



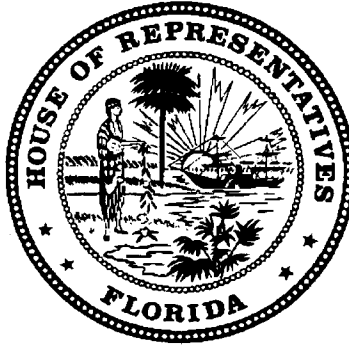
Higher Education & Workforce Subcommittee

Wednesday, March 19, 2014
9:00 a.m. – 11:00 a.m.
102 HOB

Meeting Packet

Will Weatherford
Speaker

Jeanette Nuñez
Chair



AGENDA

Higher Education & Workforce Subcommittee
Wednesday, March 19, 2014
9:00 a.m. – 11:00 a.m.
102 HOB

- I. Call to Order/Roll Call
- II. Opening Remarks
- III. HB 993 – Pub. Rec./Animal Researchers at Public Research Facilities by Cummings
- IV. PCB HEWS 14-02 – State University System Performance Funding Model
- V. Presentation on Metropolitan Consortium Initiative
- VI. Closing Remarks and Adjournment

Committee Meeting Notice

HOUSE OF REPRESENTATIVES

Higher Education & Workforce Subcommittee

Start Date and Time: Wednesday, March 19, 2014 09:00 am
End Date and Time: Wednesday, March 19, 2014 11:00 am
Location: Reed Hall (102 HOB)
Duration: 2.00 hrs

Consideration of the following bill(s):

HB 993 Pub. Rec./Animal Researchers at Public Research Facilities by Cummings

Consideration of the following proposed committee bill(s):

PCB HEWS 14-02 -- State University System Performance Funding Model

Presentation on Metropolitan Consortium Initiative

Pursuant to rule 7.12, the deadline for amendments to bills on the agenda by a member who is not a member of the subcommittee shall be 6:00 pm, Tuesday, March 18, 2014.

By request of the Chair, all subcommittee members are asked to have amendments to bills on the agenda submitted by 6:00 pm, Tuesday, March 18, 2014.

NOTICE FINALIZED on 03/17/2014 15:57 by Flynn.Kaley



Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED _____ (Y/N)
ADOPTED AS AMENDED _____ (Y/N)
ADOPTED W/O OBJECTION _____ (Y/N)
FAILED TO ADOPT _____ (Y/N)
WITHDRAWN _____ (Y/N)
OTHER _____

1 Committee/Subcommittee hearing bill: Higher Education &
2 Workforce Subcommittee
3 Representative Cummings offered the following:
4

Amendment (with title amendment)

Remove everything after the enacting clause and insert:

7 Section 1. (1) Personal identifying information of a
8 person employed by, under contract with, or volunteering for a
9 public research facility, including a state university, that
10 conducts animal research or is engaged in activities related to
11 animal research, is exempt from s. 119.07(1), Florida Statutes,
12 and s. 24(a), Article I of the State Constitution, when such
13 information is contained in the following records:

14 (a) Animal records, including animal care and treatment
15 records.

16 (b) Research protocols and approvals.



Amendment No. 1

17 (c) Purchase, funding, and billing records related to
18 animal research or activities.

19 (d) Animal care and use committee records.

20 (e) Facility and laboratory records related to animal
21 research or activities.

22 (2) This exemption applies to such personal identifying
23 information held by a public research facility, including a
24 state university, before, on, or after the effective date of
25 this exemption.

26 (3) This section is subject to the Open Government Sunset
27 Review Act in accordance with s. 119.15, Florida Statutes, and
28 shall stand repealed on October 2, 2019, unless reviewed and
29 saved from repeal through reenactment by the Legislature.

30 Section 2. The Legislature finds that it is a public
31 necessity that personal identifying information of a person who
32 is employed by, under contract with, or volunteering for a
33 public research facility, including a state university, that
34 conducts animal research or is engaged in activities related to
35 animal research, be made exempt from s. 119.07(1), Florida
36 Statutes, and s. 24(a), Article I of the State Constitution. The
37 Legislature also finds that it is a public necessity that this
38 exemption apply to such personal identifying information held by
39 a public research facility, including a state university,
40 before, on, or after the effective date of the exemption. The
41 Legislature finds that the release of such personal identifying
42 information will place such persons in danger of threats and

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Amendment No. 1

43 harassment as well as physical and emotional harm from those who
44 advocate against such research. University employees have been
45 harassed and threatened after animal care records that included
46 their personal identifying information were disclosed pursuant
47 to public records requests. Thus, the Legislature finds that the
48 harm and threat to such persons' safety that results from the
49 release of personal identifying information in records about the
50 animals or about the animal research outweighs any public
51 benefit that may be derived from the disclosure of the
52 information. The public research facilities, including state
53 universities, remain responsible and accountable for the animal
54 research conducted at their institutions.

55 Section 3. This act shall take effect July 1, 2014.

56
57 -----
58 **T I T L E A M E N D M E N T**

59 Remove everything before the enacting clause and insert:

60 A bill to be entitled

61 An act relating to public records; providing an
62 exemption from public records requirements for
63 personal identifying information of certain animal
64 researchers at public research facilities, including
65 state universities; providing for retroactive
66 applicability of the exemption; providing for future
67 legislative review and repeal of the exemption;
68 providing a statement of public necessity; providing

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Amendment No. 1

69 | an effective date.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 993 Pub. Rec./Animal Researchers at Public Research Facilities
SPONSOR(S): Cummings
TIED BILLS: IDEN./SIM. BILLS: SB 414

Table with 4 columns: REFERENCE, ACTION, ANALYST, STAFF DIRECTOR or BUDGET/POLICY CHIEF. Row 1: 1) Higher Education & Workforce Subcommittee, Thomas, Sherry.

SUMMARY ANALYSIS

HB 993 creates a public records exemption for a person employed by or under contract with a public research facility, including a state university, that conducts animal research or is engaged in activities related to animal research.

The bill provides a public records exemption for personal identifying information when such information is contained in the following records:

- Animal records, including animal care and treatment records.
• Research protocols and approvals.
• Purchase and billing records related to animal research or activities.
• Animal care and committee records.
• Facility and laboratory records related to animal research or activities.

The public records exemption is subject to the Open Government Sunset Review Act and must stand repealed on October 2, 2019, unless reviewed and saved from repeal through reenactment by the Legislature. The bill also provides a statement of public necessity as required by the State Constitution.

The bill does not appear to have a fiscal impact.

The bill provides a contingent effective date of July 1, 2014.

Article I, s. 24(c) of the State Constitution requires a two-thirds vote of the members present and voting for final passage of a newly created public record exemption. The bill creates a public record exemption; thus, it requires a two-thirds vote for final passage.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

Public Records Law

Article I, s. 24(a) of the State Constitution sets forth the state's public policy regarding access to government records. The section guarantees every person a right to inspect or copy any public record of the legislative, executive, and judicial branches of government. The Legislature, however, may provide by general law for the exemption of records from the requirements of Article I, s. 24(a) of the State Constitution. The general law must state with specificity the public necessity justifying the exemption (public necessity statement) and must be no broader than necessary to accomplish its purpose.

Public policy regarding access to government records is addressed further in the Florida Statutes. Section 119.07(1), F.S., guarantees every person a right to inspect and copy any state, county, or municipal record.

Public Record Exemptions

The Legislature may provide by general law for the exemption of records from the requirements of Article I, s. 24(a) and (b) of the State Constitution. The general law must state with specificity the public necessity justifying the exemption (public necessity statement) and must be no broader than necessary to accomplish its purpose.¹

Furthermore, the Open Government Sunset Review Act² provides that a public record exemption may be created or maintained only if it serves an identifiable public purpose. In addition, it may be no broader than is necessary to meet one of the following purposes:

- Allows the state or its political subdivisions to effectively and efficiently administer a governmental program, which administration would be significantly impaired without the exemption;
- Protects sensitive personal information that, if released, would be defamatory or would jeopardize an individual's safety; however, only the identity of an individual may be exempted under this provision; or
- Protects trade or business secrets.

Effect of Proposed Changes

The bill creates a public records exemption for a person employed by or under contract with a public research facility, including a state university, that conducts animal research or is engaged in activities related to animal research.

The bill provides a public records exemption for personal identifying information when such information is contained in the following records:

¹ Art. I, s. 24(c), Fla. Const. The Open Government Sunset Review Act prescribes a legislative review process for newly created or substantially amended public records or open meeting exemptions. It requires the automatic repeal of such an October 2nd of the fifth year after creation or substantial amendment, unless the Legislature reenacts the exemption.

² Section 119.15, F.S.

- Animal records, including animal care and treatment records.
- Research protocols and approvals.
- Purchase and billing records related to animal research or activities.
- Animal care and committee records.
- Facility and laboratory records related to animal research or activities.

The public records exemption is subject to the Open Government Sunset Review Act and must stand repealed on October 2, 2019, unless reviewed and saved from repeal through reenactment by the Legislature. The bill also provides a statement of public necessity as required by the State Constitution.

B. SECTION DIRECTORY:

Section 1. Provides an exemption from public records requirement for personal identifying information of certain animal researchers at public research facilities, including state universities.

Section 2. Provides a statement of public necessity.

Section 3. Provides an effective date of July 1, 2014.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

This bill does not appear to require municipalities or counties to expend funds or to take any action requiring the expenditure of funds, reduce the authority that municipalities or counties have to raise

revenues in the aggregate, or reduce the percentage of state tax shared with municipalities or counties.

2. Other:

Vote Requirement

Article I, s. 24(c) of the State Constitution requires a two-thirds vote of the members present and voting for final passage of a newly created public record or public meeting exemption. The bill creates a new public record exemption; thus, it requires a two-thirds vote for final passage.

Public Necessity Statement

Article I, s. 24(c) of the State Constitution requires a public necessity statement for a newly created or expanded public record or public meeting exemption. The bill creates a new public record exemption; thus, it includes a public necessity statement.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

None.

1 A bill to be entitled
 2 An act relating to greyhound racing injuries; amending
 3 s. 550.2415, F.S.; directing the Division of Pari-
 4 mutuel Wagering within the Department of Business and
 5 Professional Regulation to maintain records of
 6 greyhounds injured while racing; providing for content
 7 of such records; providing penalties for making false
 8 statements on an injury form; providing an effective
 9 date.

10

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

12

13 Section 1. Paragraph (f) is added to subsection (6) of
 14 section 550.2415, Florida Statutes, to read:

15 550.2415 Racing of animals under certain conditions
 16 prohibited; penalties; exceptions.—

17 (6)

18 (f)1. The division shall maintain accurate records
 19 regarding injuries incurred by racing greyhounds while they are
 20 racing in the state, including schooling races. The records must
 21 include:

22 a. The greyhound's registered name, right and left ear
 23 tattoo numbers, and microchip number and manufacturer, if any.

24 b. The name, business address, and telephone number of the
 25 owner, the trainer, and the kennel operator.

26 c. The color, weight, and sex of the greyhound.

27 d. Where the injury took place, whether on a racetrack or
 28 in another area.

29 e. If the injury occurred while the greyhound was racing,
 30 the racetrack where the injury occurred and the distance, grade,
 31 race, and post position of the greyhound when the injury
 32 occurred.

33 f. The weather conditions, time, temperature, and track
 34 condition when the injury occurred.

35 g. The specific type of injury, the cause of the injury,
 36 the estimated recovery time, and the location of injury on the
 37 greyhound.

38 2. All injury forms shall be completed and signed under
 39 oath or affirmation under penalty of perjury by the racetrack
 40 veterinarian, whose signature shall be witnessed by a designated
 41 representative of the division.

42 3. Injury records created and maintained under this
 43 paragraph shall be maintained by the division for a period of 7
 44 years and shall be made readily available to the public upon
 45 oral or written request.

46 4. Whoever knowingly makes a false written statement on an
 47 injury form shall be punished by a fine not to exceed \$1,500. A
 48 second or subsequent violation of this paragraph shall be
 49 punished by a fine of at least \$3,000.

50 Section 2. This act shall take effect July 1, 2014.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: PCB HEWS 14-02 State University System Performance Funding Model
SPONSOR(S): Higher Education & Workforce Subcommittee
TIED BILLS: **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
Orig. Comm.: Higher Education & Workforce Subcommittee		Sherry <i>HRS</i>	Sherry <i>HRS</i>

SUMMARY ANALYSIS

In line with the shared governance agreement between the Board of Governors and the Legislature, the proposed committee bill (PCB) provides a framework upon which the Board of Governors can assess the performance and improvement of state universities and distribute performance funds appropriated by the Legislature.

The PCB:

- Specifies that performance funding shall be allocated to preeminent state research universities based upon the academic and research excellence standards established by the Legislature to attain preeminent designation in s. 1001.7065, F.S.;
- Establishes standards for all other state universities that will be used to allocate performance funding for those universities;
- Applies the standards to Florida Polytechnic University beginning July 1, 2022; and
- Provides for specific standards that reflect the unique mission of New College of Florida.

The PCB requires the Board of Governors (BOG) to use these standards to establish a performance funding model which allocates the funds to provide rewards and sanctions based on each university's performance.

Within this model, preeminent university academic and research excellence standards are worth twice the value of the quality standards established for the other universities.

Once the BOG implements the funding model, it will submit a budget amendment with the allocation of the funds based on each university's performance and, upon approval by the Legislative Budget Commission, the funds will be released.

To enhance transparency and clarity of student and parental choice options, the PCB requires the BOG to design and annually disseminate a report card for each university that displays the university's rankings on the performance funding model standards.

Finally, the PCB requires the BOG to adopt regulations to implement the PCB.

The PCB has an effective date of July 1, 2014.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

State University System Governance Agreement

In 2007, a group of citizens filed a lawsuit against the Legislature that sought to clarify the scope of the Board of Governors (BOG's) constitutional authority and identify the entity that has the authority to set SUS tuition and fees. Subsequently, this lawsuit was joined by the BOG.

On March 24, 2010, the Chair of the BOG, the Chancellor of the State University System (SUS), legislative leaders and the Governor signed a State University System Governance Agreement acknowledging their shared constitutional authority for the state universities as set forth in the Constitution of the State of Florida. The components of the State University System Governance Agreement include master planning and coordination of Florida's higher education systems; strategic planning; university governance; financial aid programs; the Administrative Procedures Act and BOG regulations; tuition; and fees. As a result of the State University System Governance Agreement, the BOG filed a notice of dismissal, with prejudice, of their claims in the 2007 lawsuit filed against the Legislature. The presiding officers agreed to file legislation in accordance with the framework set forth in the governance agreement and to exercise their best efforts to accomplish the final passage of the legislation.¹ On January 31, 2013, the Florida Supreme Court issued a ruling in favor of the Legislature, holding that the Florida Constitution does not indicate intent to delegate the Legislature's power to set and appropriate for the expenditure of tuition and fees to the BOG. Thus, the challenged statutes, by which the Legislature exercises control over tuition and fees, are facially constitutional.²

Board of Governors State University System – Three-Part Accountability Framework

The SUS has developed three tools that aid in guiding the System's future.

- The BOG Strategic Plan 2012-2025 is driven by goals and associated metrics that stake out where the SUS is headed;
- The BOG's Annual Accountability Report provides yearly tracking for how the SUS is progressing toward its goals;
- Institutional Work Plans connect the two and create an opportunity for greater dialogue relative to how each institution contributes to the SUS's overall vision.³

These three documents assist the BOG with strategic planning and with setting short-, mid-, and long-term goals. They also enhance the SUS's commitment to accountability and driving improvements in three primary areas of focus: 1) academic quality, 2) operational efficiency, and 3) return on investment.⁴

In November 2011, the BOG adopted the State University System of Florida Strategic Plan 2012 – 2025. The plan provides a mission statement and a vision statement for the SUS and, subsequently has identified goals and performance indicators for the thirteen year planning period. The BOG

¹ Florida Legislature, *State University System Governance Agreement* (March 24, 2010); see also ch. 2010-78, L.O.F.; staff of the Florida House of Representatives, *Legislative Bill Analysis for HB 7237* (2010).

² See *Graham v. Haridopolos*, 108 So. 2d 597, 599 (Fla. 2013).

³ State University System of Florida Board of Governors, Board of Governors 2013-14 Work Plan Reports, System Report, available at <http://www.flbog.edu/resources/publications/workplan.php> (last visited March 14, 2014).

⁴ *Id.*

Strategic Plan for 2012 – 2025 is not a static document, but is an evolving plan. BOG goals and performance indicators will continue to be refined during the period of the 2012 – 2025 Strategic Plan in consultation with the state universities and other stakeholders.⁵

Each state university's progress toward attainment of the BOG's 2025 Goals will be determined by its unique and distinctive mission as expressed in its institutional strategic plan and its multi-year work plan. During this period, the BOG will work with the universities to establish parallel goals that will align institutional strategic plans with the BOG Strategic Plan and will recognize and reflect each institution's commitment to and participation in the BOG's Strategic Plan 2012-2025.⁶

The BOG will focus on three critical points of emphasis that will provide a framework for the targeted 2025 Goals and recognize the university's teaching, research, and public service priorities: Excellence, Productivity, and Strategic Priorities for a Knowledge Economy.⁷

Preeminent State Research Universities Program

In 2013, the Legislature passed SB 1076, which established a collaborative partnership between the BOG and the Legislature to raise the academic and research excellence and national preeminence of the highest performing state research universities in Florida.⁸ The partnership stems from the March 24, 2010, SUS Governance Agreement that affirmed the commitment of the BOG and the Legislature to continue collaboration on accountability measures, the use of data, and recommendations derived from such data.⁹

The Preeminent State Research Universities Program was created and BOG was provided the authority to designate a qualifying institution as a preeminent state research university if it meets at least 11 of the 12 academic and research excellence standards.

The academic and research excellence standards are a series of benchmarks in research productivity, endowment size, student success indicators, national rankings, and other measures identified by national databases and research groups that indicate national prominence. The twelve standards are predicated in part upon data collected by nationally recognized entities, including the Integrated Postsecondary Education Data System (IPEDS)¹⁰, the National Science Foundation (NSF)¹¹, and the Center for Measuring University Performance¹², which annually publishes the Top American Research Universities (TARU) report¹³.

The BOG must designate a SUS institution as a preeminent state research university once it substantially meets, as verified by the BOG, at least 11 of the following 12 academic and research excellence standards:¹⁴

- An average weighted grade point average of 4.0 or higher on a 4.0 scale and an average SAT score of 2800 or higher for fall semester incoming freshman, as reported annually.

⁵ State University System of Florida, Board Of Governors, *Strategic Plan 2012-2025*(2011), available at www.flbog.edu/.../2011-11-28_Strategic_Plan_2012-2025_FINAL.PDF,

⁶ *Id.*

⁷ *Id.*

⁸ Section 1001.7065(1), F.S.

⁹ *Id.*

¹⁰ Integrated Postsecondary Education Data System, About IPEDS, available at <http://nces.ed.gov/ipeds/about> (last visited March 13, 2014).

¹¹ National Science Foundation, *About the National Science Foundation*, <http://www.nsf.gov/about/> (last visited March 13, 2014).

¹² The Center for Measuring University Performance, *The Center for Measuring University Performance*, <http://mup.asu.edu/index.html> (last visited March 16, 2014).

¹³ The Top American Research Universities, *2012 Annual Report*, <http://mup.asu.edu/research.html> (last visited March 16, 2014).

¹⁴ Section 1001.7065(2), F.S.

- A top-50 ranking on at least two well-known and highly respected national preeminence, using most recent ranking.
- A freshman retention rate of 90 percent or higher for full-time, first-time-in-college student, as reported annually to the IPEDS.
- A 6-year graduation rate of 70 percent or higher for full-time, first-time-in-college student, as reported annually to the IPEDS.
- Six or more faculty members at the state university who are members of a national academy, as reported by the Center for Measuring University Performance in the TARU annual report.
- Total annual research expenditures, including federal research expenditures, of \$200 million or more, as reported annually by the NSF.
- Total annual research expenditures in diversified nonmedical sciences of \$150 million or more, based on data reported annually by the NSF.
- A top-100 university national ranking for research expenditures in five or more science, technology, engineering, or mathematics fields of study, as reported annually by the NSF.
- One hundred or more total patents awarded by the United States Patent and Trademark Office for the most recent 3-years periods.
- Four hundred or more doctoral degrees awarded annually, as reported in the Board of Governors Annual Accountability Report.
- Two hundred or more postdoctoral appointees annually as reported in the TARU annual report.
- An endowment of \$500 million or more, as reported in the Board of Governors Annual Accountability Report.

The BOG is encouraged to identify and grant all reasonable and feasible authority and flexibility to keep designated preeminent universities free from unnecessary restrictions.¹⁵ It is also encouraged to identify individual programs within state universities that objectively reflect national excellence and make recommendations to the Legislature as to how any such programs could be enhanced and promoted.¹⁶

Performance Based Funding

The BOG began a discussion on a new performance funding model in the fall of 2012 at the direction of the BOG Chair. The topic first appeared on the BOG's Budget & Finance Committee agenda in November 2012 and was on every Committee agenda through January 2014, for a total of seven public meetings. At each meeting, the Committee discussed issues surrounding the model and reviewed materials on other state performance models. During this time the university provosts held meetings and included the performance funding model on their agenda and participated in conference calls with BOG staff. BOG staff researched other state's performance funding models, read the literature on various models and participated in national meetings to discuss and learn more about performance funding¹⁷.

The BOG identified four guiding principles early in the process that were used in the development of the model:

- Align the metrics with the State University System's *Strategic Plan* goals.
- Reward excellence as well as improvement.
- Acknowledge unique institutional missions.
- Use simple, clear metrics.

The BOG initially started with 14 standards but eventually settled on 10 standards, with two of those standards being discretionary; one chosen by the BOG and one by the university board of trustees. At the September, 2013 meeting, the BOG chose one metric and requested the board of trustees of each

¹⁵ Section 1001.7065(8), F.S.

¹⁶ Section 1001.7065(9), F.S.

¹⁷ Email, State University System of Florida, Board of Governors (March 14, 2014).

university to choose one standard from the standards approved in the State University System Annual Accountability Report. At the November meeting, the BOG approved each university board of trustees' standard. The BOG then directed its staff to work with each university to set the benchmark for the two discretionary standards. Staff communicated with each university about proposed benchmarks and received comments from about half of the universities.

At the January 2014 BOG meeting, the performance funding model, including the standards and benchmarks, were approved.

Effect of Proposed Change

In line with the shared governance agreement between the Board of Governors and the Legislature, the PCB provides a framework upon which the Board of Governors can assess the performance and improvement of state universities and distribute performance funds appropriated by the Legislature.

The PCB specifies that performance funding shall be allocated to preeminent state research universities based upon the academic and research excellence standards established by the Legislature to attain preeminent designation in s. 1001.7065, F.S.

The PCB establishes standards for all other state universities that will be used to allocate performance funding for those universities and specifies that the standards will apply to Florida Polytechnic University beginning July 1, 2022.

New College of Florida is subject to the same standards as the other universities; however, due to its unique mission as a small residential arts and sciences honors college, it is exempt from the following measures: average cost per undergraduate degree and graduate degrees awarded in strategic areas of emphasis as designated by the BOG. In lieu of those measures, New College of Florida shall be measured by the number of Fulbright Scholars and other national award recipients per 100 undergraduates and the percent of undergraduate courses taught by tenure-track professors.

The PCB requires the BOG to establish a performance funding model that incorporates the aforementioned standards. The BOG shall establish a scale of both excellence and improvement benchmarks for each standard and assign a point value to each benchmark. The institutions which have been designated as preeminent research institutions, Florida State University and the University of Florida, shall be assessed on the specified academic and research excellence standards in s. 1001.7065, F.S. These standards are worth twice the amount of the maximum achievable points of the academic quality standards. The compilation of each earned point will determine the university's score within the model. The universities whose scores meet or exceed a specified threshold will be allocated funding proportionate to their achieved score. The funds that are dedicated to the performance funding model shall be placed in reserve and held until the BOG submits and the Legislative Budget Commission approves a budget amendment reporting the universities' scores and the subsequent allocation of the funds.

To enhance transparency and clarity of student and parental choice options, the PCB requires the Board of Governors to design and annually disseminate a report card for each university that displays the university's rankings on the performance funding model standards.

Finally, the PCB requires the BOG to adopt regulations to implement this section.

B. SECTION DIRECTORY:

Section 1. Amends s. 1001.7065, F.S. to provide a mechanism for state universities that were not designated a preeminent state research university prior to the 2014-15 fiscal year to be designated as such upon meeting at least 11 of the 12 academic and research excellence standards identified in subsection (2).

Section 2. Creates s. 1001.707, F.S., to provide for legislative intent; directing the Board of Governors to establish a performance funding model and reporting system; establishing applicable standards for state universities for purposes of a performance funding model; directing the BOG to establish benchmarks for each standard established in the PCB; directing the BOG to implement a weighted scoring system to measure the achievement and improvement of each university; Specifying the weight of specific standards within the scoring system; establishing the data upon which the funding model shall be based; specifying that funds for the performance model are subject to legislative appropriation in the General Appropriations Act; requiring that funds appropriated each year be held in reserve until the Legislative Budget Commission approves a budget amendment allocating the BOG performance funding based on the BOG's scoring system; establishing a date by which the BOG shall submit a report to the Governor, President of the Senate, and Speaker of the House of Representatives containing each university's scores on each of the standards based on data from the prior academic year and any suggested changes to the benchmarks or standards; directing the BOG to establish a report card for each university that displays the university's ranking on each of the standards; and directing the BOG to adopt regulations to implement this section.

Section 3. Provides an effective date of July 1, 2014.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

The Board of Governors has the authority to allocate funds provided in the General Appropriations Act for university performance upon the approval of the Legislative Budget Commission.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

This PCB does not appear to require municipalities or counties to expend funds or to take any action requiring the expenditure of funds, reduce the authority that municipalities or counties have to raise revenues in the aggregate, or reduce the percentage of state tax shared with municipalities or counties.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

The bill requires the Board of Governors to adopt regulations to implement the provisions of the bill.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

1 A bill to be entitled
 2 An act relating to the State University System
 3 performance funding model; amending s. 1001.7065,
 4 F.S.; authorizing state universities to receive
 5 designation as preeminent state research universities;
 6 creating s. 1001.707, F.S.; providing legislative
 7 intent; requiring the Board of Governors to establish
 8 a State University System performance funding model
 9 and reporting system; specifying standards for
 10 purposes of the performance funding model; requiring
 11 the Board of Governors to implement a weighted scoring
 12 system to measure university achievement of excellence
 13 or improvement; providing funding and reporting
 14 requirements; requiring the Board of Governors to
 15 design and annually disseminate university report
 16 cards; requiring the Board of Governors to adopt
 17 regulations; providing an effective date.

18
 19 Be It Enacted by the Legislature of the State of Florida:

20
 21 Section 1. Subsection (3) of section 1001.7065, Florida
 22 Statutes, is amended to read:

23 1001.7065 Preeminent state research universities program.—

24 (3) PREEMINENT STATE RESEARCH UNIVERSITY DESIGNATION.—In
 25 the 2013-2014 fiscal year, the Board of Governors designated the
 26 University of Florida and Florida State University as preeminent

27 | state research universities. To receive the designation, the
 28 | University of Florida met all 12 of the academic and research
 29 | excellence standards identified in subsection (2) and Florida
 30 | State University met ~~shall designate each state research~~
 31 | ~~university that meets at least~~ 11 of the 12 academic and
 32 | research excellence standards identified in subsection (2) ~~a~~
 33 | ~~preeminent state research university.~~ Beginning with the 2014-
 34 | 2015 fiscal year, any other state university may submit a
 35 | request to the Board of Governors for designation as a
 36 | preeminent state research university, which the Board of
 37 | Governors may grant based upon verification that the university
 38 | meets at least 11 of the 12 academic and research excellence
 39 | standards identified in subsection (2).

40 | Section 2. Section 1001.707, Florida Statutes, is created
 41 | to read:

42 | 1001.707 State University System performance funding model
 43 | and reporting system.—

44 | (1) LEGISLATIVE INTENT.—Beginning July 1, 2014, in
 45 | furtherance of the collaborative partnership between the Board
 46 | of Governors and the Legislature as codified in the State
 47 | University System Governance Agreement of March 24, 2010, it is
 48 | the intent of the Legislature to provide authority to the Board
 49 | of Governors to establish and maintain a performance funding
 50 | model and reporting system in accordance with this section. It
 51 | is the further intent of the Legislature that the performance
 52 | funding model and reporting system shall reflect the Board of

53 Governors' operation and management of the State University
 54 System as a complementary, interactive system while recognizing
 55 the specific mission that each university within the State
 56 University System plays in advancing the state's higher
 57 education goals and priorities. To accomplish these objectives,
 58 the Board of Governors may implement performance funding rewards
 59 and sanctions designed to maximize each university's potential
 60 to succeed, including, but not limited to, incentives for
 61 preeminence and incentives for the production of highly skilled
 62 graduates.

63 (2) PERFORMANCE FUNDING MODEL AND REPORTING SYSTEM.—The
 64 Board of Governors shall establish the State University System
 65 performance funding model and reporting system. The applicable
 66 standards for purposes of the performance funding model are:

67 (a) Universities designated as preeminent state research
 68 universities by the Board of Governors are subject only to the
 69 academic and research excellence standards specified in s.
 70 1001.7065(2).

71 (b) Except as provided in paragraphs (c) and (d), all
 72 other universities are subject only to the following quality
 73 standards:

74 1. Percentage of baccalaureate degree graduates employed
 75 or continuing their education.

76 2. Average wages of employed baccalaureate degree
 77 graduates.

78 3. Average cost per undergraduate degree.

79 4. Six-year graduation rate for full-time and part-time
80 first-time-in-college students.

81 5. Academic progress rate based on the number of students
82 retained after the first academic year with a grade point
83 average above 2.0 on a 4.0 scale.

84 6. Baccalaureate degrees awarded in areas of strategic
85 emphasis as designated by the Board of Governors.

86 7. Percentage of baccalaureate degree graduates who were
87 Pell Grant recipients.

88 8. Graduate degrees awarded in strategic areas of emphasis
89 as designated by the Board of Governors.

90 9. A standard selected by the Board of Governors for each
91 university.

92 10. A standard selected by the board of trustees of each
93 university.

94 (c) In recognition of the mission of New College of
95 Florida as a small residential arts and sciences honors college,
96 New College of Florida is exempt from the standards in
97 subparagraphs (b)3. and 8. and, in lieu thereof, shall be
98 measured by the number of Fulbright Scholars and other national
99 award recipients per 100 undergraduates and the percent of
100 undergraduate courses taught by tenure-track professors.

101 (d) The standards in paragraph (b) shall be applicable to
102 Florida Polytechnic University beginning July 1, 2022.

103 (3) WEIGHTED PERFORMANCE FUNDING MODEL METHODOLOGY.—The
104 Board of Governors shall establish benchmarks for each standard

105 established in paragraphs (2)(b) and (c). The Board of Governors
 106 shall also implement a weighted scoring system to measure the
 107 achievement of excellence or improvement of each university.
 108 Points shall be awarded to each university for each standard
 109 based on the associated benchmark achieved. Each university
 110 shall be awarded a total score based on the points earned for
 111 each benchmark achieved.

112 (a) A university designated as a preeminent state research
 113 university shall be evaluated on the academic and research
 114 excellence standards specified in s. 1001.7065(2). In the Board
 115 of Governors' scoring system, each of the academic and research
 116 excellence standards shall be worth twice the weight and
 117 commensurate fiscal value of the maximum points achievable for
 118 the standards established in paragraphs (2)(b) and (c). The
 119 Board of Governors shall award each preeminent state research
 120 university a total score based on the points earned for each
 121 academic and research excellence standard achieved.

122 (b) The initial year of use of the performance funding
 123 model shall be based on data submitted by the universities to
 124 the Board of Governors for fiscal year 2012-2013 and validated
 125 for accuracy by the Board of Governors. Funds for the State
 126 University System performance funding model are subject to
 127 annual appropriation by the Legislature in the General
 128 Appropriations Act. Funds appropriated each year for the
 129 performance funding model shall be held in reserve until the
 130 Legislative Budget Commission approves a budget amendment

131 allocating the performance funding based on the Board of
 132 Governor's scoring system. The budget amendment shall be
 133 submitted to the Executive Office of the Governor by the Board
 134 of Governors by July 15 annually.

135 (c) Annually by March 1, the Board of Governors shall
 136 submit a report to the Governor, the President of the Senate,
 137 and the Speaker of the House of Representatives containing each
 138 university's scores based on data from the prior academic year
 139 and suggested changes to the standards and benchmarks used to
 140 evaluate a university's performance.

141 (4) UNIVERSITY REPORT CARD.—For State University System
 142 transparency and clarity of student and parental choice options,
 143 the Board of Governors shall design and annually disseminate a
 144 report card for each university that displays the university's
 145 ranking on each of the performance funding model standards
 146 applicable to that university. However, the report card for each
 147 preeminent state research university must also display the
 148 university's ranking on each of the standards established in
 149 paragraph (2) (b).

150 (5) REGULATIONS.—The Board of Governors shall adopt
 151 regulations to implement the requirements of this section.

152 Section 3. This act shall take effect July 1, 2014.

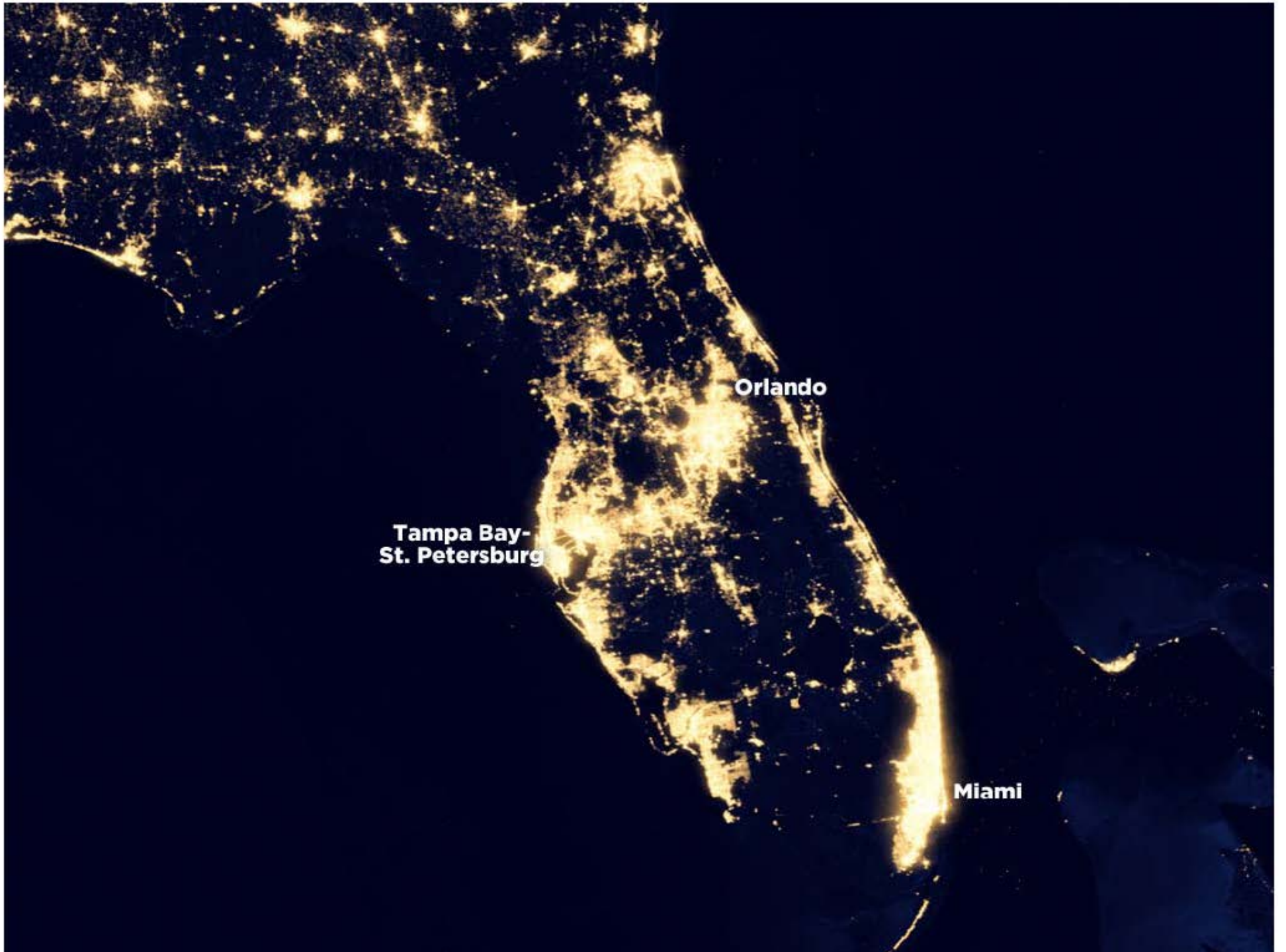
Florida Consortium of Metropolitan Research Universities

FIU



UCF

USF



Orlando

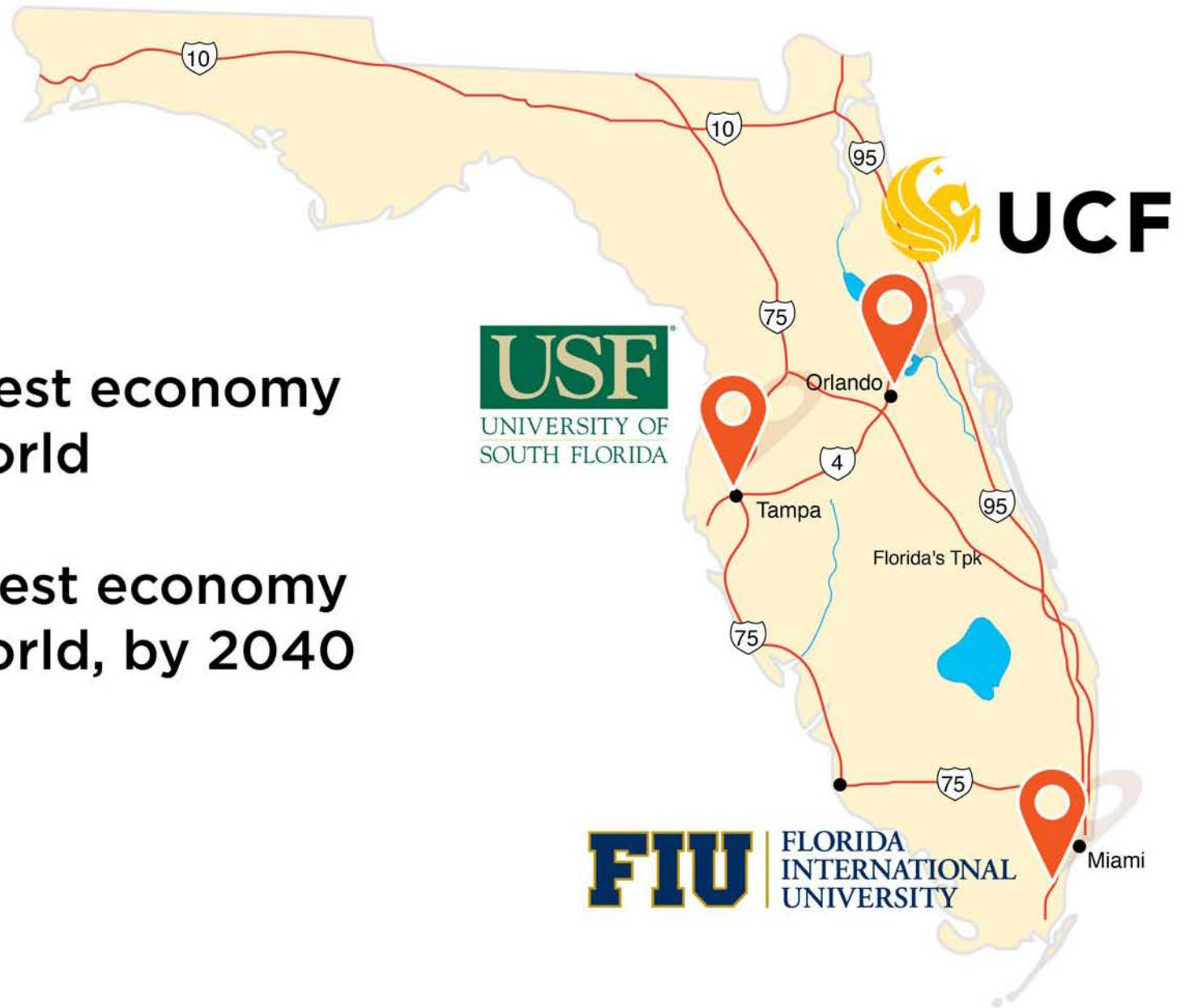
**Tampa Bay-
St. Petersburg**

Miami

Florida Consortium of Metropolitan Research Universities

31st largest economy
in the world

17th largest economy
in the world, by 2040



Top U.S. Metro Areas



1. New York
2. Los Angeles
3. Chicago
4. FLA CONSORTIUM
5. Washington D.C.
6. Houston
7. Dallas
8. Philadelphia
9. San Francisco

Florida Consortium of Metropolitan Research Universities



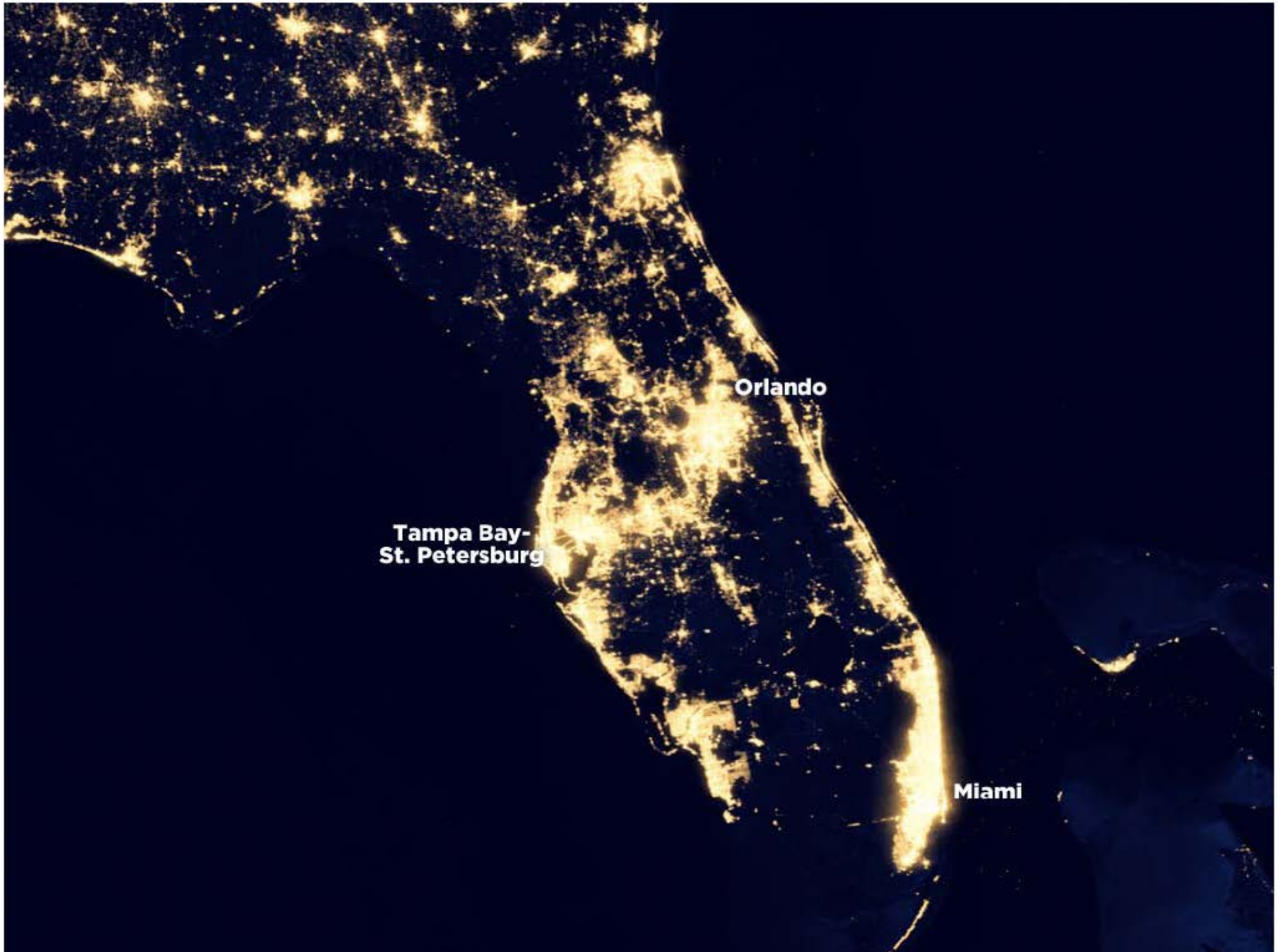
UCF

FIU

USF

TOTAL

% of Population	20.20%	23.10%	19.20%	62.50%
% of Minorities	17.51%	37.57%	15.35%	70.43%
% of SUS Enrollment	17.85%	15.04%	14.29%	47.18%
% of SUS Degrees	17.89%	13.40%	15.11%	46.40%
% of STEM Degrees	10.42%	17.31%	15.42%	43.15%



Orlando

**Tampa Bay-
St. Petersburg**

Miami