

By Senator Dean

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1 A bill to be entitled
2 An act relating to the Florida Vocational College;
3 establishing the Florida Vocational College in Weston,
4 Florida, as a public residential postsecondary school
5 for certain students with developmental disabilities;
6 providing that the school shall be funded through the
7 Department of Education; requiring the school to
8 comply with laws and rules applicable to state
9 agencies unless otherwise provided by law; providing
10 responsibility for educational programs and services;
11 requiring audits of accounts and records; creating a
12 board of trustees, providing membership and terms, and
13 specifying powers and duties; requiring the submission
14 of legislative budget requests for operations and
15 fixed capital outlay; providing for the content and
16 custody of student and employee personnel records;
17 authorizing the provision of legal services and
18 reimbursement of expenses for officers and employees
19 of the board of trustees; requiring notice and a
20 public meeting; requiring personnel screening and
21 security background investigation; providing a penalty
22 for failure to disclose certain material facts and for
23 use of confidential information for certain purposes;
24 authorizing the employment of campus police and
25 providing powers, duties, and qualifications;
26 requiring reporting of on-campus crime statistics;
27 amending s. 1000.04, F.S.; providing that the Florida
28 Vocational College is a component of the delivery of
29 public education within Florida's K-20 education

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30 system; amending s. 1001.20, F.S.; authorizing
31 investigations by the Department of Education's Office
32 of Inspector General; providing an effective date.
33

34 Be It Enacted by the Legislature of the State of Florida:
35

36 Section 1. Florida Vocational College.-

37 (1) RESPONSIBILITIES.-The Florida Vocational College is
38 established in Weston, Florida, as a state-supported residential
39 school that provides students with developmental disabilities
40 who are 18 to 26 years of age and who have graduated from high
41 school the opportunity to obtain postsecondary education on a
42 college campus setting. The school is a component of the
43 delivery of public education within Florida's K-20 education
44 system and shall be funded through the Department of Education.
45 The school shall provide educational programs and support
46 services appropriate to meet the education and related
47 evaluation and counseling needs of students in this state with
48 developmental disabilities who meet enrollment criteria. Unless
49 otherwise provided by law, the school shall comply with all laws
50 and rules applicable to state agencies. Education services may
51 be provided on an outreach basis for students with developmental
52 disabilities who are 18 to 26 years of age and to district
53 school boards upon request.

54 (2) MISSION.-The mission of the Florida Vocational College
55 is to utilize all available talent, energy, and resources to
56 provide appropriate public education for eligible Florida
57 students with developmental disabilities. As a school with
58 vocational, life, social, and independent living skills

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59 programming, the school shall strive to provide students an
60 opportunity to access skills fostering their independence in a
61 caring, safe, and unique learning environment, to prepare them
62 to be an integral part of the community, and to allow them to be
63 significantly less dependent on government funding. The school
64 shall provide outreach services that include collaboration with
65 employers, district school boards, and community organizations
66 and shall encourage input from students, staff, parents, and the
67 community. As a diverse organization, the school shall foster
68 respect and understanding for each individual.

69 (3) AUDITS.—The Auditor General shall conduct annual audits
70 of the accounts and records of the Florida Vocational College.
71 The Department of Education's Inspector General may conduct
72 investigations at the school as provided in s. 1001.20(4)(e),
73 Florida Statutes.

74 (4) BOARD OF TRUSTEES.—

75 (a) There is created a Board of Trustees for the Florida
76 Vocational College, which shall consist of seven members
77 appointed by the Governor with the confirmation of the Senate.
78 Of these seven members, two shall be persons with developmental
79 disabilities. Each member must have been a resident of the state
80 for at least 10 years prior to appointment. The term of office
81 of each member shall be 4 years. The Governor may remove any
82 member for cause and shall fill all vacancies that occur.

83 (b) The board of trustees shall elect a chair annually. The
84 trustees shall be reimbursed for travel expenses as provided in
85 s. 112.061, Florida Statutes, the accounts of which shall be
86 paid by the Chief Financial Officer upon itemized vouchers duly
87 approved by the chair.

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88 (c) The board of trustees may adopt rules pursuant to ss.
89 120.536(1) and 120.54, Florida Statutes, to implement provisions
90 of law relating to operation of the Florida Vocational College.
91 Such rules shall be submitted to the State Board of Education
92 for approval or disapproval. After a rule is approved by the
93 State Board of Education, the rule shall be filed immediately
94 with the Department of State. The board of trustees shall act at
95 all times in conjunction with the rules of the State Board of
96 Education.

97 (d) The board of trustees is a body corporate and shall
98 have a corporate seal. Unless otherwise provided by law, all
99 actions of the board of trustees shall be consistent with all
100 laws and rules applicable to state agencies. Title to any gift,
101 donation, or bequest received by the board of trustees pursuant
102 to subparagraph (e)11. shall vest in the board of trustees.
103 Title to all other property and other assets of the Florida
104 Vocational College shall vest in the State Board of Education,
105 but the board of trustees shall have complete jurisdiction over
106 the management of the school.

107 (e) The board of trustees is invested with full power and
108 authority to:

109 1. Appoint a president, faculty, teachers, and other
110 employees, to remove the same as in its judgment may be best,
111 and to fix their compensation.

112 2. Procure professional services, including, but not
113 limited to, medical, mental health, architectural, and
114 engineering services.

115 3. Procure legal services without the prior written
116 approval of the Attorney General.

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117 4. Determine eligibility of students and the procedure for
118 admission.

119 5. Provide students with necessary bedding, clothing, food,
120 and medical attendance and such other things as may be proper
121 for the health and comfort of the students without cost to their
122 parents, except that the board of trustees may set tuition and
123 other fees for nonresidents.

124 6. Provide for the proper keeping of accounts and records
125 and for budgeting of funds.

126 7. Enter into contracts.

127 8. Sue and be sued.

128 9. Secure public liability insurance.

129 10. Do and perform every other matter or thing requisite to
130 the proper management, maintenance, support, and control of the
131 school at the highest efficiency economically possible, taking
132 into consideration the purposes of the establishment.

133 11. Receive gifts, donations, and bequests of money or
134 property, real or personal, tangible or intangible, from any
135 person, firm, corporation, or other legal entity. However, the
136 board of trustees may not obligate the state to any expenditure
137 or policy that is not specifically authorized by law. If a bill
138 of sale, will, trust indenture, deed, or other legal conveyance
139 specifies terms and conditions concerning the use of such money
140 or property, the board of trustees shall observe such terms and
141 conditions.

142 12. Deposit outside the State Treasury such moneys as are
143 received as gifts, donations, or bequests and may disburse and
144 expend such moneys, upon its own warrant, for the use and
145 benefit of the Florida Vocational College and its students as

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146 the board of trustees deems to be in the best interest of the
147 school and its students. Such money or property shall not
148 constitute or be considered a part of any legislative
149 appropriation.

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

155 14. Invest such moneys in securities enumerated under s.
156 215.47(1), (2)(c), (3), (4), and (10), Florida Statutes, and in
157 The Common Fund, an Investment Management Fund exclusively for
158 nonprofit educational institutions.

159 (f) The board of trustees shall:

160 1. Prepare and submit legislative budget requests for
161 operations and fixed capital outlay, in accordance with chapter
162 216, Florida Statutes, to the Department of Education for review
163 and approval. The department shall analyze the amount requested
164 for fixed capital outlay to determine whether the request is
165 consistent with the school's campus master plan, educational
166 plant survey, and facilities master plan. Projections of
167 facility space needs may exceed the norm space and occupant
168 design criteria established in the State Requirements for
169 Educational Facilities.

170 2. Approve and administer an annual operating budget.

171 3. Require all funds received, other than gifts, donations,
172 bequests, funds raised by or belonging to student clubs or
173 student organizations, and funds held for specific students or
174 in accounts for individual students, to be deposited in the

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175 State Treasury and expended as authorized in the General
176 Appropriations Act.

177 4. Require all purchases to be in accordance with chapter
178 287, Florida Statutes, except for purchases made with funds
179 received as gifts, donations, or bequests; funds raised by or
180 belonging to student clubs or student organizations; and funds
181 held for specific students or in accounts for individual
182 students.

183 5. Administer and maintain personnel programs for all
184 employees of the board of trustees and the Florida Vocational
185 College. Such employees shall be state employees, except that
186 the classification and pay plan for academic personnel and
187 academic administrative personnel of the school shall be set by
188 the board of trustees, subject only to the approval of the State
189 Board of Education. Such employees shall be subject to the
190 provisions of chapter 110, Florida Statutes, and the provisions
191 of law that grant authority to the Department of Management
192 Services over such programs for state employees.

193 6. Give preference in appointment and retention in
194 positions of employment as provided in s. 295.07(1), Florida
195 Statutes.

196 7. Ensure that the Florida Vocational College coordinates
197 planning with local governing bodies for educational facility
198 construction.

199 8. Ensure that the Florida Vocational College complies with
200 s. 112.061, Florida Statutes, concerning per diem and travel
201 expenses of public officers, employees, and authorized persons
202 with respect to all funds other than funds received as gifts,
203 donations, or bequests; funds raised by or belonging to student

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204 clubs or student organizations; and funds held for specific
205 students or in accounts for individual students.

206 9. Adopt a master plan that specifies the mission and
207 objectives of the Florida Vocational College. The plan shall
208 include, but not be limited to, procedures for systematically
209 measuring the school's progress toward meeting its objectives,
210 analyzing changes in the student population, and modifying
211 school programs and services to respond to such changes. The
212 plan shall be implemented for a period of 5 years and shall be
213 reviewed for needed modifications every 2 years. The board of
214 trustees shall submit the initial plan and subsequent
215 modifications to the President of the Senate and the Speaker of
216 the House of Representatives.

217 (5) STUDENT AND EMPLOYEE PERSONNEL RECORDS.—The Board of
218 Trustees for the Florida Vocational College shall provide for
219 the content and custody of student and employee personnel
220 records. Student records shall be subject to s. 1006.52, Florida
221 Statutes. Employee personnel records shall be subject to part IV
222 of chapter 1012, Florida Statutes.

223 (6) LEGAL SERVICES.—The Board of Trustees for the Florida
224 Vocational College may provide legal services for officers and
225 employees of the board of trustees who are charged with civil or
226 criminal actions arising out of and in the course of the
227 performance of assigned duties and responsibilities. The board
228 of trustees may provide for reimbursement of reasonable expenses
229 for legal services for officers and employees of the board of
230 trustees who are charged with civil or criminal actions arising
231 out of and in the course of the performance of assigned duties
232 and responsibilities upon successful defense of the officer or

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233 employee. However, in any case in which the officer or employee
234 pleads guilty or nolo contendere to or is found guilty of any
235 such action, the officer or employee shall reimburse the board
236 of trustees for any legal services that the board of trustees
237 may have supplied pursuant to this section. The board of
238 trustees may also reimburse an officer or employee for any
239 judgment that may be entered against him or her in a civil
240 action arising out of and in the course of the performance of
241 his or her assigned duties and responsibilities. Each
242 expenditure by the board of trustees for legal defense of an
243 officer or employee, or for reimbursement pursuant to this
244 section, shall be made at a public meeting with notice pursuant
245 to s. 120.525(1), Florida Statutes. The provision of such legal
246 services or reimbursement under the conditions described in this
247 subsection is declared to be a school purpose for which school
248 funds may be expended.

249 (7) PERSONNEL SCREENING.—

250 (a) The Board of Trustees of the Florida Vocational College
251 shall, because of the special trust or responsibility of
252 employees of the school, require all employees and applicants
253 for employment to undergo personnel screening and security
254 background investigations as provided in chapter 435, Florida
255 Statutes, using the level 2 standards for screening set forth in
256 that chapter, as a condition of employment and continued
257 employment. The cost of a personnel screening and security
258 background investigation for an employee of the school shall be
259 paid by the school. The cost of such a screening and
260 investigation for an applicant for employment may be paid by the
261 school.

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262 (b) As a prerequisite for initial and continuing employment
263 at the Florida Vocational College:

264 1. The applicant or employee shall submit to the Florida
265 Vocational College a complete set of fingerprints taken by an
266 authorized law enforcement agency or an employee of the Florida
267 Vocational College who is trained to take fingerprints. The
268 Florida Vocational College shall submit the fingerprints to the
269 Department of Law Enforcement for state processing and the
270 Federal Bureau of Investigation for federal processing.

271 2.a. The applicant or employee shall, under penalty of
272 perjury, attest to the minimum standards for good moral
273 character as provided in chapter 435, Florida Statutes, using
274 the level 2 standards set forth in that chapter.

275 b. New personnel shall be on probationary status pending a
276 determination of compliance with such minimum standards for good
277 moral character. This sub-subparagraph is in addition to any
278 probationary status provided for by state law or by Florida
279 Vocational College rules or collective bargaining contracts.

280 (c) The Florida Vocational College shall review the record
281 of the applicant or employee with respect to the crimes
282 described in s. 435.04, Florida Statutes, and shall notify the
283 applicant or employee of its findings. When disposition
284 information is missing on a criminal record, it shall be the
285 responsibility of the applicant or employee, upon request of the
286 Florida Vocational College, to obtain the missing disposition
287 information and supply such information within 30 days to the
288 Florida Vocational College. Failure to supply missing
289 information within 30 days or to show reasonable efforts to
290 obtain such information shall result in automatic

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291 disqualification of an applicant and automatic termination of an
292 employee.

293 (d) After an initial personnel screening and security
294 background investigation, written notification shall be given to
295 the affected employee within a reasonable time prior to any
296 subsequent screening and investigation.

297 (e) The Florida Vocational College may grant exemptions
298 from disqualification as provided in s. 435.07, Florida
299 Statutes.

300 (f) The Florida Vocational College may not use the criminal
301 records, private investigator findings, or information from
302 reference checks obtained by the school pursuant to this section
303 for any purpose other than determining whether a person meets
304 the minimum standards for good moral character for personnel
305 employed by the school.

306 (g) It is a misdemeanor of the first degree, punishable as
307 provided in s. 775.082 or s. 775.083, Florida Statutes, for any
308 person willfully, knowingly, or intentionally to:

309 1. Fail, by false statement, misrepresentation,
310 impersonation, or other fraudulent means, to disclose in any
311 application for voluntary or paid employment a material fact
312 used in making a determination as to such person's
313 qualifications for a position of special trust.

314 2. Use the criminal records, private investigator findings,
315 or information from reference checks obtained under this section
316 or information obtained from such records or findings, or to
317 release such information or records to any person, for purposes
318 other than screening for employment.

319 (8) CAMPUS POLICE.-

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320 (a) The Board of Trustees for the Florida Vocational
321 College is permitted and empowered to employ police officers for
322 the school. Such officers must be designated Florida Vocational
323 College campus police.

324 (b) Each Florida Vocational College campus police officer
325 is a law enforcement officer of the state and a conservator of
326 the peace who has the authority to arrest, in accordance with
327 the laws of this state, any person for a violation of state law
328 or any applicable county or municipal ordinance if that
329 violation occurs on or in any property or facility of the
330 school. A campus police officer may also arrest a person off
331 campus for a violation committed on campus after a hot pursuit
332 of that person that began on campus. A campus police officer
333 shall have full authority to bear arms in the performance of the
334 officer's duties and carry out a search pursuant to a search
335 warrant on the campus. The Florida Vocational College campus
336 police, upon request of the sheriff or local police authority,
337 may serve subpoenas or other legal process and may make arrests
338 of persons against whom arrest warrants have been issued or
339 against whom charges have been made for violations of federal or
340 state laws or county or municipal ordinances. Campus police
341 officers may enforce traffic laws within the boundaries of the
342 campus in accordance with chapter 316, Florida Statutes.

343 (c) The campus police shall promptly deliver any person
344 arrested and charged with a felony to the sheriff of the county
345 in which the school is located and any person arrested and
346 charged with a misdemeanor to the applicable authority as
347 provided by law or to the sheriff of the county in which the
348 school is located.

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349 (d) The campus police must meet the minimum standards
350 established by the Criminal Justice Standards and Training
351 Commission of the Department of Law Enforcement and chapter 943,
352 Florida Statutes, for law enforcement officers. Each campus
353 police officer must, before entering into the performance of the
354 officer's duties, take the oath of office established by the
355 board of trustees. The board of trustees must provide a uniform
356 set of identifying credentials to each campus police officer it
357 employs.

358 (e) In performance of any of the powers, duties, or
359 functions authorized by law, campus police have the same rights,
360 protections, and immunities afforded other law enforcement
361 officers.

362 (f) The board of trustees shall adopt rules, including,
363 without limitation, rules for the appointment, employment, and
364 removal of campus police in accordance with the State Career
365 Service System and shall establish in writing a policy manual
366 that includes, without limitation, procedures for managing
367 routine law enforcement situations and emergency law enforcement
368 situations. The board of trustees shall furnish a copy of the
369 policy manual to each campus police officer it employs. A campus
370 police officer employed by the board of trustees must have
371 completed the training required by the school in the special
372 needs of and proper procedures for dealing with students served
373 by the school.

374 (9) REPORT OF CAMPUS CRIME STATISTICS.—

375 (a) The school shall prepare an annual report of statistics
376 of crimes committed on its campus and shall submit the report to
377 the board of trustees and the Commissioner of Education. The

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378 data for the report may be taken from the annual report of the
379 Department of Law Enforcement. The board of trustees shall
380 prescribe the form for submission of the report.

381 (b) The school shall prepare an annual report of statistics
382 of crimes committed on its campus for the preceding 3 years. The
383 school shall give students and prospective students notice that
384 this report is available upon request.

385 Section 2. Subsection (5) is added to section 1000.04,
386 Florida Statutes, to read:

387 1000.04 Components for the delivery of public education
388 within the Florida K-20 education system.—Florida's K-20
389 education system provides for the delivery of public education
390 through publicly supported and controlled K-12 schools,
391 community colleges, state universities and other postsecondary
392 educational institutions, other educational institutions, and
393 other educational services as provided or authorized by the
394 Constitution and laws of the state.

395 (5) FLORIDA VOCATIONAL COLLEGE.—The Florida Vocational
396 College is a component of the delivery of public education
397 within Florida's K-20 education system.

398 Section 3. Paragraph (e) of subsection (4) of section
399 1001.20, Florida Statutes, is amended to read:

400 1001.20 Department under direction of state board.—

401 (4) The Department of Education shall establish the
402 following offices within the Office of the Commissioner of
403 Education which shall coordinate their activities with all other
404 divisions and offices:

405 (e) *Office of Inspector General.*—Organized using existing
406 resources and funds and responsible for promoting

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407 accountability, efficiency, and effectiveness and detecting
408 fraud and abuse within school districts, the Florida School for
409 the Deaf and the Blind, the Florida Vocational College, and
410 community colleges in Florida. If the Commissioner of Education
411 determines that a district school board, the Board of Trustees
412 for the Florida School for the Deaf and the Blind, the Board of
413 Trustees for the Florida Vocational College, or a community
414 college board of trustees is unwilling or unable to address
415 substantiated allegations made by any person relating to waste,
416 fraud, or financial mismanagement within the school district,
417 the Florida School for the Deaf and the Blind, the Florida
418 Vocational College, or the community college, the office shall
419 conduct, coordinate, or request investigations into such
420 substantiated allegations. The office shall have access to all
421 information and personnel necessary to perform its duties and
422 shall have all of its current powers, duties, and
423 responsibilities authorized in s. 20.055.

424 Section 4. This act shall take effect July 1, 2010.