

By the Committee on Higher Education; and Senator Flores

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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

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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 are no longer eligible for exceptional student education
49 funding due to age or who have graduated from high school the
50 opportunity to obtain a postsecondary education on a college
51 campus setting. The school shall be a component of the delivery
52 of public education within Florida's K-20 education system and
53 shall be funded through the Department of Education. The school
54 shall provide educational programs and support services
55 appropriate to meet the educational and related evaluation and
56 counseling needs of students who have developmental disabilities
57 and who meet the enrollment criteria. Unless otherwise provided
58 by law, the school shall comply with all laws and rules

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

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

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

83 (4) BOARD OF TRUSTEES.—

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

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88 the chair of the Dan Marino Foundation Florida Vocational
89 College, one shall be the chief executive officer of the Dan
90 Marino Foundation Florida Vocational College, and two shall be
91 persons who have developmental disabilities. Each board member
92 must have been a resident of the state for at least 10 years
93 before his or her appointment. The term of office of each member
94 shall be 4 years. The Governor may remove any member for cause
95 and shall fill all vacancies that occur.

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

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

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

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

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

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

124 2. Procure professional services, including, but not
125 limited to, medical, mental health, architectural, and
126 engineering services.

127 3. Procure legal services without the prior written
128 approval of the Attorney General.

129 4. Determine eligibility of students and the procedure for
130 admission.

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

136 6. Provide for the proper keeping of accounts and records
137 and for budgeting of funds.

138 7. Enter into contracts.

139 8. Sue and be sued.

140 9. Secure public liability insurance.

141 10. Do and perform every other matter or thing necessary to
142 the proper management, maintenance, support, and control of the
143 school at the highest efficiency economically possible, taking
144 into consideration the purposes of the establishment.

145 11. Receive gifts, donations, and bequests of money or

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

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

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

166 14. Invest such moneys in securities enumerated under s.
167 215.47(1), (2)(c), (3), (4), and (10), Florida Statutes, and in
168 The Common Fund, an Investment Management Fund exclusively for
169 nonprofit educational institutions.

170 (f) The board of trustees shall:

171 1. Prepare and submit legislative budget requests for
172 operations and fixed capital outlay, in accordance with chapter
173 216, Florida Statutes, to the Department of Education for review
174 and approval. The department shall analyze the amount requested

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175 for fixed capital outlay to determine whether the request is
176 consistent with the college's campus master plan, educational
177 plant survey, and facilities master plan. Projections of
178 facility space needs may exceed the norm space and occupant
179 design criteria established in the State Requirements for
180 Educational Facilities.

181 2. Approve and administer an annual operating budget.

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

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

194 5. Administer and maintain personnel programs for all
195 employees of the board of trustees and the Dan Marino Foundation
196 Florida Vocational College. Such employees shall be state
197 employees, except that the classification and pay plan for
198 academic personnel and academic administrative personnel of the
199 school shall be set by the board of trustees, subject only to
200 the approval of the State Board of Education. Such employees
201 shall be subject to the provisions of chapter 110, Florida
202 Statutes, and the provisions of law that grant authority to the
203 Department of Management Services over such programs for state

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204 employees.

205 6. Give preference in appointment and retention in
206 positions of employment as provided in s. 295.07(1), Florida
207 Statutes.

208 7. Ensure that the Dan Marino Foundation Florida Vocational
209 College coordinates planning with local governing bodies for
210 educational facility construction.

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

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

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

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233 employee personnel records. Student records shall be subject to
234 s. 1006.52, Florida Statutes. Employee personnel records shall
235 be subject to part IV of chapter 1012, Florida Statutes.

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

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262 (7) PERSONNEL SCREENING.—

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

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

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

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

289 b. New personnel shall be on probationary status pending a
290 determination of compliance with such minimum standards for good

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291 moral character. This sub-subparagraph is in addition to any
292 probationary status provided for by state law or rules or
293 collective bargaining contracts of the Dan Marino Foundation
294 Florida Vocational College.

295 (c) The Dan Marino Foundation Florida Vocational College
296 shall review the record of the applicant or employee with
297 respect to the crimes described in s. 435.04, Florida Statutes,
298 and shall notify the applicant or employee of its findings. When
299 disposition information is missing on a criminal record, it
300 shall be the responsibility of the applicant or employee, upon
301 request of the Dan Marino Foundation Florida Vocational College,
302 to obtain the missing disposition information and supply such
303 information within 30 days to the Dan Marino Foundation Florida
304 Vocational College. Failure to supply missing information within
305 30 days or to show reasonable efforts to obtain such information
306 shall result in automatic disqualification of an applicant and
307 automatic termination of an employee.

308 (d) After an initial personnel screening and security
309 background investigation, written notification shall be given to
310 the affected employee within a reasonable time prior to any
311 subsequent screening and investigation.

312 (e) The Dan Marino Foundation Florida Vocational College
313 may grant exemptions from disqualification as provided in s.
314 435.07, Florida Statutes.

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

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320 character for personnel employed by the school.

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

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

329 2. Use the criminal records, private investigator findings,
330 or information from reference checks obtained under this section
331 or information obtained from such records or findings, or to
332 release such information or records to any person, for purposes
333 other than screening for employment.

334 (8) CAMPUS POLICE.—

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

340 (b) Each Dan Marino Foundation Florida Vocational College
341 campus police officer is a law enforcement officer of the state
342 and a conservator of the peace who has the authority to arrest,
343 in accordance with the laws of this state, any person for a
344 violation of state law or any applicable county or municipal
345 ordinance if that violation occurs on or in any property or
346 facility of the school. A campus police officer may also arrest
347 a person off campus for a violation committed on campus after a
348 hot pursuit of that person that began on campus. A campus police

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349 officer shall have full authority to bear arms in the
350 performance of the officer's duties and carry out a search
351 pursuant to a search warrant on the campus. The Dan Marino
352 Foundation Florida Vocational College campus police, upon
353 request of the sheriff or local police authority, may serve
354 subpoenas or other legal process and may make arrests of persons
355 against whom arrest warrants have been issued or against whom
356 charges have been made for violations of federal or state laws
357 or county or municipal ordinances. Campus police officers may
358 enforce traffic laws within the boundaries of the campus in
359 accordance with chapter 316, Florida Statutes.

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

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

375 (e) In performance of any of the powers, duties, or
376 functions authorized by law, campus police have the same rights,
377 protections, and immunities afforded other law enforcement

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378 officers.

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

391 (9) REPORT OF CAMPUS CRIME STATISTICS.—

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

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

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

404 1000.04 Components for the delivery of public education
405 within the Florida K-20 education system.—Florida's K-20
406 education system provides for the delivery of public education

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407 through publicly supported and controlled K-12 schools,
408 community colleges, state universities and other postsecondary
409 educational institutions, other educational institutions, and
410 other educational services as provided or authorized by the
411 Constitution and laws of the state.

412 (5) THE DAN MARINO FOUNDATION FLORIDA VOCATIONAL COLLEGE.-
413 The Dan Marino Foundation Florida Vocational College is a
414 component of the delivery of public education within Florida's
415 K-20 education system.

416 Section 3. Paragraph (e) of subsection (4) of section
417 1001.20, Florida Statutes, is amended to read:

418 1001.20 Department under direction of state board.-

419 (4) The Department of Education shall establish the
420 following offices within the Office of the Commissioner of
421 Education which shall coordinate their activities with all other
422 divisions and offices:

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

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436 the Florida School for the Deaf and the Blind, the Dan Marino
437 Foundation Florida Vocational College, or the community college,
438 the office shall conduct, coordinate, or request investigations
439 into such substantiated allegations. The office shall have
440 access to all information and personnel necessary to perform its
441 duties and shall have all of its current powers, duties, and
442 responsibilities authorized in s. 20.055.

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