

By Senator Flores

38-01616-11

20111616\_\_

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

38-01616-11

20111616\_\_

30 providing powers, duties, and qualifications;  
31 requiring reporting of on-campus crime statistics;  
32 amending s. 1000.04, F.S.; providing that the Dan  
33 Marino Foundation Florida Vocational College is a  
34 component of the delivery of public education within  
35 Florida's K-20 education system; amending s. 1001.20,  
36 F.S.; authorizing investigations by the Office of  
37 Inspector General within the Department of Education;  
38 providing an effective date.  
39

40 Be It Enacted by the Legislature of the State of Florida:  
41

42 Section 1. The Dan Marino Foundation Florida Vocational  
43 College.—

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

38-01616-11

20111616

59 basis for students who have developmental disabilities and who  
60 are 18 to 26 years of age and to district school boards upon  
61 request.

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

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

82 (4) BOARD OF TRUSTEES.—

83 (a) A Board of Trustees for the Dan Marino Foundation  
84 Florida Vocational College is created and shall consist of seven  
85 members who are appointed by the Governor and subject to  
86 confirmation by the Senate. Of these seven members, two shall be  
87 persons who have developmental disabilities. Each board member

38-01616-11

20111616\_\_

88 must have been a resident of the state for at least 10 years  
89 before his or her appointment. The term of office of each member  
90 shall be 4 years. The Governor may remove any member for cause  
91 and shall fill all vacancies that occur.

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

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:

38-01616-11

20111616\_\_

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, food,  
128 and medical attendance and such other things as may be proper  
129 for the health and comfort of the students without cost to their  
130 parents, except that the board of trustees may set tuition and  
131 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 to  
138 the proper management, maintenance, support, and control of the  
139 school at the highest efficiency economically possible, taking  
140 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

38-01616-11

20111616

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

38-01616-11

20111616\_\_

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, donations,  
179 bequests, funds raised by or belonging to student clubs or  
180 student organizations, and funds held for specific students or  
181 in accounts for individual students, to be deposited in the  
182 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 shall be state  
193 employees, except that the classification and pay plan for  
194 academic personnel and academic administrative personnel of the  
195 school shall be set by the board of trustees, subject only to  
196 the approval of the State Board of Education. Such employees  
197 shall be subject to the provisions of chapter 110, Florida  
198 Statutes, and the provisions of law that grant authority to the  
199 Department of Management Services over such programs for state  
200 employees.

201 6. Give preference in appointment and retention in  
202 positions of employment as provided in s. 295.07(1), Florida  
203 Statutes.

38-01616-11

20111616

204 7. Ensure that the Dan Marino Foundation Florida Vocational  
205 College coordinates planning with local governing bodies for  
206 educational facility construction.

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

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

226 (5) STUDENT AND EMPLOYEE PERSONNEL RECORDS.—The Board of  
227 Trustees for the Dan Marino Foundation Florida Vocational  
228 College shall provide for the content and custody of student and  
229 employee personnel records. Student records shall be subject to  
230 s. 1006.52, Florida Statutes. Employee personnel records shall  
231 be subject to part IV of chapter 1012, Florida Statutes.

232 (6) LEGAL SERVICES.—The Board of Trustees for the Dan



38-01616-11

20111616\_\_

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

258 (7) PERSONNEL SCREENING.—

259 (a) The Board of Trustees of the Dan Marino Foundation  
260 Florida Vocational College shall, because of the special trust  
261 or responsibility of employees of the school, require all

38-01616-11

20111616

262 employees and applicants for employment to undergo personnel  
263 screening and security background investigations as provided in  
264 chapter 435, Florida Statutes, using the level 2 standards for  
265 screening set forth in that chapter, as a condition of  
266 employment and continued employment. The cost of a personnel  
267 screening and security background investigation for an employee  
268 of the school shall be paid by the school. The cost of such a  
269 screening and investigation for an applicant for employment may  
270 be paid by the school.

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

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

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

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

38-01616-11

20111616

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

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

308       (e) The Dan Marino Foundation Florida Vocational College  
309 may grant exemptions from disqualification as provided in s.  
310 435.07, Florida Statutes.

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

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

38-01616-11

20111616\_\_

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

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

330 (8) CAMPUS POLICE.—

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

336 (b) Each Dan Marino Foundation Florida Vocational College  
337 campus police officer is a law enforcement officer of the state  
338 and a conservator of the peace who has the authority to arrest,  
339 in accordance with the laws of this state, any person for a  
340 violation of state law or any applicable county or municipal  
341 ordinance if that violation occurs on or in any property or  
342 facility of the school. A campus police officer may also arrest  
343 a person off campus for a violation committed on campus after a  
344 hot pursuit of that person that began on campus. A campus police  
345 officer shall have full authority to bear arms in the  
346 performance of the officer's duties and carry out a search  
347 pursuant to a search warrant on the campus. The Dan Marino  
348 Foundation Florida Vocational College campus police, upon

38-01616-11

20111616\_\_

349 request of the sheriff or local police authority, may serve  
350 subpoenas or other legal process and may make arrests of persons  
351 against whom arrest warrants have been issued or against whom  
352 charges have been made for violations of federal or state laws  
353 or county or municipal ordinances. Campus police officers may  
354 enforce traffic laws within the boundaries of the campus in  
355 accordance with chapter 316, Florida Statutes.

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

362 (d) The campus police must meet the minimum standards  
363 established by the Criminal Justice Standards and Training  
364 Commission of the Department of Law Enforcement and chapter 943,  
365 Florida Statutes, for law enforcement officers. Each campus  
366 police officer must, before entering into the performance of the  
367 officer's duties, take the oath of office established by the  
368 board of trustees. The board of trustees must provide a uniform  
369 set of identifying credentials to each campus police officer it  
370 employs.

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

375 (f) The board of trustees shall adopt rules, including,  
376 without limitation, rules for the appointment, employment, and  
377 removal of campus police in accordance with the State Career

38-01616-11

20111616

378 Service System and shall establish in writing a policy manual  
379 that includes, without limitation, procedures for managing  
380 routine law enforcement situations and emergency law enforcement  
381 situations. The board of trustees shall furnish a copy of the  
382 policy manual to each campus police officer it employs. A campus  
383 police officer employed by the board of trustees must have  
384 completed the training required by the school in the special  
385 needs of and proper procedures for dealing with students served  
386 by the school.

387 (9) REPORT OF CAMPUS CRIME STATISTICS.—

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

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

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

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

38-01616-11

20111616

407 Constitution and laws of the state.

408 (5) THE DAN MARINO FOUNDATION FLORIDA VOCATIONAL COLLEGE.-

409 The Dan Marino Foundation Florida Vocational College is a  
410 component of the delivery of public education within Florida's  
411 K-20 education system.

412 Section 3. Paragraph (e) of subsection (4) of section  
413 1001.20, Florida Statutes, is amended to read:

414 1001.20 Department under direction of state board.-

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

419 (e) *Office of Inspector General.*-Organized using existing  
420 resources and funds and responsible for promoting  
421 accountability, efficiency, and effectiveness and detecting  
422 fraud and abuse within school districts, the Florida School for  
423 the Deaf and the Blind, the Dan Marino Foundation Florida  
424 Vocational College, and community colleges in Florida. If the  
425 Commissioner of Education determines that a district school  
426 board, the Board of Trustees for the Florida School for the Deaf  
427 and the Blind, the Board of Trustees for the Dan Marino  
428 Foundation Florida Vocational College, or a community college  
429 board of trustees is unwilling or unable to address  
430 substantiated allegations made by any person relating to waste,  
431 fraud, or financial mismanagement within the school district,  
432 the Florida School for the Deaf and the Blind, the Dan Marino  
433 Foundation Florida Vocational College, or the community college,  
434 the office shall conduct, coordinate, or request investigations  
435 into such substantiated allegations. The office shall have

38-01616-11

20111616\_\_

436 access to all information and personnel necessary to perform its  
437 duties and shall have all of its current powers, duties, and  
438 responsibilities authorized in s. 20.055.

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