

By Representative Ogles

1 A bill to be entitled
2 An act relating to the distribution of lottery
3 proceeds; amending s. 24.121, F.S.; amending
4 provisions relating to the distribution of the
5 proceeds that are transferred annually to the
6 Educational Enhancement Trust Fund; allowing
7 local school boards to determine how the local
8 portion of such funds is to be used; repealing
9 certain requirements for using such funds;
10 requiring public notice and a public hearing;
11 amending ss. 229.592, 230.23, F.S., to conform;
12 providing an effective date.

13
14 Be It Enacted by the Legislature of the State of Florida:

15
16 Section 1. Section 24.121, Florida Statutes, 1996
17 Supplement, is amended to read:

18 24.121 Allocation of revenues and expenditure of funds
19 for public education.--

20 (1) As nearly as practical, at least 50 percent of the
21 gross revenue from the sale of lottery tickets shall be
22 returned to the public in the form of prizes paid by the
23 department or retailers as authorized by this act.

24 (2) Each fiscal year, at least 38 percent of the gross
25 revenue from the sale of lottery tickets and other earned
26 revenue, excluding application processing fees, must ~~shall~~ be
27 deposited in the Educational Enhancement Trust Fund, which is
28 hereby created in the State Treasury to be administered by the
29 Department of Education. The Department of the Lottery shall
30 transfer moneys to the Educational Enhancement Trust Fund at
31 least once each quarter. Funds in the Educational Enhancement

1 Trust Fund must ~~shall~~ be used to the benefit of public
2 education in accordance with this section ~~the provisions of~~
3 ~~this act~~.

4 (3) The funds remaining in the Administrative Trust
5 Fund after transfers to the Educational Enhancement Trust Fund
6 must ~~shall~~ be used for the payment of administrative expenses
7 of the department. These expenses ~~shall~~ include all costs
8 incurred in the operation and administration of the lottery
9 and all costs resulting from any contracts entered into for
10 the purchase or lease of goods or services required by the
11 lottery, including, but not limited to:

12 (a) The compensation paid to retailers;

13 (b) The costs of supplies, materials, tickets,
14 independent audit services, independent studies, data
15 transmission, advertising, promotion, incentives, public
16 relations, communications, security, bonding for retailers,
17 printing, distribution of tickets, and reimbursing other
18 governmental entities for services provided to the lottery;
19 and

20 (c) The costs of any other goods and services
21 necessary for effectuating the purposes of this act.

22 (4) The unencumbered balance that ~~which~~ remains in the
23 Administrative Trust Fund at the end of each fiscal year must
24 ~~shall~~ be transferred to the Educational Enhancement Trust
25 Fund.

26 (5)(a)1. Moneys from the Educational Enhancement Trust
27 Fund must first be appropriated for the Florida Postsecondary
28 Tuition Program in an amount to be determined annually by the
29 Legislature.

30 2. The portion of the moneys from the trust fund which
31 is distributed to the public schools may be used by each

1 ~~district school board for Public educational programs and~~
2 ~~purposes funded by the Educational Enhancement Trust Fund may~~
3 ~~include, but are not limited to, endowment, scholarship,~~
4 ~~matching funds, direct grants, research and economic~~
5 ~~development related to education, salary enhancement,~~
6 ~~contracts with independent institutions to conduct programs~~
7 ~~consistent with the state master plan for postsecondary~~
8 ~~education, or any other public educational program or~~
9 enhancement purpose that the school board of that district
10 approves and sets out in a plan adopted locally after public
11 notice and a public hearing as required in paragraph (c)
12 ~~deemed desirable by the Legislature. These purposes may~~
13 include, but are not limited to, enhancing school performance
14 through developing and implementing a school improvement plan
15 under s. 230.23(18).

16 (b) ~~Except as provided in paragraphs (c) and (d),~~The
17 Legislature shall equitably apportion moneys in the trust fund
18 among public schools, community colleges, and universities.

19 (c) Annually, before a district school board may spend
20 or contract to spend any of the moneys received from the
21 Educational Enhancement Trust Fund, the school board must
22 advertise in a newspaper of general circulation in the school
23 district a notice of purpose which states the amount of such
24 funds which it has received for the current year, the specific
25 purposes for which the school board plans to use those funds,
26 the amount that it intends to use for each purpose, the date
27 of a public hearing at which public comments will be heard,
28 and the procedure that members of the public must follow in
29 order to speak at the hearing. The public hearing must be held
30 no fewer than 2 days and no more than 5 days after the
31 advertisement is first published. The advertisement must be

1 not less than one-quarter page in size of a standard size or a
2 tabloid size newspaper, and the headline in the advertisement
3 must be in a type no smaller than 18 point. The advertisement
4 may not be placed in that portion of the newspaper where legal
5 notices and classified advertisements appear. The
6 advertisement must be published in a newspaper of general paid
7 circulation in the county or in a geographically limited
8 insert of such a newspaper. The geographic boundaries in which
9 the insert is circulated must include the geographic
10 boundaries of the school district. It is the legislative
11 intent that, whenever possible, the advertisement appear in a
12 newspaper that is published at least 5 days a week unless the
13 only newspaper in the county is published less than 5 days a
14 week, or that the advertisement appear in a geographically
15 limited insert of such a newspaper which insert is published
16 throughout the school district at least twice each week. It is
17 further the legislative intent that the newspaper selected be
18 one of general interest and readership in the community and
19 not one of limited subject, pursuant to chapter 50. If a
20 school district needs to amend the list of purposes previously
21 advertised and adopted, an amended notice of purpose must be
22 published in conformity with the original notice of purpose,
23 and a public hearing to adopt the amended list of purposes
24 must be held not less than 2 days nor more than 5 days after
25 the day the amended notice of purpose is first published. The
26 purposes must be listed in the same order in which they
27 appeared in the original notice. If a purpose is deleted, the
28 advertisement must so indicate.~~A portion of such net~~
29 ~~revenues, as determined annually by the Legislature, shall be~~
30 ~~distributed to each school district and shall be made~~
31 ~~available to each public school in the district for enhancing~~

1 ~~school performance through development and implementation of a~~
2 ~~school improvement plan pursuant to s. 230.23(18).~~

3 (d) ~~Beginning July 1, 1993, no~~ Funds may not ~~shall~~ be
4 released for any purpose from the Educational Enhancement
5 Trust Fund to any school district in which one or more schools
6 do not have an approved school improvement plan pursuant to s.
7 230.23(18).

8 (e) Each school district shall annually, ~~on a~~
9 ~~quarterly basis~~, make available to the public and distribute,
10 in an easy to understand format, a statement of how the
11 ~~expenditures of~~ lottery funds allocated to the school district
12 have been spent.

13 Section 2. Paragraph (c) of subsection (4) of section
14 229.592, Florida Statutes, 1996 Supplement, is amended to
15 read:

16 229.592 Implementation of state system of school
17 improvement and education accountability.--

18 (4) DEPARTMENT.--

19 (c) Pursuant to s. 24.121(5)(c) ~~s. 24.121(5)(d)~~, the
20 department may ~~shall~~ not release funds from the Educational
21 Enhancement Trust Fund to any district in which a school does
22 not have an approved school improvement plan, pursuant to s.
23 230.23(18), after 1 full school year of planning and
24 development. The department shall send a technical assistance
25 team to each school without an approved plan to develop such
26 school improvement plan. The department shall release the
27 funds upon approval of the plan. Notice must ~~shall~~ be given to
28 the public of the department's intervention and must ~~shall~~
29 identify each school without a plan.

30 Section 3. Paragraph (f) of subsection (18) of section
31 230.23, Florida Statutes, 1996 Supplement, is amended to read:

