

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 to Senate Amendment (172566) (with title**
4 **amendment)**

5 On page 2, line(s) 19, insert:

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

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

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

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

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17 | formed under s. 1001.451. The term "agency" does not extend to a
18 | nongovernmental developer that contributes public facilities to
19 | a political subdivision under s. 380.06 or ss. 163.3220-
20 | 163.3243.

21 | (4) COMPETITIVE SELECTION.--

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

25 | Section 6. Section 1001.453, Florida Statutes, is amended
26 | to read:

27 | 1001.453 Direct-support organization; use of property;
28 | board of directors; audit.--

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

31 | (a) "~~District school board~~ Direct-support organization"
32 | means a district school board direct-support organization or a
33 | regional consortium service organization direct-support an
34 | organization that:

35 | 1. Is approved by the district school board or regional
36 | consortium service organization board of directors;

37 | 2. Is a Florida corporation not for profit, incorporated
38 | under the provisions of chapter 617 and approved by the
39 | Department of State; and

40 | 3. Is organized and operated exclusively to receive, hold,
41 | invest, and administer property and to make expenditures to or
42 | for the benefit of public kindergarten through 12th grade
43 | education and adult career and community education programs in
44 | this state.

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

47 (c) "Regional consortium service organization" means an
48 organization formed under s. 1001.451.

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

51 (a) Is authorized to permit the use of property,
52 facilities, and personal services of the district or regional
53 consortium service organization by a direct-support
54 organization, subject to the provisions of this section.

55 (b) Shall prescribe by rule conditions with which a
56 ~~district school board~~ direct-support organization must comply in
57 order to use property, facilities, or personal services of the
58 district or regional consortium service organization. Adoption
59 of such rules shall be coordinated with the Department of
60 Education. The rules shall provide for budget and audit review
61 and oversight by the district school board or regional
62 consortium service organization board of directors and the
63 department.

64 (c) Shall not permit the use of property, facilities, or
65 personal services of a direct-support organization if such
66 organization does not provide equal employment opportunities to
67 all persons, regardless of race, color, religion, sex, age, or
68 national origin.

69 (3) BOARD OF DIRECTORS.--The board of directors of the
70 ~~district school board~~ direct-support organization shall be
71 approved by the district school board or the regional consortium
72 service organization board of directors.

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73 (4) ANNUAL AUDIT.--Each direct-support organization with
74 more than \$100,000 in expenditures or expenses shall provide for
75 an annual ~~financial~~ audit of its financial statements in order
76 to express an opinion on the fairness with which the financial
77 statements are presented in conformance with generally accepted
78 accounting principles. The audit is ~~accounts and records,~~ to be
79 conducted by an independent certified public accountant in
80 accordance with rules adopted by the Auditor General pursuant to
81 s. 11.45(8) and the Commissioner of Education. The annual audit
82 report shall be submitted to the Auditor General and the
83 district school board or regional consortium service
84 organization board of directors for review within 9 months after
85 the end of the fiscal year or by the date established by year's
86 end ~~to~~ the district school board or regional consortium service
87 organization board of directors and the Auditor General,
88 whichever is earlier. The Commissioner of Education, the Auditor
89 General, and the Office of Program Policy Analysis and
90 Government Accountability have the authority to require and
91 receive from the organization or the district auditor or
92 regional consortium service organization auditor any records
93 relative to the operation of the organization. The identity of
94 donors and all information identifying donors and prospective
95 donors are confidential and exempt from the provisions of s.
96 119.07(1), and that anonymity shall be maintained in the
97 auditor's report. All other records and information shall be
98 considered public records for the purposes of chapter 119.

99 Section 7. Section 1010.09, Florida Statutes, is amended
100 to read:

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101 1010.09 Direct-support organizations.--School district,
102 regional consortium service organization, community college, and
103 university direct-support organizations shall be organized and
104 conducted under the provisions of ss. 1001.453, 1004.28, and
105 1004.70 and rules of the State Board of Education, as
106 applicable.

107 Section 8. Section 1011.765, Florida Statutes, is amended
108 to read:

109 1011.765 Florida Academic Improvement Trust Fund matching
110 grants.--

111 (1) MATCHING GRANTS.--The Florida Academic Improvement
112 Trust Fund shall be utilized to provide matching grants to the
113 Florida School for the Deaf and the Blind Endowment Fund, ~~and to~~
114 any public school district education foundation, and any
115 regional consortium service organization education foundation
116 that meets the requirements of this section and is recognized by
117 the local school district as a its designated K-12 education
118 foundation. For purposes of this section, "regional consortium
119 service organization" means an organization formed under s.
120 1001.451.

121 (a) The State Board of Education shall adopt rules for the
122 administration, submission, documentation, evaluation, and
123 approval of requests for matching funds and for maintaining
124 accountability for matching funds.

125 (b) Donations, state matching funds, or proceeds from
126 endowments established pursuant to this section shall be used at
127 the discretion of the public school district education
128 foundation, the regional consortium service organization

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129 education foundation, or the Florida School for the Deaf and the
130 Blind for academic achievement within the school district,
131 school districts, or school, and shall not be expended for the
132 construction of facilities or for the support of interscholastic
133 athletics. ~~A~~ Ne public school district education foundation, a
134 regional consortium service organization education foundation,
135 or the Florida School for the Deaf and the Blind shall not
136 accept or purchase facilities for which the state will be asked
137 for operating funds unless the Legislature has granted prior
138 approval for such acquisition.

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

142 (a) For every year in which there is a legislative
143 appropriation to the trust fund, an equal amount of the annual
144 appropriation, to be determined by dividing the total
145 legislative appropriation by the number of local education
146 foundations and regional consortium service organization
147 education foundations, as well as the Florida School for the
148 Deaf and the Blind, must be reserved for each public school
149 district education foundation, each regional consortium service
150 organization education foundation, and the Florida School for
151 the Deaf and the Blind Endowment Fund to provide each foundation
152 and the Florida School for the Deaf and the Blind with an
153 opportunity to receive and match appropriated funds. Trust funds
154 that remain unmatched by contribution on April 1 of any year
155 shall be made available for matching by any public school
156 district education foundation, by any regional consortium

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157 service organization education foundation, and by the Florida
158 School for the Deaf and the Blind which shall have an
159 opportunity to apply for excess trust funds prior to the award
160 of such funds.

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

165 (c) Funds sufficient to provide the match shall be
166 transferred from the state trust fund to the public school
167 education foundation, to the regional consortium service
168 organization education foundation, or to the Florida School for
169 the Deaf and the Blind Endowment Fund upon notification that a
170 proportionate amount has been received and deposited by the
171 foundation or school into its own trust fund.

172 (d) If the total of the amounts to be distributed in any
173 quarter pursuant to this subsection exceeds the amount of funds
174 remaining from specific appropriations made for the
175 implementation of this section, all grants shall be
176 proportionately reduced so that the total of matching grants
177 distributed does not exceed available appropriations.

178 (3) GRANT ADMINISTRATION.--

179 (a) Each public school district education foundation, each
180 regional consortium service organization education foundation,
181 and the Florida School for the Deaf and the Blind participating
182 in the Florida Academic Improvement Trust Fund shall separately
183 account for all funds received pursuant to this section, and may
184 establish its own academic improvement trust fund as a

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185 depository for the private contributions, state matching funds,
 186 and earnings on investments of such funds. State matching funds
 187 shall be transferred to the public school district education
 188 foundation, to the regional consortium service organization
 189 education foundation, or to the Florida School for the Deaf and
 190 the Blind Endowment Fund upon notification that the foundation
 191 or school has received and deposited private contributions that
 192 meet the criteria for matching as provided in this section. The
 193 public school district education foundations, the regional
 194 consortium service organization education foundations, and the
 195 Florida School for the Deaf and the Blind are responsible for
 196 the maintenance, investment, and administration of their
 197 academic improvement trust funds.

198 (b) The public school district education foundations, the
 199 regional consortium service organization education foundations,
 200 and the Florida School for the Deaf and the Blind shall be
 201 responsible for soliciting and receiving contributions to be
 202 deposited and matched with grants for academic achievement
 203 within the school district, school districts, or school.

204 (c) Each public school district education foundation, each
 205 regional consortium service organization education foundation,
 206 and the Florida School for the Deaf and the Blind shall be
 207 responsible for proper expenditure of the funds received
 208 pursuant to this section.

209
 210 ===== T I T L E A M E N D M E N T =====

211 On page 3, line(s) 15, after the semicolon, insert:

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212 amending s. 287.055, F.S.; including regional consortium
213 service organizations under provisions relating to
214 procurement and competitive selection of certain
215 professional services; amending 1001.453, F.S.; revising
216 definition of direct-support organization to include a
217 regional consortium service organization direct-support
218 organization; authorizing use of property and requiring
219 rules; providing for approval of a board of directors and
220 requiring audits; amending s. 1010.09, F.S.; conforming a
221 provision relating to direct-support organizations;
222 amending s. 1011.765, F.S.; providing that the Florida
223 Academic Improvement Trust Fund shall be utilized to
224 provide matching grants to regional consortium service
225 organization education foundations;

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