

1                                   A bill to be entitled  
 2           An act relating to school administrator and  
 3           instructional personnel salaries; amending s. 1011.62,  
 4           F.S.; revising the teacher salary increase allocation  
 5           to include additional instructional personnel;  
 6           conforming provisions to changes made by the act;  
 7           amending s. 1012.01, F.S.; revising the definition of  
 8           the term "classroom teacher"; amending s. 1012.22,  
 9           F.S.; deleting definitions of the terms "grandfathered  
 10          salary schedule" and "performance salary schedule";  
 11          authorizing, rather than requiring, district school  
 12          boards to provide salary adjustments for certain  
 13          personnel related to performance; conforming  
 14          provisions and cross-references to changes made by the  
 15          act; amending ss. 24.121, 1006.09, and 1012.28, F.S.;  
 16          conforming provisions to changes made by the act;  
 17          providing an effective date.

18  
 19 Be It Enacted by the Legislature of the State of Florida:

20  
 21           Section 1. Paragraph (f) of subsection (1) and subsections  
 22           (11) and (18) of section 1011.62, Florida Statutes, are amended  
 23           to read:

24           1011.62 Funds for operation of schools.—If the annual  
 25           allocation from the Florida Education Finance Program to each

26 | district for operation of schools is not determined in the  
 27 | annual appropriations act or the substantive bill implementing  
 28 | the annual appropriations act, it shall be determined as  
 29 | follows:

30 |       (1) COMPUTATION OF THE BASIC AMOUNT TO BE INCLUDED FOR  
 31 | OPERATION.—The following procedure shall be followed in  
 32 | determining the annual allocation to each district for  
 33 | operation:

34 |       (f) Supplemental academic instruction allocation.—

35 |       1. There is created the supplemental academic instruction  
 36 | allocation to provide supplemental academic instruction to  
 37 | students in kindergarten through grade 12.

38 |       2. The supplemental academic instruction allocation shall  
 39 | be provided annually in the Florida Education Finance Program as  
 40 | specified in the General Appropriations Act. These funds are in  
 41 | addition to the funds appropriated on the basis of FTE student  
 42 | membership in the Florida Education Finance Program and shall be  
 43 | included in the total potential funds of each district.

44 | Beginning with the 2018-2019 fiscal year, each school district  
 45 | that has a school earning a grade of "D" or "F" pursuant to s.  
 46 | 1008.34 must use that school's portion of the supplemental  
 47 | academic instruction allocation to implement intervention and  
 48 | support strategies for school improvement pursuant to s. 1008.33  
 49 | and for salary incentives pursuant to s. 1012.2315(3) ~~or salary~~  
 50 | ~~supplements pursuant to s. 1012.22(1)(c)5.c.~~ that are provided

51 through a memorandum of understanding between the collective  
52 bargaining agent and the school board that addresses the  
53 selection, placement, and expectations of instructional  
54 personnel and school administrators. Each school district that  
55 has one or more of the 300 lowest-performing elementary schools  
56 based on a 3-year average of the state reading assessment data  
57 must use that school's portion of the allocation to provide an  
58 additional hour per day of intensive reading for the students in  
59 the school. The additional hour may be provided within the  
60 school day. Students enrolled in these schools who earned a  
61 level 4 or level 5 score on the statewide, standardized English  
62 Language Arts assessment for the previous school year may  
63 participate in the extra hour of instruction. For all other  
64 schools, the school district's use of the supplemental academic  
65 instruction allocation may include, but is not limited to, the  
66 use of a modified curriculum, reading instruction, after-school  
67 instruction, tutoring, mentoring, a reduction in class size,  
68 extended school year, intensive skills development in summer  
69 school, dropout prevention programs as defined in ss. 1003.52  
70 and 1003.53(1)(a), (b), and (c), and other methods of improving  
71 student achievement. Supplemental academic instruction may be  
72 provided to a student in any manner and at any time during or  
73 beyond the regular 180-day term identified by the school as  
74 being the most effective and efficient way to best help that  
75 student progress from grade to grade and to graduate.

76           3. The supplemental academic instruction allocation shall  
77 consist of a base amount that has a workload adjustment based on  
78 changes in unweighted FTE. The supplemental academic instruction  
79 allocation shall be recalculated during the fiscal year. Upon  
80 recalculation of funding for the supplemental academic  
81 instruction allocation, if the total allocation is greater than  
82 the amount provided in the General Appropriations Act, the  
83 allocation shall be prorated to the level provided to support  
84 the appropriation, based on each district's share of the total.

85           4. Funding on the basis of FTE membership beyond the 180-  
86 day regular term shall be provided in the FEFP only for students  
87 enrolled in juvenile justice education programs or in education  
88 programs for juveniles placed in secure facilities or programs  
89 under s. 985.19. Funding for instruction beyond the regular 180-  
90 day school year for all other K-12 students shall be provided  
91 through the supplemental academic instruction allocation and  
92 other state, federal, and local fund sources with ample  
93 flexibility for schools to provide supplemental instruction to  
94 assist students in progressing from grade to grade and  
95 graduating.

96           (11) VIRTUAL EDUCATION CONTRIBUTION.—The Legislature may  
97 annually provide in the Florida Education Finance Program a  
98 virtual education contribution. The amount of the virtual  
99 education contribution shall be the difference between the  
100 amount per FTE established in the General Appropriations Act for

101 virtual education and the amount per FTE for each district and  
102 the Florida Virtual School, which may be calculated by taking  
103 the sum of the base FEFP allocation, the discretionary local  
104 effort, the state-funded discretionary contribution, the  
105 discretionary millage compression supplement, the research-based  
106 reading instruction allocation, the instructional personnel  
107 ~~teacher~~ salary increase allocation, and the instructional  
108 materials allocation, and then dividing by the total unweighted  
109 FTE. This difference shall be multiplied by the virtual  
110 education unweighted FTE for programs and options identified in  
111 s. 1002.455 and the Florida Virtual School and its franchises to  
112 equal the virtual education contribution and shall be included  
113 as a separate allocation in the funding formula.

114 (18) INSTRUCTIONAL PERSONNEL ~~TEACHER~~ SALARY INCREASE  
115 ALLOCATION.—The Legislature may annually provide in the Florida  
116 Education Finance Program an instructional personnel ~~a teacher~~  
117 salary increase allocation to assist school districts in their  
118 recruitment and retention of classroom teachers and other  
119 instructional personnel. The amount of the allocation shall be  
120 specified in the General Appropriations Act.

121 (a) Each school district shall receive an allocation based  
122 on the school district's proportionate share of the base FEFP  
123 allocation. Each school district shall provide each charter  
124 school within its district its proportionate share calculated  
125 pursuant to s. 1002.33(17)(b).

126           ~~(b) Allocation funds are restricted in use as follows:~~  
127           1. Each school district and charter school shall use its  
128 share of the allocation to increase the minimum base salary for  
129 full-time instructional personnel ~~classroom teachers~~, as defined  
130 in s. 1012.01(2)(a)-(d) ~~s. 1012.01(2)(a)~~, plus certified  
131 ~~prekindergarten teachers funded in the Florida Education Finance~~  
132 ~~Program~~, to at least \$47,500, or to the maximum amount  
133 achievable based on the allocation through collective  
134 bargaining, and as specified in the General Appropriations Act.  
135 The term "minimum base salary" means the lowest annual base  
136 salary reported on the salary schedule for a full-time  
137 instructional personnel ~~classroom teacher~~. No full-time  
138 instructional personnel ~~classroom teacher~~ shall receive a salary  
139 less than the minimum base salary as adjusted by this  
140 subparagraph. This subparagraph does not apply to substitute  
141 teachers.

142           ~~2. In addition, each school district shall use its share~~  
143 ~~of the allocation to provide salary increases, as funding~~  
144 ~~permits, for the following personnel:~~

145           ~~a. Full-time classroom teachers, as defined in s.~~  
146 ~~1012.01(2)(a), plus certified prekindergarten teachers funded in~~  
147 ~~the Florida Education Finance Program, who did not receive an~~  
148 ~~increase or who received an increase of less than 2 percent~~  
149 ~~under subparagraph 1. or as specified in the General~~  
150 ~~Appropriations Act. This subparagraph does not apply to~~

151 ~~substitute teachers.~~

152 ~~b. Other full-time instructional personnel as defined in~~  
153 ~~s. 1012.01(2)(b)-(d).~~

154 ~~3. A school district or charter school may use funds~~  
155 ~~available after the requirements of subparagraph 1. are met to~~  
156 ~~provide salary increases pursuant to subparagraph 2.~~

157 2.4. A school district or charter school shall maintain  
158 the minimum base salary achieved for instructional personnel  
159 ~~classroom teachers~~ provided under subparagraph 1. ~~and may not~~  
160 ~~reduce the salary increases provided under subparagraph 2. in~~  
161 ~~any subsequent fiscal year, unless specifically authorized in~~  
162 ~~the General Appropriations Act.~~

163 (c) Before distributing allocation funds received pursuant  
164 to paragraph (a), each school district and each charter school  
165 shall develop a salary distribution plan that clearly delineates  
166 the planned distribution of funds pursuant to paragraph (b) in  
167 accordance with modified salary schedules, as necessary, for the  
168 implementation of this subsection.

169 1. Each school district superintendent and each charter  
170 school administrator must submit its proposed salary  
171 distribution plan to the district school board or the charter  
172 school governing body, as appropriate, for approval.

173 2. Each school district shall submit the approved district  
174 salary distribution plan, along with the approved salary  
175 distribution plan for each charter school in the district, to

176 the department by October 1 of each fiscal year.

177 (d) In a format specified by the department, provide as  
178 follows:

179 1. By December 1, each school district shall provide a  
180 preliminary report to the department that includes a detailed  
181 summary explaining the school district's planned expenditure of  
182 the entire allocation for the district received pursuant to  
183 paragraph (a), the amount of the increase to the minimum base  
184 salary for instructional personnel ~~classroom teachers~~ pursuant  
185 to paragraph (b), and the school district's salary schedule for  
186 the prior fiscal year and the fiscal year in which the base  
187 salary is increased. Each charter school governing board shall  
188 submit the information required under this subparagraph to the  
189 district school board for inclusion in the school district's  
190 preliminary report to the department.

191 2. By February 1, the department shall submit to the  
192 Governor, the President of the Senate, and the Speaker of the  
193 House of Representatives a statewide report on the planned  
194 expenditure of the instructional personnel ~~teacher~~ salary  
195 increase allocation, which includes the detailed summary  
196 provided by each school district and charter school.

197 3. By August 1, each school district shall provide a final  
198 report to the department with the information required in  
199 subparagraph 1. for the prior fiscal year. Each charter school  
200 governing board shall submit the information required under this



201 subparagraph to the district school board for inclusion in the  
202 school district's final report to the department.

203 (e) Although district school boards and charter school  
204 governing boards are not precluded from bargaining over wages,  
205 the instructional personnel ~~teacher~~ salary increase allocation  
206 must be used solely to comply with the requirements of this  
207 section. A district school board or charter school governing  
208 board that is unable to meet the reporting requirements  
209 specified in paragraph (c) or paragraph (d) due to a collective  
210 bargaining impasse must provide written notification to the  
211 department or the district school board, as applicable,  
212 detailing the reasons for the impasse with a proposed timeline  
213 and details for a resolution.

214 (f) Notwithstanding any other provision of law, funds  
215 allocated under this subsection shall not be included in the  
216 calculated amount for any scholarship awarded under chapter  
217 1002.

218 Section 2. Paragraph (a) of subsection (2) of section  
219 1012.01, Florida Statutes, is amended to read:

220 1012.01 Definitions.—As used in this chapter, the  
221 following terms have the following meanings:

222 (2) INSTRUCTIONAL PERSONNEL.—"Instructional personnel"  
223 means any K-12 staff member whose function includes the  
224 provision of direct instructional services to students.  
225 Instructional personnel also includes K-12 personnel whose

226 functions provide direct support in the learning process of  
 227 students. Included in the classification of instructional  
 228 personnel are the following K-12 personnel:

229 (a) Classroom teachers.—Classroom teachers are staff  
 230 members assigned the professional activity of instructing  
 231 students in courses in classroom situations, including basic  
 232 instruction, exceptional student education, career education,  
 233 ~~and~~ adult education, and certified prekindergarten, including  
 234 substitute teachers.

235 Section 3. Paragraph (c) of subsection (1) of section  
 236 1012.22, Florida Statutes, is amended to read:

237 1012.22 Public school personnel; powers and duties of the  
 238 district school board.—The district school board shall:

239 (1) Designate positions to be filled, prescribe  
 240 qualifications for those positions, and provide for the  
 241 appointment, compensation, promotion, suspension, and dismissal  
 242 of employees as follows, subject to the requirements of this  
 243 chapter:

244 (c) Compensation and salary schedules.—

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

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

250 ~~b. "Grandfathered salary schedule" means the salary~~

251 ~~schedule or schedules adopted by a district school board before~~  
252 ~~July 1, 2014, pursuant to subparagraph 4.~~

253 b.e. "Instructional personnel" means instructional  
254 personnel as defined in s. 1012.01(2)(a)-(d), excluding  
255 substitute teachers.

256 ~~d. "Performance salary schedule" means the salary schedule~~  
257 ~~or schedules adopted by a district school board pursuant to~~  
258 ~~subparagraph 5.~~

259 c.e. "Salary schedule" means the schedule or schedules  
260 used to provide the base salary for district school board  
261 personnel.

262 d.f. "School administrator" means a school administrator  
263 as defined in s. 1012.01(3)(c).

264 e.g. "Supplement" means an annual addition to the base  
265 salary for the term of the negotiated supplement as long as the  
266 employee continues his or her employment for the purpose of the  
267 supplement. A supplement does not become part of the employee's  
268 continuing base salary but shall be considered compensation  
269 under s. 121.021(22).

270 2. Cost-of-living adjustment.—A district school board may  
271 provide a cost-of-living salary adjustment if the adjustment+

272 ~~a.~~ does not discriminate among comparable classes of  
273 employees based upon the salary schedule under which they are  
274 compensated.

275 ~~b. Does not exceed 50 percent of the annual adjustment~~

276 ~~provided to instructional personnel rated as effective.~~

277 3. Advanced degrees.—A district school board may not use  
278 advanced degrees in setting a salary schedule for instructional  
279 personnel or school administrators ~~hired on or after July 1,~~  
280 ~~2011, unless the advanced degree is held in the individual's~~  
281 ~~area of certification and is only a salary supplement.~~

282 4. Grandfathered Salary schedule.—

283 a. The district school board shall adopt a salary schedule  
284 or salary schedules to be used as the basis for paying all  
285 school employees ~~hired before July 1, 2014. Instructional~~  
286 ~~personnel on annual contract as of July 1, 2014, shall be placed~~  
287 ~~on the performance salary schedule adopted under subparagraph 5.~~  
288 ~~Instructional personnel on continuing contract or professional~~  
289 ~~service contract may opt into the performance salary schedule if~~  
290 ~~the employee relinquishes such contract and agrees to be~~  
291 ~~employed on an annual contract under s. 1012.335. Such an~~  
292 ~~employee shall be placed on the performance salary schedule and~~  
293 ~~may not return to continuing contract or professional service~~  
294 ~~contract status. Any employee who opts into the performance~~  
295 ~~salary schedule may not return to the grandfathered salary~~  
296 ~~schedule.~~

297 b. In determining the ~~grandfathered~~ salary schedule for  
298 instructional personnel, a district school board may ~~must~~ base a  
299 portion of each employee's compensation upon performance  
300 demonstrated under s. 1012.34 and shall provide differentiated

301 pay for both instructional personnel and school administrators  
302 based upon district-determined factors, including, but not  
303 limited to, additional responsibilities, school demographics,  
304 critical shortage areas, and level of job performance  
305 difficulties.

306 ~~5. Performance salary schedule. By July 1, 2014, the~~  
307 ~~district school board shall adopt a performance salary schedule~~  
308 ~~that provides annual salary adjustments for instructional~~  
309 ~~personnel and school administrators based upon performance~~  
310 ~~determined under s. 1012.34. Employees hired on or after July 1,~~  
311 ~~2014, or employees who choose to move from the grandfathered~~  
312 ~~salary schedule to the performance salary schedule shall be~~  
313 ~~compensated pursuant to the performance salary schedule once~~  
314 ~~they have received the appropriate performance evaluation for~~  
315 ~~this purpose.~~

316 ~~a. Base salary. The base salary shall be established as~~  
317 ~~follows:~~

318 ~~(I) The base salary for instructional personnel or school~~  
319 ~~administrators who opt into the performance salary schedule~~  
320 ~~shall be the salary paid in the prior year, including~~  
321 ~~adjustments only.~~

322 ~~(II) Beginning July 1, 2014, instructional personnel or~~  
323 ~~school administrators new to the district, returning to the~~  
324 ~~district after a break in service without an authorized leave of~~  
325 ~~absence, or appointed for the first time to a position in the~~

326 ~~district in the capacity of instructional personnel or school~~  
327 ~~administrator shall be placed on the performance salary~~  
328 ~~schedule.~~

329 5.b. Salary adjustments.—A district school board may  
330 provide salary adjustments for highly effective or effective  
331 performance. ~~shall be established as follows:~~

332 ~~(I) The annual salary adjustment under the performance~~  
333 ~~salary schedule for an employee rated as highly effective must~~  
334 ~~be greater than the highest annual salary adjustment available~~  
335 ~~to an employee of the same classification through any other~~  
336 ~~salary schedule adopted by the district.~~

337 ~~(II) The annual salary adjustment under the performance~~  
338 ~~salary schedule for an employee rated as effective must be equal~~  
339 ~~to at least 50 percent and no more than 75 percent of the annual~~  
340 ~~adjustment provided for a highly effective employee of the same~~  
341 ~~classification.~~

342 ~~(III) The performance salary schedule shall not provide an~~  
343 ~~annual salary adjustment for an employee who receives a rating~~  
344 ~~other than highly effective or effective for the year.~~

345 6.e. Salary supplements.—In addition to the salary  
346 adjustments, each district school board shall provide for salary  
347 supplements for activities that must include, but are not  
348 limited to:

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

350 b.(II) Assignment to a school that earned a grade of "F"

351 or three consecutive grades of "D" pursuant to s. 1008.34 such  
 352 that the supplement remains in force for at least 1 year  
 353 following improved performance in that school.

354 c.~~(III)~~ Certification and teaching in critical teacher  
 355 shortage areas. Statewide critical teacher shortage areas shall  
 356 be identified by the State Board of Education under s. 1012.07.  
 357 However, the district school board may identify other areas of  
 358 critical shortage within the school district for purposes of  
 359 this sub-subparagraph ~~sub-sub-subparagraph~~ and may remove areas  
 360 identified by the state board which do not apply within the  
 361 school district.

362 d.~~(IV)~~ Assignment of additional academic responsibilities.

363  
 364 ~~If budget constraints in any given year limit a district school~~  
 365 ~~board's ability to fully fund all adopted salary schedules, the~~  
 366 ~~performance salary schedule shall not be reduced on the basis of~~  
 367 ~~total cost or the value of individual awards in a manner that is~~  
 368 ~~proportionally greater than reductions to any other salary~~  
 369 ~~schedules adopted by the district.~~

370 Section 4. Paragraph (d) of subsection (5) of section  
 371 24.121, Florida Statutes, is amended to read:

372 24.121 Allocation of revenues and expenditure of funds for  
 373 public education.—

374 (5)

375 (d) No funds shall be released for any purpose from the

376 Educational Enhancement Trust Fund to any school district in  
 377 which one or more schools do not have an approved school  
 378 improvement plan pursuant to s. 1001.42(18) or do not comply  
 379 with school advisory council membership composition requirements  
 380 pursuant to s. 1001.452(1). ~~The Commissioner of Education shall~~  
 381 ~~withhold disbursements from the trust fund to any school~~  
 382 ~~district that fails to adopt the performance-based salary~~  
 383 ~~schedule required by s. 1012.22(1).~~

384 Section 5. Subsection (4) of section 1006.09, Florida  
 385 Statutes, is amended to read:

386 1006.09 Duties of school principal relating to student  
 387 discipline and school safety.—

388 (4) When a student has been the victim of a violent crime  
 389 perpetrated by another student who attends the same school, the  
 390 school principal shall make full and effective use of the  
 391 provisions of subsection (2) and s. 1006.13(6). A school  
 392 principal who fails to comply with this subsection shall be  
 393 ineligible for ~~any portion of the performance pay or the~~  
 394 differentiated pay under s. 1012.22. However, if any party  
 395 responsible for notification fails to properly notify the  
 396 school, the school principal shall be eligible for the  
 397 ~~performance pay or differentiated pay.~~

398 Section 6. Subsection (7) of section 1012.28, Florida  
 399 Statutes, is amended to read:

400 1012.28 Public school personnel; duties of school



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401 principals.-

402 (7) A school principal who fails to comply with this  
403 section shall be ineligible for any portion of the ~~performance~~  
404 ~~pay and~~ differentiated pay under s. 1012.22.

405 Section 7. This act shall take effect July 1, 2021.