

By Representative Wiles

1                                   A bill to be entitled  
 2           An act relating to the Florida School for the  
 3           Deaf and the Blind; amending ss. 235.014 and  
 4           235.017, F.S., relating to educational  
 5           facilities; authorizing the Department of  
 6           Management Services to provide facilities  
 7           services for the Florida School for the Deaf  
 8           and the Blind; amending s. 236.1229, F.S.;  
 9           providing for Florida School Improvement and  
 10          Academic Achievement Trust Fund grants to the  
 11          Florida School for the Deaf and the Blind;  
 12          providing for allocation and school-level  
 13          administration; amending s. 242.3305, F.S.;  
 14          revising provisions relating to mission and  
 15          responsibilities of the Florida School for the  
 16          Deaf and the Blind; amending s. 287.059, F.S.;  
 17          authorizing private attorney services for the  
 18          Florida School for the Deaf and the Blind  
 19          without certain prior written approval;  
 20          providing an effective date.

21  
 22 Be It Enacted by the Legislature of the State of Florida:

23  
 24           Section 1. Subsection (7) of section 235.014, Florida  
 25 Statutes, 1998 Supplement, is amended to read:  
 26           235.014 Functions of the department.--The functions of  
 27 the department shall include, but not be limited to, the  
 28 following; it shall:  
 29           (7) Provide training, technical assistance, and  
 30 building code interpretation for requirements of the mandatory  
 31 uniform building code for the facilities construction and

1 capital improvement programs of the boards and, upon request,  
2 approve phase III construction documents for remodeling,  
3 renovation, or new construction of educational plants or  
4 ancillary facilities, except that the Board of Regents shall  
5 approve specifications and construction documents for the  
6 State University System. The Department of Management Services  
7 may, upon request,~~shall~~ provide similar services for the  
8 Florida School for the Deaf and the Blind and shall use a  
9 state minimum building code adopted pursuant to s. 553.73 and  
10 the National Fire Protection Association Life Safety Code as  
11 adopted pursuant to chapter 633.

12 Section 2. Subsection (3) of section 235.017, Florida  
13 Statutes, 1998 Supplement, is amended to read:

14 235.017 Boards to ensure that facilities comply with  
15 building codes and life safety codes.--

16 (3) The Department of Management Services may, upon  
17 request,~~must~~ provide facilities services for the Florida  
18 School for the Deaf and the Blind. As used in this section,  
19 the term "facilities services" means project management, code  
20 and design plan review, and code compliance inspection for  
21 projects as defined in s. 287.017(1)(e).

22 Section 3. Section 236.1229, Florida Statutes, 1998  
23 Supplement, is amended to read:

24 236.1229 Florida School Improvement and Academic  
25 Achievement Trust Fund grants.--

26 (1) LEGISLATIVE INTENT.--The Legislature recognizes  
27 that private contributions can play an important role in  
28 enabling school districts and the Florida School for the Deaf  
29 and the Blind to achieve a margin of excellence within  
30 existing state and local funding. It is, therefore, the  
31 intent of the Legislature to provide each school district and

1 the Florida School for the Deaf and the Blind with the  
2 opportunity to receive private donations and provide private  
3 donors with an incentive in the form of matching grants for  
4 contributions for the improvement of schools and academic  
5 programs within the district school system and the Florida  
6 School for the Deaf and the Blind.

7 (2) FUNDING.--The Florida School Improvement and  
8 Academic Achievement Trust Fund shall be utilized to provide  
9 challenge grants and matching endowment grants to public  
10 school district education foundations that meet the  
11 requirements of this section and are recognized as such by the  
12 Florida Education Foundation and to the Florida School for the  
13 Deaf and the Blind Endowment Fund. All funds appropriated or  
14 retained in the trust fund shall be invested pursuant to s.  
15 18.125. Notwithstanding the provisions of s. 216.301, and  
16 pursuant to s. 216.351, any undisbursed balance remaining in  
17 the trust fund and interest accruing to that portion of the  
18 trust fund not matched and distributed to the public school  
19 district education foundations or to the Florida School for  
20 the Deaf and the Blind Endowment Fund shall remain in the  
21 trust fund and shall increase the total funds available for  
22 challenge grants and matching endowment grants.

23 (3) ADMINISTRATION.--The Commissioner of Education  
24 shall specify procedures for submitting, documenting, and  
25 approving requests for matching funds and for maintaining  
26 accountability for endowments and the proceeds of endowments;  
27 and establish restrictions on the use of proceeds from  
28 endowments. The commissioner shall specify conditions under  
29 which matching funds may be encumbered by a down payment and a  
30 pledged schedule of future contributions. Such conditions  
31

1 shall include conditions of default and reinstatement of  
2 defaulted pledges.

3 (4) ALLOCATION OF THE TRUST FUND.--Funds appropriated  
4 to the trust fund shall be allocated by the Department of  
5 Education in the following manner:

6 (a) For every year in which there is a legislative  
7 appropriation to the trust fund, an equal amount of the annual  
8 appropriation, to be determined by dividing the total  
9 legislative appropriation by the number of local education  
10 foundations, as well as the Florida School for the Deaf and  
11 the Blind, must be reserved for each public school district  
12 education foundation and the Florida School for the Deaf and  
13 the Blind Endowment Fund to provide each foundation and the  
14 Florida School for the Deaf and the Blind with an opportunity  
15 to receive and match a challenge grant. Trust funds that  
16 remain unmatched by contribution on March 1 of any year shall  
17 also be available for matching by any public school district  
18 education foundation, by the Florida School for the Deaf and  
19 the Blind, Endowment Fund or by the Department of Education  
20 Florida Education Foundation. The commissioner shall adopt  
21 procedures providing all public school district education  
22 foundations and the Florida School for the Deaf and the Blind  
23 with an opportunity to apply for excess trust funds prior to  
24 awarding such funds. However, no public school district  
25 education foundation may receive more than its percentage of  
26 the total full-time equivalent enrollment or 15 percent,  
27 whichever is greater, of the funds appropriated to the trust  
28 fund for that fiscal year. The Florida School for the Deaf and  
29 the Blind shall not be subject to the full-time equivalent  
30 enrollment clause.

31

1 (b) Challenge grants shall be proportionately  
2 allocated from the trust fund on the basis of matching each \$4  
3 of state funds with \$6 of private funds. To be eligible for  
4 matching, a minimum of \$4,500 must be raised from private  
5 sources.

6 (c) Funds sufficient to provide the match shall be  
7 transferred from the state trust fund to the public school  
8 education foundation or to the Florida School for the Deaf and  
9 the Blind Endowment Fund upon notification that a  
10 proportionate amount has been received and deposited by the  
11 foundation or school in its own trust fund.

12 (d) Matching grants shall be distributed on the last  
13 day of each calendar quarter. If the total of the amounts to  
14 be distributed in any quarter pursuant to this subsection  
15 exceeds the amount of funds remaining from specific  
16 appropriations made for the implementation of this section,  
17 all grants for that quarter shall be proportionately reduced  
18 so that the total of matching grants distributed does not  
19 exceed available appropriations.

20 (5) DISTRICT-LEVEL AND SCHOOL-LEVEL ADMINISTRATION.--

21 (a) Each public school district education foundation  
22 and the Florida School for the Deaf and the Blind  
23 participating in the Florida School Improvement and Academic  
24 Achievement Trust Fund shall separately account for all funds  
25 received pursuant to this section, including interest, and may  
26 establish its own school improvement and academic achievement  
27 trust fund as a depository for the private contributions,  
28 state matching funds, and interest earnings on investments of  
29 such funds. State matching funds shall be transferred to the  
30 public school district education foundation or to the Florida  
31 School for the Deaf and the Blind Endowment Fund upon

1 notification that the foundation or school has received and  
2 deposited private contributions that meet the criteria for  
3 matching as provided in this section. The public school  
4 district education foundations and the Florida School for the  
5 Deaf and the Blind are responsible for the maintenance,  
6 investment, and administration of their school improvement and  
7 academic improvement trust funds.

8 (b) The public school district education foundation  
9 and the Florida School for the Deaf and the Blind shall be  
10 responsible for soliciting and receiving contributions to be  
11 deposited and matched with challenge grants for establishing  
12 endowments for school improvement and academic achievement  
13 within the school district or school.

14 (c) Each public school district education foundation  
15 and the Florida School for the Deaf and the Blind shall be  
16 responsible for proper expenditure of the funds received  
17 pursuant to this section.

18 (6) USES.--The donations, state matching funds, or  
19 proceeds from endowments established pursuant to this section  
20 shall be used at the discretion of the public school district  
21 education foundation or the Florida School for the Deaf and  
22 the Blind for improving schools and academic achievement  
23 within the school district or school and shall not be expended  
24 for the construction of facilities or for the support of  
25 interscholastic athletics. No public school district  
26 education foundation or the Florida School for the Deaf and  
27 the Blind shall accept or purchase facilities for which the  
28 state will be asked for operating funds unless the Legislature  
29 has granted prior approval for such acquisition.

30 Section 4. Subsection (2) of section 242.3305, Florida  
31 Statutes, is amended to read:

1           242.3305 Florida School for the Deaf and the Blind;  
2 responsibilities and mission.--

3           (2) The mission of the Florida School for the Deaf and  
4 the Blind, ~~as a center of excellence,~~ is to utilize all  
5 available talent, energy, and resources to provide free  
6 appropriate public education for eligible sensory-impaired  
7 ~~hearing-impaired and visually impaired~~ students of Florida.  
8 As a school of academic excellence, the school shall strive to  
9 provide students an opportunity to maximize their individual  
10 potential in a caring, safe, unique learning environment to  
11 prepare them to be literate, employable, and independent  
12 life-long learners. The school shall encourage input from  
13 students, staff, parents, and the community. As a diverse  
14 organization, the school shall foster respect and  
15 understanding for each individual., ~~offer educational~~  
16 ~~opportunities which promote the development of healthy minds~~  
17 ~~and bodies, and provide adult lives of independence and~~  
18 ~~self-sufficiency, meaningful personal, family, and community~~  
19 ~~lives, and useful, productive occupational lives.~~

20           Section 5. Paragraph (f) is added to subsection (2) of  
21 section 287.059, Florida Statutes, to read:

22           287.059 Private attorney services.--

23           (2) No agency shall contract for private attorney  
24 services without the prior written approval of the Attorney  
25 General, except that such written approval is not required for  
26 private attorney services:

27           (f) Procured by the Board of Trustees for the Florida  
28 School for the Deaf and the Blind.

29           Section 6. This act shall take effect July 1 of the  
30 year in which enacted.

31

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31

\*\*\*\*\*

HOUSE SUMMARY

Authorizes, rather than requires, the Department of Management Services to provide facilities services for the Florida School for the Deaf and the Blind. Provides for Florida School Improvement and Academic Achievement Trust Fund grants to the Florida School for the Deaf and the Blind. Revises provisions relating to the school's mission and responsibilities. Authorizes the Board of Trustees for the Florida School for the Deaf and the Blind to contract for private attorney services without prior written approval of the Attorney General.