

1 A bill to be entitled
2 An act relating to instructional personnel and school
3 administrator salaries; amending s. 1011.62, F.S.;
4 requiring each school district that has not yet
5 reached a specified minimum base salary to use its
6 share of the teacher salary increase allocation in a
7 specified manner; requiring school districts to use a
8 specified percentage of the allocation to raise the
9 minimum base salary; authorizing school districts that
10 have met the minimum base salary for full-time
11 classroom teachers to use funds to raise the salaries
12 of specified personnel; providing applicability;
13 amending s. 1012.22, F.S.; revising definitions;
14 authorizing, instead of prohibiting, district school
15 boards to use advanced degrees as a criterion in
16 setting a salary schedule for certain personnel;
17 authorizing certain instructional personnel to
18 continue to use a salary schedule adopted before a
19 district school board adopts a performance salary
20 schedule or opt into the performance salary schedule;
21 authorizing, instead of requiring, a district school
22 board to base a portion of each employee's
23 compensation upon performance; authorizing, instead of
24 requiring, a district school board to adopt a
25 performance salary schedule; conforming provisions to

26 changes made by the act; providing an effective date.

27

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

29

30 Section 1. Paragraph (b) of subsection (16) of section
31 1011.62, Florida Statutes, is amended to read:

32 1011.62 Funds for operation of schools.—If the annual
33 allocation from the Florida Education Finance Program to each
34 district for operation of schools is not determined in the
35 annual appropriations act or the substantive bill implementing
36 the annual appropriations act, it shall be determined as
37 follows:

38 (16) TEACHER SALARY INCREASE ALLOCATION.—The Legislature
39 may annually provide in the Florida Education Finance Program a
40 teacher salary increase allocation to assist school districts in
41 their recruitment and retention of classroom teachers and other
42 instructional personnel. The amount of the allocation shall be
43 specified in the General Appropriations Act.

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

45 1. Each school district that has not yet reached a minimum
46 base salary of \$47,500 and charter school shall use its share of
47 the allocation to increase the minimum base salary for full-time
48 classroom teachers, as defined in s. 1012.01(2)(a), plus
49 certified prekindergarten teachers funded in the Florida
50 Education Finance Program, to at least \$47,500, or to the

51 maximum amount achievable based on the allocation and as
52 specified in the General Appropriations Act. School districts
53 shall use at least 50 percent of their share of the allocation
54 to raise the minimum base salary. The term "minimum base salary"
55 means the lowest annual base salary reported on the salary
56 schedule for a full-time classroom teacher. No full-time
57 classroom teacher shall receive a salary less than the minimum
58 base salary as adjusted by this subparagraph. This subparagraph
59 does not apply to substitute teachers.

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

63 a. Full-time classroom teachers, as defined in s.
64 1012.01(2)(a), plus certified prekindergarten teachers funded in
65 the Florida Education Finance Program, who did not receive an
66 increase or who received an increase of less than 2 percent
67 under subparagraph 1. or as specified in the General
68 Appropriations Act. This subparagraph does not apply to
69 substitute teachers.

70 b. Other full-time instructional personnel as defined in
71 s. 1012.01(2)(b)-(d).

72 3. A school district or charter school may use funds
73 available after the requirements of subparagraph 1. are met to
74 provide salary increases pursuant to subparagraph 2.

75 4. A school district or charter school shall maintain the

76 minimum base salary achieved for classroom teachers provided
77 under subparagraph 1. and may not reduce the salary increases
78 provided under subparagraph 2. in any subsequent fiscal year,
79 unless specifically authorized in the General Appropriations
80 Act.

81 5. School districts that have met the minimum base salary
82 of \$47,500 for full-time classroom teachers may use funds to
83 raise the salaries of veteran teachers who received less than a
84 3 percent raise in the previous fiscal year and to raise the
85 salaries of other full-time instructional personnel. This
86 subparagraph does not apply to substitute teachers.

87 Section 2. Paragraph (c) of subsection (1) of section
88 1012.22, Florida Statutes, is amended to read:

89 1012.22 Public school personnel; powers and duties of the
90 district school board.—The district school board shall:

91 (1) Designate positions to be filled, prescribe
92 qualifications for those positions, and provide for the
93 appointment, compensation, promotion, suspension, and dismissal
94 of employees as follows, subject to the requirements of this
95 chapter:

96 (c) *Compensation and salary schedules.*—

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

98 a. "Adjustment" means an addition to the base salary
99 schedule that is not a bonus and becomes part of the employee's
100 permanent base salary and shall be considered compensation under

101 s. 121.021(22).

102 b. ~~"Grandfathered salary schedule" means the salary~~
 103 ~~schedule or schedules adopted by a district school board before~~
 104 ~~July 1, 2014, pursuant to subparagraph 4.~~

105 ~~e.~~ "Instructional personnel" means instructional personnel
 106 as defined in s. 1012.01(2)(a)-(d), excluding substitute
 107 teachers.

108 ~~c.d.~~ "Performance salary schedule" means the salary
 109 schedule or schedules ~~adopted by~~ a district school board may
 110 adopt pursuant to subparagraph 5.

111 ~~d.e.~~ "Salary schedule" means the schedule or schedules
 112 used to provide the base salary for district school board
 113 personnel.

114 ~~e.f.~~ "School administrator" means a school administrator
 115 as defined in s. 1012.01(3)(c).

116 ~~f.g.~~ "Supplement" means an annual addition to the base
 117 salary for the term of the negotiated supplement as long as the
 118 employee continues his or her employment for the purpose of the
 119 supplement. A supplement does not become part of the employee's
 120 continuing base salary but shall be considered compensation
 121 under s. 121.021(22).

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

124 a. Does not discriminate among comparable classes of
 125 employees based upon the salary schedule under which they are

126 compensated.

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

129 3. Advanced degrees.—A district school board may ~~not~~ use
 130 advanced degrees in setting a salary schedule for instructional
 131 personnel or school administrators ~~hired on or after July 1,~~
 132 ~~2011, unless the advanced degree is held in the individual's~~
 133 ~~area of certification and is only a salary supplement.~~

134 4. ~~Grandfathered~~ Salary schedule.—

135 a. The district school board shall adopt a salary schedule
 136 or salary schedules to be used as the basis for paying all
 137 school employees ~~hired before July 1, 2014.~~ If a school district
 138 adopts a instructional personnel on annual contract as of July
 139 1, 2014, shall be placed on the performance salary schedule,
 140 ~~adopted under subparagraph 5.~~ instructional personnel on a
 141 continuing contract or professional service contract may
 142 continue to use the salary schedule adopted before the
 143 performance salary schedule or, if the employee relinquishes his
 144 or her contract and agrees to be employed on an annual contract
 145 under s. 1012.335, opt into the performance salary schedule ~~if~~
 146 ~~the employee relinquishes such contract and agrees to be~~
 147 ~~employed on an annual contract under s. 1012.335.~~ Such an
 148 employee shall be placed on the performance salary schedule and
 149 may not return to continuing contract or professional service
 150 contract status. Any employee who opts into the performance

151 salary schedule may not return to the ~~grandfathered~~ salary
 152 schedule under this sub-subparagraph.

153 b. In determining the ~~grandfathered~~ salary schedule for
 154 instructional personnel, a district school board may ~~must~~ base a
 155 portion of each employee's compensation upon performance
 156 demonstrated under s. 1012.34 and shall provide differentiated
 157 pay for both instructional personnel and school administrators
 158 based upon district-determined factors, including, but not
 159 limited to, additional responsibilities, school demographics,
 160 critical shortage areas, and level of job performance
 161 difficulties.

162 5. Performance salary schedule. ~~A By July 1, 2014, the~~
 163 district school board may ~~shall~~ adopt a performance salary
 164 schedule that provides annual salary adjustments for
 165 instructional personnel and school administrators based upon
 166 performance determined under s. 1012.34. Employees ~~hired on or~~
 167 ~~after July 1, 2014, or employees~~ who choose to move from the
 168 ~~grandfathered~~ salary schedule under sub-subparagraph 4. to the
 169 performance salary schedule shall be compensated pursuant to the
 170 performance salary schedule once they have received the
 171 appropriate performance evaluation for this purpose.

172 a. Base salary. ~~For a district school board that adopts a~~
 173 performance salary schedule, ~~The base salary shall be~~
 174 ~~established as follows:~~

175 ~~(I)~~ the base salary for instructional personnel and ~~or~~

176 school administrators ~~who opt into the performance salary~~
177 ~~schedule~~ shall be the salary paid in the prior year, including
178 adjustments only.

179 ~~(II) Instructional personnel or school administrators new~~
180 ~~to the district, returning to the district after a break in~~
181 ~~service without an authorized leave of absence, or appointed for~~
182 ~~the first time to a position in the district in the capacity of~~
183 ~~instructional personnel or school administrator shall be placed~~
184 ~~on the performance salary schedule. Beginning July 1, 2021, and~~
185 ~~until such time as the minimum base salary as defined in s.~~
186 ~~1011.62(16) equals or exceeds \$47,500, the annual increase to~~
187 ~~the minimum base salary shall not be less than 150 percent of~~
188 ~~the largest adjustment made to the salary of an employee on the~~
189 ~~grandfathered salary schedule. Thereafter, the annual increase~~
190 ~~to the minimum base salary shall not be less than 75 percent of~~
191 ~~the largest adjustment for an employee on the grandfathered~~
192 ~~salary schedule.~~

193 b. Salary adjustments.—For a district school board that
194 adopts a performance salary schedule, salary adjustments for
195 highly effective or effective performance shall be established
196 as follows:

197 (I) The annual salary adjustment under the performance
198 salary schedule for an employee rated as highly effective must
199 be ~~at least 25 percent~~ greater than the highest annual salary
200 adjustment available to an employee of the same classification

201 through any other salary schedule adopted by the district.

202 ~~(II) The annual salary adjustment under the performance~~
 203 ~~salary schedule for an employee rated as effective must be equal~~
 204 ~~to at least 50 percent and no more than 75 percent of the annual~~
 205 ~~adjustment provided for a highly effective employee of the same~~
 206 ~~classification.~~

207 ~~(III)~~ A salary schedule shall not provide an annual salary
 208 adjustment for an employee who receives a rating other than
 209 highly effective or effective for the year.

210 c. Salary supplements.—In addition to the salary
 211 adjustments, each district school board shall provide for salary
 212 supplements for activities that must include, but are not
 213 limited to:

214 (I) Assignment to a Title I eligible school.

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

219 (III) Certification and teaching in critical teacher
 220 shortage areas. Statewide critical teacher shortage areas shall
 221 be identified by the State Board of Education under s. 1012.07.
 222 However, the district school board may identify other areas of
 223 critical shortage within the school district for purposes of
 224 this sub-sub-subparagraph and may remove areas identified by the
 225 state board which do not apply within the school district.

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226 (IV) Assignment of additional academic responsibilities.

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228 If budget constraints in any given year limit a district school
229 board's ability to fully fund all adopted salary schedules, the
230 performance salary schedule shall not be reduced on the basis of
231 total cost or the value of individual awards in a manner that is
232 proportionally greater than reductions to any other salary
233 schedules adopted by the district.

234 Section 3. This act shall take effect July 1, 2022.