



578672

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
12/07/2015	.	
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Appropriations Subcommittee on Education (Gaetz) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

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

1001.66 Florida College System Performance-Based  
Incentive.—

(1) A Florida College System Performance-Based Incentive  
shall be awarded to Florida College System institutions using



11 performance-based metrics adopted by the State Board of  
12 Education. The performance-based metrics must include retention  
13 rates; program completion and graduation rates; postgraduation  
14 employment, salaries, and continuing education for workforce  
15 education and baccalaureate programs, with wage thresholds that  
16 reflect the added value of the certificate or degree; and  
17 outcome measures appropriate for associate of arts degree  
18 recipients. The state board shall adopt benchmarks to evaluate  
19 each institution's performance on the metrics to measure the  
20 institution's achievement of institutional excellence or need  
21 for improvement and minimum requirements for eligibility to  
22 receive performance funding.

23 (2) Each fiscal year, the amount of funds available for  
24 allocation to the Florida College System institutions based on  
25 the performance-based funding model shall consist of the state's  
26 investment in performance funding plus institutional investments  
27 consisting of funds to be redistributed from the base funding of  
28 the Florida College System Program Fund as determined in the  
29 General Appropriations Act. The State Board of Education shall  
30 establish minimum performance funding eligibility thresholds for  
31 the state's investment and the institutional investments. An  
32 institution that fails to meet the minimum state investment  
33 performance funding eligibility threshold is ineligible for a  
34 share of the state's investment in performance funding. The  
35 institutional investment shall be restored for all institutions  
36 eligible for the state's investment under the performance-based  
37 funding model.

38 (3) (a) Each Florida College System institution's share of  
39 the performance funding shall be calculated based on its



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40 relative performance on the established metrics in conjunction  
41 with the institutional size and scope.

42 (b) A Florida College System institution that fails to meet  
43 the State Board of Education's minimum institutional investment  
44 performance funding eligibility threshold shall have a portion  
45 of its institutional investment withheld by the state board and  
46 must submit an improvement plan to the state board which  
47 specifies the activities and strategies for improving the  
48 institution's performance. The state board must review and  
49 approve the improvement plan and, if the plan is approved, must  
50 monitor the institution's progress in implementing the  
51 activities and strategies specified in the improvement plan. The  
52 institution shall submit monitoring reports to the state board  
53 by December 31 and May 31 of each year in which an improvement  
54 plan is in place. The ability of an institution to submit an  
55 improvement plan to the state board is limited to 1 fiscal year.

56 (c) The Commissioner of Education shall withhold  
57 disbursement of the institutional investment until the  
58 monitoring report is approved by the State Board of Education. A  
59 Florida College System institution determined by the state board  
60 to be making satisfactory progress on implementing the  
61 improvement plan shall receive no more than one-half of the  
62 withheld institutional investment in January and the balance of  
63 the withheld institutional investment in June. An institution  
64 that fails to make satisfactory progress may not have its full  
65 institutional investment restored. Any institutional investment  
66 funds that are not restored shall be redistributed in accordance  
67 with the state board's performance-based metrics.

68 (4) Distributions of performance funding, as provided in



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69 this section, shall be made to each of the Florida College  
70 System institutions listed in the Florida Colleges category in  
71 the General Appropriations Act.

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

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

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

82 1001.7065 Preeminent state research universities program.-

83 (1) STATE UNIVERSITY SYSTEM SHARED GOVERNANCE

84 COLLABORATION.—A collaborative partnership is established  
85 between the Board of Governors and the Legislature to elevate  
86 the academic and research preeminence of Florida's highest-  
87 performing state research universities in accordance with this  
88 section. The partnership stems from the State University System  
89 Governance Agreement executed on March 24, 2010, wherein the  
90 Board of Governors and leaders of the Legislature agreed to a  
91 framework for the collaborative exercise of their joint  
92 authority and shared responsibility for the State University  
93 System. The governance agreement confirmed the commitment of the  
94 Board of Governors and the Legislature to continue collaboration  
95 on accountability measures, the use of data, and recommendations  
96 derived from such data.

97 (2) ACADEMIC AND RESEARCH EXCELLENCE STANDARDS.—~~Effective~~



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98 ~~July 1, 2013,~~ The following academic and research excellence  
99 standards are established for the preeminent state research  
100 universities program:

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

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

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

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

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

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

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

126 (h) A top-100 university national ranking for research



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127 expenditures in five or more science, technology, engineering,  
128 or mathematics fields of study, as reported annually by the NSF.

129 (i) One hundred or more total patents awarded by the United  
130 States Patent and Trademark Office for the most recent 3-year  
131 period.

132 (j) Four hundred or more doctoral degrees awarded annually,  
133 including professional doctoral degrees awarded in medical and  
134 health care disciplines, as reported in the Board of Governors  
135 Annual Accountability Report.

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

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

140 (3) PREEMINENT STATE RESEARCH UNIVERSITY DESIGNATION.—

141 (a) The Board of Governors shall designate each state  
142 ~~research~~ university that meets at least 11 of the 12 academic  
143 and research excellence standards identified in subsection (2)  
144 as a "preeminent state research university." ~~preeminent state~~  
145 ~~research university.~~

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

150  
151 The Board of Governors may, upon petition of a university  
152 designated under this subsection, temporarily suspend or rescind  
153 the designation, or may, with the concurrence of the Governor,  
154 the President of the Senate, and the Speaker of the House of  
155 Representatives, revoke the designation of a university under



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156 this subsection.

157 (5) PREEMINENT STATE RESEARCH UNIVERSITIES PROGRAM  
158 UNIVERSITY SUPPORT.—

159 (a) A state ~~research~~ university that is designated as a  
160 preeminent state research university, ~~as of July 1, 2013,~~ meets  
161 all ~~12 of the academic and research excellence standards~~  
162 identified in subsection (2), as verified by the Board of  
163 Governors, shall submit to the Board of Governors a 5-year  
164 benchmark plan with target rankings on key performance metrics  
165 for national excellence. Upon approval by the Board of  
166 Governors, and upon the university's meeting the benchmark plan  
167 goals annually, the Board of Governors shall award the  
168 university its proportionate share of any funds provided  
169 annually to support the program created under this section ~~an~~  
170 amount specified in the General Appropriations Act to be  
171 provided annually throughout the 5-year period. Funding for this  
172 purpose is contingent upon specific appropriation in the General  
173 Appropriations Act.

174 (b) A state university designated as an emerging preeminent  
175 state research university shall submit to the Board of Governors  
176 a 5-year benchmark plan with target rankings on key performance  
177 metrics for national excellence. Upon approval by the Board of  
178 Governors, and upon the university's meeting the benchmark plan  
179 goals annually, the Board of Governors shall award the  
180 university its proportionate share of any funds provided  
181 annually to support the program created under this section.

182 (c) The award of funds under this subsection is contingent  
183 upon funding provided in the General Appropriations Act to  
184 support the preeminent state research universities program



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185 created under this section. Funding increases appropriated  
186 beyond the amounts funded in the previous fiscal year shall be  
187 distributed as follows:

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

191 2. Each designated emerging preeminent state research  
192 university that meets the criteria in paragraph (b) shall  
193 receive an amount of funding that is equal to one-half of the  
194 total increased amount awarded to each designated preeminent  
195 state research university.

196 ~~(6) PREEMINENT STATE RESEARCH UNIVERSITY ENHANCEMENT~~  
197 ~~INITIATIVE. A state research university that, as of July 1,~~  
198 ~~2013, meets 11 of the 12 academic and research excellence~~  
199 ~~standards identified in subsection (2), as verified by the Board~~  
200 ~~of Governors, shall submit to the Board of Governors a 5-year~~  
201 ~~benchmark plan with target rankings on key performance metrics~~  
202 ~~for national excellence. Upon the university's meeting the~~  
203 ~~benchmark plan goals annually, the Board of Governors shall~~  
204 ~~award the university an amount specified in the General~~  
205 ~~Appropriations Act to be provided annually throughout the 5-year~~  
206 ~~period for the purpose of recruiting National Academy Members,~~  
207 ~~expediting the provision of a master's degree in cloud~~  
208 ~~virtualization, and instituting an entrepreneurs-in-residence~~  
209 ~~program throughout its campus. Funding for this purpose is~~  
210 ~~contingent upon specific appropriation in the General~~  
211 ~~Appropriations Act.~~

212 ~~(7) PREEMINENT STATE RESEARCH UNIVERSITY SPECIAL COURSE~~  
213 ~~REQUIREMENT AUTHORITY. In order to provide a jointly shared~~





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214 ~~educational experience, a university that is designated a~~  
215 ~~preeminent state research university may require its incoming~~  
216 ~~first-time-in-college students to take a 9-to-12-credit set of~~  
217 ~~unique courses specifically determined by the university and~~  
218 ~~published on the university's website. The university may~~  
219 ~~stipulate that credit for such courses may not be earned through~~  
220 ~~any acceleration mechanism pursuant to s. 1007.27 or s. 1007.271~~  
221 ~~or any other transfer credit. All accelerated credits earned up~~  
222 ~~to the limits specified in ss. 1007.27 and 1007.271 shall be~~  
223 ~~applied toward graduation at the student's request.~~

224 ~~(6)(8)~~ PREEMINENT STATE RESEARCH UNIVERSITY FLEXIBILITY  
225 AUTHORITY.—The Board of Governors is encouraged to identify and  
226 grant all reasonable, feasible authority and flexibility to  
227 ensure that a designated preeminent state research university is  
228 free from unnecessary restrictions.

229 ~~(7)(9)~~ PROGRAMS OF EXCELLENCE THROUGHOUT THE STATE  
230 UNIVERSITY SYSTEM.—The Board of Governors is encouraged to  
231 establish standards and measures whereby individual programs in  
232 state universities that objectively reflect national excellence  
233 can be identified and make recommendations to the Legislature as  
234 to how any such programs could be enhanced and promoted.

235 Section 3. Section 1001.92, Florida Statutes, is amended to  
236 read:

237 1001.92 State University System Performance-Based  
238 Incentive.—

239 (1) A State University System Performance-Based Incentive  
240 shall be awarded to state universities using performance-based  
241 metrics adopted by the Board of Governors of the State  
242 University System. The performance-based metrics must include



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243 graduation rates;~~;~~ retention rates;~~;~~ postgraduation education  
244 rates;~~;~~ degree production;~~;~~ affordability;~~;~~ postgraduation  
245 employment and salaries, including wage thresholds that reflect  
246 the added value of a baccalaureate degree; access;~~;~~ and other  
247 metrics approved by the board in a formally noticed meeting. The  
248 board shall adopt benchmarks to evaluate each state university's  
249 performance on the metrics to measure the state university's  
250 achievement of institutional excellence or need for improvement  
251 and minimum requirements for eligibility to receive performance  
252 funding.

253 (2) Each fiscal year, the amount of funds available for  
254 allocation to the state universities based on the performance-  
255 based funding model ~~metrics~~ shall consist of the state's  
256 investment in appropriation for performance funding, ~~including~~  
257 ~~increases in base funding~~ plus institutional investments  
258 consisting of funds deducted from the base funding of each state  
259 university in the State University System~~;~~ in an amount provided  
260 in the General Appropriations Act. The Board of Governors shall  
261 establish minimum performance funding eligibility thresholds for  
262 the state's investment and the institutional investments. A  
263 state university that fails to meet the minimum state investment  
264 performance funding eligibility threshold is ineligible for a  
265 share of the state's investment in performance funding. The  
266 institutional investment shall be restored for each institution  
267 eligible for the state's investment under the performance-based  
268 funding model ~~metrics~~.

269 (3) (a) A state university that fails to meet the Board of  
270 Governors' minimum institutional investment performance funding  
271 eligibility threshold shall have ~~a portion of~~ its institutional



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272 investment withheld by the board and must submit an improvement  
273 plan to the board that specifies the activities and strategies  
274 for improving the state university's performance. The board must  
275 review and approve the improvement plan and, if the plan is  
276 approved, must monitor the state university's progress in  
277 implementing the activities and strategies specified in the  
278 improvement plan. The state university shall submit monitoring  
279 reports to the board by December 31 and May 31 of each year in  
280 which an improvement plan is in place. The ability of a state  
281 university to submit an improvement plan to the board is limited  
282 to 1 fiscal year.

283 (b) The Chancellor of the State University System shall  
284 withhold disbursement of the institutional investment until the  
285 monitoring report is approved by the Board of Governors. A state  
286 university ~~that is~~ determined by the board to be making  
287 satisfactory progress on implementing the improvement plan shall  
288 receive no more than one-half of the withheld institutional  
289 investment in January and the balance of the withheld  
290 institutional investment in June. A state university that fails  
291 to make satisfactory progress may not have its full  
292 institutional investment restored. Any institutional investment  
293 funds that are not restored shall be redistributed in accordance  
294 with the board's performance-based metrics.

295 (4) Distributions of performance funding, as provided in  
296 this section, shall be made to each of the state universities  
297 listed in the Education and General Activities category in the  
298 General Appropriations Act.

299 (5) By October 1 of each year, the Board of Governors shall  
300 submit to the Governor, the President of the Senate, and the



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301 Speaker of the House of Representatives a report on the previous  
302 fiscal year's performance funding allocation which must reflect  
303 the rankings and award distributions.

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

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

308 1012.39 Employment of substitute teachers, teachers of  
309 adult education, nondegreed teachers of career education, and  
310 career specialists; students performing clinical field  
311 experience.-

312 (3) A student who is enrolled in a state-approved teacher  
313 preparation program in a postsecondary educational institution  
314 that is approved by rules of the State Board of Education and  
315 who is jointly assigned by the postsecondary educational  
316 institution and a district school board to perform a clinical  
317 field experience under the direction of a regularly employed and  
318 certified educator shall, while serving such supervised clinical  
319 field experience, be accorded the same protection of law as that  
320 accorded to the certified educator except for the right to  
321 bargain collectively as an employee of the district school  
322 board. The district school board providing the clinical field  
323 experience shall notify the student electronically or in writing  
324 of the availability of educator liability insurance under s.  
325 1012.75. A postsecondary educational institution or district  
326 school board may not require a student enrolled in a state-  
327 approved teacher preparation program to purchase liability  
328 insurance as a condition of participation in any clinical field  
329 experience or related activity on the premises of an elementary



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330 or a secondary school.

331 Section 5. Section 1012.731, Florida Statutes, is created  
332 to read:

333 1012.731 The Florida Best and Brightest Teacher Scholarship  
334 Program.—

335 (1) The Legislature recognizes that, second only to  
336 parents, teachers play the most critical role within schools in  
337 preparing students to achieve a high level of academic  
338 performance. The Legislature further recognizes that research  
339 has linked student outcomes to a teacher's own academic  
340 achievement. Therefore, it is the intent of the Legislature to  
341 designate teachers who have achieved high academic standards  
342 during their own education as Florida's best and brightest  
343 teacher scholars.

344 (2) There is created the Florida Best and Brightest Teacher  
345 Scholarship Program to be administered by the Department of  
346 Education. The scholarship program shall provide categorical  
347 funding for scholarships to be awarded to teachers who have  
348 demonstrated a high level of academic achievement.

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

350 1. Must have scored at or above the 80th percentile on  
351 either the SAT or the ACT based on the percentile ranks in  
352 effect when the teacher took the assessment and have been  
353 evaluated as highly effective pursuant to s. 1012.34; or

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

358 (b) In order to demonstrate eligibility for an award, an



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359 eligible teacher must submit to the school district, no later  
360 than October 1, an official record of his or her SAT or ACT  
361 score demonstrating that the teacher scored at or above the 80th  
362 percentile based on the percentile ranks in effect when the  
363 teacher took the assessment. Once a teacher is deemed eligible  
364 by the school district, including teachers deemed eligible in  
365 the 2015-2016 fiscal year, the teacher shall remain eligible as  
366 long as he or she is employed by the school district and  
367 maintains or, if the teacher is a first-year teacher, earns the  
368 evaluation designation of highly effective pursuant to s.  
369 1012.34.

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

373 (5) Annually, by February 1, the department shall disburse  
374 scholarship funds, in an amount prescribed annually by the  
375 Legislature in the General Appropriations Act, to each school  
376 district for each eligible teacher to receive a scholarship. If  
377 the number of eligible teachers exceeds the total appropriation  
378 authorized in the General Appropriations Act, the department  
379 shall prorate the per-teacher scholarship amount.

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

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

385 Section 6. Subsection (3) of section 1012.75, Florida  
386 Statutes, is amended to read:

387 1012.75 Liability of teacher or principal; excessive



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388 force.-

389 (3) The Department of Education shall administer an  
390 educator liability insurance program, as provided in the General  
391 Appropriations Act, to protect full-time instructional personnel  
392 from liability for monetary damages and the costs of defending  
393 actions resulting from claims made against the instructional  
394 personnel arising out of occurrences in the course of activities  
395 within the instructional personnel's professional capacity. For  
396 purposes of this subsection, the terms "full-time," "part-time,"  
397 and "administrative personnel" shall be defined by the  
398 individual district school board. For purposes of this  
399 subsection, the term "instructional personnel" has the same  
400 meaning as provided in s. 1012.01(2).

401 (a) Liability coverage of at least \$2 million shall be  
402 provided to all full-time instructional personnel. Liability  
403 coverage may be provided to the following individuals who choose  
404 to participate in the program, at cost: part-time instructional  
405 personnel, administrative personnel, and students enrolled in a  
406 state-approved teacher preparation program pursuant to s.  
407 1012.39(3).

408 (b) By August 1 of each year, the department shall notify  
409 the personnel specified in paragraph (a) of the pending  
410 procurement for liability coverage. By September 1 of each year,  
411 each district school board shall notify the personnel specified  
412 in paragraph (a) of the liability coverage provided pursuant to  
413 this subsection. The department shall develop the form of the  
414 notice which shall be used by each district school board. The  
415 notice must be on an 8 1/2-inch by 5 1/2-inch postcard and  
416 include the amount of coverage, a general description of the



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417 nature of the coverage, and the contact information for coverage  
418 and claims questions. The notification shall be provided  
419 separately from any other correspondence. Each district school  
420 board shall certify to the department, by September 15 of each  
421 year, that the notification required by this paragraph has been  
422 provided.

423 (c) The department shall consult with the Department of  
424 Financial Services to select the most economically prudent and  
425 cost-effective means of implementing the program through self-  
426 insurance, a risk management program, or competitive  
427 procurement.

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

429 Section 7. This act shall take effect July 1, 2016.

430

431 ===== T I T L E A M E N D M E N T =====

432 And the title is amended as follows:

433 Delete everything before the enacting clause  
434 and insert:

435 A bill to be entitled  
436 An act relating to education; creating s. 1001.66,  
437 F.S.; creating a Florida College System Performance-  
438 Based Incentive for Florida College System  
439 institutions; requiring the State Board of Education  
440 to adopt certain metrics and benchmarks; providing for  
441 funding and allocation of the incentives; authorizing  
442 the state board to withhold an institution's incentive  
443 under certain circumstances; requiring the  
444 Commissioner of Education to withhold certain  
445 disbursements under certain circumstances; providing





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446 for reporting and rulemaking; amending s. 1001.7065,  
447 F.S., and reenacting subsection (1), relating to state  
448 university system shared governance collaboration;  
449 deleting obsolete provisions; revising the academic  
450 and research excellence standards for the preeminent  
451 state research universities program; requiring the  
452 Board of Governors to designate a state university  
453 that meets specified requirements as an "emerging  
454 preeminent state research university"; authorizing the  
455 Board of Governors to suspend, rescind, or revoke a  
456 university's designation under certain circumstances;  
457 requiring an emerging preeminent state research  
458 university to submit a certain plan to the board and  
459 meet specified expectations to receive certain funds;  
460 providing for the distribution of certain funding  
461 increases; deleting provisions relating to the  
462 preeminent state research university enhancement  
463 initiative and special course requirement  
464 authorization; amending s. 1001.92, F.S.; requiring  
465 performance-based metrics to include specified wage  
466 thresholds; requiring the board to establish minimum  
467 performance funding eligibility thresholds;  
468 prohibiting a state university that fails to meet the  
469 state's threshold from eligibility for a share of the  
470 state's investment performance funding; requiring the  
471 board to adopt regulations; deleting an expiration;  
472 amending s. 1012.39, F.S.; providing requirements  
473 regarding liability insurance for students performing  
474 clinical field experience; creating s. 1012.731, F.S.;



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475 providing legislative intent; establishing the Florida  
476 Best and Brightest Teacher Scholarship Program;  
477 providing eligibility criteria; requiring a school  
478 district to annually submit the number of eligible  
479 teachers to the Department of Education; providing for  
480 funding and the disbursement of funds; defining the  
481 term "school district"; amending s. 1012.75, F.S.;  
482 requiring annual notification of liability insurance  
483 to specified personnel; abrogating the scheduled  
484 expiration of the educator liability insurance  
485 program; providing an effective date.