

A bill to be entitled

An act relating to employee incentive programs for public school personnel; amending s. 1012.225, F.S., relating to the Merit Award Program for Instructional Personnel and School-Based Administrators; providing requirements for the appropriation, release, and distribution of funds; revising dates relating to administration of the program; amending s. 1012.72, F.S., relating to the Dale Hickam Excellent Teaching Program; providing for the proration of monetary incentives and bonuses for teaching excellence in certain circumstances; providing an effective date.

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

Section 1. Subsection (2) of section 1012.225, Florida Statutes, is amended to read:

1012.225 Merit Award Program for Instructional Personnel and School-Based Administrators.--

(2) PAY SUPPLEMENTS STRUCTURE.--Merit Award Program plans shall provide for the annual disbursement of merit-based pay supplements to high-performing employees in the manner described in this subsection. Merit Award Program funds shall be appropriated in the General Appropriations Act that is effective on July 1 of the fiscal year in which the merit-based pay supplements are distributed pursuant to paragraph (a). These funds shall be released and distributed to eligible school districts on or before July 31 for distribution to eligible recipients by October 1 of that fiscal year.

HB 5019C

2007

29 (a) Each Merit Award Program plan must designate the top
30 instructional personnel and school-based administrators to be
31 outstanding performers and pay to each such employee who remains
32 employed by a Florida public school or who retired after
33 qualifying for the award, by October ~~September~~ 1 of the
34 following school year, a merit-based pay supplement of at least
35 5 percent of the average teacher's salary for that school
36 district not to exceed 10 percent of the average teacher's
37 salary for that school district. The amount of a merit award may
38 not be based on length of service or base salary. Pay
39 supplements shall be funded from moneys appropriated by the
40 Legislature under this section and from any additional funds
41 that are designated by the district for the Merit Award Program.
42 School districts are not required to implement this section
43 unless the program is specifically funded by the Legislature. By
44 November ~~October~~ 1 of each year, each school district shall
45 provide documentation to the Department of Education concerning
46 the expenditure of legislative appropriations for merit-based
47 pay, and shall refund undisbursed appropriations to the
48 department. If such undisbursed funds are not remitted to the
49 department by November 1, the department shall withhold an
50 equivalent amount from the district's allocation of
51 appropriations made under s. 1011.62.

52 (b) A Merit Award Program plan may include additional pay
53 supplements under this section for employees who manifest
54 exemplary work attendance.

55 (c) Merit-based pay supplements shall be awarded in
56 addition to any general increase or other adjustments to

HB 5019C

2007

57 salaries which are made by a school district. An employee's
58 eligibility for or receipt of merit-based pay supplements shall
59 not adversely affect that employee's opportunity to qualify for
60 or to receive any other compensation that is made generally
61 available to other similarly situated district school board
62 employees.

63 Section 2. Subsection (2) of section 1012.72, Florida
64 Statutes, is amended to read:

65 1012.72 Dale Hickam Excellent Teaching Program.--

66 (2) The Dale Hickam Excellent Teaching Program is created
67 to provide categorical funding for monetary incentives and
68 bonuses for teaching excellence. The Department of Education
69 shall distribute to each school district or to the NBPTS an
70 amount as prescribed annually by the Legislature for the Dale
71 Hickam Excellent Teaching Program. If the appropriation is
72 insufficient to fund the monetary incentives and bonuses as
73 described in this subsection, such incentives and bonuses shall
74 be prorated so that total program expenditures equal the
75 appropriation. For purposes of this section, the Florida School
76 for the Deaf and the Blind shall be considered a school
77 district. Unless otherwise provided in the General
78 Appropriations Act, each distribution shall be the sum of the
79 amounts earned for the following incentives and bonuses:
80 (a) A fee subsidy to be paid by the Department of
81 Education to the NBPTS on behalf of each individual who is an
82 employee of a district school board or a public school within
83 the school district, who is certified by the district to have
84 demonstrated satisfactory teaching performance pursuant to s.

HB 5019C

2007

85 1012.34 and who satisfies the prerequisites for participating in
86 the NBPTS certification program, and who agrees, in writing, to
87 pay 10 percent of the NBPTS participation fee and to participate
88 in the NBPTS certification program during the school year for
89 which the fee subsidy is provided. The fee subsidy for each
90 eligible participant shall be an amount equal to 90 percent of
91 the fee charged for participating in the NBPTS certification
92 program. The fee subsidy is a one-time award and may not be
93 duplicated for any individual.

94 (b) A portfolio-preparation incentive of \$150 paid by the
95 Department of Education to each teacher employed by a district
96 school board or a public school within a school district who is
97 participating in the NBPTS certification program. The portfolio-
98 preparation incentive is a one-time award paid during the school
99 year for which the NBPTS fee subsidy is provided.

100 (c) An annual bonus equal to 10 percent of the prior
101 fiscal year's statewide average salary for classroom teachers to
102 be distributed to the school district to be paid to each
103 individual who holds NBPTS certification and is employed by the
104 district school board or by a public school within the school
105 district. The district school board shall distribute the annual
106 bonus to each individual who meets the requirements of this
107 paragraph and who is certified annually by the district to have
108 demonstrated satisfactory teaching performance pursuant to s.
109 1012.34. The annual bonus may be paid as a single payment or
110 divided into not more than three payments.

111 (d) An annual bonus equal to 10 percent of the prior
112 fiscal year's statewide average salary for classroom teachers to

113 be distributed to the school district to be paid to each
114 individual who meets the requirements of paragraph (c) and
115 agrees, in writing, to provide the equivalent of 12 workdays of
116 mentoring and related services to public school teachers within
117 the state who do not hold NBPTS certification. Related services
118 must include instruction in helping teachers work more
119 effectively with the families of their students. The district
120 school board shall distribute the annual bonus in a single
121 payment following the completion of all required mentoring and
122 related services for the year. It is not the intent of the
123 Legislature to remove excellent teachers from their assigned
124 classrooms; therefore, credit may not be granted by a school
125 district or public school for mentoring or related services
126 provided during student contact time during the 196 days of
127 required service for the school year.

128 (e) The employer's share of social security and Medicare
129 taxes and Florida Retirement System contributions for those
130 teachers who qualify for NBPTS certification and receive bonus
131 amounts.

132

133 A teacher for whom the state pays the certification fee and who
134 does not complete the certification program or does not teach in
135 a public school of this state for at least 1 year after
136 completing the certification program must repay the amount of
137 the certification fee to the state. However, a teacher who
138 completes the certification program but fails to be awarded
139 NBPTS certification is not required to repay the amount of the
140 certification fee if the teacher meets the 1-year teaching

HB 5019C

2007

141 requirement. Repayment is not required of a teacher who does not
142 complete the certification program or fails to fulfill the
143 teaching requirement because of the teacher's death or
144 disability or because of other extenuating circumstances as
145 determined by the State Board of Education.

146 Section 3. This act shall take effect upon becoming a law.