

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 requiring an emerging preeminent state research
16 university to submit a certain plan to the board and
17 meet certain expectations to receive certain funds;
18 providing for the distribution of certain funding
19 increases; deleting the preeminent state research
20 university enhancement initiative; authorizing the
21 board to identify and grant certain authority and
22 flexibility to emerging preeminent state research
23 universities; amending s. 1001.71, F.S.; providing for
24 selection of the chair and vice chair of each state
25 university board of trustees; specifying terms and
26 duties of the chair; providing grounds for removal of

27 a board member; specifying publication requirements
28 for minutes of board meetings; requiring the Board of
29 Governors to adopt regulations; amending s. 1001.92,
30 F.S.; requiring performance-based metrics to include
31 thresholds for added value of certain degrees;
32 requiring the board to develop an implementation plan
33 for specified metrics relating to the employment of
34 students with specified degrees by a specified fiscal
35 year and submit the plan to the Governor and
36 Legislature by a specified date; requiring the board
37 to establish minimum performance funding eligibility
38 thresholds; prohibiting a state university that fails
39 to meet a certain threshold from eligibility for a
40 share of the state's investment in performance
41 funding; requiring the board to adopt regulations;
42 amending s. 1012.39, F.S.; providing requirements
43 regarding liability insurance for students performing
44 clinical field experience; creating s. 1012.731, F.S.;
45 providing legislative intent; establishing the Florida
46 Best and Brightest Teacher Scholarship Program;
47 providing eligibility criteria; requiring a school
48 district to annually submit the number of eligible
49 classroom teachers to the Department of Education;
50 providing for funding and the disbursement of funds;
51 defining the term "school district"; amending s.
52 1012.75, F.S.; requiring annual notification of

53 liability insurance to specified personnel; abrogating
54 the scheduled expiration of the educator liability
55 insurance program; providing an effective date.
56

57 Be It Enacted by the Legislature of the State of Florida:
58

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

61 1001.66 Florida College System Performance-Based
62 Incentive.—

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

77 (2) Each fiscal year, the amount of funds available for
78 allocation to the Florida College System institutions based on

79 the performance-based funding model shall consist of the state's
80 investment in performance funding plus institutional investments
81 consisting of funds to be redistributed from the base funding of
82 the Florida College System Program Fund as determined in the
83 General Appropriations Act. The State Board of Education shall
84 establish minimum performance funding eligibility thresholds for
85 the state's investment and the institutional investments. An
86 institution that meets the minimum institutional investment
87 eligibility threshold, but fails to meet the minimum state
88 investment eligibility threshold, shall have its institutional
89 investment restored but is ineligible for a share of the state's
90 investment in performance funding. The institutional investment
91 shall be restored for all institutions eligible for the state's
92 investment under the performance-based funding model.

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

97 (b) A Florida College System institution that fails to
98 meet the State Board of Education's minimum institutional
99 investment performance funding eligibility threshold shall have
100 a portion of its institutional investment withheld by the state
101 board and must submit an improvement plan to the state board
102 that specifies the activities and strategies for improving the
103 institution's performance. The state board must review and
104 approve the improvement plan and, if the plan is approved, must

105 monitor the institution's progress in implementing the
106 activities and strategies specified in the improvement plan. The
107 institution shall submit monitoring reports to the state board
108 by December 31 and May 31 of each year in which an improvement
109 plan is in place.

110 (c) The Commissioner of Education shall withhold
111 disbursement of the institutional investment until the
112 monitoring report is approved by the State Board of Education. A
113 Florida College System institution determined by the state board
114 to be making satisfactory progress on implementing the
115 improvement plan shall receive no more than one-half of the
116 withheld institutional investment in January and the balance of
117 the withheld institutional investment in June. An institution
118 that fails to make satisfactory progress may not have its full
119 institutional investment restored. Any institutional investment
120 funds that are not restored shall be redistributed in accordance
121 with the state board's performance-based metrics.

122 (4) Distributions of performance funding, as provided in
123 this section, shall be made to each of the Florida College
124 System institutions listed in the Florida Colleges category in
125 the General Appropriations Act.

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

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

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

136 1001.7065 Preeminent state research universities program.—

137 (1) STATE UNIVERSITY SYSTEM SHARED GOVERNANCE
138 COLLABORATION.—A collaborative partnership is established
139 between the Board of Governors and the Legislature to elevate
140 the academic and research preeminence of Florida's highest-
141 performing state research universities in accordance with this
142 section. The partnership stems from the State University System
143 Governance Agreement executed on March 24, 2010, wherein the
144 Board of Governors and leaders of the Legislature agreed to a
145 framework for the collaborative exercise of their joint
146 authority and shared responsibility for the State University
147 System. The governance agreement confirmed the commitment of the
148 Board of Governors and the Legislature to continue collaboration
149 on accountability measures, the use of data, and recommendations
150 derived from such data.

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

155 (a) An average weighted grade point average of 4.0 or
156 higher on a 4.0 scale and an average SAT score of 1800 or higher

157 | on a 2400-point scale or 1200 or higher on a 1600-point scale
158 | for fall semester incoming freshmen, as reported annually.

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

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

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

169 | (e) Six or more faculty members at the state university
170 | who are members of a national academy, as reported by the Center
171 | for Measuring University Performance in the Top American
172 | Research Universities (TARU) annual report or the official
173 | membership directories maintained by each national academy.

174 | (f) Total annual research expenditures, including federal
175 | research expenditures, of \$200 million or more, as reported
176 | annually by the National Science Foundation (NSF).

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

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

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

186 (j) Four hundred or more doctoral degrees awarded
 187 annually, including professional doctoral degrees awarded in
 188 medical and health care disciplines, as reported in the Board of
 189 Governors Annual Accountability Report.

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

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

194 (3) PREEMINENT STATE RESEARCH UNIVERSITY DESIGNATION.—

195 (a) The Board of Governors shall designate each state
 196 ~~research~~ university that annually meets at least 11 of the 12
 197 academic and research excellence standards identified in
 198 subsection (2) as a "preeminent state research university."

199 (b) The Board of Governors shall designate each state
 200 university that annually meets at least six of the 12 academic
 201 and research excellence standards identified in subsection (2)
 202 as an "emerging preeminent state research university."

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 prior fiscal year shall be
234 distributed as follows:

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 stipulate that credit for such courses may not be earned through
267 any acceleration mechanism pursuant to s. 1007.27 or s. 1007.271
268 or any other transfer credit. All accelerated credits earned up
269 to the limits specified in ss. 1007.27 and 1007.271 shall be
270 applied toward graduation at the student's request.

271 (7)~~(8)~~ PREEMINENT STATE RESEARCH UNIVERSITY FLEXIBILITY
272 AUTHORITY.—The Board of Governors is encouraged to identify and
273 grant all reasonable, feasible authority and flexibility to
274 ensure that each a designated preeminent state research
275 university and each designated emerging preeminent state
276 research university is free from unnecessary restrictions.

277 Section 3. Subsections (4) and (5) are added to section
278 1001.71, Florida Statutes, to read:

279 1001.71 University boards of trustees; membership.—

280 (4) Each university board of trustees shall select its
281 chair and vice chair from the appointed members. Each chair
282 shall serve for 2 years and may be reselected for one additional
283 consecutive 2-year term, except that, for each additional
284 consecutive term beyond two terms, by a two-thirds vote, the
285 board of trustees may reselect the chair for additional
286 consecutive 2-year terms. The chair shall preside at all

287 meetings of the board of trustees and may call special meetings
 288 of the board. The chair shall also attest to actions of the
 289 board of trustees. The chair shall notify the Governor or the
 290 Board of Governors, as applicable, in writing whenever a board
 291 member has three consecutive unexcused absences from regular
 292 board meetings in any fiscal year, which may be grounds for
 293 removal by the Governor or the Board of Governors, as
 294 applicable.

295 (5) Each university board of trustees shall keep and,
 296 within 2 weeks after a board meeting, post prominently on the
 297 university's website detailed meeting minutes for all meetings,
 298 including the vote history and attendance of each trustee. The
 299 Board of Governors shall adopt regulations to implement this
 300 subsection.

301 Section 4. Section 1001.92, Florida Statutes, is amended
 302 to read:

303 1001.92 State University System Performance-Based
 304 Incentive.—

305 (1) A State University System Performance-Based Incentive
 306 shall be awarded to state universities using performance-based
 307 metrics adopted by the Board of Governors of the State
 308 University System.

309 (a) The performance-based metrics must include graduation
 310 rates;~~;~~ retention rates;~~;~~ postgraduation education rates;~~;~~
 311 degree production;~~;~~ affordability;~~;~~ postgraduation employment
 312 and salaries, including wage thresholds that reflect the added

313 value of a baccalaureate degree; access;~~7~~ and other metrics
314 approved by the board in a formally noticed meeting.

315 (b) The board shall adopt benchmarks to evaluate each
316 state university's performance on the metrics to measure the
317 state university's achievement of institutional excellence or
318 need for improvement and minimum requirements for eligibility to
319 receive performance funding.

320 (c) The board shall develop an implementation plan for
321 including a metric that addresses the full-time employment rate
322 of 90 percent of graduates for each state university's top two,
323 six-digit Classification of Instructional Program baccalaureate
324 degrees to be incorporated into the performance funding formula
325 beginning in the 2017-2018 fiscal year. The Board of Governors
326 shall submit its implementation plan to the Governor, the
327 President of the Senate, and the Speaker of the House of
328 Representatives by December 31, 2016.

329 (2) Each fiscal year, The amount of funds available for
330 allocation to the state universities based on the performance-
331 based funding model ~~metrics~~ shall consist of the state's
332 investment in appropriation for performance funding,~~including~~
333 ~~increases in base funding~~ plus institutional investments
334 consisting of funds deducted from the base funding of each state
335 university in the State University System~~7~~ in an amount provided
336 in the General Appropriations Act. The Board of Governors shall
337 establish minimum performance funding eligibility thresholds for
338 the state's investment and the institutional investments. A

339 state university that meets the minimum institutional investment
340 eligibility threshold, but fails to meet the minimum state
341 investment eligibility threshold, shall have its institutional
342 investment restored but is ineligible for a share of the state's
343 investment in performance funding. The institutional investment
344 shall be restored for each institution eligible for the state's
345 investment under the performance-based funding model ~~metrics~~.

346 (3) (a) A state university that fails to meet the Board of
347 Governors' minimum institutional investment performance funding
348 eligibility threshold shall have ~~a portion of~~ its institutional
349 investment withheld by the board and must submit an improvement
350 plan to the board that specifies the activities and strategies
351 for improving the state university's performance. The board must
352 review and approve the improvement plan and, if the plan is
353 approved, must monitor the state university's progress in
354 implementing the activities and strategies specified in the
355 improvement plan. The state university shall submit monitoring
356 reports to the board by December 31 and May 31 of each year in
357 which an improvement plan is in place. The ability of a state
358 university to submit an improvement plan to the board is limited
359 to 1 fiscal year.

360 (b) The Chancellor of the State University System shall
361 withhold disbursement of the institutional investment until the
362 monitoring report is approved by the Board of Governors. A state
363 university ~~that is~~ determined by the board to be making
364 satisfactory progress on implementing the improvement plan shall

365 receive no more than one-half of the withheld institutional
366 investment in January and the balance of the withheld
367 institutional investment in June. A state university that fails
368 to make satisfactory progress may not have its full
369 institutional investment restored. Any institutional investment
370 funds that are not restored shall be redistributed in accordance
371 with the board's performance-based metrics.

372 (4) Distributions of performance funding, as provided in
373 this section, shall be made to each of the state universities
374 listed in the Education and General Activities category in the
375 General Appropriations Act.

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

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

383 Section 5. Subsection (3) of section 1012.39, Florida
384 Statutes, is amended to read:

385 1012.39 Employment of substitute teachers, teachers of
386 adult education, nondegreed teachers of career education, and
387 career specialists; students performing clinical field
388 experience.—

389 (3) A student who is enrolled in a state-approved teacher
390 preparation program in a postsecondary educational institution

391 that is approved by rules of the State Board of Education and
 392 who is jointly assigned by the postsecondary educational
 393 institution and a district school board to perform a clinical
 394 field experience under the direction of a regularly employed and
 395 certified educator shall, while serving such supervised clinical
 396 field experience, be accorded the same protection of law as that
 397 accorded to the certified educator except for the right to
 398 bargain collectively as an employee of the district school
 399 board. The district school board providing the clinical field
 400 experience shall notify the student electronically or in writing
 401 of the availability of educator liability insurance under s.
 402 1012.75. A postsecondary educational institution or district
 403 school board may not require a student enrolled in a state-
 404 approved teacher preparation program to purchase liability
 405 insurance as a condition of participation in any clinical field
 406 experience or related activity on the premises of an elementary
 407 or secondary school.

408 Section 6. Section 1012.731, Florida Statutes, is created
 409 to read:

410 1012.731 The Florida Best and Brightest Teacher
 411 Scholarship Program.—

412 (1) The Legislature recognizes that, second only to
 413 parents, teachers play the most critical role within schools in
 414 preparing students to achieve a high level of academic
 415 performance. The Legislature further recognizes that research
 416 has linked student outcomes to a teacher's own academic

417 achievement. Therefore, it is the intent of the Legislature to
418 designate teachers who have achieved high academic standards
419 during their own education as Florida's best and brightest
420 teacher scholars.

421 (2) There is created the Florida Best and Brightest
422 Teacher Scholarship Program to be administered by the Department
423 of Education. The scholarship program shall provide categorical
424 funding for scholarships to be awarded to classroom teachers, as
425 defined in s. 1012.01(2)(a), who have demonstrated a high level
426 of academic achievement.

427 (3)(a) To be eligible for a scholarship, a classroom
428 teacher must have achieved a composite score at or above the
429 80th percentile on either the SAT or the ACT based on the
430 National Percentile Ranks in effect when the classroom teacher
431 took the assessment and have been evaluated as highly effective
432 pursuant to s. 1012.34 in the school year immediately preceding
433 the year in which the scholarship will be awarded, unless the
434 classroom teacher is newly hired by the district school board
435 and has not been evaluated pursuant to s. 1012.34.

436 (b) In order to demonstrate eligibility for an award, an
437 eligible classroom teacher must submit to the school district,
438 no later than November 1, an official record of his or her SAT
439 or ACT score demonstrating that the classroom teacher scored at
440 or above the 80th percentile based on the National Percentile
441 Ranks in effect when the teacher took the assessment. Once a
442 classroom teacher is deemed eligible by the school district,

443 including teachers deemed eligible in the 2015-2016 fiscal year,
444 the teacher shall remain eligible as long as he or she remains
445 employed by the school district as a classroom teacher at the
446 time of the award and receives an annual performance evaluation
447 rating of highly effective pursuant to s. 1012.34.

448 (4) Annually, by December 1, each school district shall
449 submit to the department the number of eligible classroom
450 teachers who qualify for the scholarship.

451 (5) Annually, by February 1, the department shall disburse
452 scholarship funds to each school district for each eligible
453 classroom teacher to receive a scholarship as provided in the
454 General Appropriations Act. The amount disbursed shall include a
455 scholarship award of \$1,000, from the total amount of funds
456 appropriated, for each eligible classroom teacher in a Title I
457 school. Of the remaining funds, a scholarship in the amount
458 provided in the General Appropriations Act shall be awarded to
459 every eligible classroom teacher, including those in Title I
460 schools. If the number of eligible classroom teachers exceeds
461 the total appropriation authorized in the General Appropriations
462 Act, the department shall prorate the per-teacher scholarship
463 amount.

464 (6) Annually, by April 1, each school district shall award
465 the scholarship to each eligible classroom teacher.

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

469 Section 7. Subsection (3) of section 1012.75, Florida
 470 Statutes, is amended to read:

471 1012.75 Liability of teacher or principal; excessive
 472 force.—

473 (3) The Department of Education shall administer an
 474 educator liability insurance program, as provided in the General
 475 Appropriations Act, to protect full-time instructional personnel
 476 from liability for monetary damages and the costs of defending
 477 actions resulting from claims made against the instructional
 478 personnel arising out of occurrences in the course of activities
 479 within the instructional personnel's professional capacity. For
 480 purposes of this subsection, the terms "full-time," "part-time,"
 481 and "administrative personnel" shall be defined by the
 482 individual district school board. For purposes of this
 483 subsection, the term "instructional personnel" has the same
 484 meaning as provided in s. 1012.01(2).

485 (a) Liability coverage of at least \$2 million shall be
 486 provided to all full-time instructional personnel. Liability
 487 coverage may be provided to the following individuals who choose
 488 to participate in the program, at cost: part-time instructional
 489 personnel, administrative personnel, and students enrolled in a
 490 state-approved teacher preparation program pursuant to s.
 491 1012.39(3).

492 (b) By August 1 of each year, the department shall notify
 493 the personnel specified in paragraph (a) of the pending
 494 procurement for liability coverage. By September 1 of each year,

495 each district school board shall notify the personnel specified
496 in paragraph (a) of the liability coverage provided pursuant to
497 this subsection. The department shall develop the form of the
498 notice which shall be used by each district school board. The
499 notice must be on an 8 1/2-inch by 5 1/2-inch postcard and
500 include the amount of coverage, a general description of the
501 nature of the coverage, and the contact information for coverage
502 and claims questions. The notification shall be provided
503 separately from any other correspondence. Each district school
504 board shall certify to the department, by September 15 of each
505 year, that the notification required by this paragraph has been
506 provided.

507 (c) The department shall consult with the Department of
508 Financial Services to select the most economically prudent and
509 cost-effective means of implementing the program through self-
510 insurance, a risk management program, or competitive
511 procurement.

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

513 Section 8. This act shall take effect July 1, 2016.