

1 A bill to be entitled
2 An act relating to education; amending s. 121.021, F.S.;
3 deleting salary supplements for National Board for
4 Professional Teaching Standards certification from the
5 definition of "compensation" under the Florida Retirement
6 System; amending s. 1002.33, F.S.; excluding charter
7 school Merit Award Program funds from the calculation of
8 school district administrative fees; amending s. 1007.271,
9 F.S.; deleting dual enrollment funding provisions;
10 amending s. 1011.62, F.S.; revising provisions relating to
11 the calculation of full-time equivalent membership for
12 dual enrollment instruction; authorizing a district school
13 board to transfer certain categorical funds for academic
14 classroom instruction; requiring the Department of
15 Education to report to the Legislature the amounts
16 transferred and the activities for which the funds were
17 expended; requiring a district school board to report to
18 the department if the school board transfers funds from
19 its allocation for research-based reading instruction;
20 providing for future expiration of certain provisions;
21 amending s. 1011.71, F.S.; revising requirements for
22 school district expenditure of revenue generated by the
23 district school tax millage; providing for future
24 expiration of such provisions; amending s. 1012.72, F.S.,
25 relating to the Dale Hickam Excellent Teaching Program;
26 eliminating as authorized expenditures the fee subsidy for
27 National Board for Professional Teaching Standards
28 certification, the portfolio preparation incentive, the

29 | bonus for mentoring and related services, and the
 30 | employer's share of Florida Retirement System
 31 | contributions; revising the requirements by which a
 32 | teacher may qualify for a bonus; deleting provisions to
 33 | conform; amending s. 1011.52, F.S.; requiring the first
 34 | accredited medical school to enter into an annual
 35 | operating agreement with a government-owned hospital
 36 | meeting specified criteria; providing for maintenance of
 37 | affiliation; requiring submission of documentation of the
 38 | agreement to the Department of Education prior to payment
 39 | from appropriation; providing an effective date.

40 |

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

42 |

43 | Section 1. Paragraph (a) of subsection (22) of section
 44 | 121.021, Florida Statutes, is amended to read:

45 | 121.021 Definitions.--The following words and phrases as
 46 | used in this chapter have the respective meanings set forth
 47 | unless a different meaning is plainly required by the context:

48 | (22) "Compensation" means the monthly salary paid a member
 49 | by his or her employer for work performed arising from that
 50 | employment.

51 | (a) Compensation shall include:

- 52 | 1. Overtime payments paid from a salary fund.
- 53 | 2. Accumulated annual leave payments.
- 54 | 3. Payments in addition to the employee's base rate of pay
- 55 | if all the following apply:

56 a. The payments are paid according to a formal written
57 policy that applies to all eligible employees equally;

58 b. The policy provides that payments shall commence no
59 later than the 11th year of employment;

60 c. The payments are paid for as long as the employee
61 continues his or her employment; and

62 d. The payments are paid at least annually.

63 4. Amounts withheld for tax sheltered annuities or
64 deferred compensation programs, or any other type of salary
65 reduction plan authorized under the Internal Revenue Code.

66 5. Payments made in lieu of a permanent increase in the
67 base rate of pay, whether made annually or in 12 or 26 equal
68 payments within a 12-month period, when the member's base pay is
69 at the maximum of his or her pay range. When a portion of a
70 member's annual increase raises his or her pay range and the
71 excess is paid as a lump sum payment, such lump sum payment
72 shall be compensation for retirement purposes.

73 ~~6. Effective July 1, 2002, salary supplements made~~
74 ~~pursuant to s. 1012.72 requiring a valid National Board for~~
75 ~~Professional Standards certificate, notwithstanding the~~
76 ~~provisions of subparagraph 3.~~

77 Section 2. Paragraph (a) of subsection (20) of section
78 1002.33, Florida Statutes, is amended to read:

79 1002.33 Charter schools.--

80 (20) SERVICES.--

81 (a) A sponsor shall provide certain administrative and
82 educational services to charter schools. These services shall
83 include contract management services; full-time equivalent and

84 data reporting services; exceptional student education
85 administration services; services related to eligibility and
86 reporting duties required to ensure that school lunch services
87 under the federal lunch program, consistent with the needs of
88 the charter school, are provided by the school district at the
89 request of the charter school; test administration services,
90 including payment of the costs of state-required or district-
91 required student assessments; processing of teacher certificate
92 data services; and information services, including equal access
93 to student information systems that are used by public schools
94 in the district in which the charter school is located. Student
95 performance data for each student in a charter school,
96 including, but not limited to, FCAT scores, standardized test
97 scores, previous public school student report cards, and student
98 performance measures, shall be provided by the sponsor to a
99 charter school in the same manner provided to other public
100 schools in the district. A total administrative fee for the
101 provision of such services shall be calculated based upon up to
102 5 percent of the available funds defined in paragraph (17)(b)
103 for all students. However, a sponsor may only withhold up to a
104 5-percent administrative fee for enrollment for up to and
105 including 500 students. For charter schools with a population of
106 501 or more students, the difference between the total
107 administrative fee calculation and the amount of the
108 administrative fee withheld may only be used for capital outlay
109 purposes specified in s. 1013.62(2). Funds awarded pursuant to
110 s. 1012.225 shall not be subject to the maximum 5-percent
111 administrative fee withheld pursuant to this paragraph. Sponsors

112 shall not charge charter schools any additional fees or
 113 surcharges for administrative and educational services in
 114 addition to the maximum 5-percent administrative fee withheld
 115 pursuant to this paragraph.

116 Section 3. Subsection (2) of section 1007.271, Florida
 117 Statutes, is amended to read:

118 1007.271 Dual enrollment programs.--

119 (2) For the purpose of this section, an eligible secondary
 120 student is a student who is enrolled in a Florida public
 121 secondary school or in a Florida private secondary school which
 122 is in compliance with s. 1002.42(2) and conducts a secondary
 123 curriculum pursuant to s. 1003.43. Students enrolled in
 124 postsecondary instruction that is not creditable toward the high
 125 school diploma shall not be classified as dual enrollments.
 126 Students who are eligible for dual enrollment pursuant to this
 127 section shall be permitted to enroll in dual enrollment courses
 128 conducted during school hours, after school hours, and during
 129 the summer term. ~~Instructional time for such enrollment may vary~~
 130 ~~from 900 hours; however, the school district may only report the~~
 131 ~~student for a maximum of 1.0 FTE, as provided in s. 1011.61(4).~~
 132 ~~Each semester of instruction that is eligible for high school~~
 133 ~~and postsecondary credit shall be reported by school districts~~
 134 ~~as 75 membership hours for purposes of FTE calculation.~~ Any
 135 student so enrolled is exempt from the payment of registration,
 136 tuition, and laboratory fees. Vocational-preparatory
 137 instruction, college-preparatory instruction, and other forms of
 138 precollegiate instruction, as well as physical education courses
 139 that focus on the physical execution of a skill rather than the

140 intellectual attributes of the activity, are ineligible for
 141 inclusion in the dual enrollment program. Recreation and leisure
 142 studies courses shall be evaluated individually in the same
 143 manner as physical education courses for potential inclusion in
 144 the program.

145 Section 4. Paragraph (i) of subsection (1) and subsection
 146 (6) of section 1011.62, Florida Statutes, as amended by chapter
 147 2007-328, Laws of Florida, are amended to read:

148 1011.62 Funds for operation of schools.--If the annual
 149 allocation from the Florida Education Finance Program to each
 150 district for operation of schools is not determined in the
 151 annual appropriations act or the substantive bill implementing
 152 the annual appropriations act, it shall be determined as
 153 follows:

154 (1) COMPUTATION OF THE BASIC AMOUNT TO BE INCLUDED FOR
 155 OPERATION.--The following procedure shall be followed in
 156 determining the annual allocation to each district for
 157 operation:

158 (i) Calculation of full-time equivalent membership with
 159 respect to dual enrollment instruction.--Students enrolled in
 160 dual enrollment instruction pursuant to s. 1007.271 may be
 161 included in calculations of full-time equivalent student
 162 memberships for basic programs for grades 9 through 12 by a
 163 district school board. Instructional time for dual enrollment
 164 may vary from 900 hours; however, the school district may only
 165 report the student for a maximum of 1.0 full-time equivalent
 166 student membership, as provided in s. 1011.61(4). With the
 167 exception of early admission dual enrollment as defined in s.

168 1007.271(7), dual enrollment full-time equivalent student
169 membership shall be calculated in an amount equal to the hours
170 of instruction that would be necessary to earn the full-time
171 equivalent student membership for an equivalent course if it
172 were taught in the school district. The dual enrollment full-
173 time equivalent student membership for early admission dual
174 enrollment students as defined in s. 1007.271(7) shall be
175 calculated by dividing the number of college credit hours by 30.
176 ~~Each semester of instruction that is eligible for high school~~
177 ~~and postsecondary credit shall be reported by school districts~~
178 ~~as 75 membership hours for purposes of FTE calculation. Such~~
179 Students in dual enrollment courses may also be calculated as
180 the proportional shares of full-time equivalent enrollments they
181 generate for a community college or university conducting the
182 dual enrollment instruction. ~~Early admission students shall be~~
183 ~~considered dual enrollments for funding purposes.~~ Students may
184 be enrolled in dual enrollment instruction provided by an
185 eligible independent college or university and may be included
186 in calculations of full-time equivalent student memberships for
187 basic programs for grades 9 through 12 by a district school
188 board. However, those provisions of law which exempt dual
189 enrolled and early admission students from payment of
190 instructional materials and tuition and fees, including
191 laboratory fees, shall not apply to students who select the
192 option of enrolling in an eligible independent institution. An
193 independent college or university which is located and chartered
194 in Florida, is not for profit, is accredited by the Commission
195 on Colleges of the Southern Association of Colleges and Schools

196 or the Accrediting Council for Independent Colleges and Schools,
197 and ~~which~~ confers degrees as defined in s. 1005.02 shall be
198 eligible for inclusion in the dual enrollment or early admission
199 program. Students enrolled in dual enrollment instruction shall
200 be exempt from the payment of tuition and fees, including
201 laboratory fees. No student enrolled in college credit
202 mathematics or English dual enrollment instruction shall be
203 funded as a dual enrollment unless the student has successfully
204 completed the relevant section of the entry-level examination
205 required pursuant to s. 1008.30.

206 (6) CATEGORICAL FUNDS.--

207 (a) In addition to the basic amount for current operations
208 for the FEFP as determined in subsection (1), the Legislature
209 may appropriate categorical funding for specified programs,
210 activities, or purposes.

211 (b) If a district school board finds and declares in a
212 resolution adopted at a regular meeting of the school board that
213 the funds received for any of the following categorical
214 appropriations are urgently needed to maintain school board
215 specified academic classroom instruction, the school board may
216 consider and approve an amendment to the school district
217 operating budget transferring the identified amount of the
218 categorical funds to the appropriate account for expenditure:

- 219 1. Funds for student transportation.
- 220 2. Funds for safe schools.
- 221 3. Funds for supplemental academic instruction.
- 222 4. Funds for research-based reading instruction.

223 5. Funds for instructional materials if all instructional
 224 material purchases have been completed for that fiscal year, but
 225 no sooner than March 1, 2009.

226 (c) Each district school board shall include in its annual
 227 financial report to the Department of Education the amount of
 228 funds the school board transferred from each of the categorical
 229 funds identified in this subsection and the specific academic
 230 classroom instruction for which the transferred funds were
 231 expended. The Department of Education shall provide instructions
 232 and specify the format to be used in submitting this required
 233 information as a part of the district annual financial report.
 234 The department shall provide to the Legislature a report that
 235 identifies by district and by categorical fund the amount
 236 transferred and the specific academic classroom activity for
 237 which the funds were expended.

238 (d) If a district school board transfers funds from its
 239 research-based reading instruction allocation, the school board
 240 must also submit to the Department of Education an amendment
 241 describing the changes that the district is making to its
 242 reading plan approved pursuant to paragraph (9) (d).

243 Section 5. The amendments to s. 1011.62(6), Florida
 244 Statutes, as carried forward by this act from chapter 2007-328,
 245 Laws of Florida, and made by this act shall expire July 1, 2009,
 246 and the text of that section shall revert to that in existence
 247 on the day before the effective date of chapter 2007-328, Laws
 248 of Florida, except that any amendments to such text enacted
 249 other than by this act shall be preserved and continue to
 250 operate to the extent that such amendments are not dependent

251 upon the portions of such text that expire pursuant to this
 252 section.

253 Section 6. Subsection (3) of section 1011.71, Florida
 254 Statutes, as amended by chapters 2007-328 and 2008-2, Laws of
 255 Florida, is amended to read:

256 1011.71 District school tax.--

257 (3) A school district that has met the reduction
 258 requirements regarding class size for the 2008-2009 fiscal
 259 ~~current~~ year pursuant to s. 1003.03 for K-12 students for whom
 260 the school district provides the educational facilities, ~~has~~
 261 ~~received an unqualified opinion on its financial statements for~~
 262 ~~the preceding 3 years, has no material weaknesses or instances~~
 263 ~~of material noncompliance noted in an audit for the preceding 3~~
 264 ~~years,~~ and certifies to the Commissioner of Education that the
 265 district does not need all of its discretionary 2-mill capital
 266 improvement revenue for capital outlay purposes and all of the
 267 district's instructional space needs for the next 5 years can be
 268 met from capital outlay sources that the district reasonably
 269 expects to receive during the next 5 years from local revenues
 270 and from currently appropriated state facilities funding or from
 271 alternative scheduling or construction, leasing, rezoning, or
 272 technological methodologies that exhibit sound management may
 273 expend, subject to the provisions of s. 200.065, up to \$65 per
 274 unweighted full-time equivalent student from the revenue
 275 generated by the 2008-2009 millage levy authorized by subsection
 276 (2) to fund, in addition to expenditures authorized in
 277 paragraphs (2) (a) - (j), 2008-2009 expenses for the following:

278 (a) The purchase, lease-purchase, or lease of driver's
 279 education vehicles; motor vehicles used for the maintenance or
 280 operation of plants and equipment; security vehicles; or
 281 vehicles used in storing or distributing materials and
 282 equipment.

283 (b) Payment of the cost of premiums for property and
 284 casualty insurance necessary to insure school district
 285 educational and ancillary plants. Operating revenues that are
 286 made available through the payment of property and casualty
 287 insurance premiums from revenues generated under this subsection
 288 may be expended only for nonrecurring operational expenditures
 289 of the school district.

290 Section 7. The amendments to s. 1011.71(3), Florida
 291 Statutes, as carried forward by this act from chapters 2007-328
 292 and 2008-2, Laws of Florida, and made by this act shall expire
 293 July 1, 2009, and the text of that section shall revert to that
 294 in existence on the day before the effective date of chapter
 295 2007-328, Laws of Florida, except that any amendments to such
 296 text enacted other than by this act shall be preserved and
 297 continue to operate to the extent that such amendments are not
 298 dependent upon the portions of such text that expire pursuant to
 299 this section.

300 Section 8. Section 1012.72, Florida Statutes, as amended
 301 by chapter 2007-328, Laws of Florida, is amended to read:

302 1012.72 Dale Hickam Excellent Teaching Program.--

303 (1) The Legislature recognizes that teachers play a
 304 critical role in preparing students to achieve the high levels
 305 of academic performance expected by the Sunshine State

306 Standards. The Legislature further recognizes the importance of
 307 identifying and rewarding teaching excellence and of encouraging
 308 good teachers to become excellent teachers. The Legislature
 309 finds that the National Board for ~~of~~ Professional Teaching
 310 Standards (NBPTS) has established high and rigorous standards
 311 for accomplished teaching and has developed a national voluntary
 312 system for assessing and certifying teachers who demonstrate
 313 teaching excellence by meeting those standards. It is therefore
 314 the Legislature's intent ~~to provide incentives for teachers to~~
 315 ~~seek NBPTS certification and~~ to reward teachers who demonstrate
 316 teaching excellence by attaining NBPTS certification ~~and sharing~~
 317 ~~their expertise with other teachers.~~

318 (2) The Dale Hickam Excellent Teaching Program is created
 319 to provide categorical funding for ~~monetary incentives and~~
 320 bonuses for teaching excellence. The Department of Education
 321 shall distribute to each school district ~~or to the NBPTS~~ an
 322 amount as prescribed annually by the Legislature for the Dale
 323 Hickam Excellent Teaching Program. For purposes of this section,
 324 the Florida School for the Deaf and the Blind shall be
 325 considered a school district. Unless otherwise provided in the
 326 General Appropriations Act, each distribution shall be the sum
 327 of the amounts earned for the following ~~incentives and bonuses:~~

328 ~~(a) A fee subsidy to be paid by the Department of~~
 329 ~~Education to the NBPTS on behalf of each individual who is an~~
 330 ~~employee of a district school board or a public school within~~
 331 ~~the school district, who is certified by the district to have~~
 332 ~~demonstrated satisfactory teaching performance pursuant to s.~~
 333 ~~1012.34 and who satisfies the prerequisites for participating in~~

334 ~~the NBPTS certification program, and who agrees, in writing, to~~
335 ~~pay 10 percent of the NBPTS participation fee and to participate~~
336 ~~in the NBPTS certification program during the school year for~~
337 ~~which the fee subsidy is provided. The fee subsidy for each~~
338 ~~eligible participant shall be an amount equal to 90 percent of~~
339 ~~the fee charged for participating in the NBPTS certification~~
340 ~~program. The fee subsidy is a one time award and may not be~~
341 ~~deduplicated for any individual.~~

342 ~~(b) A portfolio preparation incentive of \$150 paid by the~~
343 ~~Department of Education to each teacher employed by a district~~
344 ~~school board or a public school within a school district who is~~
345 ~~participating in the NBPTS certification program. The portfolio~~
346 ~~preparation incentive is a one-time award paid during the school~~
347 ~~year for which the NBPTS fee subsidy is provided.~~

348 ~~(a)(e)~~ An annual bonus equal to 10 percent of the prior
349 fiscal year's statewide average salary for classroom teachers to
350 be distributed to the school district to be paid to each
351 individual who holds NBPTS certification and is employed by the
352 district school board or by a public school within the school
353 district. The district school board shall distribute the annual
354 bonus to each individual who meets the requirements of this
355 paragraph and who is certified annually by the district to have
356 demonstrated satisfactory teaching performance pursuant to s.
357 1012.225 or s. 1012.34. The annual bonus may be paid as a single
358 payment or divided into not more than three payments.

359 ~~(d) An annual bonus equal to 10 percent of the prior~~
360 ~~fiscal year's statewide average salary for classroom teachers to~~
361 ~~be distributed to the school district to be paid to each~~

362 ~~individual who meets the requirements of paragraph (c) and~~
363 ~~agrees, in writing, to provide the equivalent of 12 workdays of~~
364 ~~mentoring and related services to public school teachers within~~
365 ~~the state who do not hold NBPTS certification. Related services~~
366 ~~must include instruction in helping teachers work more~~
367 ~~effectively with the families of their students. The district~~
368 ~~school board shall distribute the annual bonus in a single~~
369 ~~payment following the completion of all required mentoring and~~
370 ~~related services for the year. It is not the intent of the~~
371 ~~Legislature to remove excellent teachers from their assigned~~
372 ~~classrooms; therefore, credit may not be granted by a school~~
373 ~~district or public school for mentoring or related services~~
374 ~~provided during student contact time during the 196 days of~~
375 ~~required service for the school year.~~

376 (b)(e) The employer's share of social security and
377 Medicare taxes and Florida Retirement System contributions for
378 those teachers who qualify for NBPTS certification and receive
379 bonus amounts under paragraph (a).

380
381 ~~A teacher for whom the state pays the certification fee and who~~
382 ~~does not complete the certification program or does not teach in~~
383 ~~a public school of this state for at least 1 year after~~
384 ~~completing the certification program must repay the amount of~~
385 ~~the certification fee to the state. However, a teacher who~~
386 ~~completes the certification program but fails to be awarded~~
387 ~~NBPTS certification is not required to repay the amount of the~~
388 ~~certification fee if the teacher meets the 1-year teaching~~
389 ~~requirement. Repayment is not required of a teacher who does not~~

390 ~~complete the certification program or fails to fulfill the~~
391 ~~teaching requirement because of the teacher's death or~~
392 ~~disability or because of other extenuating circumstances as~~
393 ~~determined by the State Board of Education.~~

394 ~~(3)(a) In addition to any other remedy available under the~~
395 ~~law, any person who is a recipient of a certification fee~~
396 ~~subsidy paid to the NBPTS and who is an employee of the state or~~
397 ~~any of its political subdivisions is considered to have~~
398 ~~consented, as a condition of employment, to the voluntary or~~
399 ~~involuntary withholding of wages to repay to the state the~~
400 ~~amount of such a certification fee subsidy awarded under this~~
401 ~~section. Any such employee who defaults on the repayment of such~~
402 ~~a certification fee subsidy must, within 60 days after service~~
403 ~~of a notice of default by the Department of Education to the~~
404 ~~employee, establish a repayment schedule which must be agreed to~~
405 ~~by the department and the employee, for repaying the defaulted~~
406 ~~sum through payroll deductions. The department may not require~~
407 ~~the employee to pay more than 10 percent of the employee's pay~~
408 ~~per pay period under such a repayment schedule or plan. If the~~
409 ~~employee fails to establish a repayment schedule within the~~
410 ~~specified period of time or fails to meet the terms and~~
411 ~~conditions of the agreed upon or approved repayment schedule as~~
412 ~~authorized by this subsection, the employee has breached an~~
413 ~~essential condition of employment and is considered to have~~
414 ~~consented to the involuntary withholding of wages or salary for~~
415 ~~the repayment of the certification fee subsidy.~~

416 ~~(b) A person who is employed by the state, or any of its~~
417 ~~political subdivisions, may not be dismissed for having~~

418 ~~defaulted on the repayment of the certification fee subsidy to~~
 419 ~~the state.~~

420 ~~(4) The State Board of Education may adopt rules pursuant~~
 421 ~~to ss. 120.536 and 120.54 as necessary to administer the~~
 422 ~~provisions for payment of the fee subsidies, incentives, and~~
 423 ~~bonuses and for the repayment of defaulted certification fee~~
 424 ~~subsidies under this section.~~

425 (3)~~(5)~~ If the funds available in any fiscal year are
 426 insufficient to pay in full the annual bonuses under subsection
 427 (2) ~~for certification and for providing mentoring and related~~
 428 ~~services, payments for providing mentoring and related services~~
 429 shall be prorated among the eligible recipients.

430 Section 9. Subsection (2) of section 1011.52, Florida
 431 Statutes, is amended to read:

432 1011.52 Appropriation to first accredited medical
 433 school.--

434 (2) In order for a medical school to qualify under the
 435 provisions of this section and to be entitled to the benefits
 436 herein, such medical school:

437 (a) Must be primarily operated and established to offer,
 438 afford, and render a medical education to residents of the state
 439 qualifying for admission to such institution;

440 (b) Must be operated by a municipality or county of this
 441 state, or by a nonprofit organization heretofore or hereafter
 442 established exclusively for educational purposes;

443 (c) Must, upon the formation and establishment of an
 444 accredited medical school, transmit and file with the Department
 445 of Education documentary proof evidencing the facts that such

446 institution has been certified and approved by the council on
447 medical education and hospitals of the American Medical
448 Association and has adequately met the requirements of that
449 council in regard to its administrative facilities,
450 administrative plant, clinical facilities, curriculum, and all
451 other such requirements as may be necessary to qualify with the
452 council as a recognized, approved, and accredited medical
453 school;

454 (d) Must certify to the Department of Education the name,
455 address, and educational history of each student approved and
456 accepted for enrollment in such institution for the ensuing
457 school year; ~~and-~~

458 (e) Must enter into an annual operating agreement each
459 fiscal year with a government-owned hospital that is located in
460 the same county as the medical school and that is a statutory
461 teaching hospital as defined in s. 408.07(45). The annual
462 operating agreement shall provide for the medical school to
463 maintain the same level of affiliation with the hospital,
464 including the level of services to indigent and charity care
465 patients served by the hospital, that was in place in the prior
466 fiscal year. Documentation of the operating agreement shall be
467 submitted to the Department of Education prior to the payment of
468 moneys from the annual appropriation.

469 Section 10. This act shall take effect July 1, 2008.