

Governor's Budget Recommendation Conforming Bill  
Teacher Salary Increase Allocation

1 A bill to be entitled

2 An act relating to the Teacher Salary Increase Allocation  
3 in the Florida Education Finance Program; s. 1011.62,  
4 F.S.; amending authorized uses of funding provided to  
5 school districts through the Teacher Salary Increase  
6 Allocation; amending s.1012.22, F.S., conforming cross-  
7 reference; providing an effective date.  
8

9 Be It Enacted by the Legislature of the State of Florida:  
10

11 Section 1. Subsection (14) of section 1011.62, Florida  
12 Statutes, is amended to read:

13 1011.62 Funds for operation of schools.—If the annual  
14 allocation from the Florida Education Finance Program to each  
15 district for operation of schools is not determined in the  
16 annual appropriations act or the substantive bill implementing  
17 the annual appropriations act, it shall be determined as  
18 follows:

19 (14) TEACHER SALARY INCREASE ALLOCATION.—The Legislature  
20 may annually provide in the Florida Education Finance Program a  
21 teacher salary increase allocation to assist school districts in  
22 their recruitment and retention of classroom teachers and other  
23 instructional personnel. The amount of the allocation shall be  
24 specified in the General Appropriations Act.

25 (a) Each school district shall receive an allocation based  
26 on the school district's proportionate share of the base FEFP  
27 allocation. Each school district shall provide each charter  
28 school within its district its proportionate share calculated  
29 pursuant to s. 1002.33(17) (b). If a district school board has

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30 not received its allocation due to its failure to submit an  
31 approved district salary distribution plan, the district school  
32 board must still provide each charter school that has submitted  
33 a salary distribution plan within its district its proportionate  
34 share of the allocation.

35 (b) Allocation funds are restricted in use as follows:

36 1. Each school district and charter school shall use its  
37 share of the allocation to increase the minimum base salary for  
38 full-time classroom teachers, as defined in s. 1012.01(2)(a),  
39 plus certified prekindergarten teachers funded in the Florida  
40 Education Finance Program, to at least \$47,500, or to the  
41 maximum amount achievable based on the allocation and as  
42 specified in the General Appropriations Act. The term "minimum  
43 base salary" means the lowest annual base salary reported on the  
44 salary schedule for a full-time classroom teacher. No full-time  
45 classroom teacher shall receive a salary less than the minimum  
46 base salary as adjusted by this subparagraph. This subparagraph  
47 does not apply to substitute teachers.

48 2. In addition, each school district shall use its share of  
49 the allocation to provide salary increases, as funding permits,  
50 for the following personnel:

51 a. Full-time classroom teachers, as defined in s.  
52 1012.01(2)(a), plus certified prekindergarten teachers funded in  
53 the Florida Education Finance Program, who did not receive an  
54 increase or who received an increase of less than 2 percent  
55 under subparagraph 1. or as specified in the General  
56 Appropriations Act. This subparagraph does not apply to  
57 substitute teachers.

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58 | b. Other full-time instructional personnel as defined in s.  
59 | 1012.01(2)(b)-(d).

60 | 3. A school district or charter school may use funds  
61 | available after the requirements of subparagraph 1. are met to  
62 | provide salary increases pursuant to subparagraph 2.

63 | 4. A school district or charter school shall maintain the  
64 | minimum base salary achieved for classroom teachers provided  
65 | under subparagraph 1. and may not reduce the salary increases  
66 | provided under subparagraph 2. in any subsequent fiscal year,  
67 | unless specifically authorized in the General Appropriations  
68 | Act.

69 | (c) Beginning July 1, 2023, any additional funding  
70 | appropriated for the Teacher Salary Increase Allocation above  
71 | the amount provided in Fiscal Year 2022-2023 may be used to  
72 | provide salary increases for the following personnel, in a  
73 | manner that best meets the needs of the school district or  
74 | charter school:

75 | 1. full-time classroom teachers, as defined in s.  
76 | 1012.01(2)(a), plus certified prekindergarten teachers funded in  
77 | the Florida Education Finance Program. This subparagraph does  
78 | not apply to substitute teachers.

79 | 2. Other full-time instructional personnel as defined in s.  
80 | 1012.01(2)(b)-(d).

81 | (ed) Before distributing allocation funds received pursuant  
82 | to paragraph (a), each school district and each charter school  
83 | shall develop a salary distribution plan that clearly delineates  
84 | the planned distribution of funds pursuant to paragraph (b) in  
85 | accordance with modified salary schedules, as necessary, for the  
86 | implementation of this subsection.

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87 | 1. Each school district superintendent and each charter  
88 | school administrator must submit its proposed salary  
89 | distribution plan to the district school board or the charter  
90 | school governing body, as appropriate, for approval.

91 | 2. Each school district shall submit the approved district  
92 | salary distribution plan and the approved salary distribution  
93 | plan for each charter school in the district to the department  
94 | by October 1 of each fiscal year.

95 | (~~e~~) In a format specified by the department, provide as  
96 | follows:

97 | 1. By December 1, each school district shall provide a  
98 | preliminary report to the department that includes a detailed  
99 | summary explaining the school district's planned expenditure of  
100 | the entire allocation for the district received pursuant to  
101 | paragraph (a), the amount of the increase to the minimum base  
102 | salary for classroom teachers pursuant to paragraph (b), and the  
103 | school district's salary schedule for the prior fiscal year and  
104 | the fiscal year in which the base salary is increased. Each  
105 | charter school governing board shall submit the information  
106 | required under this subparagraph to the district school board  
107 | for inclusion in the school district's preliminary report to the  
108 | department.

109 | 2. By February 1, the department shall submit to the  
110 | Governor, the President of the Senate, and the Speaker of the  
111 | House of Representatives a statewide report on the planned  
112 | expenditure of the teacher salary increase allocation, which  
113 | includes the detailed summary provided by each school district  
114 | and charter school.

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115           3. By August 1, each school district shall provide a final  
116 report to the department with the information required in  
117 subparagraph 1. for the prior fiscal year. Each charter school  
118 governing board shall submit the information required under this  
119 subparagraph to the district school board for inclusion in the  
120 school district's final report to the department.

121           (ef) Although district school boards and charter school  
122 governing boards are not precluded from bargaining over wages,  
123 the teacher salary increase allocation must be used solely to  
124 comply with the requirements of this section. A district school  
125 board or charter school governing board that is unable to meet  
126 the reporting requirements specified in paragraph (~~ed~~) or  
127 paragraph (~~ee~~) due to a collective bargaining impasse must  
128 provide written notification to the department or the district  
129 school board, as applicable, detailing the reasons for the  
130 impasse with a proposed timeline and details for a resolution.

131           Section 2. Paragraph (c) of Subsection (1) of Section  
132 1012.22, Florida Statutes, is amended to read:

133           (c) Compensation and salary schedules.—

134           1. Definitions.—As used in this paragraph:

135           a. "Adjustment" means an addition to the base salary  
136 schedule that is not a bonus and becomes part of the employee's  
137 permanent base salary and shall be considered compensation under  
138 s. 121.021(22).

139           b. "Grandfathered salary schedule" means the salary  
140 schedule or schedules adopted by a district school board before  
141 July 1, 2014, pursuant to subparagraph 4.

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142 c. "Instructional personnel" means instructional personnel  
143 as defined in s. 1012.01(2)(a)-(d), excluding substitute  
144 teachers.

145 d. "Performance salary schedule" means the salary schedule  
146 or schedules adopted by a district school board pursuant to  
147 subparagraph 5.

148 e. "Salary schedule" means the schedule or schedules used  
149 to provide the base salary for district school board personnel.

150 f. "School administrator" means a school administrator as  
151 defined in s. 1012.01(3)(c).

152 g. "Supplement" means an annual addition to the base salary  
153 for the term of the negotiated supplement as long as the  
154 employee continues his or her employment for the purpose of the  
155 supplement. A supplement does not become part of the employee's  
156 continuing base salary but shall be considered compensation  
157 under s. 121.021(22).

158 2. Cost-of-living adjustment.—A district school board may  
159 provide a cost-of-living salary adjustment if the adjustment:

160 a. Does not discriminate among comparable classes of  
161 employees based upon the salary schedule under which they are  
162 compensated.

163 b. Does not exceed 50 percent of the annual adjustment  
164 provided to instructional personnel rated as effective.

165 3. Advanced degrees.—A district school board may not use  
166 advanced degrees in setting a salary schedule for instructional  
167 personnel or school administrators hired on or after July 1,  
168 2011, unless the advanced degree is held in the individual's  
169 area of certification and is only a salary supplement.

170 4. Grandfathered salary schedule.—

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171           a. The district school board shall adopt a salary schedule  
172 or salary schedules to be used as the basis for paying all  
173 school employees hired before July 1, 2014. Instructional  
174 personnel on annual contract as of July 1, 2014, shall be placed  
175 on the performance salary schedule adopted under subparagraph 5.  
176 Instructional personnel on continuing contract or professional  
177 service contract may opt into the performance salary schedule if  
178 the employee relinquishes such contract and agrees to be  
179 employed on an annual contract under s. 1012.335. Such an  
180 employee shall be placed on the performance salary schedule and  
181 may not return to continuing contract or professional service  
182 contract status. Any employee who opts into the performance  
183 salary schedule may not return to the grandfathered salary  
184 schedule.

185           b. In determining the grandfathered salary schedule for  
186 instructional personnel, a district school board must base a  
187 portion of each employee's compensation upon performance  
188 demonstrated under s. 1012.34 and shall provide differentiated  
189 pay for both instructional personnel and school administrators  
190 based upon district-determined factors, including, but not  
191 limited to, additional responsibilities, school demographics,  
192 critical shortage areas, and level of job performance  
193 difficulties.

194           5. Performance salary schedule.—By July 1, 2014, the  
195 district school board shall adopt a performance salary schedule  
196 that provides annual salary adjustments for instructional  
197 personnel and school administrators based upon performance  
198 determined under s. 1012.34. Employees hired on or after July 1,  
199 2014, or employees who choose to move from the grandfathered

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200 salary schedule to the performance salary schedule shall be  
201 compensated pursuant to the performance salary schedule once  
202 they have received the appropriate performance evaluation for  
203 this purpose.

204 a. Base salary.—The base salary shall be established as  
205 follows:

206 (I) The base salary for instructional personnel or school  
207 administrators who opt into the performance salary schedule  
208 shall be the salary paid in the prior year, including  
209 adjustments only.

210 (II) Instructional personnel or school administrators new  
211 to the district, returning to the district after a break in  
212 service without an authorized leave of absence, or appointed for  
213 the first time to a position in the district in the capacity of  
214 instructional personnel or school administrator shall be placed  
215 on the performance salary schedule. ~~Beginning July 1, 2021, and~~  
216 ~~until such time as the minimum base salary as defined in s.~~  
217 ~~1011.62(14) equals or exceeds \$47,500, the annual increase to~~  
218 ~~the minimum base salary shall not be less than 150 percent of~~  
219 ~~the largest adjustment made to the salary of an employee on the~~  
220 ~~grandfathered salary schedule. Thereafter, the annual increase~~  
221 ~~to the minimum base salary shall not be less than 75 percent of~~  
222 ~~the largest adjustment for an employee on the grandfathered~~  
223 ~~salary schedule.~~

224 b. Salary adjustments.—Salary adjustments for highly  
225 effective or effective performance shall be established as  
226 follows:

227 (I) The annual salary adjustment under the performance  
228 salary schedule for an employee rated as highly effective must

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229 | be at least 25 percent greater than the highest annual salary  
230 | adjustment available to an employee of the same classification  
231 | through any other salary schedule adopted by the district.

232 |       (II) The annual salary adjustment under the performance  
233 | salary schedule for an employee rated as effective must be equal  
234 | to at least 50 percent and no more than 75 percent of the annual  
235 | adjustment provided for a highly effective employee of the same  
236 | classification.

237 |       (III) A salary schedule shall not provide an annual salary  
238 | adjustment for an employee who receives a rating other than  
239 | highly effective or effective for the year.

240 |       c. Salary supplements.—In addition to the salary  
241 | adjustments, each district school board shall provide for salary  
242 | supplements for activities that must include, but are not  
243 | limited to:

244 |       (I) Assignment to a Title I eligible school.

245 |       (II) Assignment to a school that earned a grade of "F" or  
246 | three consecutive grades of "D" pursuant to s. 1008.34 such that  
247 | the supplement remains in force for at least 1 year following  
248 | improved performance in that school.

249 |       (III) Certification and teaching in critical teacher  
250 | shortage areas. Statewide critical teacher shortage areas shall  
251 | be identified by the State Board of Education under s. 1012.07.  
252 | However, the district school board may identify other areas of  
253 | critical shortage within the school district for purposes of  
254 | this sub-sub-subparagraph and may remove areas identified by the  
255 | state board which do not apply within the school district.

256 |       (IV) Assignment of additional academic responsibilities.

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257 If budget constraints in any given year limit a district school  
258 board's ability to fully fund all adopted salary schedules, the  
259 performance salary schedule shall not be reduced on the basis of  
260 total cost or the value of individual awards in a manner that is  
261 proportionally greater than reductions to any other salary  
262 schedules adopted by the district. Any compensation for  
263 longevity of service awarded to instructional personnel who are  
264 on any other salary schedule must be included in calculating the  
265 salary adjustments required by sub-subparagraph b.

266 Section 3. This act shall take effect July 1, 2023.