

By 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 residential postsecondary school for
6 certain students who have developmental disabilities;
7 providing funding for the school through the
8 Department of Education subject to a specific one-time
9 appropriation; providing the school's mission;
10 requiring that the school comply with the laws and
11 rules applicable to state agencies unless otherwise
12 provided by law; requiring that the school provide
13 educational programs and support services; creating a
14 board of trustees; providing membership, terms, and
15 specifying powers and duties of the board; requiring
16 that the board provide for the content and custody of
17 student and employee personnel records; authorizing
18 the board to provide legal services and reimbursement
19 of expenses for officers and employees of the board;
20 requiring that all employees and applicants for
21 employment undergo personnel screening and security
22 background investigations; providing a penalty for
23 failure to disclose certain material facts and for use
24 of confidential information for certain purposes;
25 requiring reporting of on-campus crime statistics;
26 amending s. 1000.04, F.S.; providing that the Dan
27 Marino Foundation Florida Vocational College is a
28 component of the delivery of public education within
29 the Florida College System; amending s. 1001.20, F.S.;

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30 authorizing investigations by the Office of Inspector
31 General within the Department of Education; providing
32 an effective date.

33
34 Be It Enacted by the Legislature of the State of Florida:

35
36 Section 1. The Dan Marino Foundation Florida Vocational
37 College.—

38 (1) DAN MARINO FOUNDATION FLORIDA VOCATIONAL COLLEGE.—The
39 Dan Marino Foundation Florida Vocational College is established
40 in Broward County, Florida, as a residential school that
41 provides students who have developmental disabilities, who are
42 18 to 28 years of age, and who are no longer eligible for
43 exceptional student education funding due to age or graduation
44 from high school with the opportunity to obtain a postsecondary
45 education on a college campus setting. The school shall be a
46 component of the delivery of public education within the Florida
47 College System and shall be funded through the Department of
48 Education subject to a specific one-time appropriation.

49 (2) MISSION.—The mission of the Dan Marino Foundation
50 Florida Vocational College is to provide an appropriate
51 education for eligible students who have developmental
52 disabilities. As a school that provides programs for attaining
53 vocational, life, social, and independent living skills, the
54 school shall strive to provide students with an opportunity to
55 develop skills fostering their independence in a caring, safe,
56 and unique learning environment, to prepare them to be an
57 integral part of the community, and to allow them to become
58 significantly less dependent on government funding. As a diverse

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59 organization, the school shall strive to foster respect and
60 understanding for each individual.

61 (3) RESPONSIBILITIES.—The school shall:

62 (a) Unless otherwise provided by law, comply with all laws
63 and rules applicable to state agencies.

64 (b) Provide educational programs and support services
65 appropriate to meet the educational and related evaluation and
66 counseling needs of students who have developmental disabilities
67 and who meet the enrollment criteria.

68 (c) Provide an individualized curriculum that is based on
69 each student's needs, preferences, and interests. Each student
70 who successfully completes the curriculum requirements will
71 receive a Dan Marino Foundation Florida Vocational College
72 Career and Life Skills Diploma.

73 (d) Provide students with the following curriculum tracks:

74 1. Employment track.—The employment track enables a student
75 to access on-the-job training and develop an employment profile
76 in order to seek a position within his or her field of choice
77 upon completion.

78 2. Certification track.—The certification track provides a
79 student who is pursuing a job within an industry requiring
80 certification with vocational education paired with on-the-job
81 training.

82 (e) Provide outreach services that include collaboration
83 with employers, district school boards, and community
84 organizations and encourage input from students, staff, parents,
85 and the community.

86 (4) BOARD OF TRUSTEES.—

87 (a) A Board of Trustees for the Dan Marino Foundation

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88 Florida Vocational College is created and shall consist of seven
89 members. Of these seven members, three shall be appointed by the
90 Governor and one of these three shall be a person with a
91 developmental disability. Of the remaining four members, one
92 shall be the chair of the Dan Marino Foundation, one shall be
93 the chief executive officer of the Dan Marino Foundation, one
94 shall be appointed by the Speaker of the House of
95 Representatives, and one shall be appointed by the President of
96 the Senate. The term of office of each member shall be 4 years.
97 The Governor may remove any member for cause and shall fill all
98 vacancies that occur.

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

100 (c) The board of trustees may adopt rules to administer
101 this section and to provide for 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)12. 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 vested with full power and
119 authority to:

120 1. Appoint a president, faculty, teachers, and other
121 employees, to remove the same according to its best judgment,
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. Accept Stanley G. Tate Florida Prepaid College Program
131 funds and state and federal scholarships and grants.

132 6. Determine the degrees and certificates the school will
133 offer.

134 7. Provide for the proper keeping of accounts and records
135 and for budgeting of funds.

136 8. Enter into contracts.

137 9. Sue and be sued and be entitled to sovereign immunity
138 pursuant to s. 768.28, Florida Statutes.

139 10. Secure public liability insurance.

140 11. 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 12. 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 13. 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 14. 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 15. 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. Approve and administer an annual operating budget.

171 2. Require all funds received, other than gifts, donations,
172 bequests, funds raised by or belonging to student clubs or
173 student organizations, and funds held for specific students or
174 in accounts for individual students, to be deposited in the

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175 State Treasury and expended as authorized in the General
176 Appropriations Act.

177 3. Require all purchases to be in accordance with chapter
178 287, Florida Statutes, except for purchases made with funds
179 received as gifts, donations, or bequests; funds raised by or
180 belonging to student clubs or student organizations; and funds
181 held for specific students or in accounts for individual
182 students.

183 4. Administer and maintain personnel programs for all
184 employees of the board of trustees and the Dan Marino Foundation
185 Florida Vocational College. Such employees may not be state
186 employees. The classification and pay plan for academic
187 personnel and academic administrative personnel of the school
188 shall be set by the board of trustees. Such employees shall be
189 subject to the provisions of chapter 110, Florida Statutes.

190 5. Give preference in appointment and retention in
191 positions of employment as provided in s. 295.07(1), Florida
192 Statutes.

193 6. Ensure that the Dan Marino Foundation Florida Vocational
194 College coordinates planning with local governing bodies for
195 educational facility construction.

196 7. Adopt a master plan that specifies the mission and
197 objectives of the Dan Marino Foundation Florida Vocational
198 College. The plan shall include, but is not limited to,
199 procedures for systematically measuring the school's progress
200 toward meeting its objectives, analyzing changes in the student
201 population, and modifying school programs and services to
202 respond to such changes. The plan shall be implemented for a
203 period of 5 years and shall be reviewed for needed modifications

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204 every 2 years. The board of trustees shall submit the initial
205 plan and subsequent modifications to the President of the Senate
206 and the Speaker of the House of Representatives.

207 (5) STUDENT AND EMPLOYEE PERSONNEL RECORDS.—The Board of
208 Trustees for the Dan Marino Foundation Florida Vocational
209 College shall provide for the content and custody of student and
210 employee personnel records. Student records shall be subject to
211 s. 1006.52, Florida Statutes. Employee personnel records shall
212 be subject to part IV of chapter 1012, Florida Statutes.

213 (6) LEGAL SERVICES.—The Board of Trustees for the Dan
214 Marino Foundation Florida Vocational College may provide legal
215 services for officers and employees of the board of trustees who
216 are charged with civil or criminal actions arising out of and in
217 the course of the performance of assigned duties and
218 responsibilities. The board of trustees may provide for
219 reimbursement of reasonable expenses for legal services for
220 officers and employees of the board of trustees who are charged
221 with civil or criminal actions arising out of and in the course
222 of the performance of assigned duties and responsibilities upon
223 successful defense of the officer or employee. However, in any
224 case in which the officer or employee pleads guilty or nolo
225 contendere to or is found guilty of any such action, the officer
226 or employee shall reimburse the board of trustees for any legal
227 services that the board of trustees may have supplied pursuant
228 to this section. The board of trustees may also reimburse an
229 officer or employee for any judgment that may be entered against
230 him or her in a civil action arising out of and in the course of
231 the performance of his or her assigned duties and
232 responsibilities. Each expenditure by the board of trustees for

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233 legal defense of an officer or employee, or for reimbursement
234 pursuant to this section, shall be made at a public meeting with
235 notice pursuant to s. 120.525(1), Florida Statutes. The
236 provision of such legal services or reimbursement under the
237 conditions described in this subsection is declared to be a
238 school purpose for which school funds may be expended.

239 (7) PERSONNEL SCREENING.—

240 (a) The Board of Trustees of the Dan Marino Foundation
241 Florida Vocational College shall, because of the special trust
242 or responsibility of employees of the school, require all
243 employees and applicants for employment to undergo personnel
244 screening and security background investigations as provided in
245 chapter 435, Florida Statutes, using the level 2 standards for
246 screening set forth in that chapter, as a condition of
247 employment and continued employment. The cost of a personnel
248 screening and security background investigation for an employee
249 of the school shall be paid by the school. The cost of such a
250 screening and investigation for an applicant for employment may
251 be paid by the school.

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

254 1. The applicant or employee shall submit to the Dan Marino
255 Foundation Florida Vocational College a complete set of
256 fingerprints taken by an authorized law enforcement agency or an
257 employee of the Dan Marino Foundation Florida Vocational College
258 who is trained to take fingerprints. The Dan Marino Foundation
259 Florida Vocational College shall submit the fingerprints to the
260 Department of Law Enforcement for state processing and the
261 Federal Bureau of Investigation for federal processing.

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

266 b. New personnel shall be on probationary status pending a
267 determination of compliance with such minimum standards for good
268 moral character. This sub-subparagraph is in addition to any
269 probationary status provided for by state law or rules or
270 collective bargaining contracts of the Dan Marino Foundation
271 Florida Vocational College.

272 (c) The Dan Marino Foundation Florida Vocational College
273 shall review the record of the applicant or employee with
274 respect to the crimes described in s. 435.04, Florida Statutes,
275 and shall notify the applicant or employee of its findings. When
276 disposition information is missing on a criminal record, it
277 shall be the responsibility of the applicant or employee, upon
278 request of the Dan Marino Foundation Florida Vocational College,
279 to obtain the missing disposition information and supply such
280 information within 30 days to the Dan Marino Foundation Florida
281 Vocational College. Failure to supply missing information within
282 30 days or to show reasonable efforts to obtain such information
283 shall result in automatic disqualification of an applicant and
284 automatic termination of an employee.

285 (d) After an initial personnel screening and security
286 background investigation, written notification shall be given to
287 the affected employee within a reasonable time prior to any
288 subsequent screening and investigation.

289 (e) The Dan Marino Foundation Florida Vocational College
290 may grant exemptions from disqualification as provided in s.

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291 435.07, Florida Statutes.

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

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

301 1. Fail, by false statement, misrepresentation,
302 impersonation, or other fraudulent means, to disclose in any
303 application for voluntary or paid employment a material fact
304 used in making a determination as to such person's
305 qualifications for a position of special trust.

306 2. Use the criminal records, private investigator findings,
307 or information from reference checks obtained under this section
308 or information obtained from such records or findings, or to
309 release such information or records to any person, for purposes
310 other than screening for employment.

311 (8) REPORT OF CAMPUS CRIME STATISTICS.—

312 (a) The school shall prepare an annual report of statistics
313 of crimes committed on its campus and shall submit the report to
314 the board of trustees and the Commissioner of Education. The
315 data for the report may be taken from the annual report of the
316 Department of Law Enforcement. The board of trustees shall
317 prescribe the form for submission of the report.

318 (b) The school shall prepare an annual report of statistics
319 of crimes committed on its campus for the preceding 3 years. The

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320 school shall give students and prospective students notice that
321 this report is available upon request.

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

324 1000.04 Components for the delivery of public education
325 within the Florida K-20 education system.—Florida's K-20
326 education system provides for the delivery of public education
327 through publicly supported and controlled K-12 schools, Florida
328 College System institutions, state universities and other
329 postsecondary educational institutions, other educational
330 institutions, and other educational services as provided or
331 authorized by the Constitution and laws of the state.

332 (5) THE DAN MARINO FOUNDATION FLORIDA VOCATIONAL COLLEGE.—
333 The Dan Marino Foundation Florida Vocational College is a
334 component of the delivery of public education within the Florida
335 College System.

336 Section 3. Paragraph (e) of subsection (4) of section
337 1001.20, Florida Statutes, is amended to read:

338 1001.20 Department under direction of state board.—

339 (4) The Department of Education shall establish the
340 following offices within the Office of the Commissioner of
341 Education which shall coordinate their activities with all other
342 divisions and offices:

343 (e) *Office of Inspector General.*—Organized using existing
344 resources and funds and responsible for promoting
345 accountability, efficiency, and effectiveness and detecting
346 fraud and abuse within school districts, the Florida School for
347 the Deaf and the Blind, the Dan Marino Foundation Florida
348 Vocational College, and Florida College System institutions in

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349 Florida. If the Commissioner of Education determines that a
350 district school board, the Board of Trustees for the Florida
351 School for the Deaf and the Blind, the Board of Trustees for the
352 Dan Marino Foundation Florida Vocational College, or a Florida
353 College System institution board of trustees is unwilling or
354 unable to address substantiated allegations made by any person
355 relating to waste, fraud, or financial mismanagement within the
356 school district, the Florida School for the Deaf and the Blind,
357 the Dan Marino Foundation Florida Vocational College, or the
358 Florida College System institution, the office shall conduct,
359 coordinate, or request investigations into such substantiated
360 allegations. The office shall have access to all information and
361 personnel necessary to perform its duties and shall have all of
362 its current powers, duties, and responsibilities authorized in
363 s. 20.055.

364 Section 4. This act shall take effect July 1, 2012.