

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; authorizing the division to create  
26 a blind services direct-support organization;  
27 providing purposes and objectives; providing  
28 for members of the board of the direct-support  
29 organization; providing that the organization  
30 is subject to s. 24, Art. I of the State  
31 Constitution, ch. 119, F.S., and s. 286.011,

1 F.S.; requiring expenses of the organization to  
 2 be paid by private funds; providing guidelines  
 3 for the use of the funds; repealing ss.  
 4 413.061, 413.062, 413.063, 413.064, 413.065,  
 5 413.066, 413.067, 413.068, and 413.069, F.S.,  
 6 relating to permits for soliciting funds to  
 7 benefit the blind; providing effective dates.

8  
 9 Be It Enacted by the Legislature of the State of Florida:

10  
 11 Section 1. Paragraphs (f) through (k) of subsection  
 12 (2) of section 11.45, Florida Statutes, are redesignated as  
 13 paragraphs (g) through (l), respectively, and a new paragraph  
 14 (f) is added to that subsection to read:

15 11.45 Definitions; duties; authorities; reports;  
 16 rules.--

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

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

20  
 21 The Auditor General shall perform his or her duties  
 22 independently but under the general policies established by  
 23 the Legislative Auditing Committee. This subsection does not  
 24 limit the Auditor General's discretionary authority to conduct  
 25 other audits or engagements of governmental entities as  
 26 authorized in subsection (3).

27 Section 2. Paragraph (e) of subsection (4) of section  
 28 1001.20, Florida Statutes, is amended to read:

29 1001.20 Department under direction of state board.--

30 (4) The Department of Education shall establish the  
 31 following offices within the Office of the Commissioner of

1 Education which shall coordinate their activities with all  
2 other divisions and offices:

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

23 Section 3. Subsections (1), (3), and (4) of section  
24 1002.36, Florida Statutes, are amended to read:

25 1002.36 Florida School for the Deaf and the Blind.--

26 (1) RESPONSIBILITIES.--The Florida School for the Deaf  
27 and the Blind, located in St. Johns County, is a  
28 state-supported residential public school for hearing-impaired  
29 and visually impaired students in preschool through 12th  
30 grade. The school is a component of the delivery of public  
31 education within Florida's K-20 education system ~~part of the~~

1 ~~state system of public education~~ and shall be funded through  
2 the Department of Education. The school shall provide  
3 educational programs and support services appropriate to meet  
4 the education and related evaluation and counseling needs of  
5 hearing-impaired and visually impaired students in the state  
6 who meet enrollment criteria. Unless otherwise provided by  
7 law, the school shall comply with all laws and rules  
8 applicable to state agencies. Education services may be  
9 provided on an outreach basis for sensory-impaired children  
10 ages 0 through 5 years and their parents. Graduates of the  
11 Florida School for the Deaf and the Blind shall be eligible  
12 for the William L. Boyd, IV, Florida Resident Access Grant  
13 Program as provided in s. 1009.89.

14 (3) AUDITS.--The Auditor General shall conduct annual  
15 audits of ~~audit~~ the accounts and records of the Florida School  
16 for the Deaf and the Blind ~~as provided in chapter 11.~~ The  
17 Department of Education's Inspector General is authorized to  
18 conduct investigations at the school as provided in s.  
19 1001.20(4)(e).

20 (4) BOARD OF TRUSTEES.--

21 (a) There is hereby created a Board of Trustees for  
22 the Florida School for the Deaf and the Blind which shall  
23 consist of seven members. Of these seven members, one  
24 appointee shall be a blind person and one appointee shall be a  
25 deaf person. Each member shall have been a resident of the  
26 state for a period of at least 10 years. Their terms of office  
27 shall be 4 years. The appointment of the trustees shall be by  
28 the Governor with the confirmation of the Senate. The Governor  
29 may remove any member for cause and shall fill all vacancies  
30 that occur.

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1           (b) The board of trustees shall elect a chair  
2 annually. The trustees shall be reimbursed for travel expenses  
3 as provided in s. 112.061, the accounts of which shall be paid  
4 by the Chief Financial Officer upon itemized vouchers duly  
5 approved by the chair.

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

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

28           (e) The board of trustees is invested with full power  
29 and authority to:  
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1           1. Appoint a president, faculty, teachers, and other  
2 employees and remove the same as in its judgment may be best  
3 and fix their compensation.~~;~~ ~~to~~

4           2. Procure professional services, such as medical,  
5 mental health, architectural, and engineering.~~,~~ ~~and legal~~  
6 ~~services;~~ ~~to~~

7           3. Procure legal services without the prior written  
8 approval of the Attorney General.

9           4. Determine eligibility of students and procedure for  
10 admission.~~;~~ ~~to~~

11           5. Provide for the students of the school necessary  
12 bedding, clothing, food, and medical attendance and such other  
13 things as may be proper for the health and comfort of the  
14 students without cost to their parents, except that the board  
15 of trustees may set tuition and other fees for nonresidents.~~;~~  
16 ~~to~~

17           6. Provide for the proper keeping of accounts and  
18 records and for budgeting of funds.~~;~~ ~~to~~

19           7. Enter into contracts.~~;~~ ~~to~~

20           8. Sue and be sued.~~;~~ ~~to~~

21           9. Secure public liability insurance.~~;~~ ~~and to~~

22           10. Do and perform every other matter or thing  
23 requisite to the proper management, maintenance, support, and  
24 control of the school at the highest efficiency economically  
25 possible, the board of trustees taking into consideration the  
26 purposes of the establishment.

27           11.(c)1. ~~The board of trustees is authorized to~~  
28 Receive gifts, donations, and bequests of money or property,  
29 real or personal, tangible or intangible, from any person,  
30 firm, corporation, or other legal entity. However, the board  
31



1 of trustees may not obligate the state to any expenditure or  
2 policy that is not specifically authorized by law.

3 ~~2.~~ If the bill of sale, will, trust indenture, deed,  
4 or other legal conveyance specifies terms and conditions  
5 concerning the use of such money or property, the board of  
6 trustees shall observe such terms and conditions.

7 ~~12.3. The board of trustees may~~ Deposit outside the  
8 State Treasury such moneys as are received as gifts,  
9 donations, or bequests and may disburse and expend such  
10 moneys, upon its own warrant, for the use and benefit of the  
11 Florida School for the Deaf and the Blind and its students, as  
12 the board of trustees deems to be in the best interest of the  
13 school and its students. Such money or property shall not  
14 constitute or be considered a part of any legislative  
15 appropriation, and such money shall not be used to compensate  
16 any person for engaging in lobbying activities before the  
17 House of Representatives or Senate or any committee thereof.

18 ~~13.4. The board of trustees may~~ Sell or convey by bill  
19 of sale, deed, or other legal instrument any property, real or  
20 personal, received as a gift, donation, or bequest, upon such  
21 terms and conditions as the board of trustees deems to be in  
22 the best interest of the school and its students.

23 ~~14.5. The board of trustees may~~ Invest such moneys in  
24 securities enumerated under s. 215.47(1), (2)(d), (3), (4),  
25 and (9) s. 215.47, and in The Common Fund, an Investment  
26 Management Fund exclusively for nonprofit educational  
27 institutions.

28 (f) The board of trustees shall:

29 1. Prepare and submit legislative budget requests for  
30 operations and fixed capital outlay, including fixed capital  
31 outlay requests, in accordance with chapter 216 and ss. s-

1 1011.56 and 1013.60, to the Department of Education for review  
2 and approval. The department must analyze the amount requested  
3 for fixed capital outlay to determine if the request is  
4 consistent with the school's campus master plan, educational  
5 plant survey, and facilities master plan.

6 2. Approve and administer an annual operating budget  
7 in accordance with ss. 1011.56 and 1011.57.

8 3. Require all funds received other than gifts,  
9 donations, bequests, funds raised by or belonging to student  
10 clubs or student organizations, and funds held for specific  
11 students or in accounts for individual students to be  
12 deposited in the State Treasury and expended as authorized in  
13 the General Appropriations Act.

14 4. Require all purchases to be in accordance with the  
15 provisions of chapter 287.

16 ~~5.2.~~ Administer and maintain personnel programs for  
17 all employees of the board of trustees and the Florida School  
18 for the Deaf and the Blind who shall be state employees,  
19 including the personnel classification and pay plan  
20 established in accordance with ss. 110.205(2)(d) and  
21 216.251(2)(a)2. for academic and academic administrative  
22 personnel, the provisions of chapter 110, and the provisions  
23 of law that grant authority to the Department of Management  
24 Services over such programs for state employees.

25 6. Give preference in appointment and retention in  
26 positions of employment as provided within s. 295.07(1).

27 7. Ensure that the Florida School for the Deaf and the  
28 Blind complies with s. 1013.351 concerning the coordination of  
29 planning between the Florida School for the Deaf and the Blind  
30 and local governing bodies.

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1           8. Ensure that the Florida School for the Deaf and the  
 2 Blind complies with s. 112.061 concerning per diem and travel  
 3 expenses of public officers, employees, and authorized  
 4 persons.

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

16           ~~4. Seek the advice of the Division of Public Schools~~  
 17 ~~within the Department of Education.~~

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

23           Section 4. Section 1011.55, Florida Statutes, is  
 24 amended to read:

25           1011.55 Procedure for legislative budget requests for  
 26 the Florida School for the Deaf and the Blind.--

27           (1) The legislative budget request of the Florida  
 28 School for the Deaf and the Blind shall be prepared using the  
 29 same format, procedures, and timelines required for the  
 30 submission of the legislative budget of the Department of  
 31 Education. The Florida School for the Deaf and the Blind shall

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

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

25 Section 5. Section 1013.351, Florida Statutes, is  
 26 created to read:

27 1013.351 Coordination of planning between the Florida  
 28 School for the Deaf and the Blind and local governing  
 29 bodies.--

30 (1) As used in this section, the term:  
 31

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

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

5           (c) "School" means the Florida School for the Deaf and  
6 the Blind.

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

27           (3) The board of trustees and the municipality in  
28 which the school is located may enter into an interlocal  
29 agreement to establish the specific ways in which the plans  
30 and processes of the board of trustees and the local  
31 government are to be coordinated. If the school and local

1 government enter into an interlocal agreement, the agreement  
2 must be submitted to the state land planning agency and the  
3 Office of Educational Facilities.

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

6 (a) The process by which each local government and the  
7 board of trustees will agree and base their plans on  
8 consistent projections of the growth and needs of the school's  
9 student enrollment.

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

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

25 (d) A process for determining the need for and timing  
26 of onsite and offsite improvements to support new facilities  
27 that are to be located on property acquired by the board of  
28 trustees on or after January 1, 1998, except new facilities  
29 for which a construction contract was entered on or before the  
30 effective date of this act. The process shall address

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1 identification of the party or parties responsible for the  
2 improvements.

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

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

12 (g) A procedure for resolving disputes between the  
13 board of trustees and local governments, which may include the  
14 dispute resolution processes contained in chapters 164 and  
15 186.

16  
17 The board of trustees and the local governments may choose not  
18 to include a provision meeting the requirements of paragraph  
19 (e). However, this decision may be made only after a public  
20 hearing on the proposed decision, which may include the public  
21 hearing at which the board of trustees or the local  
22 governments adopt the interlocal agreements. An interlocal  
23 agreement entered into under this section must be consistent  
24 with the adopted comprehensive plan and land development  
25 regulations of the local governments.

26 (5)(a) The Office of Educational Facilities shall  
27 submit any comments or concerns regarding the executed  
28 interlocal agreements to the state land planning agency no  
29 later than 30 days after receipt of the executed interlocal  
30 agreements. The state land planning agency shall review the  
31 executed interlocal agreements to determine whether it is

1 consistent with the requirements of subsection (4), the  
2 adopted local government comprehensive plans, and other  
3 requirements of law. Not later than 60 days after receipt of  
4 an executed interlocal agreement, the state land planning  
5 agency shall publish a notice of intent in the Florida  
6 Administrative Weekly. The notice of intent must state that  
7 the interlocal agreement is consistent or inconsistent with  
8 the requirements of subsection (4) and this subsection as  
9 appropriate.

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

23 2. In the administrative proceeding, if the state land  
24 planning agency finds the interlocal agreement to be  
25 consistent with the criteria in subsection (4) and this  
26 subsection, the interlocal agreement must be determined to be  
27 consistent with subsection (4) and this subsection if the  
28 local government and board of trustees is fairly debatable.

29 3. If the state land planning agency finds the  
30 interlocal agreement to be inconsistent with the requirements  
31 of subsection (4) and this subsection, the determination of



1 consistency by the local government and board of trustees  
2 shall be sustained unless it is shown by a preponderance of  
3 the evidence that the interlocal agreement is inconsistent.

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

23 (6) An interlocal agreement may be amended under  
24 subsections (2)-(5):

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

27 (b) If either party delays by more than 12 months the  
28 construction of a capital improvement identified in the  
29 agreement.

30 (7) This section does not prohibit a local governing  
31 body and the board of trustees from agreeing and establishing

1 an alternative process for reviewing proposed expansions to  
2 the school's campus and offsite impacts, under the interlocal  
3 agreement adopted in accordance with subsections (2)-(6).

4 (8) School facilities within the geographic area or  
5 the campus of the school as it existed on or before January 1,  
6 1998, are consistent with the local government's comprehensive  
7 plan developed under part II of chapter 163 and consistent  
8 with the plan's implementing land development regulations.

9 (9) To improve coordination relative to potential  
10 educational facility sites, the board of trustees shall  
11 provide written notice to the local governments consistent  
12 with the interlocal agreements entered under subsections  
13 (2)-(6) at least 60 days before the board of trustees acquires  
14 any additional property. The local government shall notify the  
15 board of trustees no later than 45 days after receipt of this  
16 notice if the site proposed for acquisition is consistent with  
17 the land use categories and policies of the local government's  
18 comprehensive plan. This preliminary notice does not  
19 constitute the local government's determination of consistency  
20 under subsection (10).

21 (10) As early in the design phase as feasible, but no  
22 later than 90 days before commencing construction, the board  
23 of trustees shall request in writing a determination of  
24 consistency with the local government's comprehensive plan and  
25 local development regulations for the proposed use of any  
26 property acquired by the board of trustees on or after January  
27 1, 1998. The local governing body that regulates the use of  
28 land shall determine, in writing, no later than 45 days after  
29 receiving the necessary information and a school board's  
30 request for a determination, whether a proposed use of the  
31 property is consistent with the local comprehensive plan and

1 consistent with local land development regulations. If the  
2 local governing body determines the proposed use is  
3 consistent, construction may commence and additional local  
4 government approvals are not required, except as provided in  
5 this section. Failure of the local governing body to make a  
6 determination in writing within 90 days after receiving the  
7 board of trustees' request for a determination of consistency  
8 shall be considered an approval of the board of trustee's  
9 application. This subsection does not apply to facilities to  
10 be located on the property if a contract for construction of  
11 the facilities was entered on or before the effective date of  
12 this act.

13 (11) Disputes that arise in the implementation of an  
14 executed interlocal agreement or in the determinations  
15 required pursuant to subsection (9) or subsection (10) must be  
16 resolved in accordance with chapter 164.

17 Section 6. Effective July 1, 2005, section 1002.361,  
18 Florida Statutes, is created to read:

19 1002.361 Florida School for the Deaf and the Blind;  
20 direct-support organization; authority.--

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

24 (a) A Florida corporation, not for profit,  
25 incorporated under chapter 617 and approved by the Secretary  
26 of State.

27 (b) Organized and operated exclusively to receive,  
28 hold, invest, and administer property and to make expenditures  
29 to or for the benefit of the Florida School for the Deaf and  
30 the Blind or the board of trustees.

31

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

7       (2) The direct-support organization shall operate  
8 under written contract with the board of trustees. The  
9 contract must provide for:

10       (a) Approval of the articles of incorporation and  
11 bylaws of the direct-support organization by the board of  
12 trustees.

13       (b) Submission of an annual budget for the approval of  
14 the board of trustees. The budget must comply with rules  
15 adopted by the board of trustees.

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

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

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

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

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

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

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

1 as payroll processing as prescribed by rule of the board of  
2 trustees. The board of trustees shall adopt rules prescribing  
3 the procedures by which the direct-support organization is  
4 governed and any conditions with which a direct-support  
5 organization must comply to use property, facilities, or  
6 personal services of the Florida School for the Deaf and the  
7 Blind or of the board of trustees.

8 Section 7. Section 413.011, Florida Statutes, is  
9 amended to read:

10 413.011 Division of Blind Services, legislative  
11 policy, intent; internal organizational structure and powers;  
12 Rehabilitation ~~Advisory~~ Council for the Blind.--

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

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

20 (b) Support for the involvement of an individual's  
21 representative if an individual requests, desires, or needs  
22 such support;

23 (c) Respect for the individual's privacy and equal  
24 access, including the use of information in accessible  
25 formats; and

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

28 (2) It is the intent of the Legislature to establish a  
29 coordinated program of services which will be available to  
30 individuals throughout this state who are blind. The program  
31 must be designed to maximize employment opportunities for such

1 individuals and to increase their independence and  
2 self-sufficiency.

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

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

11 (b) Develop and implement a state plan for vocational  
12 rehabilitation services for individuals who are blind,  
13 pursuant to section 101 of the Rehabilitation Act of 1973, as  
14 amended.

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

22 (d) Provide services that contribute to the  
23 maintenance of or the increased independence of older  
24 individuals who are blind.

25 (e) Establish, equip, and maintain an orientation and  
26 adjustment center or centers to provide independent living  
27 skills training and other training such as, but not limited  
28 to, instruction in Braille; use of the long white cane for  
29 independent travel; homemaking and home-management skills; and  
30 communication skills, including the use of computer  
31 technology, to prepare individuals who are blind or visually

1 impaired for eventual vocational training, job placement, and  
2 independence.

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

7 (g) Purchase and distribute specialized equipment,  
8 devices, and technology, including low-vision aids, obtained  
9 directly from specialty vendors without using state  
10 centralized purchasing procedures.

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

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

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

26 (k) Participate, through the designation of the  
27 director or an appropriate staff member of the division, on  
28 boards, commissions, or bodies in this state for the purpose  
29 of coordinating and planning services.

30 (l) Adopt rules for administering the programs of the  
31 division.



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

3           (n) Develop and administer any other program that will  
4 further the provision of services to people who are blind and  
5 that the division determines falls within its scope of  
6 responsibility.

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

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

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

26           (q)(e) Establish one or more training schools and  
27 workshops for the employment of suitable blind persons; make  
28 expenditures of funds for such purposes; receive moneys from  
29 sales of commodities involved in such activities and from such  
30 funds make payments of wages, repairs, insurance premiums and  
31 replacements of equipment. All of the activities provided for

1 in this section may be carried on in cooperation with private  
2 workshops for the blind, except that all tools and equipment  
3 furnished by the division shall remain the property of the  
4 state.

5 ~~(r)(f)~~ Provide special services and benefits for the  
6 blind for developing their social life through community  
7 activities and recreational facilities.

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

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

19 ~~(u)(i)~~ Recommend contracts and agreements with  
20 federal, state, county, municipal and private corporations,  
21 and individuals.

22 ~~(v)(j)~~ Receive moneys or properties by gift or bequest  
23 from any person, firm, corporation, or organization for any of  
24 the purposes herein set out, but without authority to bind the  
25 state to any expenditure or policy except such as may be  
26 specifically authorized by law. All such moneys or properties  
27 so received by gift or bequest as herein authorized may be  
28 disbursed and expended by the division upon its own warrant  
29 for any of the purposes herein set forth, and such moneys or  
30 properties shall not constitute or be considered a part of any  
31

1 legislative appropriation made by the state for the purpose of  
2 carrying out the provisions of this law.

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

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

7 1. Procedures for providing vocational rehabilitation  
8 services for the blind; ~~and-~~

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

11 ~~(4)(2)~~ As used in this section, the term:

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

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

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

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

26 (6) A state agency may use funds from all possible  
27 sources to make accommodations for individuals who are blind.

28 (7) The division shall require all employees and  
29 applicants for employment to undergo personnel screening and  
30 security background investigations as provided in chapter 435,  
31 using the level two standards for screening set forth in that

1 chapter, as a condition of employment and continued  
2 employment. All division employees and applicants for  
3 employment must meet level 2 screening standards as provided  
4 in s. 435.04 prior to employment and as a condition of  
5 continued employment.

6 ~~(8)(3)~~ There is ~~hereby~~ created in the department the  
7 Rehabilitation Advisory Council for the Blind, which is an  
8 advisory council as defined in s. 20.03, to assist the  
9 division in the planning and development of statewide  
10 vocational rehabilitation programs and services pursuant to  
11 the Rehabilitation Act of 1973, as amended, to recommend  
12 improvements to such programs and services, and to perform the  
13 functions provided in this section.

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

15 1. At least one representative of the Independent  
16 Living Council, which representative may be the chair or other  
17 designee of the council;

18 2. At least one representative of a parent training  
19 and information center established pursuant to s. 631(c)(9) of  
20 the Individuals with Disabilities Act, 20 U.S.C. s.  
21 1431(c)(9);

22 3. At least one representative of the client  
23 assistance program established under the act;

24 4. At least one vocational rehabilitation counselor  
25 who has knowledge of and experience in vocational  
26 rehabilitation services for the blind, who shall serve as an  
27 ex officio nonvoting member of the council if the counselor is  
28 an employee of the department;

29 5. At least one representative of community  
30 rehabilitation program service providers;

31

1           6. Four representatives of business, industry, and  
2 labor;

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

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

10          9. Current or former applicants for, or recipients of,  
11 vocational rehabilitation services; and

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

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

20           (c) A majority of council members shall be persons who  
21 are:

22           1. Blind; and

23           2. Not employed by the division.

24           (d) The council shall select a chair from among its  
25 membership.

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

28           1. A member appointed to fill a vacancy occurring  
29 prior to the expiration of the term for which a predecessor  
30 was appointed shall be appointed for the remainder of such  
31 term; and

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

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

7           (g) Any vacancy occurring in the membership of the  
8 council shall be filled in the same manner as the original  
9 appointment. A vacancy does not affect the power of the  
10 remaining members to execute the duties of the council.

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

13           1. Review, analyze, and advise the division regarding  
14 the performance of the responsibilities of the division under  
15 Title I of the act, particularly responsibilities relating to:

16           a. Eligibility, including order of selection;

17           b. The extent, scope, and effectiveness of services  
18 provided; and

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

22           2. Advise the department and the division, and, at the  
23 discretion of the department or division, assist in the  
24 preparation of applications, the state plan, the strategic  
25 plan, and amendments to the plans, reports, needs assessments,  
26 and evaluations required by Title I.

27           3. To the extent feasible, conduct a review and  
28 analysis of the effectiveness of, and consumer satisfaction  
29 with:

30

31

1 a. The functions performed by state agencies and other  
2 public and private entities responsible for performing  
3 functions for individuals who are blind.

4 b. Vocational rehabilitation services:

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

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

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

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

24 6. Advise the department and division and provide for  
25 coordination and the establishment of working relationships  
26 among the department, the division, the Independent Living  
27 Council, and centers for independent living in the state.

28 7. Perform such other functions consistent with the  
29 purposes of the act as the council determines to be  
30 appropriate that are comparable to functions performed by the  
31 council.

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

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

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

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

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

23 (k) The council shall convene at least four meetings  
24 each year. These meetings shall occur in such places as the  
25 council deems necessary to conduct council business. The  
26 council may conduct such forums or hearings as the council  
27 considers appropriate. The meetings, hearings, and forums  
28 shall be publicly announced. The meetings shall be open and  
29 accessible to the public. The council shall make a report of  
30 each meeting which shall include a record of its discussions  
31



1 and recommendations, all of which reports shall be made  
2 available to the public.

3 Section 8. Section 413.014, Florida Statutes, is  
4 amended to read:

5 413.014 Community ~~Community-based~~ rehabilitation  
6 programs.--The Division of Blind Services shall enter into  
7 cooperative agreements with community ~~community-based~~  
8 rehabilitation programs as defined by the Rehabilitation Act  
9 of 1973, as amended, to be the service providers for the blind  
10 citizens of their communities. The division shall, as rapidly  
11 as feasible, increase the amount of such services provided by  
12 community ~~community-based~~ rehabilitation programs. The goal  
13 shall be to decrease the amount of such services provided by  
14 division employees and to increase to the maximum extent  
15 allowed by federal law the amount of such services provided  
16 through cooperative agreements with community ~~community-based~~  
17 service providers. The division shall seek, to the maximum  
18 extent allowed by federal and state law and regulation, all  
19 available federal funds for such purposes. Funds and in-kind  
20 matching contributions from community and private sources  
21 shall be used to maximize federal funds. Unless prohibited by  
22 federal law or regulation, the share of the federal vocational  
23 rehabilitation grant apportioned for services to the blind may  
24 ~~shall be not~~ be less than 17 percent.

25 Section 9. Section 413.041, Florida Statutes, is  
26 amended to read:

27 413.041 Eligible blind persons; placement in vending  
28 facilities in public places.--For the purpose of assisting  
29 blind persons to become self-supporting, the Division of Blind  
30 Services is hereby authorized to carry on activities to  
31 promote the employment of eligible blind persons, including

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

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

15 413.051 Eligible blind persons; operation of vending  
 16 stands.--

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

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

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

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

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

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

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

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

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

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

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

25 Section 11. Section 413.091, Florida Statutes, is  
 26 amended to read:

27 413.091 Identification cards.--

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

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

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

8           Section 12. Blind services direct-support  
9 organization.--

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

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

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

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

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

8       (e) Upon the dissolution of the corporation, all  
9 properties of the corporation revert to the division.

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

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

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

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

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1           (5) The direct-support organization shall comply with  
2 the audit requirements of section 215.981, Florida Statutes.  
3           (6) The director of the Division of Blind Services may  
4 designate employees of the division to solicit donations from  
5 public or private sources to fund the authorized purposes of  
6 the direct-support organization.  
7           Section 13. Sections 413.061, 413.062, 413.063,  
8 413.064, 413.065, 413.066, 413.067, 413.068, and 413.069,  
9 Florida Statutes, are repealed.  
10           Section 14. Except as otherwise expressly provided in  
11 this act, this act shall take effect upon becoming a law.  
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