



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 (l) 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:

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

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

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

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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.

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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.