

By the Committees on Governmental Oversight and Accountability;
and Higher Education; and Senators Flores and Garcia

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

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

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

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

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117 complete jurisdiction over the management of the school.

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

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

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

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

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

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

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

137 7. Enter into contracts.

138 8. Sue and be sued.

139 9. Secure public liability insurance.

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

144 11. Receive gifts, donations, and bequests of money or
145 property, real or personal, tangible or intangible, from any

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

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

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

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

169 (f) The board of trustees shall:

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

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

180 2. Approve and administer an annual operating budget.

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

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

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

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

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

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

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

229 (5) STUDENT AND EMPLOYEE PERSONNEL RECORDS.—The Board of
230 Trustees for the Dan Marino Foundation Florida Vocational
231 College shall provide for the content and custody of student and
232 employee personnel records. Student records shall be subject to

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

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

261 (7) PERSONNEL SCREENING.—

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

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

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

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

288 b. New personnel shall be on probationary status pending a
289 determination of compliance with such minimum standards for good
290 moral character. This sub-subparagraph is in addition to any

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291 probationary status provided for by state law or rules or
292 collective bargaining contracts of the Dan Marino Foundation
293 Florida Vocational College.

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

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

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

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

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

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

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

333 (8) CAMPUS POLICE.—

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

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

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

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

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

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

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

390 (9) REPORT OF CAMPUS CRIME STATISTICS.—

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

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

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

403 1000.04 Components for the delivery of public education
404 within the Florida K-20 education system.—Florida's K-20
405 education system provides for the delivery of public education
406 through publicly supported and controlled K-12 schools,

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407 community colleges, state universities and other postsecondary
408 educational institutions, other educational institutions, and
409 other educational services as provided or authorized by the
410 Constitution and laws of the state.

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

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

417 1001.20 Department under direction of state board.-

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

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

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

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