

## 2023 Florida Laws that Govern Instructional Employees' Salary Negotiations

**Note: State laws are quoted in part for convenience and clarity. The titles of the state laws link to the state laws in their entirety.**

### 1. Classroom Teacher and Other Instructional Personnel Salary Increase (CTOIPS) [formerly Teacher Salary Increase Allocation (TSIA)]

[\[2023-2024 General Appropriations Act \(GAA\), Senate Bill 2500 \(2023\); Approved June 15, 2023; page 24\]](#)

“From the funds in Specific Appropriations 5 and 80, 4.52 percent, or \$802,474,026, of the base Florida Education Finance Program funding is provided to maintain prior year salary increases provided to classroom teachers and other instructional personnel through the Teacher Salary Increase Allocation.”

[\[2023-2024 Education Conforming Bill, House Bill 5101 \(2023\); Approved July 01, 2023; page 55\]](#)

“(14) CLASSROOM TEACHER AND OTHER INSTRUCTIONAL PERSONNEL SALARY INCREASE. – The Legislature shall may annually apportion an amount of funds provided in the Florida Education Finance Program to assist school districts and charter schools in their compliance with the requirement that the minimum base salary for full-time classroom teachers, as defined in s. 1012.01(2)(a), and certified prekindergarten teachers funded in the Florida Education Finance Program is at least \$47,500 or to provide salary increases to instructional personnel, as defined in s. 1012.01(2)(a)-(d), in a manner that best meets the needs of the school district or charter school. This subsection does not apply to substitute teachers. The amount and distribution methodology for the funding shall be specified in the General Appropriations Act.”

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### 2. Performance and Grandfather Salary Schedules

[Section 1012.22\(1\)\(c\) – Public school personnel; powers and duties of the district school board, Florida Statutes](#)

“(1)(c) Compensation and salary schedules. –

1. Definitions. – As used in this paragraph:

a. “Adjustment” means an addition to the base salary schedule that is not a bonus and becomes part of the employee’s permanent base salary and shall be considered compensation under s. 121.021(22). ...

g. “Supplement” means an annual addition to the base salary for the term of the negotiated supplement as long as the employee continues his or her employment for the purpose of the supplement. A supplement does not become part of the employee’s continuing base salary but shall be considered compensation under s. 121.021(22). ...

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

- a. Does not discriminate among comparable classes of employees based upon the salary schedule under which they are compensated.
- b. Does not exceed 50 percent of the annual adjustment provided to instructional personnel rated as effective. ...

5. Performance salary schedule. ...

a. Base salary. – The base salary shall be established as follows:

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

b. Salary adjustments. – Salary adjustments for highly effective or effective performance shall be established as follows:

(I) The annual salary adjustment under the performance salary schedule for an employee rated as highly effective must be at least 25 percent greater than the highest annual salary adjustment available to an employee of the same classification through any other salary schedule adopted by the district.

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

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

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

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**Section 1011.62(14) – Funds for the operation of schools**

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

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

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

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

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

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

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

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

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

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

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

2. Each school district shall submit the approved district salary distribution plan, along with the approved salary distribution plan for each charter school in the district, to the department by October 1 of each fiscal year.

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

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

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

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

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

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### 3. Definition of Compensation Included within Florida Retirement System Benefits

#### Section 121.021(22) – Definitions [Florida Retirement System], Florida Statutes

"(22) 'Compensation' means the monthly salary paid a member by his or her employer for work performed arising from that employment.

(a) Compensation shall include: ...

3. Payments in addition to the employee's base rate of pay if all the following apply:

a. The payments are paid according to a formal written policy that applies to all eligible employees equally; ...

c. The payments are paid for as long as the employee continues his or her employment; and

d. The payments are paid at least annually. ..."