

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.

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

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.

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

PCB PBC 07C-10 SLC K-12 MAP/Excellent Teaching

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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.