

By Senator Wise

5-814-06

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A bill to be entitled  
An act relating to the Florida School for the Deaf and the Blind; amending s. 1002.36, F.S.; authorizing the provision of education services to district school boards upon request; revising powers and duties of the Board of Trustees for the Florida School for the Deaf and the Blind relating to requirements for expenditure of certain funds and submission of capital outlay budget requests; authorizing campus police officers to enforce traffic laws; deleting provisions authorizing bonding of campus police officers; amending s. 1013.31, F.S.; including reference to the Florida School for the Deaf and the Blind in provisions relating to educational plant surveys; providing an effective date.

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

Section 1. Subsections (1) and (2), paragraphs (e) and (f) of subsection (4), and paragraphs (b) and (d) of subsection (8) of section 1002.36, Florida Statutes, are amended to read:

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

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

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

14 (2) MISSION.--The mission of the Florida School for  
15 the Deaf and the Blind is to utilize all available talent,  
16 energy, and resources to provide free appropriate public  
17 education for eligible sensory-impaired students of Florida.  
18 As a school of academic excellence, the school shall strive to  
19 provide students an opportunity to access education services  
20 ~~maximize their individual potential~~ in a caring, safe, unique  
21 learning environment to prepare them to be literate,  
22 employable, and independent lifelong learners. The school  
23 shall provide outreach services that include collaboration  
24 with district school boards and shall encourage input from  
25 students, staff, parents, and the community. As a diverse  
26 organization, the school shall foster respect and  
27 understanding for each individual.

28 (4) BOARD OF TRUSTEES.--

29 (e) The board of trustees is invested with full power  
30 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.
- 4           2. Procure professional services, such as medical,  
5 mental health, architectural, and engineering.
- 6           3. Procure legal services without the prior written  
7 approval of the Attorney General.
- 8           4. Determine eligibility of students and procedure for  
9 admission.
- 10          5. Provide for the students of the school necessary  
11 bedding, clothing, food, and medical attendance and such other  
12 things as may be proper for the health and comfort of the  
13 students without cost to their parents, except that the board  
14 of trustees may set tuition and other fees for nonresidents.
- 15          6. Provide for the proper keeping of accounts and  
16 records and for budgeting of funds.
- 17          7. Enter into contracts.
- 18          8. Sue and be sued.
- 19          9. Secure public liability insurance.
- 20          10. Do and perform every other matter or thing  
21 requisite to the proper management, maintenance, support, and  
22 control of the school at the highest efficiency economically  
23 possible, the board of trustees taking into consideration the  
24 purposes of the establishment.
- 25          11. Receive gifts, donations, and bequests of money or  
26 property, real or personal, tangible or intangible, from any  
27 person, firm, corporation, or other legal entity. However, the  
28 board of trustees may not obligate the state to any  
29 expenditure or policy that is not specifically authorized by  
30 law. If the bill of sale, will, trust indenture, deed, or  
31 other legal conveyance specifies terms and conditions

1 concerning the use of such money or property, the board of  
2 trustees shall observe such terms and conditions.

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

14           13. Sell or convey by bill of sale, deed, or other  
15 legal instrument any property, real or personal, received as a  
16 gift, donation, or bequest, upon such terms and conditions as  
17 the board of trustees deems to be in the best interest of the  
18 school and its students.

19           14. Invest such moneys in securities enumerated under  
20 s. 215.47(1), (2)(d), (3), (4), and (9), and in The Common  
21 Fund, an Investment Management Fund exclusively for nonprofit  
22 educational institutions.

23           (f) The board of trustees shall:

24           1. Prepare and submit legislative budget requests for  
25 operations and fixed capital outlay, in accordance with  
26 chapter 216 and ss. 1011.56 and 1013.60, to the Department of  
27 Education for review and approval. The department must analyze  
28 the amount requested for fixed capital outlay to determine if  
29 the request is consistent with the school's campus master  
30 plan, educational plant survey, and facilities master plan.  
31 Projections of facility space needs may exceed the norm space

1 and occupant design criteria established in the State  
2 Requirements for Educational Facilities.

3           2. Approve and administer an annual operating budget  
4 in accordance with ss. 1011.56 and 1011.57.

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

11           4. Require all purchases to be in accordance with the  
12 provisions of chapter 287 except for purchases made with funds  
13 received as gifts, donations, or bequests, funds raised by or  
14 belonging to student clubs or student organizations, or funds  
15 held for specific students or in accounts for individual  
16 students.

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

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

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

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 persons  
4 with respect to all funds other than funds received as gifts,  
5 donations, or bequests, funds raised by or belonging to  
6 student clubs or student organizations, or funds held for  
7 specific students or in accounts for individual students.

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

19           10. Designate a portion of the school as "The Verle  
20 Allyn Pope Complex for the Deaf," in tribute to the late  
21 Senator Verle Allyn Pope.

22           (8) CAMPUS POLICE.--

23           (b) Each Florida School for the Deaf and the Blind  
24 campus police officer is a law enforcement officer of the  
25 state and a conservator of the peace who has the authority to  
26 arrest, in accordance with the laws of this state, any person  
27 for a violation of state law or applicable county or municipal  
28 ordinance if that violation occurs on or in any property or  
29 facilities of the school. A campus police officer may also  
30 arrest a person off campus for a violation committed on campus  
31 after a hot pursuit of that person which began on campus. A

1 campus police officer shall have full authority to bear arms  
2 in the performance of the officer's duties and carry out a  
3 search pursuant to a search warrant on the campus. Florida  
4 School for the Deaf and the Blind campus police, upon request  
5 of the sheriff or local police authority, may serve subpoenas  
6 or other legal process and may make arrests of persons against  
7 whom arrest warrants have been issued or against whom charges  
8 have been made for violations of federal or state laws or  
9 county or municipal ordinances. Campus police officers shall  
10 have authority to enforce traffic laws within the boundaries  
11 of the campus in accordance with s. 316.640.

12 (d) The campus police must meet the minimum standards  
13 established by the Criminal Justice Standards and Training  
14 Commission of the Department of Law Enforcement and chapter  
15 943 for law enforcement officers. Each campus police officer  
16 must, before entering into the performance of the officer's  
17 duties, take the oath of office established by the board of  
18 trustees. ~~The board of trustees may obtain and approve a bond~~  
19 ~~on each campus police officer, conditioned upon the officer's~~  
20 ~~faithful performance of the officer's duties, which bond must~~  
21 ~~be payable to the Governor. The board of trustees may~~  
22 ~~determine the amount of the bond. In determining the amount of~~  
23 ~~the bond, the board may consider the amount of money or~~  
24 ~~property likely to be in the custody of the officer at any one~~  
25 ~~time.~~ The board of trustees must provide a uniform set of  
26 identifying credentials to each campus police officer it  
27 employs.

28 Section 2. Paragraph (b) of subsection (1) of section  
29 1013.31, Florida Statutes, is amended to read:

30 1013.31 Educational plant survey; localized need  
31 assessment; PECO project funding.--

1           (1) At least every 5 years, each board shall arrange  
2 for an educational plant survey, to aid in formulating plans  
3 for housing the educational program and student population,  
4 faculty, administrators, staff, and auxiliary and ancillary  
5 services of the district or campus, including consideration of  
6 the local comprehensive plan. The Office of Workforce and  
7 Economic Development shall document the need for additional  
8 career and adult education programs and the continuation of  
9 existing programs before facility construction or renovation  
10 related to career or adult education may be included in the  
11 educational plant survey of a school district or community  
12 college that delivers career or adult education programs.  
13 Information used by the Office of Workforce and Economic  
14 Development to establish facility needs must include, but need  
15 not be limited to, labor market data, needs analysis, and  
16 information submitted by the school district or community  
17 college.

18           (b) Required need assessment criteria for district,  
19 community college, college and state university, and Florida  
20 School for the Deaf and the Blind plant surveys.--Educational  
21 plant surveys must use uniform data sources and criteria  
22 specified in this paragraph. Each revised educational plant  
23 survey and each new educational plant survey supersedes  
24 previous surveys.

25           1. The school district's survey must be submitted as a  
26 part of the district educational facilities plan defined in s.  
27 1013.35. To ensure that the data reported to the Department of  
28 Education as required by this section is correct, the  
29 department shall annually conduct an onsite review of 5  
30 percent of the facilities reported for each school district  
31 completing a new survey that year. If the department's review



1 finds the data reported by a district is less than 95 percent  
2 accurate, within 1 year from the time of notification by the  
3 department the district must submit revised reports correcting  
4 its data. If a district fails to correct its reports, the  
5 commissioner may direct that future fixed capital outlay funds  
6 be withheld until such time as the district has corrected its  
7 reports so that they are not less than 95 percent accurate.

8         2. Each survey of a special facility, joint-use  
9 facility, or cooperative career education facility must be  
10 based on capital outlay full-time equivalent student  
11 enrollment data prepared by the department for school  
12 districts, community colleges, colleges, and universities. A  
13 survey of space needs of a joint-use facility shall be based  
14 upon the respective space needs of the school districts,  
15 community colleges, colleges, and universities, as  
16 appropriate. Projections of a school district's facility space  
17 needs may not exceed the norm space and occupant design  
18 criteria established by the State Requirements for Educational  
19 Facilities.

20         3. Each community college's survey must reflect the  
21 capacity of existing facilities as specified in the inventory  
22 maintained by the Department of Education. Projections of  
23 facility space needs must comply with standards for  
24 determining space needs as specified by rule of the State  
25 Board of Education. The 5-year projection of capital outlay  
26 student enrollment must be consistent with the annual report  
27 of capital outlay full-time student enrollment prepared by the  
28 Department of Education.

29         4. Each college and state university's survey must  
30 reflect the capacity of existing facilities as specified in  
31 the inventory maintained and validated by the Division of

1 Colleges and Universities. Projections of facility space needs  
2 must be consistent with standards for determining space needs  
3 approved by the Division of Colleges and Universities. The  
4 projected capital outlay full-time equivalent student  
5 enrollment must be consistent with the 5-year planned  
6 enrollment cycle for the State University System approved by  
7 the Division of Colleges and Universities.

8           5. The district educational facilities plan of a  
9 school district and the educational plant survey of a  
10 community college, ~~or~~ college or state university, or the  
11 Florida School for the Deaf and the Blind may include space  
12 needs that deviate from approved standards for determining  
13 space needs if the deviation is justified by the district or  
14 institution and approved by the department, as necessary for  
15 the delivery of an approved educational program.

16           Section 3. This act shall take effect July 1, 2006.  
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