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1 A bill to be entitled  
2 An act relating to prekindergarten through grade 12  
3 education funding; amending s. 1001.10, F.S.; conforming  
4 provisions to changes made by the act relating to the  
5 review of instructional materials; amending s. 1002.33,  
6 F.S.; revising provisions relating to charter school  
7 capital outlay funding; amending s. 1002.45, F.S.,  
8 relating to school district virtual instruction programs;  
9 requiring school districts to expend certain funds for the  
10 district's local instructional improvement system or other  
11 technological tools; amending s. 1002.55, F.S.; revising  
12 requirements for school-year private prekindergarten  
13 program providers; amending s. 1002.63, F.S.; revising  
14 requirements for school-year prekindergarten programs  
15 delivered by public schools; amending s. 1002.71, F.S.;  
16 revising provisions relating to the amount of funds  
17 retained by an early learning coalition for administration  
18 of prekindergarten education programs; amending s.  
19 1003.01, F.S.; redefining the terms "core-curricula  
20 courses" and "extracurricular courses"; amending s.  
21 1003.03, F.S.; revising class size requirements; providing  
22 requirements for the assignment of a student to a class  
23 that exceeds the class size maximum; amending s. 1003.492,  
24 F.S.; requiring State Board of Education rules to  
25 establish a process for weighting the value of industry  
26 certifications for career education programs; amending s.  
27 1006.28, F.S.; revising school district duties to provide  
28 instructional materials; replacing references to the term

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29 | "textbooks" with the term "instructional materials";  
30 | amending s. 1006.281, F.S.; defining the term "local  
31 | instructional improvement system"; providing system  
32 | requirements for managing instructional improvement and  
33 | student learning; requiring each school district to  
34 | provide access to its system; requiring State Board of  
35 | Education rules and minimum standards for local  
36 | instructional improvement systems; amending s. 1006.29,  
37 | F.S.; replacing references to the term "state  
38 | instructional materials committees" with the term "state  
39 | instructional materials reviewers"; requiring the  
40 | Commissioner of Education to appoint state or national  
41 | experts to review and evaluate instructional materials;  
42 | providing for school district reviewers to review  
43 | recommendations for state adoption; requiring adopted  
44 | instructional materials to be provided in an electronic or  
45 | a digital format; amending s. 1006.30, F.S.; revising  
46 | provisions relating to the affidavit of state  
47 | instructional materials reviewers to conform to changes  
48 | made by the act; amending s. 1006.31, F.S.; revising  
49 | provisions relating to the duties of each state  
50 | instructional materials reviewer to conform to changes  
51 | made by the act; amending s. 1006.32, F.S.; revising  
52 | provisions relating to prohibited acts to conform to  
53 | changes made by the act; amending s. 1006.33, F.S.,  
54 | relating to bids or proposals and advertisements of  
55 | instructional materials; providing requirements for  
56 | digital specifications; amending s. 1006.34, F.S.;

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57 | revising powers and duties of the commissioner and the  
58 | Department of Education in selecting and adopting  
59 | instructional materials; providing an exemption from the  
60 | requirement that a rule having certain regulatory costs be  
61 | ratified by the Legislature; amending s. 1006.35, F.S.;  
62 | conforming provisions relating to the accuracy of  
63 | instructional materials to changes made by the act;  
64 | amending s. 1006.36, F.S.; reducing the term of adoption  
65 | of instructional materials from a 6-year period to a 5-  
66 | year period; amending s. 1006.38, F.S.; revising  
67 | provisions relating to the duties, responsibilities, and  
68 | requirements of instructional materials publishers and  
69 | manufacturers; requiring electronic delivery of copies of  
70 | instructional materials to the department; amending s.  
71 | 1006.39, F.S.; revising provisions relating to the  
72 | production and dissemination of educational materials and  
73 | products by the department to conform to changes made by  
74 | the act; amending s. 1006.40, F.S.; revising provisions  
75 | relating to the use of the annual allocation for the  
76 | purchase of instructional materials; repealing s. 1006.43,  
77 | F.S., relating to department expenses and its annual  
78 | legislative budget request; amending s. 1011.62, F.S.;  
79 | revising provisions relating to the value of student  
80 | membership for certain students in career and professional  
81 | academy programs for purposes of education funding;  
82 | amending s. 1011.685, F.S.; revising provisions relating  
83 | to the use of class size reduction operating categorical  
84 | funds; amending s. 1011.71, F.S.; conforming provisions to

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85 | changes made by the act; repealing provisions relating to  
 86 | the levy of additional millage for critical capital outlay  
 87 | or operating needs; authorizing the levy in certain school  
 88 | districts; providing restrictions; providing an effective  
 89 | date.

90

91 | Be It Enacted by the Legislature of the State of Florida:

92

93 | Section 1. Paragraph (o) of subsection (6) of section  
 94 | 1001.10, Florida Statutes, is amended to read:

95 | 1001.10 Commissioner of Education; general powers and  
 96 | duties.—

97 | (6) Additionally, the commissioner has the following  
 98 | general powers and duties:

99 | (o) To develop criteria for use by state instructional  
 100 | materials reviewers ~~committees~~ in evaluating materials submitted  
 101 | for adoption consideration. The criteria shall, as appropriate,  
 102 | be based on instructional expectations reflected in curriculum  
 103 | frameworks and student performance standards. The criteria for  
 104 | each subject or course shall be made available to publishers of  
 105 | instructional materials pursuant to the requirements of chapter  
 106 | 1006.

107 | Section 2. Subsection (19) of section 1002.33, Florida  
 108 | Statutes, is amended to read:

109 | 1002.33 Charter schools.—

110 | (19) CAPITAL OUTLAY FUNDING.—Charter schools are eligible  
 111 | for capital outlay funds pursuant to s. 1013.62. Capital outlay  
 112 | funds authorized in ss. ~~s.~~ 1011.71(2) and 1013.62 that have been

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113 shared with a charter school-in-the-workplace prior to July 1,  
 114 2010, are deemed to have met the authorized expenditure  
 115 requirements for such funds.

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

118 1002.45 School district virtual instruction programs.—

119 (1) PROGRAM.—

120 (e)1. Each school district shall provide to the department  
 121 by October 1, 2011, and by each October 1 thereafter, a copy of  
 122 each contract and the amounts paid per unweighted full-time  
 123 equivalent student for services procured pursuant to paragraph  
 124 (c).

125 2. Each school district shall expend the difference in  
 126 funds provided for a student participating in the school  
 127 district virtual instruction program pursuant to subsection (7)  
 128 and the price paid for contracted services procured pursuant to  
 129 paragraph (c) for the district's local instructional improvement  
 130 system pursuant to s. 1006.281 or other technological tools that  
 131 are required to access electronic and digital instructional  
 132 materials.

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

135 1002.55 School-year prekindergarten program delivered by  
 136 private prekindergarten providers.—

137 (3) To be eligible to deliver the prekindergarten program,  
 138 a private prekindergarten provider must meet each of the  
 139 following requirements:

140 (c) The private prekindergarten provider must have, for

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141 | each prekindergarten class of 11 children or fewer, at least one  
 142 | prekindergarten instructor who meets each of the following  
 143 | requirements:

144 |       1. The prekindergarten instructor must hold, at a minimum,  
 145 | one of the following credentials:

146 |       a. A child development associate credential issued by the  
 147 | National Credentialing Program of the Council for Professional  
 148 | Recognition; or

149 |       b. A credential approved by the Department of Children and  
 150 | Family Services as being equivalent to or greater than the  
 151 | credential described in sub-subparagraph a.

152 |  
 153 | The Department of Children and Family Services may adopt rules  
 154 | under ss. 120.536(1) and 120.54 which provide criteria and  
 155 | procedures for approving equivalent credentials under sub-  
 156 | subparagraph b.

157 |       2. The prekindergarten instructor must successfully  
 158 | complete an emergent literacy training course approved by the  
 159 | department as meeting or exceeding the minimum standards adopted  
 160 | under s. 1002.59. This subparagraph does not apply to a  
 161 | prekindergarten instructor who successfully completes approved  
 162 | training in early literacy and language development under s.  
 163 | 402.305(2)(d)5., s. 402.313(6), or s. 402.3131(5) before the  
 164 | establishment of one or more emergent literacy training courses  
 165 | under s. 1002.59 or April 1, 2005, whichever occurs later.

166 |       (f) Each of the private prekindergarten provider's  
 167 | prekindergarten classes must be composed of at least 4 students  
 168 | but may not exceed 20 ~~18~~ students. In order to protect the

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169 health and safety of students, each private prekindergarten  
 170 provider must also provide appropriate adult supervision for  
 171 students at all times and, for each prekindergarten class  
 172 composed of 12 ~~11~~ or more students, must have, in addition to a  
 173 prekindergarten instructor who meets the requirements of  
 174 paragraph (c), at least one adult prekindergarten instructor who  
 175 is not required to meet those requirements but who must meet  
 176 each requirement of paragraph (d). This paragraph does not  
 177 supersede any requirement imposed on a provider under ss.  
 178 402.301-402.319.

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

181 1002.63 School-year prekindergarten program delivered by  
 182 public schools.—

183 (7) Each prekindergarten class in a public school  
 184 delivering the school-year prekindergarten program must be  
 185 composed of at least 4 students but may not exceed 18 students.  
 186 In order to protect the health and safety of students, each  
 187 school must also provide appropriate adult supervision for  
 188 students at all times and, for each prekindergarten class  
 189 composed of 12 ~~11~~ or more students, must have, in addition to a  
 190 prekindergarten instructor who meets the requirements of s.  
 191 1002.55(3)(c), at least one adult prekindergarten instructor who  
 192 is not required to meet those requirements but who must meet  
 193 each requirement of subsection (5).

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

196 1002.71 Funding; financial and attendance reporting.—

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197 (7) The Agency for Workforce Innovation shall require that  
 198 administrative expenditures be kept to the minimum necessary for  
 199 efficient and effective administration of the Voluntary  
 200 Prekindergarten Education Program. Administrative policies and  
 201 procedures shall be revised, to the maximum extent practicable,  
 202 to incorporate the use of automation and electronic submission  
 203 of forms, including those required for child eligibility and  
 204 enrollment, provider and class registration, and monthly  
 205 certification of attendance for payment. A school district may  
 206 use its automated daily attendance reporting system for the  
 207 purpose of transmitting attendance records to the early learning  
 208 coalition in a mutually agreed-upon format. In addition, actions  
 209 shall be taken to reduce paperwork, eliminate the duplication of  
 210 reports, and eliminate other duplicative activities. Beginning  
 211 with the 2011-2012 ~~2010-2011~~ fiscal year, each early learning  
 212 coalition may retain and expend no more than 4.0 ~~4.5~~ percent of  
 213 the funds paid by the coalition to private prekindergarten  
 214 providers and public schools under paragraph (5) (b). Funds  
 215 retained by an early learning coalition under this subsection  
 216 may be used only for administering the Voluntary Prekindergarten  
 217 Education Program and may not be used for the school readiness  
 218 program or other programs.

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

221 1003.01 Definitions.—As used in this chapter, the term:

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

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



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

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

229 (d) Courses that are specifically identified by name in  
 230 law as required for high school graduation and that are not  
 231 measured by state assessment, excluding any extracurricular  
 232 courses.

233 (e) Exceptional student education courses.

234 (f) English for Speakers of Other Languages courses.  
 235 ~~courses defined by the Department of Education as mathematics,~~  
 236 ~~language arts/reading, science, social studies, foreign~~  
 237 ~~language, English for Speakers of Other Languages, exceptional~~  
 238 ~~student education, and courses taught in traditional self-~~  
 239 ~~contained elementary school classrooms.~~

240  
 241 The term is limited in meaning and used for the sole purpose of  
 242 designating classes that are subject to the maximum class size  
 243 requirements established in s. 1, Art. IX of the State  
 244 Constitution. This term does not include courses offered under  
 245 ss. 1002.37, 1002.415, and 1002.45.

246 (15) "Extracurricular courses" means all courses that are  
 247 not defined as "core-curricula courses," which may include, but  
 248 are not limited to, physical education, fine arts, performing  
 249 fine arts, ~~and career education,~~ and courses that may result in  
 250 college credit. The term is limited in meaning and used for the  
 251 sole purpose of designating classes that are not subject to the  
 252 maximum class size requirements established in s. 1, Art. IX of

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253 the State Constitution.

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

256 1003.03 Maximum class size.—

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

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

266 (b) The maximum number of students assigned to each  
 267 teacher who is teaching core-curricula courses in public school  
 268 classrooms for grades 4 through 8 may not exceed 22 students.  
 269 The maximum number of students assigned to a core-curricula high  
 270 school course in which a student in grades 4 through 8 is  
 271 enrolled shall be governed by the requirements in paragraph (c).

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

275  
 276 These maximums shall be maintained after the October student  
 277 membership survey, except as provided in paragraph (2)(b) or due  
 278 to an extreme emergency beyond the control of the district  
 279 school board.

280 (2) IMPLEMENTATION.—

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

284 (b) A student who enrolls in a school after the October  
285 student membership survey may be assigned to an existing class  
286 that temporarily exceeds the maximum number of students in  
287 subsection (1) if the district school board determines it to be  
288 impractical, educationally unsound, or disruptive to student  
289 learning to not assign the student to the class. If the district  
290 school board makes this determination:

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

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

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

300 ~~(b) Prior to the adoption of the district school budget~~  
301 ~~for 2010-2011, each district school board shall hold public~~  
302 ~~hearings and provide information to parents on the district's~~  
303 ~~website, and through any other means by which the district~~  
304 ~~provides information to parents and the public, on the~~  
305 ~~district's strategies to meet the requirements in subsection~~  
306 ~~(1).~~

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

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309 1003.492 Industry-certified career education programs.—  
 310 (2) The State Board of Education shall use the expertise  
 311 of Workforce Florida, Inc., and Enterprise Florida, Inc., to  
 312 develop and adopt rules pursuant to ss. 120.536(1) and 120.54  
 313 for implementing an industry certification process. The rules  
 314 must establish a process for weighting the value of industry  
 315 certifications based on the rigor of the certification and its  
 316 employment value to state businesses and industry. Industry  
 317 certification shall be defined by the Agency for Workforce  
 318 Innovation, based upon the highest available national standards  
 319 for specific industry certification, to ensure student skill  
 320 proficiency and to address emerging labor market and industry  
 321 trends. A regional workforce board or a career and professional  
 322 academy may apply to Workforce Florida, Inc., to request  
 323 additions to the approved list of industry certifications based  
 324 on high-demand job requirements in the regional economy. The  
 325 list of industry certifications approved by Workforce Florida,  
 326 Inc., and the Department of Education shall be published and  
 327 updated annually by a date certain, to be included in the  
 328 adopted rule.

329 Section 10. Subsection (1), paragraph (a) of subsection  
 330 (2), and paragraphs (b) and (e) of subsection (3) of section  
 331 1006.28, Florida Statutes, are amended to read:

332 1006.28 Duties of district school board, district school  
 333 superintendent; and school principal regarding K-12  
 334 instructional materials.—

335 (1) DISTRICT SCHOOL BOARD.—The district school board has  
 336 the duty to provide adequate instructional materials for all

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337 students in accordance with the requirements of this part. The  
338 term "adequate instructional materials" means a sufficient  
339 number of student or site licenses ~~textbooks~~ or sets of  
340 materials that are available in bound, unbound, kit, or package  
341 form and may consist of hard-backed or soft-backed textbooks,  
342 electronic content, consumables, learning laboratories,  
343 manipulatives, electronic media, and computer courseware or  
344 software that serve as the basis for instruction for each  
345 student in the core courses of mathematics, language arts,  
346 social studies, science, reading, and literature, ~~except for~~  
347 ~~instruction for which the school advisory council approves the~~  
348 ~~use of a program that does not include a textbook as a major~~  
349 ~~tool of instruction.~~ The district school board has the following  
350 specific duties:

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

353 (b) Instructional materials ~~Textbooks~~.—Provide for proper  
354 requisitioning, distribution, accounting, storage, care, and use  
355 of all instructional materials ~~furnished by the state~~ and  
356 furnish such other instructional materials as may be needed. The  
357 district school board shall ensure ~~assure~~ that instructional  
358 materials used in the district are consistent with the district  
359 goals and objectives and the curriculum frameworks adopted by  
360 rule of the State Board of Education, as well as with the state  
361 and district performance standards provided for in s.  
362 1001.03(1).

363 (c) Other instructional materials.—Provide such other  
364 teaching accessories and aids as are needed for the school

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365 district's educational program.

366 (d) School library media services; establishment and  
 367 maintenance.—Establish and maintain a program of school library  
 368 media services for all public schools in the district, including  
 369 school library media centers, or school library media centers  
 370 open to the public, and, in addition such traveling or  
 371 circulating libraries as may be needed for the proper operation  
 372 of the district school system.

373 (2) DISTRICT SCHOOL SUPERINTENDENT.—

374 (a) The district school superintendent has the duty to  
 375 recommend such plans for improving, providing, distributing,  
 376 accounting for, and caring for instructional materials ~~textbooks~~  
 377 and other instructional aids as will result in general  
 378 improvement of the district school system, as prescribed in this  
 379 part, in accordance with adopted district school board rules  
 380 prescribing the duties and responsibilities of the district  
 381 school superintendent regarding the requisition, purchase,  
 382 receipt, storage, distribution, use, conservation, records, and  
 383 reports of, and management practices and property accountability  
 384 concerning, instructional materials, and providing for an  
 385 evaluation of any instructional materials to be requisitioned  
 386 that have not been used previously in the district's schools.  
 387 The district school superintendent must keep adequate records  
 388 and accounts for all financial transactions for funds collected  
 389 pursuant to subsection (3), as a component of the educational  
 390 service delivery scope in a school district best financial  
 391 management practices review under s. 1008.35.

392 (3) SCHOOL PRINCIPAL.—The school principal has the

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393 following duties for the management and care of instructional  
 394 materials at the school:

395 (b) Money collected for lost or damaged instructional  
 396 materials ~~books~~; enforcement.—The school principal shall collect  
 397 from each student or the student's parent the purchase price of  
 398 any instructional material the student has lost, destroyed, or  
 399 unnecessarily damaged and to report and transmit the money  
 400 collected to the district school superintendent. The failure to  
 401 collect such sum upon reasonable effort by the school principal  
 402 may result in the suspension of the student from participation  
 403 in extracurricular activities or satisfaction of the debt by the  
 404 student through community service activities at the school site  
 405 as determined by the school principal, pursuant to policies  
 406 adopted by district school board rule.

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

411 Section 11. Section 1006.281, Florida Statutes, is amended  
 412 to read:

413 1006.281 Local instructional improvement ~~Learning~~  
 414 ~~management~~ systems.—

415 (1) A "local instructional improvement system" means a  
 416 system that uses digital tools that provide teachers,  
 417 administrators, students, and parents with data and resources to  
 418 systematically manage continuous instructional improvement. The  
 419 system supports relevant activities such as instructional  
 420 planning, information gathering and analysis, rapid-time

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421 reporting, decisionmaking on appropriate instructional sequence,  
422 and evaluating the effectiveness of instruction. The system  
423 shall integrate instructional information with student-level  
424 data to provide predictions of future student achievement.

425 (2)(1) Each school district shall provide teachers,  
426 administrators, students, and parents ~~To ensure that all school~~  
427 ~~districts have equitable access to a local instructional~~  
428 improvement system. The system must provide access to electronic  
429 and digital ~~digitally rich instructional materials, districts~~  
430 ~~are encouraged to provide access to an electronic learning~~  
431 ~~management system that allows teachers, students, and parents to~~  
432 ~~access, organize, and use electronically available instructional~~  
433 ~~materials and teaching and learning tools and resources,~~  
434 including the ability for ~~and that enables~~ teachers and  
435 administrators to manage, assess, and track student learning.

436 (3)(2) By June 30, 2014, a school district's local  
437 instructional improvement system shall comply with minimum  
438 standards published by the Department of Education. The system  
439 must ~~To the extent fiscally and technologically feasible, a~~  
440 ~~school district's electronic learning management system should~~  
441 allow for a single, authenticated sign-on and include the  
442 following functionality:

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

445 (b) Enables teachers to prepare lessons, individualize  
446 student instruction, and use best practices in providing  
447 instruction, including the ability to connect student assessment  
448 data with electronic and digital instructional materials.



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

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

454 (e) Enables district staff to plan, create, and manage  
455 professional development and to connect professional development  
456 with staff information and student performance data.

457 (f)~~(e)~~ Provides access to multiple content providers and  
458 provides the ability to seamlessly connect the local  
459 instructional improvement system to electronic and digital  
460 content.

461 (4)~~(3)~~ The Department of Education shall provide advisory  
462 assistance as requested by school districts in their deployment  
463 of a local instructional improvement ~~district electronic~~  
464 ~~learning management~~ system.

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

469 Section 12. Section 1006.29, Florida Statutes, is amended  
470 to read:

471 1006.29 State instructional materials reviewers  
472 ~~committees.~~

473 ~~(1) Each school year, not later than April 15, the~~  
474 ~~commissioner shall appoint state instructional materials~~  
475 ~~committees composed of persons actively engaged in teaching or~~  
476 ~~in the supervision of teaching in the public elementary, middle,~~

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477 ~~or high schools and representing the major fields and levels in~~  
478 ~~which instructional materials are used in the public schools~~  
479 ~~and, in addition, lay citizens not professionally connected with~~  
480 ~~education. Committee members shall receive training pursuant to~~  
481 ~~subsection (5) in competencies related to the evaluation and~~  
482 ~~selection of instructional materials.~~

483 ~~(a) There shall be 10 or more members on each committee:~~  
484 ~~At least 50 percent of the members shall be classroom teachers~~  
485 ~~who are certified in an area directly related to the academic~~  
486 ~~area or level being considered for adoption, 2 shall be~~  
487 ~~laypersons, 1 shall be a district school board member, and 2~~  
488 ~~shall be supervisors of teachers. The committee must have the~~  
489 ~~capacity or expertise to address the broad racial, ethnic,~~  
490 ~~socioeconomic, and cultural diversity of the state's student~~  
491 ~~population. Personnel selected as teachers of the year at the~~  
492 ~~school, district, regional, or state level are encouraged to~~  
493 ~~serve on instructional materials committees.~~

494 ~~(b) The membership of each committee must reflect the~~  
495 ~~broad racial, ethnic, socioeconomic, and cultural diversity of~~  
496 ~~the state, including a balanced representation from the state's~~  
497 ~~geographic regions.~~

498 (1) (a)-(c) The commissioner shall determine annually the  
499 areas in which instructional materials shall be submitted for  
500 adoption, taking into consideration the desires of the district  
501 school boards. The commissioner shall also determine the number  
502 of titles to be adopted in each area.

503 (b) By April 15 of each school year, the commissioner  
504 shall appoint three state or national experts in the content

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505 areas submitted for adoption to review the instructional  
506 materials and evaluate the content for alignment with the  
507 applicable Next Generation Sunshine State Standards. These  
508 reviewers shall be designated as state instructional materials  
509 reviewers and shall review the materials for the level of  
510 instructional support and the accuracy and appropriateness of  
511 progression of introduced content. Instructional materials shall  
512 be made available to the reviewers in an electronic format. The  
513 initial review of the materials shall be made by only two of the  
514 three reviewers. If the two reviewers reach different results,  
515 the third reviewer shall determine which results shall be  
516 recommended. The reviewers shall independently make  
517 recommendations to the commissioner regarding materials that  
518 should be placed on the list of adopted materials through an  
519 electronic feedback review system.

520 (c) The commissioner shall request each district school  
521 superintendent to nominate one classroom teacher or district-  
522 level content supervisor to review two or three of the  
523 submissions recommended by the state instructional materials  
524 reviewers. School districts shall ensure that these district  
525 reviewers are provided with the support and time necessary to  
526 accomplish thorough review of the instructional materials.  
527 District reviewers shall independently rate the recommended  
528 submissions on the instructional usability of the resources.

529 ~~(2)(a) All appointments shall be as prescribed in this~~  
530 ~~section. No member shall serve more than two consecutive terms~~  
531 ~~on any committee. All appointments shall be for 18-month terms.~~  
532 ~~All vacancies shall be filled in the manner of the original~~

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533 ~~appointment for only the time remaining in the unexpired term.~~  
534 ~~At no time may a district school board have more than one~~  
535 ~~representative on a committee. The commissioner and a member of~~  
536 ~~the department whom he or she shall designate shall be~~  
537 ~~additional and ex officio members of each committee.~~

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

541 ~~(c) The district school board shall be reimbursed for the~~  
542 ~~actual cost of substitute teachers for each workday that a~~  
543 ~~member of its instructional staff is absent from his or her~~  
544 ~~assigned duties for the purpose of rendering service to the~~  
545 ~~state instructional materials committee. In addition, committee~~  
546 ~~members shall be reimbursed for travel expenses and per diem in~~  
547 ~~accordance with s. 112.061 for actual service in meetings of~~  
548 ~~committees called by the commissioner. Payment of such travel~~  
549 ~~expenses shall be made from the appropriation for the~~  
550 ~~administration of the instructional materials program, on~~  
551 ~~warrants to be drawn by the Chief Financial Officer upon~~  
552 ~~requisition approved by the commissioner.~~

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

555 ~~(3) All references in the law to the state instructional~~  
556 ~~materials committee shall apply to each committee created by~~  
557 ~~this section.~~

558 (2)-(4) For purposes of state adoption, "instructional  
559 materials" means items having intellectual content that by  
560 design serve as a major tool for assisting in the instruction of

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561 a subject or course. These items may be available in bound,  
562 unbound, kit, or package form and may consist of hardbacked or  
563 softbacked textbooks, electronic content, consumables, learning  
564 laboratories, manipulatives, electronic media, and computer  
565 courseware or software. A publisher or manufacturer providing  
566 instructional materials as a single bundle shall also make the  
567 instructional materials available as separate and unbundled  
568 items, each priced individually. A publisher may also offer  
569 sections of state-adopted instructional materials in digital or  
570 electronic versions at reduced rates to districts, schools, and  
571 teachers.

572 (3) Beginning in the 2014-2015 academic year, all adopted  
573 Any instructional materials adopted after 2012-2013 for students  
574 in kindergarten grades 9 through grade 12 must shall also be  
575 provided in a digital an electronic format. For purposes of  
576 state adoption, the term "digital format" means text-based or  
577 image-based content in a form that provides the student with  
578 various interactive functions; that can be searched, tagged,  
579 distributed, and utilized for individualized and group learning;  
580 that includes multimedia content such as video clips,  
581 animations, and virtual reality; and that has the ability to be  
582 accessed anytime and anywhere. Beginning in the 2012-2013  
583 academic year for grades 9 through 12 and in the 2013-2014  
584 academic year for kindergarten through grade 8, all adopted  
585 instructional materials must be provided in an electronic or a  
586 digital format. For purposes of state adoption, the term  
587 "electronic format" means text-based or image-based content in a  
588 form that is produced on, published by, and readable on

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589 computers or other digital devices and is an electronic version  
 590 of a printed book, whether or not any printed equivalent exists.

591 The term does not include electronic or computer hardware even  
 592 if such hardware is bundled with software or other electronic  
 593 media, nor does it include equipment or supplies.

594 ~~(4)-(5)~~ The department shall develop a training program for  
 595 persons selected as state instructional materials reviewers and  
 596 school district reviewers ~~to serve on state instructional~~  
 597 ~~materials committees~~. The program shall be structured to assist  
 598 reviewers ~~committee members~~ in developing the skills necessary  
 599 to make valid, culturally sensitive, and objective decisions  
 600 regarding the content and rigor of instructional materials. All  
 601 persons serving as ~~on~~ instructional materials reviewers  
 602 ~~committees~~ must complete the training program prior to beginning  
 603 the review and selection process.

604 Section 13. Section 1006.30, Florida Statutes, is amended  
 605 to read:

606 1006.30 Affidavit of state instructional materials  
 607 reviewers ~~committee members~~.—Before transacting any business,  
 608 each state instructional materials reviewer ~~member of a state~~  
 609 ~~committee~~ shall make an affidavit, to be filed with the  
 610 department commissioner, that:

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

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

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

620           (4) The reviewer does not have any direct or indirect  
621 pecuniary interest ~~member is not pecuniarily interested, and~~  
622 ~~while a member of the committee he or she will assume no~~  
623 ~~pecuniary interest, directly or indirectly,~~ in the business or  
624 profits of any person engaged in manufacturing, publishing, or  
625 selling instructional materials designed for use in the public  
626 schools.

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

632           (6) The reviewer understands that it is unlawful for any  
633 ~~member of a state instructional materials committee to discuss~~  
634 matters relating to instructional materials submitted for  
635 adoption with any agent of a publisher or manufacturer of  
636 instructional materials, either directly or indirectly, except  
637 during the period when the publisher or manufacturer is  
638 providing a presentation for the reviewer during his or her  
639 review of ~~committee has been called into session for the purpose~~  
640 ~~of evaluating instructional materials submitted for adoption.~~  
641 ~~Such discussions shall be limited to official meetings of the~~  
642 ~~committee and in accordance with procedures prescribed by the~~  
643 ~~commissioner for that purpose.~~

644           Section 14. Section 1006.31, Florida Statutes, is amended

645 to read:

646 1006.31 Duties of each state instructional materials  
 647 reviewer ~~committee~~.—The duties of each state instructional  
 648 materials reviewer ~~committee~~ are:

649 ~~(1) PLACE AND TIME OF MEETING.—To meet at the call of the~~  
 650 ~~commissioner, at a place in the state designated by him or her,~~  
 651 ~~for the purpose of evaluating and recommending instructional~~  
 652 ~~materials for adoption by the state. All meetings of state~~  
 653 ~~instructional materials committees shall be announced publicly~~  
 654 ~~in the Florida Administrative Weekly at least 2 weeks prior to~~  
 655 ~~the date of convening. All meetings of the committees shall be~~  
 656 ~~open to the public.~~

657 ~~(2) ORGANIZATION.—To elect a chair and vice chair for each~~  
 658 ~~adoption. An employee of the department shall serve as secretary~~  
 659 ~~to the committee and keep an accurate record of its proceedings.~~  
 660 ~~All records of committee motions and votes, and summaries of~~  
 661 ~~committee debate shall be incorporated into a publishable~~  
 662 ~~document and shall be available for public inspection and~~  
 663 ~~duplication.~~

664 ~~(1)(3)~~ (1) PROCEDURES.—To adhere to procedures prescribed by  
 665 the department ~~commissioner~~ for evaluating instructional  
 666 materials submitted by publishers and manufacturers in each  
 667 adoption.

668 ~~(2)(4)~~ (2) EVALUATION OF INSTRUCTIONAL MATERIALS.—To evaluate  
 669 carefully all instructional materials submitted, to ascertain  
 670 which instructional materials, if any, submitted for  
 671 consideration ~~best~~ implement the selection criteria developed by  
 672 the department ~~commissioner~~ and those curricular objectives



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673 included within applicable performance standards provided for in  
674 s. 1001.03(1).

675 (a) When recommending instructional materials for use in  
676 the schools, each reviewer ~~committee~~ shall include only  
677 instructional materials that accurately portray the ethnic,  
678 socioeconomic, cultural, and racial diversity of our society,  
679 including men and women in professional, career, and executive  
680 roles, and the role and contributions of the entrepreneur and  
681 labor in the total development of this state and the United  
682 States.

683 (b) When recommending instructional materials for use in  
684 the schools, each reviewer ~~committee~~ shall include only  
685 materials that ~~which~~ accurately portray, whenever appropriate,  
686 humankind's place in ecological systems, including the necessity  
687 for the protection of our environment and conservation of our  
688 natural resources and the effects on the human system of the use  
689 of tobacco, alcohol, controlled substances, and other dangerous  
690 substances.

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

696 (d) When recommending instructional materials for use in  
697 the schools, each reviewer ~~committee~~ shall require, when  
698 appropriate to the comprehension of students, that materials for  
699 social science, history, or civics classes contain the  
700 Declaration of Independence and the Constitution of the United

701 States. A reviewer may not recommend any ~~No~~ instructional  
 702 materials ~~shall be recommended by any committee~~ for use in the  
 703 schools which contain any matter reflecting unfairly upon  
 704 persons because of their race, color, creed, national origin,  
 705 ancestry, gender, or occupation.

706 (e) Any instructional material ~~All instructional materials~~  
 707 recommended by a reviewer ~~each committee~~ for use in the schools  
 708 shall be, to the satisfaction of each reviewer ~~committee~~,  
 709 accurate, objective, and current and suited to the needs and  
 710 comprehension of students at their respective grade levels.  
 711 Reviewers ~~Instructional materials committees~~ shall consider for  
 712 adoption materials developed for academically talented students  
 713 such as those enrolled in advanced placement courses.

714 (3) ~~(5)~~ REPORT OF REVIEWER COMMITTEE. ~~Each committee~~, After  
 715 a thorough study of all data submitted on each instructional  
 716 material, to submit an electronic ~~and after each member has~~  
 717 ~~carefully evaluated each instructional material, shall present a~~  
 718 ~~written~~ report to the department ~~commissioner~~. The ~~Such~~ report  
 719 shall be made public, and must ~~shall~~ include responses to each  
 720 section of the report format prescribed by the department.

721 ~~(a) A description of the procedures used in determining~~  
 722 ~~the instructional materials to be recommended to the~~  
 723 ~~commissioner.~~

724 ~~(b) Recommendations of instructional materials for each~~  
 725 ~~grade and subject field in the curriculum of public elementary,~~  
 726 ~~middle, and high schools in which adoptions are to be made. If~~  
 727 ~~deemed advisable, the committee may include such other~~  
 728 ~~information, expression of opinion, or recommendation as would~~

729 ~~be helpful to the commissioner. If there is a difference of~~  
 730 ~~opinion among the members of the committee as to the merits of~~  
 731 ~~any instructional materials, any member may file an expression~~  
 732 ~~of his or her individual opinion.~~

733  
 734 ~~The findings of the committees, including the evaluation of~~  
 735 ~~instructional materials, shall be in sessions open to the~~  
 736 ~~public. All decisions leading to determinations of the~~  
 737 ~~committees shall be by roll call vote, and at no time will a~~  
 738 ~~secret ballot be permitted.~~

739 Section 15. Section 1006.32, Florida Statutes, is amended  
 740 to read:

741 1006.32 Prohibited acts.—

742 (1) A ~~No~~ publisher or manufacturer of instructional  
 743 material, or any representative thereof, may not ~~shall~~ offer to  
 744 give any emolument, money, or other valuable thing, or any  
 745 inducement, to any district school board official or state  
 746 ~~member of a state-level~~ instructional materials reviewer  
 747 ~~committee~~ to directly or indirectly introduce, recommend, vote  
 748 for, or otherwise influence the adoption or purchase of any  
 749 instructional materials.

750 (2) A ~~No~~ district school board official or ~~member of a~~  
 751 state instructional materials reviewer may not ~~committee shall~~  
 752 solicit or accept any emolument, money, or other valuable thing,  
 753 or any inducement, to directly or indirectly introduce,  
 754 recommend, vote for, or otherwise influence the adoption or  
 755 purchase of any instructional material.

756 (3) A ~~No~~ district school board or publisher may not

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757 participate in a pilot program of materials being considered for  
 758 adoption during the 18-month period before the official adoption  
 759 of the materials by the commissioner. Any pilot program during  
 760 the first 2 years of the adoption period must have the prior  
 761 approval of the commissioner.

762 (4) Any publisher or manufacturer of instructional  
 763 materials or representative thereof or any district school board  
 764 official or state instructional materials reviewer ~~committee~~  
 765 ~~member~~, who violates any provision of this section commits a  
 766 misdemeanor of the second degree, punishable as provided in s.  
 767 775.082 or s. 775.083. Any representative of a publisher or  
 768 manufacturer who violates any provision of this section, in  
 769 addition to any other penalty, shall be banned from practicing  
 770 business in the state for a period of 1 calendar year. ~~Any~~  
 771 ~~district school board official or state instructional materials~~  
 772 ~~committee member who violates any provision of this section, in~~  
 773 ~~addition to any other penalty, shall be removed from his or her~~  
 774 ~~official position.~~

775 (5) This section does not prohibit ~~Nothing in this section~~  
 776 ~~shall be construed to prevent~~ any publisher, manufacturer, or  
 777 agent from supplying, for purposes of examination, necessary  
 778 sample copies of instructional materials to any district school  
 779 board official or state instructional materials reviewer  
 780 ~~committee member~~.

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

785           (7) This section does not ~~Nothing contained in this~~  
 786 ~~section shall be construed to~~ prohibit or restrict a district  
 787 school board official from receiving royalties or other  
 788 compensation, other than compensation paid to him or her as  
 789 commission for negotiating sales to district school boards, from  
 790 the publisher or manufacturer of instructional materials  
 791 written, designed, or prepared by such district school board  
 792 official, and adopted by the commissioner or purchased by any  
 793 district school board. No district school board official shall  
 794 be allowed to receive royalties on any materials not on the  
 795 state-adopted list purchased for use by his or her district  
 796 school board.

797           (8) A ~~No~~ district school superintendent, district school  
 798 board member, teacher, or other person officially connected with  
 799 the government or direction of public schools may not ~~shall~~  
 800 receive during the months actually engaged in performing duties  
 801 under his or her contract any private fee, gratuity, donation,  
 802 or compensation, in any manner whatsoever, for promoting the  
 803 sale or exchange of any instructional material ~~school book~~, map,  
 804 or chart in any public school, or be an agent for the sale or  
 805 the publisher of any instructional material ~~school textbook~~ or  
 806 reference work, or have direct or indirect pecuniary interest ~~be~~  
 807 ~~directly or indirectly pecuniarily interested~~ in the  
 808 introduction of any such instructional material ~~textbook~~, and  
 809 any such agency or interest disqualifies ~~shall disqualify~~ any  
 810 person so acting or interested from holding any district school  
 811 board employment whatsoever, and the person commits a  
 812 misdemeanor of the second degree, punishable as provided in s.

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813 775.082 or s. 775.083; however, ~~provided that~~ this subsection  
 814 does ~~shall not prevent~~ ~~be construed as preventing~~ the adoption  
 815 of any instructional material ~~book~~ written in whole or in part  
 816 by a Florida author.

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

820 1006.33 Bids or proposals; advertisement and its  
 821 contents.—

822 (1)

823 (b) The advertisement shall state that, beginning in 2010-  
 824 2011, each bidder shall furnish electronic sample ~~specimen~~  
 825 copies of all instructional materials submitted, at a time  
 826 designated by the department, which ~~specimen~~ copies shall be  
 827 identical with the copies approved and accepted by ~~the members~~  
 828 ~~of the~~ state instructional materials reviewers ~~committee~~, as  
 829 prescribed in this section, and with the copies furnished to the  
 830 department and district school superintendents, as provided in  
 831 this part. A school district may not request ~~Any district school~~  
 832 ~~superintendent who requires~~ samples in addition to the  
 833 electronic format ~~must request those samples through the~~  
 834 department.

835 (e) The advertisement shall give information regarding  
 836 digital ~~as to how~~ specifications that ~~which~~ have been adopted by  
 837 the department, including minimum format requirements that will  
 838 enable electronic and digital content to be accessed through the  
 839 district's local instructional improvement system and a variety  
 840 of mobile, electronic, and digital devices. Beginning with

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841 specifications released in 2013, the digital specifications  
842 shall require the capability for searching by state standards  
843 and site and student-level licensing. The digital format  
844 specifications shall be appropriate for the interoperability of  
845 the content. The department may not adopt specifications that  
846 require the instructional materials to include specific  
847 references to FCAT standards or Next Generation Sunshine State  
848 Standards and benchmarks at point of student use ~~in regard to~~  
849 ~~paper, binding, cover boards, and mechanical makeup can be~~  
850 ~~secured. In adopting specifications, the department shall make~~  
851 ~~an exception for instructional materials that are college-level~~  
852 ~~texts and that do not meet department physical specifications~~  
853 ~~for secondary materials, if the publisher guarantees replacement~~  
854 ~~during the term of the contract.~~

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

861 (4) Sample Specimen copies of all instructional materials  
862 that have been made the bases of contracts under this part  
863 shall, upon request for the purpose of public inspection, be  
864 made available by the publisher to the department and the  
865 district school superintendent of each district school board  
866 that adopts the instructional materials from the state list upon  
867 request for the purpose of public inspection. ~~All contracts and~~  
868 ~~bonds executed under this part shall be signed in triplicate.~~

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869 ~~One copy of each contract and an original of each bid, whether~~  
 870 ~~accepted or rejected, shall be preserved with the department for~~  
 871 ~~at least 3 years after termination of the contract.~~

872 Section 17. Subsections (1), (2), (3), and (7) of section  
 873 1006.34, Florida Statutes, are amended to read:

874 1006.34 Powers and duties of the commissioner and the  
 875 department in selecting and adopting instructional materials.—

876 (1) PROCEDURES FOR EVALUATING INSTRUCTIONAL MATERIALS.—The  
 877 State Board of Education shall adopt rules prescribing  
 878 ~~commissioner shall prescribe~~ the procedures by which the  
 879 department shall evaluate instructional materials submitted by  
 880 publishers and manufacturers in each adoption. The rules shall  
 881 be exempt from the legislative ratification requirement in s.  
 882 120.541(3). Included in these procedures shall be provisions  
 883 affording ~~which afford~~ each publisher or manufacturer or his or  
 884 her representative an opportunity to provide a virtual  
 885 presentation to ~~present to members of the~~ state instructional  
 886 materials reviewers on ~~committees~~ the merits of each  
 887 instructional material submitted in each adoption.

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

889 (a) The department shall notify all publishers and  
 890 manufacturers of instructional materials who have submitted bids  
 891 that within 3 weeks after the deadline for receiving bids, at a  
 892 designated time and place, it will open the bids submitted and  
 893 deposited with it. At the time and place designated, the bids  
 894 shall be opened, read, and tabulated in the presence of the  
 895 bidders or their representatives. No one may revise his or her  
 896 bid after the bids have been filed. When all bids have been



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897 | carefully considered, the commissioner shall, from the list of  
898 | suitable, usable, and desirable instructional materials reported  
899 | by the state instructional materials reviewers ~~committee~~, select  
900 | and adopt instructional materials for each grade and subject  
901 | field in the curriculum of public elementary, middle, and high  
902 | schools in which adoptions are made and in the subject areas  
903 | designated in the advertisement. The adoption shall continue for  
904 | the period specified in the advertisement, beginning on the  
905 | ensuing April 1. The adoption shall not prevent the extension of  
906 | a contract as provided in subsection (3). The commissioner shall  
907 | always reserve the right to reject any and all bids. The  
908 | commissioner may ask for new sealed bids from publishers or  
909 | manufacturers whose instructional materials were recommended by  
910 | the state instructional materials reviewers ~~committee~~ as  
911 | suitable, usable, and desirable; specify the dates for filing  
912 | such bids and the date on which they shall be opened; and  
913 | proceed in all matters regarding the opening of bids and the  
914 | awarding of contracts as required by this part. In all cases,  
915 | bids shall be accompanied by a cash deposit or certified check  
916 | of from \$500 to \$2,500, as the department ~~commissioner~~ may  
917 | direct. The department, in adopting instructional materials,  
918 | shall give due consideration both to the prices bid for  
919 | furnishing instructional materials and to the report and  
920 | recommendations of the state instructional materials reviewers  
921 | ~~committee~~. When the commissioner has finished with the report of  
922 | the state instructional materials reviewers ~~committee~~, the  
923 | report shall be filed and preserved with the department and  
924 | shall be available at all times for public inspection.

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925 (b) In the selection of instructional materials, library  
 926 media books, and other reading material used in the public  
 927 school system, the standards used to determine the propriety of  
 928 the material shall include:

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

931 2. The educational purpose to be served by the material.  
 932 In considering instructional materials for classroom use,  
 933 priority shall be given to the selection of materials which  
 934 encompass the state and district school board performance  
 935 standards provided for in s. 1001.03(1) and which include the  
 936 instructional objectives contained within the curriculum  
 937 frameworks approved by rule of the State Board of Education.

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

941 4. The consideration of the broad racial, ethnic,  
 942 socioeconomic, and cultural diversity of the students of this  
 943 state.

944  
 945 Any instructional material ~~No book or other material~~ containing  
 946 ~~hard-core~~ pornography or otherwise prohibited by s. 847.012 may  
 947 not shall be used or made available within any public school  
 948 district.

949 (3) CONTRACT WITH PUBLISHERS OR MANUFACTURERS; BOND.—As  
 950 soon as practicable after the commissioner has adopted any  
 951 instructional materials and all bidders that have secured the  
 952 adoption of any instructional materials have been notified

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953 | thereof by registered letter, the department ~~of Legal Affairs~~  
 954 | shall prepare a contract in proper form with every bidder  
 955 | awarded the adoption of any instructional materials. Each  
 956 | contract shall be executed by the commissioner ~~Governor and~~  
 957 | ~~Secretary of State under the seal of the state~~, one copy to be  
 958 | kept by the contractor, ~~one copy to be filed with the Department~~  
 959 | ~~of State~~, and one copy to be filed with the department. After  
 960 | giving due consideration to comments by the district school  
 961 | boards, the commissioner, with the agreement of the publisher,  
 962 | may extend or shorten a contract period for a period not to  
 963 | exceed 2 years; and the terms of any such contract shall remain  
 964 | the same as in the original contract. Any publisher or  
 965 | manufacturer to whom any contract is let under this part must  
 966 | give bond in such amount as the department ~~commissioner~~  
 967 | requires, payable to the state, conditioned for the faithful,  
 968 | honest, and exact performance of the contract. The bond must  
 969 | provide for the payment of reasonable attorney's fees in case of  
 970 | recovery in any suit thereon. The surety on the bond must be a  
 971 | guaranty or surety company lawfully authorized to do business in  
 972 | the state; however, the bond shall not be exhausted by a single  
 973 | recovery but may be sued upon from time to time until the full  
 974 | amount thereof is recovered, and the department may at any time,  
 975 | after giving 30 days' notice, require additional security or  
 976 | additional bond. The form of any bond or bonds or contract or  
 977 | contracts under this part shall be prepared and approved by the  
 978 | department ~~of Legal Affairs~~. At the discretion of the department  
 979 | ~~commissioner~~, a publisher or manufacturer to whom any contract  
 980 | is let under this part may be allowed a cash deposit in lieu of

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981 a bond, conditioned for the faithful, honest, and exact  
 982 performance of the contract. The cash deposit, payable to the  
 983 department, shall be placed in the Textbook Bid Trust Fund. The  
 984 department may recover damages on the cash deposit given by the  
 985 contractor for failure to furnish instructional materials, the  
 986 sum recovered to inure to the General Revenue Fund.

987 (7) FORFEITURE OF CONTRACT AND BOND.—If any publisher or  
 988 manufacturer of instructional materials fails or refuses to  
 989 furnish ~~a book, or books, or other~~ instructional materials as  
 990 provided in the contract, the publisher's or manufacturer's ~~his~~  
 991 ~~or her~~ bond is forfeited and the commissioner must ~~department~~  
 992 ~~shall~~ make another contract ~~on such terms as it may find~~  
 993 ~~desirable, after giving due consideration to the recommendations~~  
 994 ~~of the commissioner.~~

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

997 1006.35 Accuracy of instructional materials.—

998 (2) When errors in state-adopted materials are confirmed,  
 999 the publisher of the materials shall provide to each district  
 1000 school board that has purchased the materials the corrections in  
 1001 a format approved by the department ~~commissioner~~.

1002 Section 19. Section 1006.36, Florida Statutes, is amended  
 1003 to read:

1004 1006.36 Term of adoption for instructional materials.—

1005 (1) The term of adoption of any instructional materials  
 1006 must be a 5-year ~~6-year~~ period beginning on April 1 following  
 1007 the adoption, except that the commissioner may approve terms of  
 1008 adoption of less than 5 ~~6~~ years for materials in content areas

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1009 | which require more frequent revision. Any contract for  
 1010 | instructional materials may be extended as prescribed in s.  
 1011 | 1006.34(3).

1012 | (2) The department shall publish annually an official  
 1013 | schedule of subject areas to be called for adoption for each of  
 1014 | the succeeding 2 years, and a tentative schedule for years 3, 4,  
 1015 | and 5, ~~and 6~~. If extenuating circumstances warrant, the  
 1016 | commissioner may ~~order the department to~~ add one or more subject  
 1017 | areas to the official schedule and, ~~in which event the~~  
 1018 | ~~commissioner~~ shall develop criteria for such additional subject  
 1019 | area or areas and make them available to publishers as soon as  
 1020 | practicable before the date on which bids are due. The schedule  
 1021 | shall be developed so as to promote balance among the subject  
 1022 | areas so that the required expenditure for new instructional  
 1023 | materials is approximately the same each year in order to  
 1024 | maintain curricular consistency.

1025 | Section 20. Subsections (2), (3), (5), and (14) through  
 1026 | (17) of section 1006.38, Florida Statutes, are amended to read:

1027 | 1006.38 Duties, responsibilities, and requirements of  
 1028 | instructional materials publishers and manufacturers.—Publishers  
 1029 | and manufacturers of instructional materials, or their  
 1030 | representatives, shall:

1031 | (2) Electronically deliver fully developed sample specimen  
 1032 | copies of all instructional materials upon which bids are based  
 1033 | to the department pursuant to procedures adopted by the State  
 1034 | Board of Education ~~each member of a state instructional~~  
 1035 | ~~materials committee. At the conclusion of the review process,~~  
 1036 | ~~manufacturers submitting samples of instructional materials are~~

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1037 ~~entitled to the return thereof, at the expense of the~~  
 1038 ~~manufacturers; or, in the alternative, the manufacturers are~~  
 1039 ~~entitled to reimbursement by the individual committee members~~  
 1040 ~~for the retail value of the samples.~~

1041 (3) Submit, at a time designated in s. 1006.33, the  
 1042 following information:

1043 (a) Detailed specifications of the physical  
 1044 characteristics of the instructional materials, including any  
 1045 software or technological tools required for use by the  
 1046 district, school, teachers, or students. The publisher or  
 1047 manufacturer shall comply with these specifications if the  
 1048 instructional materials are adopted and purchased in completed  
 1049 form.

1050 (b) Evidence ~~Written proof~~ that the publisher has provided  
 1051 materials that address the ~~written correlations to appropriate~~  
 1052 ~~curricular objectives included within applicable performance~~  
 1053 standards provided for in s. 1001.03(1) and that can be accessed  
 1054 through the district's local instructional improvement system  
 1055 and a variety of electronic, digital, and mobile devices.

1056 (5) Furnish the instructional materials offered by them at  
 1057 a price in the state which, including all costs of electronic  
 1058 transmission ~~transportation to their depositories,~~ may ~~shall~~ not  
 1059 exceed the lowest price at which they offer such instructional  
 1060 materials for adoption or sale to any state or school district  
 1061 in the United States.

1062 ~~(14) For all other subject areas, maintain in the~~  
 1063 ~~depository an inventory of instructional materials sufficient to~~  
 1064 ~~receive and fill orders.~~

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1065            ~~(14)(15)~~ Accurately and fully disclose only the names of  
 1066 those persons who actually authored the instructional materials.  
 1067 In addition to the penalties provided in subsection (16) ~~(17)~~,  
 1068 the commissioner may remove from the list of state-adopted  
 1069 instructional materials those instructional materials whose  
 1070 publisher or manufacturer misleads the purchaser by falsely  
 1071 representing genuine authorship.

1072            ~~(15)(16)~~ Grant, without prior written request, for any  
 1073 copyright held by the publisher or its agencies automatic  
 1074 permission to the department or its agencies for the  
 1075 reproduction of instructional materials ~~textbooks~~ and  
 1076 supplementary materials in braille, ~~or~~ large print, or other  
 1077 appropriate format in the form of sound recordings, for use by  
 1078 visually impaired students or other students with disabilities  
 1079 that would benefit from use of the materials.

1080            ~~(16)(17)~~ Upon the willful failure of the publisher or  
 1081 manufacturer to comply with the requirements of this section, be  
 1082 liable to the department in the amount of three ~~3~~ times the  
 1083 total sum which the publisher or manufacturer was paid in excess  
 1084 of the price required under subsections (5) and (6) and in the  
 1085 amount of three ~~3~~ times the total value of the instructional  
 1086 materials and services which the district school board is  
 1087 entitled to receive free of charge under subsection (7).

1088            Section 21. Subsection (5) of section 1006.39, Florida  
 1089 Statutes, is amended to read:

1090            1006.39 Production and dissemination of educational  
 1091 materials and products by department.—

1092            (5) The department may ~~shall~~ not enter into the business

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1093 of producing or publishing instructional materials ~~textbooks, or~~  
 1094 ~~the contents therein,~~ for general use in classrooms.

1095 Section 22. Subsection (2), paragraph (a) of subsection  
 1096 (3), and subsection (4) of section 1006.40, Florida Statutes,  
 1097 are amended to read:

1098 1006.40 Use of instructional materials allocation;  
 1099 instructional materials, library books, and reference books;  
 1100 repair of books.-

1101 (2)~~(a)~~ Each district school board must purchase current  
 1102 instructional materials to provide each student with a ~~textbook~~  
 1103 ~~or other instructional materials~~ as a major tool of instruction  
 1104 in core courses of the ~~appropriate~~ subject areas of mathematics,  
 1105 language arts, science, social studies, reading, and literature  
 1106 for kindergarten through grade 12. Such purchase must be made  
 1107 within the first 2 years after the effective date of the  
 1108 adoption cycle; ~~however, this requirement is waived for the~~  
 1109 ~~adoption cycle occurring in the 2008-2009 academic year for~~  
 1110 ~~schools within the district which are identified in the top four~~  
 1111 ~~categories of schools pursuant to s. 1008.33, as amended by~~  
 1112 ~~chapter 2009-144, Laws of Florida. The Commissioner of Education~~  
 1113 ~~may provide a waiver of this requirement for the adoption cycle~~  
 1114 ~~occurring in the 2008-2009 academic year if the district~~  
 1115 ~~demonstrates that it has intervention and support strategies to~~  
 1116 ~~address the particular needs of schools in the lowest two~~  
 1117 ~~categories. Unless specifically provided for in the General~~  
 1118 ~~Appropriations Act, the cost of instructional materials~~  
 1119 ~~purchases required by this paragraph shall not exceed the amount~~  
 1120 ~~of the district's allocation for instructional materials,~~



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1121 ~~pursuant to s. 1011.67, for the previous 2 years.~~

1122 ~~(b) The requirement in paragraph (a) does not apply to~~  
1123 ~~contracts in existence before April 1, 2000, or to a purchase~~  
1124 ~~related to growth of student membership in the district or for~~  
1125 ~~instructional materials maintenance needs.~~

1126 (3) (a) By the 2013-2014 fiscal year, each district school  
1127 board shall use at least 50 percent of the annual allocation for  
1128 the purchase of digital or electronic instructional materials  
1129 included on the state-adopted list, except as otherwise  
1130 authorized in paragraphs (b) and (c). ~~No less than 50 percent of~~  
1131 ~~the annual allocation shall be used to purchase items which will~~  
1132 ~~be used to provide instruction to students at the level or~~  
1133 ~~levels for which the materials are designed.~~

1134 (4) Funds that are not used to purchase digital or  
1135 electronic instructional materials may ~~The funds described in~~  
1136 ~~subsection (3) which district school boards may use to purchase~~  
1137 ~~materials not on the state-adopted list shall be used for the~~  
1138 purchase of instructional materials or other items having  
1139 intellectual content which assist in the instruction of a  
1140 subject or course. These items may be available in bound,  
1141 unbound, kit, or package form and may consist of hardbacked or  
1142 softbacked textbooks, electronic content, replacements for items  
1143 which were part of previously purchased instructional materials,  
1144 consumables, learning laboratories, manipulatives, electronic  
1145 media, computer courseware or software, and other commonly  
1146 accepted instructional tools as prescribed by district school  
1147 board rule. ~~The funds available to district school boards for~~  
1148 ~~the purchase of materials not on the state-adopted list may not~~

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1149 ~~be used to purchase electronic or computer hardware even if such~~  
 1150 ~~hardware is bundled with software or other electronic media~~  
 1151 ~~unless the district school board has complied with the~~  
 1152 ~~requirements in s. 1011.62(6)(b)5., nor may such funds be used~~  
 1153 ~~to purchase equipment or supplies. However, when authorized to~~  
 1154 ~~do so in the General Appropriations Act, a school or district~~  
 1155 ~~school board may use a portion of the funds available to it for~~  
 1156 ~~the purchase of materials not on the state-adopted list to~~  
 1157 ~~purchase science laboratory materials and supplies.~~

1158 Section 23. Section 1006.43, Florida Statutes, is  
 1159 repealed.

1160 Section 24. Paragraph (p) of subsection (1) and paragraph  
 1161 (b) of subsection (6) of section 1011.62, Florida Statutes, are  
 1162 amended to read:

1163 1011.62 Funds for operation of schools.—If the annual  
 1164 allocation from the Florida Education Finance Program to each  
 1165 district for operation of schools is not determined in the  
 1166 annual appropriations act or the substantive bill implementing  
 1167 the annual appropriations act, it shall be determined as  
 1168 follows:

1169 (1) COMPUTATION OF THE BASIC AMOUNT TO BE INCLUDED FOR  
 1170 OPERATION.—The following procedure shall be followed in  
 1171 determining the annual allocation to each district for  
 1172 operation:

1173 (p) Calculation of additional full-time equivalent  
 1174 membership based on certification of successful completion of  
 1175 industry-certified career and professional academy programs  
 1176 pursuant to ss. 1003.491, 1003.492, and 1003.493 and identified

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1177 | in the Industry Certified Funding List pursuant to rules adopted  
 1178 | by the State Board of Education.—A maximum value of 0.3 full-  
 1179 | time equivalent student membership shall be calculated for each  
 1180 | student who completes an industry-certified career and  
 1181 | professional academy program under ss. 1003.491, 1003.492, and  
 1182 | 1003.493 and who is issued the highest level of industry  
 1183 | certification identified annually in the Industry Certification  
 1184 | Funding List approved under rules adopted by the State Board of  
 1185 | Education and a high school diploma. The value of the full-time  
 1186 | equivalent student membership shall be determined by weights  
 1187 | adopted by the State Board of Education pursuant to s. 1003.492.  
 1188 | Such value shall be added to the total full-time equivalent  
 1189 | student membership in secondary career education programs for  
 1190 | grades 9 through 12 in the subsequent year for courses that were  
 1191 | not funded through dual enrollment. The additional full-time  
 1192 | equivalent membership authorized under this paragraph may not  
 1193 | exceed 0.3 per student. Each district must allocate at least 80  
 1194 | percent of the funds provided for industry certification, in  
 1195 | accordance with this paragraph, to the program that generated  
 1196 | the funds. Unless a different amount is specified in the General  
 1197 | Appropriations Act, the appropriation for this calculation is  
 1198 | limited to \$15 million annually. If the appropriation is  
 1199 | insufficient to fully fund the total calculation, the  
 1200 | appropriation shall be prorated.

1201 | (6) CATEGORICAL FUNDS.—

1202 | (b) If a district school board finds and declares in a  
 1203 | resolution adopted at a regular meeting of the school board that  
 1204 | the funds received for any of the following categorical

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1205 appropriations are urgently needed to maintain school board  
 1206 specified academic classroom instruction, the school board may  
 1207 consider and approve an amendment to the school district  
 1208 operating budget transferring the identified amount of the  
 1209 categorical funds to the appropriate account for expenditure:

- 1210 1. Funds for student transportation.
- 1211 2. Funds for safe schools.
- 1212 3. Funds for supplemental academic instruction.
- 1213 4. Funds for research-based reading instruction.
- 1214 5. Funds for instructional materials if all instructional  
 1215 material purchases necessary to provide updated materials  
 1216 aligned to Next Generation Sunshine State Standards and  
 1217 benchmarks and that meet statutory requirements of content and  
 1218 learning have been completed for that fiscal year, but no sooner  
 1219 than March 1, ~~2011~~. Funds available after March 1 may be used to  
 1220 purchase hardware for student instruction.

1221 Section 25. Subsection (2) of section 1011.685, Florida  
 1222 Statutes, is amended to read:

1223 1011.685 Class size reduction; operating categorical  
 1224 fund.—

1225 (2) Class size reduction operating categorical funds shall  
 1226 be used by school districts to reduce class size as required in  
 1227 s. 1003.03. A school district that meets the maximum class size  
 1228 requirements may use the funds, ~~or the funds may be used~~ for any  
 1229 lawful operating expenditure; however, priority shall be given  
 1230 to increasing salaries of classroom teachers.

1231 Section 26. Paragraph (d) of subsection (2) and paragraph  
 1232 (b) of subsection (3) of section 1011.71, Florida Statutes, are

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1233 amended to read:

1234 1011.71 District school tax.—

1235 (2) In addition to the maximum millage levy as provided in  
 1236 subsection (1), each school board may levy not more than 1.5  
 1237 mills against the taxable value for school purposes for district  
 1238 schools, including charter schools at the discretion of the  
 1239 school board, to fund:

1240 (d) The purchase, lease-purchase, or lease of new and  
 1241 replacement equipment; computer hardware, including electronic  
 1242 hardware and other hardware devices necessary for gaining access  
 1243 to or enhancing the use of electronic content and resources or  
 1244 to facilitate the access to and the use of a school district's  
 1245 local instructional improvement ~~electronic learning management~~  
 1246 system pursuant to s. 1006.281, excluding software other than  
 1247 the operating system necessary to operate the hardware or  
 1248 device; and enterprise resource software applications that are  
 1249 classified as capital assets in accordance with definitions of  
 1250 the Governmental Accounting Standards Board, have a useful life  
 1251 of at least 5 years, and are used to support districtwide  
 1252 administration or state-mandated reporting requirements.

1253 (3)

1254 (b) In addition to the millage authorized in this section,  
 1255 each district school board may, by a super majority vote, levy  
 1256 an additional 0.25 mills for critical capital outlay needs or  
 1257 for critical operating needs. If levied for capital outlay,  
 1258 expenditures shall be subject to the requirements of this  
 1259 section. If levied for operations, expenditures shall be  
 1260 consistent with the requirements for operating funds received

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1261 pursuant to s. 1011.62. If the district levies this additional  
 1262 0.25 mills for operations, the compression adjustment pursuant  
 1263 to s. 1011.62(5) shall be calculated and added to the district's  
 1264 FEFP allocation. Millage levied pursuant to this paragraph is  
 1265 subject to the provisions of s. 200.065. In order to be  
 1266 continued after the 2010-2011 fiscal year, millage levied  
 1267 pursuant to this paragraph must be approved by the voters of the  
 1268 district at the 2010 general election or at a subsequent  
 1269 election held at any time, except that not more than one such  
 1270 election shall be held during any 12-month period. Any millage  
 1271 so authorized shall be levied for a period not in excess of 2  
 1272 years or until changed by another millage election, whichever is  
 1273 earlier. If any such election is invalidated by a court of  
 1274 competent jurisdiction, such invalidated election shall be  
 1275 considered not to have been held. This paragraph is repealed  
 1276 effective June 30, 2011. However, for the 2011-2012 and 2012-  
 1277 2013 fiscal years, the 0.25 mills may be levied in the districts  
 1278 in which it was authorized by the voters of the district in the  
 1279 2010 general election. Funds generated by this additional  
 1280 millage may not be included in the calculation of the Florida  
 1281 Education Finance Program in the 2011-2012 fiscal year or any  
 1282 subsequent fiscal year and must not be incorporated in the  
 1283 calculation of any hold-harmless or other component of the  
 1284 Florida Education Finance Program in any fiscal year.

1285 Section 27. This act shall take effect July 1, 2011.