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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/22/2015	.	
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The Committee on Appropriations (Gaetz) recommended the following:

1 **Senate Amendment to Amendment (149946) (with title**
2 **amendment)**

3
4 Delete lines 2908 - 3156
5 and insert:

6 Section 48. Subsection (3) of section 1012.39, Florida
7 Statutes, is amended to read:

8 1012.39 Employment of substitute teachers, teachers of
9 adult education, nondegreed teachers of career education, and
10 career specialists; students performing clinical field



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11 experience.-

12 (3) A student who is enrolled in a state-approved teacher
13 preparation program in a postsecondary educational institution
14 that is approved by rules of the State Board of Education and
15 who is jointly assigned by the postsecondary educational
16 institution and a district school board to perform a clinical
17 field experience under the direction of a regularly employed and
18 certified educator shall, while serving such supervised clinical
19 field experience, be accorded the same protection of law as that
20 accorded to the certified educator except for the right to
21 bargain collectively as an employee of the district school
22 board. The district school board providing the clinical field
23 experience shall notify the student electronically or in writing
24 of the availability of educator liability insurance under s.
25 1012.75. A postsecondary educational institution or district
26 school board may not require a student enrolled in a state-
27 approved teacher preparation program to purchase liability
28 insurance as a condition of participation in any clinical field
29 experience or related activity on the premises of an elementary
30 or secondary school.

31 Section 49. Subsections (4), (5), and (6) of section
32 1012.71, Florida Statutes, are amended to read:

33 1012.71 The Florida Teachers Classroom Supply Assistance
34 Program.-

35 (4) Each classroom teacher must provide the school district
36 with receipts for the expenditure of the funds. If the classroom
37 teacher is provided funds in advance of expenditure, the ~~Each~~
38 classroom teacher must sign a statement acknowledging receipt of
39 the funds, provide ~~keep~~ receipts as requested by the school



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40 ~~district for no less than 4 years~~ to show that funds expended
41 meet the requirements of this section, and return any unused
42 funds to the district school board by ~~at~~ the end of the regular
43 school year. Any unused funds that are returned to the district
44 school board shall be deposited into the school advisory council
45 account of the school at which the classroom teacher returning
46 the funds was employed when that teacher received the funds or
47 deposited into the Florida Teachers Classroom Supply Assistance
48 Program account of the school district in which a charter school
49 is sponsored, as applicable.

50 ~~(5) The statement must be signed and dated by each~~
51 ~~classroom teacher before receipt of the Florida Teachers~~
52 ~~Classroom Supply Assistance Program funds and shall include the~~
53 ~~wording: "I, ... (name of teacher) ..., am employed by the~~
54 ~~....County District School Board or by theCharter School as~~
55 ~~a full-time classroom teacher. I acknowledge that Florida~~
56 ~~Teachers Classroom Supply Assistance Program funds are~~
57 ~~appropriated by the Legislature for the sole purpose of~~
58 ~~purchasing classroom materials and supplies to be used in the~~
59 ~~instruction of students assigned to me. In accepting custody of~~
60 ~~these funds, I agree to keep the receipts for all expenditures~~
61 ~~for no less than 4 years. I understand that if I do not keep the~~
62 ~~receipts, it will be my personal responsibility to pay any~~
63 ~~federal taxes due on these funds. I also agree to return any~~
64 ~~unexpended funds to the district school board at the end of the~~
65 ~~regular school year for deposit into the school advisory council~~
66 ~~account of the school where I was employed at the time I~~
67 ~~received the funds or for deposit into the Florida Teachers~~
68 ~~Classroom Supply Assistance Program account of the school~~



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69 ~~district in which the charter school is sponsored, as~~
70 ~~applicable."~~

71 (5) ~~(6)~~ The Department of Education and district school
72 boards may, and are encouraged to, enter into public-private
73 partnerships in order to increase the total amount of Florida
74 Teachers Classroom Supply Assistance Programs funds available to
75 classroom teachers.

76 Section 50. Section 1012.731, Florida Statutes, is created
77 to read:

78 1012.731 The Florida Best and Brightest Teacher Scholarship
79 Program.—

80 (1) The Legislature recognizes that, second only to
81 parents, teachers play the most critical role within schools in
82 preparing students to achieve a high level of academic
83 performance. The Legislature further recognizes that research
84 has linked student outcomes to a teacher's own academic
85 achievement. Therefore, it is the intent of the Legislature to
86 designate teachers who have achieved high academic standards
87 during their own education as Florida's best and brightest
88 teacher scholars.

89 (2) There is created the Florida Best and Brightest Teacher
90 Scholarship Program to be administered by the Department of
91 Education. Beginning in the 2015-2016 school year, the
92 scholarship program shall provide categorical funding for
93 scholarships to be awarded to teachers who have demonstrated a
94 high level of academic achievement.

95 (3) (a) To be eligible for a scholarship, a teacher:

96 1. Must have scored at or above the 80th percentile on
97 either the SAT or the ACT based upon the percentile ranks in



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98 effect when the teacher took the assessment and have been
99 evaluated as highly effective pursuant to s. 1012.34; or

100 2. If the teacher is a first-year teacher who has not been
101 evaluated pursuant to s. 1012.34, must have scored at or above
102 the 80th percentile on either the SAT or the ACT based upon the
103 percentile ranks in effect when the teacher took the assessment.

104 (b) In order to demonstrate eligibility for an award, an
105 eligible teacher must submit to the school district, no later
106 than October 1, an official record of his or her SAT or ACT
107 score demonstrating that the teacher scored at or above the 80th
108 percentile based upon the percentile ranks in effect when the
109 teacher took the assessment. Once a teacher is deemed eligible
110 by the school district, the teacher shall remain eligible as
111 long as he or she is employed by the school district and
112 maintains or, if the teacher is a first-year teacher, earns the
113 evaluation designation of highly effective pursuant to s.
114 1012.34.

115 (4) Annually, by December 1, each school district shall
116 submit to the department the number of eligible teachers who
117 qualify for the scholarship.

118 (5) Annually, by February 1, the department shall disburse
119 scholarship funds, in an amount prescribed annually by the
120 Legislature in the General Appropriations Act, to each school
121 district for each eligible teacher to receive a scholarship. If
122 the number of eligible teachers exceeds the total appropriation
123 authorized in the General Appropriation Act, the department
124 shall prorate the per teacher scholarship amount.

125 (6) Annually, by April 1, each school district shall
126 provide payment of the scholarship to each eligible teacher.



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127 (7) For purposes of this section, the term "school
128 district" includes the Florida School for the Deaf and the Blind
129 and charter school governing boards.

130 Section 51. Section 1012.75, Florida Statutes, is amended
131 to read:

132 1012.75 Liability of teacher or principal; ~~excessive~~
133 ~~force.~~—

134 (1) Except in the case of excessive force or cruel and
135 unusual punishment, a teacher or other member of the
136 instructional staff, a principal or the principal's designated
137 representative, or a bus driver shall not be civilly or
138 criminally liable for any action carried out in conformity with
139 State Board of Education and district school board rules
140 regarding the control, discipline, suspension, and expulsion of
141 students, including, but not limited to, any exercise of
142 authority under s. 1003.32 or s. 1006.09.

143 (2) The State Board of Education shall adopt rules that
144 outline administrative standards for the use of reasonable force
145 by school personnel to maintain a safe and orderly learning
146 environment. Such standards shall be distributed to each school
147 in the state and shall provide guidance to school personnel in
148 receiving the limitations on liability specified in this
149 section.

150 (3) Beginning with the 2015-2016 school year, the
151 Department of Education shall administer an educator liability
152 insurance program, as provided in the General Appropriation Act,
153 to protect full-time instructional personnel from liability for
154 monetary damages and the costs of defending actions resulting
155 from claims made against the instructional personnel arising out



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156 of occurrences in the course of activities within the
157 instructional personnel's professional capacity. For purposes of
158 this subsection, the terms "full-time," "part-time," and
159 "administrative personnel" shall be defined by the individual
160 district school board. For purposes of this subsection, the term
161 "instructional personnel" has the same meaning as provided in s.
162 1012.01(2).

163 (a) Liability coverage of at least \$2 million shall be
164 provided to all full-time instructional personnel. Liability
165 coverage may be provided to the following individuals who choose
166 to participate in the program, at cost: part-time instructional
167 personnel, administrative personnel, and students enrolled in a
168 state-approved teacher preparation program pursuant to s.
169 1012.39(3).

170 (b) Annually, by August 1, each district school board shall
171 notify personnel specified in paragraph (a) of the liability
172 coverage provided pursuant to this subsection. The department
173 shall develop the form of the notice which each district school
174 board must use. The notice must be on an 8 1/2-inch by 5 1/2-
175 inch postcard and include the amount of coverage, a general
176 description of the nature of the coverage, and the contact
177 information for coverage and claims questions. The notification
178 must be provided separately from any other correspondence. Each
179 district school board shall certify to the department, by August
180 5 of each year, that the notification required by this paragraph
181 has been provided.

182 (c) The department shall consult with the Department of
183 Financial Services to select the most economically prudent and
184 cost-effective means of implementing the program through self-



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185 insurance, a risk management program, or competitive
186 procurement. s. 1001.92

187 Section 52. Section 1001.92, Florida Statutes, is created
188 to read:

189 1001.92 State University System Performance-Based
190 Incentive.—

191 (1) The State University System Performance-Based Incentive
192 must be based on indicators of institutional attainment of
193 performance metrics adopted by the Board of Governors. The
194 performance-based funding metrics must include metrics that
195 measure graduation and retention rates; degree production;
196 affordability; postgraduation employment, salaries, or further
197 education; student loan default rates; access; and any other
198 metrics approved by the board.

199 (2) The Board of Governors shall evaluate the institutions'
200 performance on the metrics based on benchmarks adopted by the
201 board which measure the achievement of institutional excellence
202 or improvement. The amount of funds available for allocation to
203 the institutions each fiscal year based on the performance
204 funding model is composed of the state investment in performance
205 funding, plus an institutional investment consisting of funds to
206 be redistributed from the base funding of the State University
207 System, as determined in the General Appropriations Act. The
208 state investment shall be distributed in accordance with the
209 performance funding model. The institutional investment shall be
210 restored for all institutions that meet the board's minimum
211 performance threshold under the performance funding model. An
212 institution that is one of the bottom three institutions is not
213 eligible for the state investment. An institution that fails to



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214 meet the board's minimum performance funding threshold is not
215 eligible for the state investment, shall have a portion of its
216 institutional investment withheld, and shall submit an
217 improvement plan to the board which specifies the activities and
218 strategies for improving the institution's performance. The
219 board shall review the improvement plan, and if approved,
220 monitor the institution's progress in implementing the
221 activities and strategies specified in the improvement plan. The
222 Chancellor of the State University System shall withhold
223 disbursement of the institutional investment until such time as
224 the monitoring report for the institution is approved by the
225 board. Any institution that fails to make satisfactory progress
226 may not have its full institutional investment restored. If all
227 funds are not restored, any remaining funds shall be
228 redistributed to the top three scorers in accordance with the
229 board's performance funding model. The ability of an institution
230 to submit an improvement plan to the board is limited to 1
231 fiscal year. If an institution subject to an improvement plan
232 fails to meet the board's minimum performance funding threshold
233 during any future fiscal year, the institution's institutional
234 investment will be withheld by the board and redistributed to
235 the top three scorers in accordance with the board's performance
236 funding model.

237 (3) By October 1 of each year, the Board of Governors shall
238 submit to the Governor, the President of the Senate, and the
239 Speaker of the House of Representatives a report on the previous
240 year's performance funding allocation which reflects the
241 rankings and award distributions.

242 (4) The Board of Governors shall adopt a regulation to



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243 implement this section.

244 Section 53. Section 1001.815, Florida Statutes, is created
245 to read:

246 1001.815 Florida College System Performance Based
247 Incentive.-

248 (1) The Florida College System Performance-

249
250 ===== T I T L E A M E N D M E N T =====

251 And the title is amended as follows:

252 Delete lines 3624 - 3644

253 and insert:

254 amending s. 1012.34, F.S.; requiring that classroom
255 teacher performance evaluations be based upon the
256 performance of students with fewer than a specified
257 number of absences; amending s. 1012.39, F.S.;
258 providing requirements regarding liability insurance
259 for students performing clinical field experience;
260 amending s. 1012.71, F.S.; requiring a classroom
261 teacher to provide the school district with receipts
262 for the expenditure of certain funds; creating s.
263 1012.731, F.S.; providing legislative intent;
264 establishing the Florida Best and Brightest Teacher
265 Scholarship Program; providing eligibility criteria;
266 requiring a school district to annually submit the
267 number of eligible teachers to the department;
268 providing for funding and the disbursement of funds;
269 defining the term "school district" for purposes of
270 the act; amending s. 1012.75, F.S.; requiring the
271 department to administer an educator liability



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272 insurance program; defining terms; specifying program
273 administration and eligibility requirements; creating
274 ss. 1001.92 and 1001.815, F.S.; requiring the Board of
275 Governors and the