

CHAPTER 98-168

Senate Bill No. 2276

An act relating to Florida School Improvement and Academic Achievement Trust Fund grants; amending s. 236.1229, F.S.; revising funding, allocation, and district-level administration; providing an effective date.

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

Section 1. Section 236.1229, Florida Statutes, is amended to read:

236.1229 Florida School Improvement and Academic Achievement Trust Fund grants.—

(1) LEGISLATIVE INTENT.—The Legislature recognizes that private contributions can play an important role in enabling school districts to achieve a margin of excellence within existing state and local funding. It is, therefore, the intent of the Legislature to provide each school district with the opportunity to receive private donations and provide private donors with an incentive in the form of matching grants for contributions for the improvement of schools and academic programs within the district school system.

(2) FUNDING.—The Florida School Improvement and Academic Achievement Trust Fund shall be utilized to provide challenge grants and matching endowment grants to public school district education foundations ~~school boards~~ that meet the requirements of this section and are recognized as such by the Florida Education Foundation. All funds appropriated or retained in the trust fund shall be invested pursuant to s. 18.125. Notwithstanding the provisions of s. 216.301, and pursuant to s. 216.351, any undistributed balance remaining in the trust fund and interest accruing to that portion of the trust fund not matched and distributed to the public school district education foundations ~~school boards~~ shall remain in the trust fund and shall increase the total funds available for challenge grants and matching endowment grants.

(3) ADMINISTRATION.—The Commissioner of Education shall specify procedures for submitting, documenting, and approving requests for matching funds and for maintaining accountability for endowments and the proceeds of endowments; and establish restrictions on the use of proceeds from endowments. The commissioner shall specify conditions under which matching funds may be encumbered by a down payment and a pledged schedule of future contributions. Such conditions shall include conditions of default and reinstatement of defaulted pledges.

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

(a) For every year in which there is a legislative appropriation to the trust fund, an equal amount of the annual appropriation, to be determined by dividing the total legislative appropriation by the number of local education foundations, the lesser of the amount appropriated divided by the number of districts or \$10,000 must be reserved for to provide each public school district education foundation to provide each foundation school board with an opportunity to receive and match a challenge grant. The balance of the funds shall be available for matching by any district school board Trust funds that which remain unmatched by contribution on March 1 of any year shall also be available for matching by any public school district education foundation or by the Department of Education Florida Education Foundation school board. The commissioner shall adopt procedures providing all public school district education foundations school boards with an opportunity to apply for excess trust funds prior to awarding such funds. However, no public school district education foundation school board may receive more than its percentage of the total full-time equivalent enrollment or 15 percent, whichever is greater, of the funds appropriated to the trust fund for that fiscal year.

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

(c) Funds sufficient to provide the match shall be transferred from the state trust fund to the public school education foundation upon notification that a proportionate amount has been received and deposited by the foundation in its own trust fund.

(b) ~~Contributions made after June 1, 1995, for a specific purpose other than those enumerated in paragraphs (c) and (d) shall be matched in the following manner:~~

1. ~~Each school district that raises a contribution of at least \$50,000, but no more than \$99,000, from a private source shall receive a matching grant equal to 25 percent of the private contribution.~~

2. ~~Each school district that raises a contribution of at least \$100,000, but no more than \$599,999, from a private source shall receive a matching grant equal to 50 percent of the private contribution.~~

3. ~~Each school district that raises a contribution of at least \$600,000, but no more than \$1 million, from a private source shall receive a matching grant equal to 70 percent of the private contribution.~~

4. ~~Each school district that raises a contribution in excess of \$1 million, but no more than \$1.5 million, from a private source shall receive a matching grant equal to 75 percent of the private contribution.~~

5. ~~Each school district that raises a contribution in excess of \$1.5 million, but no more than \$2 million, from a private source shall receive a matching grant equal to 80 percent of the private contribution.~~

6. ~~Each school district that raises a contribution in excess of \$2 million from a private source shall receive a matching grant equal to 100 percent of the private contribution.~~

~~(c) Contributions made after June 1, 1995, for the establishment of an endowment to be used at the discretion of the district school board for improving schools and academic achievement within the school district, which is not restricted for use by a specific school, discipline, or program, and which is at least in the amount of \$100,000, shall be matched at the rate of 70 percent of the private contribution.~~

~~(d) Contributions made after June 1, 1995, for the establishment of an endowment to be used at the discretion of the district school board for improving schools and academic achievement within the school district, which is not restricted for use by a specific school, discipline, or program, and which is in excess of the amount of \$1 million, shall be matched pursuant to paragraph (b).~~

~~(e) Pledged contributions shall be eligible for matching pursuant to this section, provided that such contributions shall not be eligible for matching prior to the actual collection of the total contribution.~~

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

(5) DISTRICT-LEVEL ADMINISTRATION.—

~~(a) Each public school district education foundation school board participating in the Florida School Improvement and Academic Achievement Trust Fund shall separately account for all funds received pursuant to this section, including interest, and may establish its own school improvement and academic achievement trust fund as a depository for the a District School Improvement and Academic Achievement Trust Fund. The sources of funds shall be private contributions, state matching funds, and interest earnings on investments of such funds. State matching funds shall be transferred to the public school district education foundation upon notification that the foundation district school board direct-support organization has received and deposited private contributions that meet a private contribution which meets the criteria for matching as provided in this section. The public school district education foundations are responsible for the maintenance, investment, and administration of their school improvement and academic improvement trust funds.~~

~~(b) The public school district education foundation direct-support organization serving the district school board shall be responsible for soliciting and receiving contributions to be deposited and matched with challenge grants for establishing endowments for school improvement and academic achievement within the school district.~~

(c) Each public school district education foundation school board shall be responsible for proper expenditure of the funds received pursuant to this section.

(6) ~~PROHIBITED USES.~~—The donations, state matching funds, or proceeds from endowments established pursuant to this section shall be used at the discretion of the public school district education foundation for improving schools and academic achievement within the school district and shall not be expended for the construction of facilities or for the support of interscholastic athletics. No public school district education foundation school board or district school board direct-support organization shall accept or purchase facilities for which the state will be asked for operating funds unless the Legislature has granted prior approval for such acquisition.

Section 2. This act shall take effect July 1, 1998.

Became a law without the Governor's approval May 22, 1998.

Filed in Office Secretary of State May 21, 1998.