

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 residential and inclusionary postsecondary
6 school for certain students who have developmental
7 disabilities; providing funding for the school through
8 the Department of Education subject to a specific one-
9 time 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 and inclusionary
41 postsecondary school that provides students who have
42 developmental disabilities, who are 18 to 28 years of age, and
43 who are no longer eligible for exceptional student education
44 funding due to age or graduation from high school with the
45 opportunity to obtain a postsecondary education on a college
46 campus setting. The school shall be a component of the delivery
47 of public education within the Florida College System and shall
48 be funded through the Department of Education subject to a
49 specific one-time appropriation.

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

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59 significantly less dependent on government funding. As a diverse
60 organization, the school shall strive to foster respect and
61 understanding for each individual.

62 (3) RESPONSIBILITIES.—The school shall:

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

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

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

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

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

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

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

87 (4) BOARD OF TRUSTEES.—

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

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

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

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

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

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

137 8. Enter into contracts.

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

140 10. Secure public liability insurance.

141 11. 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 12. 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 13. 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 14. 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 15. 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. Approve and administer an annual operating budget.

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

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175 in accounts for individual students, to be deposited in the
176 State Treasury and expended as authorized in the General
177 Appropriations Act.

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

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

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

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

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

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204 period of 5 years and shall be reviewed for needed modifications
205 every 2 years. The board of trustees shall submit the initial
206 plan and subsequent modifications to the President of the Senate
207 and the Speaker of the House of Representatives.

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

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

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

240 (7) PERSONNEL SCREENING.—

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

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

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

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262 Federal Bureau of Investigation for federal processing.

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

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

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

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

290 (e) The Dan Marino Foundation Florida Vocational College

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291 may grant exemptions from disqualification as provided in s.
292 435.07, Florida Statutes.

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

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

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

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

312 (8) REPORT OF CAMPUS CRIME STATISTICS.—

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

319 (b) The school shall prepare an annual report of statistics

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320 of crimes committed on its campus for the preceding 3 years. The
321 school shall give students and prospective students notice that
322 this report is available upon request.

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

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

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

337 Section 3. Paragraph (e) of subsection (4) of section
338 1001.20, Florida Statutes, is amended to read:

339 1001.20 Department under direction of state board.—

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

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

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

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