

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative(s) Pickens offered the following:

3 **Amendment (with title amendment)**

4 Remove everything after the enacting clause and insert:

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

7 1012.225 Merit Award Program for Instructional Personnel
8 and School-Based Administrators.--

9 (2) PAY SUPPLEMENTS STRUCTURE.--Merit Award Program plans
10 shall provide for the annual disbursement of merit-based pay
11 supplements to high-performing employees in the manner described
12 in this subsection. Merit Award Program funds shall be
13 appropriated in the General Appropriations Act that is effective
14 on July 1 of the fiscal year in which the merit-based pay
15 supplements are distributed pursuant to paragraph (a). These
16 funds shall be released and distributed to eligible school

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17 districts on or before July 31 for distribution to eligible
18 recipients by October 1 of that fiscal year.

19 (a) Each Merit Award Program plan must designate the top
20 instructional personnel and school-based administrators to be
21 outstanding performers and pay to each such employee who remains
22 employed by a Florida public school or who retired after
23 qualifying for the award, by October ~~September~~ 1 of the
24 following school year, a merit-based pay supplement of at least
25 5 percent of the average teacher's salary for that school
26 district not to exceed 10 percent of the average teacher's
27 salary for that school district. The amount of a merit award may
28 not be based on length of service or base salary. Pay
29 supplements shall be funded from moneys appropriated by the
30 Legislature under this section and from any additional funds
31 that are designated by the district for the Merit Award Program.
32 School districts are not required to implement this section
33 unless the program is specifically funded by the Legislature. By
34 November ~~October~~ 1 of each year, each school district shall
35 provide documentation to the Department of Education concerning
36 the expenditure of legislative appropriations for merit-based
37 pay, and shall refund undisbursed appropriations to the
38 department. If such undisbursed funds are not remitted to the
39 department by November 1, the department shall withhold an
40 equivalent amount from the district's allocation of
41 appropriations made under s. 1011.62.

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

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45 (c) Merit-based pay supplements shall be awarded in
46 addition to any general increase or other adjustments to
47 salaries which are made by a school district. An employee's
48 eligibility for or receipt of merit-based pay supplements shall
49 not adversely affect that employee's opportunity to qualify for
50 or to receive any other compensation that is made generally
51 available to other similarly situated district school board
52 employees.

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

55 1012.72 Dale Hickam Excellent Teaching Program.--

56 (2) The Dale Hickam Excellent Teaching Program is created
57 to provide categorical funding for monetary incentives and
58 bonuses for teaching excellence. The Department of Education
59 shall distribute to each school district or to the NBPTS an
60 amount as prescribed annually by the Legislature for the Dale
61 Hickam Excellent Teaching Program. If the appropriation is
62 insufficient to fund the monetary incentives and bonuses as
63 described in this subsection, such incentives and bonuses shall
64 be prorated so that total program expenditures equal the
65 appropriation. For purposes of this section, the Florida School
66 for the Deaf and the Blind shall be considered a school
67 district. Unless otherwise provided in the General
68 Appropriations Act, each distribution shall be the sum of the
69 amounts earned for the following incentives and bonuses:

70 (a) A fee subsidy to be paid by the Department of
71 Education to the NBPTS on behalf of each individual who is an
72 employee of a district school board or a public school within
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73 the school district, who is certified by the district to have
74 demonstrated satisfactory teaching performance pursuant to s.
75 1012.34 and who satisfies the prerequisites for participating in
76 the NBPTS certification program, and who agrees, in writing, to
77 pay 10 percent of the NBPTS participation fee and to participate
78 in the NBPTS certification program during the school year for
79 which the fee subsidy is provided. The fee subsidy for each
80 eligible participant shall be an amount equal to 90 percent of
81 the fee charged for participating in the NBPTS certification
82 program. The fee subsidy is a one-time award and may not be
83 duplicated for any individual.

84 (b) A portfolio-preparation incentive of \$150 paid by the
85 Department of Education to each teacher employed by a district
86 school board or a public school within a school district who is
87 participating in the NBPTS certification program. The portfolio-
88 preparation incentive is a one-time award paid during the school
89 year for which the NBPTS fee subsidy is provided.

90 (c) An annual bonus equal to 10 percent of the prior
91 fiscal year's statewide average salary for classroom teachers to
92 be distributed to the school district to be paid to each
93 individual who holds NBPTS certification and is employed by the
94 district school board or by a public school within the school
95 district. The district school board shall distribute the annual
96 bonus to each individual who meets the requirements of this
97 paragraph and who is certified annually by the district to have
98 demonstrated satisfactory teaching performance pursuant to s.
99 1012.34. The annual bonus may be paid as a single payment or
100 divided into not more than three payments.

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101 (d) An annual bonus equal to 10 percent of the prior
102 fiscal year's statewide average salary for classroom teachers to
103 be distributed to the school district to be paid to each
104 individual who meets the requirements of paragraph (c) and
105 agrees, in writing, to provide the equivalent of 12 workdays of
106 mentoring and related services to public school teachers within
107 the state who do not hold NBPTS certification. Related services
108 must include instruction in helping teachers work more
109 effectively with the families of their students. The district
110 school board shall distribute the annual bonus in a single
111 payment following the completion of all required mentoring and
112 related services for the year. It is not the intent of the
113 Legislature to remove excellent teachers from their assigned
114 classrooms; therefore, credit may not be granted by a school
115 district or public school for mentoring or related services
116 provided during student contact time during the 196 days of
117 required service for the school year.

118 (e) The employer's share of social security and Medicare
119 taxes and Florida Retirement System contributions for those
120 teachers who qualify for NBPTS certification and receive bonus
121 amounts.

122
123 A teacher for whom the state pays the certification fee and who
124 does not complete the certification program or does not teach in
125 a public school of this state for at least 1 year after
126 completing the certification program must repay the amount of
127 the certification fee to the state. However, a teacher who
128 completes the certification program but fails to be awarded

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129 NBPTS certification is not required to repay the amount of the
130 certification fee if the teacher meets the 1-year teaching
131 requirement. Repayment is not required of a teacher who does not
132 complete the certification program or fails to fulfill the
133 teaching requirement because of the teacher's death or
134 disability or because of other extenuating circumstances as
135 determined by the State Board of Education.

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

137

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

139 Remove the entire title and insert:

140 A bill to be entitled

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