

Amendment No. (for drafter's use only)

CHAMBER ACTION

Senate

House

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1 Representative(s) Pickens offered the following:

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3 **Amendment (with title amendment)**

4 Remove everything after the enacting clause and insert:

5 Section 1. Paragraph (b) of subsection (2) of section
6 287.055, Florida Statutes, is amended, and paragraph (e) is
7 added to subsection (4) of said section, to read:

8 287.055 Acquisition of professional architectural,
9 engineering, landscape architectural, or surveying and mapping
10 services; definitions; procedures; contingent fees prohibited;
11 penalties.--

12 (2) DEFINITIONS.--For purposes of this section:

13 (b) "Agency" means the state, a state agency, a
14 municipality, a political subdivision, a school district, ~~or~~ a
15 school board, or a regional consortium service organization

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16 | formed under s. 1001.451. The term "agency" does not extend to a
17 | nongovernmental developer that contributes public facilities to
18 | a political subdivision under s. 380.06 or ss. 163.3220-
19 | 163.3243.

20 | (4) COMPETITIVE SELECTION.--

21 | (e) A school district may make purchases under contracts
22 | procured pursuant to this section by a regional consortium
23 | service organization, formed under s. 1001.451, of which it is a
24 | member.

25 | Section 2. Paragraph (a) of subsection (2) of section
26 | 1001.451, Florida Statutes, is amended to read:

27 | 1001.451 Regional consortium service organizations.--In
28 | order to provide a full range of programs to larger numbers of
29 | students, minimize duplication of services, and encourage the
30 | development of new programs and services:

31 | (2)(a) Each regional consortium service organization that
32 | consists of four or more school districts is eligible to
33 | receive, through the Department of Education, an incentive grant
34 | as provided in the annual General Appropriations Act of \$25,000
35 | per school district to be used for the delivery of services
36 | within the participating school districts.

37 | Section 3. Section 1001.453, Florida Statutes, is amended
38 | to read:

39 | 1001.453 Direct-support organization; use of property;
40 | board of directors; audit.--

41 | (1) DEFINITIONS.--For the purposes of this section, the
42 | term:

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43 (a) "~~District school board~~ Direct-support organization"
44 means a district school board direct-support organization or a
45 regional consortium service organization direct-support an
46 organization that:

47 1. Is approved by the district school board or regional
48 consortium service organization board of directors;

49 2. Is a Florida corporation not for profit, incorporated
50 under the provisions of chapter 617 and approved by the
51 Department of State; and

52 3. Is organized and operated exclusively to receive, hold,
53 invest, and administer property and to make expenditures to or
54 for the benefit of public kindergarten through 12th grade
55 education and adult career and community education programs in
56 this state.

57 (b) "Personal services" includes full-time or part-time
58 personnel, as well as payroll processing.

59 (c) "Regional consortium service organization" means an
60 organization formed under s. 1001.451.

61 (2) USE OF PROPERTY.--A district school board or regional
62 consortium service organization board of directors:

63 (a) Is authorized to permit the use of property,
64 facilities, and personal services of the district or regional
65 consortium service organization by a direct-support
66 organization, subject to the provisions of this section.

67 (b) Shall prescribe by rule conditions with which a
68 ~~district school board~~ direct-support organization must comply in
69 order to use property, facilities, or personal services of the

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70 district or regional consortium service organization. Adoption
71 of such rules shall be coordinated with the Department of
72 Education. The rules shall provide for budget and audit review
73 and oversight by the district school board or regional
74 consortium service organization board of directors and the
75 department.

76 (c) Shall not permit the use of property, facilities, or
77 personal services of a direct-support organization if such
78 organization does not provide equal employment opportunities to
79 all persons, regardless of race, color, religion, sex, age, or
80 national origin.

81 (3) BOARD OF DIRECTORS.--The board of directors of the
82 ~~district school board~~ direct-support organization shall be
83 approved by the district school board or the regional consortium
84 service organization board of directors.

85 (4) ANNUAL AUDIT.--Each direct-support organization with
86 more than \$100,000 in expenditures or expenses shall provide for
87 an annual ~~financial~~ audit of its financial statements in order
88 to express an opinion on the fairness with which the financial
89 statements are presented in conformance with generally accepted
90 accounting principles. The audit is ~~accounts and records,~~ to be
91 conducted by an independent certified public accountant in
92 accordance with rules adopted by the Auditor General pursuant to
93 s. 11.45(8) and the Commissioner of Education. The annual audit
94 report shall be submitted to the Auditor General and the
95 district school board or regional consortium service
96 organization board of directors for review within 9 months after

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97 | the end of the fiscal year or by the date established by year's
98 | ~~end to~~ the district school board or regional consortium service
99 | organization board of directors and the Auditor General,
100 | whichever is earlier. The Commissioner of Education, the Auditor
101 | General, and the Office of Program Policy Analysis and
102 | Government Accountability have the authority to require and
103 | receive from the organization or the district auditor or
104 | regional consortium service organization auditor any records
105 | relative to the operation of the organization. The identity of
106 | donors and all information identifying donors and prospective
107 | donors are confidential and exempt from the provisions of s.
108 | 119.07(1), and that anonymity shall be maintained in the
109 | auditor's report. All other records and information shall be
110 | considered public records for the purposes of chapter 119.

111 | Section 4. Subsection (5) of section 1009.50, Florida
112 | Statutes, is amended to read:

113 | 1009.50 Florida Public Student Assistance Grant Program;
114 | eligibility for grants.--

115 | (5) Funds appropriated by the Legislature for state
116 | student assistance grants may ~~shall~~ be deposited in the State
117 | Student Financial Assistance Trust Fund. Notwithstanding the
118 | provisions of s. 216.301 and pursuant to s. 216.351, any balance
119 | in the trust fund at the end of any fiscal year that has been
120 | allocated to the Florida Public Student Assistance Grant Program
121 | shall remain therein and shall be available for carrying out the
122 | purposes of this section.

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123 Section 5. Subsection (5) of section 1009.51, Florida
124 Statutes, is amended to read:

125 1009.51 Florida Private Student Assistance Grant Program;
126 eligibility for grants.--

127 (5) Funds appropriated by the Legislature for Florida
128 private student assistance grants may ~~shall~~ be deposited in the
129 State Student Financial Assistance Trust Fund. Notwithstanding
130 the provisions of s. 216.301 and pursuant to s. 216.351, any
131 balance in the trust fund at the end of any fiscal year that has
132 been allocated to the Florida Private Student Assistance Grant
133 Program shall remain therein and shall be available for carrying
134 out the purposes of this section and as otherwise provided by
135 law.

136 Section 6. Subsection (6) of section 1009.52, Florida
137 Statutes, is amended to read:

138 1009.52 Florida Postsecondary Student Assistance Grant
139 Program; eligibility for grants.--

140 (6) Funds appropriated by the Legislature for Florida
141 postsecondary student assistance grants may ~~shall~~ be deposited
142 in the State Student Financial Assistance Trust Fund.
143 Notwithstanding the provisions of s. 216.301 and pursuant to s.
144 216.351, any balance in the trust fund at the end of any fiscal
145 year that has been allocated to the Florida Postsecondary
146 Student Assistance Grant Program shall remain therein and shall
147 be available for carrying out the purposes of this section and
148 as otherwise provided by law.

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HOUSE AMENDMENT

Bill No. CS/SB 388

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149 Section 7. Subsection (6) of section 1009.89, Florida
150 Statutes, is amended to read:

151 1009.89 The William L. Boyd, IV, Florida resident access
152 grants.--

153 (6) Funds appropriated by the Legislature for the William
154 L. Boyd, IV, Florida Resident Access Grant Program may ~~shall~~ be
155 deposited in the State Student Financial Assistance Trust Fund.
156 Notwithstanding the provisions of s. 216.301 and pursuant to s.
157 216.351, any balance in the trust fund at the end of any fiscal
158 year which has been allocated to the William L. Boyd, IV,
159 Florida Resident Access Grant Program shall remain therein and
160 shall be available for carrying out the purposes of this
161 section. If the number of eligible students exceeds the total
162 authorized in the General Appropriations Act, an institution may
163 use its own resources to assure that each eligible student
164 receives the full benefit of the grant amount authorized.

165 Section 8. Section 1010.09, Florida Statutes, is amended
166 to read:

167 1010.09 Direct-support organizations.--School district,
168 regional consortium service organization, community college, and
169 university direct-support organizations shall be organized and
170 conducted under the provisions of ss. 1001.453, 1004.28, and
171 1004.70 and rules of the State Board of Education, as
172 applicable.

173 Section 9. Section 1010.34, Florida Statutes, is amended
174 to read:

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175 1010.34 Audits of direct-support organizations.--Audits of
176 school district, regional consortium service organization,
177 community college, and state university direct-support
178 organizations are subject to the audit provisions of ss.
179 1001.453(4), 1004.28(5), and 1004.70(6), as applicable.

180 Section 10. Section 1010.72, Florida Statutes, is amended
181 to read:

182 1010.72 Dale Hickam Excellent Teaching Program Trust
183 Fund.--The Dale Hickam Excellent Teaching Program Trust Fund is
184 created to be administered by the Department of Education. Funds
185 may ~~must~~ be credited to the trust fund as provided in chapter
186 98-309, Laws of Florida, to be used for the purposes set forth
187 therein.

188 Section 11. Subsection (6) of section 1011.62, Florida
189 Statutes, is amended to read:

190 1011.62 Funds for operation of schools.--If the annual
191 allocation from the Florida Education Finance Program to each
192 district for operation of schools is not determined in the
193 annual appropriations act or the substantive bill implementing
194 the annual appropriations act, it shall be determined as
195 follows:

196 (6) DETERMINATION OF SPARSITY SUPPLEMENT.--

197 (a) Annually, in an amount to be determined by the
198 Legislature through the General Appropriations Act, there shall
199 be added to the basic amount for current operation of the FEFP
200 qualified districts a sparsity supplement which shall be
201 computed as follows:

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$$\text{Sparsity Factor} = \frac{1101.8918}{2700 + \text{district sparsity index}} - 0.1101$$

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except that districts with a sparsity index of 1,000 or less shall be computed as having a sparsity index of 1,000, and districts having a sparsity index of 7,308 and above shall be computed as having a sparsity factor of zero. A qualified district's full-time equivalent student membership shall equal or be less than that prescribed annually by the Legislature in the appropriations act. The amount prescribed annually by the Legislature shall be no less than 17,000, but no more than 24,000. A district that exceeds the full-time equivalent student membership requirement shall receive a one-time transition supplement in the amount of one-half of the sparsity supplement calculated for said district provided the district qualified for the sparsity supplement in each of the most recent 3 fiscal years.

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(b) The district sparsity index shall be computed by dividing the total number of full-time equivalent students in all programs in the district by the number of senior high school centers in the district, not in excess of three, which centers are approved as permanent centers by a survey made by the Department of Education.

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224 (c) Each district's allocation of sparsity supplement
225 funds shall be adjusted in the following manner:

226 1. A maximum discretionary levy per FTE value for each
227 district shall be calculated by dividing the value of each
228 district's maximum discretionary levy by its FTE student count.

229 2. A state average discretionary levy value per FTE shall
230 be calculated by dividing the total maximum discretionary levy
231 value for all districts by the state total FTE student count.

232 3. A total potential funds per FTE for each district shall
233 be calculated by dividing the total potential funds, not
234 including Florida School Recognition Program funds and the
235 minimum guarantee, for each district by its FTE student count.

236 4. A state average total potential funds per FTE shall be
237 calculated by dividing the total potential funds, not including
238 Florida School Recognition Program funds and the minimum
239 guarantee, for all districts by the state total FTE student
240 count.

241 5.3. For districts that have a levy value per FTE as
242 calculated in subparagraph 1. higher than the state average
243 calculated in subparagraph 2., a sparsity wealth adjustment
244 shall be calculated as the product of the difference between the
245 state average levy value per FTE calculated in subparagraph 2.
246 and the district's levy value per FTE calculated in subparagraph
247 1. and the district's FTE student count and -1. However, no
248 district shall have a sparsity wealth adjustment which, when
249 applied to the total potential funds calculated in subparagraph

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250 3., would cause the district's total potential funds per FTE to
251 be less than the state average calculated in subparagraph 4.†

252 6.4- Each district's sparsity supplement allocation shall
253 be calculated by adding the amount calculated as specified in
254 paragraphs (a) and (b) and the wealth adjustment amount
255 calculated in this paragraph.

256 Section 12. Section 1011.765, Florida Statutes, is amended
257 to read:

258 1011.765 Florida Academic Improvement Trust Fund matching
259 grants.--

260 (1) MATCHING GRANTS.--The Florida Academic Improvement
261 Trust Fund shall be utilized to provide matching grants to the
262 Florida School for the Deaf and the Blind Endowment Fund, ~~and to~~
263 any public school district education foundation, and any
264 regional consortium service organization education foundation
265 that meets the requirements of this section and is recognized by
266 the local school district as a its designated K-12 education
267 foundation. For purposes of this section, "regional consortium
268 service organization" means an organization formed under s.
269 1001.451.

270 (a) The State Board of Education shall adopt rules for the
271 administration, submission, documentation, evaluation, and
272 approval of requests for matching funds and for maintaining
273 accountability for matching funds.

274 (b) Donations, state matching funds, or proceeds from
275 endowments established pursuant to this section shall be used at
276 the discretion of the public school district education

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277 foundation, the regional consortium service organization
278 education foundation, or the Florida School for the Deaf and the
279 Blind for academic achievement within the school district,
280 school districts, or school, and shall not be expended for the
281 construction of facilities or for the support of interscholastic
282 athletics. A ~~Ne~~ public school district education foundation, a
283 regional consortium service organization education foundation,
284 or the Florida School for the Deaf and the Blind shall not
285 accept or purchase facilities for which the state will be asked
286 for operating funds unless the Legislature has granted prior
287 approval for such acquisition.

288 (2) ALLOCATION OF THE TRUST FUND.--Funds appropriated to
289 the Florida Academic Improvement Trust Fund shall be allocated
290 by the Department of Education in the following manner:

291 (a) For every year in which there is a legislative
292 appropriation to the trust fund, an equal amount of the annual
293 appropriation, to be determined by dividing the total
294 legislative appropriation by the number of local education
295 foundations and regional consortium service organization
296 education foundations, as well as the Florida School for the
297 Deaf and the Blind, must be reserved for each public school
298 district education foundation, each regional consortium service
299 organization education foundation, and the Florida School for
300 the Deaf and the Blind Endowment Fund to provide each foundation
301 and the Florida School for the Deaf and the Blind with an
302 opportunity to receive and match appropriated funds. Trust funds
303 that remain unmatched by contribution on April 1 of any year

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304 shall be made available for matching by any public school
305 district education foundation, by any regional consortium
306 service organization education foundation, and by the Florida
307 School for the Deaf and the Blind which shall have an
308 opportunity to apply for excess trust funds prior to the award
309 of such funds.

310 (b) Matching grants shall be proportionately allocated
311 from the trust fund on the basis of matching each \$4 of state
312 funds with \$6 of private funds. To be eligible for matching, a
313 minimum of \$4,500 must be raised from private sources.

314 (c) Funds sufficient to provide the match shall be
315 transferred from the state trust fund to the public school
316 education foundation, to the regional consortium service
317 organization education foundation, or to the Florida School for
318 the Deaf and the Blind Endowment Fund upon notification that a
319 proportionate amount has been received and deposited by the
320 foundation or school into its own trust fund.

321 (d) If the total of the amounts to be distributed in any
322 quarter pursuant to this subsection exceeds the amount of funds
323 remaining from specific appropriations made for the
324 implementation of this section, all grants shall be
325 proportionately reduced so that the total of matching grants
326 distributed does not exceed available appropriations.

327 (3) GRANT ADMINISTRATION.--

328 (a) Each public school district education foundation, each
329 regional consortium service organization education foundation,
330 and the Florida School for the Deaf and the Blind participating

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331 in the Florida Academic Improvement Trust Fund shall separately
332 account for all funds received pursuant to this section, and may
333 establish its own academic improvement trust fund as a
334 depository for the private contributions, state matching funds,
335 and earnings on investments of such funds. State matching funds
336 shall be transferred to the public school district education
337 foundation, to the regional consortium service organization
338 education foundation, or to the Florida School for the Deaf and
339 the Blind Endowment Fund upon notification that the foundation
340 or school has received and deposited private contributions that
341 meet the criteria for matching as provided in this section. The
342 public school district education foundations, the regional
343 consortium service organization education foundations, and the
344 Florida School for the Deaf and the Blind are responsible for
345 the maintenance, investment, and administration of their
346 academic improvement trust funds.

347 (b) The public school district education foundations, the
348 regional consortium service organization education foundations,
349 and the Florida School for the Deaf and the Blind shall be
350 responsible for soliciting and receiving contributions to be
351 deposited and matched with grants for academic achievement
352 within the school district, school districts, or school.

353 (c) Each public school district education foundation, each
354 regional consortium service organization education foundation,
355 and the Florida School for the Deaf and the Blind shall be
356 responsible for proper expenditure of the funds received
357 pursuant to this section.

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358 Section 13. Subsection (1) of section 1011.94, Florida
359 Statutes, is amended to read:
360 1011.94 Trust Fund for University Major Gifts.--
361 (1) There is established a Trust Fund for University Major
362 Gifts. The purpose of the trust fund is to enable each
363 university and New College to provide donors with an incentive
364 in the form of matching grants for donations for the
365 establishment of permanent endowments and sales tax exemption
366 matching funds received pursuant to s. 212.08(5)(j), which must
367 be invested, with the proceeds of the investment used to support
368 libraries and instruction and research programs, as defined by
369 the State Board of Education. All funds appropriated for the
370 challenge grants, new donors, major gifts, sales tax exemption
371 matching funds pursuant to s. 212.08(5)(j), or eminent scholars
372 program may ~~must~~ be deposited into the trust fund and invested
373 pursuant to s. 17.61 until the State Board of Education
374 allocates the funds to universities to match private donations.
375 Notwithstanding s. 216.301 and pursuant to s. 216.351, any
376 undisbursed balance remaining in the trust fund and interest
377 income accruing to the portion of the trust fund which is not
378 matched and distributed to universities must remain in the trust
379 fund and be used to increase the total funds available for
380 challenge grants. Funds deposited in the trust fund for the
381 sales tax exemption matching program authorized in s.
382 212.08(5)(j), and interest earnings thereon, shall be maintained
383 in a separate account within the Trust Fund for University Major
384 Gifts, and may be used only to match qualified sales tax

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385 exemptions that a certified business designates for use by state
386 universities and community colleges to support research and
387 development projects requested by the certified business. The
388 State Board of Education may authorize any university to
389 encumber the state matching portion of a challenge grant from
390 funds available under s. 1011.45.

391 Section 14. Subsections (1) and (3) of section 1013.79,
392 Florida Statutes, are amended to read:

393 1013.79 University Facility Enhancement Challenge Grant
394 Program.--

395 (1) The Legislature recognizes that the universities do
396 not have sufficient physical facilities to meet the current
397 demands of their instructional and research programs. It further
398 recognizes that, to strengthen and enhance universities, it is
399 necessary to provide facilities in addition to those currently
400 available from existing revenue sources. It further recognizes
401 that there are sources of private support that, if matched with
402 state support, can assist in constructing much-needed facilities
403 and strengthen the commitment of citizens and organizations in
404 promoting excellence throughout the state universities.

405 Therefore, it is the intent of the Legislature to establish a
406 trust fund to provide the opportunity for each university to
407 receive support for ~~and match~~ challenge grants for instructional
408 and research-related capital facilities within the university.

409 (3) There is established the Alec P. Courtelis Capital
410 Facilities Matching Trust Fund for the purpose of providing
411 matching funds from private contributions for the development of

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412 high priority instructional and research-related capital
 413 facilities, including common areas connecting such facilities,
 414 within a university. The Legislature may ~~shall~~ appropriate funds
 415 to be transferred to the trust fund. The Public Education
 416 Capital Outlay and Debt Service Trust Fund, Capital Improvement
 417 Trust Fund, Division of Sponsored Research Trust Fund, and
 418 Contracts and Grants Trust Fund shall not be used as the source
 419 of the state match for private contributions. All appropriated
 420 funds deposited into the trust fund shall be invested pursuant
 421 to the provisions of s. 17.61. Interest income accruing to that
 422 portion of the trust fund shall increase the total funds
 423 available for the challenge grant program. Interest income
 424 accruing from the private donations shall be returned to the
 425 participating foundation upon completion of the project. The
 426 State Board of Education shall administer the trust fund and all
 427 related construction activities.

428 Section 15. This act shall take effect July 1, 2005.

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430 ===== T I T L E A M E N D M E N T =====

431 Remove the entire title and insert:

432 A bill to be entitled

433 An act relating to education funding; amending s. 287.055,
 434 F.S.; including regional consortium service organizations
 435 under provisions relating to procurement and competitive
 436 selection of certain professional services; amending s.
 437 1001.451, F.S.; revising provisions for award of incentive
 438 grants to regional consortium service organizations;

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HOUSE AMENDMENT

Bill No. CS/SB 388

Amendment No. (for drafter's use only)

439 amending 1001.453, F.S.; revising definition of direct-
440 support organization to include a regional consortium
441 service organization direct-support organization;
442 authorizing use of property and requiring rules; providing
443 for approval of a board of directors and requiring audits;
444 amending ss. 1009.50, 1009.51, 1009.52, and 1009.89, F.S.;
445 authorizing funds appropriated for Florida public student
446 assistance grants, Florida private student assistance
447 grants, Florida postsecondary student assistance grants,
448 and William L. Boyd, IV, Florida resident access grants to
449 be deposited in the State Student Financial Assistance
450 Trust Fund; amending ss. 1010.09 and 1010.34, F.S.;
451 conforming provisions relating to direct-support
452 organizations and audits thereof; amending s. 1010.72,
453 F.S.; authorizing funds to be credited to the Dale Hickam
454 Excellent Teaching Program Trust Fund; amending s.
455 1011.62, F.S., relating to funds for operation of schools;
456 providing for a transition sparsity supplement under
457 certain circumstances; revising provisions relating to the
458 manner in which each school district's allocation of
459 sparsity supplement funds shall be adjusted; amending s.
460 1011.765, F.S.; providing that the Florida Academic
461 Improvement Trust Fund shall be utilized to provide
462 matching grants to regional consortium service
463 organization education foundations; amending s. 1011.94,
464 F.S.; authorizing funds to be deposited in the Trust Fund
465 for University Major Gifts; amending s. 1013.79, F.S.;

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HOUSE AMENDMENT

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466 | authorizing the appropriation of funds to be transferred
467 | to the Alec P. Courtelis Capital Facilities Matching Trust
468 | Fund; providing an effective date.

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