

By the Committee on Education Appropriations and
Representatives Sublette, Constantine, Chestnut, Culp, Lynn,
King, Warner and Casey

1 A bill to be entitled
2 An act relating to school system personnel;
3 creating s. 231.025, F.S.; creating the
4 "Florida Outstanding Teacher Act of 1998";
5 providing definitions; creating the Florida
6 Outstanding Teacher Program; providing for
7 nominating panels and criteria for eligibility;
8 providing for selection of recipients;
9 providing for monetary awards; providing for
10 funding; amending ss. 230.23 and 236.02, F.S.,
11 relating to district school board and school
12 district duties; providing that implementation
13 of the Florida Outstanding Teacher Program
14 satisfies certain requirements for determining
15 salary schedules and expenditures for
16 instructional personnel; creating s. 236.08106,
17 F.S., relating to the Excellent Teaching
18 Program; providing legislative findings and
19 intent; authorizing monetary incentives and
20 bonuses for teaching excellence; providing for
21 annual allocations to districts; providing fee
22 subsidies and conditions for repayment of
23 subsidies for participating in the
24 certification program of the National Board for
25 Professional Teaching Standards; requiring the
26 distribution of certain monetary bonuses to
27 teachers; providing eligibility criteria;
28 requiring release time for certain activities;
29 requiring certain district expenditures for
30 professional development of teachers; amending
31 s. 236.081, F.S.; authorizing categorical

1 funding for the Excellent Teaching Program;
2 amending s. 231.173, F.S., relating to
3 certification of experienced out-of-state
4 teachers and administrators; deleting a
5 requirement for superintendents to request
6 certification; providing for issuance of a
7 professional certificate to individuals
8 certified by the National Board for
9 Professional Teaching Standards; conforming
10 provisions; amending s. 231.24, F.S.;
11 authorizing renewal of certificates through
12 national certification; providing an effective
13 date.

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

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17 Section 1. Section 231.025, Florida Statutes, is
18 created to read:

19 231.025 Florida Outstanding Teacher Program.--

20 (1) This section may be cited as the "Florida
21 Outstanding Teacher Act of 1998."

22 (2) The effectiveness of the classroom teacher is the
23 most important influence the school has on a student's
24 learning. Every school has outstanding teachers whose
25 performance results in superior effectiveness in increasing
26 student learning. Such performance should be recognized and
27 rewarded in a manner that will provide an incentive for that
28 teacher to continue as a classroom teacher.

29 (3) For purposes of this section:

30 (a) A full-time classroom teacher is a teacher whose
31 full-time job responsibility is the classroom instruction of

1 students in grades K-12. It does not include other members of
2 the instructional staff who work with students in grades K-12,
3 but whose full-time job duties are not full-time classroom
4 teaching.

5 (b) A school is a standard or regular school that
6 enrolls students in grades K-12. It does not include special
7 centers and sites that provide instruction and services to
8 selected students in grades K-12, such as detention centers,
9 special purpose centers, the superintendent's office, and
10 other similar centers or sites.

11 (4) The Florida Outstanding Teacher Program is hereby
12 created. To receive an Outstanding Teacher Incentive Award of
13 \$2,000, a teacher must be selected as follows. Each school in
14 each school district shall establish two independent
15 outstanding teacher nominating panels. One panel shall be
16 comprised of teachers in the school and one panel shall be
17 comprised of parent members of the school advisory council.
18 Each panel shall separately nominate the teachers who in its
19 opinion constitute the most effective 10 percent of classroom
20 teachers in the school.

21 (5) The primary eligibility factors for nomination for
22 an Outstanding Teacher Incentive Award shall be a full-time
23 classroom teacher who:

24 (a) Is broadly recognized among peer teachers and
25 parents for superior effectiveness in increasing student
26 learning.

27 (b) Is an admirable role model for teachers.

28 (c) Possesses the highest professional credibility
29 among peers, parents, and students.

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1 Seniority shall not be considered in determining a teacher's
2 eligibility. Each nominating panel shall determine its own
3 process for making nominations, except that the parent panel
4 shall include a survey of the parents of the students enrolled
5 in the school. To be eligible to receive an Outstanding
6 Teacher Incentive Award, a teacher must be nominated by both
7 the teacher and parent panels, provided that the "Teacher of
8 the Year" nominee of the school, if any, shall also be a
9 nominee for an Outstanding Teacher Incentive Award.
10 Nominations must be submitted to the school principal by May 1
11 of each school year.

12 (6) The school principal shall review the nominations
13 of the teacher and parent panels and, based on his or her
14 professional knowledge, concur or fail to concur with the
15 nominations. The principal may not make nominations. When the
16 teacher and parent panels and the principal agree on the
17 teachers who represent the most effective 10 percent of the
18 teachers in the school, an Outstanding Teacher Incentive Award
19 of \$2,000 shall be given to each such teacher. The principal
20 shall certify to the district superintendent and the school
21 board the name of each teacher of the school selected to
22 receive a \$2,000 Outstanding Teacher Incentive Award.

23 (7) Upon accepting the Outstanding Teacher Incentive
24 Award, each teacher must agree to serve as mentor and coach
25 for other teachers in the school during the following year.
26 The principal shall facilitate mentoring opportunities for
27 teachers to acquire knowledge and skills from the school's
28 most effective teachers.

29 (8) Funds to pay Outstanding Teacher Incentive Awards
30 shall be paid from state funds allocated to school districts
31 for this purpose only and shall not be a part of the school

1 district salary schedule. Each \$2,000 payment shall be a
2 one-time payment and shall not be a part of the teacher's base
3 pay. There shall be no limit on the number of times a teacher
4 may be nominated and receive an Outstanding Teacher Incentive
5 Award. All taxes due, if any, shall be paid from the award in
6 accordance with applicable laws and regulations.

7 (9) The terms and conditions and all payments made
8 under the Florida Outstanding Teacher Program shall not be
9 subject to collective bargaining.

10 (10) This act shall be implemented only to the extent
11 funded in the General Appropriations Act.

12 Section 2. Paragraph (c) of subsection (5) of section
13 230.23, Florida Statutes, as amended by chapter 97-212, Laws
14 of Florida, is amended to read:

15 230.23 Powers and duties of school board.--The school
16 board, acting as a board, shall exercise all powers and
17 perform all duties listed below:

18 (5) PERSONNEL.--Designate positions to be filled,
19 prescribe qualifications for those positions, and provide for
20 the appointment, compensation, promotion, suspension, and
21 dismissal of employees as follows, subject to the requirements
22 of chapter 231:

23 (c) Compensation and salary schedules.--Adopt a salary
24 schedule or salary schedules to be used as a basis for paying
25 all school employees, such schedules to be arranged, insofar
26 as practicable, so as to furnish incentive for improvement in
27 training and for continued and efficient service and fix and
28 authorize the compensation of school employees on the basis of
29 such schedules. A district school board, in determining the
30 salary schedule for instructional personnel, must base a
31 portion of each employee's compensation on performance

1 demonstrated under s. 231.29 and must consider the prior
2 teaching experience of a person who has been designated state
3 teacher of the year by any state in the United States. A
4 district school board that implements the Florida Outstanding
5 Teacher Program under s. 231.025 satisfies the requirement
6 that it must determine a salary schedule for instructional
7 personnel that bases a portion of each employee's compensation
8 on performance demonstrated under s. 231.29.In developing the
9 salary schedule, the school board shall seek input from
10 parents, teachers, and representatives of the business
11 community.

12 Section 3. Subsection (4) of section 236.02, Florida
13 Statutes, as amended by chapter 97-212, Laws of Florida, is
14 amended to read:

15 236.02 Minimum requirements of the Florida Education
16 Finance Program.--Each district which participates in the
17 state appropriations for the Florida Education Finance Program
18 shall provide evidence of its effort to maintain an adequate
19 school program throughout the district and shall meet at least
20 the following requirements:

21 (4) SALARY SCHEDULES.--Expend funds for salaries in
22 accordance with a salary schedule or schedules adopted by the
23 school board in accordance with the provisions of law and
24 regulations of the commissioner. Expenditures for salaries of
25 instructional personnel must include compensation based on
26 employee performance demonstrated under s. 231.29. A school
27 district that implements the Florida Outstanding Teacher
28 Program under s. 231.025 satisfies the requirement that
29 expenditures for salaries of instructional personnel must
30 include compensation based on employee performance
31 demonstrated under s. 231.29.

1 Section 4. Section 236.08106, Florida Statutes, is
2 created to read:

3 236.08106 Excellent Teaching Program.--

4 (1) The Legislature recognizes that teachers play a
5 critical role in preparing students to achieve the high levels
6 of academic performance expected by the Sunshine State
7 Standards. The Legislature further recognizes the importance
8 of identifying and rewarding teaching excellence and of
9 encouraging good teachers to become excellent teachers. The
10 Legislature finds that the National Board for Professional
11 Teaching Standards (NBPTS) has established high and rigorous
12 standards for accomplished teaching and has developed a
13 national voluntary system for assessing and certifying
14 teachers who demonstrate teaching excellence by meeting those
15 standards. It is therefore the Legislature's intent to provide
16 incentives for teachers to seek NBPTS certification and to
17 reward teachers who demonstrate teaching excellence by
18 attaining NBPTS certification and sharing their expertise with
19 other teachers.

20 (2) The Excellent Teaching Program is created to
21 provide categorical funding for monetary incentives and
22 bonuses for teaching excellence. The Department of Education
23 shall allocate and distribute to each school district an
24 amount as prescribed annually by the Legislature for the
25 Excellent Teaching Program. Unless otherwise provided in the
26 General Appropriations Act, each school district's annual
27 allocation shall be the sum of the amounts earned for the
28 following incentives and bonuses:

29 (a) A fee subsidy to be paid by the school district to
30 the NBPTS on behalf of each individual who is an employee of
31 the district school board or a public school within that

1 school district, who satisfies the prerequisites for
2 participating in the NBPTS certification program, and who
3 agrees, in writing, to pay 10 percent of the NBPTS
4 participation fee and to participate in the NBPTS
5 certification program during the school year for which the fee
6 subsidy is provided. The fee subsidy for each eligible
7 participant shall be an amount equal to 90 percent of the fee
8 charged for participating in the NBPTS certification program,
9 but not more than \$1,800 per eligible participant. The fee
10 subsidy is a one-time award and may not be duplicated for any
11 individual.

12 (b) Funding for substitute teachers' salaries to
13 provide 3 days of release time to each teacher participating
14 in the NBPTS certification program. The employing school
15 district or public school shall provide at least 3 days of
16 release time during the school year to allow each
17 participating teacher to prepare a portfolio and engage in
18 other activities for the NBPTS certification program.

19 (c) An annual bonus equal to 10 percent of the prior
20 fiscal year's statewide average salary for classroom teachers
21 to be paid to each individual who holds NBPTS certification
22 and is employed by the district school board or by a public
23 school within that school district. The district school board
24 shall distribute the annual bonus as a single payment or
25 divided into not more than three payments to each individual
26 who demonstrates satisfactory teaching performance pursuant to
27 s. 231.29 and who meets the other requirements of this
28 paragraph.

29 (d) An annual bonus equal to 10 percent of the prior
30 fiscal year's statewide average salary for classroom teachers
31 to be paid to each individual who meets the requirements of

1 paragraph (c) and agrees, in writing, to provide the
2 equivalent of 12 workdays of mentoring and related services to
3 public school teachers within the district who do not hold
4 NBPTS certification. The district school board shall
5 distribute the annual bonus in a single payment following the
6 completion of all required mentoring and related services for
7 the year. It is not the intent of the Legislature to remove
8 excellent teachers from their assigned classrooms; therefore,
9 credit may not be granted by a school district or public
10 school for mentoring or related services provided during the
11 regular school day or during the 196 days of required service
12 for the school year.

13 (e) The district shall receive an amount equal to 50
14 percent of the teacher bonuses provided under paragraphs (c)
15 and (d), which shall be used by the district for professional
16 development of teachers. The district must use all funds
17 received pursuant to this paragraph for professional
18 development of teachers employed at schools identified as
19 performing at critically low levels.

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21 A teacher for whom the state pays the certification fee and
22 who does not complete the certification program or does not
23 teach in a public school of this state for a least 1 year
24 after completing the certification program must repay the
25 amount of the certification fee to the state. However, a
26 teacher who completes the certification program but fails to
27 be awarded NBPTS certification is not required to repay the
28 amount of the certification fee if the teacher meets the
29 1-year teaching requirement. Repayment is not required of a
30 teacher who does not complete the certification program or
31 fails to fulfill the teaching requirement because of the

1 teacher's death or disability or because of other extenuating
2 circumstances as determined by the State Board of Education.

3 Section 5. Paragraph (a) of subsection (5) of section
4 236.081, Florida Statutes, as amended by chapter 97-380, Laws
5 of Florida, is amended to read:

6 236.081 Funds for operation of schools.--If the annual
7 allocation from the Florida Education Finance Program to each
8 district for operation of schools is not determined in the
9 annual appropriations act or the substantive bill implementing
10 the annual appropriations act, it shall be determined as
11 follows:

12 (5) CATEGORICAL PROGRAMS.--The Legislature hereby
13 provides for the establishment of selected categorical
14 programs to assist in the development and maintenance of
15 activities giving indirect support to the programs previously
16 funded. These categorical appropriations may be funded as
17 general and transitional categorical programs. It is the
18 intent of the Legislature that no transitional categorical
19 program be funded for more than 4 fiscal years from the date
20 of original authorization. Such programs are as follows:

21 (a) General.--

- 22 1. Comprehensive school construction and debt service
23 as provided by law.
- 24 2. Community schools as provided by law.
- 25 3. School lunch programs as provided by law.
- 26 4. Instructional material funds as provided by law.
- 27 5. Student transportation as provided by law.
- 28 6. Student development services as provided by law.
- 29 7. Diagnostic and learning resource centers as
30 provided by law.
- 31 8. Comprehensive health education as provided by law.

1 9. Excellent Teaching Program as provided by law.

2 Section 6. Section 231.173, Florida Statutes, is
3 amended to read:

4 231.173 Successful experienced out-of-state teachers
5 and administrators.--

6 (1) Notwithstanding the provisions of ss. 231.02,
7 231.15, and 231.17, ~~and 231.172~~ or any other provision of law
8 or rule to the contrary, a successful, experienced, ~~and~~
9 ~~certified~~ out-of-state teacher or administrator qualifies
10 ~~employed in a public school or nonpublic school in this state~~
11 ~~may qualify~~ for a professional certificate if the applicant:

12 (a)~~(1)~~ Completes the application process, including
13 the filing of a complete set of fingerprints as required by s.
14 231.02.

15 (b)~~(2)~~ Holds a valid standard certificate issued by
16 the state where the applicant most recently taught, which
17 standard certificate is equivalent to the professional
18 certificate issued by this state and for which specialization
19 coverage is based on a level of training comparable to that
20 required in this state for the specialization coverage sought
21 by the applicant ~~applicant's area of assignment~~.

22 (c)~~(3)~~ Documents 5 years of appropriate successful
23 full-time teaching or administrative experience in another
24 state, including 2 continuous years during the 5-year period
25 immediately preceding the date of application for
26 certification.

27 (2) An out-of-state applicant qualifies for a
28 professional certificate if the applicant meets the
29 requirements of paragraphs (1)(a) and (b) and holds a valid
30 certificate issued by the National Board for Professional
31 Teaching Standards.

1 ~~(4) Submits a request for issuance of the professional~~
2 ~~certificate from the superintendent of the employing school~~
3 ~~district or governing authority of the employing developmental~~
4 ~~research school, state-supported school, or nonpublic school~~
5 ~~within the first 120 days of assignment with validation of~~
6 ~~awareness of the standards of professional practice.~~

7 ~~(3)(5)~~ The professional certificate issued in
8 accordance with subsection (1)~~these provisions~~ shall reflect
9 specialization coverages as follows:

10 (a) Teachers.--~~An applicant~~ A teacher appointed to an
11 ~~academic assignment~~ shall be eligible for the academic
12 coverage in an area in which the teacher is assigned to teach
13 in a public school or nonpublic school in this state or in the
14 area of the applicant's certification by the National Board
15 for Professional Teaching Standards.

16 (b) Principals.--An individual appointed as an intern
17 or interim principal of a public or nonpublic K-12 school in
18 this state shall be eligible for the educational leadership
19 coverage.

20 (c) Administrators of adult education.--An individual
21 appointed as an administrator of an adult education program at
22 a public school or nonpublic school in this state shall be
23 eligible for the administration of adult education coverage.

24 (d) Directors of career education.--An individual
25 appointed as a director of career education at a public school
26 or nonpublic school in this state shall be eligible for the
27 director of career education coverage.

28 Section 7. Subsection (2) and paragraph (b) of
29 subsection (3) of section 231.24, Florida Statutes, are
30 amended to read:

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1 231.24 Process for renewal of professional
2 certificates.--

3 (2) All professional certificates, except a
4 nonrenewable professional certificate, shall be renewable for
5 successive periods not to exceed 5 years after the date of
6 submission of documentation of completion of the requirements
7 for renewal provided in subsection (3). Only one renewal may
8 be granted during each 5-year validity period of a
9 professional certificate, except that a teacher with national
10 certification from the National Board for Professional
11 Teaching Standards is deemed to meet state renewal
12 requirements for the life of the teacher's national
13 certificate. However, if the renewal application form is not
14 received by the department or by the employing school district
15 before the expiration of the professional certificate, the
16 application form, application fee, and a late fee must be
17 submitted before July 1 of the year following expiration of
18 the certificate in order to renew the professional
19 certificate. The state board shall adopt rules to allow a
20 1-year extension of the validity period of a professional
21 certificate in the event of serious illness, injury, or other
22 extraordinary extenuating circumstances of the applicant. The
23 department shall grant such 1-year extension upon written
24 request by the applicant or by the superintendent of the local
25 school district or the governing authority of a developmental
26 research school, state-supported school, or nonpublic school
27 that employs the applicant.

28 (3) For the renewal of a professional certificate, the
29 following requirements must be met:

30 (b) In lieu of college course credit or inservice
31 points, the applicant may renew a specialization area by

1 passage of a state board approved subject area test, by
2 completion of the national certification from the National
3 Board for Professional Teaching Standards in that
4 specialization area, or by completion of a department approved
5 summer work program in a business or industry directly related
6 to an area of specialization listed on the certificate. The
7 state board shall adopt rules providing for the approval
8 procedure.

9 Section 8. This act shall take effect July 1 of the
10 year in which enacted.

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