

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

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29 | the Florida College System; amending s. 1001.20, F.S.;  
 30 | authorizing investigations by the Office of Inspector  
 31 | General within the Department of Education; providing  
 32 | an effective date.

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

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

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57 integral part of the community, and to allow them to become  
58 significantly less dependent on government funding. As a diverse  
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  
75 student to access on-the-job training and develop an employment  
76 profile in order to seek a position within his or her field of  
77 choice 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

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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  
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,

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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  
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.

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

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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,  
172 donations, bequests, funds raised by or belonging to student  
173 clubs or student organizations, and funds held for specific  
174 students or in accounts for individual students, to be deposited  
175 in the 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  
 194 Vocational College coordinates planning with local governing  
 195 bodies for 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  
 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  
 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

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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  
253 employment at the Dan Marino Foundation Florida Vocational  
254 College:

255 1. The applicant or employee shall submit to the Dan  
256 Marino 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  
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

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

312 (8) REPORT OF CAMPUS CRIME STATISTICS.—

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

319 (b) The school shall prepare an annual report of  
 320 statistics of crimes committed on its campus for the preceding 3  
 321 years. The school shall give students and prospective students  
 322 notice that 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  
 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

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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.