

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 subject to a
8 specific appropriation; requiring that the school comply
9 with the laws and rules applicable to state agencies
10 unless otherwise provided by law; requiring that the
11 school provide educational programs and services;
12 requiring that the Auditor General conduct annual audits
13 of the school's accounts and records; creating a board of
14 trustees; providing membership, terms, and specifying
15 powers and duties of the board; requiring that the board
16 submit legislative budget requests for operations and
17 fixed capital outlay; requiring that the board provide for
18 the content and custody of student and employee personnel
19 records; authorizing the board to provide legal services
20 and reimbursement of expenses for officers and employees
21 of the board; requiring notice and a public meeting under
22 certain circumstances; requiring that all employees and
23 applicants for employment with the board undergo personnel
24 screening and security background investigations;
25 providing a penalty for failure to disclose certain
26 material facts and for use of confidential information for
27 certain purposes; authorizing the employment of campus
28 police and providing powers, duties, and qualifications;

29 requiring reporting of on-campus crime statistics;
 30 amending s. 1000.04, F.S.; providing that the Dan Marino
 31 Foundation Florida Vocational College is a component of
 32 the delivery of public education within Florida's K-20
 33 education system; amending s. 1001.20, F.S.; authorizing
 34 investigations by the Office of Inspector General within
 35 the Department of Education; providing an effective date.
 36

37 Be It Enacted by the Legislature of the State of Florida:
 38

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

41 (1) RESPONSIBILITIES.—The Dan Marino Foundation Florida
 42 Vocational College is established in Broward County, Florida, as
 43 a state-supported residential school that provides students who
 44 have developmental disabilities, who are 18 to 26 years of age,
 45 and who are no longer eligible for exceptional student education
 46 funding due to age or have graduated from high school, the
 47 opportunity to obtain a postsecondary education on a college
 48 campus setting. The school shall be a component of the delivery
 49 of public education within Florida's K-20 education system and
 50 shall be funded through the Department of Education subject to a
 51 specific appropriation. The school shall provide educational
 52 programs and support services appropriate to meet the
 53 educational and related evaluation and counseling needs of
 54 students who have developmental disabilities and who meet the
 55 enrollment criteria. Unless otherwise provided by law, the
 56 school shall comply with all laws and rules applicable to state

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57 agencies. Educational services may be provided on an outreach
58 basis for students who have developmental disabilities and who
59 are 18 to 26 years of age and to district school boards upon
60 request.

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

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

81 (4) BOARD OF TRUSTEES.—

82 (a) A Board of Trustees for the Dan Marino Foundation
83 Florida Vocational College is created and shall consist of seven
84 members. Of these seven members, three shall be appointed by the

85 Governor and one of these three shall be a person with a
86 developmental disability. Of the remaining four members, one
87 shall be the chair of the Dan Marino Foundation, one shall be
88 the chief executive officer of the Dan Marino Foundation, one
89 shall be appointed by the Speaker of the House of
90 Representatives, and one shall be appointed by the President of
91 the Senate. Each board member must have been a resident of the
92 state for at least 10 years before his or her appointment. The
93 term of office of each member shall be 4 years. The Governor may
94 remove any member for cause and shall fill all vacancies that
95 occur.

96 (b) The board of trustees shall elect a chair annually.

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

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

113 Board of Education; however, the board of trustees shall have
 114 complete jurisdiction over the management of the school.

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

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

120 2. Procure professional services, including, but not
 121 limited to, medical, mental health, architectural, and
 122 engineering services.

123 3. Procure legal services without the prior written
 124 approval of the Attorney General.

125 4. Determine eligibility of students and the procedure for
 126 admission.

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

132 6. Provide for the proper keeping of accounts and records
 133 and for budgeting of funds.

134 7. Enter into contracts.

135 8. Sue and be sued.

136 9. Secure public liability insurance.

137 10. Do and perform every other matter or thing necessary
 138 to the proper management, maintenance, support, and control of
 139 the school at the highest efficiency economically possible,
 140 taking into consideration the purposes of the establishment.

141 11. Receive gifts, donations, and bequests of money or
 142 property, real or personal, tangible or intangible, from any
 143 person, firm, corporation, or other legal entity. However, the
 144 board of trustees may not obligate the state to any expenditure
 145 or policy that is not specifically authorized by law. If a bill
 146 of sale, will, trust indenture, deed, or other legal conveyance
 147 specifies terms and conditions concerning the use of such money
 148 or property, the board of trustees shall observe such terms and
 149 conditions.

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

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

162 14. Invest such moneys in securities enumerated under s.
 163 215.47(1), (2)(c), (3), (4), and (10), Florida Statutes, and in
 164 The Common Fund, an Investment Management Fund exclusively for
 165 nonprofit educational institutions.

166 (f) The board of trustees shall:

167 1. Prepare and submit legislative budget requests for
 168 operations and fixed capital outlay, in accordance with chapter

169 216, Florida Statutes, to the Department of Education for review
 170 and approval. The department shall analyze the amount requested
 171 for fixed capital outlay to determine whether the request is
 172 consistent with the college's campus master plan, educational
 173 plant survey, and facilities master plan. Projections of
 174 facility space needs may exceed the norm space and occupant
 175 design criteria established in the State Requirements for
 176 Educational Facilities.

177 2. Approve and administer an annual operating budget.

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

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

190 5. Administer and maintain personnel programs for all
 191 employees of the board of trustees and the Dan Marino Foundation
 192 Florida Vocational College. Such employees may not be state
 193 employees. The classification and pay plan for academic
 194 personnel and academic administrative personnel of the school
 195 shall be set by the board of trustees, subject only to the
 196 approval of the State Board of Education. Such employees shall

197 be subject to the provisions of chapter 110, Florida Statutes.

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

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

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

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

223 (5) STUDENT AND EMPLOYEE PERSONNEL RECORDS.—The Board of
 224 Trustees for the Dan Marino Foundation Florida Vocational

225 College shall provide for the content and custody of student and
 226 employee personnel records. Student records shall be subject to
 227 s. 1006.52, Florida Statutes. Employee personnel records shall
 228 be subject to part IV of chapter 1012, Florida Statutes.

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

253 conditions described in this subsection is declared to be a
 254 school purpose for which school funds may be expended.

255 (7) PERSONNEL SCREENING.—

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

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

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

279 2.a. The applicant or employee shall, under penalty of
 280 perjury, attest to the minimum standards for good moral

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281 character as provided in chapter 435, Florida Statutes, using
282 the level 2 standards set forth in that chapter.

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

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

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

306 (e) The Dan Marino Foundation Florida Vocational College
307 may grant exemptions from disqualification as provided in s.
308 435.07, Florida Statutes.

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

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

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

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

328 (8) CAMPUS POLICE.—

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

334 (b) Each Dan Marino Foundation Florida Vocational College
335 campus police officer is a law enforcement officer of the state
336 and a conservator of the peace who has the authority to arrest,

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

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

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

365 officer's duties, take the oath of office established by the
 366 board of trustees. The board of trustees must provide a uniform
 367 set of identifying credentials to each campus police officer it
 368 employs.

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

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

385 (9) REPORT OF CAMPUS CRIME STATISTICS.—

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

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

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

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

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

410 Section 3. Paragraph (e) of subsection (4) of section
 411 1001.20, Florida Statutes, is amended to read:

412 1001.20 Department under direction of state board.—

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

417 (e) Office of Inspector General.—Organized using existing
 418 resources and funds and responsible for promoting
 419 accountability, efficiency, and effectiveness and detecting

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

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