

HB 1225

2004

1 A bill to be entitled

2 An act relating to blind services; amending s. 413.011,  
3 F.S.; providing legislative policy and intent; providing  
4 duties of the Division of Blind Services; requiring the  
5 division to develop and implement a state plan for  
6 vocational rehabilitation services; requiring the division  
7 to develop and implement a state plan for independent  
8 living services; providing for the division to purchase  
9 and distribute specialized equipment without using state  
10 centralized purchasing procedures; exempting such  
11 equipment from certain record and inventory requirements;  
12 creating a children's program; requiring background  
13 investigations of division personnel; redesignating the  
14 Advisory Council for the Blind as the Rehabilitation  
15 Council for the Blind; amending ss. 413.014, 413.041,  
16 413.051, and 413.091, F.S.; providing a popular name;  
17 modernizing terminology; requiring the division to conduct  
18 a periodic survey of state properties; creating s.  
19 413.095, F.S.; providing for the division to retain title  
20 to certain real and personal property intended for use by  
21 people who have visual impairments and certain personnel;  
22 allowing the division to repossess, transfer, and dispose  
23 of such property; providing for rulemaking by the  
24 division; authorizing the division to create a blind  
25 services direct-support organization; providing purposes  
26 and objectives; providing for members of the board of the  
27 direct-support organization; providing that the  
28 organization is subject to s. 24, Art. I of the State  
29 Constitution, ch. 119, F.S., and s. 286.011, F.S.;

HB 1225

2004

30 requiring expenses of the organization to be paid by  
 31 private funds; providing guidelines for the use of the  
 32 funds; repealing s. 413.061, F.S., relating to  
 33 solicitation of funds; repealing s. 413.062, F.S.,  
 34 relating to application for permit; repealing s. 413.063,  
 35 F.S., relating to a permit issued by the division;  
 36 repealing s. 413.064, F.S., relating to certain rules of  
 37 the Department of Education; repealing s. 413.065, F.S.,  
 38 relating to posting of certain notice of approval;  
 39 repealing s. 413.066, F.S., relating to revocation of  
 40 permit; repealing s. 413.067, F.S., relating to penalties  
 41 for certain violations; repealing s. 413.068, F.S.,  
 42 relating to legislative intent; repealing s. 413.069,  
 43 F.S., relating to exemptions for certain entities;  
 44 providing an effective date.

45

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

47

48 Section 1. Section 413.011, Florida Statutes, is amended  
 49 to read:

50 413.011 Division of Blind Services, legislative policy and  
 51 intent; internal organizational structure and powers;  
 52 Rehabilitation Advisory Council for the Blind.--

53 (1) It is the policy of the Legislature that all programs,  
 54 projects, and activities of the division are to be carried out  
 55 in a manner consistent with the following principles:

56 (a) Respect for individual dignity, personal  
 57 responsibility, self-determination to live independently, and  
 58 pursuit of meaningful careers, based on informed choice.

59       (b) Support for the involvement of an individual's  
 60 representative if an individual requests, desires, or needs such  
 61 support.

62       (c) Respect for the individual's privacy and equal access  
 63 to services, including the use of information in accessible  
 64 formats.

65       (d) Integration and full participation in society, on  
 66 equal terms with others, by individuals who are blind.

67       (2) It is the intent of the Legislature to establish a  
 68 coordinated program of services which will be available to  
 69 individuals throughout this state who are blind. The program  
 70 must be designed to maximize employment opportunities for such  
 71 individuals and to increase their independence and self-  
 72 sufficiency.

73       (3)~~(1)~~ The internal organizational structure of the  
 74 Division of Blind Services shall be designed for the purpose of  
 75 ensuring the greatest possible efficiency and effectiveness of  
 76 services to the blind and to be consistent with chapter 20. The  
 77 Division of Blind Services shall plan, supervise, and carry out  
 78 the following activities:

79       (a) Recommend personnel as may be necessary to carry out  
 80 the purposes of this section.

81       (b) Develop and implement a state plan for vocational  
 82 rehabilitation services for individuals who are blind, pursuant  
 83 to Section 101 of the Rehabilitation Act of 1973, as amended.

84       (c) In conjunction with the Florida Independent Living  
 85 Council, develop and implement a 3-year state plan for  
 86 independent living services and provide independent living  
 87 services for blind and visually impaired individuals, including

HB 1225

2004

88 services for older individuals who are blind, pursuant to Title  
 89 VII, ch. 2 of the Rehabilitation Act of 1973, as amended.

90 (d) Provide services that contribute to the maintenance of  
 91 or the increased independence of older individuals who are  
 92 blind.

93 (e) Establish, equip, and maintain an orientation and  
 94 adjustment center or centers to provide independent living  
 95 skills training and other training such as, but not limited to,  
 96 instruction in Braille; use of the long white cane for  
 97 independent travel; homemaking and home-management skills; and  
 98 communication skills, including the use of computer technology,  
 99 to prepare individuals who are blind or visually impaired for  
 100 eventual vocational training, job placement, and independence.

101 (f) Establish and implement a small business enterprises  
 102 program and serve as the state licensing agency for individuals  
 103 who are blind, pursuant to the federal Randolph-Sheppard Act.

104 (g) Purchase and distribute specialized equipment,  
 105 devices, and technology, including low-vision aids, obtained  
 106 directly from specialty vendors without using state centralized  
 107 purchasing procedures.

108 (h) In cooperation with the Library of Congress, provide  
 109 library services to persons who are blind and persons who have  
 110 other print-related disabilities.

111 (i) In cooperation with other appropriate agencies,  
 112 provide to employers, the state education agency, and local  
 113 education agencies technical assistance in the provision of  
 114 auxiliary aids and services to people who are blind, students,  
 115 and their parents in complying with the Americans with

HB 1225

2004

116 Disabilities Act and the Individuals with Disabilities Education  
 117 Act, as amended.

118 (j) Provide technical assistance to agencies within the  
 119 state in order to ensure that information technology purchased  
 120 or used by such agencies is accessible to and usable by  
 121 individuals who are blind, at the time the technology is  
 122 purchased or used.

123 (k) Participate, through the designation of the director  
 124 or an appropriate staff member of the division, on boards,  
 125 commissions, or bodies in this state for the purpose of  
 126 coordinating and planning services.

127 (l) Adopt rules for administering the programs of the  
 128 division.

129 (m) Apply for and receive moneys from any state or federal  
 130 agency to support the programs of the division.

131 (n) Develop and administer any other program that will  
 132 further the provision of services to people who are blind and  
 133 that the division determines falls within its scope of  
 134 responsibility.

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

142 ~~(o)~~~~(e)~~ (o) Inquire into the cause of blindness, inaugurate  
 143 preventive measures, and provide for the examination and  
 144 treatment of the blind, or those threatened with blindness, for

HB 1225

2004

145 the benefit of such persons, and shall pay therefor, including  
 146 necessary incidental expenses.

147 (p)~~(d)~~ Aid the blind in finding employment, teach them  
 148 trades and occupations within their capacities, assist them in  
 149 disposing of products made by them in home industries, assist  
 150 them in obtaining funds for establishing enterprises where  
 151 federal funds reimburse the state, and do such things as will  
 152 contribute to the efficiency of self-support of the blind.

153 (q)~~(e)~~ Establish one or more training schools and  
 154 workshops for the employment of suitable blind persons; make  
 155 expenditures of funds for such purposes; receive moneys from  
 156 sales of commodities involved in such activities and from such  
 157 funds make payments of wages, repairs, insurance premiums and  
 158 replacements of equipment. All of the activities provided for in  
 159 this section may be carried on in cooperation with private  
 160 workshops for the blind, except that all tools and equipment  
 161 furnished by the division shall remain the property of the  
 162 state.

163 (r)~~(f)~~ Provide special services and benefits for the blind  
 164 for developing their social life through community activities  
 165 and recreational facilities.

166 (s)~~(g)~~ Undertake such other activities as may ameliorate  
 167 the condition of blind citizens of this state.

168 (t)~~(h)~~ Cooperate with other agencies, public or private,  
 169 especially the Division of the Blind and Physically Handicapped  
 170 of the Library of Congress and the Division of Library and  
 171 Information Services of the Department of State, to provide  
 172 library service to the blind and other handicapped persons as

HB 1225

2004

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

175 (u)~~(i)~~ Recommend contracts and agreements with federal,  
 176 state, county, municipal and private corporations, and  
 177 individuals.

178 (v)~~(j)~~ Receive moneys or properties by gift or bequest  
 179 from any person, firm, corporation, or organization for any of  
 180 the purposes herein set out, but without authority to bind the  
 181 state to any expenditure or policy except such as may be  
 182 specifically authorized by law. All such moneys or properties so  
 183 received by gift or bequest as herein authorized may be  
 184 disbursed and expended by the division upon its own warrant for  
 185 any of the purposes herein set forth, and such moneys or  
 186 properties shall not constitute or be considered a part of any  
 187 legislative appropriation made by the state for the purpose of  
 188 carrying out the provisions of this law.

189 (w)~~(k)~~ Prepare and make available to the blind, in braille  
 190 and on electronic recording equipment, Florida Statutes chapters  
 191 20, 120, 121, and 413, in their entirety.

192 (x)~~(l)~~ Adopt by rule:

193 1. Procedures for providing vocational rehabilitation  
 194 services for the blind; and-

195 2.~~(m)~~ ~~Adopt by rule forms and~~ Instructions to be used by  
 196 the division in its general administration.

197 (4)~~(2)~~ As used in this section, the term:

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

HB 1225

2004

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

203 (c) "Department" means the Department of Education.

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

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

215 (c) The division shall provide independent living services  
 216 to individuals in this state who are blind, including older  
 217 individuals, pursuant to the Rehabilitation Act of 1973, as  
 218 amended.

219 (6) Property that is purchased by a state agency for the  
 220 purpose of making accommodations for individuals who are blind  
 221 is not subject to the record and inventory requirements set  
 222 forth in s. 273.02. A state agency may use funds from all  
 223 possible sources to make accommodations for individuals who are  
 224 blind.

225 (7) The division shall require all employees and  
 226 applicants for employment to undergo personnel screening and  
 227 security background investigations as provided in chapter 435,



HB 1225

2004

228 using the level two standards for screening set forth in said  
 229 chapter, as a condition of employment and continued employment.

230 (8)(3) There is ~~hereby~~ created in the department the  
 231 Rehabilitation Advisory Council for the Blind, which is an  
 232 advisory council as defined in s. 20.03, to assist the division  
 233 in the planning and development of statewide rehabilitation  
 234 programs and services, to recommend improvements to such  
 235 programs and services, and to perform the functions provided in  
 236 this section.

237 (a) The advisory council shall be composed of:

238 1. At least one representative of the Independent Living  
 239 Council, which representative may be the chair or other designee  
 240 of the council;

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

244 3. At least one representative of the client assistance  
 245 program established under the act;

246 4. At least one vocational rehabilitation counselor who  
 247 has knowledge of and experience in vocational rehabilitation  
 248 services for the blind, who shall serve as an ex officio  
 249 nonvoting member of the council if the counselor is an employee  
 250 of the department;

251 5. At least one representative of community rehabilitation  
 252 program service providers;

253 6. Four representatives of business, industry, and labor;

254 7. At least one representative of a disability advocacy  
 255 group representing individuals who are blind;

HB 1225

2004

256 8. At least one parent, family member, guardian, advocate,  
 257 or authorized representative of an individual who is blind, has  
 258 multiple disabilities, and either has difficulties representing  
 259 himself or herself or is unable, due to disabilities, to  
 260 represent himself or herself;

261 9. Current or former applicants for, or recipients of,  
 262 vocational rehabilitation services; and

263 10. The director of the division, who shall be an ex  
 264 officio member of the council.

265 (b) Members of the council shall be appointed by the  
 266 Governor, who shall select members after soliciting  
 267 recommendations from representatives of organizations  
 268 representing a broad range of individuals who have disabilities,  
 269 and organizations interested in those individuals.

270 (c) A majority of council members shall be persons who  
 271 are:

- 272 1. Blind; and
- 273 2. Not employed by the division.

274 (d) The council shall select a chair from among its  
 275 membership.

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

278 1. A member appointed to fill a vacancy occurring prior to  
 279 the expiration of the term for which a predecessor was appointed  
 280 shall be appointed for the remainder of such term; and

281 2. The terms of service of the members initially appointed  
 282 shall be, as specified by the Governor, for such fewer number of  
 283 years as will provide for the expiration of terms on a staggered  
 284 basis.

HB 1225

2004

285 (f) A ~~No~~ member of the council may not serve more than two  
 286 consecutive full terms.

287 (g) Any vacancy occurring in the membership of the council  
 288 shall be filled in the same manner as the original appointment.  
 289 A vacancy does not affect the power of the remaining members to  
 290 execute the duties of the council.

291 (h) In addition to the other functions specified in this  
 292 section, the council shall:

293 1. Review, analyze, and advise the division regarding the  
 294 performance of the responsibilities of the division under Title  
 295 I of the act, particularly responsibilities relating to:

296 a. Eligibility, including order of selection;

297 b. The extent, scope, and effectiveness of services  
 298 provided; and

299 c. Functions performed by state agencies that affect or  
 300 potentially affect the ability of individuals who are blind to  
 301 achieve rehabilitation goals and objectives under Title I.

302 2. Advise the department and the division, and, at the  
 303 discretion of the department or division, assist in the  
 304 preparation of applications, the state plan, the strategic plan,  
 305 and amendments to the plans, reports, needs assessments, and  
 306 evaluations required by Title I.

307 3. To the extent feasible, conduct a review and analysis  
 308 of the effectiveness of, and consumer satisfaction with:

309 a. The functions performed by state agencies and other  
 310 public and private entities responsible for performing functions  
 311 for individuals who are blind.

312 b. Vocational rehabilitation services:

HB 1225

2004

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

315 (II) Provided by state agencies and other public and  
 316 private entities responsible for providing vocational  
 317 rehabilitation services to individuals who are blind.

318 4. Prepare and submit an annual report on the status of  
 319 vocational rehabilitation services for the blind in the state to  
 320 the Governor and the Commissioner of the Rehabilitative Services  
 321 Administration, established under s.702 of the act, and make the  
 322 report available to the public.

323 5. Coordinate with other councils within the state,  
 324 including the Independent Living Council, the advisory panel  
 325 established under s.613(a)(12) of the Individuals with  
 326 Disabilities Education Act, 20 U.S.C.1413(a)(12), the State  
 327 Planning Council described in s.124 of the Developmental  
 328 Disabilities Assistance and Bill of Rights Act, 42 U.S.C.s.6024,  
 329 and the state mental health planning council established under  
 330 s.1916(e) of the Public Health Service Act, 42 U.S.C.300X-4(e).

331 6. Advise the department and division and provide for  
 332 coordination and the establishment of working relationships  
 333 among the department, the division, the Independent Living  
 334 Council, and centers for independent living in the state.

335 7. Perform such other functions consistent with the  
 336 purposes of the act as the council determines to be appropriate  
 337 that are comparable to functions performed by the council.

338 (i)1. The council shall prepare, in conjunction with the  
 339 division, a plan for the provision of such resources, including  
 340 such staff and other personnel, as may be necessary to carry out  
 341 the functions of the council. The resource plan shall, to the

HB 1225

2004

342 maximum extent possible, rely on the use of resources in  
 343 existence during the period of implementation of the plan.

344 2. If there is a disagreement between the council and the  
 345 division in regard to the resources necessary to carry out the  
 346 functions of the council as set forth in this section, the  
 347 disagreement shall be resolved by the Governor.

348 3. The council shall, consistent with law, supervise and  
 349 evaluate such staff and other personnel as may be necessary to  
 350 carry out its functions.

351 4. While assisting the council in carrying out its duties,  
 352 staff and other personnel shall not be assigned duties by the  
 353 division or any other state agency or office that would create a  
 354 conflict of interest.

355 (j) A ~~No~~ council member may not ~~shall~~ cast a vote on any  
 356 matter that would provide direct financial benefit to the member  
 357 or otherwise give the appearance of a conflict of interest under  
 358 state law.

359 (k) The council shall convene at least four meetings each  
 360 year. These meetings shall occur in such places as the council  
 361 deems necessary to conduct council business. The council may  
 362 conduct such forums or hearings as the council considers  
 363 appropriate. The meetings, hearings, and forums shall be  
 364 publicly announced. The meetings shall be open and accessible to  
 365 the public. The council shall make a report of each meeting  
 366 which shall include a record of its discussions and  
 367 recommendations, all of which reports shall be made available to  
 368 the public.

369 Section 2. Section 413.014, Florida Statutes, is amended  
 370 to read:

HB 1225

2004

371           413.014 Community-based rehabilitation programs.--The  
 372 Division of Blind Services shall enter into cooperative  
 373 agreements with community-based rehabilitation programs as  
 374 defined by the Rehabilitation Act of 1973, as amended, to be the  
 375 service providers for the blind citizens of their communities.  
 376 The division shall, as rapidly as feasible, increase the amount  
 377 of such services provided by community-based rehabilitation  
 378 programs. The goal shall be to decrease the amount of such  
 379 services provided by division employees and to increase to the  
 380 maximum extent allowed by federal law the amount of such  
 381 services provided through cooperative agreements with community-  
 382 based service providers. The division shall seek, to the maximum  
 383 extent allowed by federal and state law and regulation, all  
 384 available federal funds for such purposes. Funds and in-kind  
 385 matching contributions from community and private sources shall  
 386 be used to maximize federal funds. Unless prohibited by federal  
 387 law or regulation, the share of the federal vocational  
 388 rehabilitation grant apportioned for services to the blind must  
 389 ~~shall~~ be not less than 17 percent.

390           Section 3. Section 413.041, Florida Statutes, is amended  
 391 to read:

392           413.041 Eligible blind persons; placement in vending  
 393 facilities in public places.--For the purpose of assisting blind  
 394 persons to become self-supporting, the Division of Blind  
 395 Services is hereby authorized to carry on activities to promote  
 396 the employment of eligible blind persons, including the  
 397 licensing and establishment of such persons as operators of  
 398 vending facilities on public property. The ~~said~~ division may  
 399 cooperate with any agency of the Federal Government in the

HB 1225

2004

400 furtherance of the provisions of the Act of Congress entitled  
 401 "An Act to authorize the operation of stands in federal  
 402 buildings by blind persons, to enlarge the economic  
 403 opportunities of the blind and for other purposes,"  
 404 Pub.L.No.732, 74th Congress, and the ~~said~~ division may cooperate  
 405 in the furtherance of the provisions of any other act of  
 406 Congress providing for the rehabilitation of the blind which is  
 407 ~~that may now be~~ in effect or is ~~may~~ hereafter be enacted by  
 408 Congress.

409 Section 4. Subsections (1), (2), (4), (7), and (9) of  
 410 section 413.051, Florida Statutes, are amended to read:

411 413.051 Eligible blind persons; operation of vending  
 412 stands.

413 (1) This section may be cited by the popular name ~~shall be~~  
 414 ~~known as~~ the Little Randolph Sheppard Act.

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

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

419 (b) "Vending stand" means any manually operated cafeteria,  
 420 snack bar, cart service, shelter, counter, or other manually  
 421 operated facility for the sale of newspapers, periodicals,  
 422 confections, tobacco products, foods, beverages, or other such  
 423 articles or services.

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

425 (d) "State property" means any building or land owned,  
 426 leased, or otherwise controlled by the state, but does not  
 427 include any building or land under the control of the Board of

HB 1225

2004

428 Regents, a community college district board of trustees, or any  
 429 state correctional institution as defined in s.944.02.

430 (e) "Property custodian" or "person in charge" means any  
 431 employee, agent, or person who is in control of or responsible  
 432 for the maintenance, operation, and protection of any state  
 433 property.

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

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

443 (9) This section does not ~~It is the legislative intent~~  
 444 ~~that this section shall not apply or operate, in any way or any~~  
 445 ~~manner, to~~ divest any person or organization presently operating  
 446 a vending stand on state, county, or municipal property from  
 447 continuing to do so; however, the property custodian or person  
 448 in charge shall notify the Division of Blind Services at least  
 449 180 days prior to the expiration whether the ~~such~~ vending  
 450 facility location is suitable for operation by a blind licensee.

451 Section 5. Section 413.091, Florida Statutes, is amended  
 452 to read:

453 413.091 Identification cards.--

454 (1) The Division of Blind Services of the Department of  
 455 Education shall ~~is hereby empowered to~~ issue identification



HB 1225

2004

456 cards to persons known to be blind or partially sighted, upon  
 457 the written request of such individual.

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

460 (3) The division is ~~will be~~ responsible for design and  
 461 content of the identification card and shall develop and adopt  
 462 ~~promulgate~~ rules, regulations, and procedures relating to the  
 463 eligibility and application for, and issuance and control of,  
 464 these identification cards.

465 Section 6. Section 413.095, Florida Statutes, is created  
 466 to read:

467 413.095 Retention of title to and disposal of property and  
 468 equipment.--

469 (1) The Division of Blind Services retains title to any  
 470 real or personal property, such as tools, instruments, training  
 471 supplies, equipment, motor vehicles, real property, or other  
 472 items of value acquired for use by people who have visual  
 473 impairments or personnel employed in operating programs of the  
 474 division and may repossess and transfer such property for use by  
 475 other people who have visual impairments or personnel employed  
 476 in the operation of the division.

477 (2) The Division of Blind Services may offer for sale any  
 478 surplus items acquired in the operation of the program when they  
 479 are no longer necessary or may exchange them for necessary items  
 480 that can be used to greater advantage. When any such surplus  
 481 equipment is sold or exchanged, a receipt for the sale or  
 482 exchange which shows the consideration given for the equipment  
 483 must be taken from the purchaser, and the consideration must be  
 484 forwarded to the division to be included in the division's

HB 1225

2004

485 portfolio of investments pursuant to s.413.0115. Such funds are  
 486 exempt from the State Treasury pursuant to s.215.311, and are  
 487 available for expenditure for any purposes consistent with  
 488 ss.413.011-413.092.

489 (3) The division has the exclusive right to develop rules  
 490 relating to records and recordkeeping for property owned by the  
 491 division which is referred to in subsections (1) and (2).

492 Section 7. Blind services direct-support organization.--

493 (1) As used in this section, the term "direct-support  
 494 organization" means a not-for-profit corporation incorporated  
 495 under ch. 617 and organized and operated to conduct programs and  
 496 activities; initiate developmental projects; raise funds;  
 497 request and receive grants, gifts, and bequests of moneys;  
 498 acquire, receive, hold, invest, and administer, in its own name,  
 499 securities, funds, objects of value, or other property, real or  
 500 personal; and make expenditures to or for the direct or indirect  
 501 benefit of the state and for blind persons in this state.

502 (2)(a) The Division of Blind Services is authorized to  
 503 organize and incorporate a direct-support organization pursuant  
 504 to the requirements of this section and chapter 617, Florida  
 505 Statutes, to accomplish the purposes and objectives set forth in  
 506 this section.

507 (b) The first board of seven members of the direct-support  
 508 organization shall be appointed by the Governor. Two members  
 509 shall be appointed to serve 2-year terms, three members shall be  
 510 appointed to serve 3-year terms, and two members shall be  
 511 appointed to serve 4-year terms. Thereafter, the board shall be  
 512 self-appointed according to the established bylaws.

HB 1225

2004

513 (c) The director of the division or his or her designee  
 514 shall serve as an ex officio member of the board of the direct-  
 515 support organization.

516 (d) The direct-support organization is subject to the  
 517 requirements of s. 24, Art. I of the State Constitution, chapter  
 518 119, Florida Statutes, and s. 286.011, Florida Statutes.

519 (e) Upon the dissolution of the corporation, all  
 520 properties of the corporation revert to the division.

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

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

526 (3) The purposes and objectives of the direct-support  
 527 organization must be consistent with the priority issues and  
 528 objectives of the Department of Education and must be in the  
 529 best interests of the state, though the Division of Blind  
 530 Services may permit, without charge, the appropriate use of  
 531 property and facilities of the state by the direct-support  
 532 organization subject to this section. Such use must be directly  
 533 in keeping with the approved purposes of the direct-support  
 534 organization.

535 (4) Funds designated for the direct-support organization  
 536 must be used for the enhancement of programs and projects of the  
 537 Division of Blind Services. All moneys received by the direct-  
 538 support organization must be deposited into an account of the  
 539 direct-support organization and must be used by the organization  
 540 in a manner consistent with the purposes and goals of the  
 541 direct-support organization.

HB 1225

2004

542        (5) The direct-support organization shall comply with the  
 543        audit requirements of s. 215.981, Florida Statutes.

544        (6) The director of the Division of Blind Services may  
 545        designate employees of the division to solicit donations from  
 546        public or private sources to fund the authorized purposes of the  
 547        direct-support organization.

548        Section 8. Sections 413.061, 413.062, 413.063, 413.064,  
 549        413.065, 413.066, 416.067, 413.068, and 413.069, Florida  
 550        Statutes, are repealed.

551        Section 9. This act shall take effect July 1, 2004.