

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; providing for reporting
10 and rulemaking; amending s. 1001.7065, F.S.; deleting
11 obsolete provisions; revising the academic and
12 research excellence standards for the preeminent state
13 research universities program; creating the "emerging
14 preeminent state research university" designation;
15 authorizing the Board of Governors to suspend,
16 rescind, or revoke a university's designation under
17 certain circumstances; requiring an emerging
18 preeminent state research university to submit a
19 certain plan to the board and meet certain
20 expectations to receive certain funds; providing for
21 the distribution of certain funding increases;
22 deleting the preeminent state research university
23 enhancement initiative; authorizing a preeminent state
24 research university to require that certain courses be
25 taken at the university; requiring the board to
26 identify and grant certain authority and flexibility

27 | to preeminent state research universities and emerging
28 | preeminent state research universities; amending s.
29 | 1001.92, F.S.; requiring performance-based metrics to
30 | include specified wage thresholds; requiring the board
31 | to establish minimum performance funding eligibility
32 | thresholds; prohibiting a state university that fails
33 | to meet the state's threshold from eligibility for a
34 | share of the state's investment performance funding;
35 | requiring the board to adopt regulations; amending s.
36 | 1012.39, F.S.; providing requirements regarding
37 | liability insurance for students performing clinical
38 | field experience; creating s. 1012.731, F.S.;
39 | providing legislative intent; establishing the Florida
40 | Best and Brightest Teacher Scholarship Program;
41 | providing eligibility criteria; requiring a school
42 | district to annually submit the number of eligible
43 | teachers to the Department of Education; providing for
44 | funding and the disbursement of funds; defining the
45 | term "school district"; amending s. 1012.75, F.S.;
46 | requiring annual notification of liability insurance
47 | to specified personnel; abrogating the scheduled
48 | expiration of the educator liability insurance
49 | program; providing an effective date.

50 |
51 | Be It Enacted by the Legislature of the State of Florida:
52 |

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

55 1001.66 Florida College System Performance-Based
56 Incentive.—

57 (1) A Florida College System Performance-Based Incentive
58 shall be awarded to Florida College System institutions using
59 performance-based metrics adopted by the State Board of
60 Education. The performance-based metrics must include retention
61 rates; program completion and graduation rates; postgraduation
62 employment, salaries, and continuing education for workforce
63 education and baccalaureate programs, with wage thresholds that
64 reflect the added value of the certificate or degree; and
65 outcome measures appropriate for associate of arts degree
66 recipients. The state board shall adopt benchmarks to evaluate
67 each institution's performance on the metrics to measure the
68 institution's achievement of institutional excellence or need
69 for improvement and minimum requirements for eligibility to
70 receive performance funding.

71 (2) Each fiscal year, the amount of funds available for
72 allocation to the Florida College System institutions based on
73 the performance-based funding model shall consist of the state's
74 investment in performance funding plus institutional investments
75 consisting of funds to be redistributed from the base funding of
76 the Florida College System Program Fund as determined in the
77 General Appropriations Act. The State Board of Education shall
78 establish minimum performance funding eligibility thresholds for

79 the state's investment and the institutional investments. An
80 institution that fails to meet the minimum state investment
81 performance funding eligibility threshold is ineligible for a
82 share of the state's investment in performance funding. The
83 institutional investment shall be restored for all institutions
84 eligible for the state's investment under the performance-based
85 funding model.

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

90 (b) A Florida College System institution that fails to
91 meet the State Board of Education's minimum institutional
92 investment performance funding eligibility threshold shall have
93 a portion of its institutional investment withheld by the state
94 board and must submit an improvement plan to the state board
95 that specifies the activities and strategies for improving the
96 institution's performance. The state board must review and
97 approve the improvement plan and, if the plan is approved, must
98 monitor the institution's progress in implementing the
99 activities and strategies specified in the improvement plan. The
100 institution shall submit monitoring reports to the state board
101 by December 31 and May 31 of each year in which an improvement
102 plan is in place.

103 (c) The Commissioner of Education shall withhold
104 disbursement of the institutional investment until the

105 monitoring report is approved by the State Board of Education. A
 106 Florida College System institution determined by the state board
 107 to be making satisfactory progress on implementing the
 108 improvement plan shall receive no more than one-half of the
 109 withheld institutional investment in January and the balance of
 110 the withheld institutional investment in June. An institution
 111 that fails to make satisfactory progress may not have its full
 112 institutional investment restored. Any institutional investment
 113 funds that are not restored shall be redistributed in accordance
 114 with the state board's performance-based metrics.

115 (4) Distributions of performance funding, as provided in
 116 this section, shall be made to each of the Florida College
 117 System institutions listed in the Florida Colleges category in
 118 the General Appropriations Act.

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

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

126 Section 2. Subsection (1) of section 1001.7065, Florida
 127 Statutes, is reenacted, and subsections (2), (3), and (5)
 128 through (8) of that section are amended, to read:

129 1001.7065 Preeminent state research universities program.—

130 (1) STATE UNIVERSITY SYSTEM SHARED GOVERNANCE

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

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

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

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

156 (c) A freshman retention rate of 90 percent or higher for

157 full-time, first-time-in-college students, as reported annually
158 to the Integrated Postsecondary Education Data System (IPEDS).

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

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

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

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

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

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

179 (j) Four hundred or more doctoral degrees awarded
180 annually, including professional doctoral degrees awarded in
181 medical and health care disciplines, as reported in the Board of
182 Governors Annual Accountability Report.

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

185 (1) An endowment of \$500 million or more, as reported in
 186 the Board of Governors Annual Accountability Report.

187 (3) PREEMINENT STATE RESEARCH UNIVERSITY DESIGNATION.—

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

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

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

203 (5) PREEMINENT STATE RESEARCH UNIVERSITIES PROGRAM
 204 ~~UNIVERSITY~~ SUPPORT.—

205 (a) A state ~~research~~ university that is designated as a
 206 preeminent state research university, as of July 1, 2013, meets
 207 ~~all 12 of the academic and research excellence standards~~
 208 ~~identified in subsection (2), as verified by the Board of~~

209 ~~Governors,~~ shall submit to the Board of Governors a 5-year
210 benchmark plan with target rankings on key performance metrics
211 for national excellence. Upon approval by the Board of
212 Governors, and upon the university's meeting the benchmark plan
213 goals annually, the Board of Governors shall award the
214 university its proportionate share of any funds provided
215 annually to support the program created under this section ~~an~~
216 ~~amount specified in the General Appropriations Act to be~~
217 ~~provided annually throughout the 5-year period. Funding for this~~
218 ~~purpose is contingent upon specific appropriation in the General~~
219 ~~Appropriations Act.~~

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

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

HB 7043

2016

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

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

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

259 (6) (7) PREEMINENT STATE RESEARCH UNIVERSITY SPECIAL COURSE
260 REQUIREMENT AUTHORITY.—In order to provide a jointly shared

261 educational experience, a university that is designated a
 262 preeminent state research university may require its incoming
 263 first-time-in-college students to take a 9-to-12-credit set of
 264 unique courses specifically determined by the university and
 265 published on the university's website. The university may
 266 require ~~stipulate that~~ credit for such courses to be earned at
 267 the university and ~~may not be earned~~ through any acceleration
 268 mechanism pursuant to s. 1007.27 or s. 1007.271 or any other
 269 transfer credit. All accelerated credits earned up to the limits
 270 specified in ss. 1007.27 and 1007.271 shall be applied toward
 271 graduation at the student's request.

272 (7)-(8) PREEMINENT STATE RESEARCH UNIVERSITY FLEXIBILITY
 273 REQUIREMENT AUTHORITY.—The Board of Governors shall ~~is~~
 274 ~~encouraged to~~ identify and grant all reasonable, ~~feasible~~
 275 authority and flexibility to ensure that each ~~a~~ designated
 276 preeminent state research university and each designated
 277 emerging preeminent state research university is free from
 278 unnecessary restrictions that inhibit the university's chances
 279 of competing with its national peers and increasing its national
 280 ranking and reputation.

281 Section 3. Section 1001.92, Florida Statutes, is amended
 282 to read:

283 1001.92 State University System Performance-Based
 284 Incentive.—

285 (1) A State University System Performance-Based Incentive
 286 shall be awarded to state universities using performance-based

287 metrics adopted by the Board of Governors of the State
288 University System. The performance-based metrics must include
289 graduation rates;; retention rates;; postgraduation education
290 rates;; degree production;; affordability;; postgraduation
291 employment and salaries, including wage thresholds that reflect
292 the added value of a baccalaureate degree; access;; and other
293 metrics approved by the board in a formally noticed meeting. The
294 board shall adopt benchmarks to evaluate each state university's
295 performance on the metrics to measure the state university's
296 achievement of institutional excellence or need for improvement
297 and minimum requirements for eligibility to receive performance
298 funding.

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

HB 7043

2016

313 eligible for the state's investment under the performance-based
314 funding model ~~metrics~~.

315 (3) (a) A state university that fails to meet the Board of
316 Governors' minimum institutional investment performance funding
317 eligibility threshold shall have ~~a portion of~~ its institutional
318 investment withheld by the board and must submit an improvement
319 plan to the board that specifies the activities and strategies
320 for improving the state university's performance. The board must
321 review and approve the improvement plan and, if the plan is
322 approved, must monitor the state university's progress in
323 implementing the activities and strategies specified in the
324 improvement plan. The state university shall submit monitoring
325 reports to the board by December 31 and May 31 of each year in
326 which an improvement plan is in place. The ability of a state
327 university to submit an improvement plan to the board is limited
328 to 1 fiscal year.

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

339 funds that are not restored shall be redistributed in accordance
340 with the board's performance-based metrics.

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

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

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

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

354 1012.39 Employment of substitute teachers, teachers of
355 adult education, nondegreed teachers of career education, and
356 career specialists; students performing clinical field
357 experience.—

358 (3) A student who is enrolled in a state-approved teacher
359 preparation program in a postsecondary educational institution
360 that is approved by rules of the State Board of Education and
361 who is jointly assigned by the postsecondary educational
362 institution and a district school board to perform a clinical
363 field experience under the direction of a regularly employed and
364 certified educator shall, while serving such supervised clinical

365 field experience, be accorded the same protection of law as that
366 accorded to the certified educator except for the right to
367 bargain collectively as an employee of the district school
368 board. The district school board providing the clinical field
369 experience shall notify the student electronically or in writing
370 of the availability of educator liability insurance under s.
371 1012.75. A postsecondary educational institution or district
372 school board may not require a student enrolled in a state-
373 approved teacher preparation program to purchase liability
374 insurance as a condition of participation in any clinical field
375 experience or related activity on the premises of an elementary
376 or secondary school.

377 Section 5. Section 1012.731, Florida Statutes, is created
378 to read:

379 1012.731 The Florida Best and Brightest Teacher
380 Scholarship Program.—

381 (1) The Legislature recognizes that, second only to
382 parents, teachers play the most critical role within schools in
383 preparing students to achieve a high level of academic
384 performance. The Legislature further recognizes that research
385 has linked student outcomes to a teacher's own academic
386 achievement. Therefore, it is the intent of the Legislature to
387 designate teachers who have achieved high academic standards
388 during their own education as Florida's best and brightest
389 teacher scholars.

390 (2) There is created the Florida Best and Brightest

391 Teacher Scholarship Program to be administered by the Department
392 of Education. The scholarship program shall provide categorical
393 funding for scholarships to be awarded to teachers who have
394 demonstrated a high level of academic achievement.

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

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

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

404 (b) In order to demonstrate eligibility for an award, an
405 eligible teacher must submit to the school district, no later
406 than October 1, an official record of his or her SAT or ACT
407 score demonstrating that the teacher scored at or above the 80th
408 percentile based on the percentile ranks in effect when the
409 teacher took the assessment. Once a teacher is deemed eligible
410 by the school district, including teachers deemed eligible in
411 the 2015-2016 fiscal year, the teacher shall remain eligible as
412 long as he or she is employed by the school district and
413 maintains or, if the teacher is a first-year teacher, earns the
414 evaluation designation of highly effective pursuant to s.
415 1012.34.

416 (4) Annually, by December 1, each school district shall

417 submit to the department the number of eligible teachers who
 418 qualify for the scholarship.

419 (5) Annually, by February 1, the department shall disburse
 420 scholarship funds, in an amount prescribed annually by the
 421 Legislature in the General Appropriations Act, to each school
 422 district for each eligible teacher to receive a scholarship. If
 423 the number of eligible teachers exceeds the total appropriation
 424 authorized in the General Appropriations Act, the department
 425 shall prorate the per-teacher scholarship amount.

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

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

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

433 1012.75 Liability of teacher or principal; excessive
 434 force.—

435 (3) The Department of Education shall administer an
 436 educator liability insurance program, as provided in the General
 437 Appropriations Act, to protect full-time instructional personnel
 438 from liability for monetary damages and the costs of defending
 439 actions resulting from claims made against the instructional
 440 personnel arising out of occurrences in the course of activities
 441 within the instructional personnel's professional capacity. For
 442 purposes of this subsection, the terms "full-time," "part-time,"

443 and "administrative personnel" shall be defined by the
444 individual district school board. For purposes of this
445 subsection, the term "instructional personnel" has the same
446 meaning as provided in s. 1012.01(2).

447 (a) Liability coverage of at least \$2 million shall be
448 provided to all full-time instructional personnel. Liability
449 coverage may be provided to the following individuals who choose
450 to participate in the program, at cost: part-time instructional
451 personnel, administrative personnel, and students enrolled in a
452 state-approved teacher preparation program pursuant to s.
453 1012.39(3).

454 (b) By August 1 of each year, the department shall notify
455 the personnel specified in paragraph (a) of the pending
456 procurement for liability coverage. By September 1 of each year,
457 each district school board shall notify the personnel specified
458 in paragraph (a) of the liability coverage provided pursuant to
459 this subsection. The department shall develop the form of the
460 notice which shall be used by each district school board. The
461 notice must be on an 8 1/2-inch by 5 1/2-inch postcard and
462 include the amount of coverage, a general description of the
463 nature of the coverage, and the contact information for coverage
464 and claims questions. The notification shall be provided
465 separately from any other correspondence. Each district school
466 board shall certify to the department, by September 15 of each
467 year, that the notification required by this paragraph has been
468 provided.

HB 7043

2016

469 (c) The department shall consult with the Department of
470 Financial Services to select the most economically prudent and
471 cost-effective means of implementing the program through self-
472 insurance, a risk management program, or competitive
473 procurement.

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

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