

Bill No. CS for SB 388

Barcode 250488

CHAMBER ACTION

Senate

House

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11 The Conference Committee on CS for SB 388 recommended the
12 following amendment:

14 **Conference Committee Amendment (with title amendment)**

15 Delete everything after the enacting clause

17 and insert:

18 Section 1. Subsection (6) of section 212.055,
19 Statutes, is amended to read:

20 212.055 Discretionary sales surtaxes; legislative
21 intent; authorization and use of proceeds.--It is the
22 legislative intent that any authorization for imposition of a
23 discretionary sales surtax shall be published in the Florida
24 Statutes as a subsection of this section, irrespective of the
25 duration of the levy. Each enactment shall specify the types
26 of counties authorized to levy; the rate or rates which may be
27 imposed; the maximum length of time the surtax may be imposed,
28 if any; the procedure which must be followed to secure voter
29 approval, if required; the purpose for which the proceeds may
30 be expended; and such other requirements as the Legislature
31 may provide. Taxable transactions and administrative

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1 procedures shall be as provided in s. 212.054.

2 (6) SCHOOL CAPITAL OUTLAY SURTAX.--

3 (a) The school board in each county may levy, pursuant
4 to resolution conditioned to take effect only upon approval by
5 a majority vote of the electors of the county voting in a
6 referendum, a discretionary sales surtax at a rate that may
7 not exceed 0.5 percent.

8 (b) The resolution shall include a statement that
9 provides a brief and general description of the school capital
10 outlay projects to be funded by the surtax. The statement
11 shall conform to the requirements of s. 101.161 and shall be
12 placed on the ballot by the governing body of the county. The
13 following question shall be placed on the ballot:

14
15FOR THECENTS TAX
16AGAINST THECENTS TAX
17

18 (c) The resolution providing for the imposition of the
19 surtax shall set forth a plan for use of the surtax proceeds
20 for fixed capital expenditures or fixed capital costs
21 associated with the construction, reconstruction, or
22 improvement of school facilities and campuses which have a
23 useful life expectancy of 5 or more years, and any land
24 acquisition, land improvement, design, and engineering costs
25 related thereto. Additionally, the plan shall include the
26 costs of retrofitting and providing for technology
27 implementation, including hardware and software, for the
28 various sites within the school district. Surtax revenues may
29 be used for the purpose of servicing bond indebtedness to
30 finance projects authorized by this subsection, and any
31 interest accrued thereto may be held in trust to finance such

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1 projects. Neither the proceeds of the surtax nor any interest
2 accrued thereto shall be used for operational expenses.

3 (d) Any school board imposing the surtax shall
4 implement a freeze on noncapital local school property taxes,
5 at the millage rate imposed in the year prior to the
6 implementation of the surtax, for a period of at least 3 years
7 from the date of imposition of the surtax. This provision
8 shall not apply to existing debt service or ~~required state~~
9 taxes authorized in the General Appropriations Act.

10 (e) Surtax revenues collected by the Department of
11 Revenue pursuant to this subsection shall be distributed to
12 the school board imposing the surtax in accordance with law.

13 Section 2. Paragraph (a) of subsection (5) of section
14 411.01, Florida Statutes, as amended by section 2 of chapter
15 2004-484, Laws of Florida, is amended to read:

16 411.01 School readiness programs; early learning
17 coalitions.--

18 (5) CREATION OF EARLY LEARNING COALITIONS.--

19 (a) Early learning coalitions.--

20 1. The Agency for Workforce Innovation shall establish
21 the minimum number of children to be served by each early
22 learning coalition through the coalition's school readiness
23 program. The Agency for Workforce Innovation may only approve
24 school readiness plans in accordance with this minimum number.
25 The minimum number must be uniform for every early learning
26 coalition and must:

27 a. Permit 30 or fewer coalitions to be established;
28 and

29 b. Require each coalition to serve at least 2,000
30 children based upon the average number of all children served
31 per month through the coalition's school readiness program

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1 during the previous 12 months.

2

3 The Agency for Workforce Innovation shall adopt procedures for
 4 merging early learning coalitions, including procedures for
 5 the consolidation of merging coalitions, and for the early
 6 termination of the terms of coalition members which are
 7 necessary to accomplish the mergers. Each early learning
 8 coalition must comply with the merger procedures and shall be
 9 organized in accordance with this subparagraph by April 1,
 10 2005. By June 30, 2005, each coalition must complete the
 11 transfer of powers, duties, functions, rules, records,
 12 personnel, property, and unexpended balances of
 13 appropriations, allocations, and other funds to the successor
 14 coalition, if applicable.

15 2. If an early learning coalition would serve fewer
 16 children than the minimum number established under
 17 subparagraph 1., the coalition must merge with another county
 18 to form a multicounty coalition. However, the Agency for
 19 Workforce Innovation may authorize an early learning coalition
 20 to serve fewer children than the minimum number established
 21 under subparagraph 1., if:

22 a. The coalition demonstrates to the Agency for
 23 Workforce Innovation that merging with another county or
 24 multicounty region contiguous to the coalition would cause an
 25 extreme hardship on the coalition;

26 b. The Agency for Workforce Innovation has determined
 27 during the most recent annual review of the coalition's school
 28 readiness plan, or through monitoring and performance
 29 evaluations conducted under paragraph (4)(1), that the
 30 coalition has substantially implemented its plan and
 31 substantially met the performance standards and outcome

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1 measures adopted by the agency; and

2 c. The coalition demonstrates to the Agency for
3 Workforce Innovation the coalition's ability to effectively
4 and efficiently implement the Voluntary Prekindergarten
5 Education Program.

6
7 If an early learning coalition fails or refuses to merge as
8 required by this subparagraph, the Agency for Workforce
9 Innovation may dissolve the coalition and temporarily contract
10 with a qualified entity to continue school readiness and
11 prekindergarten services in the coalition's county or
12 multicounty region until the coalition is reestablished
13 through resubmission of a school readiness plan and approval
14 by the agency.

15 3. Notwithstanding the provisions of subparagraphs 1.
16 and 2., the early learning coalitions in Sarasota, Osceola,
17 and Santa Rosa Counties which were in operation on January 1,
18 2005, are established and authorized to continue operation as
19 independent coalitions, and shall not be counted within the
20 limit of 30 coalitions established in subparagraph 1.

21 ~~4.3.~~ Each early learning coalition shall be composed
22 of at least 18 members but not more than 35 members. The
23 Agency for Workforce Innovation shall adopt standards
24 establishing within this range the minimum and maximum number
25 of members that may be appointed to an early learning
26 coalition. These standards must include variations for a
27 coalition serving a multicounty region. Each early learning
28 coalition must comply with these standards.

29 ~~5.4.~~ The Governor shall appoint the chair and two
30 other members of each early learning coalition, who must each
31 meet the same qualifications as private-sector business

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1 members appointed by the coalition under subparagraph 7. ~~6.~~

2 ~~6.5.~~ Each early learning coalition must include the
3 following members:

4 a. A Department of Children and Family Services
5 district administrator or his or her designee who is
6 authorized to make decisions on behalf of the department.

7 b. A district superintendent of schools or his or her
8 designee who is authorized to make decisions on behalf of the
9 district, who shall be a nonvoting member.

10 c. A regional workforce board executive director or
11 his or her designee.

12 d. A county health department director or his or her
13 designee.

14 e. A children's services council or juvenile welfare
15 board chair or executive director, if applicable, who shall be
16 a nonvoting member if the council or board is the fiscal agent
17 of the coalition or if the council or board contracts with and
18 receives funds from the coalition.

19 f. An agency head of a local licensing agency as
20 defined in s. 402.302, where applicable.

21 g. A president of a community college or his or her
22 designee.

23 h. One member appointed by a board of county
24 commissioners.

25 i. A central agency administrator, where applicable,
26 who shall be a nonvoting member.

27 j. A Head Start director, who shall be a nonvoting
28 member.

29 k. A representative of private child care providers,
30 including family day care homes, who shall be a nonvoting
31 member.

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1 1. A representative of faith-based child care
2 providers, who shall be a nonvoting member.

3 m. A representative of programs for children with
4 disabilities under the federal Individuals with Disabilities
5 Education Act, who shall be a nonvoting member.

6 ~~7.6.~~ Including the members appointed by the Governor
7 under subparagraph ~~5. 4.~~, more than one-third of the members
8 of each early learning coalition must be private-sector
9 business members who do not have, and none of whose relatives
10 as defined in s. 112.3143 has, a substantial financial
11 interest in the design or delivery of the Voluntary
12 Prekindergarten Education Program created under part V of
13 chapter 1002 or the coalition's school readiness program. To
14 meet this requirement an early learning coalition must appoint
15 additional members from a list of nominees submitted to the
16 coalition by a chamber of commerce or economic development
17 council within the geographic region served by the coalition.
18 The Agency for Workforce Innovation shall establish criteria
19 for appointing private-sector business members. These criteria
20 must include standards for determining whether a member or
21 relative has a substantial financial interest in the design or
22 delivery of the Voluntary Prekindergarten Education Program or
23 the coalition's school readiness program.

24 ~~8.7.~~ A majority of the voting membership of an early
25 learning coalition constitutes a quorum required to conduct
26 the business of the coalition.

27 ~~9.8.~~ A voting member of an early learning coalition
28 may not appoint a designee to act in his or her place, except
29 as otherwise provided in this paragraph. A voting member may
30 send a representative to coalition meetings, but that
31 representative does not have voting privileges. When a

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1 district administrator for the Department of Children and
 2 Family Services appoints a designee to an early learning
 3 coalition, the designee is the voting member of the coalition,
 4 and any individual attending in the designee's place,
 5 including the district administrator, does not have voting
 6 privileges.

7 ~~10.9.~~ Each member of an early learning coalition is
 8 subject to ss. 112.313, 112.3135, and 112.3143. For purposes
 9 of s. 112.3143(3)(a), each voting member is a local public
 10 officer who must abstain from voting when a voting conflict
 11 exists.

12 ~~11.10.~~ For purposes of tort liability, each member or
 13 employee of an early learning coalition shall be governed by
 14 s. 768.28.

15 ~~12.11.~~ An early learning coalition serving a
 16 multicounty region must include representation from each
 17 county.

18 ~~13.12.~~ Each early learning coalition shall establish
 19 terms for all appointed members of the coalition. The terms
 20 must be staggered and must be a uniform length that does not
 21 exceed 4 years per term. Appointed members may serve a maximum
 22 of two consecutive terms. When a vacancy occurs in an
 23 appointed position, the coalition must advertise the vacancy.

24 Section 3. Subsection (1) and paragraph (a) of
 25 subsection (2) of section 1001.451, Florida Statutes, are
 26 amended to read:

27 1001.451 Regional consortium service
 28 organizations.--In order to provide a full range of programs
 29 to larger numbers of students, minimize duplication of
 30 services, and encourage the development of new programs and
 31 services:

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1 (1) School districts with 20,000 or fewer unweighted
2 full-time equivalent students, developmental research
3 (laboratory) schools established pursuant to s. 1002.32, and
4 the Florida School for the Deaf and the Blind may enter into
5 cooperative agreements to form a regional consortium service
6 organization. Each regional consortium service organization
7 shall provide, at a minimum, three of the following services:
8 exceptional student education; teacher education centers;
9 environmental education; federal grant procurement and
10 coordination; data processing; health insurance; risk
11 management insurance; staff development; purchasing; or
12 planning and accountability.

13 (2)(a) Each regional consortium service organization
14 that consists of four or more school districts is eligible to
15 receive, through the Department of Education, an incentive
16 grant of ~~\$50,000~~ ~~\$25,000~~ per school district and eligible
17 member to be used for the delivery of services within the
18 participating school districts.

19 Section 4. Subsection (3) of section 1002.71, Florida
20 Statutes, as created by section 1 of chapter 2004-484, Laws of
21 Florida, is amended to read:

22 1002.71 Funding; financial and attendance reporting.--

23 (3)(a) The base student allocation per full-time
24 equivalent student in the Voluntary Prekindergarten Education
25 Program shall be provided in the General Appropriations Act
26 and shall be equal for each student, regardless of whether the
27 student is enrolled in a school-year prekindergarten program
28 delivered by a private prekindergarten provider, a summer
29 prekindergarten program delivered by a public school or
30 private prekindergarten provider, or a school-year
31 prekindergarten program delivered by a public school.

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1 (b) Each county's allocation per full-time equivalent
 2 student in the Voluntary Prekindergarten Education Program
 3 shall be calculated annually by multiplying the base student
 4 allocation provided in the General Appropriations Act by the
 5 county's district cost differential provided in s. 1011.62(2).
 6 Each private prekindergarten provider and public school shall
 7 be paid in accordance with the county's allocation per
 8 full-time equivalent student.

9 (c) The initial allocation shall be based on estimated
 10 student enrollment in each coalition service area. The Agency
 11 for Workforce Innovation shall reallocate funds among the
 12 coalitions based on actual full-time equivalent student
 13 enrollment in each coalition service area.

14 Section 5. Subsection (5) of section 1009.50, Florida
 15 Statutes, is amended to read:

16 1009.50 Florida Public Student Assistance Grant
 17 Program; eligibility for grants.--

18 (5) Funds appropriated by the Legislature for state
 19 student assistance grants ~~may~~ shall be deposited in the State
 20 Student Financial Assistance Trust Fund. Notwithstanding the
 21 provisions of s. 216.301 and pursuant to s. 216.351, any
 22 balance in the trust fund at the end of any fiscal year which
 23 ~~that~~ has been allocated to the Florida Public Student
 24 Assistance Grant Program shall remain therein and shall be
 25 available for carrying out the purposes of this section.

26 Section 6. Subsection (5) of section 1009.51, Florida
 27 Statutes, is amended to read:

28 1009.51 Florida Private Student Assistance Grant
 29 Program; eligibility for grants.--

30 (5) Funds appropriated by the Legislature for Florida
 31 private student assistance grants ~~may~~ shall be deposited in

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1 the State Student Financial Assistance Trust Fund.

2 Notwithstanding the provisions of s. 216.301 and pursuant to
3 s. 216.351, any balance in the trust fund at the end of any
4 fiscal year which ~~that~~ has been allocated to the Florida
5 Private Student Assistance Grant Program shall remain therein
6 and shall be available for carrying out the purposes of this
7 section and as otherwise provided by law.

8 Section 7. Subsection (6) of section 1009.52, Florida
9 Statutes, is amended to read:

10 1009.52 Florida Postsecondary Student Assistance Grant
11 Program; eligibility for grants.--

12 (6) Funds appropriated by the Legislature for Florida
13 postsecondary student assistance grants may ~~shall~~ be deposited
14 in the State Student Financial Assistance Trust Fund.

15 Notwithstanding the provisions of s. 216.301 and pursuant to
16 s. 216.351, any balance in the trust fund at the end of any
17 fiscal year which ~~that~~ has been allocated to the Florida
18 Postsecondary Student Assistance Grant Program shall remain
19 therein and shall be available for carrying out the purposes
20 of this section and as otherwise provided by law.

21 Section 8. Subsection (6) of section 1009.89, Florida
22 Statutes, is amended to read:

23 1009.89 The William L. Boyd, IV, Florida resident
24 access grants.--

25 ~~(6) Funds appropriated by the Legislature for the~~
26 ~~William L. Boyd, IV, Florida Resident Access Grant Program~~
27 ~~shall be deposited in the State Student Financial Assistance~~
28 ~~Trust Fund. Notwithstanding the provisions of s. 216.301 and~~
29 ~~pursuant to s. 216.351, any balance in the trust fund at the~~
30 ~~end of any fiscal year which has been allocated to the William~~
31 ~~L. Boyd, IV, Florida Resident Access Grant Program shall~~

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1 ~~remain therein and shall be available for carrying out the~~
 2 ~~purposes of this section.~~ If the number of eligible students
 3 exceeds the total authorized in the General Appropriations
 4 Act, an institution may use its own resources to assure that
 5 each eligible student receives the full benefit of the grant
 6 amount authorized.

7 Section 9. Section 1010.72, Florida Statutes, is
 8 amended to read:

9 1010.72 Dale Hickam Excellent Teaching Program Trust
 10 Fund.--The Dale Hickam Excellent Teaching Program Trust Fund
 11 is created to be administered by the Department of Education.
 12 Funds ~~may~~ ~~must~~ be credited to the trust fund as provided in
 13 chapter 98-309, Laws of Florida, to be used for the purposes
 14 set forth therein.

15 Section 10. Paragraph (c) of subsection (6) of section
 16 1011.62, Florida Statutes, is amended to read:

17 1011.62 Funds for operation of schools.--If the annual
 18 allocation from the Florida Education Finance Program to each
 19 district for operation of schools is not determined in the
 20 annual appropriations act or the substantive bill implementing
 21 the annual appropriations act, it shall be determined as
 22 follows:

23 (6) DETERMINATION OF SPARSITY SUPPLEMENT.--

24 (c) Each district's allocation of sparsity supplement
 25 funds shall be adjusted in the following manner:

26 1. A maximum discretionary levy per FTE value for each
 27 district shall be calculated by dividing the value of each
 28 district's maximum discretionary levy by its FTE student
 29 count.~~+~~

30 2. A state average discretionary levy value per FTE
 31 shall be calculated by dividing the total maximum

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1 discretionary levy value for all districts by the state total
2 FTE student count.~~†~~

3 3. A total potential funds per FTE for each district
4 shall be calculated by dividing the total potential funds, not
5 including Florida School Recognition Program funds and the
6 minimum guarantee, for each district by its FTE student count.

7 4. A state average total potential funds per FTE shall
8 be calculated by dividing the total potential funds, not
9 including Florida School Recognition Program funds and the
10 minimum guarantee, for all districts by the state total FTE
11 student count.

12 ~~5.3.~~ For districts that have a levy value per FTE as
13 calculated in subparagraph 1. higher than the state average
14 calculated in subparagraph 2., a sparsity wealth adjustment
15 shall be calculated as the product of the difference between
16 the state average levy value per FTE calculated in
17 subparagraph 2. and the district's levy value per FTE
18 calculated in subparagraph 1. and the district's FTE student
19 count and ~~-1.~~ However, no district shall have a sparsity
20 wealth adjustment that, when applied to the total potential
21 funds calculated in subparagraph 3., would cause the
22 district's total potential funds per FTE to be less than the
23 state average calculated in subparagraph 4.~~†~~

24 ~~6.4.~~ Each district's sparsity supplement allocation
25 shall be calculated by adding the amount calculated as
26 specified in paragraphs (a) and (b) and the wealth adjustment
27 amount calculated in this paragraph.

28 Section 11. Subsection (1) of section 1011.94, Florida
29 Statutes, is amended to read:

30 1011.94 Trust Fund for University Major Gifts.--

31 (1) There is established a Trust Fund for University

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1 Major Gifts. The purpose of the trust fund is to enable each
2 university and New College to provide donors with an incentive
3 in the form of matching grants for donations for the
4 establishment of permanent endowments and sales tax exemption
5 matching funds received pursuant to s. 212.08(5)(j), which
6 must be invested, with the proceeds of the investment used to
7 support libraries and instruction and research programs, as
8 defined by the State Board of Education. All funds
9 appropriated for the challenge grants, new donors, major
10 gifts, sales tax exemption matching funds pursuant to s.
11 212.08(5)(j), or eminent scholars program ~~may~~ ~~must~~ be
12 deposited into the trust fund and invested pursuant to s.
13 17.61 until the State Board of Education allocates the funds
14 to universities to match private donations. Notwithstanding s.
15 216.301 and pursuant to s. 216.351, any undisbursed balance
16 remaining in the trust fund and interest income accruing to
17 the portion of the trust fund which is not matched and
18 distributed to universities must remain in the trust fund and
19 be used to increase the total funds available for challenge
20 grants. Funds deposited in the trust fund for the sales tax
21 exemption matching program authorized in s. 212.08(5)(j), and
22 interest earnings thereon, shall be maintained in a separate
23 account within the Trust Fund for University Major Gifts, and
24 may be used only to match qualified sales tax exemptions that
25 a certified business designates for use by state universities
26 and community colleges to support research and development
27 projects requested by the certified business. The State Board
28 of Education may authorize any university to encumber the
29 state matching portion of a challenge grant from funds
30 available under s. 1011.45.

31 Section 12. Subsections (1) and (3) of section

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1 1013.79, Florida Statutes, are amended to read:

2 1013.79 University Facility Enhancement Challenge
3 Grant Program.--

4 (1) The Legislature recognizes that the universities
5 do not have sufficient physical facilities to meet the current
6 demands of their instructional and research programs. It
7 further recognizes that, to strengthen and enhance
8 universities, it is necessary to provide facilities in
9 addition to those currently available from existing revenue
10 sources. It further recognizes that there are sources of
11 private support that, if matched with state support, can
12 assist in constructing much-needed facilities and strengthen
13 the commitment of citizens and organizations in promoting
14 excellence throughout the state universities. Therefore, it is
15 the intent of the Legislature to establish a trust fund to
16 provide the opportunity for each university to receive support
17 for ~~and match~~ challenge grants for instructional and
18 research-related capital facilities within the university.

19 (3) There is established the Alec P. Courtelis Capital
20 Facilities Matching Trust Fund for the purpose of providing
21 matching funds from private contributions for the development
22 of high priority instructional and research-related capital
23 facilities, including common areas connecting such facilities,
24 within a university. The Legislature may ~~shall~~ appropriate
25 funds to be transferred to the trust fund. The Public
26 Education Capital Outlay and Debt Service Trust Fund, Capital
27 Improvement Trust Fund, Division of Sponsored Research Trust
28 Fund, and Contracts and Grants Trust Fund shall not be used as
29 the source of the state match for private contributions. All
30 appropriated funds deposited into the trust fund shall be
31 invested pursuant to the provisions of s. 17.61. Interest

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1 income accruing to that portion of the trust fund shall
 2 increase the total funds available for the challenge grant
 3 program. Interest income accruing from the private donations
 4 shall be returned to the participating foundation upon
 5 completion of the project. The State Board of Education shall
 6 administer the trust fund and all related construction
 7 activities.

8 Section 13. Subsection (2) of section 1008.31 and
 9 section 1012.231, Florida Statutes, are repealed.

10 Section 14. This act shall take effect July 1, 2005.

11
 12

13 ===== T I T L E A M E N D M E N T =====

14 And the title is amended as follows:

15 Delete everything before the enacting clause

16
 17 and insert:

18 A bill to be entitled
 19 An act relating to education funding; amending
 20 s. 212.055, F.S., relating to the school
 21 capital outlay surtax; providing that a
 22 required freeze on certain taxes does not apply
 23 to taxes authorized in the General
 24 Appropriations Act; amending s. 411.01, F.S.;
 25 authorizing certain specified counties or
 26 school districts to operate early learning
 27 coalitions, notwithstanding other provisions of
 28 law; amending s. 1001.451, F.S.; authorizing
 29 developmental research schools and the Florida
 30 School for the Deaf and the Blind to enter into
 31 agreements to form a regional consortium

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1 service organization; revising the amount of
 2 the award of an incentive grant to a regional
 3 consortium service organization; amending s.
 4 1002.71, F.S.; providing for the initial
 5 allocation of student funding for the Voluntary
 6 Prekindergarten Education Program to be based
 7 on estimated student enrollment; amending ss.
 8 1009.50, 1009.51, and 1009.52, F.S.;
 9 authorizing the deposit of funds appropriated
 10 by the Legislature for student financial
 11 assistance into the State Student Financial
 12 Assistance Trust Fund; amending s. 1009.89,
 13 F.S.; eliminating a requirement that funds
 14 appropriated for the William L. Boyd, IV,
 15 Florida Resident Access Grant Program be
 16 deposited into such trust fund; amending s.
 17 1010.72, F.S.; authorizing funds to be credited
 18 to the Dale Hickam Excellent Teaching Program
 19 Trust Fund; amending s. 1011.62, F.S., relating
 20 to funds for the operation of schools; revising
 21 provisions relating to the manner in which each
 22 school district's allocation of sparsity
 23 supplement funds shall be adjusted; amending s.
 24 1011.94, F.S.; authorizing funds to be
 25 deposited in the Trust Fund for University
 26 Major Gifts; amending s. 1013.79, F.S.;
 27 authorizing the appropriation of funds to be
 28 transferred to the Alec P. Courtelis Capital
 29 Facilities Matching Trust Fund; repealing ss.
 30 1008.31(2) and 1012.231, F.S., relating to
 31 performanced-based funding and the BEST Florida

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1 Teaching salary career ladder program;
2 providing an effective date.
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