

1 A bill to be entitled
2 An act relating to the Dan Marino Foundation Florida
3 Vocational College; establishing the Dan Marino Foundation
4 Florida Vocational College in Broward County as a public
5 residential postsecondary school for certain students who
6 have developmental disabilities; providing funding for the
7 school through the Department of Education; requiring that
8 the school comply with the laws and rules applicable to
9 state agencies unless otherwise provided by law; requiring
10 that the school provide educational programs and services;
11 requiring that the Auditor General conduct annual audits
12 of the school's accounts and records; creating a board of
13 trustees; providing membership, terms, and specifying
14 powers and duties of the board; requiring that the board
15 submit legislative budget requests for operations and
16 fixed capital outlay; requiring that the board provide for
17 the content and custody of student and employee personnel
18 records; authorizing the board to provide legal services
19 and reimbursement of expenses for officers and employees
20 of the board; requiring notice and a public meeting under
21 certain circumstances; requiring that all employees and
22 applicants for employment with the board undergo personnel
23 screening and security background investigations;
24 providing a penalty for failure to disclose certain
25 material facts and for use of confidential information for
26 certain purposes; authorizing the employment of campus
27 police and providing powers, duties, and qualifications;
28 requiring reporting of on-campus crime statistics;

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29 amending s. 1000.04, F.S.; providing that the Dan Marino
 30 Foundation Florida Vocational College is a component of
 31 the delivery of public education within Florida's K-20
 32 education system; amending s. 1001.20, F.S.; authorizing
 33 investigations by the Office of Inspector General within
 34 the Department of Education; providing an effective date.

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

37
 38 Section 1. The Dan Marino Foundation Florida Vocational
 39 College.—

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

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57 request.

58 (2) MISSION.—The mission of the Dan Marino Foundation
59 Florida Vocational College is to provide an appropriate public
60 education for eligible Florida students who have developmental
61 disabilities. As a school that provides programs for attaining
62 vocational, life, social, and independent living skills, the
63 school shall strive to provide students with an opportunity to
64 develop skills fostering their independence in a caring, safe,
65 and unique learning environment, to prepare them to be an
66 integral part of the community, and to allow them to become
67 significantly less dependent on government funding. The school
68 shall provide outreach services that include collaboration with
69 employers, district school boards, and community organizations
70 and shall encourage input from students, staff, parents, and the
71 community. As a diverse organization, the school shall foster
72 respect and understanding for each individual.

73 (3) AUDITS.—The Auditor General shall conduct annual
74 audits of the accounts and records of the Dan Marino Foundation
75 Florida Vocational College. The Department of Education's
76 inspector general may conduct investigations at the school in
77 accordance with s. 1001.20(4)(e), Florida Statutes.

78 (4) BOARD OF TRUSTEES.—

79 (a) A Board of Trustees for the Dan Marino Foundation
80 Florida Vocational College is created and shall consist of seven
81 members who are appointed by the Governor and subject to
82 confirmation by the Senate. Of these seven members, two shall be
83 persons who have developmental disabilities. Each board member
84 must have been a resident of the state for at least 10 years

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85 before his or her appointment. The term of office of each member
86 shall be 4 years. The Governor may remove any member for cause
87 and shall fill all vacancies that occur.

88 (b) The board of trustees shall elect a chair annually.
89 The trustees are entitled to reimbursement for travel expenses
90 pursuant to s. 112.061, Florida Statutes, the accounts of which
91 shall be paid by the Chief Financial Officer upon itemized
92 vouchers duly approved by the chair.

93 (c) The board of trustees may adopt rules to administer
94 this section and relating to the operation of the Dan Marino
95 Foundation Florida Vocational College. The board shall submit
96 the rules to the State Board of Education for approval or
97 disapproval. After a rule is approved by the state board, the
98 rule shall be filed immediately with the Department of State.
99 The board of trustees shall act at all times in conjunction with
100 the rules of the State Board of Education.

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

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

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

116 2. Procure professional services, including, but not
117 limited to, medical, mental health, architectural, and
118 engineering services.

119 3. Procure legal services without the prior written
120 approval of the Attorney General.

121 4. Determine eligibility of students and the procedure for
122 admission.

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

128 6. Provide for the proper keeping of accounts and records
129 and for budgeting of funds.

130 7. Enter into contracts.

131 8. Sue and be sued.

132 9. Secure public liability insurance.

133 10. Do and perform every other matter or thing necessary
134 to the proper management, maintenance, support, and control of
135 the school at the highest efficiency economically possible,
136 taking into consideration the purposes of the establishment.

137 11. Receive gifts, donations, and bequests of money or
138 property, real or personal, tangible or intangible, from any
139 person, firm, corporation, or other legal entity. However, the
140 board of trustees may not obligate the state to any expenditure

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141 or policy that is not specifically authorized by law. If a bill
142 of sale, will, trust indenture, deed, or other legal conveyance
143 specifies terms and conditions concerning the use of such money
144 or property, the board of trustees shall observe such terms and
145 conditions.

146 12. Deposit outside the State Treasury such moneys as are
147 received as gifts, donations, or bequests and may disburse and
148 expend such moneys, upon its own warrant, for the use and
149 benefit of the Dan Marino Foundation Florida Vocational College
150 and its students as the board of trustees deems to be in the
151 best interest of the school and its students. This money or
152 property is not a part of any legislative appropriation.

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

158 14. Invest such moneys in securities enumerated under s.
159 215.47(1), (2)(c), (3), (4), and (10), Florida Statutes, and in
160 The Common Fund, an Investment Management Fund exclusively for
161 nonprofit educational institutions.

162 (f) The board of trustees shall:

163 1. Prepare and submit legislative budget requests for
164 operations and fixed capital outlay, in accordance with chapter
165 216, Florida Statutes, to the Department of Education for review
166 and approval. The department shall analyze the amount requested
167 for fixed capital outlay to determine whether the request is
168 consistent with the college's campus master plan, educational

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169 plant survey, and facilities master plan. Projections of
170 facility space needs may exceed the norm space and occupant
171 design criteria established in the State Requirements for
172 Educational Facilities.

173 2. Approve and administer an annual operating budget.

174 3. Require all funds received, other than gifts,
175 donations, bequests, funds raised by or belonging to student
176 clubs or student organizations, and funds held for specific
177 students or in accounts for individual students, to be deposited
178 in the State Treasury and expended as authorized in the General
179 Appropriations Act.

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

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

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197 6. Give preference in appointment and retention in
198 positions of employment as provided in s. 295.07(1), Florida
199 Statutes.

200 7. Ensure that the Dan Marino Foundation Florida
201 Vocational College coordinates planning with local governing
202 bodies for educational facility construction.

203 8. Ensure that the Dan Marino Foundation Florida
204 Vocational College complies with s. 112.061, Florida Statutes,
205 concerning per diem and travel expenses of public officers,
206 employees, and authorized persons with respect to all funds
207 other than funds received as gifts, donations, or bequests;
208 funds raised by or belonging to student clubs or student
209 organizations; and funds held for specific students or in
210 accounts for individual students.

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

222 (5) STUDENT AND EMPLOYEE PERSONNEL RECORDS.—The Board of
223 Trustees for the Dan Marino Foundation Florida Vocational
224 College shall provide for the content and custody of student and

225 employee personnel records. Student records shall be subject to
 226 s. 1006.52, Florida Statutes. Employee personnel records shall
 227 be subject to part IV of chapter 1012, Florida Statutes.

228 (6) LEGAL SERVICES.—The Board of Trustees for the Dan
 229 Marino Foundation Florida Vocational College may provide legal
 230 services for officers and employees of the board of trustees who
 231 are charged with civil or criminal actions arising out of and in
 232 the course of the performance of assigned duties and
 233 responsibilities. The board of trustees may provide for
 234 reimbursement of reasonable expenses for legal services for
 235 officers and employees of the board of trustees who are charged
 236 with civil or criminal actions arising out of and in the course
 237 of the performance of assigned duties and responsibilities upon
 238 successful defense of the officer or employee. However, in any
 239 case in which the officer or employee pleads guilty or nolo
 240 contendere to or is found guilty of any such action, the officer
 241 or employee shall reimburse the board of trustees for any legal
 242 services that the board of trustees may have supplied pursuant
 243 to this section. The board of trustees may also reimburse an
 244 officer or employee for any judgment that may be entered against
 245 him or her in a civil action arising out of and in the course of
 246 the performance of his or her assigned duties and
 247 responsibilities. Each expenditure by the board of trustees for
 248 legal defense of an officer or employee, or for reimbursement
 249 pursuant to this section, shall be made at a public meeting with
 250 notice pursuant to s. 120.525(1), Florida Statutes. The
 251 provision of such legal services or reimbursement under the
 252 conditions described in this subsection is declared to be a

253 school purpose for which school funds may be expended.

254 (7) PERSONNEL SCREENING.—

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

267 (b) As a prerequisite for initial and continuing
 268 employment at the Dan Marino Foundation Florida Vocational
 269 College:

270 1. The applicant or employee shall submit to the Dan
 271 Marino Foundation Florida Vocational College a complete set of
 272 fingerprints taken by an authorized law enforcement agency or an
 273 employee of the Dan Marino Foundation Florida Vocational College
 274 who is trained to take fingerprints. The Dan Marino Foundation
 275 Florida Vocational College shall submit the fingerprints to the
 276 Department of Law Enforcement for state processing and the
 277 Federal Bureau of Investigation for federal processing.

278 2.a. The applicant or employee shall, under penalty of
 279 perjury, attest to the minimum standards for good moral
 280 character as provided in chapter 435, Florida Statutes, using

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281 the level 2 standards set forth in that chapter.

282 b. New personnel shall be on probationary status pending a
283 determination of compliance with such minimum standards for good
284 moral character. This sub-subparagraph is in addition to any
285 probationary status provided for by state law or rules or
286 collective bargaining contracts of the Dan Marino Foundation
287 Florida Vocational College.

288 (c) The Dan Marino Foundation Florida Vocational College
289 shall review the record of the applicant or employee with
290 respect to the crimes described in s. 435.04, Florida Statutes,
291 and shall notify the applicant or employee of its findings. When
292 disposition information is missing on a criminal record, it
293 shall be the responsibility of the applicant or employee, upon
294 request of the Dan Marino Foundation Florida Vocational College,
295 to obtain the missing disposition information and supply such
296 information within 30 days to the Dan Marino Foundation Florida
297 Vocational College. Failure to supply missing information within
298 30 days or to show reasonable efforts to obtain such information
299 shall result in automatic disqualification of an applicant and
300 automatic termination of an employee.

301 (d) After an initial personnel screening and security
302 background investigation, written notification shall be given to
303 the affected employee within a reasonable time prior to any
304 subsequent screening and investigation.

305 (e) The Dan Marino Foundation Florida Vocational College
306 may grant exemptions from disqualification as provided in s.
307 435.07, Florida Statutes.

308 (f) The Dan Marino Foundation Florida Vocational College

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309 may not use the criminal records, private investigator findings,
310 or information from reference checks obtained by the school
311 pursuant to this section for any purpose other than determining
312 whether a person meets the minimum standards for good moral
313 character for personnel employed by the school.

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

317 1. Fail, by false statement, misrepresentation,
318 impersonation, or other fraudulent means, to disclose in any
319 application for voluntary or paid employment a material fact
320 used in making a determination as to such person's
321 qualifications for a position of special trust.

322 2. Use the criminal records, private investigator
323 findings, or information from reference checks obtained under
324 this section or information obtained from such records or
325 findings, or to release such information or records to any
326 person, for purposes other than screening for employment.

327 (8) CAMPUS POLICE.—

328 (a) The Board of Trustees for the Dan Marino Foundation
329 Florida Vocational College is permitted and empowered to employ
330 police officers for the school. Such officers must be designated
331 as the Dan Marino Foundation Florida Vocational College campus
332 police.

333 (b) Each Dan Marino Foundation Florida Vocational College
334 campus police officer is a law enforcement officer of the state
335 and a conservator of the peace who has the authority to arrest,
336 in accordance with the laws of this state, any person for a

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337 violation of state law or any applicable county or municipal
338 ordinance if that violation occurs on or in any property or
339 facility of the school. A campus police officer may also arrest
340 a person off campus for a violation committed on campus after a
341 hot pursuit of that person that began on campus. A campus police
342 officer shall have full authority to bear arms in the
343 performance of the officer's duties and carry out a search
344 pursuant to a search warrant on the campus. The Dan Marino
345 Foundation Florida Vocational College campus police, upon
346 request of the sheriff or local police authority, may serve
347 subpoenas or other legal process and may make arrests of persons
348 against whom arrest warrants have been issued or against whom
349 charges have been made for violations of federal or state laws
350 or county or municipal ordinances. Campus police officers may
351 enforce traffic laws within the boundaries of the campus in
352 accordance with chapter 316, Florida Statutes.

353 (c) The campus police shall promptly deliver any person
354 arrested and charged with a felony to the sheriff of the county
355 in which the school is located and any person arrested and
356 charged with a misdemeanor to the applicable authority as
357 provided by law or to the sheriff of the county in which the
358 school is located.

359 (d) The campus police must meet the minimum standards
360 established by the Criminal Justice Standards and Training
361 Commission of the Department of Law Enforcement and chapter 943,
362 Florida Statutes, for law enforcement officers. Each campus
363 police officer must, before entering into the performance of the
364 officer's duties, take the oath of office established by the

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365 board of trustees. The board of trustees must provide a uniform
366 set of identifying credentials to each campus police officer it
367 employs.

368 (e) In performance of any of the powers, duties, or
369 functions authorized by law, campus police have the same rights,
370 protections, and immunities afforded other law enforcement
371 officers.

372 (f) The board of trustees shall adopt rules, including,
373 without limitation, rules for the appointment, employment, and
374 removal of campus police in accordance with the State Career
375 Service System and shall establish in writing a policy manual
376 that includes, without limitation, procedures for managing
377 routine law enforcement situations and emergency law enforcement
378 situations. The board of trustees shall furnish a copy of the
379 policy manual to each campus police officer it employs. A campus
380 police officer employed by the board of trustees must have
381 completed the training required by the school in the special
382 needs of and proper procedures for dealing with students served
383 by the school.

384 (9) REPORT OF CAMPUS CRIME STATISTICS.—

385 (a) The school shall prepare an annual report of
386 statistics of crimes committed on its campus and shall submit
387 the report to the board of trustees and the Commissioner of
388 Education. The data for the report may be taken from the annual
389 report of the Department of Law Enforcement. The board of
390 trustees shall prescribe the form for submission of the report.

391 (b) The school shall prepare an annual report of
392 statistics of crimes committed on its campus for the preceding 3

393 years. The school shall give students and prospective students
 394 notice that this report is available upon request.

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

397 1000.04 Components for the delivery of public education
 398 within the Florida K-20 education system.—Florida's K-20
 399 education system provides for the delivery of public education
 400 through publicly supported and controlled K-12 schools,
 401 community colleges, state universities and other postsecondary
 402 educational institutions, other educational institutions, and
 403 other educational services as provided or authorized by the
 404 Constitution and laws of the state.

405 (5) THE DAN MARINO FOUNDATION FLORIDA VOCATIONAL COLLEGE.—
 406 The Dan Marino Foundation Florida Vocational College is a
 407 component of the delivery of public education within Florida's
 408 K-20 education system.

409 Section 3. Paragraph (e) of subsection (4) of section
 410 1001.20, Florida Statutes, is amended to read:

411 1001.20 Department under direction of state board.—

412 (4) The Department of Education shall establish the
 413 following offices within the Office of the Commissioner of
 414 Education which shall coordinate their activities with all other
 415 divisions and offices:

416 (e) *Office of Inspector General.*—Organized using existing
 417 resources and funds and responsible for promoting
 418 accountability, efficiency, and effectiveness and detecting
 419 fraud and abuse within school districts, the Florida School for
 420 the Deaf and the Blind, the Dan Marino Foundation Florida

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421 Vocational College, and community colleges in Florida. If the
422 Commissioner of Education determines that a district school
423 board, the Board of Trustees for the Florida School for the Deaf
424 and the Blind, the Board of Trustees for the Dan Marino
425 Foundation Florida Vocational College, or a community college
426 board of trustees is unwilling or unable to address
427 substantiated allegations made by any person relating to waste,
428 fraud, or financial mismanagement within the school district,
429 the Florida School for the Deaf and the Blind, the Dan Marino
430 Foundation Florida Vocational College, or the community college,
431 the office shall conduct, coordinate, or request investigations
432 into such substantiated allegations. The office shall have
433 access to all information and personnel necessary to perform its
434 duties and shall have all of its current powers, duties, and
435 responsibilities authorized in s. 20.055.

436 Section 4. This act shall take effect July 1, 2011.