

By Senator Horne

6-919-99

See HB

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, 1999.
30
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

LEGISLATIVE 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.