exempt and  
9 confidential status of such records.

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

30  
31



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

4           Section 8. Section 413.013, Florida Statutes, is  
5 amended to read:

6           413.013 Destruction of records.--The Florida  
7 Commission for the Blind ~~Division of Blind Services~~ may  
8 authorize the destruction of any division correspondence,  
9 documents, or other records when the subject matter involved  
10 has been closed or terminated and their preservation is not  
11 required by federal or state law, rule, or regulation. ~~No~~  
12 Such material may not ~~shall~~ be destroyed unless the commission  
13 has given specific authority to destroy it ~~is given by the~~  
14 ~~division~~ and unless the ~~said~~ records have been in the  
15 possession of the commission ~~division~~ 5 or more years prior to  
16 their destruction.

17           Section 9. Section 413.014, Florida Statutes, is  
18 amended to read:

19           413.014 Community-based rehabilitation programs.--The  
20 Division of Blind Services shall enter into cooperative  
21 agreements with community-based rehabilitation programs to be  
22 the service providers for the blind citizens of their  
23 communities. The division shall, as rapidly as feasible,  
24 increase the amount of such services provided by  
25 community-based rehabilitation programs. The goal shall be to  
26 decrease the amount of such services provided by division  
27 employees and to increase to the maximum extent allowed by  
28 federal law the amount of such services provided through  
29 cooperative agreements with community-based service providers.  
30 The division shall seek, to the maximum extent allowed by  
31 federal and state law and regulation, all available federal

1 funds for such purposes. Funds and in-kind matching  
2 contributions from community and private sources shall be used  
3 to maximize federal funds. Unless prohibited by federal law or  
4 regulation, the share of the federal vocational rehabilitation  
5 grant apportioned for services to the blind must ~~shall~~ be not  
6 less than 17 percent.

7 Section 10. Section 413.041, Florida Statutes, is  
8 amended to read:

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

26 Section 11. Section 413.051, Florida Statutes, is  
27 amended to read:

28 413.051 Eligible blind persons; operation of vending  
29 stands.--

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

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

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

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

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

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

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

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

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

29          (5) All property custodians and duly authorized agents  
30 or employees of the state shall cooperate with the division in  
31 its survey of state properties and shall make available

1 adequate space, electrical wiring, plumbing, and ventilation  
2 necessary to the installation of a vending facility on any  
3 state property designated as suitable by the division.

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

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

14 (8) Income from new vending machines or replacement of  
15 existing machines installed on state property after July 1,  
16 1979, shall accrue to the blind licensee who operates a  
17 vending facility on the same property or, if none, to the  
18 division. The division shall be responsible for the servicing  
19 and maintenance of all vending machines.

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

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

31

1           (11) Effective July 1, 1996, blind licensees who  
2 remain members of the Florida Retirement System pursuant to s.  
3 121.051(6)(b)1. shall pay any unappropriated retirement costs  
4 from their net profits or from program income. Within 30 days  
5 after the effective date of this act, each blind licensee who  
6 is eligible to maintain membership in the Florida Retirement  
7 System under s. 121.051(6)(b)1., but who elects to withdraw  
8 from the system as provided in s. 121.051(6)(b)3., must, on or  
9 before July 31, 1996, notify the Division of Blind Services  
10 and the Department of Management Services in writing of his or  
11 her election to withdraw. Failure to timely notify the  
12 divisions shall be deemed a decision to remain a compulsory  
13 member of the Florida Retirement System. However, if, at any  
14 time after July 1, 1996, sufficient funds are not paid by a  
15 blind licensee to cover the required contribution to the  
16 Florida Retirement System, that blind licensee shall become  
17 ineligible to participate in the Florida Retirement System on  
18 the last day of the first month for which no contribution is  
19 made or the amount contributed is insufficient to cover the  
20 required contribution. For any blind licensee who becomes  
21 ineligible to participate in the Florida Retirement System as  
22 described in this subsection, no creditable service shall be  
23 earned under the Florida Retirement System for any period  
24 following the month that retirement contributions ceased to be  
25 reported. However, any such person may participate in the  
26 Florida Retirement System in the future if employed by a  
27 participating employer in a covered position.

28           (12) The Division of Blind Services may adopt rules  
29 upon the approval of the commission to permit the division to  
30 establish and maintain vending facilities, issue licenses,  
31 establish and maintain a vending facility training program,

1 provide vendors access to financial data of the program, set  
2 aside funds from net proceeds of the vending facility, provide  
3 for the transfer and promotion of vendors, establish a vendors  
4 committee, provide for an operation agreement, provide duties  
5 and responsibilities of the commission ~~division~~ with respect  
6 to the vending facility program, and provide procedures for  
7 newspaper vending sales.

8 Section 12. Section 413.091, Florida Statutes, is  
9 amended to read:

10 413.091 Identification cards.--

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

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

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

22 Section 13. Section 413.092, Florida Statutes, is  
23 amended to read:

24 413.092 Blind Babies Program.--

25 (1) The Blind Babies Program is created within the  
26 Division of Blind Services of the Department of Education to  
27 provide community-based early-intervention education to  
28 children from birth through 5 years of age who are blind or  
29 visually impaired, and to their parents, families, and  
30 caregivers, through community-based provider organizations.  
31 The division shall enlist parents, ophthalmologists,

1 | pediatricians, schools, Infant and Toddlers Early Intervention  
2 | Programs, and therapists to help identify and enroll blind and  
3 | visually impaired children, as well as their parents,  
4 | families, and caregivers, in these educational programs.

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

25 |         (3) The commission ~~division~~ shall establish outcomes  
26 | for this program, which must ~~shall~~ include, but are not  
27 | limited to, outcomes relating to the children's  
28 | age-appropriate developmental stages; knowledge of assistive  
29 | technology; proficiency at daily living; ability to  
30 | participate in pre-school and school; participation in their  
31 | communities; and ability to be literate. The commission

1 ~~division~~ shall develop criteria to be used in identifying and  
2 contracting with community-based provider organizations. All  
3 services offered through the Blind Babies Program shall be  
4 provided by community-based provider organizations. The  
5 division shall require any community-based provider  
6 organization delivering services under this program to develop  
7 performance measures related to those services and report to  
8 the division on the progress in achieving those measures.

9 Section 14. Section 413.093, Florida Statutes, is  
10 created to read:

11 413.093 Budget procedures.--

12 (1) The executive director of the Florida Commission  
13 for the Blind shall recommend to the commission a budget of  
14 income and expenditures at such time and in such form as the  
15 commission prescribes. The commission shall adopt procedures  
16 for the approval of budget amendments.

17 (2) In preparing the division's legislative budget  
18 request, the Florida Commission for the Blind shall use the  
19 same format, procedures, and timelines that are required for  
20 preparing and submitting the legislative budget of the  
21 Department of Education. The Commissioner of Education shall  
22 include without modification the division's budget request in  
23 the department's legislative budget request to the State Board  
24 of Education. The State Board of Education shall include the  
25 division's budget request without modification in the State  
26 Board of Education's budget request to the Governor, and the  
27 Legislature. The legislative budget request and the  
28 appropriation for the Florida Commission for the Blind must  
29 constitute a separate identifiable sum in the Department of  
30 Education budget. The annual appropriation for the commission  
31 must be distributed monthly in payments that are as nearly



1 equal as possible. Appropriations for client services,  
2 instructional technology, and motor vehicles may be released  
3 and distributed as necessary to serve the instructional  
4 program for the clients.

5 (3) Fixed capital outlay needs of the commission must  
6 continue to be requested in the public education capital  
7 outlay legislative budget request of the Department of  
8 Education.

9 Section 15. Section 413.094, Florida Statutes, is  
10 created to read:

11 413.094 Management flexibility.--

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

24 (2) Notwithstanding s. 216.181 and pursuant to s.  
25 216.351, but subject to any requirements imposed in the  
26 General Appropriations Act, a lump-sum plan is not a  
27 prerequisite to implementing the special categories, program  
28 categories, or lump-sum appropriations. Upon release of the  
29 special categories, program categories, or lump-sum  
30 appropriations to the commission, the Chief Financial Officer,  
31 upon the request of the commission, shall transfer or

1 reallocate funds to or among accounts established for  
2 disbursement purposes. The commission shall maintain records  
3 to account for the original appropriation to the division.

4 (3) Notwithstanding ss. 216.031, 216.181, 216.251, and  
5 216.262 to the contrary and pursuant to s. 216.351, but  
6 subject to any requirements imposed in the General  
7 Appropriations Act, the executive director shall establish the  
8 authorized positions and may amend such positions, within the  
9 total funds authorized annually in the appropriations act.

10 Section 16. Section 413.095, Florida Statutes, is  
11 created to read:

12 413.095 Retention of title to and disposal of property  
13 and equipment.--

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

22 (2) The Division of Blind Services, upon approval of  
23 the commission, may offer for sale any surplus items acquired  
24 in the operation of the program when they are no longer  
25 necessary or may exchange them for necessary items that can be  
26 used to greater advantage. When any such surplus equipment is  
27 sold or exchanged, a receipt for the sale or exchange which  
28 shows the consideration given for the equipment must be taken  
29 from the purchaser, and the consideration must be forwarded to  
30 the division to be included in the division's portfolio of  
31 investments pursuant to s. 413.115. Any funds that the

1 division receives pursuant to any such transaction must be  
2 deposited in the Grants and Donations Trust Fund, are exempt  
3 from the State Treasury pursuant to s. 215.311, and are  
4 available for expenditure for any purposes consistent with ss.  
5 413.011-413.092.

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

10 Section 17. Blind services direct-support  
11 organization.--

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

22 (2)(a) The Florida Commission for the Blind is  
23 authorized to organize and incorporate a direct-support  
24 organization pursuant to the requirements of this section and  
25 chapter 617, Florida Statutes, to accomplish the purposes and  
26 objectives set forth in this section.

27 (b) The first board of seven members of the  
28 direct-support organization shall be appointed by the  
29 Governor. Two members shall serve 2-year terms, three members  
30 shall serve 3-year terms, and two members shall serve 4-year  
31

1 terms. Thereafter, the board shall be self-appointing  
2 according to its bylaws.

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

6 (d) The direct-support organization is subject to the  
7 requirements of Section 24 of Article I of the State  
8 Constitution, chapter 119, Florida Statutes, and section  
9 286.011, Florida Statutes.

10 (e) Upon the dissolution of the corporation, all  
11 properties of the corporation revert to the commission.

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

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

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

26 (4) Funds designated for the direct-support  
27 organization must be used for the enhancement of programs and  
28 projects of the Division of Blind Services. All moneys  
29 received by the direct-support organization must be deposited  
30 into an account of the direct-support organization and must be  
31

1 used by the organization in a manner consistent with the  
2 purposes and goals of the direct-support organization.

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

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

9 Section 18. Sections 413.061, 413.062, 413.063,  
10 413.064, 413.065, 413.066, 413.067, 413.068, and 413.069,  
11 Florida Statutes, are repealed.

12 Section 19. Reorganization of the division under this  
13 act does not modify the status of division employees under  
14 chapters 110, 112, and 121, Florida Statutes.

15 Section 20. This act shall take effect upon becoming a  
16 law, except that sections 2 through 19 of this act shall take  
17 effect July 1, 2003.

18  
19 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
20 COMMITTEE SUBSTITUTE FOR  
21 SB 2244

22 Substitutes a "council" for a "commission."

23 Reduces the number of council members.

24 Requires the council to conduct a review and to report back to  
25 the Legislature with recommendations for licensing  
interpreters.

26 Creates the Florida Commission for the Blind.

27 Makes the commission the head of the Division of Blind  
28 Services, which division is made independent of the Department  
of Education.

29 Authorizes the commission to employ an executive director to  
30 perform administrative and managerial duties.

31 Clarifies that the career service and retirement status of  
division employees are not modified by the change in division  
structure.