

FLORIDA DEPARTMENT OF EDUCATION
CONTRACT NO. 14-821
AMENDMENT NO. 6

This AMENDMENT to the Florida Department of Education Contract Number 14-821 ("Contract") is entered into by and between **The Miami Boarding School, Inc., d/b/a The SEED School of Miami, a not-for-profit**, (the "Operator") authorized to do business in the State of Florida, and the Florida Department of Education, ("Department"), an agency of the State of Florida ("State Board"). Defined terms used herein shall have the meanings set forth in the Contract.

WHEREAS, on **July 1, 2014**, the Department entered into the Contract with the Contractor to provide the service; and

WHEREAS, the expiration date of the Contract is **June 30, 2024**; and

WHEREAS, the Department desires to amend this Contract to **incorporate language necessary to comply with Executive Order 20-44**.

NOW, THEREFORE, in consideration of the mutual covenants and conditions hereinafter stated, the Department and the Contractor covenant and agree as follows:

1. The recitals are true and correct and are incorporated herein by reference.
2. The Contract, Section XI is amended to include the following section:
 - I. In accordance with Executive Order 20-44, each contractor meeting the following criteria: 1) all entities named in statute with which the agency must form a sole source, public private agreement and 2) all entities that, through contract or other agreement with the State, annually receive 50% or more of their budget from the State or from a combination of State and Federal funds shall provide to the department an annual report in the format required by the department. This report shall detail the total compensation for the entities' executive leadership teams. Total compensation shall include salary, bonuses, cashed in leave, cash equivalents, severance pay, retirement benefits, deferred compensation, real-property gifts, and any other payout. In addition, the contractor shall submit with the annual report the most recent Return of Organization Exempt From Income Tax, Form 990, if applicable, or shall indicate that the contractor is not required to file such Form 990. Contracted entities must inform the Department of any changes in total executive compensation between the annual reports. All compensation reports must indicate what percent of compensation comes directly from the State or Federal allocations to the contracted entity. This report shall be submitted by May 1, 2021 and March 1 of each subsequent year. Executive Order 20-44 may be obtained via this link, https://www.flgov.com/wp-content/uploads/orders/2020/EO_20-44.pdf

The effective date of the Amendment shall be the date that it is signed by both parties.

All provisions in the contract and any attachments thereto in conflict with this amendment shall be and are hereby changed to conform to this amendment.

All provisions not in conflict with this amendment are still in full force and effect and are to be performed at the level specified in the contract.

IN WITNESS WHEREOF, the parties hereto have caused this Amendment to be executed by their proper and duly authorized representatives.

State of Florida
State Board of Education

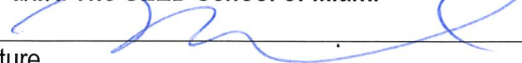
By: _____
Signature

Name: Andy Tuck
Typed

Title: Chair, State Board of Education
Typed

Date: _____

The Miami Boarding School, Inc.
d/b/a The SEED School of Miami

By: 
Signature

Name: Melanie Damian
Typed

Title: _____
Typed

Date: _____



Andy Tuck, *Chair*
Marva Johnson, *Vice Chair*
Members
Monesia Brown
Ben Gibson
Tom Grady
Ryan Petty
Joe York

MEMORANDUM

TO: Specified Contracted Entities

FROM: Janice Brown, Contracts, Grants and Procurement Management Services

DATE: April 9, 2021

SUBJECT: Executive Order 20-44 and Memo #21-025, Required Annual Report

As directed by Executive Order 20-44 and Memo #21-025, copies of which are attached, the Department is responsible for collecting an annual report regarding total executive leadership compensation and other documentation from entities with which the Department must form a sole-source, public-private agreement or which annually receive 50% or more of their budget from state and/or federal funds.

Your agency has been identified as meeting the outlined criteria, and as a result, the referenced contract(s) must be amended. Attached is the required amendment, which includes the following provision:

The Contract, Attachment C Standard Terms and Conditions is amended to include the following section:

XXXX. In accordance with Executive Order 20-44, each contractor meeting the following criteria: 1) all entities named in statute with which the agency must form a sole source, public private agreement and 2) all entities that, through contract or other agreement with the State, annually receive 50% or more of their budget from the State or from a combination of State and Federal funds shall provide to the department an annual report in the format required by the department. This report shall detail the total compensation for the entities' executive leadership teams. Total compensation shall include salary, bonuses, cashed in leave, cash equivalents, severance pay, retirement benefits, deferred compensation, real-property gifts, and any other payout. In addition, the contractor shall submit with the annual report the most recent Return of Organization Exempt From Income Tax, Form 990, if applicable, or shall indicate that the contractor is not required to file such Form 990. Contracted entities must inform the Department of any changes in total executive compensation between the annual reports. All compensation reports must indicate what percent of compensation comes directly from the State or Federal allocations to the contracted entity. This report shall be submitted by May 1, 2021 and March 1 of each subsequent year. Executive Order 20-44 may be obtained via this link, https://www.flgov.com/wp-content/uploads/orders/2020/EO_20-44.pdf

The 2021 annual report is due by May 1, 2021. The annual report form is attached, and only one annual report per entity is required.

The annual report, a copy of the entity's most recent IRS Form 990 and any other documentation required in the annual report shall be submitted via email to ExOrder20-44@fldoe.org.

Should you have any questions, please contact Aimee Ashley, aimee.ashley@fldoe.org or 850-245-7878.

STATE OF FLORIDA
OFFICE OF THE GOVERNOR
EXECUTIVE ORDER NUMBER 20-44

WHEREAS, the Florida Coalition Against Domestic Violence (Coalition) submitted documents to the Executive Office of the Governor and Florida House of Representatives on February 12, 2020, revealing that the Coalition used funds from the Department of Children and Families to subsidize exorbitant executive leadership team compensation payouts; and

WHEREAS, information indicates the number of survivors turned away from domestic violence shelters around the State grew as the Coalition increasingly directed State-allocated funds to executive team compensation; and

WHEREAS, upon receiving evidence of the Coalition's fiscal irresponsibility, I ordered the Office of the Chief Inspector General to conduct a thorough review of the Coalition's compensation practices and to refer the matter for additional investigation, if necessary; and

WHEREAS, several provisions of law require various Executive agencies to enter sole-source contracts or other agreements with certain private entities on a non-competitive basis; and

WHEREAS, section 39.903, Fla. Stat., provides one example by requiring the Department of Children and Families to contract with the Coalition for the delivery and management of services for the State's domestic violence program; and

WHEREAS, significant State funds are directed to private organizations through mandatory, non-competitive State contracts and other public-private agreements; and

WHEREAS, Florida law requires that each agency include in contracts with outside organizations appropriate audit and oversight authority and agency access to documents, papers, letters, or other material made or received by the contractor in conjunction with the contract; and

WHEREAS, public-private partnerships effectively serve the People of Florida only when good stewards of State funds lead the partnership and uphold the values of transparency and accountability.

NOW, THEREFORE, I, RON DESANTIS, as Governor of Florida, by virtue of the authority vested in me by Article IV, Section 1(a) of the Florida Constitution, and all other applicable laws, promulgate the following Executive Order, to take immediate effect:

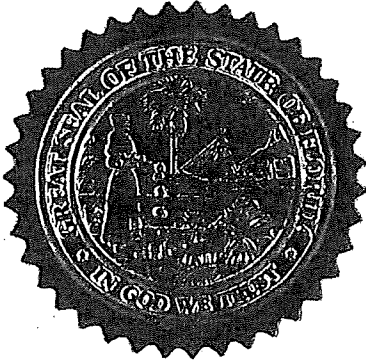
Section 1. I hereby direct all Executive agencies to submit to the Executive Office of the Governor, within 45 days of this Order, a list of: (a) all entities named in statute with which the agency must form a sole-source, public-private agreement; and (b) all entities that, through contract or other agreement with the State, annually receive 50% or more of their budget from the State or from a combination of State and Federal funds.

Section 2. I further direct that, within 45 days of submission of the list, each agency obtain and review copies of the IRS Form 990 and other documentation for each listed entity showing total compensation—to include salary, bonuses, cashed-in leave, cash equivalents, severance pay, retirement benefits, deferred compensation, real-property gifts, and any other payout—for all members of the listed contractors' executive leadership teams for the past year. If the compensation totals exceed limits set forth in federal or state law and regulations, the agency shall refer the matter to the Office of the Chief Inspector General for investigation and appropriate action.

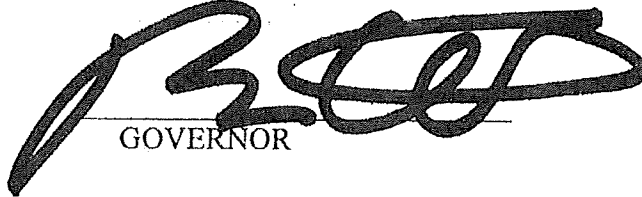
Section 3. In addition, within 45 days of submission of the list from Section 1 of this Order, each Executive agency must verify compliance with the Florida Single Audit Act and develop, for submission to the Office of the Chief Inspector General, an appropriate corrective

action plan for non-compliance or any issues noted, and a timeline for completion of the corrective action plans.

Section 4. Each Executive agency shall henceforth require, from entities that meet the criteria listed in Section 1 of this Order, an annual report, including the most recent IRS Form 990, detailing the total compensation for the entities' executive leadership teams. Total compensation shall include salary, bonuses, cashed-in leave, cash equivalents, severance pay, retirement benefits, deferred compensation, real-property gifts, and any other payout. In addition, contracted entities must agree through appropriate contract or grant agreement amendment to inform the agency of any changes in total executive compensation between the annual reports. All compensation reports must indicate what percent of compensation comes directly from the State or Federal allocations to the contracted entity.



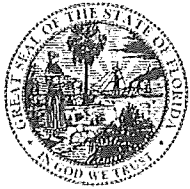
IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Florida to be affixed, at Tallahassee, this 20th day of February, 2020


GOVERNOR

ATTEST:


SECRETARY OF STATE

FILED
2020 FEB 20 PM 5:54
CLERK OF THE COURT



RON DESANTIS
GOVERNOR

STATE OF FLORIDA

Office of the Governor

THE CAPITOL
TALLAHASSEE, FLORIDA 32399-0001

www.flgov.com
850-717-9418

Memo#21-025

To: The Agency Addressed

From: ^{CMS} Chris Spencer, Director
Office of Policy and Budget

Subject: Office of the Governor Executive Order Number 20-44

Date: March 2, 2021

On February 20, 2020, the Governor issued Executive Order Number 20-44 regarding sole-source, public-private agreements and other specific contracts and agreements.

On February 24, 2020, Memorandum#20-018 was issued providing direction and instructions to all state agencies to comply with sections 1, 2 and 3 of the Executive Order. This memo also stated that further instructions will be provided for section 4 of the Executive Order which requires an annual report. Accordingly, attached please find instructions to comply with section 4 of Executive Order Number 20-44.

All questions regarding the survey should be directed to the Office of Policy and Budget (OPB) analyst assigned to your agency.

CS/erp

Attachment

Executive Order Number 20-44
Section 4 – Attestation Request

Instructions

- All questions regarding the survey should be directed to the Office of Policy and Budget analyst assigned to your agency.
- Periods of time refer to Fiscal Year 2020-2021 and into the future.
- Attestation Requests shall be provided by May 31st each year to each submitting agency's Inspector General's Office.

Section 1 of Executive Order 20-044 required executive agencies to submit a list of entities named in statute with which a state agency must form a sole-source, public-private agreement or an entity that, through contract or other agreement with the state, annually receives 50% or more of their budget from the State or from a combination of State and Federal funds.

Section 4 of Executive Order 20-044 requires the following:

- Each Executive agency shall henceforth require, from entities that meet the criteria listed in Section 1 of this Order, an annual report, including the most recent IRS Form 990, detailing the total compensation for the entities' executive leadership teams.
 - Total compensation shall include salary, bonuses, cashed-in leave, cash equivalents, severance pay, retirement benefits, deferred compensation, real-property gifts, and any other payout.
- Contracted entities must agree through appropriate contract or grant agreement amendment to inform the agency of any changes in total executive compensation between the annual reports.
- All compensation reports must indicate what percent of compensation comes directly from the State or Federal allocations to the contracted entity.

Accordingly, if your agency had or has any entities that satisfied the criteria of Section 1 of Executive Order 20-044, please attest that:

- As necessary, your agency has amended all applicable contracts and grant agreements to comply with Section 4 of Executive Order 20-044 by requiring the submission of the annual report to the impacted executive branch agency including compensation information described above.
- Your agency has modified its internal contract and grant administration procedures to require this information from current and future agreements with entities that meet the criteria in Section 1.

Attestation must be completed by the agency head no later than May 31, 2021.

Department of Education Use Only	
_____ Agency Head Signature	_____ Date
_____ Printed Name	_____ Agency Name