

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: Governmental Oversight and Productivity Committee

BILL: SB 1014

INTRODUCER: Senator Wise

SUBJECT: Florida School for the Deaf and the Blind

DATE: April 7, 2006

REVISED: _____

| | ANALYST | STAFF DIRECTOR | REFERENCE | ACTION |
|----|---------------|-----------------|-----------|------------------|
| 1. | <u>Harkey</u> | <u>Matthews</u> | <u>ED</u> | Favorable |
| 2. | <u>Wilson</u> | <u>Wilson</u> | <u>GO</u> | Favorable |
| 3. | _____ | _____ | <u>EA</u> | _____ |
| 4. | _____ | _____ | _____ | _____ |
| 5. | _____ | _____ | _____ | _____ |
| 6. | _____ | _____ | _____ | _____ |

I. Summary:

This bill amends laws governing the Florida School for the Deaf and the Blind in the areas of the school's responsibilities, mission, lobbying, law enforcement, purchasing, facilities, and use of private funds. In particular, the bill exempts the school's use of funds received as gifts, bequests, and donations from state regulation and oversight for purchasing, per diem and travel expenses, and compensation of lobbyists. The bill authorizes the school to exceed the space requirements of the State Requirements for Educational Facilities.

This bill amends sections 1002.36 and 1013.31, Florida Statutes.

II. Present Situation:

The Florida School for the Deaf and the Blind

Founded in 1885, the Florida School for the Deaf and the Blind is a state-supported boarding school for eligible hearing-impaired and visually-impaired students, pre-school through 12th grade. The school serves approximately 700 students from its 72.5-acre St. Augustine campus. The Florida School for the Deaf and the Blind operates under the leadership and direction of its Board of Trustees, pursuant to s. 1002.36, F.S. The board consists of seven members who are appointed by the Governor and confirmed by the Senate to serve 4-year terms. One board member must be a blind person and one must be a deaf person. Each member is required to have been a Florida resident for at least ten years.

The board adopts rules, subject to the approval of the State Board of Education, as it considers necessary to operate the school in conjunction with the rules of the State Board of Education.

The board exercises control of the school through a board-appointed president, who is the chief administrative officer of the school and appoints and supervises all other school employees.

Under s. 1002.36(2), F.S., the mission of the school is:

...to utilize all available talent, energy, and resources to provide free appropriate public education for eligible sensory-impaired students of Florida. As a school of academic excellence, the school shall strive to provide students an opportunity to maximize their individual potential in a caring, safe, unique learning environment to prepare them to be literate, employable, and independent lifelong learners. The school shall provide outreach services that include collaboration with district school boards and shall encourage input from students, staff, parents, and the community. As a diverse organization, the school shall foster respect and understanding for each individual.

The school's purchasing procedures are governed by Chapter 287, F.S., and rules of the Florida Department of Management Services. Personnel matters are governed by Florida School for the Deaf and the Blind Rules, Chapter 6D-6, F.A.C., and Department of Management Services Rules, Chapter 60L, F.A.C., as appropriate for the position.

Section 11.062, F.S., prohibits the use of state funds for lobbying. Under s. 1002.36(4)(e), F.S., the school is also prohibited from using funds received as gifts, donations, or bequests to compensate any person for engaging in lobbying activities before the Legislature. The school currently uses Medicaid administrative reimbursement funds under the school match program to pay for a lobbyist.

The school is part of the state system of public education and is funded through the Florida Department of Education. The Legislature appropriates fixed capital outlay moneys to the school on an annual basis from the Public Education Capital (PECO) and Debt Service Trust Fund pursuant to Section 9(a)(2), Article XII of the State Constitution.

Section 1002.36(8), F.S., authorizes the board of trustees to empower and employ police officers for the school who must be designated Florida School for the Deaf and the Blind campus police. The board is authorized to obtain and approve a bond on each police officer. The campus police must meet the minimum standards of the Criminal Justice Standards and Training Commission and ch. 943, F.S. Campus police have the authority to arrest any person for a violation of state law; however they do not have the specific authorization to enforce traffic laws that is granted to university, community college, and school district campus police under s. 316.640, F.S.

Section 1002.361, F.S. authorizes the board of trustees to establish a direct-support organization for the school that is organized as a Florida not-for-profit corporation under ch. 617, F.S. The statute requires the direct support organization to provide the Auditor General an annual financial audit in accordance with s. 215.981, F.S. The school has not established the direct support organization authorized in s. 1002.361, F.S.

The board of trustees manages an endowment fund under the provisions of s. 1002.36, (4)(e), F.S., which authorizes the board to receive gifts, donations and bequests of

money or property; deposit outside the State Treasury money so received; sell any property so received; and invest such monies in securities in accordance with ch. 215, F.S. Additionally, the school is the beneficiary, through the school's endowment, of several foundations that allocates funding to the school on a yearly basis, and these funds are used for projects approved by the respective foundations.

Section 1013.30, Florida Statutes, requires universities to create and maintain campus master plans and campus development agreements. The relationship between the universities and the communities in which they are located is governed by s. 1013.30, F.S.

Section 1002.36(3), F.S., requires the Auditor General to conduct annual audits of the accounts and records of the Florida School for the Deaf and the Blind. The Auditor General issued Audit Report No. 2005-173, in April 2005. The Auditor General found:

- The school's Board of Trustees should consider adding certain information to its regular meeting materials to enhance its understanding of the school's financial condition and operational status.
- The school did not provide documentation of the time period and student enrollment supporting its fiscal year 2003-04 legislative budget request of \$728,878 for 16 new positions.
- The school should take steps to adequately monitor the activities of its legislation specialist to ensure compliance with statutes and school policies governing full-time employees.
- The school should exercise more care to ensure that provisions in its personnel manual pertaining to performance evaluations and rate-of-pay documentation are consistently followed. Also, policies and procedures related to attendance and leave records for certain employees should be consistent with law and rule.
- The school should amend its rule to reflect the organizational reporting change of its internal audit function.
- Enhanced salaries and benefits were provided to certain full-time supervisory employees by providing them with 11-month, 230-day contracts without documenting the particular justifying circumstances and without reporting the amended employment terms to the Board as required.
- The school's former Director of Mental Health Services was apparently paid by the school and the Division of Blind Services (DBS) for the same work or for work that was not performed, and an Occupational Therapist was paid by the school for eight work hours that were also billed to, and paid by, the school in connection with its medical services contract with the University of Florida.
- The school should enhance student bank procedures to limit individual and cumulative advances issued to employees and ensure that such advances will be returned or settled on a timely basis.
- The school should enhance procedures governing purchasing cards to ensure that required forms are properly completed and signed prior to purchasing cards being issued.
- The school should exercise more care to ensure compliance with applicable Florida law and rules governing the procurement of goods and services.

- Neither the school's legislative budget request nor its campus planning documents (i.e., the facilities master plan, the campus master plan, and the educational plant survey) contained the details necessary to demonstrate how the amounts included in the request were calculated.
- The school should enhance its procedures for administering capital construction projects, including the determination of construction delivery methods; prime contractor selection; contractor monitoring; cost controls; reporting to the Board of Trustees; and monitoring of project permits and inspections.
- The school should improve its monitoring of monthly maintenance production reports and supporting work orders to better evaluate employees' productivity and ensure the detection and correction of errors or omissions.
- The school should improve its reporting to the Legislature concerning its medical services program with the University of Florida and its general provision of student health services to ensure that such reporting is complete and accurate.

III. Effect of Proposed Changes:

This bill makes changes to laws governing the Florida School for the Deaf and the Blind in the areas of the school's responsibilities, mission, lobbying, law enforcement, purchasing, facilities, and use of private funds.

The bill authorizes the Florida School for the Deaf and the Blind to provide education services to district school boards upon request.

The bill revises the mission of the Florida School for the Deaf and the Blind to delete the goal that the school will provide students an opportunity to "maximize their individual potential" and instead provides that the school will provide students an opportunity to "access educational services."

The bill deletes the prohibition against the school's use of privately-donated funds to compensate lobbyists.

The bill changes the requirements for the school's legislative budget request to:

- Permit projections of facility space needs to exceed the norm space and occupant design criteria established in the State Requirements for Educational Facilities.
- Exempt from the requirements of ch. 287, F.S., purchases made with certain funds that were contributed as gifts, donations or bequests; that belong to student clubs or organizations; or that are being held for specific students.
- Exempt from the provisions of s. 112.061, F.S., per diem and travel expenses paid with funds that were contributed as gifts, donations or bequests; that belong to student clubs or organizations; or that are being held for specific students.

The bill gives campus police officers the authority to enforce traffic laws within the boundaries of the campus. The bill repeals the requirement for the board of trustees to obtain and approve a bond on each police officer.

The bill requires the Florida School for the Deaf and the Blind to submit educational plant surveys in the same manner as school districts, community colleges, and state universities, under the provisions of s. 1013.31, F.S.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Economic Impact and Fiscal Note:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

The bill removes state control over the school's use of private funds, thereby increasing the school's flexibility in the use of such funds.

C. Government Sector Impact:

The authorization for the school to exceed space requirements in the State Requirements for Educational Facilities could result in an increase in the PECO funding received by the school.

VI. Technical Deficiencies:

The bill amends s. 1002.36, F.S., to grant the Florida School for the Deaf and the Blind campus police the authority to enforce traffic laws under s. 316.640, F.S. The bill should amend s. 316.640, F.S. to grant the campus police that authority.

VII. Related Issues:

None.

VIII. Summary of Amendments:

None.

This Senate staff analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.
