

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; providing that a charter school
8 system meeting certain requirements shall be designated a
9 local educational agency for the purpose of receiving
10 federal funds; amending s. 1002.45, F.S., relating to
11 school district virtual instruction programs; requiring
12 school districts to expend certain funds for the
13 district's local instructional improvement system or other
14 technological tools; amending s. 1002.55, F.S.; revising
15 requirements for school-year private prekindergarten
16 program providers; amending s. 1002.63, F.S.; revising
17 requirements for school-year prekindergarten programs
18 delivered by public schools; amending s. 1002.71, F.S.;
19 revising provisions relating to the amount of funds
20 retained by an early learning coalition for administration
21 of prekindergarten education programs; amending s.
22 1003.01, F.S.; redefining the terms "core-curricula
23 courses" and "extracurricular courses"; amending s.
24 1003.03, F.S.; revising class size requirements; providing
25 requirements for the assignment of a student to a class
26 that exceeds the class size maximum; amending s. 1003.492,
27 F.S.; requiring State Board of Education rules to
28 establish a process for weighting the value of industry

29 | certifications for career education programs; amending s.
30 | 1006.28, F.S.; revising school district duties to provide
31 | instructional materials; replacing references to the term
32 | "textbooks" with the term "instructional materials";
33 | amending s. 1006.281, F.S.; defining the term "local
34 | instructional improvement system"; providing system
35 | requirements for managing instructional improvement and
36 | student learning; requiring each school district to
37 | provide access to its system; requiring State Board of
38 | Education rules and minimum standards for local
39 | instructional improvement systems; amending s. 1006.29,
40 | F.S.; replacing references to the term "state
41 | instructional materials committees" with the term "state
42 | instructional materials reviewers"; requiring the
43 | Commissioner of Education to appoint state or national
44 | experts to review and evaluate instructional materials;
45 | providing for school district reviewers to review
46 | recommendations for state adoption; requiring adopted
47 | instructional materials to be provided in an electronic or
48 | a digital format; amending s. 1006.30, F.S.; revising
49 | provisions relating to the affidavit of state
50 | instructional materials reviewers to conform to changes
51 | made by the act; amending s. 1006.31, F.S.; revising
52 | provisions relating to the duties of each state
53 | instructional materials reviewer to conform to changes
54 | made by the act; amending s. 1006.32, F.S.; revising
55 | provisions relating to prohibited acts to conform to
56 | changes made by the act; amending s. 1006.33, F.S.,

57 relating to bids or proposals and advertisements of
58 instructional materials; providing requirements for
59 digital specifications; amending s. 1006.34, F.S.;
60 revising powers and duties of the commissioner and the
61 Department of Education in selecting and adopting
62 instructional materials; providing an exemption from the
63 requirement that a rule having certain regulatory costs be
64 ratified by the Legislature; amending s. 1006.35, F.S.;
65 conforming provisions relating to the accuracy of
66 instructional materials to changes made by the act;
67 amending s. 1006.36, F.S.; reducing the term of adoption
68 of instructional materials from a 6-year period to a 5-
69 year period; amending s. 1006.38, F.S.; revising
70 provisions relating to the duties, responsibilities, and
71 requirements of instructional materials publishers and
72 manufacturers; requiring electronic delivery of copies of
73 instructional materials to the department; amending s.
74 1006.39, F.S.; revising provisions relating to the
75 production and dissemination of educational materials and
76 products by the department to conform to changes made by
77 the act; amending s. 1006.40, F.S.; revising provisions
78 relating to the use of the annual allocation for the
79 purchase of instructional materials; repealing s. 1006.43,
80 F.S., relating to department expenses and its annual
81 legislative budget request; amending s. 1011.62, F.S.;
82 revising provisions relating to the value of student
83 membership for certain students in career and professional
84 academy programs for purposes of education funding;

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85 | revising provisions relating to the value of student
86 | membership for certain students in the Florida Virtual
87 | School; amending s. 1011.685, F.S.; revising provisions
88 | relating to the use of class size reduction operating
89 | categorical funds; amending s. 1011.71, F.S.; conforming
90 | provisions to changes made by the act; repealing
91 | provisions relating to the levy of additional millage for
92 | critical capital outlay or operating needs; authorizing
93 | the levy in certain school districts; providing
94 | restrictions; increasing the amount that school districts
95 | may expend per unweighted full-time equivalent student
96 | from the revenue generated by the levy of capital
97 | improvement millage; clarifying the types of insurance
98 | premiums that may be paid from revenue generated by the
99 | levy; authorizing the Commissioner of Education to waive
100 | the equal-dollar reduction requirement for certain
101 | expenditures relating to the purchase of software and the
102 | cost of premiums for property and casualty insurance;
103 | providing an effective date.

104 |
105 | Be It Enacted by the Legislature of the State of Florida:

106 |
107 | Section 1. Paragraph (o) of subsection (6) of section
108 | 1001.10, Florida Statutes, is amended to read:

109 | 1001.10 Commissioner of Education; general powers and
110 | duties.—

111 | (6) Additionally, the commissioner has the following
112 | general powers and duties:

113 (o) To develop criteria for use by state instructional
 114 materials reviewers ~~committees~~ in evaluating materials submitted
 115 for adoption consideration. The criteria shall, as appropriate,
 116 be based on instructional expectations reflected in curriculum
 117 frameworks and student performance standards. The criteria for
 118 each subject or course shall be made available to publishers of
 119 instructional materials pursuant to the requirements of chapter
 120 1006.

121 Section 2. Subsection (19) of section 1002.33, Florida
 122 Statutes, is amended, subsection (26) is renumbered as
 123 subsection (27), and a new subsection (26) is added to that
 124 section, to read:

125 1002.33 Charter schools.—

126 (19) CAPITAL OUTLAY FUNDING.—Charter schools are eligible
 127 for capital outlay funds pursuant to s. 1013.62. Capital outlay
 128 funds authorized in ss. s. 1011.71(2) and 1013.62 that have been
 129 shared with a charter school-in-the-workplace prior to July 1,
 130 2010, are deemed to have met the authorized expenditure
 131 requirements for such funds.

132 (26) LOCAL EDUCATIONAL AGENCY STATUS FOR CERTAIN CHARTER
 133 SCHOOL SYSTEMS.—A charter school system shall be designated a
 134 local educational agency for the purpose of receiving federal
 135 funds, in the same manner as if the charter school system were a
 136 school district, if the governing board of the charter school
 137 system has adopted and filed a resolution with its sponsoring
 138 district school board and the Department of Education in which
 139 the governing board accepts full responsibility for all local

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140 educational agency requirements and the charter school system
141 meets all of the following:

142 (a) Includes both conversion charter schools and
143 nonconversion charter schools;

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

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

147 (d) Has the same governing board; and

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

150

151 Such designation does not apply to other provisions of law
152 unless specifically provided by law.

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

155 1002.45 School district virtual instruction programs.—

156 (1) PROGRAM.—

157 (e)1. Each school district shall provide to the department
158 by October 1, 2011, and by each October 1 thereafter, a copy of
159 each contract and the amounts paid per unweighted full-time
160 equivalent student for services procured pursuant to paragraph
161 (c).

162 2. Each school district shall expend the difference in
163 funds provided for a student participating in the school
164 district virtual instruction program pursuant to subsection (7)
165 and the price paid for contracted services procured pursuant to
166 paragraph (c) for the district's local instructional improvement
167 system pursuant to s. 1006.281 or other technological tools that

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168 are required to access electronic and digital instructional
169 materials.

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

172 1002.55 School-year prekindergarten program delivered by
173 private prekindergarten providers.—

174 (3) To be eligible to deliver the prekindergarten program,
175 a private prekindergarten provider must meet each of the
176 following requirements:

177 (c) The private prekindergarten provider must have, for
178 each prekindergarten class of 11 children or fewer, at least one
179 prekindergarten instructor who meets each of the following
180 requirements:

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

183 a. A child development associate credential issued by the
184 National Credentialing Program of the Council for Professional
185 Recognition; or

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

189
190 The Department of Children and Family Services may adopt rules
191 under ss. 120.536(1) and 120.54 which provide criteria and
192 procedures for approving equivalent credentials under sub-
193 subparagraph b.

194 2. The prekindergarten instructor must successfully
195 complete an emergent literacy training course approved by the

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196 department as meeting or exceeding the minimum standards adopted
197 under s. 1002.59. This subparagraph does not apply to a
198 prekindergarten instructor who successfully completes approved
199 training in early literacy and language development under s.
200 402.305(2)(d)5., s. 402.313(6), or s. 402.3131(5) before the
201 establishment of one or more emergent literacy training courses
202 under s. 1002.59 or April 1, 2005, whichever occurs later.

203 (f) Each of the private prekindergarten provider's
204 prekindergarten classes must be composed of at least 4 students
205 but may not exceed 20 ~~18~~ students. In order to protect the
206 health and safety of students, each private prekindergarten
207 provider must also provide appropriate adult supervision for
208 students at all times and, for each prekindergarten class
209 composed of 12 ~~11~~ or more students, must have, in addition to a
210 prekindergarten instructor who meets the requirements of
211 paragraph (c), at least one adult prekindergarten instructor who
212 is not required to meet those requirements but who must meet
213 each requirement of paragraph (d). This paragraph does not
214 supersede any requirement imposed on a provider under ss.
215 402.301-402.319.

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

218 1002.63 School-year prekindergarten program delivered by
219 public schools.—

220 (7) Each prekindergarten class in a public school
221 delivering the school-year prekindergarten program must be
222 composed of at least 4 students but may not exceed 18 students.
223 In order to protect the health and safety of students, each

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224 school must also provide appropriate adult supervision for
225 students at all times and, for each prekindergarten class
226 composed of 12 ~~11~~ or more students, must have, in addition to a
227 prekindergarten instructor who meets the requirements of s.
228 1002.55(3)(c), at least one adult prekindergarten instructor who
229 is not required to meet those requirements but who must meet
230 each requirement of subsection (5).

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

233 1002.71 Funding; financial and attendance reporting.—

234 (7) The Agency for Workforce Innovation shall require that
235 administrative expenditures be kept to the minimum necessary for
236 efficient and effective administration of the Voluntary
237 Prekindergarten Education Program. Administrative policies and
238 procedures shall be revised, to the maximum extent practicable,
239 to incorporate the use of automation and electronic submission
240 of forms, including those required for child eligibility and
241 enrollment, provider and class registration, and monthly
242 certification of attendance for payment. A school district may
243 use its automated daily attendance reporting system for the
244 purpose of transmitting attendance records to the early learning
245 coalition in a mutually agreed-upon format. In addition, actions
246 shall be taken to reduce paperwork, eliminate the duplication of
247 reports, and eliminate other duplicative activities. Beginning
248 with the 2011-2012 ~~2010-2011~~ fiscal year, each early learning
249 coalition may retain and expend no more than 4.0 ~~4.5~~ percent of
250 the funds paid by the coalition to private prekindergarten
251 providers and public schools under paragraph (5)(b). Funds

252 retained by an early learning coalition under this subsection
 253 may be used only for administering the Voluntary Prekindergarten
 254 Education Program and may not be used for the school readiness
 255 program or other programs.

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

258 1003.01 Definitions.—As used in this chapter, the term:

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

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

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

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

266 (d) Courses that are specifically identified by name in
 267 law as required for high school graduation and that are not
 268 measured by state assessment, excluding any extracurricular
 269 courses.

270 (e) Exceptional student education courses.

271 (f) English for Speakers of Other Languages courses.

272 ~~courses defined by the Department of Education as mathematics,~~
 273 ~~language arts/reading, science, social studies, foreign~~
 274 ~~language, English for Speakers of Other Languages, exceptional~~
 275 ~~student education, and courses taught in traditional self-~~
 276 ~~contained elementary school classrooms.~~

277

278 The term is limited in meaning and used for the sole purpose of
 279 designating classes that are subject to the maximum class size

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280 requirements established in s. 1, Art. IX of the State
 281 Constitution. This term does not include courses offered under
 282 ss. 1002.37, 1002.415, and 1002.45.

283 (15) "Extracurricular courses" means all courses that are
 284 not defined as "core-curricula courses," which may include, but
 285 are not limited to, physical education, fine arts, performing
 286 fine arts, ~~and~~ career education, and courses that may result in
 287 college credit. The term is limited in meaning and used for the
 288 sole purpose of designating classes that are not subject to the
 289 maximum class size requirements established in s. 1, Art. IX of
 290 the State Constitution.

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

293 1003.03 Maximum class size.—

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

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

303 (b) The maximum number of students assigned to each
 304 teacher who is teaching core-curricula courses in public school
 305 classrooms for grades 4 through 8 may not exceed 22 students.
 306 The maximum number of students assigned to a core-curricula high
 307 school course in which a student in grades 4 through 8 is

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308 enrolled shall be governed by the requirements in paragraph (c).

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

312
313 These maximums shall be maintained after the October student
314 membership survey, except as provided in paragraph (2) (b) or due
315 to an extreme emergency beyond the control of the district
316 school board.

317 (2) IMPLEMENTATION.—

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

321 (b) A student who enrolls in a school after the October
322 student membership survey may be assigned to an existing class
323 that temporarily exceeds the maximum number of students in
324 subsection (1) if the district school board determines it to be
325 impractical, educationally unsound, or disruptive to student
326 learning to not assign the student to the class. If the district
327 school board makes this determination:

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

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

334 3. The district school board must develop a plan for the
335 school to be in full compliance with the maximum class size in

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336 subsection (1) by the next October student membership survey.

337 ~~(b) Prior to the adoption of the district school budget~~
338 ~~for 2010-2011, each district school board shall hold public~~
339 ~~hearings and provide information to parents on the district's~~
340 ~~website, and through any other means by which the district~~
341 ~~provides information to parents and the public, on the~~
342 ~~district's strategies to meet the requirements in subsection~~
343 ~~(1).~~

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

346 1003.492 Industry-certified career education programs.—

347 (2) The State Board of Education shall use the expertise
348 of Workforce Florida, Inc., and Enterprise Florida, Inc., to
349 develop and adopt rules pursuant to ss. 120.536(1) and 120.54
350 for implementing an industry certification process. The rules
351 must establish a process for weighting the value of industry
352 certifications based on the rigor of the certification and its
353 employment value to state businesses and industry. Industry
354 certification shall be defined by the Agency for Workforce
355 Innovation, based upon the highest available national standards
356 for specific industry certification, to ensure student skill
357 proficiency and to address emerging labor market and industry
358 trends. A regional workforce board or a career and professional
359 academy may apply to Workforce Florida, Inc., to request
360 additions to the approved list of industry certifications based
361 on high-demand job requirements in the regional economy. The
362 list of industry certifications approved by Workforce Florida,
363 Inc., and the Department of Education shall be published and

364 updated annually by a date certain, to be included in the
 365 adopted rule.

366 Section 10. Subsection (1), paragraph (a) of subsection
 367 (2), and paragraphs (b) and (e) of subsection (3) of section
 368 1006.28, Florida Statutes, are amended to read:

369 1006.28 Duties of district school board, district school
 370 superintendent; and school principal regarding K-12
 371 instructional materials.—

372 (1) DISTRICT SCHOOL BOARD.—The district school board has
 373 the duty to provide adequate instructional materials for all
 374 students in accordance with the requirements of this part. The
 375 term "adequate instructional materials" means a sufficient
 376 number of student or site licenses ~~textbooks~~ or sets of
 377 materials that are available in bound, unbound, kit, or package
 378 form and may consist of hard-backed or soft-backed textbooks,
 379 electronic content, consumables, learning laboratories,
 380 manipulatives, electronic media, and computer courseware or
 381 software that serve as the basis for instruction for each
 382 student in the core courses of mathematics, language arts,
 383 social studies, science, reading, and literature, ~~except for~~
 384 ~~instruction for which the school advisory council approves the~~
 385 ~~use of a program that does not include a textbook as a major~~
 386 ~~tool of instruction.~~ The district school board has the following
 387 specific duties:

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

390 (b) Instructional materials ~~Textbooks~~.—Provide for proper
 391 requisitioning, distribution, accounting, storage, care, and use

392 of all instructional materials ~~furnished by the state~~ and
 393 furnish such other instructional materials as may be needed. The
 394 district school board shall ensure ~~assure~~ that instructional
 395 materials used in the district are consistent with the district
 396 goals and objectives and the curriculum frameworks adopted by
 397 rule of the State Board of Education, as well as with the state
 398 and district performance standards provided for in s.
 399 1001.03(1).

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

403 (d) School library media services; establishment and
 404 maintenance.—Establish and maintain a program of school library
 405 media services for all public schools in the district, including
 406 school library media centers, or school library media centers
 407 open to the public, and, in addition such traveling or
 408 circulating libraries as may be needed for the proper operation
 409 of the district school system.

410 (2) DISTRICT SCHOOL SUPERINTENDENT.—

411 (a) The district school superintendent has the duty to
 412 recommend such plans for improving, providing, distributing,
 413 accounting for, and caring for instructional materials ~~textbooks~~
 414 and other instructional aids as will result in general
 415 improvement of the district school system, as prescribed in this
 416 part, in accordance with adopted district school board rules
 417 prescribing the duties and responsibilities of the district
 418 school superintendent regarding the requisition, purchase,
 419 receipt, storage, distribution, use, conservation, records, and

420 reports of, and management practices and property accountability
 421 concerning, instructional materials, and providing for an
 422 evaluation of any instructional materials to be requisitioned
 423 that have not been used previously in the district's schools.
 424 The district school superintendent must keep adequate records
 425 and accounts for all financial transactions for funds collected
 426 pursuant to subsection (3), as a component of the educational
 427 service delivery scope in a school district best financial
 428 management practices review under s. 1008.35.

429 (3) SCHOOL PRINCIPAL.—The school principal has the
 430 following duties for the management and care of instructional
 431 materials at the school:

432 (b) Money collected for lost or damaged instructional
 433 materials ~~books~~; enforcement.—The school principal shall collect
 434 from each student or the student's parent the purchase price of
 435 any instructional material the student has lost, destroyed, or
 436 unnecessarily damaged and to report and transmit the money
 437 collected to the district school superintendent. The failure to
 438 collect such sum upon reasonable effort by the school principal
 439 may result in the suspension of the student from participation
 440 in extracurricular activities or satisfaction of the debt by the
 441 student through community service activities at the school site
 442 as determined by the school principal, pursuant to policies
 443 adopted by district school board rule.

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

448 Section 11. Section 1006.281, Florida Statutes, is amended
 449 to read:

450 1006.281 Local instructional improvement ~~Learning~~
 451 ~~management~~ systems.—

452 (1) A "local instructional improvement system" means a
 453 system that uses digital tools that provide teachers,
 454 administrators, students, and parents with data and resources to
 455 systematically manage continuous instructional improvement. The
 456 system supports relevant activities such as instructional
 457 planning, information gathering and analysis, rapid-time
 458 reporting, decisionmaking on appropriate instructional sequence,
 459 and evaluating the effectiveness of instruction. The system
 460 shall integrate instructional information with student-level
 461 data to provide predictions of future student achievement.

462 ~~(2)(1)~~ Each school district shall provide teachers,
 463 administrators, students, and parents ~~To ensure that all school~~
 464 ~~districts have equitable access to a local instructional~~
 465 improvement system. The system must provide access to electronic
 466 and digital ~~digitally rich instructional materials, districts~~
 467 ~~are encouraged to provide access to an electronic learning~~
 468 ~~management system that allows teachers, students, and parents to~~
 469 ~~access, organize, and use electronically available instructional~~
 470 ~~materials and teaching and learning tools and resources,~~
 471 including the ability for ~~and that enables~~ teachers and
 472 administrators to manage, assess, and track student learning.

473 ~~(3)(2)~~ By June 30, 2014, a school district's local
 474 instructional improvement system shall comply with minimum
 475 standards published by the Department of Education. The system

476 must ~~To the extent fiscally and technologically feasible, a~~
 477 ~~school district's electronic learning management system should~~
 478 allow for a single, authenticated sign-on and include the
 479 following functionality:

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

482 (b) Enables teachers to prepare lessons, individualize
 483 student instruction, and use best practices in providing
 484 instruction, including the ability to connect student assessment
 485 data with electronic and digital instructional materials.

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

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

491 (e) Enables district staff to plan, create, and manage
 492 professional development and to connect professional development
 493 with staff information and student performance data.

494 (f) ~~(e)~~ Provides access to multiple content providers and
 495 provides the ability to seamlessly connect the local
 496 instructional improvement system to electronic and digital
 497 content.

498 (4) ~~(3)~~ The Department of Education shall provide advisory
 499 assistance as requested by school districts in their deployment
 500 of a local instructional improvement ~~district electronic~~
 501 ~~learning management~~ system.

502 (5) The State Board of Education shall adopt rules
 503 pursuant to ss. 120.536(1) and 120.54 to administer this

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504 section, including rules that establish minimum standards for a
505 local instructional improvement system.

506 Section 12. Section 1006.29, Florida Statutes, is amended
507 to read:

508 1006.29 State instructional materials reviewers
509 committees.—

510 ~~(1) Each school year, not later than April 15, the~~
511 ~~commissioner shall appoint state instructional materials~~
512 ~~committees composed of persons actively engaged in teaching or~~
513 ~~in the supervision of teaching in the public elementary, middle,~~
514 ~~or high schools and representing the major fields and levels in~~
515 ~~which instructional materials are used in the public schools~~
516 ~~and, in addition, lay citizens not professionally connected with~~
517 ~~education. Committee members shall receive training pursuant to~~
518 ~~subsection (5) in competencies related to the evaluation and~~
519 ~~selection of instructional materials.~~

520 ~~(a) There shall be 10 or more members on each committee:~~
521 ~~At least 50 percent of the members shall be classroom teachers~~
522 ~~who are certified in an area directly related to the academic~~
523 ~~area or level being considered for adoption, 2 shall be~~
524 ~~laypersons, 1 shall be a district school board member, and 2~~
525 ~~shall be supervisors of teachers. The committee must have the~~
526 ~~capacity or expertise to address the broad racial, ethnic,~~
527 ~~socioeconomic, and cultural diversity of the state's student~~
528 ~~population. Personnel selected as teachers of the year at the~~
529 ~~school, district, regional, or state level are encouraged to~~
530 ~~serve on instructional materials committees.~~

531 ~~(b) The membership of each committee must reflect the~~

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532 ~~broad racial, ethnic, socioeconomic, and cultural diversity of~~
533 ~~the state, including a balanced representation from the state's~~
534 ~~geographic regions.~~

535 (1) (a) (e) The commissioner shall determine annually the
536 areas in which instructional materials shall be submitted for
537 adoption, taking into consideration the desires of the district
538 school boards. The commissioner shall also determine the number
539 of titles to be adopted in each area.

540 (b) By April 15 of each school year, the commissioner
541 shall appoint three state or national experts in the content
542 areas submitted for adoption to review the instructional
543 materials and evaluate the content for alignment with the
544 applicable Next Generation Sunshine State Standards. These
545 reviewers shall be designated as state instructional materials
546 reviewers and shall review the materials for the level of
547 instructional support and the accuracy and appropriateness of
548 progression of introduced content. Instructional materials shall
549 be made available to the reviewers in an electronic format. The
550 initial review of the materials shall be made by only two of the
551 three reviewers. If the two reviewers reach different results,
552 the third reviewer shall determine which results shall be
553 recommended. The reviewers shall independently make
554 recommendations to the commissioner regarding materials that
555 should be placed on the list of adopted materials through an
556 electronic feedback review system.

557 (c) The commissioner shall request each district school
558 superintendent to nominate one classroom teacher or district-
559 level content supervisor to review two or three of the

560 submissions recommended by the state instructional materials
561 reviewers. School districts shall ensure that these district
562 reviewers are provided with the support and time necessary to
563 accomplish thorough review of the instructional materials.
564 District reviewers shall independently rate the recommended
565 submissions on the instructional usability of the resources.

566 ~~(2)(a) All appointments shall be as prescribed in this~~
567 ~~section. No member shall serve more than two consecutive terms~~
568 ~~on any committee. All appointments shall be for 18-month terms.~~
569 ~~All vacancies shall be filled in the manner of the original~~
570 ~~appointment for only the time remaining in the unexpired term.~~
571 ~~At no time may a district school board have more than one~~
572 ~~representative on a committee. The commissioner and a member of~~
573 ~~the department whom he or she shall designate shall be~~
574 ~~additional and ex officio members of each committee.~~

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

578 ~~(c) The district school board shall be reimbursed for the~~
579 ~~actual cost of substitute teachers for each workday that a~~
580 ~~member of its instructional staff is absent from his or her~~
581 ~~assigned duties for the purpose of rendering service to the~~
582 ~~state instructional materials committee. In addition, committee~~
583 ~~members shall be reimbursed for travel expenses and per diem in~~
584 ~~accordance with s. 112.061 for actual service in meetings of~~
585 ~~committees called by the commissioner. Payment of such travel~~
586 ~~expenses shall be made from the appropriation for the~~
587 ~~administration of the instructional materials program, on~~

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588 ~~warrants to be drawn by the Chief Financial Officer upon~~
 589 ~~requisition approved by the commissioner.~~

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

592 ~~(3) All references in the law to the state instructional~~
 593 ~~materials committee shall apply to each committee created by~~
 594 ~~this section.~~

595 (2)~~(4)~~ For purposes of state adoption, "instructional
 596 materials" means items having intellectual content that by
 597 design serve as a major tool for assisting in the instruction of
 598 a subject or course. These items may be available in bound,
 599 unbound, kit, or package form and may consist of hardbacked or
 600 softbacked textbooks, electronic content, consumables, learning
 601 laboratories, manipulatives, electronic media, and computer
 602 courseware or software. A publisher or manufacturer providing
 603 instructional materials as a single bundle shall also make the
 604 instructional materials available as separate and unbundled
 605 items, each priced individually. A publisher may also offer
 606 sections of state-adopted instructional materials in digital or
 607 electronic versions at reduced rates to districts, schools, and
 608 teachers.

609 (3) Beginning in the 2014-2015 academic year, all adopted
 610 ~~Any~~ instructional materials ~~adopted after 2012-2013~~ for students
 611 in kindergarten ~~grades 9~~ through grade 12 ~~must~~ ~~shall also~~ be
 612 provided in a digital ~~an electronic~~ format. For purposes of
 613 state adoption, the term "digital format" means text-based or
 614 image-based content in a form that provides the student with
 615 various interactive functions; that can be searched, tagged,

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616 distributed, and utilized for individualized and group learning;
617 that includes multimedia content such as video clips,
618 animations, and virtual reality; and that has the ability to be
619 accessed anytime and anywhere. Beginning in the 2012-2013
620 academic year for grades 9 through 12 and in the 2013-2014
621 academic year for kindergarten through grade 8, all adopted
622 instructional materials must be provided in an electronic or a
623 digital format. For purposes of state adoption, the term
624 "electronic format" means text-based or image-based content in a
625 form that is produced on, published by, and readable on
626 computers or other digital devices and is an electronic version
627 of a printed book, whether or not any printed equivalent exists.
628 The term does not include electronic or computer hardware even
629 if such hardware is bundled with software or other electronic
630 media, nor does it include equipment or supplies.

631 ~~(4)-(5)~~ The department shall develop a training program for
632 persons selected as state instructional materials reviewers and
633 school district reviewers ~~to serve on state instructional~~
634 ~~materials committees~~. The program shall be structured to assist
635 reviewers ~~committee members~~ in developing the skills necessary
636 to make valid, culturally sensitive, and objective decisions
637 regarding the content and rigor of instructional materials. All
638 persons serving as ~~on~~ instructional materials reviewers
639 ~~committees~~ must complete the training program prior to beginning
640 the review and selection process.

641 Section 13. Section 1006.30, Florida Statutes, is amended
642 to read:

643 1006.30 Affidavit of state instructional materials

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644 ~~reviewers committee members.~~ Before transacting any business,
645 each state instructional materials reviewer ~~member of a state~~
646 ~~committee~~ shall make an affidavit, to be filed with the
647 department commissioner, that:

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

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

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

657 (4) The reviewer does not have any direct or indirect
658 pecuniary interest ~~member is not pecuniarily interested,~~ and
659 ~~while a member of the committee he or she will assume no~~
660 ~~pecuniary interest, directly or indirectly,~~ in the business or
661 profits of any person engaged in manufacturing, publishing, or
662 selling instructional materials designed for use in the public
663 schools.

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

669 (6) The reviewer understands that it is unlawful ~~for any~~
670 ~~member of a state instructional materials committee~~ to discuss
671 matters relating to instructional materials submitted for

672 adoption with any agent of a publisher or manufacturer of
 673 instructional materials, either directly or indirectly, except
 674 during the period when the publisher or manufacturer is
 675 providing a presentation for the reviewer during his or her
 676 review of committee ~~has been called into session for the purpose~~
 677 ~~of evaluating instructional materials submitted for adoption.~~
 678 ~~Such discussions shall be limited to official meetings of the~~
 679 ~~committee and in accordance with procedures prescribed by the~~
 680 ~~commissioner for that purpose.~~

681 Section 14. Section 1006.31, Florida Statutes, is amended
 682 to read:

683 1006.31 Duties of each state instructional materials
 684 reviewer committee.—The duties of each state instructional
 685 materials reviewer committee are:

686 ~~(1) PLACE AND TIME OF MEETING. To meet at the call of the~~
 687 ~~commissioner, at a place in the state designated by him or her,~~
 688 ~~for the purpose of evaluating and recommending instructional~~
 689 ~~materials for adoption by the state. All meetings of state~~
 690 ~~instructional materials committees shall be announced publicly~~
 691 ~~in the Florida Administrative Weekly at least 2 weeks prior to~~
 692 ~~the date of convening. All meetings of the committees shall be~~
 693 ~~open to the public.~~

694 ~~(2) ORGANIZATION. To elect a chair and vice chair for each~~
 695 ~~adoption. An employee of the department shall serve as secretary~~
 696 ~~to the committee and keep an accurate record of its proceedings.~~
 697 ~~All records of committee motions and votes, and summaries of~~
 698 ~~committee debate shall be incorporated into a publishable~~
 699 ~~document and shall be available for public inspection and~~

700 ~~duplication.~~

701 (1)~~(3)~~ PROCEDURES.—To adhere to procedures prescribed by
 702 the department ~~commissioner~~ for evaluating instructional
 703 materials submitted by publishers and manufacturers in each
 704 adoption.

705 (2)~~(4)~~ EVALUATION OF INSTRUCTIONAL MATERIALS.—To evaluate
 706 carefully all instructional materials submitted, to ascertain
 707 which instructional materials, if any, submitted for
 708 consideration ~~best~~ implement the selection criteria developed by
 709 the department ~~commissioner~~ and those curricular objectives
 710 included within applicable performance standards provided for in
 711 s. 1001.03(1).

712 (a) When recommending instructional materials for use in
 713 the schools, each reviewer ~~committee~~ shall include only
 714 instructional materials that accurately portray the ethnic,
 715 socioeconomic, cultural, and racial diversity of our society,
 716 including men and women in professional, career, and executive
 717 roles, and the role and contributions of the entrepreneur and
 718 labor in the total development of this state and the United
 719 States.

720 (b) When recommending instructional materials for use in
 721 the schools, each reviewer ~~committee~~ shall include only
 722 materials that ~~which~~ accurately portray, whenever appropriate,
 723 humankind's place in ecological systems, including the necessity
 724 for the protection of our environment and conservation of our
 725 natural resources and the effects on the human system of the use
 726 of tobacco, alcohol, controlled substances, and other dangerous
 727 substances.

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

733 (d) When recommending instructional materials for use in
 734 the schools, each reviewer ~~committee~~ shall require, when
 735 appropriate to the comprehension of students, that materials for
 736 social science, history, or civics classes contain the
 737 Declaration of Independence and the Constitution of the United
 738 States. A reviewer may not recommend any ~~No~~ instructional
 739 materials ~~shall be recommended by any committee~~ for use in the
 740 schools which contain any matter reflecting unfairly upon
 741 persons because of their race, color, creed, national origin,
 742 ancestry, gender, or occupation.

743 (e) Any instructional material ~~All instructional materials~~
 744 recommended by a reviewer ~~each committee~~ for use in the schools
 745 shall be, to the satisfaction of each reviewer ~~committee~~,
 746 accurate, objective, and current and suited to the needs and
 747 comprehension of students at their respective grade levels.
 748 Reviewers ~~Instructional materials committees~~ shall consider for
 749 adoption materials developed for academically talented students
 750 such as those enrolled in advanced placement courses.

751 ~~(3) (5) REPORT OF REVIEWER COMMITTEE. Each committee, After~~
 752 a thorough study of all data submitted on each instructional
 753 material, to submit an electronic ~~and after each member has~~
 754 ~~carefully evaluated each instructional material, shall present a~~
 755 ~~written~~ report to the department ~~commissioner~~. The ~~Such~~ report

756 shall be made public, and must ~~shall~~ include responses to each
 757 section of the report format prescribed by the department.†

758 ~~(a) A description of the procedures used in determining~~
 759 ~~the instructional materials to be recommended to the~~
 760 ~~commissioner.~~

761 ~~(b) Recommendations of instructional materials for each~~
 762 ~~grade and subject field in the curriculum of public elementary,~~
 763 ~~middle, and high schools in which adoptions are to be made. If~~
 764 ~~deemed advisable, the committee may include such other~~
 765 ~~information, expression of opinion, or recommendation as would~~
 766 ~~be helpful to the commissioner. If there is a difference of~~
 767 ~~opinion among the members of the committee as to the merits of~~
 768 ~~any instructional materials, any member may file an expression~~
 769 ~~of his or her individual opinion.~~

770
 771 ~~The findings of the committees, including the evaluation of~~
 772 ~~instructional materials, shall be in sessions open to the~~
 773 ~~public. All decisions leading to determinations of the~~
 774 ~~committees shall be by roll call vote, and at no time will a~~
 775 ~~secret ballot be permitted.~~

776 Section 15. Section 1006.32, Florida Statutes, is amended
 777 to read:

778 1006.32 Prohibited acts.—

779 (1) A ~~No~~ publisher or manufacturer of instructional
 780 material, or any representative thereof, may not ~~shall~~ offer to
 781 give any emolument, money, or other valuable thing, or any
 782 inducement, to any district school board official or state
 783 ~~member of a state-level~~ instructional materials reviewer

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784 ~~committee~~ to directly or indirectly introduce, recommend, vote
 785 for, or otherwise influence the adoption or purchase of any
 786 instructional materials.

787 (2) A ~~No~~ district school board official or ~~member of a~~
 788 state instructional materials reviewer may not ~~committee shall~~
 789 solicit or accept any emolument, money, or other valuable thing,
 790 or any inducement, to directly or indirectly introduce,
 791 recommend, vote for, or otherwise influence the adoption or
 792 purchase of any instructional material.

793 (3) A ~~No~~ district school board or publisher may not
 794 participate in a pilot program of materials being considered for
 795 adoption during the 18-month period before the official adoption
 796 of the materials by the commissioner. Any pilot program during
 797 the first 2 years of the adoption period must have the prior
 798 approval of the commissioner.

799 (4) Any publisher or manufacturer of instructional
 800 materials or representative thereof or any district school board
 801 official or state instructional materials reviewer ~~committee~~
 802 ~~member,~~ who violates any provision of this section commits a
 803 misdemeanor of the second degree, punishable as provided in s.
 804 775.082 or s. 775.083. Any representative of a publisher or
 805 manufacturer who violates any provision of this section, in
 806 addition to any other penalty, shall be banned from practicing
 807 business in the state for a period of 1 calendar year. ~~Any~~
 808 ~~district school board official or state instructional materials~~
 809 ~~committee member who violates any provision of this section, in~~
 810 ~~addition to any other penalty, shall be removed from his or her~~
 811 ~~official position.~~

812 (5) This section does not prohibit ~~Nothing in this section~~
 813 ~~shall be construed to prevent~~ any publisher, manufacturer, or
 814 agent from supplying, for purposes of examination, necessary
 815 sample copies of instructional materials to any district school
 816 board official or state instructional materials reviewer
 817 ~~committee member~~.

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

822 (7) This section does not ~~Nothing contained in this~~
 823 ~~section shall be construed to~~ prohibit or restrict a district
 824 school board official from receiving royalties or other
 825 compensation, other than compensation paid to him or her as
 826 commission for negotiating sales to district school boards, from
 827 the publisher or manufacturer of instructional materials
 828 written, designed, or prepared by such district school board
 829 official, and adopted by the commissioner or purchased by any
 830 district school board. No district school board official shall
 831 be allowed to receive royalties on any materials not on the
 832 state-adopted list purchased for use by his or her district
 833 school board.

834 (8) A ~~No~~ district school superintendent, district school
 835 board member, teacher, or other person officially connected with
 836 the government or direction of public schools may not ~~shall~~
 837 receive during the months actually engaged in performing duties
 838 under his or her contract any private fee, gratuity, donation,
 839 or compensation, in any manner whatsoever, for promoting the

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840 sale or exchange of any instructional material ~~school book~~, map,
 841 or chart in any public school, or be an agent for the sale or
 842 the publisher of any instructional material ~~school textbook~~ or
 843 reference work, or have direct or indirect pecuniary interest ~~be~~
 844 ~~directly or indirectly pecuniarily interested~~ in the
 845 introduction of any such instructional material ~~textbook~~, and
 846 any such agency or interest disqualifies ~~shall disqualify~~ any
 847 person so acting or interested from holding any district school
 848 board employment whatsoever, and the person commits a
 849 misdemeanor of the second degree, punishable as provided in s.
 850 775.082 or s. 775.083; however, ~~provided that~~ this subsection
 851 does ~~shall not prevent~~ ~~be construed as preventing~~ the adoption
 852 of any instructional material ~~book~~ written in whole or in part
 853 by a Florida author.

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

857 1006.33 Bids or proposals; advertisement and its
 858 contents.—

859 (1)

860 (b) The advertisement shall state that, beginning in 2010-
 861 2011, each bidder shall furnish electronic sample ~~specimen~~
 862 copies of all instructional materials submitted, at a time
 863 designated by the department, which ~~specimen~~ copies shall be
 864 identical with the copies approved and accepted by ~~the members~~
 865 ~~of the~~ state instructional materials reviewers ~~committee~~, as
 866 prescribed in this section, and with the copies furnished to the
 867 department and district school superintendents, as provided in

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868 | this part. A school district may not request ~~Any district school~~
869 | ~~superintendent who requires~~ samples in addition to the
870 | electronic format ~~must request those samples through the~~
871 | ~~department.~~

872 | (e) The advertisement shall give information regarding
873 | digital as to how specifications that ~~which~~ have been adopted by
874 | the department, including minimum format requirements that will
875 | enable electronic and digital content to be accessed through the
876 | district's local instructional improvement system and a variety
877 | of mobile, electronic, and digital devices. Beginning with
878 | specifications released in 2013, the digital specifications
879 | shall require the capability for searching by state standards
880 | and site and student-level licensing. The digital format
881 | specifications shall be appropriate for the interoperability of
882 | the content. The department may not adopt specifications that
883 | require the instructional materials to include specific
884 | references to FCAT standards or Next Generation Sunshine State
885 | Standards and benchmarks at point of student use ~~in regard to~~
886 | ~~paper, binding, cover boards, and mechanical makeup can be~~
887 | ~~secured. In adopting specifications, the department shall make~~
888 | ~~an exception for instructional materials that are college-level~~
889 | ~~texts and that do not meet department physical specifications~~
890 | ~~for secondary materials, if the publisher guarantees replacement~~
891 | ~~during the term of the contract.~~

892 | (2) The bids submitted shall be for furnishing the
893 | designated materials in accordance with specifications of the
894 | department. The bid shall state the lowest wholesale price at
895 | which the materials will be furnished, at the time the adoption

896 period provided in the contract begins, ~~delivered f.o.b. to the~~
 897 ~~Florida depository of the publisher, manufacturer, or bidder.~~

898 (4) Sample Specimen copies of all instructional materials
 899 that have been made the bases of contracts under this part
 900 shall, upon request for the purpose of public inspection, be
 901 made available by the publisher to the department and the
 902 district school superintendent of each district school board
 903 that adopts the instructional materials from the state list upon
 904 request for the purpose of public inspection. ~~All contracts and~~
 905 ~~bonds executed under this part shall be signed in triplicate.~~
 906 ~~One copy of each contract and an original of each bid, whether~~
 907 ~~accepted or rejected, shall be preserved with the department for~~
 908 ~~at least 3 years after termination of the contract.~~

909 Section 17. Subsections (1), (2), (3), and (7) of section
 910 1006.34, Florida Statutes, are amended to read:

911 1006.34 Powers and duties of the commissioner and the
 912 department in selecting and adopting instructional materials.—

913 (1) PROCEDURES FOR EVALUATING INSTRUCTIONAL MATERIALS.—The
 914 State Board of Education shall adopt rules prescribing
 915 ~~commissioner shall prescribe~~ the procedures by which the
 916 department shall evaluate instructional materials submitted by
 917 publishers and manufacturers in each adoption. The rules shall
 918 be exempt from the legislative ratification requirement in s.
 919 120.541(3). Included in these procedures shall be provisions
 920 affording ~~which afford~~ each publisher or manufacturer or his or
 921 her representative an opportunity to provide a virtual
 922 presentation to ~~present to members of the state instructional~~
 923 materials reviewers on ~~committees~~ the merits of each

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924 instructional material submitted in each adoption.

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

926 (a) The department shall notify all publishers and
927 manufacturers of instructional materials who have submitted bids
928 that within 3 weeks after the deadline for receiving bids, at a
929 designated time and place, it will open the bids submitted and
930 deposited with it. At the time and place designated, the bids
931 shall be opened, read, and tabulated in the presence of the
932 bidders or their representatives. No one may revise his or her
933 bid after the bids have been filed. When all bids have been
934 carefully considered, the commissioner shall, from the list of
935 suitable, usable, and desirable instructional materials reported
936 by the state instructional materials reviewers ~~committee~~, select
937 and adopt instructional materials for each grade and subject
938 field in the curriculum of public elementary, middle, and high
939 schools in which adoptions are made and in the subject areas
940 designated in the advertisement. The adoption shall continue for
941 the period specified in the advertisement, beginning on the
942 ensuing April 1. The adoption shall not prevent the extension of
943 a contract as provided in subsection (3). The commissioner shall
944 always reserve the right to reject any and all bids. The
945 commissioner may ask for new sealed bids from publishers or
946 manufacturers whose instructional materials were recommended by
947 the state instructional materials reviewers ~~committee~~ as
948 suitable, usable, and desirable; specify the dates for filing
949 such bids and the date on which they shall be opened; and
950 proceed in all matters regarding the opening of bids and the
951 awarding of contracts as required by this part. In all cases,

952 bids shall be accompanied by a cash deposit or certified check
 953 of from \$500 to \$2,500, as the department ~~commissioner~~ may
 954 direct. The department, in adopting instructional materials,
 955 shall give due consideration both to the prices bid for
 956 furnishing instructional materials and to the report and
 957 recommendations of the state instructional materials reviewers
 958 ~~committee~~. When the commissioner has finished with the report of
 959 the state instructional materials reviewers ~~committee~~, the
 960 report shall be filed and preserved with the department and
 961 shall be available at all times for public inspection.

962 (b) In the selection of instructional materials, library
 963 media books, and other reading material used in the public
 964 school system, the standards used to determine the propriety of
 965 the material shall include:

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

968 2. The educational purpose to be served by the material.
 969 In considering instructional materials for classroom use,
 970 priority shall be given to the selection of materials which
 971 encompass the state and district school board performance
 972 standards provided for in s. 1001.03(1) and which include the
 973 instructional objectives contained within the curriculum
 974 frameworks approved by rule of the State Board of Education.

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

978 4. The consideration of the broad racial, ethnic,
 979 socioeconomic, and cultural diversity of the students of this

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980 state.

981

982 Any instructional material ~~No book or other material~~ containing
983 ~~hard-core~~ pornography or otherwise prohibited by s. 847.012 may
984 not shall be used or made available within any public school
985 district.

986 (3) CONTRACT WITH PUBLISHERS OR MANUFACTURERS; BOND.—As
987 soon as practicable after the commissioner has adopted any
988 instructional materials and all bidders that have secured the
989 adoption of any instructional materials have been notified
990 thereof by registered letter, the department ~~of Legal Affairs~~
991 shall prepare a contract in proper form with every bidder
992 awarded the adoption of any instructional materials. Each
993 contract shall be executed by the commissioner ~~Governor and~~
994 ~~Secretary of State under the seal of the state~~, one copy to be
995 kept by the contractor, ~~one copy to be filed with the Department~~
996 ~~of State~~, and one copy to be filed with the department. After
997 giving due consideration to comments by the district school
998 boards, the commissioner, with the agreement of the publisher,
999 may extend or shorten a contract period for a period not to
1000 exceed 2 years; and the terms of any such contract shall remain
1001 the same as in the original contract. Any publisher or
1002 manufacturer to whom any contract is let under this part must
1003 give bond in such amount as the department ~~commissioner~~
1004 requires, payable to the state, conditioned for the faithful,
1005 honest, and exact performance of the contract. The bond must
1006 provide for the payment of reasonable attorney's fees in case of
1007 recovery in any suit thereon. The surety on the bond must be a

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1008 guaranty or surety company lawfully authorized to do business in
 1009 the state; however, the bond shall not be exhausted by a single
 1010 recovery but may be sued upon from time to time until the full
 1011 amount thereof is recovered, and the department may at any time,
 1012 after giving 30 days' notice, require additional security or
 1013 additional bond. The form of any bond or bonds or contract or
 1014 contracts under this part shall be prepared and approved by the
 1015 department ~~of Legal Affairs~~. At the discretion of the department
 1016 ~~commissioner~~, a publisher or manufacturer to whom any contract
 1017 is let under this part may be allowed a cash deposit in lieu of
 1018 a bond, conditioned for the faithful, honest, and exact
 1019 performance of the contract. The cash deposit, payable to the
 1020 department, shall be placed in the Textbook Bid Trust Fund. The
 1021 department may recover damages on the cash deposit given by the
 1022 contractor for failure to furnish instructional materials, the
 1023 sum recovered to inure to the General Revenue Fund.

1024 (7) FORFEITURE OF CONTRACT AND BOND.—If any publisher or
 1025 manufacturer of instructional materials fails or refuses to
 1026 furnish ~~a book, or books, or other~~ instructional materials as
 1027 provided in the contract, the publisher's or manufacturer's ~~his~~
 1028 ~~or her~~ bond is forfeited and the commissioner must ~~department~~
 1029 ~~shall~~ make another contract ~~on such terms as it may find~~
 1030 ~~desirable, after giving due consideration to the recommendations~~
 1031 ~~of the commissioner.~~

1032 Section 18. Subsection (2) of section 1006.35, Florida
 1033 Statutes, is amended to read:

1034 1006.35 Accuracy of instructional materials.—

1035 (2) When errors in state-adopted materials are confirmed,

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1036 the publisher of the materials shall provide to each district
 1037 school board that has purchased the materials the corrections in
 1038 a format approved by the department ~~commissioner~~.

1039 Section 19. Section 1006.36, Florida Statutes, is amended
 1040 to read:

1041 1006.36 Term of adoption for instructional materials.—

1042 (1) The term of adoption of any instructional materials
 1043 must be a 5-year ~~6-year~~ period beginning on April 1 following
 1044 the adoption, except that the commissioner may approve terms of
 1045 adoption of less than 5 ~~6~~ years for materials in content areas
 1046 which require more frequent revision. Any contract for
 1047 instructional materials may be extended as prescribed in s.
 1048 1006.34(3).

1049 (2) The department shall publish annually an official
 1050 schedule of subject areas to be called for adoption for each of
 1051 the succeeding 2 years, and a tentative schedule for years 3, 4,
 1052 and 5, ~~and 6~~. If extenuating circumstances warrant, the
 1053 commissioner may ~~order the department to~~ add one or more subject
 1054 areas to the official schedule and, ~~in which event the~~
 1055 ~~commissioner~~ shall develop criteria for such additional subject
 1056 area or areas and make them available to publishers as soon as
 1057 practicable before the date on which bids are due. The schedule
 1058 shall be developed so as to promote balance among the subject
 1059 areas so that the required expenditure for new instructional
 1060 materials is approximately the same each year in order to
 1061 maintain curricular consistency.

1062 Section 20. Subsections (2), (3), (5), and (14) through
 1063 (17) of section 1006.38, Florida Statutes, are amended to read:

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1064 1006.38 Duties, responsibilities, and requirements of
 1065 instructional materials publishers and manufacturers.—Publishers
 1066 and manufacturers of instructional materials, or their
 1067 representatives, shall:

1068 (2) Electronically deliver fully developed sample specimen
 1069 copies of all instructional materials upon which bids are based
 1070 to the department pursuant to procedures adopted by the State
 1071 Board of Education ~~each member of a state instructional~~
 1072 ~~materials committee. At the conclusion of the review process,~~
 1073 ~~manufacturers submitting samples of instructional materials are~~
 1074 ~~entitled to the return thereof, at the expense of the~~
 1075 ~~manufacturers; or, in the alternative, the manufacturers are~~
 1076 ~~entitled to reimbursement by the individual committee members~~
 1077 ~~for the retail value of the samples.~~

1078 (3) Submit, at a time designated in s. 1006.33, the
 1079 following information:

1080 (a) Detailed specifications of the physical
 1081 characteristics of the instructional materials, including any
 1082 software or technological tools required for use by the
 1083 district, school, teachers, or students. The publisher or
 1084 manufacturer shall comply with these specifications if the
 1085 instructional materials are adopted and purchased in completed
 1086 form.

1087 (b) Evidence ~~Written proof~~ that the publisher has provided
 1088 materials that address the ~~written correlations to appropriate~~
 1089 ~~curricular objectives included within applicable performance~~
 1090 standards provided for in s. 1001.03(1) and that can be accessed
 1091 through the district's local instructional improvement system

1092 and a variety of electronic, digital, and mobile devices.

1093 (5) Furnish the instructional materials offered by them at
 1094 a price in the state which, including all costs of electronic
 1095 transmission ~~transportation to their depositories,~~ may ~~shall~~ not
 1096 exceed the lowest price at which they offer such instructional
 1097 materials for adoption or sale to any state or school district
 1098 in the United States.

1099 ~~(14) For all other subject areas, maintain in the~~
 1100 ~~depository an inventory of instructional materials sufficient to~~
 1101 ~~receive and fill orders.~~

1102 ~~(14)~~ ~~(15)~~ Accurately and fully disclose only the names of
 1103 those persons who actually authored the instructional materials.
 1104 In addition to the penalties provided in subsection ~~(16)~~ ~~(17)~~,
 1105 the commissioner may remove from the list of state-adopted
 1106 instructional materials those instructional materials whose
 1107 publisher or manufacturer misleads the purchaser by falsely
 1108 representing genuine authorship.

1109 ~~(15)~~ ~~(16)~~ Grant, without prior written request, for any
 1110 copyright held by the publisher or its agencies automatic
 1111 permission to the department or its agencies for the
 1112 reproduction of instructional materials ~~textbooks~~ and
 1113 supplementary materials in braille, ~~or~~ large print, or other
 1114 appropriate format ~~in the form of sound recordings~~, for use by
 1115 visually impaired students or other students with disabilities
 1116 that would benefit from use of the materials.

1117 ~~(16)~~ ~~(17)~~ Upon the willful failure of the publisher or
 1118 manufacturer to comply with the requirements of this section, be
 1119 liable to the department in the amount of three ~~3~~ times the

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1120 total sum which the publisher or manufacturer was paid in excess
 1121 of the price required under subsections (5) and (6) and in the
 1122 amount of three ~~3~~ times the total value of the instructional
 1123 materials and services which the district school board is
 1124 entitled to receive free of charge under subsection (7).

1125 Section 21. Subsection (5) of section 1006.39, Florida
 1126 Statutes, is amended to read:

1127 1006.39 Production and dissemination of educational
 1128 materials and products by department.—

1129 (5) The department may ~~shall~~ not enter into the business
 1130 of producing or publishing instructional materials ~~textbooks, or~~
 1131 ~~the contents therein,~~ for general use in classrooms.

1132 Section 22. Subsection (2), paragraph (a) of subsection
 1133 (3), and subsection (4) of section 1006.40, Florida Statutes,
 1134 are amended to read:

1135 1006.40 Use of instructional materials allocation;
 1136 instructional materials, library books, and reference books;
 1137 repair of books.—

1138 (2)~~(a)~~ Each district school board must purchase current
 1139 instructional materials to provide each student with ~~a textbook~~
 1140 ~~or other instructional materials~~ as a major tool of instruction
 1141 in core courses of the appropriate subject areas of mathematics,
 1142 language arts, science, social studies, reading, and literature
 1143 for kindergarten through grade 12. Such purchase must be made
 1144 within the first 2 years after the effective date of the
 1145 adoption cycle; ~~however, this requirement is waived for the~~
 1146 ~~adoption cycle occurring in the 2008-2009 academic year for~~
 1147 ~~schools within the district which are identified in the top four~~

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1148 ~~categories of schools pursuant to s. 1008.33, as amended by~~
1149 ~~chapter 2009-144, Laws of Florida. The Commissioner of Education~~
1150 ~~may provide a waiver of this requirement for the adoption cycle~~
1151 ~~occurring in the 2008-2009 academic year if the district~~
1152 ~~demonstrates that it has intervention and support strategies to~~
1153 ~~address the particular needs of schools in the lowest two~~
1154 ~~categories. Unless specifically provided for in the General~~
1155 ~~Appropriations Act, the cost of instructional materials~~
1156 ~~purchases required by this paragraph shall not exceed the amount~~
1157 ~~of the district's allocation for instructional materials,~~
1158 ~~pursuant to s. 1011.67, for the previous 2 years.~~

1159 ~~(b) The requirement in paragraph (a) does not apply to~~
1160 ~~contracts in existence before April 1, 2000, or to a purchase~~
1161 ~~related to growth of student membership in the district or for~~
1162 ~~instructional materials maintenance needs.~~

1163 (3) (a) By the 2013-2014 fiscal year, each district school
1164 board shall use at least 50 percent of the annual allocation for
1165 the purchase of digital or electronic instructional materials
1166 included on the state-adopted list, except as otherwise
1167 authorized in paragraphs (b) and (c). ~~No less than 50 percent of~~
1168 ~~the annual allocation shall be used to purchase items which will~~
1169 ~~be used to provide instruction to students at the level or~~
1170 ~~levels for which the materials are designed.~~

1171 (4) Funds that are not used to purchase digital or
1172 electronic instructional materials may ~~The funds described in~~
1173 ~~subsection (3) which district school boards may use to purchase~~
1174 ~~materials not on the state-adopted list shall be used for the~~
1175 purchase of instructional materials or other items having

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1176 intellectual content which assist in the instruction of a
1177 subject or course. These items may be available in bound,
1178 unbound, kit, or package form and may consist of hardbacked or
1179 softbacked textbooks, electronic content, replacements for items
1180 which were part of previously purchased instructional materials,
1181 consumables, learning laboratories, manipulatives, electronic
1182 media, computer courseware or software, and other commonly
1183 accepted instructional tools as prescribed by district school
1184 board rule. ~~The funds available to district school boards for
1185 the purchase of materials not on the state-adopted list may not
1186 be used to purchase electronic or computer hardware even if such
1187 hardware is bundled with software or other electronic media
1188 unless the district school board has complied with the
1189 requirements in s. 1011.62(6)(b)5., nor may such funds be used
1190 to purchase equipment or supplies. However, when authorized to
1191 do so in the General Appropriations Act, a school or district
1192 school board may use a portion of the funds available to it for
1193 the purchase of materials not on the state-adopted list to
1194 purchase science laboratory materials and supplies.~~

1195 Section 23. Section 1006.43, Florida Statutes, is
1196 repealed.

1197 Section 24. Paragraphs (p) and (q) of subsection (1) and
1198 paragraph (b) of subsection (6) of section 1011.62, Florida
1199 Statutes, are amended to read:

1200 1011.62 Funds for operation of schools.—If the annual
1201 allocation from the Florida Education Finance Program to each
1202 district for operation of schools is not determined in the
1203 annual appropriations act or the substantive bill implementing

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1204 the annual appropriations act, it shall be determined as
 1205 follows:

1206 (1) COMPUTATION OF THE BASIC AMOUNT TO BE INCLUDED FOR
 1207 OPERATION.—The following procedure shall be followed in
 1208 determining the annual allocation to each district for
 1209 operation:

1210 (p) Calculation of additional full-time equivalent
 1211 membership based on certification of successful completion of
 1212 industry-certified career and professional academy programs
 1213 pursuant to ss. 1003.491, 1003.492, and 1003.493 and identified
 1214 in the Industry Certified Funding List pursuant to rules adopted
 1215 by the State Board of Education.—A maximum value of 0.3 full-
 1216 time equivalent student membership shall be calculated for each
 1217 student who completes an industry-certified career and
 1218 professional academy program under ss. 1003.491, 1003.492, and
 1219 1003.493 and who is issued the highest level of industry
 1220 certification identified annually in the Industry Certification
 1221 Funding List approved under rules adopted by the State Board of
 1222 Education and a high school diploma. The value of the full-time
 1223 equivalent student membership shall be determined by weights
 1224 adopted by the State Board of Education pursuant to s. 1003.492.

1225 Such value shall be added to the total full-time equivalent
 1226 student membership in secondary career education programs for
 1227 grades 9 through 12 in the subsequent year for courses that were
 1228 not funded through dual enrollment. The additional full-time
 1229 equivalent membership authorized under this paragraph may not
 1230 exceed 0.3 per student. Each district must allocate at least 80
 1231 percent of the funds provided for industry certification, in

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1232 accordance with this paragraph, to the program that generated
 1233 the funds. Unless a different amount is specified in the General
 1234 Appropriations Act, the appropriation for this calculation is
 1235 limited to \$15 million annually. If the appropriation is
 1236 insufficient to fully fund the total calculation, the
 1237 appropriation shall be prorated.

1238 (q) Calculation of additional full-time equivalent
 1239 membership for the Florida Virtual School.—

1240 1. The reported full-time equivalent student membership
 1241 for the Florida Virtual School for students who are also
 1242 enrolled in a school district shall be multiplied by 0.114, and
 1243 such value shall be added to the total full-time equivalent
 1244 student membership.

1245 2. Notwithstanding subparagraph 1., for the 2011-2012
 1246 fiscal year, the reported full-time equivalent student
 1247 membership for the Florida Virtual School for students who are
 1248 also enrolled in a school district shall be multiplied by 0.228,
 1249 and such value shall be added to the total full-time equivalent
 1250 student membership.

1251 (6) CATEGORICAL FUNDS.—

1252 (b) If a district school board finds and declares in a
 1253 resolution adopted at a regular meeting of the school board that
 1254 the funds received for any of the following categorical
 1255 appropriations are urgently needed to maintain school board
 1256 specified academic classroom instruction, the school board may
 1257 consider and approve an amendment to the school district
 1258 operating budget transferring the identified amount of the
 1259 categorical funds to the appropriate account for expenditure:

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- 1260 1. Funds for student transportation.
- 1261 2. Funds for safe schools.
- 1262 3. Funds for supplemental academic instruction.
- 1263 4. Funds for research-based reading instruction.
- 1264 5. Funds for instructional materials if all instructional
- 1265 material purchases necessary to provide updated materials
- 1266 aligned to Next Generation Sunshine State Standards and
- 1267 benchmarks and that meet statutory requirements of content and
- 1268 learning have been completed for that fiscal year, but no sooner
- 1269 than March 1, ~~2011~~. Funds available after March 1 may be used to
- 1270 purchase hardware for student instruction.

1271 Section 25. Subsection (2) of section 1011.685, Florida
 1272 Statutes, is amended to read:

1273 1011.685 Class size reduction; operating categorical
 1274 fund.—

1275 (2) Class size reduction operating categorical funds shall
 1276 be used by school districts to reduce class size as required in
 1277 s. 1003.03. A school district that meets the maximum class size
 1278 requirements may use the funds, ~~or the funds may be used~~ for any
 1279 lawful operating expenditure; however, priority shall be given
 1280 to increasing salaries of classroom teachers.

1281 Section 26. Paragraph (d) of subsection (2), paragraph (b)
 1282 of subsection (3), and subsection (5) of section 1011.71,
 1283 Florida Statutes, are amended to read:

1284 1011.71 District school tax.—

1285 (2) In addition to the maximum millage levy as provided in
 1286 subsection (1), each school board may levy not more than 1.5
 1287 mills against the taxable value for school purposes for district

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1288 schools, including charter schools at the discretion of the
 1289 school board, to fund:

1290 (d) The purchase, lease-purchase, or lease of new and
 1291 replacement equipment; computer hardware, including electronic
 1292 hardware and other hardware devices necessary for gaining access
 1293 to or enhancing the use of electronic content and resources or
 1294 to facilitate the access to and the use of a school district's
 1295 local instructional improvement ~~electronic learning management~~
 1296 system pursuant to s. 1006.281, excluding software other than
 1297 the operating system necessary to operate the hardware or
 1298 device; and enterprise resource software applications that are
 1299 classified as capital assets in accordance with definitions of
 1300 the Governmental Accounting Standards Board, have a useful life
 1301 of at least 5 years, and are used to support districtwide
 1302 administration or state-mandated reporting requirements.

1303 (3)

1304 (b) In addition to the millage authorized in this section,
 1305 each district school board may, by a super majority vote, levy
 1306 an additional 0.25 mills for critical capital outlay needs or
 1307 for critical operating needs. If levied for capital outlay,
 1308 expenditures shall be subject to the requirements of this
 1309 section. If levied for operations, expenditures shall be
 1310 consistent with the requirements for operating funds received
 1311 pursuant to s. 1011.62. If the district levies this additional
 1312 0.25 mills for operations, the compression adjustment pursuant
 1313 to s. 1011.62(5) shall be calculated and added to the district's
 1314 FEFP allocation. Millage levied pursuant to this paragraph is
 1315 subject to the provisions of s. 200.065. In order to be

1316 continued after the 2010-2011 fiscal year, millage levied
 1317 pursuant to this paragraph must be approved by the voters of the
 1318 district at the 2010 general election or at a subsequent
 1319 election held at any time, except that not more than one such
 1320 election shall be held during any 12-month period. Any millage
 1321 so authorized shall be levied for a period not in excess of 2
 1322 years or until changed by another millage election, whichever is
 1323 earlier. If any such election is invalidated by a court of
 1324 competent jurisdiction, such invalidated election shall be
 1325 considered not to have been held. This paragraph is repealed
 1326 effective June 30, 2011. However, for the 2011-2012 and 2012-
 1327 2013 fiscal years, the 0.25 mills may be levied in the districts
 1328 in which it was authorized by the voters of the district in the
 1329 2010 general election. Funds generated by this additional
 1330 millage may not be included in the calculation of the Florida
 1331 Education Finance Program in the 2011-2012 fiscal year or any
 1332 subsequent fiscal year and must not be incorporated in the
 1333 calculation of any hold-harmless or other component of the
 1334 Florida Education Finance Program in any fiscal year.

1335 (5) Effective July 1, 2008, a school district may expend,
 1336 subject to the provisions of s. 200.065, up to \$200 ~~\$100~~ per
 1337 unweighted full-time equivalent student from the revenue
 1338 generated by the millage levy authorized by subsection (2) to
 1339 fund, in addition to expenditures authorized in paragraphs
 1340 (2) (a)-(j), expenses for the following:

1341 (a) The purchase, lease-purchase, or lease of driver's
 1342 education vehicles; motor vehicles used for the maintenance or
 1343 operation of plants and equipment; security vehicles; or

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1344 vehicles used in storing or distributing materials and
 1345 equipment.

1346 (b) Payment of the cost of premiums, as defined in s.
 1347 627.403, for property and casualty insurance necessary to insure
 1348 school district educational and ancillary plants. As used in
 1349 this paragraph, casualty insurance has the same meaning as in s.
 1350 624.605(1)(d), (f), (g), (h), and (m). Operating revenues that
 1351 are made available through the payment of property and casualty
 1352 insurance premiums from revenues generated under this subsection
 1353 may be expended only for nonrecurring operational expenditures
 1354 of the school district.

1355 Section 27. If the Commissioner of Education determines
 1356 that a school district acted in good faith, he or she may waive
 1357 the equal-dollar reduction required in s. 1011.71, Florida
 1358 Statutes, for audit findings during the 2008-2009 and 2009-2010
 1359 fiscal years which were related to the purchase of software or
 1360 the cost of premiums for property insurance and casualty
 1361 insurance as defined in s. 624.605(1)(d), (f), (g), (h), and
 1362 (m), Florida Statutes.

1363 Section 28. This act shall take effect July 1, 2011.