

By the Committee on Higher Education; and Senator Wise

589-01855-12

2012754c1

1 A bill to be entitled
2 An act relating to educational enhancement; creating
3 the Educational Excellence Endowment Enhancement Fund
4 within the Department of Education's direct-support
5 organization; requiring that the direct-support
6 organization administer the endowment enhancement
7 fund; providing purposes; requiring that the direct-
8 support organization deposit revenues from gaming
9 taxes and fees and other grants, gifts, and bequests
10 of money into the endowment enhancement fund;
11 requiring that the direct-support organization invest
12 the funds and use only the interest accrued; creating
13 the Juvenile Justice Education and Training Endowment
14 Fund within the direct-support organization for the
15 Department of Juvenile Justice; requiring that the
16 direct-support organization administer the endowment
17 fund; providing purposes; requiring that the direct-
18 support organization deposit revenues from gaming
19 taxes and fees and other grants, gifts, and bequests
20 of money into the endowment fund; requiring that the
21 direct-support organization invest the funds and use
22 only the interest accrued; amending s. 24.121, F.S.;
23 revising provisions relating to the allocation of
24 revenues and the expenditure of funds deposited into
25 the Educational Enhancement Trust Fund; requiring that
26 the Department of Education transfer a specified
27 percentage of the funds to the Department of
28 Education's direct-support organization and the
29 direct-support organization for the Department of

589-01855-12

2012754c1

30 Juvenile Justice for the purpose of funding the
31 Educational Excellence Endowment Enhancement Fund and
32 the Juvenile Justice Education and Training Endowment
33 Fund; amending s. 285.710, F.S.; revising provisions
34 relating to the Gaming Compact between the Seminole
35 Tribe of Florida and the state; requiring that a
36 specified percentage of the moneys paid by the Tribe
37 be transferred from the General Revenue Fund to the
38 Department of Education's direct-support organization
39 and the direct-support organization for the Department
40 of Juvenile Justice for the purpose of funding the
41 Educational Excellence Endowment Enhancement Fund and
42 the Juvenile Justice Education and Training Endowment
43 Fund; amending s. 551.106, F.S.; revising provisions
44 relating to the deposit and distribution of the slot
45 machine revenue tax; requiring that the Chief
46 Financial Officer transfer a specified percentage of
47 the funds collected from the Pari-mutuel Wagering
48 Trust Fund to the Department of Education's direct-
49 support organization and the direct-support
50 organization for the Department of Juvenile Justice
51 for the purpose of funding the Educational Excellence
52 Endowment Enhancement Fund and the Juvenile Justice
53 Education and Training Endowment Fund; amending s.
54 849.086, F.S.; revising provisions relating to the
55 taxes imposed on cardrooms; requiring that the Chief
56 Financial Officer transfer a specified percentage of
57 the funds to the Department of Education's direct-
58 support organization and the direct-support

589-01855-12

2012754c1

59 organization for the Department of Juvenile Justice
60 for the purpose of funding the Educational Excellence
61 Endowment Enhancement Fund and the Juvenile Justice
62 Education and Training Endowment Fund; providing an
63 effective date.

64

65 WHEREAS, the Legislature finds that if an endowment fund
66 had been created in which 2 percent of all lottery revenues
67 generated from 1987 to 2011 were placed, the present value of
68 the endowment fund would be worth over \$320 million, and

69 WHEREAS, the Legislature intends to establish endowment
70 funds within the Department of Education's direct-support
71 organization and the direct-support organization for the
72 Department of Juvenile Justice for the purpose of providing
73 additional financial support to enhance public education, and

74 WHEREAS, the Legislature intends for the state's gaming
75 revenue and gifts and bequests from corporations, private
76 foundations, and individuals to be deposited into the endowment
77 funds and invested for the purpose of generating interest, and

78 WHEREAS, only the interest from the endowment funds may be
79 used to support education program enhancements and activities
80 related to employment and obtaining additional education
81 opportunities, such as job certifications, college degrees, and
82 reentry activities, NOW, THEREFORE,

83

84 Be It Enacted by the Legislature of the State of Florida:

85

86 Section 1. The Educational Excellence Endowment Enhancement
87 Fund is created within and shall be administered by the

589-01855-12

2012754c1

88 Department of Education's direct-support organization
89 established in s. 1001.24, Florida Statutes. The purpose of the
90 endowment enhancement fund is to support education programs and
91 activities from the interest generated by the endowment. The
92 direct-support organization shall deposit revenues received from
93 gaming taxes and fees and other grants, gifts, and bequests of
94 money into the endowment enhancement fund. The direct-support
95 organization shall invest the funds and shall use only the
96 interest accrued on the investment of the funds for the purposes
97 provided in this section.

98 Section 2. The Juvenile Justice Education and Training
99 Endowment Fund is created within and shall be administered by
100 the direct-support organization established in s. 985.672,
101 Florida Statutes. The purpose of the endowment fund is to
102 enhance education programs and activities related to employment
103 by providing programs for job certification, trade and college
104 programs, and community reentry training. The direct-support
105 organization shall deposit revenues received from gaming taxes
106 and fees and other grants, gifts, and bequests of money into the
107 endowment fund. The direct-support organization shall invest the
108 funds and shall use only the interest accrued on the investment
109 of the funds for the purposes provided in this section.

110 Section 3. Subsection (2) of section 24.121, Florida
111 Statutes, is amended to read:

112 24.121 Allocation of revenues and expenditure of funds for
113 public education.—

114 (2) Each fiscal year, variable percentages of the gross
115 revenue from the sale of online and instant lottery tickets as
116 determined by the department consistent with subsection (1), and

589-01855-12

2012754c1

117 other earned revenue, excluding application processing fees,
118 shall be deposited in the Educational Enhancement Trust Fund,
119 which is ~~hereby~~ created in the State Treasury to be administered
120 by the Department of Education. The Department of Education
121 shall transfer 1.5 percent of the funds deposited in the
122 Educational Enhancement Trust Fund to the Department of
123 Education's direct-support organization established in s.
124 1001.24, and that amount shall be used to fund the Educational
125 Excellence Endowment Enhancement Fund. The Department of
126 Education shall also transfer 0.5 percent of the funds deposited
127 in the Educational Enhancement Trust Fund to the direct-support
128 organization established in s. 985.672, and that amount shall be
129 used to fund the Juvenile Justice Education and Training
130 Endowment Fund. The Department of the Lottery shall transfer
131 moneys to the Educational Enhancement Trust Fund at least once
132 each quarter. Funds in the Educational Enhancement Trust Fund
133 shall be used to the benefit of public education in accordance
134 with the provisions of this act. Notwithstanding any other
135 provision of law, lottery revenues transferred to the
136 Educational Enhancement Trust Fund shall be reserved as needed
137 and used to meet the requirements of the documents authorizing
138 the bonds issued by the state pursuant to s. 1013.68, s.
139 1013.70, or s. 1013.737 or distributed to school districts for
140 the Classrooms First Program as provided in s. 1013.68. Such
141 lottery revenues are hereby pledged to the payment of debt
142 service on bonds issued by the state pursuant to s. 1013.68, s.
143 1013.70, or s. 1013.737. Debt service payable on bonds issued by
144 the state pursuant to s. 1013.68, s. 1013.70, or s. 1013.737
145 shall be payable from, and is secured by a first lien on, the

589-01855-12

2012754c1

146 first lottery revenues transferred to the Educational
147 Enhancement Trust Fund in each fiscal year. Amounts
148 distributable to school districts that request the issuance of
149 bonds pursuant to s. 1013.68(3) are hereby pledged to such bonds
150 pursuant to s. 11(d), Art. VII of the State Constitution.

151 Section 4. Subsection (9) of section 285.710, Florida
152 Statutes, is amended to read:

153 285.710 Compact authorization.—

154 (9) The moneys paid by the Tribe to the state for the
155 benefit of exclusivity under the compact ratified by this
156 section shall be deposited into the General Revenue Fund. The
157 moneys shall be distributed as follows:

158 (a) One and one-half percent shall be transferred to the
159 Department of Education's direct-support organization
160 established in s. 1001.24 and used to fund the Educational
161 Excellence Endowment Enhancement Fund.

162 (b) One-half percent shall be transferred to the direct-
163 support organization established in s. 985.672 and used to fund
164 the Juvenile Justice Education and Training Endowment Fund.

165 (c) Three percent ~~of the amount paid by the Tribe to the~~
166 ~~state~~ shall be designated as the local government share and
167 shall be distributed as provided in subsections (10) and (11).

168 Section 5. Paragraph (b) of subsection (2) of section
169 551.106, Florida Statutes, is amended to read:

170 551.106 License fee; tax rate; penalties.—

171 (2) TAX ON SLOT MACHINE REVENUES.—

172 (b) The slot machine revenue tax imposed by this section
173 shall be paid to the division for deposit into the Pari-mutuel
174 Wagering Trust Fund for immediate transfer by the Chief

589-01855-12

2012754c1

175 Financial Officer for deposit as follows:

176 1. Ninety-eight percent of the funds shall be deposited
177 into the Educational Enhancement Trust Fund of the Department of
178 Education. Any interest earnings on the tax revenues shall also
179 be transferred to the Educational Enhancement Trust Fund.

180 2. One and one-half percent of the funds shall be
181 transferred to the Department of Education's direct-support
182 organization established in s. 1001.24 and used to fund the
183 Educational Excellence Endowment Enhancement Fund.

184 3. One-half percent of the funds shall be transferred to
185 the direct-support organization established in s. 985.672 and
186 used to fund the Juvenile Justice Education and Training
187 Endowment Fund.

188 Section 6. Paragraph (c) of subsection (13) of section
189 849.086, Florida Statutes, is amended to read:

190 849.086 Cardrooms authorized.—

191 (13) TAXES AND OTHER PAYMENTS.—

192 (c) Payment of the admission tax and gross receipts tax
193 imposed by this section shall be paid to the division. The
194 division shall deposit these sums with the Chief Financial
195 Officer, 49 percent of which shall be ~~one-half being~~ credited to
196 the Pari-mutuel Wagering Trust Fund, 49 percent of which shall
197 be ~~and one-half being~~ credited to the General Revenue Fund, 1.5
198 percent of which shall be transferred to the Department of
199 Education's direct-support organization established in s.
200 1001.24 and used to fund the Educational Excellence Endowment
201 Enhancement Fund, and 0.5 percent of which shall be transferred
202 to the direct-support organization established in s. 985.672 and
203 used to fund the Juvenile Justice Education and Training

589-01855-12

2012754c1

204 Endowment Fund. The cardroom licensee shall remit to the
205 division payment for the admission tax, the gross receipts tax,
206 and the licensee fees. The ~~Such~~ payments shall be remitted to
207 the division on the fifth day of each calendar month for taxes
208 and fees imposed for the preceding month's cardroom activities.
209 Licensees shall file a report under oath by the fifth day of
210 each calendar month for all taxes remitted during the preceding
211 calendar month. The ~~Such~~ report shall, under oath, indicate the
212 total of all admissions, the cardroom activities for the
213 preceding calendar month, and ~~such~~ other information as may be
214 prescribed by the division.

215 Section 7. This act shall take effect July 1, 2012.