

1 A bill to be entitled
2 An act relating to school districts; creating s. 1001.454,
3 F.S.; providing for the recall of district school board
4 members; providing applicability; providing requirements
5 for the petition for recall and the signature process;
6 providing requirements for the recall election; requiring
7 that the ballot for recall contain certain statements;
8 amending s. 1012.22, F.S.; requiring that each district
9 school board adopt the district school superintendent's
10 recommendations relating to compensation and salary
11 schedules unless 66 percent of the district school board
12 members vote to reject such recommendations; amending s.
13 1012.27, F.S.; revising provisions relating to the
14 district school superintendent's duty to prepare and
15 recommend salary schedules for adoption by the district
16 school board; prohibiting the school superintendent from
17 recommending an increase in salary schedules of
18 administrative personnel or managers if the salary
19 schedules of instructional personnel and educational
20 support employees have not been increased; requiring that
21 the school superintendent review the salary schedules of
22 all administrative personnel and managers to ensure that
23 no person is paid in excess of twice the district's
24 average salary of classroom teachers for the prior
25 academic year; requiring that the school superintendent
26 recommend corrective action to address any pay disparity;
27 providing for severability; providing an effective date.
28

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

30
 31 Section 1. Section 1001.454, Florida Statutes, is created
 32 to read:

33 1001.454 Recall of district school board members.--

34 (1) APPLICATION.--Any member of a district school board
 35 may be recalled and removed from office by the electors of the
 36 district.

37 (a) If a board member is elected for single-member
 38 representation within the residence areas of a district pursuant
 39 to s. 1001.362, only electors from that area may sign the
 40 petition to recall the member and vote in the recall election.

41 (b) If the board member is elected at-large or by the
 42 electors of an entire district pursuant to s. 1001.361, all the
 43 electors of the district may sign the petition to recall the
 44 member and vote in the recall election.

45 (c) In addition to other procedures provided by law, board
 46 members may be removed from office pursuant to the procedures
 47 provided in this section.

48 (2) RECALL PETITION.--

49 (a) Petition content.--A petition for recall shall contain
 50 the name of the person who is to be recalled and the position he
 51 or she currently holds.

52 (b) Requisite signatures.--

53 1. In a district or a district school board member
 54 residence area having fewer than 500 registered electors, the
 55 petition must be signed by at least 50 electors or by 10 percent
 56 of the total number of registered electors in the district or

57 district school board member residence area as of the preceding
58 district election, whichever is greater.

59 2. In a district or a district school board member
60 residence area having 500 or more but fewer than 2,000
61 registered electors, the petition must be signed by at least 100
62 electors or by 10 percent of the total number of registered
63 electors of the district or district school board member
64 residence area as of the preceding district election, whichever
65 is greater.

66 3. In a district or a district school board member
67 residence area having 2,000 or more but fewer than 5,000
68 registered electors, the petition must be signed by at least 250
69 electors or by 10 percent of the total number of registered
70 electors of the district or district school board member
71 residence area as of the preceding district election, whichever
72 is greater.

73 4. In a district or a district school board member
74 residence area having 5,000 or more but fewer than 10,000
75 registered electors, the petition must be signed by at least 500
76 electors or by 10 percent of the total number of registered
77 electors of the district or district school board member
78 residence area as of the preceding district election, whichever
79 is greater.

80 5. In a district or a district school board member
81 residence area having 10,000 or more but fewer than 25,000
82 registered electors, the petition must be signed by at least
83 1,000 electors or by 10 percent of the total number of
84 registered electors of the district or district school board

85 member residence area as of the preceding district election,
 86 whichever is greater.

87 6. In a district or a district school board member
 88 residence area having 25,000 or more registered electors, the
 89 petition must be signed by at least 1,000 electors or by 5
 90 percent of the total number of registered electors of the
 91 district or district school board member residence area as of
 92 the preceding district election, whichever is greater.

93 (c) Signature process.--Each elector who signs a petition
 94 for recall shall sign and date his or her name in ink or
 95 indelible pencil. Each petition shall contain appropriate lines
 96 for each elector's original signature, printed name, street
 97 address, city, county, voter registration number or date of
 98 birth, and date signed.

99 (d) Filing of signed petitions.--All signed petitions
 100 shall be filed at the same time, no later than 90 days after the
 101 date on which the first signature is obtained, with the auditor
 102 or clerk of the school board, or his or her representative. A
 103 petition may not be amended after it is filed with the auditor
 104 or the clerk, or his or her representative.

105 (e) Verification of signatures.--

106 1. Immediately after the filing of a petition, the clerk
 107 shall submit the petition to the county supervisor of elections.
 108 No more than 30 days after the date on which all petitions are
 109 received, the supervisor of elections shall promptly verify the
 110 signatures in accordance with s. 99.097 and determine whether
 111 the requisite number of valid signatures has been obtained. Any
 112 party who seeks verification of the signatures must submit a

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113 payment in advance to the supervisor of elections in the amount
114 of 10 cents for each signature checked or the actual cost of
115 checking such signatures, whichever is less.

116 2. If the supervisor of elections determines that the
117 petition does not contain the requisite number of verified and
118 valid signatures, the clerk shall, upon receipt of such written
119 determination, certify to the school board that the requisite
120 number of verified and valid signatures has not been obtained
121 and file the petition without taking further action. Additional
122 names may not be added to the petition and the petition may not
123 be used in any other proceeding.

124 3. If the supervisor of elections determines that the
125 petition has the requisite number of verified and valid
126 signatures, he or she shall request that the chief judge of the
127 judicial circuit in which the school district is located fix a
128 day for holding the recall election.

129 4. Upon request, the auditor or the clerk, or his or her
130 representative, shall make the petition and all subsequent
131 papers or forms required or permitted to be filed in compliance
132 with this section available in alternative formats.

133 (3) RECALL ELECTION.--A recall election shall be held not
134 less than 30 days or more than 60 days after the supervisor of
135 elections requests the election and at the same time as any
136 other general or special election held within the period. If the
137 election is not held within the required period, the judge shall
138 call a special recall election to be held within the period
139 provided in this subsection.

140 (4) BALLOTS.--

141 (a) The ballot at the recall election must state the
 142 following: "Shall....be removed from the office of....by
 143 recall?"

144 (b) The following propositions must be stated after each
 145 question on the ballot:

146 1. "[Name of person] should be removed from office."

147 2. "[Name of person] should not be removed from office."

148 (5) RESULTS OF RECALL ELECTION.--If a majority of the
 149 electors votes to not remove the member from office, the member
 150 shall continue to serve in office under the terms of his or her
 151 preceding election. If the majority of electors votes to recall
 152 the member, he or she shall, regardless of any defect in the
 153 recall petition, be deemed removed from office immediately.

154 (6) FILLING OF VACANCIES.--Any vacancy created by recall
 155 shall be filled by appointment in accordance with s. 1001.38.

156 Section 2. Paragraph (c) of subsection (1) of section
 157 1012.22, Florida Statutes, is amended to read:

158 1012.22 Public school personnel; powers and duties of the
 159 district school board.--The district school board shall:

160 (1) Designate positions to be filled, prescribe
 161 qualifications for those positions, and provide for the
 162 appointment, compensation, promotion, suspension, and dismissal
 163 of employees as follows, subject to the requirements of this
 164 chapter:

165 (c) Compensation and salary schedules.--

166 1. The district school board shall adopt a salary schedule
 167 or salary schedules designed to furnish incentives for
 168 improvement in training and for continued efficient service to

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169 be used as a basis for paying all school employees and fix and
170 authorize the compensation of school employees on the basis
171 thereof.

172 2. A district school board, in determining the salary
173 schedule for instructional personnel, must base a portion of
174 each employee's compensation on performance demonstrated under
175 s. 1012.34, must consider the prior teaching experience of a
176 person who has been designated state teacher of the year by any
177 state in the United States, and must consider prior professional
178 experience in the field of education gained in positions in
179 addition to district level instructional and administrative
180 positions.

181 3. In developing the salary schedule, the district school
182 board shall seek input from parents, teachers, and
183 representatives of the business community.

184 4. Beginning with the 2007-2008 academic year, each
185 district school board shall adopt a salary schedule with
186 differentiated pay for both instructional personnel and school-
187 based administrators. The salary schedule is subject to
188 negotiation as provided in chapter 447 and must allow
189 differentiated pay based on district-determined factors,
190 including, but not limited to, additional responsibilities,
191 school demographics, critical shortage areas, and level of job
192 performance difficulties.

193 5. Beginning with the 2009-2010 academic year, each
194 district school board shall adopt the district school
195 superintendent's recommendations relating to the compensation
196 and salary schedules pursuant to s. 1012.27(2) unless 66 percent

197 of the district school board members vote to reject such
 198 recommendations.

199 Section 3. Subsection (2) of section 1012.27, Florida
 200 Statutes, is amended to read:

201 1012.27 Public school personnel; powers and duties of
 202 district school superintendent.--The district school
 203 superintendent is responsible for directing the work of the
 204 personnel, subject to the requirements of this chapter, and in
 205 addition the district school superintendent shall perform the
 206 following:

207 (2) COMPENSATION AND SALARY SCHEDULES.--

208 (a) Prepare and recommend to the district school board for
 209 adoption a salary schedule or salary schedules.

210 (b) In developing or recommending a salary schedule or
 211 salary schedules, the district school superintendent:

212 1. ~~The district school superintendent~~ Must recommend a
 213 salary schedule for instructional personnel which bases a
 214 portion of each employee's compensation on performance
 215 demonstrated under s. 1012.34.

216 2. ~~In developing the recommended salary schedule, the~~
 217 ~~district school superintendent~~ Shall include input from parents,
 218 teachers, and representatives of the business community.

219 3. Shall recommend a ~~Beginning with the 2007-2008 academic~~
 220 ~~year, the recommended~~ salary schedule for classroom teachers
 221 shall be consistent with the district's differentiated-pay
 222 policy based upon s. 1012.22.

223 4. Beginning with the 2009-2010 academic year, shall
 224 recommend increases to the salary schedules of administrative

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225 personnel or managers only if the salary schedules of
226 instructional personnel, as defined in s. 1012.01(2), and
227 educational support employees, as defined in s. 1012.01(6), have
228 also been increased, before or at the same time as the proposed
229 salary increases for administrative personnel or managers, by a
230 percentage greater than that proposed for any of the
231 administrative personnel or managers.

232 5. Beginning with the 2009-2010 academic year, shall
233 review the salary schedules of all administrative personnel and
234 manager positions and ensure that no person is paid in excess of
235 twice the district's average salary of classroom teachers for
236 the prior academic year. If the school superintendent finds that
237 a person is receiving more than twice the district's average
238 salary of classroom teachers for the prior academic year, the
239 school superintendent shall recommend corrective action to
240 address the pay disparity by reducing the administrative
241 personnel or manager salary or commensurately increasing the
242 salary schedule and salaries of classroom teachers.

243 Section 4. If any provision of this act or its application
244 to any person or circumstance is held invalid, the invalidity
245 does not affect other provisions or applications of the act
246 which can be given effect without the invalid provision or
247 application, and to this end the provisions of this act are
248 severable.

249 Section 5. This act shall take effect July 1, 2009.