

House Bill No. 257

An act relating to the Florida School for the Deaf and the Blind; amending ss. 235.014 and 235.017, F.S., relating to educational facilities; authorizing the Department of Management Services to provide facilities services for the Florida School for the Deaf and the Blind; amending s. 236.1229, F.S.; providing for Florida School Improvement and Academic Achievement Trust Fund grants to the Florida School for the Deaf and the Blind; providing for allocation and school-level administration; amending s. 242.3305, F.S.; revising provisions relating to mission and responsibilities of the Florida School for the Deaf and the Blind; amending s. 287.059, F.S.; authorizing private attorney services for the Florida School for the Deaf and the Blind without certain prior written approval; providing an effective date.

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

Section 1. Subsection (7) of section 235.014, Florida Statutes, 1998 Supplement, is amended to read:

235.014 Functions of the department.—The functions of the department shall include, but not be limited to, the following; it shall:

(7) Provide training, technical assistance, and building code interpretation for requirements of the mandatory uniform building code for the facilities construction and capital improvement programs of the boards and, upon request, approve phase III construction documents for remodeling, renovation, or new construction of educational plants or ancillary facilities, except that the Board of Regents shall approve specifications and construction documents for the State University System. The Department of Management Services may, upon request, ~~shall~~ provide similar services for the Florida School for the Deaf and the Blind and shall use a state minimum building code adopted pursuant to s. 553.73 and the National Fire Protection Association Life Safety Code as adopted pursuant to chapter 633.

Section 2. Subsection (3) of section 235.017, Florida Statutes, 1998 Supplement, is amended to read:

235.017 Boards to ensure that facilities comply with building codes and life safety codes.—

(3) The Department of Management Services may, upon request, ~~must~~ provide facilities services for the Florida School for the Deaf and the Blind. As used in this section, the term “facilities services” means project management, code and design plan review, and code compliance inspection for projects as defined in s. 287.017(1)(e).

Section 3. Section 236.1229, Florida Statutes, 1998 Supplement, 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 and the Florida School for the Deaf and the Blind 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 and the Florida School for the Deaf and the Blind 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 and the Florida School for the Deaf and the Blind.

(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 that meet the requirements of this section and are recognized as such by the Florida Education Foundation and to the Florida School for the Deaf and the Blind Endowment Fund. 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 undisbursed 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 or to the Florida School for the Deaf and the Blind Endowment Fund 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, as well as the Florida School for the Deaf and the Blind, must be reserved for each public school district education foundation and the Florida School for the Deaf and the Blind Endowment Fund to provide each foundation and the Florida School for the Deaf and the Blind with an opportunity to receive and match a challenge grant. Trust funds that remain unmatched by contribution on March 1 of any year shall also be available for matching by any public school district education foundation, by the Florida School for the Deaf and the Blind, Endowment Fund or by the Department of Education Florida Education Foundation. The commissioner

shall adopt procedures providing all public school district education foundations and the Florida School for the Deaf and the Blind with an opportunity to apply for excess trust funds prior to awarding such funds. However, no public school district education foundation 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. The Florida School for the Deaf and the Blind shall not be subject to the full-time equivalent enrollment clause.

(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 or to the Florida School for the Deaf and the Blind Endowment Fund upon notification that a proportionate amount has been received and deposited by the foundation or school in its own trust fund.

(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 AND SCHOOL-LEVEL ADMINISTRATION.—

(a) Each public school district education foundation and the Florida School for the Deaf and the Blind 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 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 or to the Florida School for the Deaf and the Blind Endowment Fund upon notification that the foundation or school has received and deposited private contributions that meet the criteria for matching as provided in this section. The public school district education foundations and the Florida School for the Deaf and the Blind are responsible for the maintenance, investment, and administration of their school improvement and academic improvement trust funds.

(b) The public school district education foundation and the Florida School for the Deaf and the Blind 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 or school.

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

(6) 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 or the Florida School for the Deaf and the Blind for improving schools and academic achievement within the school district or school and shall not be expended for the construction of facilities or for the support of interscholastic athletics. No public school district education foundation or the Florida School for the Deaf and the Blind 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 4. Subsection (2) of section 242.3305, Florida Statutes, is amended to read:

242.3305 Florida School for the Deaf and the Blind; responsibilities and mission.—

(2) The mission of the Florida School for the Deaf and the Blind, ~~as a center of excellence,~~ is to utilize all available talent, energy, and resources to provide free appropriate public education for eligible sensory-impaired hearing-impaired and visually 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 life-long learners. The school shall encourage input from students, staff, parents, and the community. As a diverse organization, the school shall foster respect and understanding for each individual. ~~, offer educational opportunities which promote the development of healthy minds and bodies, and provide adult lives of independence and self-sufficiency, meaningful personal, family, and community lives, and useful, productive occupational lives.~~

Section 5. Paragraph (f) is added to subsection (2) of section 287.059, Florida Statutes, to read:

287.059 Private attorney services.—

(2) No agency shall contract for private attorney services without the prior written approval of the Attorney General, except that such written approval is not required for private attorney services:

(f) Procured by the Board of Trustees for the Florida School for the Deaf and the Blind.

Section 6. This act shall take effect July 1 of the year in which enacted.

Approved by the Governor June 8, 1999.

Filed in Office Secretary of State June 8, 1999.