

By the Committee on Governmental Oversight and Productivity;
and Senator Atwater

302-2642-04

1 A bill to be entitled
2 An act relating to the Florida School for the
3 Deaf and the Blind; amending s. 11.45, F.S.;
4 requiring the Auditor General to conduct audits
5 of the accounts and records of the Florida
6 School for the Deaf and the Blind; amending s.
7 1001.20, F.S.; including the Florida School for
8 the Deaf and Blind in the entities subject to
9 inspection by the Department of Education's
10 Inspector General; amending s. 1002.36, F.S.,
11 relating to the Florida School for the Deaf and
12 the Blind; providing that the school is a
13 component of the delivery of public education
14 within Florida's K-20 education system;
15 requiring certain compliance; revising audit
16 requirements; revising provisions specifying
17 authority of the Board of Trustees for the
18 Florida School for the Deaf and the Blind to
19 perform certain actions; revising the power and
20 authority of the board of trustees; revising
21 duties of the board of trustees; amending s.
22 1011.55, F.S.; revising the procedure for
23 legislative budget requests of the Florida
24 School for the Deaf and the Blind; creating s.
25 1013.351, F.S.; providing definitions;
26 providing a policy statement concerning the
27 coordination of planning between the board of
28 trustees and local governments on property
29 acquired after a certain date; authorizing the
30 board of trustees to enter into an interlocal
31 agreement with the municipality where the

1 school is located; providing for the makeup of
2 the interlocal agreement; requiring the
3 submission of the interlocal agreement with the
4 Office of Educational Facilities and the state
5 land planning agency; providing for a review of
6 the interlocal agreement by the office and the
7 agency; providing for amendments of the
8 interlocal agreement; authorizing an
9 alternative process to the interlocal agreement
10 concerning expansion of the school's campus;
11 providing for improved coordination between the
12 board of trustees and the affected local
13 governments concerning future acquisitions of
14 real property; providing for the board of
15 trustees to request a determination of
16 consistency with the local government's
17 comprehensive plan and local development
18 regulations for the proposed use of property
19 acquired after a certain date; providing for a
20 local government that regulates land use to
21 make that determination; requiring that
22 disputes concerning the implementation of an
23 executed interlocal agreement be resolved in
24 accordance with ch. 164, F.S.; creating s.
25 1002.361, F.S.; authorizing the board of
26 trustees to create a direct-support
27 organization; requiring the organization to
28 operate under a contract with the board of
29 trustees; providing for the elements of the
30 contract; providing for audits of the
31 organization; providing for membership to the

1 board of directors of the organization;
2 requiring the board of trustees to adopt rules;
3 amending s. 413.011, F.S.; providing
4 legislative policy and intent; providing duties
5 of the Division of Blind Services; requiring
6 the division to develop and implement a state
7 plan for vocational rehabilitation services;
8 requiring the division to develop and implement
9 a state plan for independent living services;
10 providing for the division to purchase and
11 distribute specialized equipment without using
12 state centralized purchasing procedures;
13 exempting such equipment from certain record
14 and inventory requirements; creating a
15 children's program; requiring background
16 investigations of division personnel; requiring
17 division personnel and applicants for
18 employment to meet level 2 screening standards
19 as a condition of employment; redesignating the
20 Advisory Council for the Blind as the
21 Rehabilitation Council for the Blind; amending
22 ss. 413.014, 413.041, 413.051, and 413.091,
23 F.S.; modernizing terminology; requiring the
24 division to conduct a periodic survey of state
25 properties; creating s. 413.095, F.S.;
26 providing for the division to retain title to
27 certain real and personal property intended for
28 use by people who have visual impairments and
29 certain personnel; allowing the division to
30 repossess, transfer, and dispose of such
31 property; providing for rulemaking by the

1 division; authorizing the division to create a
2 blind services direct-support organization;
3 providing purposes and objectives; providing
4 for members of the board of the direct-support
5 organization; providing that the organization
6 is subject to s. 24, Art. I of the State
7 Constitution, ch. 119, F.S., and s. 286.011,
8 F.S.; requiring expenses of the organization to
9 be paid by private funds; providing guidelines
10 for the use of the funds; repealing ss.
11 413.061, 413.062, 413.063, 413.064, 413.065,
12 413.066, 413.067, 413.068, and 413.069, F.S.,
13 relating to permits for soliciting funds to
14 benefit the blind; providing an effective date.

15
16 Be It Enacted by the Legislature of the State of Florida:

17
18 Section 1. Paragraphs (f) through (k) of subsection
19 (2) of section 11.45, Florida Statutes, are redesignated as
20 paragraphs (g) through (l), respectively, and a new paragraph
21 (f) is added to that subsection to read:

22 11.45 Definitions; duties; authorities; reports;
23 rules.--

24 (2) DUTIES.--The Auditor General shall:

25 (f) Annually conduct audits of the accounts and
26 records of the Florida School for the Deaf and the Blind.

27
28 The Auditor General shall perform his or her duties
29 independently but under the general policies established by
30 the Legislative Auditing Committee. This subsection does not
31 limit the Auditor General's discretionary authority to conduct

1 other audits or engagements of governmental entities as
2 authorized in subsection (3).

3 Section 2. Paragraph (e) of subsection (4) of section
4 1001.20, Florida Statutes, is amended to read:

5 1001.20 Department under direction of state board.--

6 (4) The Department of Education shall establish the
7 following offices within the Office of the Commissioner of
8 Education which shall coordinate their activities with all
9 other divisions and offices:

10 (e) Office of Inspector General.--Organized using
11 existing resources and funds and responsible for promoting
12 accountability, efficiency, and effectiveness and detecting
13 fraud and abuse within school districts, the Florida School
14 for the Deaf and the Blind, community colleges, and state
15 universities in Florida. If the Commissioner of Education
16 determines that a district school board, the Board of Trustees
17 for the Florida School for the Deaf the Blind, or a public
18 postsecondary educational institution board is unwilling or
19 unable to address substantiated allegations made by any person
20 relating to waste, fraud, or financial mismanagement, the
21 office shall conduct, coordinate, or request investigations
22 into substantiated allegations made by any person relating to
23 waste, fraud, or financial mismanagement within school
24 districts, the Florida School for the Deaf and the Blind,
25 community colleges, and state universities in Florida. The
26 office shall have access to all information and personnel
27 necessary to perform its duties and shall have all of its
28 current powers, duties, and responsibilities authorized in s.
29 20.055.

30 Section 3. Subsections (1), (3), and (4) of section
31 1002.36, Florida Statutes, are amended to read:

1 1002.36 Florida School for the Deaf and the Blind.--
2 (1) RESPONSIBILITIES.--The Florida School for the Deaf
3 and the Blind, located in St. Johns County, is a
4 state-supported residential public school for hearing-impaired
5 and visually impaired students in preschool through 12th
6 grade. The school is a component of the delivery of public
7 education within Florida's K-20 education system ~~part of the~~
8 ~~state system of public education~~ and shall be funded through
9 the Department of Education. The school shall provide
10 educational programs and support services appropriate to meet
11 the education and related evaluation and counseling needs of
12 hearing-impaired and visually impaired students in the state
13 who meet enrollment criteria. Unless otherwise provided by
14 law, the school shall comply with all laws and rules
15 applicable to state agencies. Education services may be
16 provided on an outreach basis for sensory-impaired children
17 ages 0 through 5 years and their parents. Graduates of the
18 Florida School for the Deaf and the Blind shall be eligible
19 for the William L. Boyd, IV, Florida Resident Access Grant
20 Program as provided in s. 1009.89.
21 (3) AUDITS.--The Auditor General shall conduct annual
22 audits of ~~audit~~ the accounts and records of the Florida School
23 for the Deaf and the Blind ~~as provided in chapter 11.~~ The
24 Department of Education's Inspector General is authorized to
25 conduct investigations at the school as provided in s.
26 1001.20(4)(e).
27 (4) BOARD OF TRUSTEES.--
28 (a) There is hereby created a Board of Trustees for
29 the Florida School for the Deaf and the Blind which shall
30 consist of seven members. Of these seven members, one
31 appointee shall be a blind person and one appointee shall be a

1 deaf person. Each member shall have been a resident of the
2 state for a period of at least 10 years. Their terms of office
3 shall be 4 years. The appointment of the trustees shall be by
4 the Governor with the confirmation of the Senate. The Governor
5 may remove any member for cause and shall fill all vacancies
6 that occur.

7 (b) The board of trustees shall elect a chair
8 annually. The trustees shall be reimbursed for travel expenses
9 as provided in s. 112.061, the accounts of which shall be paid
10 by the Chief Financial Officer upon itemized vouchers duly
11 approved by the chair.

12 (c) The board of trustees has authority to adopt rules
13 pursuant to ss. 120.536(1) and 120.54 to implement provisions
14 of law relating to operation of the Florida School for the
15 Deaf and the Blind. Such rules shall be submitted to the State
16 Board of Education for approval or disapproval. After a rule
17 is approved ~~If any rule is not disapproved by the State Board~~
18 ~~of Education within 60 days of its receipt~~ by the State Board
19 of Education, the rule shall be filed immediately with the
20 Department of State. The board of trustees shall act at all
21 times in conjunction with the rules of the State Board of
22 Education.

23 (d) The board of trustees is a body corporate and
24 shall have a corporate seal. Unless otherwise provided by law,
25 all actions of the board of trustees shall be consistent with
26 all laws and rules applicable to state agencies. Title to any
27 gift, donation, or bequest received by the board of trustees
28 pursuant to subparagraph (e)11. ~~subsection (5)~~ shall vest in
29 the board of trustees. Title to all other property and other
30 assets of the Florida School for the Deaf and the Blind shall
31 vest in the State Board of Education, but the board of

1 trustees shall have complete jurisdiction over the management
2 of the school. ~~and~~
3 (e) The board of trustees is invested with full power
4 and authority to:
5 1. Appoint a president, faculty, teachers, and other
6 employees and remove the same as in its judgment may be best
7 and fix their compensation. ~~;~~ ~~to~~
8 2. Procure professional services, such as medical,
9 mental health, architectural, and engineering. ~~, and legal~~
10 ~~services;~~ ~~to~~
11 3. Procure legal services without the prior written
12 approval of the Attorney General.
13 4. Determine eligibility of students and procedure for
14 admission. ~~;~~ ~~to~~
15 5. Provide for the students of the school necessary
16 bedding, clothing, food, and medical attendance and such other
17 things as may be proper for the health and comfort of the
18 students without cost to their parents, except that the board
19 of trustees may set tuition and other fees for nonresidents. ~~;~~
20 ~~to~~
21 6. Provide for the proper keeping of accounts and
22 records and for budgeting of funds. ~~;~~ ~~to~~
23 7. Enter into contracts. ~~;~~ ~~to~~
24 8. Sue and be sued. ~~;~~ ~~to~~
25 9. Secure public liability insurance. ~~;~~ ~~and to~~
26 10. Do and perform every other matter or thing
27 requisite to the proper management, maintenance, support, and
28 control of the school at the highest efficiency economically
29 possible, the board of trustees taking into consideration the
30 purposes of the establishment.
31

1 ~~11.(c)1.~~ ~~The board of trustees is authorized to~~
2 Receive gifts, donations, and bequests of money or property,
3 real or personal, tangible or intangible, from any person,
4 firm, corporation, or other legal entity. However, the board
5 of trustees may not obligate the state to any expenditure or
6 policy that is not specifically authorized by law.

7 ~~2.~~ If the bill of sale, will, trust indenture, deed,
8 or other legal conveyance specifies terms and conditions
9 concerning the use of such money or property, the board of
10 trustees shall observe such terms and conditions.

11 ~~12.3.~~ ~~The board of trustees may~~ Deposit outside the
12 State Treasury such moneys as are received as gifts,
13 donations, or bequests and may disburse and expend such
14 moneys, upon its own warrant, for the use and benefit of the
15 Florida School for the Deaf and the Blind and its students, as
16 the board of trustees deems to be in the best interest of the
17 school and its students. Such money or property shall not
18 constitute or be considered a part of any legislative
19 appropriation, and such money shall not be used to compensate
20 any person for engaging in lobbying activities before the
21 House of Representatives or Senate or any committee thereof.

22 ~~13.4.~~ ~~The board of trustees may~~ Sell or convey by bill
23 of sale, deed, or other legal instrument any property, real or
24 personal, received as a gift, donation, or bequest, upon such
25 terms and conditions as the board of trustees deems to be in
26 the best interest of the school and its students.

27 ~~14.5.~~ ~~The board of trustees may~~ Invest such moneys in
28 securities enumerated under s. 215.47(1), (2)(d), (3), (4),
29 and (9) s. 215.47, and in The Common Fund, an Investment
30 Management Fund exclusively for nonprofit educational
31 institutions.

- 1 (f) The board of trustees shall:
- 2 1. Prepare and submit legislative budget requests for
3 operations and fixed capital outlay, including fixed capital
4 outlay requests, in accordance with chapter 216 and ~~ss. s-~~
5 1011.56 and 1013.60, to the Department of Education for review
6 and approval. The department must analyze the amount requested
7 for fixed capital outlay to determine if the request is
8 consistent with the school's campus master plan, educational
9 plant survey, and facilities master plan.
- 10 2. Approve and administer an annual operating budget
11 in accordance with ss. 1011.56 and 1011.57.
- 12 3. Require all funds received other than gifts,
13 donations, bequests, funds raised by or belonging to student
14 clubs or student organizations, and funds held for specific
15 students or in accounts for individual students to be
16 deposited in the State Treasury and expended as authorized in
17 the General Appropriations Act.
- 18 4. Require all purchases to be in accordance with the
19 provisions of chapter 287.
- 20 ~~5.2-~~ Administer and maintain personnel programs for
21 all employees of the board of trustees and the Florida School
22 for the Deaf and the Blind who shall be state employees,
23 including the personnel classification and pay plan
24 established in accordance with ss. 110.205(2)(d) and
25 216.251(2)(a)2. for academic and academic administrative
26 personnel, the provisions of chapter 110, and the provisions
27 of law that grant authority to the Department of Management
28 Services over such programs for state employees.
- 29 6. Give preference in appointment and retention in
30 positions of employment as provided within s. 295.07(1).
- 31

1 7. Ensure that the Florida School for the Deaf and the
2 Blind complies with s. 1013.351 concerning the coordination of
3 planning between the Florida School for the Deaf and the Blind
4 and local governing bodies.

5 8. Ensure that the Florida School for the Deaf and the
6 Blind complies with s. 112.061 concerning per diem and travel
7 expenses of public officers, employees, and authorized
8 persons.

9 ~~9.3-~~ Adopt a master plan which specifies the mission
10 and objectives of the Florida School for the Deaf and the
11 Blind. The plan shall include, but not be limited to,
12 procedures for systematically measuring the school's progress
13 toward meeting its objectives, analyzing changes in the
14 student population, and modifying school programs and services
15 to respond to such changes. The plan shall be for a period of
16 5 years and shall be reviewed for needed modifications every 2
17 years. The board of trustees shall submit the initial plan and
18 subsequent modifications to the Speaker of the House of
19 Representatives and the President of the Senate.

20 ~~4. Seek the advice of the Division of Public Schools~~
21 ~~within the Department of Education.~~

22 ~~10.(g) The Board of Trustees for the Florida School~~
23 ~~for the Deaf and the Blind, located in St. Johns County, shall~~
24 Designate a portion of the school as "The Verle Allyn Pope
25 Complex for the Deaf," in tribute to the late Senator Verle
26 Allyn Pope.

27 Section 4. Section 1011.55, Florida Statutes, is
28 amended to read:

29 1011.55 Procedure for legislative budget requests for
30 the Florida School for the Deaf and the Blind.--

31

1 (1) The legislative budget request of the Florida
2 School for the Deaf and the Blind shall be prepared using the
3 same format, procedures, and timelines required for the
4 submission of the legislative budget of the Department of
5 Education. The Florida School for the Deaf and the Blind shall
6 submit its legislative budget request to the Department of
7 Education for review and approval. Subsequent to the
8 Department of Education's approval, the Commissioner of
9 Education shall include the Florida School for the Deaf and
10 the Blind in the department's legislative budget request to
11 the State Board of Education, the Governor, and the
12 Legislature. The legislative budget request and the
13 appropriation for the Florida School for the Deaf and the
14 Blind shall be a separate identifiable sum in the public
15 schools budget entity of the Department of Education. The
16 annual appropriation for the school shall be distributed
17 monthly in payments as nearly equal as possible.
18 Appropriations for textbooks, instructional technology, and
19 school buses may be released and distributed as necessary to
20 serve the instructional program for the students.

21 (2) The school shall submit its fixed capital outlay
22 request to the Department of Education for review and approval
23 in accordance with s. 1002.36(4)(f)1. Subsequent to the
24 department's approval, the school's request shall be included
25 within the department's public education capital outlay
26 legislative budget request ~~Fixed capital outlay needs of the~~
27 ~~school shall continue to be requested in the public education~~
28 ~~capital outlay legislative budget request of the Department of~~
29 ~~Education.~~

30 Section 5. Section 1013.351, Florida Statutes, is
31 created to read:

1 1013.351 Coordination of planning between the Florida
2 School for the Deaf and the Blind and local governing
3 bodies.--

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

5 (a) "Board of Trustees" means the Board of Trustees of
6 the Florida School for the Deaf and the Blind.

7 (b) "Local government" means the municipality or
8 county in which the school is located.

9 (c) "School" means the Florida School for the Deaf and
10 the Blind.

11 (2) It is the policy of this state to require the
12 board of trustees to coordinate planning for new facilities
13 with local governments to ensure that plans for site
14 acquisition, construction, and opening of new facilities of
15 the school are facilitated, concurrent with other necessary
16 services. The planning shall include the integration of the
17 educational plant survey for the school and applicable
18 policies and procedures of the board of trustees with the
19 local comprehensive plan and land development regulations of
20 the local governments. The planning must consider the effect
21 of the location of new facilities to be located on property
22 acquired on or after January 1, 1998, including the efficient
23 use of local infrastructure, the proximity of the proposed new
24 facilities to the school's existing campus, and the effect and
25 impact of any property proposed to be acquired by the school
26 after the effective date of this act. In addition, all parties
27 to the planning process must consult with state and local road
28 departments to assist in implementing the Safe Paths to
29 Schools Program administered by the Department of
30 Transportation.

1 (3) The board of trustees and the municipality in
2 which the school is located may enter into an interlocal
3 agreement to establish the specific ways in which the plans
4 and processes of the board of trustees and the local
5 government are to be coordinated. If the school and local
6 government enter into an interlocal agreement, the agreement
7 must be submitted to the state land planning agency and the
8 Office of Educational Facilities.

9 (4) At a minimum, an interlocal agreement must address
10 the following issues:

11 (a) The process by which each local government and the
12 board of trustees will agree and base their plans on
13 consistent projections of the growth and needs of the school's
14 student enrollment.

15 (b) A process to coordinate and share information
16 relating to planned expansions of the school's facilities.

17 (c) Participation by affected local governments when
18 the board of trustees is evaluating potential land
19 acquisitions before the land acquisition occurs and when the
20 board of trustees proposes uses for property acquired by the
21 board of trustees on or after January 1, 1998. The local
22 governments shall advise the board of trustees as to the
23 consistency of any future land acquisitions and the uses
24 proposed by the school for lands acquired on or after January
25 1, 1998, including appropriate circumstances and criteria
26 under which the board of trustees may request an amendment to
27 the comprehensive plan for the expansion of the school's
28 campus or for school facilities to be located on property
29 acquired by the board of trustees on or after January 1, 1998.

30 (d) A process for determining the need for and timing
31 of onsite and offsite improvements to support new facilities

1 that are to be located on property acquired by the board of
2 trustees on or after January 1, 1998, except new facilities
3 for which a construction contract was entered on or before the
4 effective date of this act. The process shall address
5 identification of the party or parties responsible for the
6 improvements.

7 (e) A process for the board of trustees to inform
8 local governments of the school's enrollment demographics and
9 its capacity to meet it. The capacity reporting must identify
10 how the board of trustees will meet the demands for enrollment
11 at the school, based on the educational plant survey required
12 by s. 1013.31.

13 (f) A process for determining where and how joint use
14 of the school or local government facilities can be shared for
15 mutual benefit and efficiency.

16 (g) A procedure for resolving disputes between the
17 board of trustees and local governments, which may include the
18 dispute resolution processes contained in chapters 164 and
19 186.

20
21 The board of trustees and the local governments may choose not
22 to include a provision meeting the requirements of paragraph
23 (e). However, this decision may be made only after a public
24 hearing on the proposed decision, which may include the public
25 hearing at which the board of trustees or the local
26 governments adopt the interlocal agreements. An interlocal
27 agreement entered into under this section must be consistent
28 with the adopted comprehensive plan and land development
29 regulations of the local governments.

30 (5)(a) The Office of Educational Facilities shall
31 submit any comments or concerns regarding the executed

1 interlocal agreements to the state land planning agency no
2 later than 30 days after receipt of the executed interlocal
3 agreements. The state land planning agency shall review the
4 executed interlocal agreements to determine whether it is
5 consistent with the requirements of subsection (4), the
6 adopted local government comprehensive plans, and other
7 requirements of law. Not later than 60 days after receipt of
8 an executed interlocal agreement, the state land planning
9 agency shall publish a notice of intent in the Florida
10 Administrative Weekly. The notice of intent must state that
11 the interlocal agreement is consistent or inconsistent with
12 the requirements of subsection (4) and this subsection as
13 appropriate.

14 (b)1. The state land planning agency's notice is
15 subject to challenge under chapter 120. However, an affected
16 person, as defined in s. 163.3184, has standing to initiate
17 the administrative proceeding, and this proceeding is the sole
18 means available to challenge the consistency of an interlocal
19 agreement with the criteria contained in subsection (4) and
20 this subsection. In order to have standing, a person must have
21 submitted oral or written comments, recommendations, or
22 objections to the appropriate local government or the board of
23 trustees before the adoption of the interlocal agreement by
24 the board of trustees and local government. The board of
25 trustees and the appropriate local government are parties to
26 any such proceeding.

27 2. In the administrative proceeding, if the state land
28 planning agency finds the interlocal agreement to be
29 consistent with the criteria in subsection (4) and this
30 subsection, the interlocal agreement must be determined to be
31

1 consistent with subsection (4) and this subsection if the
2 local government and board of trustees is fairly debatable.

3 3. If the state land planning agency finds the
4 interlocal agreement to be inconsistent with the requirements
5 of subsection (4) and this subsection, the determination of
6 consistency by the local government and board of trustees
7 shall be sustained unless it is shown by a preponderance of
8 the evidence that the interlocal agreement is inconsistent.

9 (c) If the state land planning agency enters a final
10 order that finds that the interlocal agreement is inconsistent
11 with the requirements of subsection (4) or this subsection,
12 the state land planning agency shall identify the issues in
13 dispute and submit the matter to the Administration Commission
14 for final action. The report to the Administration Commission
15 must list each issue in dispute, describe the nature and basis
16 for each dispute, identify alternative resolutions of each
17 dispute, and make recommendations. After receiving the report
18 from the state land planning agency, the Administration
19 Commission shall take action to resolve the issues. In
20 deciding upon a proper resolution, the Administration
21 Commission shall consider the nature of the issues in dispute,
22 the compliance of the parties with this section, the extent of
23 the conflict between the parties, the comparative hardships,
24 and the public interest involved. In resolving the matter, the
25 Administration Commission may prescribe, by order, the
26 contents of the interlocal agreement which shall be executed
27 by the board of trustees and the local government.

28 (6) An interlocal agreement may be amended under
29 subsections (2)-(5):

30 (a) In conjunction with updates to the school's
31 educational plant survey prepared under s. 1013.31; or

1 (b) If either party delays by more than 12 months the
2 construction of a capital improvement identified in the
3 agreement.

4 (7) This section does not prohibit a local governing
5 body and the board of trustees from agreeing and establishing
6 an alternative process for reviewing proposed expansions to
7 the school's campus and offsite impacts, under the interlocal
8 agreement adopted in accordance with subsections (2)-(6).

9 (8) School facilities within the geographic area or
10 the campus of the school as it existed on or before January 1,
11 1998, are consistent with the local government's comprehensive
12 plan developed under part II of chapter 163 and consistent
13 with the plan's implementing land development regulations.

14 (9) To improve coordination relative to potential
15 educational facility sites, the board of trustees shall
16 provide written notice to the local governments consistent
17 with the interlocal agreements entered under subsections
18 (2)-(6) at least 60 days before the board of trustees acquires
19 any additional property. The local government shall notify the
20 board of trustees no later than 45 days after receipt of this
21 notice if the site proposed for acquisition is consistent with
22 the land use categories and policies of the local government's
23 comprehensive plan. This preliminary notice does not
24 constitute the local government's determination of consistency
25 under subsection (10).

26 (10) As early in the design phase as feasible, but no
27 later than 90 days before commencing construction, the board
28 of trustees shall request in writing a determination of
29 consistency with the local government's comprehensive plan and
30 local development regulations for the proposed use of any
31 property acquired by the board of trustees on or after January

1 1, 1998. The local governing body that regulates the use of
2 land shall determine, in writing, no later than 45 days after
3 receiving the necessary information and a school board's
4 request for a determination, whether a proposed use of the
5 property is consistent with the local comprehensive plan and
6 consistent with local land development regulations. If the
7 local governing body determines the proposed use is
8 consistent, construction may commence and additional local
9 government approvals are not required, except as provided in
10 this section. Failure of the local governing body to make a
11 determination in writing within 90 days after receiving the
12 board of trustees' request for a determination of consistency
13 shall be considered an approval of the board of trustee's
14 application. This subsection does not apply to facilities to
15 be located on the property if a contract for construction of
16 the facilities was entered on or before the effective date of
17 this act.

18 (11) Disputes that arise in the implementation of an
19 executed interlocal agreement or in the determinations
20 required pursuant to subsection (9) or subsection (10) must be
21 resolved in accordance with chapter 164.

22 Section 6. Section 1002.361, Florida Statutes, is
23 created to read:

24 1002.361 Florida School for the Deaf and the Blind;
25 direct-support organization; authority.--

26 (1) The board of trustees of the Florida School for
27 the Deaf and the Blind may establish a direct-support
28 organization that is:

29 (a) A Florida corporation, not for profit,
30 incorporated under chapter 617 and approved by the Secretary
31 of State.

1 (b) Organized and operated exclusively to receive,
2 hold, invest, and administer property and to make expenditures
3 to or for the benefit of the Florida School for the Deaf and
4 the Blind or the board of trustees.

5 (c) An organization that the board of trustees, after
6 review, has certified to be operating in a manner consistent
7 with the goals of the Florida School for the Deaf and the
8 Blind and the board of trustees and in the best interests of
9 the state. Unless so certified, the organization may not use
10 the name of the Florida School for the Deaf and the Blind.

11 (2) The direct-support organization shall operate
12 under written contract with the board of trustees. The
13 contract must provide for:

14 (a) Approval of the articles of incorporation and
15 bylaws of the direct-support organization by the board of
16 trustees.

17 (b) Submission of an annual budget for the approval of
18 the board of trustees. The budget must comply with rules
19 adopted by the board of trustees.

20 (c) Certification by the board of trustees that the
21 direct-support organization is complying with the terms of the
22 contract and in a manner consistent with the goals and
23 purposes of the board and in the best interest of the state.
24 The certification must be made annually and reported in the
25 official minutes of a meeting of the board of trustees.

26 (d) The reversion to the board of trustees, or to the
27 state if the Florida School for the Deaf and the Blind or the
28 board of trustees cease to exist, of moneys and property held
29 in trust by the direct-support organization for the benefit of
30 the Florida School for the Deaf and the Blind or the board of
31 trustees, if the direct-support organization is no longer

1 approved to operate for the Florida School for the Deaf and
2 the Blind or board of trustees or if the Florida School for
3 the Deaf and the Blind or the board of trustees ceases to
4 exist.

5 (e) The fiscal year of the direct-support
6 organization, which must begin July 1 of each year and end
7 June 30 of the following year.

8 (f) The disclosure of material provisions of the
9 contract and of the distinction between the board of trustees
10 and the direct-support organization to donors of gifts,
11 contributions, or bequests, and the disclosure on all
12 promotional and fundraising publications.

13 (3) The direct-support organization shall provide for
14 an annual financial audit in accordance with s. 215.981. The
15 board of trustees and Auditor General may require and receive
16 from the organization or its independent auditor any detail or
17 supplemental data relative to the operation of the
18 organization.

19 (4) The chair of the board of trustees and the chief
20 administrative employee of the Florida School for the Deaf and
21 the Blind shall be directors of the direct-support
22 organization and shall jointly name, at a minimum, three other
23 individuals to serve as directors of the organization.

24 (5) The board of trustees may authorize the
25 direct-support organization established in this section to use
26 property of the Florida School for the Deaf and the Blind or
27 of the board of trustees, except money, and use facilities and
28 personal services subject to this section. If the
29 direct-support organization does not provide equal employment
30 opportunities to all persons regardless of race, color,
31 religion, gender, age, or national origin, it may not use the

1 property, facilities, or personal services of the Florida
2 School for the Deaf and the Blind or of the board of trustees.
3 For the purposes of this section, the term "personal services"
4 includes full-time personnel and part-time personnel as well
5 as payroll processing as prescribed by rule of the board of
6 trustees. The board of trustees shall adopt rules prescribing
7 the procedures by which the direct-support organization is
8 governed and any conditions with which a direct-support
9 organization must comply to use property, facilities, or
10 personal services of the Florida School for the Deaf and the
11 Blind or of the board of trustees.

12 Section 7. Section 413.011, Florida Statutes, is
13 amended to read:

14 413.011 Division of Blind Services, legislative
15 policy, intent; internal organizational structure and powers;
16 Rehabilitation ~~Advisory~~ Council for the Blind.--

17 (1) Policy.--It is the policy of the Legislature that
18 all programs, projects, and activities of the division are to
19 be carried out in a manner consistent with the following
20 principles:

21 (a) Respect for individual dignity, personal
22 responsibility, self-determination to live independently, and
23 pursuit of meaningful careers, based on informed choice;

24 (b) Support for the involvement of an individual's
25 representative if an individual requests, desires, or needs
26 such support;

27 (c) Respect for the individual's privacy and equal
28 access, including the use of information in accessible
29 formats; and

30 (d) Integration and full participation of individuals
31 who are blind in society on equal terms with others.

1 (2) It is the intent of the Legislature to establish a
2 coordinated program of services which will be available to
3 individuals throughout this state who are blind. The program
4 must be designed to maximize employment opportunities for such
5 individuals and to increase their independence and
6 self-sufficiency.

7 ~~(3)(1)~~ The internal organizational structure of the
8 Division of Blind Services shall be designed for the purpose
9 of ensuring the greatest possible efficiency and effectiveness
10 of services to the blind and to be consistent with chapter 20.
11 The Division of Blind Services shall plan, supervise, and
12 carry out the following activities:

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

15 **(b) Develop and implement a state plan for vocational**
16 **rehabilitation services for individuals who are blind,**
17 **pursuant to section 101 of the Rehabilitation Act of 1973, as**
18 **amended.**

19 **(c) In conjunction with the Florida Independent Living**
20 **Council, develop and implement a 3-year state plan for**
21 **independent living services and provide independent living**
22 **services for blind and visually impaired individuals,**
23 **including services for older individuals who are blind,**
24 **pursuant to Title VII, chapter 2 of the Rehabilitation Act of**
25 **1973, as amended.**

26 **(d) Provide services that contribute to the**
27 **maintenance of or the increased independence of older**
28 **individuals who are blind.**

29 **(e) Establish, equip, and maintain an orientation and**
30 **adjustment center or centers to provide independent living**
31 **skills training and other training such as, but not limited**

1 to, instruction in Braille; use of the long white cane for
2 independent travel; homemaking and home-management skills; and
3 communication skills, including the use of computer
4 technology, to prepare individuals who are blind or visually
5 impaired for eventual vocational training, job placement, and
6 independence.

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

11 (g) Purchase and distribute specialized equipment,
12 devices, and technology, including low-vision aids, obtained
13 directly from specialty vendors without using state
14 centralized purchasing procedures.

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

18 (i) In cooperation with other appropriate agencies,
19 provide to employers, the state education agency, and local
20 education agencies technical assistance in the provision of
21 auxiliary aids and services to people who are blind, students,
22 and their parents in complying with the Americans with
23 Disabilities Act and the Individuals with Disabilities
24 Education Act, as amended.

25 (j) Provide technical assistance to agencies within
26 the state in order to assure that information technology
27 purchased or used by such agencies is accessible to and usable
28 by individuals who are blind, at the time the technology is
29 purchased or used.

30 (k) Participate, through the designation of the
31 director or an appropriate staff member of the division, on

1 boards, commissions, or bodies in this state for the purpose
2 of coordinating and planning services.

3 (l) Adopt rules for administering the programs of the
4 division.

5 (m) Apply for and receive money from any state or
6 federal agency to support the programs of the division.

7 (n) Develop and administer any other program that will
8 further the provision of services to people who are blind and
9 that the division determines falls within its scope of
10 responsibility.

11 ~~(b) Cause to be compiled and maintained a complete~~
12 ~~register of the blind in the state, which shall describe the~~
13 ~~condition, cause of blindness, and capacity for education and~~
14 ~~industrial training, with such other facts as may seem to the~~
15 ~~division to be of value. Any information in the register of~~
16 ~~the blind which, when released, could identify an individual~~
17 ~~is confidential and exempt from the provisions of s.~~
18 ~~119.07(1).~~

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

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

30 ~~(q)(e)~~ Establish one or more training schools and
31 workshops for the employment of suitable blind persons; make

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

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

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

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

23 ~~(u)(i)~~ Recommend contracts and agreements with
24 federal, state, county, municipal and private corporations,
25 and individuals.

26 ~~(v)(j)~~ Receive moneys or properties by gift or bequest
27 from any person, firm, corporation, or organization for any of
28 the purposes herein set out, but without authority to bind the
29 state to any expenditure or policy except such as may be
30 specifically authorized by law. All such moneys or properties
31 so received by gift or bequest as herein authorized may be

1 | disbursed and expended by the division upon its own warrant
2 | for any of the purposes herein set forth, and such moneys or
3 | properties shall not constitute or be considered a part of any
4 | legislative appropriation made by the state for the purpose of
5 | carrying out the provisions of this law.

6 | ~~(w)(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 | ~~(x)(l)~~ Adopt by rule:

10 | 1. Procedures for providing vocational rehabilitation
11 | services for the blind; ~~and-~~

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

14 | ~~(4)(2)~~ As used in this section, the term:

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

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

20 | ~~(c)~~ "Department" means the Department of Education.

21 | ~~(5)~~ There is created within the Division of Blind
22 | Services a children's program to serve children who are blind
23 | from 5 years of age through transition to the Vocational
24 | Rehabilitation Program. This program must supplement services
25 | already offered by the school system to foster the child's
26 | learning and ability to function independently. The child's
27 | parents, guardian, and family members should be an integral
28 | part of the program in order to foster independence.

29 | ~~(6)~~ A state agency may use funds from all possible
30 | sources to make accommodations for individuals who are blind.

31 |

1 (7) The division shall require all employees and
2 applicants for employment to undergo personnel screening and
3 security background investigations as provided in chapter 435,
4 using the level two standards for screening set forth in that
5 chapter, as a condition of employment and continued
6 employment. All division employees and applicants for
7 employment must meet level 2 screening standards as provided
8 in s. 435.04 prior to employment and as a condition of
9 continued employment.

10 ~~(8)(3)~~ There is ~~hereby~~ created in the department the
11 Rehabilitation Advisory Council for the Blind, which is an
12 advisory council as defined in s. 20.03, to assist the
13 division in the planning and development of statewide
14 vocational rehabilitation programs and services pursuant to
15 the Rehabilitation Act of 1973, as amended, to recommend
16 improvements to such programs and services, and to perform the
17 functions provided in this section.

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

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

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

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

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

1 ex officio nonvoting member of the council if the counselor is
2 an employee of the department;

3 5. At least one representative of community
4 rehabilitation program service providers;

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

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

9 8. At least one parent, family member, guardian,
10 advocate, or authorized representative of an individual who is
11 blind, has multiple disabilities, and either has difficulties
12 representing himself or herself or is unable, due to
13 disabilities, to represent himself or herself;

14 9. Current or former applicants for, or recipients of,
15 vocational rehabilitation services; and

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

18 (b) Members of the council shall be appointed by the
19 Governor, who shall select members after soliciting
20 recommendations from representatives of organizations
21 representing a broad range of individuals who have
22 disabilities, and organizations interested in those
23 individuals.

24 (c) A majority of council members shall be persons who
25 are:

- 26 1. Blind; and
27 2. Not employed by the division.

28 (d) The council shall select a chair from among its
29 membership.

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

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

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

9 (f) ~~A~~ no member of the council may not serve more than
10 two consecutive full terms.

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

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

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

20 a. Eligibility, including order of selection;

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

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

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

31

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

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

7 b. Vocational rehabilitation services:

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

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

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

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

27 6. Advise the department and division and provide for
28 coordination and the establishment of working relationships
29 among the department, the division, the Independent Living
30 Council, and centers for independent living in the state.
31

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

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

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

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

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

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

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

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

6 Section 8. Section 413.014, Florida Statutes, is
7 amended to read:

8 413.014 Community ~~Community-based~~ rehabilitation
9 programs.--The Division of Blind Services shall enter into
10 cooperative agreements with community ~~community-based~~
11 rehabilitation programs as defined by the Rehabilitation Act
12 of 1973, as amended, to be the service providers for the blind
13 citizens of their communities. The division shall, as rapidly
14 as feasible, increase the amount of such services provided by
15 community ~~community-based~~ rehabilitation programs. The goal
16 shall be to decrease the amount of such services provided by
17 division employees and to increase to the maximum extent
18 allowed by federal law the amount of such services provided
19 through cooperative agreements with community ~~community-based~~
20 service providers. The division shall seek, to the maximum
21 extent allowed by federal and state law and regulation, all
22 available federal funds for such purposes. Funds and in-kind
23 matching contributions from community and private sources
24 shall be used to maximize federal funds. Unless prohibited by
25 federal law or regulation, the share of the federal vocational
26 rehabilitation grant apportioned for services to the blind may
27 ~~shall be~~ be not less than 17 percent.

28 Section 9. Section 413.041, Florida Statutes, is
29 amended to read:

30 413.041 Eligible blind persons; placement in vending
31 facilities in public places.--For the purpose of assisting

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

16 Section 10. Subsections (1), (2), (4), (7), and (9),
17 of section 413.051, Florida Statutes, are amended to read:

18 413.051 Eligible blind persons; operation of vending
19 stands.--

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

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

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

26 (b) "Vending stand" means any manually operated
27 cafeteria, snack bar, cart service, shelter, counter, or other
28 manually operated facility for the sale of newspapers,
29 periodicals, confections, tobacco products, foods, beverages,
30 or other such articles or services.

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

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

6 (e) "Property custodian" or "person in charge" means
7 any employee, agent, or person who is in control of or
8 responsible for the maintenance, operation, and protection of
9 any state property.

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

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

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

28 Section 11. Section 413.091, Florida Statutes, is
29 amended to read:

30 413.091 Identification cards.--
31

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

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

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

12 Section 12. Section 413.095, Florida Statutes, is
13 created to read:

14 413.095 Retention of title to and disposal of property
15 and equipment.--

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

25 (2) The Division of Blind Services may offer for sale
26 any surplus items acquired in the operation of the program
27 when they are no longer necessary or may exchange them for
28 necessary items that can be used to greater advantage. When
29 any such surplus equipment is sold or exchanged, a receipt for
30 the sale or exchange which shows the consideration given for
31 the equipment must be taken from the purchaser, and the

1 consideration must be forwarded to the division to be included
2 in the division's portfolio of investments pursuant to s.
3 413.0115.

4 Section 13. Blind services direct-support
5 organization.--

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

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

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

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

31

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

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

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

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

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

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

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

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

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

3 Section 14. Sections 413.061, 413.062, 413.063,
4 413.064, 413.065, 413.066, 413.067, 413.068, and 413.069,
5 Florida Statutes, are repealed.

6 Section 15. This act shall take effect upon becoming a
7 law.

8
9 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
10 COMMITTEE SUBSTITUTE FOR
11 Senate Bill 2918

12 The Committee Substitute restates that the Florida School for
13 the Deaf and Blind is a public school located in St. Johns
14 County. The School must continue to adhere to state purchasing
15 and travel statutes but has its investment authority altered
16 to restrict the allocation of funds to only the most secure
17 asset classes. A restatement of existing law on the
18 eligibility of School staff for certain state retirement
19 programs is removed. The School is required to adhere to
20 revised campus planning standards that require closer
21 coordination with its host community. Student activity or club
22 funds are excluded from funds that are appropriated and
23 required to be in the State Treasury. The School is also
24 authorized to create a direct-support organization that
25 operates under contract with its governing authority.
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