

Amendment No.

CHAMBER ACTION

Senate

House

.

1 Representative Coley offered the following:
2

3 **Amendment (with title amendment)**

4 Remove everything after the enacting clause and insert:
5

6 Section 1. Paragraph (o) of subsection (6) of section
7 1001.10, Florida Statutes, is amended to read:

8 1001.10 Commissioner of Education; general powers and
9 duties.—

10 (6) Additionally, the commissioner has the following
11 general powers and duties:

12 (o) To develop criteria for use by state instructional
13 materials reviewers ~~committees~~ in evaluating materials submitted
14 for adoption consideration. The criteria shall, as appropriate,
15 be based on instructional expectations reflected in curriculum
16 frameworks and student performance standards. The criteria for
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17 each subject or course shall be made available to publishers of
18 instructional materials pursuant to the requirements of chapter
19 1006.

20 Section 2. Subsection (19) of section 1002.33, Florida
21 Statutes, is amended, subsection (26) is renumbered as
22 subsection (27), and a new subsection (26) is added to that
23 section, to read:

24 1002.33 Charter schools.—

25 (19) CAPITAL OUTLAY FUNDING.—Charter schools are eligible
26 for capital outlay funds pursuant to s. 1013.62. Capital outlay
27 funds authorized in ss. ~~s.~~ 1011.71(2) and 1013.62 that have been
28 shared with a charter school-in-the-workplace prior to July 1,
29 2010, are deemed to have met the authorized expenditure
30 requirements for such funds.

31 (26) LOCAL EDUCATIONAL AGENCY STATUS FOR CERTAIN CHARTER
32 SCHOOL SYSTEMS.—A charter school system shall be designated a
33 local educational agency for the purpose of receiving federal
34 funds, in the same manner as if the charter school system were a
35 school district, if the governing board of the charter school
36 system has adopted and filed a resolution with its sponsoring
37 district school board and the Department of Education in which
38 the governing board accepts full responsibility for all local
39 educational agency requirements and the charter school system
40 meets all of the following:

41 (a) Includes both conversion charter schools and
42 nonconversion charter schools;

43 (b) Has all schools located in the same county;

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44 (c) Has a total enrollment exceeding the total enrollment
45 of at least one school district in the state;

46 (d) Has the same governing board; and

47 (e) Does not contract with a for-profit service provider
48 for management of school operations.

49
50 Such designation does not apply to other provisions of law
51 unless specifically provided by law.

52 Section 3. Paragraph (e) is added to subsection (1) of
53 section 1002.45, Florida Statutes, to read:

54 1002.45 School district virtual instruction programs.—

55 (1) PROGRAM.—

56 (e)1. Each school district shall provide to the department
57 by October 1, 2011, and by each October 1 thereafter, a copy of
58 each contract and the amounts paid per unweighted full-time
59 equivalent student for services procured pursuant to paragraph
60 (c).

61 2. Each school district shall expend the difference in
62 funds provided for a student participating in the school
63 district virtual instruction program pursuant to subsection (7)
64 and the price paid for contracted services procured pursuant to
65 paragraph (c) for the district's local instructional improvement
66 system pursuant to s. 1006.281 or other technological tools that
67 are required to access electronic and digital instructional
68 materials.

69 Section 4. Paragraphs (c) and (f) of subsection (3) of
70 section 1002.55, Florida Statutes, are amended to read:

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71 1002.55 School-year prekindergarten program delivered by
72 private prekindergarten providers.—

73 (3) To be eligible to deliver the prekindergarten program,
74 a private prekindergarten provider must meet each of the
75 following requirements:

76 (c) The private prekindergarten provider must have, for
77 each prekindergarten class of 11 children or fewer, at least one
78 prekindergarten instructor who meets each of the following
79 requirements:

80 1. The prekindergarten instructor must hold, at a minimum,
81 one of the following credentials:

82 a. A child development associate credential issued by the
83 National Credentialing Program of the Council for Professional
84 Recognition; or

85 b. A credential approved by the Department of Children and
86 Family Services as being equivalent to or greater than the
87 credential described in sub-subparagraph a.

88
89 The Department of Children and Family Services may adopt rules
90 under ss. 120.536(1) and 120.54 which provide criteria and
91 procedures for approving equivalent credentials under sub-
92 subparagraph b.

93 2. The prekindergarten instructor must successfully
94 complete an emergent literacy training course approved by the
95 department as meeting or exceeding the minimum standards adopted
96 under s. 1002.59. This subparagraph does not apply to a
97 prekindergarten instructor who successfully completes approved
98 training in early literacy and language development under s.
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99 402.305(2)(d)5., s. 402.313(6), or s. 402.3131(5) before the
100 establishment of one or more emergent literacy training courses
101 under s. 1002.59 or April 1, 2005, whichever occurs later.

102 (f) Each of the private prekindergarten provider's
103 prekindergarten classes must be composed of at least 4 students
104 but may not exceed 20 ~~18~~ students. In order to protect the
105 health and safety of students, each private prekindergarten
106 provider must also provide appropriate adult supervision for
107 students at all times and, for each prekindergarten class
108 composed of 12 ~~11~~ or more students, must have, in addition to a
109 prekindergarten instructor who meets the requirements of
110 paragraph (c), at least one adult prekindergarten instructor who
111 is not required to meet those requirements but who must meet
112 each requirement of paragraph (d). This paragraph does not
113 supersede any requirement imposed on a provider under ss.
114 402.301-402.319.

115 Section 5. Subsection (7) of section 1002.63, Florida
116 Statutes, is amended to read:

117 1002.63 School-year prekindergarten program delivered by
118 public schools.—

119 (7) Each prekindergarten class in a public school
120 delivering the school-year prekindergarten program must be
121 composed of at least 4 students but may not exceed 18 students.
122 In order to protect the health and safety of students, each
123 school must also provide appropriate adult supervision for
124 students at all times and, for each prekindergarten class
125 composed of 12 ~~11~~ or more students, must have, in addition to a
126 prekindergarten instructor who meets the requirements of s.
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127 1002.55(3)(c), at least one adult prekindergarten instructor who
128 is not required to meet those requirements but who must meet
129 each requirement of subsection (5).

130 Section 6. Subsection (7) of section 1002.71, Florida
131 Statutes, is amended to read:

132 1002.71 Funding; financial and attendance reporting.—

133 (7) The Agency for Workforce Innovation shall require that
134 administrative expenditures be kept to the minimum necessary for
135 efficient and effective administration of the Voluntary
136 Prekindergarten Education Program. Administrative policies and
137 procedures shall be revised, to the maximum extent practicable,
138 to incorporate the use of automation and electronic submission
139 of forms, including those required for child eligibility and
140 enrollment, provider and class registration, and monthly
141 certification of attendance for payment. A school district may
142 use its automated daily attendance reporting system for the
143 purpose of transmitting attendance records to the early learning
144 coalition in a mutually agreed-upon format. In addition, actions
145 shall be taken to reduce paperwork, eliminate the duplication of
146 reports, and eliminate other duplicative activities. Beginning
147 with the 2011-2012 ~~2010-2011~~ fiscal year, each early learning
148 coalition may retain and expend no more than 4.0 ~~4.5~~ percent of
149 the funds paid by the coalition to private prekindergarten
150 providers and public schools under paragraph (5)(b). Funds
151 retained by an early learning coalition under this subsection
152 may be used only for administering the Voluntary Prekindergarten
153 Education Program and may not be used for the school readiness
154 program or other programs.

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155 Section 7. Subsections (14) and (15) of section 1003.01,
156 Florida Statutes, are amended to read:

157 1003.01 Definitions.—As used in this chapter, the term:

158 (14) "Core-curricula courses" means:

159 (a) Language arts/reading, mathematics, and science
160 courses in prekindergarten through grade 3.

161 (b) Courses in grades 4 through 8 in subjects that are
162 measured by state assessment at any grade level.

163 (c) Courses in grades 9 through 12 in subjects that are
164 measured by state assessment at any grade level.

165 (d) Courses that are specifically identified by name in
166 law as required for high school graduation and that are not
167 measured by state assessment, excluding any extracurricular
168 courses.

169 (e) Exceptional student education courses.

170 (f) English for Speakers of Other Languages courses.
171 ~~courses defined by the Department of Education as mathematics,~~
172 ~~language arts/reading, science, social studies, foreign~~
173 ~~language, English for Speakers of Other Languages, exceptional~~
174 ~~student education, and courses taught in traditional self-~~
175 ~~contained elementary school classrooms.~~

176
177 The term is limited in meaning and used for the sole purpose of
178 designating classes that are subject to the maximum class size
179 requirements established in s. 1, Art. IX of the State
180 Constitution. This term does not include courses offered under
181 ss. 1002.37, 1002.415, and 1002.45.

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182 (15) "Extracurricular courses" means all courses that are
183 not defined as "core-curricula courses," which may include, but
184 are not limited to, physical education, fine arts, performing
185 fine arts, ~~and~~ career education, and courses that may result in
186 college credit. The term is limited in meaning and used for the
187 sole purpose of designating classes that are not subject to the
188 maximum class size requirements established in s. 1, Art. IX of
189 the State Constitution.

190 Section 8. Subsections (1) and (2) of section 1003.03,
191 Florida Statutes, are amended to read:

192 1003.03 Maximum class size.—

193 (1) ~~CONSTITUTIONAL CLASS SIZE MAXIMUMS.—~~Each year, on or
194 before the October student membership survey, school districts
195 must be in compliance with the following class size requirements
196 ~~Pursuant to s. 1, Art. IX of the State Constitution, beginning~~
197 ~~in the 2010-2011 school year:~~

198 (a) The maximum number of students assigned to each
199 teacher who is teaching core-curricula courses in public school
200 classrooms for prekindergarten through grade 3 may not exceed 18
201 students.

202 (b) The maximum number of students assigned to each
203 teacher who is teaching core-curricula courses in public school
204 classrooms for grades 4 through 8 may not exceed 22 students.
205 The maximum number of students assigned to a core-curricula high
206 school course in which a student in grades 4 through 8 is
207 enrolled shall be governed by the requirements in paragraph (c).

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208 (c) The maximum number of students assigned to each
209 teacher who is teaching core-curricula courses in public school
210 classrooms for grades 9 through 12 may not exceed 25 students.
211

212 These maximums shall be maintained after the October student
213 membership survey, except as provided in paragraph (2) (b) or due
214 to an extreme emergency beyond the control of the district
215 school board.

216 (2) IMPLEMENTATION.—

217 (a) The Department of Education shall annually calculate
218 class size measures described in subsection (1) based upon the
219 October student membership survey.

220 (b) A student who enrolls in a school after the October
221 student membership survey may be assigned to an existing class
222 that temporarily exceeds the maximum number of students in
223 subsection (1) if the district school board determines it to be
224 impractical, educationally unsound, or disruptive to student
225 learning to not assign the student to the class. If the district
226 school board makes this determination:

227 1. Up to three students above the maximum as provided in
228 paragraph (1) (a) may be assigned to a teacher in kindergarten
229 through grade 3.

230 2. Up to five students above the maximums as provided in
231 paragraphs (1) (b) and (c), respectively, may be assigned to a
232 teacher in grades 4 through 12.

233 3. The district school board must develop a plan for the
234 school to be in full compliance with the maximum class size in
235 subsection (1) by the next October student membership survey.

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236 ~~(b) Prior to the adoption of the district school budget~~
237 ~~for 2010-2011, each district school board shall hold public~~
238 ~~hearings and provide information to parents on the district's~~
239 ~~website, and through any other means by which the district~~
240 ~~provides information to parents and the public, on the~~
241 ~~district's strategies to meet the requirements in subsection~~
242 ~~(1).~~

243 Section 9. Subsection (2) of section 1003.492, Florida
244 Statutes, is amended to read:

245 1003.492 Industry-certified career education programs.—

246 (2) The State Board of Education shall use the expertise
247 of Workforce Florida, Inc., and Enterprise Florida, Inc., to
248 develop and adopt rules pursuant to ss. 120.536(1) and 120.54
249 for implementing an industry certification process. The rules
250 must establish a process for weighting the value of industry
251 certifications based on the rigor of the certification and its
252 employment value to state businesses and industry. Industry
253 certification shall be defined by the Agency for Workforce
254 Innovation, based upon the highest available national standards
255 for specific industry certification, to ensure student skill
256 proficiency and to address emerging labor market and industry
257 trends. A regional workforce board or a career and professional
258 academy may apply to Workforce Florida, Inc., to request
259 additions to the approved list of industry certifications based
260 on high-demand job requirements in the regional economy. The
261 list of industry certifications approved by Workforce Florida,
262 Inc., and the Department of Education shall be published and

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263 updated annually by a date certain, to be included in the
264 adopted rule.

265 Section 10. Subsection (1), paragraph (a) of subsection
266 (2), and paragraphs (b) and (e) of subsection (3) of section
267 1006.28, Florida Statutes, are amended to read:

268 1006.28 Duties of district school board, district school
269 superintendent; and school principal regarding K-12
270 instructional materials.—

271 (1) DISTRICT SCHOOL BOARD.—The district school board has
272 the duty to provide adequate instructional materials for all
273 students in accordance with the requirements of this part. The
274 term "adequate instructional materials" means a sufficient
275 number of student or site licenses ~~textbooks~~ or sets of
276 materials that are available in bound, unbound, kit, or package
277 form and may consist of hard-backed or soft-backed textbooks,
278 electronic content, consumables, learning laboratories,
279 manipulatives, electronic media, and computer courseware or
280 software that serve as the basis for instruction for each
281 student in the core courses of mathematics, language arts,
282 social studies, science, reading, and literature, ~~except for~~
283 ~~instruction for which the school advisory council approves the~~
284 ~~use of a program that does not include a textbook as a major~~
285 ~~tool of instruction.~~ The district school board has the following
286 specific duties:

287 (a) Courses of study; adoption.—Adopt courses of study for
288 use in the schools of the district.

289 (b) Instructional materials ~~Textbooks~~.—Provide for proper
290 requisitioning, distribution, accounting, storage, care, and use
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291 of all instructional materials ~~furnished by the state~~ and
292 furnish such other instructional materials as may be needed. The
293 district school board shall ensure ~~assure~~ that instructional
294 materials used in the district are consistent with the district
295 goals and objectives and the curriculum frameworks adopted by
296 rule of the State Board of Education, as well as with the state
297 and district performance standards provided for in s.
298 1001.03(1).

299 (c) Other instructional materials.—Provide such other
300 teaching accessories and aids as are needed for the school
301 district's educational program.

302 (d) School library media services; establishment and
303 maintenance.—Establish and maintain a program of school library
304 media services for all public schools in the district, including
305 school library media centers, or school library media centers
306 open to the public, and, in addition such traveling or
307 circulating libraries as may be needed for the proper operation
308 of the district school system.

309 (2) DISTRICT SCHOOL SUPERINTENDENT.—

310 (a) The district school superintendent has the duty to
311 recommend such plans for improving, providing, distributing,
312 accounting for, and caring for instructional materials ~~textbooks~~
313 and other instructional aids as will result in general
314 improvement of the district school system, as prescribed in this
315 part, in accordance with adopted district school board rules
316 prescribing the duties and responsibilities of the district
317 school superintendent regarding the requisition, purchase,
318 receipt, storage, distribution, use, conservation, records, and
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319 reports of, and management practices and property accountability
320 concerning, instructional materials, and providing for an
321 evaluation of any instructional materials to be requisitioned
322 that have not been used previously in the district's schools.
323 The district school superintendent must keep adequate records
324 and accounts for all financial transactions for funds collected
325 pursuant to subsection (3), as a component of the educational
326 service delivery scope in a school district best financial
327 management practices review under s. 1008.35.

328 (3) SCHOOL PRINCIPAL.—The school principal has the
329 following duties for the management and care of instructional
330 materials at the school:

331 (b) Money collected for lost or damaged instructional
332 materials ~~books~~; enforcement.—The school principal shall collect
333 from each student or the student's parent the purchase price of
334 any instructional material the student has lost, destroyed, or
335 unnecessarily damaged and to report and transmit the money
336 collected to the district school superintendent. The failure to
337 collect such sum upon reasonable effort by the school principal
338 may result in the suspension of the student from participation
339 in extracurricular activities or satisfaction of the debt by the
340 student through community service activities at the school site
341 as determined by the school principal, pursuant to policies
342 adopted by district school board rule.

343 (e) Accounting for instructional materials ~~textbooks~~.—
344 Principals shall see that all instructional materials ~~books~~ are
345 fully and properly accounted for as prescribed by adopted rules
346 of the district school board.

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347 Section 11. Section 1006.281, Florida Statutes, is amended
348 to read:

349 1006.281 Local instructional improvement Learning
350 management systems.—

351 (1) A "local instructional improvement system" means a
352 system that uses digital tools that provide teachers,
353 administrators, students, and parents with data and resources to
354 systematically manage continuous instructional improvement. The
355 system supports relevant activities such as instructional
356 planning, information gathering and analysis, rapid-time
357 reporting, decisionmaking on appropriate instructional sequence,
358 and evaluating the effectiveness of instruction. The system
359 shall integrate instructional information with student-level
360 data to provide predictions of future student achievement.

361 (2)~~(1)~~ Each school district shall provide teachers,
362 administrators, students, and parents ~~To ensure that all school~~
363 ~~districts have equitable access to a local instructional~~
364 improvement system. The system must provide access to electronic
365 and digital ~~digitally rich instructional materials, districts~~
366 ~~are encouraged to provide access to an electronic learning~~
367 ~~management system that allows teachers, students, and parents to~~
368 ~~access, organize, and use electronically available instructional~~
369 ~~materials and teaching and learning tools and resources,~~
370 including the ability for ~~and that enables teachers and~~
371 administrators to manage, assess, and track student learning.

372 (3)~~(2)~~ By June 30, 2014, a school district's local
373 instructional improvement system shall comply with minimum
374 standards published by the Department of Education. The system

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375 ~~must To the extent fiscally and technologically feasible, a~~
376 ~~school district's electronic learning management system should~~
377 allow for a single, authenticated sign-on and include the
378 following functionality:

379 (a) Vertically searches for, gathers, and organizes
380 specific standards-based instructional materials.

381 (b) Enables teachers to prepare lessons, individualize
382 student instruction, and use best practices in providing
383 instruction, including the ability to connect student assessment
384 data with electronic and digital instructional materials.

385 (c) Provides communication, including access to up-to-date
386 student performance data, in order to help teachers and parents
387 better serve the needs of students.

388 (d) Provides access for administrators to ensure quality
389 of instruction within every classroom.

390 (e) Enables district staff to plan, create, and manage
391 professional development and to connect professional development
392 with staff information and student performance data.

393 (f) ~~(e)~~ Provides access to multiple content providers and
394 provides the ability to seamlessly connect the local
395 instructional improvement system to electronic and digital
396 content.

397 (4) ~~(3)~~ The Department of Education shall provide advisory
398 assistance as requested by school districts in their deployment
399 of a local instructional improvement ~~district electronic~~
400 ~~learning management~~ system.

401 (5) The State Board of Education shall adopt rules
402 pursuant to ss. 120.536(1) and 120.54 to administer this
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403 section, including rules that establish minimum standards for a
404 local instructional improvement system.

405 Section 12. Section 1006.29, Florida Statutes, is amended
406 to read:

407 1006.29 State instructional materials reviewers
408 committees.—

409 ~~(1) Each school year, not later than April 15, the~~
410 ~~commissioner shall appoint state instructional materials~~
411 ~~committees composed of persons actively engaged in teaching or~~
412 ~~in the supervision of teaching in the public elementary, middle,~~
413 ~~or high schools and representing the major fields and levels in~~
414 ~~which instructional materials are used in the public schools~~
415 ~~and, in addition, lay citizens not professionally connected with~~
416 ~~education. Committee members shall receive training pursuant to~~
417 ~~subsection (5) in competencies related to the evaluation and~~
418 ~~selection of instructional materials.~~

419 ~~(a) There shall be 10 or more members on each committee:~~
420 ~~At least 50 percent of the members shall be classroom teachers~~
421 ~~who are certified in an area directly related to the academic~~
422 ~~area or level being considered for adoption, 2 shall be~~
423 ~~laypersons, 1 shall be a district school board member, and 2~~
424 ~~shall be supervisors of teachers. The committee must have the~~
425 ~~capacity or expertise to address the broad racial, ethnic,~~
426 ~~socioeconomic, and cultural diversity of the state's student~~
427 ~~population. Personnel selected as teachers of the year at the~~
428 ~~school, district, regional, or state level are encouraged to~~
429 ~~serve on instructional materials committees.~~

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430 ~~(b) The membership of each committee must reflect the~~
431 ~~broad racial, ethnic, socioeconomic, and cultural diversity of~~
432 ~~the state, including a balanced representation from the state's~~
433 ~~geographic regions.~~

434 (1) (a) (e) The commissioner shall determine annually the
435 areas in which instructional materials shall be submitted for
436 adoption, taking into consideration the desires of the district
437 school boards. The commissioner shall also determine the number
438 of titles to be adopted in each area.

439 (b) By April 15 of each school year, the commissioner
440 shall appoint three state or national experts in the content
441 areas submitted for adoption to review the instructional
442 materials and evaluate the content for alignment with the
443 applicable Next Generation Sunshine State Standards. These
444 reviewers shall be designated as state instructional materials
445 reviewers and shall review the materials for the level of
446 instructional support and the accuracy and appropriateness of
447 progression of introduced content. Instructional materials shall
448 be made available to the reviewers in an electronic format. The
449 initial review of the materials shall be made by only two of the
450 three reviewers. If the two reviewers reach different results,
451 the third reviewer shall determine which results shall be
452 recommended. The reviewers shall independently make
453 recommendations to the commissioner regarding materials that
454 should be placed on the list of adopted materials through an
455 electronic feedback review system.

456 (c) The commissioner shall request each district school
457 superintendent to nominate one classroom teacher or district-

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458 level content supervisor to review two or three of the
459 submissions recommended by the state instructional materials
460 reviewers. School districts shall ensure that these district
461 reviewers are provided with the support and time necessary to
462 accomplish thorough review of the instructional materials.
463 District reviewers shall independently rate the recommended
464 submissions on the instructional usability of the resources.

465 ~~(2) (a) All appointments shall be as prescribed in this~~
466 ~~section. No member shall serve more than two consecutive terms~~
467 ~~on any committee. All appointments shall be for 18-month terms.~~
468 ~~All vacancies shall be filled in the manner of the original~~
469 ~~appointment for only the time remaining in the unexpired term.~~
470 ~~At no time may a district school board have more than one~~
471 ~~representative on a committee. The commissioner and a member of~~
472 ~~the department whom he or she shall designate shall be~~
473 ~~additional and ex officio members of each committee.~~

474 ~~(b) The names and mailing addresses of the members of the~~
475 ~~state instructional materials committees shall be made public~~
476 ~~when appointments are made.~~

477 ~~(c) The district school board shall be reimbursed for the~~
478 ~~actual cost of substitute teachers for each workday that a~~
479 ~~member of its instructional staff is absent from his or her~~
480 ~~assigned duties for the purpose of rendering service to the~~
481 ~~state instructional materials committee. In addition, committee~~
482 ~~members shall be reimbursed for travel expenses and per diem in~~
483 ~~accordance with s. 112.061 for actual service in meetings of~~
484 ~~committees called by the commissioner. Payment of such travel~~
485 ~~expenses shall be made from the appropriation for the~~

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486 ~~administration of the instructional materials program, on~~
487 ~~warrants to be drawn by the Chief Financial Officer upon~~
488 ~~requisition approved by the commissioner.~~

489 ~~(d) Any member of a committee may be removed by the~~
490 ~~commissioner for cause.~~

491 ~~(3) All references in the law to the state instructional~~
492 ~~materials committee shall apply to each committee created by~~
493 ~~this section.~~

494 ~~(2)(4)~~ For purposes of state adoption, "instructional
495 materials" means items having intellectual content that by
496 design serve as a major tool for assisting in the instruction of
497 a subject or course. These items may be available in bound,
498 unbound, kit, or package form and may consist of hardbacked or
499 softbacked textbooks, electronic content, consumables, learning
500 laboratories, manipulatives, electronic media, and computer
501 courseware or software. A publisher or manufacturer providing
502 instructional materials as a single bundle shall also make the
503 instructional materials available as separate and unbundled
504 items, each priced individually. A publisher may also offer
505 sections of state-adopted instructional materials in digital or
506 electronic versions at reduced rates to districts, schools, and
507 teachers.

508 (3) Beginning in the 2014-2015 academic year, all adopted
509 Any instructional materials adopted after 2012-2013 for students
510 in kindergarten grades 9 through grade 12 must shall also be
511 provided in a digital an electronic format. For purposes of
512 state adoption, the term "digital format" means text-based or
513 image-based content in a form that provides the student with

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514 various interactive functions; that can be searched, tagged,
515 distributed, and utilized for individualized and group learning;
516 that includes multimedia content such as video clips,
517 animations, and virtual reality; and that has the ability to be
518 accessed anytime and anywhere. Beginning in the 2012-2013
519 academic year for grades 9 through 12 and in the 2013-2014
520 academic year for kindergarten through grade 8, all adopted
521 instructional materials must be provided in an electronic or a
522 digital format. For purposes of state adoption, the term
523 "electronic format" means text-based or image-based content in a
524 form that is produced on, published by, and readable on
525 computers or other digital devices and is an electronic version
526 of a printed book, whether or not any printed equivalent exists.
527 The term does not include electronic or computer hardware even
528 if such hardware is bundled with software or other electronic
529 media, nor does it include equipment or supplies.

530 (4)(5) The department shall develop a training program for
531 persons selected as state instructional materials reviewers and
532 school district reviewers ~~to serve on state instructional~~
533 ~~materials committees~~. The program shall be structured to assist
534 reviewers ~~committee members~~ in developing the skills necessary
535 to make valid, culturally sensitive, and objective decisions
536 regarding the content and rigor of instructional materials. All
537 persons serving as ~~on~~ instructional materials reviewers
538 ~~committees~~ must complete the training program prior to beginning
539 the review and selection process.

540 Section 13. Section 1006.30, Florida Statutes, is amended
541 to read:

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542 1006.30 Affidavit of state instructional materials
543 reviewers ~~committee members~~.—Before transacting any business,
544 each state instructional materials reviewer ~~member of a state~~
545 ~~committee~~ shall make an affidavit, to be filed with the
546 department commissioner, that:

547 (1) The reviewer ~~member~~ will faithfully discharge the
548 duties imposed upon him or her as ~~a member of the committee~~.

549 (2) The reviewer ~~member~~ has no interest, ~~and while a~~
550 ~~member of the committee he or she will assume no interest~~, in
551 any publishing or manufacturing organization that ~~which~~ produces
552 or sells instructional materials.

553 (3) The reviewer ~~member~~ is in no way connected, ~~and while~~
554 ~~a member of the committee he or she will assume no connection~~,
555 with the distribution of the instructional materials.

556 (4) The reviewer does not have any direct or indirect
557 pecuniary interest ~~member is not pecuniarily interested~~, ~~and~~
558 ~~while a member of the committee he or she will assume no~~
559 ~~pecuniary interest, directly or indirectly~~, in the business or
560 profits of any person engaged in manufacturing, publishing, or
561 selling instructional materials designed for use in the public
562 schools.

563 (5) The reviewer ~~member~~ will not accept any emolument or
564 promise of future reward of any kind from any publisher or
565 manufacturer of instructional materials or his or her agent or
566 anyone interested in, or intending to bias his or her judgment
567 in any way in, the selection of any materials to be adopted.

568 (6) The reviewer understands that it is unlawful ~~for any~~
569 ~~member of a state instructional materials committee~~ to discuss
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570 matters relating to instructional materials submitted for
571 adoption with any agent of a publisher or manufacturer of
572 instructional materials, either directly or indirectly, except
573 during the period when the publisher or manufacturer is
574 providing a presentation for the reviewer during his or her
575 review of ~~committee has been called into session for the purpose~~
576 ~~of evaluating~~ instructional materials ~~submitted for adoption.~~
577 ~~Such discussions shall be limited to official meetings of the~~
578 ~~committee and in accordance with procedures prescribed by the~~
579 ~~commissioner for that purpose.~~

580 Section 14. Section 1006.31, Florida Statutes, is amended
581 to read:

582 1006.31 Duties of each state instructional materials
583 reviewer ~~committee.~~—The duties of each state instructional
584 materials reviewer ~~committee~~ are:

585 ~~(1) PLACE AND TIME OF MEETING. To meet at the call of the~~
586 ~~commissioner, at a place in the state designated by him or her,~~
587 ~~for the purpose of evaluating and recommending instructional~~
588 ~~materials for adoption by the state. All meetings of state~~
589 ~~instructional materials committees shall be announced publicly~~
590 ~~in the Florida Administrative Weekly at least 2 weeks prior to~~
591 ~~the date of convening. All meetings of the committees shall be~~
592 ~~open to the public.~~

593 ~~(2) ORGANIZATION. To elect a chair and vice chair for each~~
594 ~~adoption. An employee of the department shall serve as secretary~~
595 ~~to the committee and keep an accurate record of its proceedings.~~
596 ~~All records of committee motions and votes, and summaries of~~
597 ~~committee debate shall be incorporated into a publishable~~

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598 ~~document and shall be available for public inspection and~~
599 ~~duplication.~~

600 (1)~~(3)~~ PROCEDURES.—To adhere to procedures prescribed by
601 the department ~~commissioner~~ for evaluating instructional
602 materials submitted by publishers and manufacturers in each
603 adoption.

604 (2)~~(4)~~ EVALUATION OF INSTRUCTIONAL MATERIALS.—To evaluate
605 carefully all instructional materials submitted, to ascertain
606 which instructional materials, if any, submitted for
607 consideration ~~best~~ implement the selection criteria developed by
608 the department ~~commissioner~~ and those curricular objectives
609 included within applicable performance standards provided for in
610 s. 1001.03(1).

611 (a) When recommending instructional materials for use in
612 the schools, each reviewer ~~committee~~ shall include only
613 instructional materials that accurately portray the ethnic,
614 socioeconomic, cultural, and racial diversity of our society,
615 including men and women in professional, career, and executive
616 roles, and the role and contributions of the entrepreneur and
617 labor in the total development of this state and the United
618 States.

619 (b) When recommending instructional materials for use in
620 the schools, each reviewer ~~committee~~ shall include only
621 materials that ~~which~~ accurately portray, whenever appropriate,
622 humankind's place in ecological systems, including the necessity
623 for the protection of our environment and conservation of our
624 natural resources and the effects on the human system of the use

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625 of tobacco, alcohol, controlled substances, and other dangerous
626 substances.

627 (c) When recommending instructional materials for use in
628 the schools, each reviewer ~~committee~~ shall require such
629 materials as he or she ~~it~~ deems necessary and proper to
630 encourage thrift, fire prevention, and humane treatment of
631 people and animals.

632 (d) When recommending instructional materials for use in
633 the schools, each reviewer ~~committee~~ shall require, when
634 appropriate to the comprehension of students, that materials for
635 social science, history, or civics classes contain the
636 Declaration of Independence and the Constitution of the United
637 States. A reviewer may not recommend any ~~No~~ instructional
638 materials ~~shall be recommended by any committee~~ for use in the
639 schools which contain any matter reflecting unfairly upon
640 persons because of their race, color, creed, national origin,
641 ancestry, gender, or occupation.

642 (e) Any instructional material ~~All instructional materials~~
643 recommended by a reviewer ~~each committee~~ for use in the schools
644 shall be, to the satisfaction of each reviewer ~~committee~~,
645 accurate, objective, and current and suited to the needs and
646 comprehension of students at their respective grade levels.
647 Reviewers ~~Instructional materials committees~~ shall consider for
648 adoption materials developed for academically talented students
649 such as those enrolled in advanced placement courses.

650 (3)-(5) REPORT OF REVIEWER COMMITTEE. ~~Each committee, After~~
651 a thorough study of all data submitted on each instructional
652 material, to submit an electronic ~~and after each member has~~

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653 ~~carefully evaluated each instructional material, shall present a~~
654 ~~written report to the department commissioner. The Such report~~
655 ~~shall be made public, and must shall include responses to each~~
656 ~~section of the report format prescribed by the department.~~

657 ~~(a) A description of the procedures used in determining~~
658 ~~the instructional materials to be recommended to the~~
659 ~~commissioner.~~

660 ~~(b) Recommendations of instructional materials for each~~
661 ~~grade and subject field in the curriculum of public elementary,~~
662 ~~middle, and high schools in which adoptions are to be made. If~~
663 ~~deemed advisable, the committee may include such other~~
664 ~~information, expression of opinion, or recommendation as would~~
665 ~~be helpful to the commissioner. If there is a difference of~~
666 ~~opinion among the members of the committee as to the merits of~~
667 ~~any instructional materials, any member may file an expression~~
668 ~~of his or her individual opinion.~~

669
670 ~~The findings of the committees, including the evaluation of~~
671 ~~instructional materials, shall be in sessions open to the~~
672 ~~public. All decisions leading to determinations of the~~
673 ~~committees shall be by roll call vote, and at no time will a~~
674 ~~secret ballot be permitted.~~

675 Section 15. Section 1006.32, Florida Statutes, is amended
676 to read:

677 1006.32 Prohibited acts.—

678 (1) A ~~No~~ publisher or manufacturer of instructional
679 material, or any representative thereof, may not shall offer to
680 give any emolument, money, or other valuable thing, or any

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681 inducement, to any district school board official or state
682 ~~member of a state-level~~ instructional materials reviewer
683 ~~committee~~ to directly or indirectly introduce, recommend, vote
684 for, or otherwise influence the adoption or purchase of any
685 instructional materials.

686 (2) A ~~No~~ district school board official or ~~member of a~~
687 state instructional materials reviewer may not ~~committee shall~~
688 solicit or accept any emolument, money, or other valuable thing,
689 or any inducement, to directly or indirectly introduce,
690 recommend, vote for, or otherwise influence the adoption or
691 purchase of any instructional material.

692 (3) A ~~No~~ district school board or publisher may not
693 participate in a pilot program of materials being considered for
694 adoption during the 18-month period before the official adoption
695 of the materials by the commissioner. Any pilot program during
696 the first 2 years of the adoption period must have the prior
697 approval of the commissioner.

698 (4) Any publisher or manufacturer of instructional
699 materials or representative thereof or any district school board
700 official or state instructional materials reviewer ~~committee~~
701 ~~member~~, who violates any provision of this section commits a
702 misdemeanor of the second degree, punishable as provided in s.
703 775.082 or s. 775.083. Any representative of a publisher or
704 manufacturer who violates any provision of this section, in
705 addition to any other penalty, shall be banned from practicing
706 business in the state for a period of 1 calendar year. ~~Any~~
707 ~~district school board official or state instructional materials~~
708 ~~committee member who violates any provision of this section, in~~
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709 ~~addition to any other penalty, shall be removed from his or her~~
710 ~~official position.~~

711 (5) This section does not prohibit ~~Nothing in this section~~
712 ~~shall be construed to prevent~~ any publisher, manufacturer, or
713 agent from supplying, for purposes of examination, necessary
714 sample copies of instructional materials to any district school
715 board official or state instructional materials reviewer
716 ~~committee member.~~

717 (6) This section does not prohibit ~~Nothing in this section~~
718 ~~shall be construed to prevent~~ a district school board official
719 or state instructional materials reviewer ~~committee member~~ from
720 receiving sample copies of instructional materials.

721 (7) This section does not ~~Nothing contained in this~~
722 ~~section shall be construed to~~ prohibit or restrict a district
723 school board official from receiving royalties or other
724 compensation, other than compensation paid to him or her as
725 commission for negotiating sales to district school boards, from
726 the publisher or manufacturer of instructional materials
727 written, designed, or prepared by such district school board
728 official, and adopted by the commissioner or purchased by any
729 district school board. No district school board official shall
730 be allowed to receive royalties on any materials not on the
731 state-adopted list purchased for use by his or her district
732 school board.

733 (8) A ~~No~~ district school superintendent, district school
734 board member, teacher, or other person officially connected with
735 the government or direction of public schools may not ~~shall~~
736 receive during the months actually engaged in performing duties

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737 under his or her contract any private fee, gratuity, donation,
738 or compensation, in any manner whatsoever, for promoting the
739 sale or exchange of any instructional material ~~school book~~, map,
740 or chart in any public school, or be an agent for the sale or
741 the publisher of any instructional material ~~school textbook~~ or
742 reference work, or have direct or indirect pecuniary interest ~~be~~
743 ~~directly or indirectly pecuniarily interested~~ in the
744 introduction of any such instructional material ~~textbook~~, and
745 any such agency or interest disqualifies ~~shall disqualify~~ any
746 person so acting or interested from holding any district school
747 board employment whatsoever, and the person commits a
748 misdemeanor of the second degree, punishable as provided in s.
749 775.082 or s. 775.083; however, provided that ~~that~~ this subsection
750 does ~~shall~~ not prevent ~~be construed as preventing~~ the adoption
751 of any instructional material ~~book~~ written in whole or in part
752 by a Florida author.

753 Section 16. Paragraphs (b) and (e) of subsection (1) and
754 subsections (2) and (4) of section 1006.33, Florida Statutes,
755 are amended to read:

756 1006.33 Bids or proposals; advertisement and its
757 contents.—

758 (1)

759 (b) The advertisement shall state that, beginning in 2010-
760 2011, each bidder shall furnish electronic sample ~~specimen~~
761 copies of all instructional materials submitted, at a time
762 designated by the department, which ~~specimen~~ copies shall be
763 identical with the copies approved and accepted by ~~the members~~
764 ~~of the~~ state instructional materials reviewers ~~committee~~, as
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765 prescribed in this section, and with the copies furnished to the
766 department and district school superintendents, as provided in
767 this part. A school district may not request ~~Any district school~~
768 ~~superintendent who requires~~ samples in addition to the
769 electronic format ~~must request those samples through the~~
770 ~~department.~~

771 (e) The advertisement shall give information regarding
772 digital as to how specifications that ~~which~~ have been adopted by
773 the department, including minimum format requirements that will
774 enable electronic and digital content to be accessed through the
775 district's local instructional improvement system and a variety
776 of mobile, electronic, and digital devices. Beginning with
777 specifications released in 2013, the digital specifications
778 shall require the capability for searching by state standards
779 and site and student-level licensing. The digital format
780 specifications shall be appropriate for the interoperability of
781 the content. The department may not adopt specifications that
782 require the instructional materials to include specific
783 references to FCAT standards or Next Generation Sunshine State
784 Standards and benchmarks at point of student use ~~in regard to~~
785 ~~paper, binding, cover boards, and mechanical makeup can be~~
786 ~~secured. In adopting specifications, the department shall make~~
787 ~~an exception for instructional materials that are college-level~~
788 ~~texts and that do not meet department physical specifications~~
789 ~~for secondary materials, if the publisher guarantees replacement~~
790 ~~during the term of the contract.~~

791 (2) The bids submitted shall be for furnishing the
792 designated materials in accordance with specifications of the
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793 department. The bid shall state the lowest wholesale price at
794 which the materials will be furnished, at the time the adoption
795 period provided in the contract begins, ~~delivered f.o.b. to the~~
796 ~~Florida depository of the publisher, manufacturer, or bidder.~~

797 (4) Sample Specimen copies of all instructional materials
798 that have been made the bases of contracts under this part
799 shall, upon request for the purpose of public inspection, be
800 made available by the publisher to the department and the
801 district school superintendent of each district school board
802 that adopts the instructional materials from the state list upon
803 request for the purpose of public inspection. ~~All contracts and~~
804 ~~bonds executed under this part shall be signed in triplicate.~~
805 ~~One copy of each contract and an original of each bid, whether~~
806 ~~accepted or rejected, shall be preserved with the department for~~
807 ~~at least 3 years after termination of the contract.~~

808 Section 17. Subsections (1), (2), (3), and (7) of section
809 1006.34, Florida Statutes, are amended to read:

810 1006.34 Powers and duties of the commissioner and the
811 department in selecting and adopting instructional materials.-

812 (1) PROCEDURES FOR EVALUATING INSTRUCTIONAL MATERIALS.-The
813 State Board of Education shall adopt rules prescribing
814 ~~commissioner shall prescribe~~ the procedures by which the
815 department shall evaluate instructional materials submitted by
816 publishers and manufacturers in each adoption. The rules shall
817 be exempt from the legislative ratification requirement in s.
818 120.541(3). Included in these procedures shall be provisions
819 affording ~~which afford~~ each publisher or manufacturer or his or
820 her representative an opportunity to provide a virtual

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821 presentation to ~~present to members of the~~ state instructional
822 materials reviewers on ~~committees~~ the merits of each
823 instructional material submitted in each adoption.

824 (2) SELECTION AND ADOPTION OF INSTRUCTIONAL MATERIALS.—

825 (a) The department shall notify all publishers and
826 manufacturers of instructional materials who have submitted bids
827 that within 3 weeks after the deadline for receiving bids, at a
828 designated time and place, it will open the bids submitted and
829 deposited with it. At the time and place designated, the bids
830 shall be opened, read, and tabulated in the presence of the
831 bidders or their representatives. No one may revise his or her
832 bid after the bids have been filed. When all bids have been
833 carefully considered, the commissioner shall, from the list of
834 suitable, usable, and desirable instructional materials reported
835 by the state instructional materials reviewers ~~committee~~, select
836 and adopt instructional materials for each grade and subject
837 field in the curriculum of public elementary, middle, and high
838 schools in which adoptions are made and in the subject areas
839 designated in the advertisement. The adoption shall continue for
840 the period specified in the advertisement, beginning on the
841 ensuing April 1. The adoption shall not prevent the extension of
842 a contract as provided in subsection (3). The commissioner shall
843 always reserve the right to reject any and all bids. The
844 commissioner may ask for new sealed bids from publishers or
845 manufacturers whose instructional materials were recommended by
846 the state instructional materials reviewers ~~committee~~ as
847 suitable, usable, and desirable; specify the dates for filing
848 such bids and the date on which they shall be opened; and

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849 proceed in all matters regarding the opening of bids and the
850 awarding of contracts as required by this part. In all cases,
851 bids shall be accompanied by a cash deposit or certified check
852 of from \$500 to \$2,500, as the department ~~commissioner~~ may
853 direct. The department, in adopting instructional materials,
854 shall give due consideration both to the prices bid for
855 furnishing instructional materials and to the report and
856 recommendations of the state instructional materials reviewers
857 ~~committee~~. When the commissioner has finished with the report of
858 the state instructional materials reviewers ~~committee~~, the
859 report shall be filed and preserved with the department and
860 shall be available at all times for public inspection.

861 (b) In the selection of instructional materials, library
862 media books, and other reading material used in the public
863 school system, the standards used to determine the propriety of
864 the material shall include:

865 1. The age of the students who normally could be expected
866 to have access to the material.

867 2. The educational purpose to be served by the material.
868 In considering instructional materials for classroom use,
869 priority shall be given to the selection of materials which
870 encompass the state and district school board performance
871 standards provided for in s. 1001.03(1) and which include the
872 instructional objectives contained within the curriculum
873 frameworks approved by rule of the State Board of Education.

874 3. The degree to which the material would be supplemented
875 and explained by mature classroom instruction as part of a
876 normal classroom instructional program.

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877 4. The consideration of the broad racial, ethnic,
878 socioeconomic, and cultural diversity of the students of this
879 state.

880

881 Any instructional material ~~No book or other material~~ containing
882 ~~hard-core~~ pornography or otherwise prohibited by s. 847.012 may
883 not shall be used or made available within any public school
884 district.

885 (3) CONTRACT WITH PUBLISHERS OR MANUFACTURERS; BOND.—As
886 soon as practicable after the commissioner has adopted any
887 instructional materials and all bidders that have secured the
888 adoption of any instructional materials have been notified
889 thereof by registered letter, the department ~~of Legal Affairs~~
890 shall prepare a contract in proper form with every bidder
891 awarded the adoption of any instructional materials. Each
892 contract shall be executed by the commissioner ~~Governor and~~
893 ~~Secretary of State under the seal of the state~~, one copy to be
894 kept by the contractor, ~~one copy to be filed with the Department~~
895 ~~of State~~, and one copy to be filed with the department. After
896 giving due consideration to comments by the district school
897 boards, the commissioner, with the agreement of the publisher,
898 may extend or shorten a contract period for a period not to
899 exceed 2 years; and the terms of any such contract shall remain
900 the same as in the original contract. Any publisher or
901 manufacturer to whom any contract is let under this part must
902 give bond in such amount as the department ~~commissioner~~
903 requires, payable to the state, conditioned for the faithful,
904 honest, and exact performance of the contract. The bond must
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905 provide for the payment of reasonable attorney's fees in case of
906 recovery in any suit thereon. The surety on the bond must be a
907 guaranty or surety company lawfully authorized to do business in
908 the state; however, the bond shall not be exhausted by a single
909 recovery but may be sued upon from time to time until the full
910 amount thereof is recovered, and the department may at any time,
911 after giving 30 days' notice, require additional security or
912 additional bond. The form of any bond or bonds or contract or
913 contracts under this part shall be prepared and approved by the
914 department ~~of Legal Affairs~~. At the discretion of the department
915 ~~commissioner~~, a publisher or manufacturer to whom any contract
916 is let under this part may be allowed a cash deposit in lieu of
917 a bond, conditioned for the faithful, honest, and exact
918 performance of the contract. The cash deposit, payable to the
919 department, shall be placed in the Textbook Bid Trust Fund. The
920 department may recover damages on the cash deposit given by the
921 contractor for failure to furnish instructional materials, the
922 sum recovered to inure to the General Revenue Fund.

923 (7) FORFEITURE OF CONTRACT AND BOND.—If any publisher or
924 manufacturer of instructional materials fails or refuses to
925 furnish ~~a book, or books, or other~~ instructional materials as
926 provided in the contract, the publisher's or manufacturer's ~~his~~
927 ~~or her~~ bond is forfeited and the commissioner must ~~department~~
928 ~~shall make another contract on such terms as it may find~~
929 ~~desirable, after giving due consideration to the recommendations~~
930 ~~of the commissioner.~~

931 Section 18. Subsection (2) of section 1006.35, Florida
932 Statutes, is amended to read:

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933 1006.35 Accuracy of instructional materials.—

934 (2) When errors in state-adopted materials are confirmed,
935 the publisher of the materials shall provide to each district
936 school board that has purchased the materials the corrections in
937 a format approved by the department ~~commissioner~~.

938 Section 19. Section 1006.36, Florida Statutes, is amended
939 to read:

940 1006.36 Term of adoption for instructional materials.—

941 (1) The term of adoption of any instructional materials
942 must be a 5-year ~~6-year~~ period beginning on April 1 following
943 the adoption, except that the commissioner may approve terms of
944 adoption of less than 5 ~~6~~ years for materials in content areas
945 which require more frequent revision. Any contract for
946 instructional materials may be extended as prescribed in s.
947 1006.34(3).

948 (2) The department shall publish annually an official
949 schedule of subject areas to be called for adoption for each of
950 the succeeding 2 years, and a tentative schedule for years 3, 4,
951 and 5, ~~and 6~~. If extenuating circumstances warrant, the
952 commissioner may ~~order the department to~~ add one or more subject
953 areas to the official schedule and, ~~in which event the~~
954 ~~commissioner~~ shall develop criteria for such additional subject
955 area or areas and make them available to publishers as soon as
956 practicable before the date on which bids are due. The schedule
957 shall be developed so as to promote balance among the subject
958 areas so that the required expenditure for new instructional
959 materials is approximately the same each year in order to
960 maintain curricular consistency.

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961 Section 20. Subsections (2), (3), (5), and (14) through
962 (17) of section 1006.38, Florida Statutes, are amended to read:
963 1006.38 Duties, responsibilities, and requirements of
964 instructional materials publishers and manufacturers.—Publishers
965 and manufacturers of instructional materials, or their
966 representatives, shall:

967 (2) Electronically deliver fully developed sample specimen
968 copies of all instructional materials upon which bids are based
969 to the department pursuant to procedures adopted by the State
970 Board of Education each member of a state instructional
971 ~~materials committee. At the conclusion of the review process,~~
972 ~~manufacturers submitting samples of instructional materials are~~
973 ~~entitled to the return thereof, at the expense of the~~
974 ~~manufacturers; or, in the alternative, the manufacturers are~~
975 ~~entitled to reimbursement by the individual committee members~~
976 ~~for the retail value of the samples.~~

977 (3) Submit, at a time designated in s. 1006.33, the
978 following information:

979 (a) Detailed specifications of the physical
980 characteristics of the instructional materials, including any
981 software or technological tools required for use by the
982 district, school, teachers, or students. The publisher or
983 manufacturer shall comply with these specifications if the
984 instructional materials are adopted and purchased in completed
985 form.

986 (b) Evidence ~~Written proof~~ that the publisher has provided
987 materials that address the ~~written correlations to appropriate~~
988 ~~curricular objectives included within applicable performance~~
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989 standards provided for in s. 1001.03(1) and that can be accessed
990 through the district's local instructional improvement system
991 and a variety of electronic, digital, and mobile devices.

992 (5) Furnish the instructional materials offered by them at
993 a price in the state which, including all costs of electronic
994 transmission ~~transportation to their depositories,~~ may shall not
995 exceed the lowest price at which they offer such instructional
996 materials for adoption or sale to any state or school district
997 in the United States.

998 ~~(14) For all other subject areas, maintain in the~~
999 ~~depository an inventory of instructional materials sufficient to~~
1000 ~~receive and fill orders.~~

1001 ~~(14)~~(15) Accurately and fully disclose only the names of
1002 those persons who actually authored the instructional materials.
1003 In addition to the penalties provided in subsection (16) ~~(17)~~,
1004 the commissioner may remove from the list of state-adopted
1005 instructional materials those instructional materials whose
1006 publisher or manufacturer misleads the purchaser by falsely
1007 representing genuine authorship.

1008 ~~(15)~~(16) Grant, without prior written request, for any
1009 copyright held by the publisher or its agencies automatic
1010 permission to the department or its agencies for the
1011 reproduction of instructional materials ~~textbooks~~ and
1012 supplementary materials in braille, ~~or~~ large print, or other
1013 appropriate format ~~in the form of sound recordings,~~ for use by
1014 visually impaired students or other students with disabilities
1015 that would benefit from use of the materials.

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1016 ~~(16)(17)~~ Upon the willful failure of the publisher or
1017 manufacturer to comply with the requirements of this section, be
1018 liable to the department in the amount of three ~~3~~ times the
1019 total sum which the publisher or manufacturer was paid in excess
1020 of the price required under subsections (5) and (6) and in the
1021 amount of three ~~3~~ times the total value of the instructional
1022 materials and services which the district school board is
1023 entitled to receive free of charge under subsection (7).

1024 Section 21. Subsection (5) of section 1006.39, Florida
1025 Statutes, is amended to read:

1026 1006.39 Production and dissemination of educational
1027 materials and products by department.-

1028 (5) The department may ~~shall~~ not enter into the business
1029 of producing or publishing instructional materials ~~textbooks, or~~
1030 ~~the contents therein,~~ for general use in classrooms.

1031 Section 22. Subsection (2), paragraph (a) of subsection
1032 (3), and subsection (4) of section 1006.40, Florida Statutes,
1033 are amended to read:

1034 1006.40 Use of instructional materials allocation;
1035 instructional materials, library books, and reference books;
1036 repair of books.-

1037 (2)~~(a)~~ Each district school board must purchase current
1038 instructional materials to provide each student with ~~a textbook~~
1039 ~~or other instructional materials~~ as a major tool of instruction
1040 in core courses of the ~~appropriate~~ subject areas of mathematics,
1041 language arts, science, social studies, reading, and literature
1042 for kindergarten through grade 12. Such purchase must be made
1043 within the first 2 years after the effective date of the

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1044 ~~adoption cycle; however, this requirement is waived for the~~
1045 ~~adoption cycle occurring in the 2008-2009 academic year for~~
1046 ~~schools within the district which are identified in the top four~~
1047 ~~categories of schools pursuant to s. 1008.33, as amended by~~
1048 ~~chapter 2009-144, Laws of Florida. The Commissioner of Education~~
1049 ~~may provide a waiver of this requirement for the adoption cycle~~
1050 ~~occurring in the 2008-2009 academic year if the district~~
1051 ~~demonstrates that it has intervention and support strategies to~~
1052 ~~address the particular needs of schools in the lowest two~~
1053 ~~categories. Unless specifically provided for in the General~~
1054 ~~Appropriations Act, the cost of instructional materials~~
1055 ~~purchases required by this paragraph shall not exceed the amount~~
1056 ~~of the district's allocation for instructional materials,~~
1057 ~~pursuant to s. 1011.67, for the previous 2 years.~~

1058 ~~(b) The requirement in paragraph (a) does not apply to~~
1059 ~~contracts in existence before April 1, 2000, or to a purchase~~
1060 ~~related to growth of student membership in the district or for~~
1061 ~~instructional materials maintenance needs.~~

1062 (3) (a) By the 2013-2014 fiscal year, each district school
1063 board shall use at least 50 percent of the annual allocation for
1064 the purchase of digital or electronic instructional materials
1065 included on the state-adopted list, except as otherwise
1066 authorized in paragraphs (b) and (c). ~~No less than 50 percent of~~
1067 ~~the annual allocation shall be used to purchase items which will~~
1068 ~~be used to provide instruction to students at the level or~~
1069 ~~levels for which the materials are designed.~~

1070 (4) Funds that are not used to purchase digital or
1071 electronic instructional materials may ~~The funds described in~~
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1072 ~~subsection (3) which district school boards may use to purchase~~
1073 ~~materials not on the state-adopted list shall be used for the~~
1074 purchase of instructional materials or other items having
1075 intellectual content which assist in the instruction of a
1076 subject or course. These items may be available in bound,
1077 unbound, kit, or package form and may consist of hardbacked or
1078 softbacked textbooks, electronic content, replacements for items
1079 which were part of previously purchased instructional materials,
1080 consumables, learning laboratories, manipulatives, electronic
1081 media, computer courseware or software, and other commonly
1082 accepted instructional tools as prescribed by district school
1083 board rule. ~~The funds available to district school boards for~~
1084 ~~the purchase of materials not on the state-adopted list may not~~
1085 ~~be used to purchase electronic or computer hardware even if such~~
1086 ~~hardware is bundled with software or other electronic media~~
1087 ~~unless the district school board has complied with the~~
1088 ~~requirements in s. 1011.62(6)(b)5., nor may such funds be used~~
1089 ~~to purchase equipment or supplies. However, when authorized to~~
1090 ~~do so in the General Appropriations Act, a school or district~~
1091 ~~school board may use a portion of the funds available to it for~~
1092 ~~the purchase of materials not on the state-adopted list to~~
1093 ~~purchase science laboratory materials and supplies.~~

1094 Section 23. Section 1006.43, Florida Statutes, is
1095 repealed.

1096 Section 24. Paragraphs (p) and (q) of subsection (1) and
1097 paragraph (b) of subsection (6) of section 1011.62, Florida
1098 Statutes, are amended to read:

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1099 1011.62 Funds for operation of schools.—If the annual
1100 allocation from the Florida Education Finance Program to each
1101 district for operation of schools is not determined in the
1102 annual appropriations act or the substantive bill implementing
1103 the annual appropriations act, it shall be determined as
1104 follows:

1105 (1) COMPUTATION OF THE BASIC AMOUNT TO BE INCLUDED FOR
1106 OPERATION.—The following procedure shall be followed in
1107 determining the annual allocation to each district for
1108 operation:

1109 (p) Calculation of additional full-time equivalent
1110 membership based on certification of successful completion of
1111 industry-certified career and professional academy programs
1112 pursuant to ss. 1003.491, 1003.492, and 1003.493 and identified
1113 in the Industry Certified Funding List pursuant to rules adopted
1114 by the State Board of Education.—A maximum value of 0.3 full-
1115 time equivalent student membership shall be calculated for each
1116 student who completes an industry-certified career and
1117 professional academy program under ss. 1003.491, 1003.492, and
1118 1003.493 and who is issued the highest level of industry
1119 certification identified annually in the Industry Certification
1120 Funding List approved under rules adopted by the State Board of
1121 Education and a high school diploma. The value of the full-time
1122 equivalent student membership shall be determined by weights
1123 adopted by the State Board of Education pursuant to s. 1003.492.
1124 Such value shall be added to the total full-time equivalent
1125 student membership in secondary career education programs for
1126 grades 9 through 12 in the subsequent year for courses that were
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1127 not funded through dual enrollment. The additional full-time
1128 equivalent membership authorized under this paragraph may not
1129 exceed 0.3 per student. Each district must allocate at least 80
1130 percent of the funds provided for industry certification, in
1131 accordance with this paragraph, to the program that generated
1132 the funds. Unless a different amount is specified in the General
1133 Appropriations Act, the appropriation for this calculation is
1134 limited to \$15 million annually. If the appropriation is
1135 insufficient to fully fund the total calculation, the
1136 appropriation shall be prorated.

1137 (q) Calculation of additional full-time equivalent
1138 membership for the Florida Virtual School.—

1139 1. The reported full-time equivalent student membership
1140 for the Florida Virtual School for students who are also
1141 enrolled in a school district shall be multiplied by 0.114, and
1142 such value shall be added to the total full-time equivalent
1143 student membership.

1144 2. Notwithstanding subparagraph 1., for the 2011-2012
1145 fiscal year, the reported full-time equivalent student
1146 membership for the Florida Virtual School for students who are
1147 also enrolled in a school district shall be multiplied by 0.228,
1148 and such value shall be added to the total full-time equivalent
1149 student membership.

1150 (6) CATEGORICAL FUNDS.—

1151 (b) If a district school board finds and declares in a
1152 resolution adopted at a regular meeting of the school board that
1153 the funds received for any of the following categorical
1154 appropriations are urgently needed to maintain school board
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1155 specified academic classroom instruction, the school board may
1156 consider and approve an amendment to the school district
1157 operating budget transferring the identified amount of the
1158 categorical funds to the appropriate account for expenditure:

- 1159 1. Funds for student transportation.
- 1160 2. Funds for safe schools.
- 1161 3. Funds for supplemental academic instruction.
- 1162 4. Funds for research-based reading instruction.
- 1163 5. Funds for instructional materials if all instructional
1164 material purchases necessary to provide updated materials
1165 aligned to Next Generation Sunshine State Standards and
1166 benchmarks and that meet statutory requirements of content and
1167 learning have been completed for that fiscal year, but no sooner
1168 than March 1, ~~2011~~. Funds available after March 1 may be used to
1169 purchase hardware for student instruction.

1170 Section 25. Subsection (2) of section 1011.685, Florida
1171 Statutes, is amended to read:

1172 1011.685 Class size reduction; operating categorical
1173 fund.—

1174 (2) Class size reduction operating categorical funds shall
1175 be used by school districts to reduce class size as required in
1176 s. 1003.03. A school district that meets the maximum class size
1177 requirements may use the funds, ~~or the funds may be used~~ for any
1178 lawful operating expenditure; however, priority shall be given
1179 to increasing salaries of classroom teachers.

1180 Section 26. Paragraph (d) of subsection (2), paragraph (b)
1181 of subsection (3), and subsection (5) of section 1011.71,
1182 Florida Statutes, are amended to read:

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1183 1011.71 District school tax.—

1184 (2) In addition to the maximum millage levy as provided in
1185 subsection (1), each school board may levy not more than 1.5
1186 mills against the taxable value for school purposes for district
1187 schools, including charter schools at the discretion of the
1188 school board, to fund:

1189 (d) The purchase, lease-purchase, or lease of new and
1190 replacement equipment; computer hardware, including electronic
1191 hardware and other hardware devices necessary for gaining access
1192 to or enhancing the use of electronic content and resources or
1193 to facilitate the access to and the use of a school district's
1194 local instructional improvement ~~electronic learning management~~
1195 system pursuant to s. 1006.281, excluding software other than
1196 the operating system necessary to operate the hardware or
1197 device; and enterprise resource software applications that are
1198 classified as capital assets in accordance with definitions of
1199 the Governmental Accounting Standards Board, have a useful life
1200 of at least 5 years, and are used to support districtwide
1201 administration or state-mandated reporting requirements.

1202 (3)

1203 (b) In addition to the millage authorized in this section,
1204 each district school board may, by a super majority vote, levy
1205 an additional 0.25 mills for critical capital outlay needs or
1206 for critical operating needs. If levied for capital outlay,
1207 expenditures shall be subject to the requirements of this
1208 section. If levied for operations, expenditures shall be
1209 consistent with the requirements for operating funds received
1210 pursuant to s. 1011.62. If the district levies this additional
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1211 0.25 mills for operations, the compression adjustment pursuant
1212 to s. 1011.62(5) shall be calculated and added to the district's
1213 FEFP allocation. Millage levied pursuant to this paragraph is
1214 subject to the provisions of s. 200.065. In order to be
1215 continued after the 2010-2011 fiscal year, millage levied
1216 pursuant to this paragraph must be approved by the voters of the
1217 district at the 2010 general election or at a subsequent
1218 election held at any time, except that not more than one such
1219 election shall be held during any 12-month period. Any millage
1220 so authorized shall be levied for a period not in excess of 2
1221 years or until changed by another millage election, whichever is
1222 earlier. If any such election is invalidated by a court of
1223 competent jurisdiction, such invalidated election shall be
1224 considered not to have been held. This paragraph is repealed
1225 effective June 30, 2011. However, for the 2011-2012 and 2012-
1226 2013 fiscal years, the 0.25 mills may be levied in the districts
1227 in which it was authorized by the voters of the district in the
1228 2010 general election. Funds generated by this additional
1229 millage may not be included in the calculation of the Florida
1230 Education Finance Program in the 2011-2012 fiscal year or any
1231 subsequent fiscal year and must not be incorporated in the
1232 calculation of any hold-harmless or other component of the
1233 Florida Education Finance Program in any fiscal year.

1234 (5) Effective July 1, 2008, a school district may expend,
1235 subject to the provisions of s. 200.065, up to \$200 ~~\$100~~ per
1236 unweighted full-time equivalent student from the revenue
1237 generated by the millage levy authorized by subsection (2) to

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1238 fund, in addition to expenditures authorized in paragraphs

1239 (2) (a)-(j), expenses for the following:

1240 (a) The purchase, lease-purchase, or lease of driver's
1241 education vehicles; motor vehicles used for the maintenance or
1242 operation of plants and equipment; security vehicles; or
1243 vehicles used in storing or distributing materials and
1244 equipment.

1245 (b) Payment of the cost of premiums, as defined in s.
1246 627.403, for property and casualty insurance necessary to insure
1247 school district educational and ancillary plants. As used in
1248 this paragraph, casualty insurance has the same meaning as in s.
1249 624.605(1) (d), (f), (g), (h), and (m). Operating revenues that
1250 are made available through the payment of property and casualty
1251 insurance premiums from revenues generated under this subsection
1252 may be expended only for nonrecurring operational expenditures
1253 of the school district.

1254 Section 27. If the Commissioner of Education determines
1255 that a school district acted in good faith, he or she may waive
1256 the equal-dollar reduction required in s. 1011.71, Florida
1257 Statutes, for audit findings during the 2008-2009 and 2009-2010
1258 fiscal years which were related to the purchase of software or
1259 the cost of premiums for property insurance and casualty
1260 insurance as defined in s. 624.605(1) (d), (f), (g), (h), and
1261 (m), Florida Statutes.

1262 Section 28. This act shall take effect July 1, 2011.

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Amendment No.

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

Remove the entire title and insert:

A bill to be entitled

An act relating to prekindergarten through grade 12 education funding; amending s. 1001.10, F.S.; conforming provisions to changes made by the act relating to the review of instructional materials; amending s. 1002.33, F.S.; revising provisions relating to charter school capital outlay funding; providing that a charter school system meeting certain requirements shall be designated a local educational agency for the purpose of receiving federal funds; amending s. 1002.45, F.S., relating to school district virtual instruction programs; requiring school districts to expend certain funds for the district's local instructional improvement system or other technological tools; amending s. 1002.55, F.S.; revising requirements for school-year private prekindergarten program providers; amending s. 1002.63, F.S.; revising requirements for school-year prekindergarten programs delivered by public schools; amending s. 1002.71, F.S.; revising provisions relating to the amount of funds retained by an early learning coalition for administration of prekindergarten education programs; amending s. 1003.01, F.S.; redefining the terms "core-curricula courses" and "extracurricular courses"; amending s. 1003.03, F.S.; revising class size requirements; providing requirements for the assignment of a student to a class that exceeds the class size maximum; amending s. 1003.492,

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1294 F.S.; requiring State Board of Education rules to
1295 establish a process for weighting the value of industry
1296 certifications for career education programs; amending s.
1297 1006.28, F.S.; revising school district duties to provide
1298 instructional materials; replacing references to the term
1299 "textbooks" with the term "instructional materials";
1300 amending s. 1006.281, F.S.; defining the term "local
1301 instructional improvement system"; providing system
1302 requirements for managing instructional improvement and
1303 student learning; requiring each school district to
1304 provide access to its system; requiring State Board of
1305 Education rules and minimum standards for local
1306 instructional improvement systems; amending s. 1006.29,
1307 F.S.; replacing references to the term "state
1308 instructional materials committees" with the term "state
1309 instructional materials reviewers"; requiring the
1310 Commissioner of Education to appoint state or national
1311 experts to review and evaluate instructional materials;
1312 providing for school district reviewers to review
1313 recommendations for state adoption; requiring adopted
1314 instructional materials to be provided in an electronic or
1315 a digital format; amending s. 1006.30, F.S.; revising
1316 provisions relating to the affidavit of state
1317 instructional materials reviewers to conform to changes
1318 made by the act; amending s. 1006.31, F.S.; revising
1319 provisions relating to the duties of each state
1320 instructional materials reviewer to conform to changes
1321 made by the act; amending s. 1006.32, F.S.; revising

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1322 provisions relating to prohibited acts to conform to
1323 changes made by the act; amending s. 1006.33, F.S.,
1324 relating to bids or proposals and advertisements of
1325 instructional materials; providing requirements for
1326 digital specifications; amending s. 1006.34, F.S.;
1327 revising powers and duties of the commissioner and the
1328 Department of Education in selecting and adopting
1329 instructional materials; providing an exemption from the
1330 requirement that a rule having certain regulatory costs be
1331 ratified by the Legislature; amending s. 1006.35, F.S.;
1332 conforming provisions relating to the accuracy of
1333 instructional materials to changes made by the act;
1334 amending s. 1006.36, F.S.; reducing the term of adoption
1335 of instructional materials from a 6-year period to a 5-
1336 year period; amending s. 1006.38, F.S.; revising
1337 provisions relating to the duties, responsibilities, and
1338 requirements of instructional materials publishers and
1339 manufacturers; requiring electronic delivery of copies of
1340 instructional materials to the department; amending s.
1341 1006.39, F.S.; revising provisions relating to the
1342 production and dissemination of educational materials and
1343 products by the department to conform to changes made by
1344 the act; amending s. 1006.40, F.S.; revising provisions
1345 relating to the use of the annual allocation for the
1346 purchase of instructional materials; repealing s. 1006.43,
1347 F.S., relating to department expenses and its annual
1348 legislative budget request; amending s. 1011.62, F.S.;
1349 revising provisions relating to the value of student

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1350 membership for certain students in career and professional
1351 academy programs for purposes of education funding;
1352 revising provisions relating to the value of student
1353 membership for certain students in the Florida Virtual
1354 School; amending s. 1011.685, F.S.; revising provisions
1355 relating to the use of class size reduction operating
1356 categorical funds; amending s. 1011.71, F.S.; conforming
1357 provisions to changes made by the act; repealing
1358 provisions relating to the levy of additional millage for
1359 critical capital outlay or operating needs; authorizing
1360 the levy in certain school districts; providing
1361 restrictions; increasing the amount that school districts
1362 may expend per unweighted full-time equivalent student
1363 from the revenue generated by the levy of capital
1364 improvement millage; clarifying the types of insurance
1365 premiums that may be paid from revenue generated by the
1366 levy; authorizing the Commissioner of Education to waive
1367 the equal-dollar reduction requirement for certain
1368 expenditures relating to the purchase of software and the
1369 cost of premiums for property and casualty insurance;
1370 providing an effective date.

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