



314320

576-01815-16

Proposed Committee Substitute by the Committee on Appropriations  
(Appropriations Subcommittee on Education)

1                   A bill to be entitled  
2       An act relating to education; creating s. 1001.66,  
3       F.S.; creating a Florida College System Performance-  
4       Based Incentive for Florida College System  
5       institutions; requiring the State Board of Education  
6       to adopt certain metrics and benchmarks; providing for  
7       funding and allocation of the incentives; authorizing  
8       the state board to withhold an institution's incentive  
9       under certain circumstances; requiring the  
10      Commissioner of Education to withhold certain  
11      disbursements under certain circumstances; providing  
12      for reporting and rulemaking; amending s. 1001.7065,  
13      F.S., and reenacting subsection (1), relating to state  
14      university system shared governance collaboration;  
15      deleting obsolete provisions; revising the academic  
16      and research excellence standards for the preeminent  
17      state research universities program; requiring the  
18      Board of Governors to designate a state university  
19      that meets specified requirements as an "emerging  
20      preeminent state research university"; authorizing the  
21      Board of Governors to suspend, rescind, or revoke a  
22      university's designation under certain circumstances;  
23      requiring an emerging preeminent state research  
24      university to submit a certain plan to the board and  
25      meet specified expectations to receive certain funds;  
26      providing for the distribution of certain funding  
27      increases; deleting provisions relating to the



314320

576-01815-16

28 preeminent state research university enhancement  
29 initiative and special course requirement  
30 authorization; amending s. 1001.92, F.S.; requiring  
31 performance-based metrics to include specified wage  
32 thresholds; requiring the board to establish minimum  
33 performance funding eligibility thresholds;  
34 prohibiting a state university that fails to meet the  
35 state's threshold from eligibility for a share of the  
36 state's investment performance funding; requiring the  
37 board to adopt regulations; deleting an expiration;  
38 amending s. 1012.39, F.S.; providing requirements  
39 regarding liability insurance for students performing  
40 clinical field experience; amending s. 1012.75, F.S.;  
41 requiring annual notification of liability insurance  
42 to specified personnel; abrogating the scheduled  
43 expiration of the educator liability insurance  
44 program; providing an effective date.

45

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

47

48 Section 1. Section 1001.66, Florida Statutes, is created to  
49 read:

50 1001.66 Florida College System Performance-Based  
51 Incentive.-

52 (1) A Florida College System Performance-Based Incentive  
53 shall be awarded to Florida College System institutions using  
54 performance-based metrics adopted by the State Board of  
55 Education. The performance-based metrics must include retention  
56 rates; program completion and graduation rates; postgraduation



314320

576-01815-16

57 employment, salaries, and continuing education for workforce  
58 education and baccalaureate programs, with wage thresholds that  
59 reflect the added value of the certificate or degree; and  
60 outcome measures appropriate for associate of arts degree  
61 recipients. The state board shall adopt benchmarks to evaluate  
62 each institution's performance on the metrics to measure the  
63 institution's achievement of institutional excellence or need  
64 for improvement and minimum requirements for eligibility to  
65 receive performance funding.

66 (2) Each fiscal year, the amount of funds available for  
67 allocation to the Florida College System institutions based on  
68 the performance-based funding model shall consist of the state's  
69 investment in performance funding plus institutional investments  
70 consisting of funds to be redistributed from the base funding of  
71 the Florida College System Program Fund as determined in the  
72 General Appropriations Act. The State Board of Education shall  
73 establish minimum performance funding eligibility thresholds for  
74 the state's investment and the institutional investments. An  
75 institution that fails to meet the minimum state investment  
76 performance funding eligibility threshold is ineligible for a  
77 share of the state's investment in performance funding. The  
78 institutional investment shall be restored for all institutions  
79 eligible for the state's investment under the performance-based  
80 funding model.

81 (3) (a) Each Florida College System institution's share of  
82 the performance funding shall be calculated based on its  
83 relative performance on the established metrics in conjunction  
84 with the institutional size and scope.

85 (b) A Florida College System institution that fails to meet



314320

576-01815-16

86 the State Board of Education's minimum institutional investment  
87 performance funding eligibility threshold shall have a portion  
88 of its institutional investment withheld by the state board and  
89 must submit an improvement plan to the state board which  
90 specifies the activities and strategies for improving the  
91 institution's performance. The state board must review and  
92 approve the improvement plan and, if the plan is approved, must  
93 monitor the institution's progress in implementing the  
94 activities and strategies specified in the improvement plan. The  
95 institution shall submit monitoring reports to the state board  
96 by December 31 and May 31 of each year in which an improvement  
97 plan is in place. The ability of an institution to submit an  
98 improvement plan to the state board is limited to 1 fiscal year.

99 (c) The Commissioner of Education shall withhold  
100 disbursement of the institutional investment until the  
101 monitoring report is approved by the State Board of Education. A  
102 Florida College System institution determined by the state board  
103 to be making satisfactory progress on implementing the  
104 improvement plan shall receive no more than one-half of the  
105 withheld institutional investment in January and the balance of  
106 the withheld institutional investment in June. An institution  
107 that fails to make satisfactory progress may not have its full  
108 institutional investment restored. Any institutional investment  
109 funds that are not restored shall be redistributed in accordance  
110 with the state board's performance-based metrics.

111 (4) Distributions of performance funding, as provided in  
112 this section, shall be made to each of the Florida College  
113 System institutions listed in the Florida Colleges category in  
114 the General Appropriations Act.



314320

576-01815-16

115 (5) By October 1 of each year, the State Board of Education  
116 shall submit to the Governor, the President of the Senate, and  
117 the Speaker of the House of Representatives a report on the  
118 previous fiscal year's performance funding allocation, which  
119 must reflect the rankings and award distributions.

120 (6) The State Board of Education shall adopt rules to  
121 administer this section.

122 Section 2. Subsection (1) of section 1001.7065, Florida  
123 Statutes, is reenacted, and subsections (2), (3), and (5)  
124 through (9) of that section are amended, to read:

125 1001.7065 Preeminent state research universities program.—

126 (1) STATE UNIVERSITY SYSTEM SHARED GOVERNANCE  
127 COLLABORATION.—A collaborative partnership is established  
128 between the Board of Governors and the Legislature to elevate  
129 the academic and research preeminence of Florida's highest-  
130 performing state research universities in accordance with this  
131 section. The partnership stems from the State University System  
132 Governance Agreement executed on March 24, 2010, wherein the  
133 Board of Governors and leaders of the Legislature agreed to a  
134 framework for the collaborative exercise of their joint  
135 authority and shared responsibility for the State University  
136 System. The governance agreement confirmed the commitment of the  
137 Board of Governors and the Legislature to continue collaboration  
138 on accountability measures, the use of data, and recommendations  
139 derived from such data.

140 (2) ACADEMIC AND RESEARCH EXCELLENCE STANDARDS.—~~Effective~~  
141 ~~July 1, 2013,~~ The following academic and research excellence  
142 standards are established for the preeminent state research  
143 universities program:



314320

576-01815-16

144 (a) An average weighted grade point average of 4.0 or  
145 higher on a 4.0 scale and an average SAT score of 1800 or higher  
146 on a 2400-point scale or 1200 or higher on a 1600-point scale  
147 for fall semester incoming freshmen, as reported annually.

148 (b) A top-50 ranking on at least two well-known and highly  
149 respected national public university rankings, including, but  
150 not limited to, the U.S. News and World Report rankings,  
151 reflecting national preeminence, using most recent rankings.

152 (c) A freshman retention rate of 90 percent or higher for  
153 full-time, first-time-in-college students, as reported annually  
154 to the Integrated Postsecondary Education Data System (IPEDS).

155 (d) A 6-year graduation rate of 70 percent or higher for  
156 full-time, first-time-in-college students, as reported annually  
157 to the IPEDS.

158 (e) Six or more faculty members at the state university who  
159 are members of a national academy, as reported by the Center for  
160 Measuring University Performance in the Top American Research  
161 Universities (TARU) annual report or the official membership  
162 directories maintained by each national academy.

163 (f) Total annual research expenditures, including federal  
164 research expenditures, of \$200 million or more, as reported  
165 annually by the National Science Foundation (NSF).

166 (g) Total annual research expenditures in diversified  
167 nonmedical sciences of \$150 million or more, based on data  
168 reported annually by the NSF.

169 (h) A top-100 university national ranking for research  
170 expenditures in five or more science, technology, engineering,  
171 or mathematics fields of study, as reported annually by the NSF.

172 (i) One hundred or more total patents awarded by the United



314320

576-01815-16

173 States Patent and Trademark Office for the most recent 3-year  
174 period.

175 (j) Four hundred or more doctoral degrees awarded annually,  
176 including professional doctoral degrees awarded in medical and  
177 health care disciplines, as reported in the Board of Governors  
178 Annual Accountability Report.

179 (k) Two hundred or more postdoctoral appointees annually,  
180 as reported in the TARU annual report.

181 (l) An endowment of \$500 million or more, as reported in  
182 the Board of Governors Annual Accountability Report.

183 (3) PREEMINENT STATE RESEARCH UNIVERSITY DESIGNATION.—

184 (a) The Board of Governors shall designate each state  
185 ~~research~~ university that meets at least 11 of the 12 academic  
186 and research excellence standards identified in subsection (2)  
187 as a "preeminent state research university." ~~preeminent state~~  
188 ~~research university.~~

189 (b) The Board of Governors shall designate each state  
190 university that meets at least 6 of the 12 academic and research  
191 excellence standards identified in subsection (2) as an  
192 "emerging preeminent state research university."

193  
194 The Board of Governors may, upon petition of a university  
195 designated under this subsection, temporarily suspend or rescind  
196 the designation, or may, with the concurrence of the Governor,  
197 the President of the Senate, and the Speaker of the House of  
198 Representatives, revoke the designation of a university under  
199 this subsection.

200 (5) PREEMINENT STATE RESEARCH UNIVERSITIES PROGRAM  
201 ~~UNIVERSITY~~ SUPPORT.—



314320

576-01815-16

202        (a) A state ~~research~~ university that is designated as a  
203 preeminent state research university, as of July 1, 2013, meets  
204 all 12 of the academic and research excellence standards  
205 identified in subsection (2), as verified by the Board of  
206 Governors, shall submit to the Board of Governors a 5-year  
207 benchmark plan with target rankings on key performance metrics  
208 for national excellence. Upon approval by the Board of  
209 Governors, and upon the university's meeting the benchmark plan  
210 goals annually, the Board of Governors shall award the  
211 university its proportionate share of any funds provided  
212 annually to support the program created under this section an  
213 amount specified in the General Appropriations Act to be  
214 provided annually throughout the 5-year period. Funding for this  
215 purpose is contingent upon specific appropriation in the General  
216 Appropriations Act.

217        (b) A state university designated as an emerging preeminent  
218 state research university shall submit to the Board of Governors  
219 a 5-year benchmark plan with target rankings on key performance  
220 metrics for national excellence. Upon approval by the Board of  
221 Governors, and upon the university's meeting the benchmark plan  
222 goals annually, the Board of Governors shall award the  
223 university its proportionate share of any funds provided  
224 annually to support the program created under this section.

225        (c) The award of funds under this subsection is contingent  
226 upon funding provided in the General Appropriations Act to  
227 support the preeminent state research universities program  
228 created under this section. Funding increases appropriated  
229 beyond the amounts funded in the previous fiscal year shall be  
230 distributed as follows:





314320

576-01815-16

231 1. Each designated preeminent state research university  
232 that meets the criteria in paragraph (a) shall receive an equal  
233 amount of funding.

234 2. Each designated emerging preeminent state research  
235 university that meets the criteria in paragraph (b) shall  
236 receive an amount of funding that is equal to one-half of the  
237 total increased amount awarded to each designated preeminent  
238 state research university.

239 ~~(6) PREEMINENT STATE RESEARCH UNIVERSITY ENHANCEMENT~~  
240 ~~INITIATIVE. A state research university that, as of July 1,~~  
241 ~~2013, meets 11 of the 12 academic and research excellence~~  
242 ~~standards identified in subsection (2), as verified by the Board~~  
243 ~~of Governors, shall submit to the Board of Governors a 5-year~~  
244 ~~benchmark plan with target rankings on key performance metrics~~  
245 ~~for national excellence. Upon the university's meeting the~~  
246 ~~benchmark plan goals annually, the Board of Governors shall~~  
247 ~~award the university an amount specified in the General~~  
248 ~~Appropriations Act to be provided annually throughout the 5-year~~  
249 ~~period for the purpose of recruiting National Academy Members,~~  
250 ~~expediting the provision of a master's degree in cloud~~  
251 ~~virtualization, and instituting an entrepreneurs-in-residence~~  
252 ~~program throughout its campus. Funding for this purpose is~~  
253 ~~contingent upon specific appropriation in the General~~  
254 ~~Appropriations Act.~~

255 ~~(7) PREEMINENT STATE RESEARCH UNIVERSITY SPECIAL COURSE~~  
256 ~~REQUIREMENT AUTHORITY. In order to provide a jointly shared~~  
257 ~~educational experience, a university that is designated a~~  
258 ~~preeminent state research university may require its incoming~~  
259 ~~first-time-in-college students to take a 9-to-12-credit set of~~



314320

576-01815-16

260 ~~unique courses specifically determined by the university and~~  
261 ~~published on the university's website. The university may~~  
262 ~~stipulate that credit for such courses may not be earned through~~  
263 ~~any acceleration mechanism pursuant to s. 1007.27 or s. 1007.271~~  
264 ~~or any other transfer credit. All accelerated credits earned up~~  
265 ~~to the limits specified in ss. 1007.27 and 1007.271 shall be~~  
266 ~~applied toward graduation at the student's request.~~

267 ~~(6)-(8)~~ PREEMINENT STATE RESEARCH UNIVERSITY FLEXIBILITY  
268 AUTHORITY.—The Board of Governors is encouraged to identify and  
269 grant all reasonable, feasible authority and flexibility to  
270 ensure that a designated preeminent state research university is  
271 free from unnecessary restrictions.

272 ~~(7)-(9)~~ PROGRAMS OF EXCELLENCE THROUGHOUT THE STATE  
273 UNIVERSITY SYSTEM.—The Board of Governors is encouraged to  
274 establish standards and measures whereby individual programs in  
275 state universities that objectively reflect national excellence  
276 can be identified and make recommendations to the Legislature as  
277 to how any such programs could be enhanced and promoted.

278 Section 3. Section 1001.92, Florida Statutes, is amended to  
279 read:

280 1001.92 State University System Performance-Based  
281 Incentive.—

282 (1) A State University System Performance-Based Incentive  
283 shall be awarded to state universities using performance-based  
284 metrics adopted by the Board of Governors of the State  
285 University System. The performance-based metrics must include  
286 graduation rates;i retention rates;i postgraduation education  
287 rates;i degree production;i affordability;i postgraduation  
288 employment and salaries, including wage thresholds that reflect



314320

576-01815-16

289 the added value of a baccalaureate degree; access; and other  
290 metrics approved by the board in a formally noticed meeting. The  
291 board shall adopt benchmarks to evaluate each state university's  
292 performance on the metrics to measure the state university's  
293 achievement of institutional excellence or need for improvement  
294 and minimum requirements for eligibility to receive performance  
295 funding.

296 (2) Each fiscal year, the amount of funds available for  
297 allocation to the state universities based on the performance-  
298 based funding model ~~metrics~~ shall consist of the state's  
299 investment in appropriation for performance funding, ~~including~~  
300 ~~increases in base funding~~ plus institutional investments  
301 consisting of funds deducted from the base funding of each state  
302 university in the State University System, in an amount provided  
303 in the General Appropriations Act. The Board of Governors shall  
304 establish minimum performance funding eligibility thresholds for  
305 the state's investment and the institutional investments. A  
306 state university that fails to meet the minimum state investment  
307 performance funding eligibility threshold is ineligible for a  
308 share of the state's investment in performance funding. The  
309 institutional investment shall be restored for each institution  
310 eligible for the state's investment under the performance-based  
311 funding model ~~metrics~~.

312 (3) (a) A state university that fails to meet the Board of  
313 Governors' minimum institutional investment performance funding  
314 eligibility threshold shall have ~~a portion of~~ its institutional  
315 investment withheld by the board and must submit an improvement  
316 plan to the board that specifies the activities and strategies  
317 for improving the state university's performance. The board must



314320

576-01815-16

318 review and approve the improvement plan and, if the plan is  
319 approved, must monitor the state university's progress in  
320 implementing the activities and strategies specified in the  
321 improvement plan. The state university shall submit monitoring  
322 reports to the board by December 31 and May 31 of each year in  
323 which an improvement plan is in place. The ability of a state  
324 university to submit an improvement plan to the board is limited  
325 to 1 fiscal year.

326 (b) The Chancellor of the State University System shall  
327 withhold disbursement of the institutional investment until the  
328 monitoring report is approved by the Board of Governors. A state  
329 university ~~that is~~ determined by the board to be making  
330 satisfactory progress on implementing the improvement plan shall  
331 receive no more than one-half of the withheld institutional  
332 investment in January and the balance of the withheld  
333 institutional investment in June. A state university that fails  
334 to make satisfactory progress may not have its full  
335 institutional investment restored. Any institutional investment  
336 funds that are not restored shall be redistributed in accordance  
337 with the board's performance-based metrics.

338 (4) Distributions of performance funding, as provided in  
339 this section, shall be made to each of the state universities  
340 listed in the Education and General Activities category in the  
341 General Appropriations Act.

342 (5) By October 1 of each year, the Board of Governors shall  
343 submit to the Governor, the President of the Senate, and the  
344 Speaker of the House of Representatives a report on the previous  
345 fiscal year's performance funding allocation which must reflect  
346 the rankings and award distributions.



314320

576-01815-16

347           (6) The Board of Governors shall adopt regulations to  
348 administer this section ~~expires July 1, 2016.~~

349           Section 4. Subsection (3) of section 1012.39, Florida  
350 Statutes, is amended to read:

351           1012.39 Employment of substitute teachers, teachers of  
352 adult education, nondegreed teachers of career education, and  
353 career specialists; students performing clinical field  
354 experience.—

355           (3) A student who is enrolled in a state-approved teacher  
356 preparation program in a postsecondary educational institution  
357 that is approved by rules of the State Board of Education and  
358 who is jointly assigned by the postsecondary educational  
359 institution and a district school board to perform a clinical  
360 field experience under the direction of a regularly employed and  
361 certified educator shall, while serving such supervised clinical  
362 field experience, be accorded the same protection of law as that  
363 accorded to the certified educator except for the right to  
364 bargain collectively as an employee of the district school  
365 board. The district school board providing the clinical field  
366 experience shall notify the student electronically or in writing  
367 of the availability of educator liability insurance under s.  
368 1012.75. A postsecondary educational institution or district  
369 school board may not require a student enrolled in a state-  
370 approved teacher preparation program to purchase liability  
371 insurance as a condition of participation in any clinical field  
372 experience or related activity on the premises of an elementary  
373 or a secondary school.

374           Section 5. Subsection (3) of section 1012.75, Florida  
375 Statutes, is amended to read:



314320

576-01815-16

376           1012.75 Liability of teacher or principal; excessive  
377 force.—

378           (3) The Department of Education shall administer an  
379 educator liability insurance program, as provided in the General  
380 Appropriations Act, to protect full-time instructional personnel  
381 from liability for monetary damages and the costs of defending  
382 actions resulting from claims made against the instructional  
383 personnel arising out of occurrences in the course of activities  
384 within the instructional personnel's professional capacity. For  
385 purposes of this subsection, the terms "full-time," "part-time,"  
386 and "administrative personnel" shall be defined by the  
387 individual district school board. For purposes of this  
388 subsection, the term "instructional personnel" has the same  
389 meaning as provided in s. 1012.01(2).

390           (a) Liability coverage of at least \$2 million shall be  
391 provided to all full-time instructional personnel. Liability  
392 coverage may be provided to the following individuals who choose  
393 to participate in the program, at cost: part-time instructional  
394 personnel, administrative personnel, and students enrolled in a  
395 state-approved teacher preparation program pursuant to s.  
396 1012.39(3).

397           (b) By August 1 of each year, the department shall notify  
398 the personnel specified in paragraph (a) of the pending  
399 procurement for liability coverage. By September 1 of each year,  
400 each district school board shall notify the personnel specified  
401 in paragraph (a) of the liability coverage provided pursuant to  
402 this subsection. The department shall develop the form of the  
403 notice which shall be used by each district school board. The  
404 notice must be on an 8 1/2-inch by 5 1/2-inch postcard and



314320

576-01815-16

405 include the amount of coverage, a general description of the  
406 nature of the coverage, and the contact information for coverage  
407 and claims questions. The notification shall be provided  
408 separately from any other correspondence. Each district school  
409 board shall certify to the department, by September 15 of each  
410 year, that the notification required by this paragraph has been  
411 provided.

412 (c) The department shall consult with the Department of  
413 Financial Services to select the most economically prudent and  
414 cost-effective means of implementing the program through self-  
415 insurance, a risk management program, or competitive  
416 procurement.

417 ~~(d) This subsection expires July 1, 2016.~~

418 Section 6. This act shall take effect July 1, 2016.