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1
2 An act relating to K-12 education funding; amending s.
3 213.053, F.S.; authorizing the Department of Revenue
4 to provide certain information regarding the gross
5 receipts tax to the State Board of Education, the
6 Division of Bond Finance, and the Office of Economic
7 and Demographic Research; amending s. 215.61, F.S.;
8 requiring that, for purposes of servicing public
9 education capital outlay bonds, the State Board of
10 Education disregard the effects on the gross receipts
11 tax revenues collected during a tax period of a refund
12 resulting from a specified settlement agreement;
13 amending s. 1001.10, F.S., relating to duties of the
14 Commissioner of Education; conforming provisions to
15 changes made by the act; amending s. 1001.25, F.S.;
16 requiring that the Department of Education provide a
17 means of extending educational services through
18 educational television or other electronic media;
19 amending s. 1001.271, F.S.; requiring that the
20 Commissioner of Education facilitate and coordinate
21 the use of the Florida Information Resource Network by
22 school districts, educational institutions in the
23 Florida College System, state universities, and other
24 eligible users; amending s. 1001.28, F.S.; deleting a
25 reference to the Florida Knowledge Network as it
26 relates to the department's distance learning duties;
27 amending s. 1001.451, F.S.; revising provisions
28 relating to incentive grants for regional consortium
29 service organizations; authorizing regional consortium

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30 service organizations to use various means to generate
31 revenue for future activities; amending s. 1002.33,
32 F.S.; revising provisions relating to charter schools;
33 providing for an additional student population to be
34 included for enrollment in a charter school;
35 authorizing a sponsor to withhold up to a specified
36 percentage of the total administrative fee for
37 services in higher performing charter schools;
38 providing that a charter school system may be
39 designated as a local educational agency for funding
40 purposes if certain requirements are met; amending s.
41 1002.34, F.S.; conforming a cross-reference; amending
42 s. 1002.45, F.S., relating to school district virtual
43 instruction programs; requiring school districts to
44 expend certain funds for the district's local
45 instructional improvement system or other
46 technological tools; amending s. 1002.55, F.S.;
47 revising class size requirements for school-year
48 private prekindergarten program providers; amending s.
49 1002.63, F.S.; revising class size requirements for
50 school-year prekindergarten programs delivered by
51 public schools; amending s. 1002.71, F.S.; revising
52 provisions relating to the amount of funds retained by
53 an early learning coalition for the administration of
54 prekindergarten education programs; amending s.
55 1003.01, F.S.; redefining the terms "core-curricula
56 courses" and "extracurricular courses"; amending s.
57 1003.03, F.S.; deleting a reference to the State
58 Constitution regarding class size maximums; requiring

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59 that class size maximums be satisfied on or before the
60 October student membership survey each year; requiring
61 that the class size maximums be maintained after the
62 October student membership survey unless certain
63 conditions occur; providing that a student who enrolls
64 in a school after the October student membership
65 survey may be assigned to classes that temporarily
66 exceed class size maximums if the school board
67 determines that not assigning the student would be
68 impractical, educationally unsound, or disruptive to
69 student learning; providing for a specified number of
70 students to be assigned above the maximum if the
71 district school board makes this determination;
72 requiring that the district school board develop a
73 plan providing that the school will be in full
74 compliance with the maximum class size requirements by
75 the next October student membership survey; requiring
76 that the Department of Education identify from the
77 Course Code Directory the core-curricula courses for
78 the purpose of satisfying the maximum class size
79 requirement; authorizing the department to adopt
80 rules; creating s. 1003.4935, F.S.; requiring each
81 district school board to include, as part of its 5-
82 year plan, a middle school career and professional
83 academy in at least one middle school in the district;
84 requiring that the middle school career and
85 professional academy be aligned with at least one high
86 school career and professional academy in the
87 district; providing requirements for middle school

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88 career and professional academies; requiring that the
89 Department of Education collect and report student
90 achievement data for academy students; amending s.
91 1004.02, F.S.; revising the definition of the term
92 "adult student"; amending s. 1006.28, F.S., relating
93 to K-12 instructional materials; conforming
94 terminology to changes made by the act; amending s.
95 1006.281, F.S.; defining the term "local instructional
96 improvement system"; requiring each school district to
97 provide teachers, administrators, students, and
98 parents with access to a local instructional
99 improvement system; providing requirements for the
100 system; requiring the State Board of Education to
101 adopt rules that include minimum standards for local
102 instructional improvement systems; creating s.
103 1006.282, F.S.; authorizing each district school board
104 to designate schools to implement a pilot program for
105 the transition to instructional materials in an
106 electronic or digital format; providing requirements
107 for the designation of pilot program schools;
108 providing certain exemptions for such schools;
109 requiring that the district school board report
110 certain information regarding the pilot program to the
111 department by a specified date each year; requiring
112 that each district school board submit a review of the
113 pilot program to the department, the Executive Office
114 of the Governor, and the chairs of the legislative
115 appropriations committees by a specified date each
116 year; amending s. 1006.29, F.S.; deleting provisions

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117 requiring the appointment of instructional materials
118 committees; providing for the Commissioner of
119 Education to appoint experts to review instructional
120 materials; providing for school districts to nominate
121 teachers and supervisors to review recommendations by
122 the state instructional materials reviewers; requiring
123 that by a specified date all adopted instructional
124 materials for students in kindergarten through grade
125 12 be provided in an electronic or digital format;
126 defining the terms "electronic format" and "digital
127 format"; requiring that the department develop a
128 training program for persons selected as instructional
129 materials reviewers at the state and district levels;
130 amending s. 1006.30, F.S.; revising the requirements
131 for the affidavit to be filed with the department by
132 each state instructional materials reviewer; amending
133 s. 1006.31, F.S.; specifying duties of the state
134 instructional materials reviewers; requiring that
135 reviewers submit reports electronically; amending s.
136 1006.32, F.S., relating to prohibited acts with
137 respect to the review and selection of instructional
138 materials; conforming provisions to changes made by
139 the act; amending s. 1006.33, F.S.; revising the
140 requirements for bids and proposals for instructional
141 materials; requiring that the department adopt
142 specifications for electronic and digital content;
143 amending s. 1006.34, F.S.; requiring that the State
144 Board of Education adopt rules for the evaluation of
145 instructional materials; conforming provisions and

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146 terminology; amending s. 1006.35, F.S.; requiring that
147 the department rather than the Commissioner of
148 Education approve certain materials; amending s.
149 1006.36, F.S.; reducing the length of the term of
150 adoption for instructional materials; amending s.
151 1006.38, F.S.; revising requirements for publishers
152 and manufacturers of instructional materials;
153 requiring that certain samples be delivered
154 electronically to the department; amending s. 1006.39,
155 F.S.; prohibiting the department from producing or
156 publishing instructional materials; amending s.
157 1006.40, F.S.; deleting obsolete provisions; requiring
158 each district school board, by a certain date, to use
159 a specified percentage of its annual allocation for
160 the purchase of digital or electronic instructional
161 materials; repealing s. 1006.43, F.S., relating to the
162 department's annual legislative budget request;
163 amending s. 1011.62, F.S.; revising provisions
164 relating to district funding for the operation of
165 schools; deleting provisions relating to the
166 coenrollment of high school students; providing the
167 maximum full-time equivalent membership value for
168 students completing an industry-certified career and
169 professional academy program; requiring that the
170 Department of Education assign the appropriate full-
171 time equivalent value for each certification based on
172 rigor and employment value; requiring that the State
173 Board of Education include the assigned values in the
174 Industry Certification Funding List under rules

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175 adopted by the state board; deleting provisions
176 providing for calculating an additional full-time
177 equivalent membership for the Florida Virtual School;
178 conforming a cross-reference; providing for certain
179 amendments to the district's operating budget;
180 authorizing the Legislature to provide a virtual
181 education contribution as a separate allocation in the
182 Florida Education Finance Program; specifying a
183 formula for calculating the virtual education
184 contribution; creating s. 1011.621, F.S.; requiring
185 that the Department of Education, upon request by a
186 school district and verification by the Department of
187 Juvenile Justice, direct a school district receiving
188 funds through the Florida Education Finance Program to
189 transfer a pro rata share of the funds to another
190 district that served the same students during the same
191 survey period but were unable to report the students
192 for funding purposes; requiring that the amount of the
193 transfer be based on the percentage of the survey
194 period in which the students were served by each
195 district; amending s. 1011.685, F.S.; revising
196 provisions relating to class size reduction
197 operational categorical funds; authorizing a school
198 district that meets the maximum class size requirement
199 to use the funds for any lawful operating expenditure;
200 amending s. 1011.71, F.S.; revising provisions
201 relating to the district school tax; conforming a
202 cross-reference; providing for future expiration of
203 provisions relating to additional millage levied by

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204 district school boards; authorizing district school
205 boards to levy additional millage if approved by the
206 voters; providing that the local funds generated by
207 the additional millage not be included in the
208 calculation of funding through the Florida Education
209 Finance Program; clarifying the types of insurance
210 premiums that may be paid from revenue generated by
211 the levy; authorizing the Commissioner of Education to
212 waive the equal-dollar reduction requirement for
213 certain expenditures relating to the purchase of
214 premiums for property and casualty insurance;
215 providing for payment of awards for the 2010-2011
216 fiscal year under the Merit Award Program for
217 Instructional Personnel and School-Based
218 Administrators, notwithstanding the discontinuation of
219 the program; amending s. 1013.737, F.S.; changing the
220 name of the Class Size Reduction Lottery Revenue Bond
221 Program to the Class Size Reduction and Educational
222 Facilities Lottery Revenue Bond Program; authorizing
223 the issuance of educational facilities bonds;
224 extending an exemption for educational facilities in a
225 district designated as a Charter School District for
226 purposes of the demolition and replacement of certain
227 school buildings; adopting by reference the alternate
228 compliance calculation amounts to the class size
229 operating categorical, as submitted by the Governor on
230 behalf of the Department of Education for approval by
231 the Legislative Budget Commission; requiring that the
232 Commissioner of Education modify payments to school

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233 districts for the 2010-2011 fiscal year consistent
234 with the amendment; providing effective dates.

235

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

237

238 Section 1. Paragraph (dd) is added to subsection (8) of
239 section 213.053, Florida Statutes, as amended by chapter 2010-
240 280, Laws of Florida, to read:

241 213.053 Confidentiality and information sharing.—

242 (8) Notwithstanding any other provision of this section,
243 the department may provide:

244 (dd) Information relative to s. 215.61(6) to the State
245 Board of Education, the Division of Bond Finance, and the Office
246 of Economic and Demographic Research.

247

248 Disclosure of information under this subsection shall be
249 pursuant to a written agreement between the executive director
250 and the agency. Such agencies, governmental or nongovernmental,
251 shall be bound by the same requirements of confidentiality as
252 the Department of Revenue. Breach of confidentiality is a
253 misdemeanor of the first degree, punishable as provided by s.
254 775.082 or s. 775.083.

255 Section 2. Subsection (6) is added to section 215.61,
256 Florida Statutes, to read:

257 215.61 State system of public education capital outlay
258 bonds.—

259 (6) In making the determination as required by subsection
260 (3) of the amount that can be serviced by the gross receipts
261 tax, the State Board of Education shall disregard the effects on

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262 the reported gross receipts tax revenues collected during a tax
263 period of any refund paid by the Department of Revenue as a
264 direct result of a refund request made pursuant to the
265 settlement reached in *In re: AT&T Mobility Wireless Data*
266 *Services Sales Litigation*, 270 F.R.D. 330, (Aug. 11, 2010). The
267 Department of Revenue shall provide to the State Board of
268 Education, the Division of Bond Finance, and the Office of
269 Economic and Demographic Research the amount of any such refund
270 and the tax period in which the refund is included.

271 Section 3. Paragraph (o) of subsection (6) of section
272 1001.10, Florida Statutes, is amended to read:

273 1001.10 Commissioner of Education; general powers and
274 duties.—

275 (6) Additionally, the commissioner has the following
276 general powers and duties:

277 (o) To develop criteria for use by state instructional
278 materials reviewers ~~committees~~ in evaluating materials submitted
279 for adoption consideration. The criteria shall, as appropriate,
280 be based on instructional expectations reflected in curriculum
281 frameworks and student performance standards. The criteria for
282 each subject or course shall be made available to publishers of
283 instructional materials pursuant to the requirements of chapter
284 1006.

285 Section 4. Paragraph (b) of subsection (2) of section
286 1001.25, Florida Statutes, is amended to read:

287 1001.25 Educational television.—

288 (2) POWERS OF DEPARTMENT.—

289 (b) The department shall provide through educational
290 television or ~~and~~ other electronic media a means of extending

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291 educational services to all the state system of public
292 education, except the state universities, which provision by the
293 department is limited by paragraph (c) and by s. 1001.26(1). The
294 department shall recommend to the State Board of Education rules
295 necessary to provide such services.

296 Section 5. Section 1001.271, Florida Statutes, is amended
297 to read:

298 1001.271 Florida Information Resource Network.—The
299 Commissioner of Education shall facilitate and coordinate the
300 use of the Florida Information Resource Network by school
301 districts, educational institutions in the Florida College
302 System, universities, and other eligible users. ~~Upon requisition~~
303 ~~by school districts, community colleges, universities, or other~~
304 ~~eligible users of the Florida Information Resource Network, the~~
305 ~~Commissioner of Education shall purchase the nondiscounted~~
306 ~~portion of Internet access services, including, but not limited~~
307 ~~to, circuits, encryption, content filtering, support, and any~~
308 ~~other services needed for the effective and efficient operation~~
309 ~~of the network. For the 2009-2010 fiscal year, each school~~
310 ~~district, the Florida School for the Deaf and the Blind, and the~~
311 ~~regional educational consortia eligible for the e-rate must~~
312 ~~submit a requisition to the Commissioner of Education for at~~
313 ~~least the same level of Internet access services used through~~
314 ~~the Florida Information Resource Network contract in the 2008-~~
315 ~~2009 fiscal year. Each user shall identify in its requisition~~
316 ~~the source of funds from which the commissioner is to make~~
317 ~~payments.~~

318 Section 6. Subsection (2) of section 1001.28, Florida
319 Statutes, is amended to read:

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320 1001.28 Distance learning duties.—The duties of the
321 Department of Education concerning distance learning include,
322 but are not limited to, the duty to:

323 (2) Coordinate the use of existing resources, including,
324 but not limited to, the state's satellite transponders, the
325 Florida Information Resource Network (FIRN), ~~the Florida~~
326 ~~Knowledge Network,~~ and distance learning initiatives.

327
328 Nothing in this section shall be construed to abrogate,
329 supersede, alter, or amend the powers and duties of any state
330 agency, district school board, community college board of
331 trustees, university board of trustees, the Board of Governors,
332 or the State Board of Education.

333 Section 7. Paragraph (a) of subsection (2) of section
334 1001.451, Florida Statutes, is amended, and subsection (5) is
335 added to that section, to read:

336 1001.451 Regional consortium service organizations.—In
337 order to provide a full range of programs to larger numbers of
338 students, minimize duplication of services, and encourage the
339 development of new programs and services:

340 (2) (a) Each regional consortium service organization that
341 consists of four or more school districts is eligible to
342 receive, through the Department of Education, subject to the
343 funds provided in the General Appropriations Act, an incentive
344 grant of \$50,000 per school district and eligible member to be
345 used for the delivery of services within the participating
346 school districts. The determination of services and use of such
347 funds shall be established by the board of directors of the
348 regional consortium service organization. The funds shall be

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349 distributed to each regional consortium service organization no
350 later than 30 days following the release of the funds to the
351 department.

352 (5) The board of directors of a regional consortium service
353 organization may use various means to generate revenue in
354 support of its activities. The board of directors may acquire,
355 enjoy, use, and dispose of patents, copyrights, and trademarks
356 and any licenses and other rights or interests thereunder or
357 therein. Ownership of all such patents, copyrights, trademarks,
358 licenses, and rights or interests thereunder or therein shall
359 vest in the state, with the board of directors having full right
360 of use and full right to retain the revenues derived therefrom.
361 Any funds realized from patents, copyrights, trademarks, or
362 licenses shall be considered internal funds as provided in s.
363 1011.07. Such funds shall be used to support the organization's
364 marketing and research and development activities in order to
365 improve and increase services to its member districts.

366 Section 8. Paragraph (e) of subsection (10), subsection
367 (19), and paragraph (a) of subsection (20) of section 1002.33,
368 Florida Statutes, are amended, present subsections (25) and (26)
369 of that section are redesignated as subsections (26) and (27),
370 respectively, and a new subsection (25) is added to that
371 section, to read:

372 1002.33 Charter schools.—

373 (10) ELIGIBLE STUDENTS.—

374 (e) A charter school may limit the enrollment process only
375 to target the following student populations:

376 1. Students within specific age groups or grade levels.

377 2. Students considered at risk of dropping out of school or

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378 academic failure. Such students shall include exceptional
379 education students.

380 3. Students enrolling in a charter school-in-the-workplace
381 or charter school-in-a-municipality established pursuant to
382 subsection (15).

383 4. Students residing within a reasonable distance of the
384 charter school, as described in paragraph (20)(c). Such students
385 shall be subject to a random lottery and to the racial/ethnic
386 balance provisions described in subparagraph (7)(a)8. or any
387 federal provisions that require a school to achieve a
388 racial/ethnic balance reflective of the community it serves or
389 within the racial/ethnic range of other public schools in the
390 same school district.

391 5. Students who meet reasonable academic, artistic, or
392 other eligibility standards established by the charter school
393 and included in the charter school application and charter or,
394 in the case of existing charter schools, standards that are
395 consistent with the school's mission and purpose. Such standards
396 shall be in accordance with current state law and practice in
397 public schools and may not discriminate against otherwise
398 qualified individuals.

399 6. Students articulating from one charter school to another
400 pursuant to an articulation agreement between the charter
401 schools that has been approved by the sponsor.

402 7. Students living in a development in which a business
403 entity provides the school facility and related property having
404 an appraised value of at least \$10 million to be used as a
405 charter school for the development. Students living in the
406 development shall be entitled to 50 percent of the student

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407 stations in the charter school. The students who are eligible
408 for enrollment are subject to a random lottery, the
409 racial/ethnic balance provisions, or any federal provisions, as
410 described in subparagraph 4. The remainder of the student
411 stations shall be filled in accordance with subparagraph 4.

412 (19) CAPITAL OUTLAY FUNDING.—Charter schools are eligible
413 for capital outlay funds pursuant to s. 1013.62. Capital outlay
414 funds authorized in ss. ~~s.~~ 1011.71(2) and 1013.62 which ~~that~~
415 have been shared with a charter school-in-the-workplace prior to
416 July 1, 2010, are deemed to have met the authorized expenditure
417 requirements for such funds.

418 (20) SERVICES.—

419 (a)1. A sponsor shall provide certain administrative and
420 educational services to charter schools. These services shall
421 include contract management services; full-time equivalent and
422 data reporting services; exceptional student education
423 administration services; services related to eligibility and
424 reporting duties required to ensure that school lunch services
425 under the federal lunch program, consistent with the needs of
426 the charter school, are provided by the school district at the
427 request of the charter school, that any funds due to the charter
428 school under the federal lunch program be paid to the charter
429 school as soon as the charter school begins serving food under
430 the federal lunch program, and that the charter school is paid
431 at the same time and in the same manner under the federal lunch
432 program as other public schools serviced by the sponsor or the
433 school district; test administration services, including payment
434 of the costs of state-required or district-required student
435 assessments; processing of teacher certificate data services;

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436 and information services, including equal access to student
437 information systems that are used by public schools in the
438 district in which the charter school is located. Student
439 performance data for each student in a charter school,
440 including, but not limited to, FCAT scores, standardized test
441 scores, previous public school student report cards, and student
442 performance measures, shall be provided by the sponsor to a
443 charter school in the same manner provided to other public
444 schools in the district.

445 2. A total administrative fee for the provision of such
446 services shall be calculated based upon up to 5 percent of the
447 available funds defined in paragraph (17)(b) for all students.
448 However, a sponsor may only withhold up to a 5-percent
449 administrative fee for enrollment for up to and including 250
450 students. For charter schools with a population of 251 or more
451 students, the difference between the total administrative fee
452 calculation and the amount of the administrative fee withheld
453 may only be used for capital outlay purposes specified in s.
454 1013.62(2).

455 3. For high performing charter schools, as defined in
456 Senate Bill 1546, a sponsor may withhold a total administrative
457 fee of up to 2 percent for enrollment up to and including 250
458 students per school.

459 ~~4.3.~~ In addition, a sponsor may withhold only up to a 5-
460 percent administrative fee for enrollment for up to and
461 including 500 students within a system of charter schools which
462 meets all of the following:

463 a. Includes both conversion charter schools and
464 nonconversion charter schools;

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465 b. Has all schools located in the same county;

466 c. Has a total enrollment exceeding the total enrollment of
467 at least one school district in the state;

468 d. Has the same governing board; and

469 e. Does not contract with a for-profit service provider for
470 management of school operations.

471 ~~5.4.~~ The difference between the total administrative fee
472 calculation and the amount of the administrative fee withheld
473 pursuant to subparagraph ~~4. 3.~~ may be used for instructional and
474 administrative purposes as well as for capital outlay purposes
475 specified in s. 1013.62(2).

476 6. For a high performing charter school system that also
477 meets the requirements in subparagraph 4., a sponsor may
478 withhold a 2 percent administrative fee for enrollments up to
479 and including 500 students per system.

480 ~~7.5.~~ Each charter school shall receive 100 percent of the
481 funds awarded to that school pursuant to s. 1012.225. Sponsors
482 shall not charge charter schools any additional fees or
483 surcharges for administrative and educational services in
484 addition to the maximum 5-percent administrative fee withheld
485 pursuant to this paragraph.

486 (25) LOCAL EDUCATIONAL AGENCY STATUS FOR CERTAIN CHARTER
487 SCHOOL SYSTEMS.—A charter school system shall be designated a
488 local educational agency for the purpose of receiving federal
489 funds, the same as though the charter school system were a
490 school district, if the governing board of the charter school
491 system has adopted and filed a resolution with its sponsoring
492 district school board and the Department of Education in which
493 the governing board of the charter school system accepts the

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494 full responsibility for all local education agency requirements
495 and the charter school system meets all of the following:

496 (a) Includes both conversion charter schools and
497 nonconversion charter schools;

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

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

501 (d) Has the same governing board; and

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

504

505 Such designation does not apply to other provisions unless
506 specifically provided in law.

507 Section 9. Subsection (13) of section 1002.34, Florida
508 Statutes, is amended to read:

509 1002.34 Charter technical career centers.—

510 (13) BOARD OF DIRECTORS AUTHORITY.—The board of directors
511 of a center may decide matters relating to the operation of the
512 school, including budgeting, curriculum, and operating
513 procedures, subject to the center's charter. The board of
514 directors is responsible for performing the duties provided in
515 s. 1002.345, including monitoring the corrective action plan.
516 The board of directors must comply with s. 1002.33(26) ~~s.~~
517 ~~1002.33(25)~~.

518 Section 10. Paragraph (e) is added to subsection (1) of
519 section 1002.45, Florida Statutes, to read:

520 1002.45 School district virtual instruction programs.—

521 (1) PROGRAM.—

522 (e)1. Each school district shall provide to the department

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523 by October 1, 2011, and by each October 1 thereafter, a copy of
524 each contract and the amounts paid per unweighted full-time
525 equivalent student for services procured pursuant to paragraph
526 (c).

527 2. Each school district shall expend the difference in
528 funds provided for a student participating in the school
529 district virtual instruction program pursuant to subsection (7)
530 and the price paid for contracted services procured pursuant to
531 paragraph (c) for the district's local instructional improvement
532 system pursuant to s. 1006.281 or other technological tools that
533 are required to access electronic and digital instructional
534 materials.

535 Section 11. Paragraphs (c) and (f) of subsection (3) of
536 section 1002.55, Florida Statutes, are amended to read:

537 1002.55 School-year prekindergarten program delivered by
538 private prekindergarten providers.—

539 (3) To be eligible to deliver the prekindergarten program,
540 a private prekindergarten provider must meet each of the
541 following requirements:

542 (c) The private prekindergarten provider must have, for
543 each prekindergarten class of 11 children or fewer, at least one
544 prekindergarten instructor who meets each of the following
545 requirements:

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

548 a. A child development associate credential issued by the
549 National Credentialing Program of the Council for Professional
550 Recognition; or

551 b. A credential approved by the Department of Children and

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552 Family Services as being equivalent to or greater than the
553 credential described in sub-subparagraph a.

554
555 The Department of Children and Family Services may adopt rules
556 under ss. 120.536(1) and 120.54 which provide criteria and
557 procedures for approving equivalent credentials under sub-
558 subparagraph b.

559 2. The prekindergarten instructor must successfully
560 complete an emergent literacy training course approved by the
561 department as meeting or exceeding the minimum standards adopted
562 under s. 1002.59. This subparagraph does not apply to a
563 prekindergarten instructor who successfully completes approved
564 training in early literacy and language development under s.
565 402.305(2)(d)5., s. 402.313(6), or s. 402.3131(5) before the
566 establishment of one or more emergent literacy training courses
567 under s. 1002.59 or April 1, 2005, whichever occurs later.

568 (f) Each of the private prekindergarten provider's
569 prekindergarten classes must be composed of at least 4 students
570 but may not exceed 20 ~~18~~ students. In order to protect the
571 health and safety of students, each private prekindergarten
572 provider must also provide appropriate adult supervision for
573 students at all times and, for each prekindergarten class
574 composed of 12 ~~11~~ or more students, must have, in addition to a
575 prekindergarten instructor who meets the requirements of
576 paragraph (c), at least one adult prekindergarten instructor who
577 is not required to meet those requirements but who must meet
578 each requirement of paragraph (d). This paragraph does not
579 supersede any requirement imposed on a provider under ss.
580 402.301-402.319.

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581 Section 12. Subsection (7) of section 1002.63, Florida
582 Statutes, is amended to read:

583 1002.63 School-year prekindergarten program delivered by
584 public schools.—

585 (7) Each prekindergarten class in a public school
586 delivering the school-year prekindergarten program must be
587 composed of at least 4 students but may not exceed 20 ~~18~~
588 students. In order to protect the health and safety of students,
589 each school must also provide appropriate adult supervision for
590 students at all times and, for each prekindergarten class
591 composed of 12 ~~11~~ or more students, must have, in addition to a
592 prekindergarten instructor who meets the requirements of s.
593 1002.55(3)(c), at least one adult prekindergarten instructor who
594 is not required to meet those requirements but who must meet
595 each requirement of subsection (5).

596 Section 13. Subsection (7) of section 1002.71, Florida
597 Statutes, is amended to read:

598 1002.71 Funding; financial and attendance reporting.—

599 (7) The Agency for Workforce Innovation shall require that
600 administrative expenditures be kept to the minimum necessary for
601 efficient and effective administration of the Voluntary
602 Prekindergarten Education Program. Administrative policies and
603 procedures shall be revised, to the maximum extent practicable,
604 to incorporate the use of automation and electronic submission
605 of forms, including those required for child eligibility and
606 enrollment, provider and class registration, and monthly
607 certification of attendance for payment. A school district may
608 use its automated daily attendance reporting system for the
609 purpose of transmitting attendance records to the early learning

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610 coalition in a mutually agreed-upon format. In addition, actions
611 shall be taken to reduce paperwork, eliminate the duplication of
612 reports, and eliminate other duplicative activities. Beginning
613 with the 2011-2012 ~~2010-2011~~ fiscal year, each early learning
614 coalition may retain and expend no more than 4.0 ~~4.5~~ percent of
615 the funds paid by the coalition to private prekindergarten
616 providers and public schools under paragraph (5)(b). Funds
617 retained by an early learning coalition under this subsection
618 may be used only for administering the Voluntary Prekindergarten
619 Education Program and may not be used for the school readiness
620 program or other programs.

621 Section 14. Subsections (14) and (15) of section 1003.01,
622 Florida Statutes, are amended to read:

623 1003.01 Definitions.—As used in this chapter, the term:

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

625 (a) Courses in language arts/reading, mathematics, social
626 studies, and science in prekindergarten through grade 3,
627 excluding any extracurricular courses pursuant to subsection
628 (15);

629 (b) Courses in grades 4 through 8 in subjects that are
630 measured by state assessment at any grade level and courses
631 required for middle school promotion, excluding any
632 extracurricular courses pursuant to subsection (15);

633 (c) Courses in grades 9 through 12 in subjects that are
634 measured by state assessment at any grade level and courses that
635 are specifically identified by name in statute as required for
636 high school graduation and that are not measured by state
637 assessment, excluding any extracurricular courses pursuant to
638 subsection (15);

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639 (d) Exceptional student education courses; and
640 (e) English for Speakers of Other Languages courses.
641 ~~courses defined by the Department of Education as mathematics,~~
642 ~~language arts/reading, science, social studies, foreign~~
643 ~~language, English for Speakers of Other Languages, exceptional~~
644 ~~student education, and courses taught in traditional self-~~
645 ~~contained elementary school classrooms.~~

646
647 The term is limited in meaning and used for the sole purpose of
648 designating classes that are subject to the maximum class size
649 requirements established in s. 1, Art. IX of the State
650 Constitution. This term does not include courses offered under
651 ss. 1002.37, 1002.415, and 1002.45.

652 (15) "Extracurricular courses" means all courses that are
653 not defined as "core-curricula courses," which may include, but
654 are not limited to, physical education, fine arts, performing
655 fine arts, ~~and~~ career education, and courses that may result in
656 college credit. The term is limited in meaning and used for the
657 sole purpose of designating classes that are not subject to the
658 maximum class size requirements established in s. 1, Art. IX of
659 the State Constitution.

660 Section 15. Subsections (1) and (2) of section 1003.03,
661 Florida Statutes, are amended, and subsection (6) is added to
662 that section, to read:

663 1003.03 Maximum class size.—

664 (1) ~~CONSTITUTIONAL CLASS SIZE MAXIMUMS.~~ Each year, on or
665 before the October student membership survey, the following
666 class size maximums shall be satisfied Pursuant to s. 1, Art. IX
667 ~~of the State Constitution, beginning in the 2010-2011 school~~

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668 year:

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

673 (b) The maximum number of students assigned to each teacher
674 who is teaching core-curricula courses in public school
675 classrooms for grades 4 through 8 may not exceed 22 students.
676 The maximum number of students assigned to a core-curricula high
677 school course in which a student in grades 4 through 8 is
678 enrolled shall be governed by the requirements in paragraph (c).

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

682
683 These maximums shall be maintained after the October student
684 membership survey, except as provided in paragraph (2) (b) or due
685 to an extreme emergency beyond the control of the district
686 school board.

687 (2) IMPLEMENTATION.—

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

691 (b) A student who enrolls in a school after the October
692 student membership survey may be assigned to an existing class
693 that temporarily exceeds the maximum number of students in
694 subsection (1) if the district school board determines it to be
695 impractical, educationally unsound, or disruptive to student
696 learning to not assign the student to the class. If the district

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697 school board makes this determination:

698 1. Up to three students may be assigned to a teacher in
699 kindergarten through grade 3 above the maximum as provided in
700 paragraph (1) (a);

701 2. Up to five students may be assigned to a teacher in
702 grades 4 through 12 above the maximum as provided in paragraphs
703 (1) (b) and (c), respectively; and

704 3. The district school board shall develop a plan that
705 provides that the school will be in full compliance with the
706 maximum class size in subsection (1) by the next October student
707 membership survey.

708 ~~(b) Prior to the adoption of the district school budget for~~
709 ~~2010-2011, each district school board shall hold public hearings~~
710 ~~and provide information to parents on the district's website,~~
711 ~~and through any other means by which the district provides~~
712 ~~information to parents and the public, on the district's~~
713 ~~strategies to meet the requirements in subsection (1).~~

714 (6) COURSES FOR COMPLIANCE.—Consistent with the provisions
715 in ss. 1003.01(14) and 1003.428, the Department of Education
716 shall identify from the Course Code Directory the core-curricula
717 courses for the purpose of satisfying the maximum class size
718 requirement in this section. The department may adopt rules to
719 implement this subsection, if necessary.

720 Section 16. Section 1003.4935, Florida Statutes, is created
721 to read:

722 1003.4935 Middle school career and professional academy
723 courses.—

724 (1) Beginning with the 2011-2012 school year, each district
725 school board, in collaboration with regional workforce boards,

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726 economic development agencies, and state-approved postsecondary
727 institutions, shall include plans to implement a career and
728 professional academy in at least one middle school in the
729 district as part of the strategic 5-year plan pursuant to s.
730 1003.491(2). The middle school career and professional academy
731 component of the strategic plan must ensure the transition of
732 middle school career and professional academy students to a high
733 school career and professional academy currently operating
734 within the school district. Students who complete a middle
735 school career and professional academy must have the opportunity
736 to earn an industry certificate and high school credit and
737 participate in career planning, job shadowing, and business
738 leadership development activities.

739 (2) Each middle school career and professional academy must
740 be aligned with at least one high school career and professional
741 academy offered in the district and maintain partnerships with
742 local business and industry and economic development boards.
743 Middle school career and professional academies must:

744 (a) Provide instruction in courses leading to careers in
745 occupations designated as high growth, high demand, and high pay
746 in the Industry Certification Funding List approved under rules
747 adopted by the State Board of Education;

748 (b) Offer career and professional academy courses that
749 integrate content from core subject areas;

750 (c) Offer courses that integrate career and professional
751 academy content with intensive reading and mathematics pursuant
752 to s. 1003.428;

753 (d) Coordinate with high schools to maximize opportunities
754 for middle school career and professional academy students to

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755 earn high school credit;

756 (e) Provide access to virtual instruction courses provided
757 by virtual education providers legislatively authorized to
758 provide part-time instruction to middle school students. The
759 virtual instruction courses must be aligned to state curriculum
760 standards for middle school career and professional academy
761 students, with priority given to students who have required
762 course deficits;

763 (f) Provide instruction from highly skilled professionals
764 who hold industry certificates in the career area in which they
765 teach;

766 (g) Offer externships; and

767 (h) Provide personalized student advisement that includes a
768 parent-participation component.

769 (3) Beginning with the 2012-2013 school year, if a school
770 district implements a middle school career and professional
771 academy, the Department of Education shall collect and report
772 student achievement data pursuant to performance factors
773 identified under s. 1003.492(3) for academy students.

774 Section 17. Subsection (6) of section 1004.02, Florida
775 Statutes, is amended to read:

776 1004.02 Definitions.—As used in this chapter:

777 (6) "Adult student" is a student who is beyond the
778 compulsory school age and who has legally left elementary or
779 secondary school, ~~or a high school student who is taking an~~
780 ~~adult course required for high school graduation.~~

781 Section 18. Subsection (1), paragraph (a) of subsection
782 (2), and paragraphs (b) and (e) of subsection (3) of section
783 1006.28, Florida Statutes, are amended to read:

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784 1006.28 Duties of district school board, district school
785 superintendent; and school principal regarding K-12
786 instructional materials.—

787 (1) DISTRICT SCHOOL BOARD.—The district school board has
788 the duty to provide adequate instructional materials for all
789 students in accordance with the requirements of this part. The
790 term “adequate instructional materials” means a sufficient
791 number of student or site licenses ~~textbooks~~ or sets of
792 materials that are available in bound, unbound, kit, or package
793 form and may consist of hard-backed or soft-backed textbooks,
794 electronic content, consumables, learning laboratories,
795 manipulatives, electronic media, and computer courseware or
796 software that serve as the basis for instruction for each
797 student in the core courses of mathematics, language arts,
798 social studies, science, reading, and literature, ~~except for~~
799 ~~instruction for which the school advisory council approves the~~
800 ~~use of a program that does not include a textbook as a major~~
801 ~~tool of instruction.~~ The district school board has the following
802 specific duties:

803 (a) *Courses of study; adoption.*—Adopt courses of study for
804 use in the schools of the district.

805 (b) Instructional materials ~~Textbooks.~~—Provide for proper
806 requisitioning, distribution, accounting, storage, care, and use
807 of all instructional materials ~~furnished by the state~~ and
808 furnish such other instructional materials as may be needed. The
809 district school board shall ensure ~~assure~~ that instructional
810 materials used in the district are consistent with the district
811 goals and objectives and the curriculum frameworks adopted by
812 rule of the State Board of Education, as well as with the state

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813 and district performance standards provided for in s.
814 1001.03(1).

815 (c) *Other instructional materials.*—Provide such other
816 teaching accessories and aids as are needed for the school
817 district's educational program.

818 (d) *School library media services; establishment and*
819 *maintenance.*—Establish and maintain a program of school library
820 media services for all public schools in the district, including
821 school library media centers, or school library media centers
822 open to the public, and, in addition such traveling or
823 circulating libraries as may be needed for the proper operation
824 of the district school system.

825 (2) DISTRICT SCHOOL SUPERINTENDENT.—

826 (a) The district school superintendent has the duty to
827 recommend such plans for improving, providing, distributing,
828 accounting for, and caring for instructional materials ~~textbooks~~
829 and other instructional aids as will result in general
830 improvement of the district school system, as prescribed in this
831 part, in accordance with adopted district school board rules
832 prescribing the duties and responsibilities of the district
833 school superintendent regarding the requisition, purchase,
834 receipt, storage, distribution, use, conservation, records, and
835 reports of, and management practices and property accountability
836 concerning, instructional materials, and providing for an
837 evaluation of any instructional materials to be requisitioned
838 that have not been used previously in the district's schools.
839 The district school superintendent must keep adequate records
840 and accounts for all financial transactions for funds collected
841 pursuant to subsection (3), as a component of the educational

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842 service delivery scope in a school district best financial
843 management practices review under s. 1008.35.

844 (3) SCHOOL PRINCIPAL.—The school principal has the
845 following duties for the management and care of instructional
846 materials at the school:

847 (b) *Money collected for lost or damaged instructional*
848 *materials ~~books~~; enforcement.*—The school principal shall collect
849 from each student or the student's parent the purchase price of
850 any instructional material the student has lost, destroyed, or
851 unnecessarily damaged and to report and transmit the money
852 collected to the district school superintendent. The failure to
853 collect such sum upon reasonable effort by the school principal
854 may result in the suspension of the student from participation
855 in extracurricular activities or satisfaction of the debt by the
856 student through community service activities at the school site
857 as determined by the school principal, pursuant to policies
858 adopted by district school board rule.

859 (e) *Accounting for instructional materials ~~textbooks~~.*—
860 Principals shall see that all instructional materials ~~books~~ are
861 fully and properly accounted for as prescribed by adopted rules
862 of the district school board.

863 Section 19. Section 1006.281, Florida Statutes, is amended
864 to read:

865 1006.281 Learning management systems.—

866 (1) The term "local instructional improvement system" means
867 a system that uses electronic and digital tools that provide
868 teachers, administrators, students, and parents with data and
869 resources to systematically manage continuous instructional
870 improvement. The system supports relevant activities such as

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871 instructional planning, information gathering and analysis,
872 rapid-time reporting, decisionmaking on appropriate
873 instructional sequence, and evaluating the effectiveness of
874 instruction. The system shall integrate instructional
875 information with student-level data to provide predictions of
876 future student achievement.

877 (2)-(1) Each school district shall provide teachers,
878 administrators, students, and parents ~~To ensure that all school~~
879 ~~districts have equitable access to a local instructional~~
880 improvement system. The system must provide access to electronic
881 and digital ~~digitally rich instructional materials, districts~~
882 ~~are encouraged to provide access to an electronic learning~~
883 ~~management system that allows teachers, students, and parents to~~
884 ~~access, organize, and use electronically available instructional~~
885 ~~materials and teaching and learning tools and resources,~~
886 including the ability for and that enables teachers and
887 administrators to manage, assess, and track student learning.

888 (3)-(2) By June 30, 2014, a school district's local
889 instructional improvement system shall comply with minimum
890 standards published by the Department of Education. The system
891 must ~~To the extent fiscally and technologically feasible, a~~
892 ~~school district's electronic learning management system should~~
893 ~~allow for a single, authenticated sign-on and include the~~
894 ~~following functionality:~~

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

897 (b) Enables teachers to prepare lessons, individualize
898 student instruction, and use best practices in providing
899 instruction, including the ability to connect student assessment

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900 data with electronic and digital instructional materials.

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

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

906 (e) Enables district staff to plan, create, and manage
907 professional development and to connect professional development
908 with staff information and student performance data.

909 (f)~~(e)~~ Provides access to multiple content providers and
910 provides the ability to seamlessly connect the local
911 instructional improvement system to electronic and digital
912 content.

913 (4)~~(3)~~ The Department of Education shall provide advisory
914 assistance as requested by school districts in their deployment
915 of a local instructional improvement ~~district electronic~~
916 ~~learning management~~ system.

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

921 Section 20. Section 1006.282, Florida Statutes, is created
922 to read:

923 1006.282 Pilot program for the transition to electronic and
924 digital instructional materials.-

925 (1) A district school board may designate pilot program
926 schools to implement the transition to instructional materials
927 that are in an electronic or a digital format as defined in s.
928 1006.29(3).

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929 (2) A district school board may designate pilot program
930 schools if the school district:

931 (a) Implements a local instructional improvement system
932 pursuant to s. 1006.281 which enables district staff to plan,
933 create, and manage professional development and to connect
934 professional development with staff information and student
935 performance, provides the ability to seamlessly connect the
936 system to electronic and digital instructional materials and the
937 instructional materials to student assessment data, and includes
938 the minimum standards published by the Department of Education.

939 (b) Requests only the electronic or digital format of the
940 sample copies of instructional materials submitted pursuant to
941 s. 1006.33.

942 (c) Uses at least 50 percent of the pilot program school's
943 annual allocation from the district for the purchase of
944 electronic or digital instructional materials included on the
945 state-adopted list.

946 (3) A school designated as a pilot program school by the
947 school board is exempt from:

948 (a) Section 1006.40(2)(a), if the school provides
949 comprehensive electronic or digital instructional materials to
950 all students; and

951 (b) Section 1006.37.

952 (4) By August 1 of each year, beginning in 2011, the school
953 board must report to the Department of Education the school or
954 schools in its district which have been designated as pilot
955 program schools. The department shall publish the list of pilot
956 program schools on the department's Internet website. The report
957 must include:

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958 (a) The name of the pilot program school, the contact
959 person and contact person information, and the grade or grades
960 and associated course or courses included in the pilot program
961 school.

962 (b) A description of the type of technological tool or
963 tools that will be used to access the electronic or digital
964 instructional materials included in the pilot program school,
965 whether district-owned or student-owned.

966 (c) The projected costs and funding sources, which must
967 include cost savings or cost avoidances, associated with the
968 pilot program.

969 (5) By September 1 of each year, beginning in 2012, each
970 school board that has a designated pilot program school shall
971 provide to the Department of Education, the Executive Office of
972 the Governor, and the chairs of the appropriations committees of
973 the Senate and the House of Representatives a review of the
974 pilot program schools which must include, but need not be
975 limited to:

976 (a) Successful practices;

977 (b) The average amount of online Internet time needed by a
978 student to access and use the school's electronic or digital
979 instructional materials;

980 (c) Lessons learned;

981 (d) The level of investment and cost-effectiveness; and

982 (e) Impacts on student performance.

983 Section 21. Section 1006.29, Florida Statutes, is amended
984 to read:

985 1006.29 State instructional materials reviewers
986 ~~committees.~~-

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987 ~~(1) Each school year, not later than April 15, the~~
988 ~~commissioner shall appoint state instructional materials~~
989 ~~committees composed of persons actively engaged in teaching or~~
990 ~~in the supervision of teaching in the public elementary, middle,~~
991 ~~or high schools and representing the major fields and levels in~~
992 ~~which instructional materials are used in the public schools~~
993 ~~and, in addition, lay citizens not professionally connected with~~
994 ~~education. Committee members shall receive training pursuant to~~
995 ~~subsection (5) in competencies related to the evaluation and~~
996 ~~selection of instructional materials.~~

997 ~~(a) There shall be 10 or more members on each committee: At~~
998 ~~least 50 percent of the members shall be classroom teachers who~~
999 ~~are certified in an area directly related to the academic area~~
1000 ~~or level being considered for adoption, 2 shall be laypersons, 1~~
1001 ~~shall be a district school board member, and 2 shall be~~
1002 ~~supervisors of teachers. The committee must have the capacity or~~
1003 ~~expertise to address the broad racial, ethnic, socioeconomic,~~
1004 ~~and cultural diversity of the state's student population.~~
1005 ~~Personnel selected as teachers of the year at the school,~~
1006 ~~district, regional, or state level are encouraged to serve on~~
1007 ~~instructional materials committees.~~

1008 ~~(b) The membership of each committee must reflect the broad~~
1009 ~~racial, ethnic, socioeconomic, and cultural diversity of the~~
1010 ~~state, including a balanced representation from the state's~~
1011 ~~geographic regions.~~

1012 (1) (a) ~~(e)~~ The commissioner shall determine annually the
1013 areas in which instructional materials shall be submitted for
1014 adoption, taking into consideration the desires of the district
1015 school boards. The commissioner shall also determine the number

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1016 of titles to be adopted in each area.

1017 (b) By April 15 of each school year, the commissioner shall
1018 appoint three state or national experts in the content areas
1019 submitted for adoption to review the instructional materials and
1020 evaluate the content for alignment with the applicable Next
1021 Generation Sunshine State Standards. These reviewers shall be
1022 designated as state instructional materials reviewers and shall
1023 review the materials for the level of instructional support and
1024 the accuracy and appropriateness of progression of introduced
1025 content. Instructional materials shall be made electronically
1026 available to the reviewers. The initial review of the materials
1027 shall be made by only two of the three reviewers. If the two
1028 reviewers reach different results, the third reviewer shall
1029 break the tie. The reviewers shall independently make
1030 recommendations to the commissioner regarding materials that
1031 should be placed on the list of adopted materials through an
1032 electronic feedback review system.

1033 (c) The commissioner shall request each district school
1034 superintendent to nominate one classroom teacher or district-
1035 level content supervisor to review two or three of the
1036 submissions recommended by the state instructional materials
1037 reviewers. School districts shall ensure that these district
1038 reviewers are provided with the support and time necessary to
1039 accomplish a thorough review of the instructional materials.
1040 District reviewers shall independently rate the recommended
1041 submissions on the instructional usability of the resources.

1042 ~~(2) (a) All appointments shall be as prescribed in this~~
1043 ~~section. No member shall serve more than two consecutive terms~~
1044 ~~on any committee. All appointments shall be for 18-month terms.~~

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1045 ~~All vacancies shall be filled in the manner of the original~~
1046 ~~appointment for only the time remaining in the unexpired term.~~
1047 ~~At no time may a district school board have more than one~~
1048 ~~representative on a committee. The commissioner and a member of~~
1049 ~~the department whom he or she shall designate shall be~~
1050 ~~additional and ex officio members of each committee.~~

1051 ~~(b) The names and mailing addresses of the members of the~~
1052 ~~state instructional materials committees shall be made public~~
1053 ~~when appointments are made.~~

1054 ~~(c) The district school board shall be reimbursed for the~~
1055 ~~actual cost of substitute teachers for each workday that a~~
1056 ~~member of its instructional staff is absent from his or her~~
1057 ~~assigned duties for the purpose of rendering service to the~~
1058 ~~state instructional materials committee. In addition, committee~~
1059 ~~members shall be reimbursed for travel expenses and per diem in~~
1060 ~~accordance with s. 112.061 for actual service in meetings of~~
1061 ~~committees called by the commissioner. Payment of such travel~~
1062 ~~expenses shall be made from the appropriation for the~~
1063 ~~administration of the instructional materials program, on~~
1064 ~~warrants to be drawn by the Chief Financial Officer upon~~
1065 ~~requisition approved by the commissioner.~~

1066 ~~(d) Any member of a committee may be removed by the~~
1067 ~~commissioner for cause.~~

1068 ~~(3) All references in the law to the state instructional~~
1069 ~~materials committee shall apply to each committee created by~~
1070 ~~this section.~~

1071 ~~(2)(4)~~ For purposes of state adoption, the term
1072 "instructional materials" means items having intellectual
1073 content that by design serve as a major tool for assisting in

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1074 the instruction of a subject or course. These items may be
1075 available in bound, unbound, kit, or package form and may
1076 consist of hardbacked or softbacked textbooks, electronic
1077 content, consumables, learning laboratories, manipulatives,
1078 electronic media, and computer courseware or software. A
1079 publisher or manufacturer providing instructional materials as a
1080 single bundle shall also make the instructional materials
1081 available as separate and unbundled items, each priced
1082 individually. A publisher may also offer sections of state-
1083 adopted instructional materials in digital or electronic
1084 versions at reduced rates to districts, schools, and teachers.

1085 (3) Beginning in the 2015-2016 academic year, all adopted
1086 Any instructional materials adopted after 2012-2013 for students
1087 in kindergarten grades 9 through grade 12 must shall also be
1088 provided in an electronic or digital format. For purposes of
1089 this section, the term:

1090 (a) "Electronic format" means text-based or image-based
1091 content in a form that is produced on, published by, and
1092 readable on computers or other digital devices and is an
1093 electronic version of a printed book, whether or not any printed
1094 equivalent exists.

1095 (b) "Digital format" means text-based or image-based
1096 content in a form that provides the student with various
1097 interactive functions; that can be searched, tagged,
1098 distributed, and used for individualized and group learning;
1099 that includes multimedia content such as video clips,
1100 animations, and virtual reality; and that has the ability to be
1101 accessed at any time and anywhere.

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1103 The terms do ~~term does~~ not include electronic or computer
1104 hardware even if such hardware is bundled with software or other
1105 electronic media, nor does it include equipment or supplies.

1106 (4)~~(5)~~ The department shall develop a training program for
1107 persons selected as state instructional materials reviewers and
1108 school district reviewers ~~to serve on state instructional~~
1109 ~~materials committees~~. The program shall be structured to assist
1110 reviewers ~~committee members~~ in developing the skills necessary
1111 to make valid, culturally sensitive, and objective decisions
1112 regarding the content and rigor of instructional materials. All
1113 persons serving as ~~on~~ instructional materials reviewers
1114 ~~committees~~ must complete the training program prior to beginning
1115 the review and selection process.

1116 Section 22. Section 1006.30, Florida Statutes, is amended
1117 to read:

1118 1006.30 Affidavit of state instructional materials
1119 reviewers ~~committee members~~. Before transacting any business,
1120 each state instructional materials reviewer ~~member of a state~~
1121 ~~committee~~ shall make an affidavit, to be filed with the
1122 department commissioner, that:

1123 (1) The reviewer ~~member~~ will faithfully discharge the
1124 duties imposed upon him or her ~~as a member of the committee~~.

1125 (2) The reviewer ~~member~~ has no interest, ~~and while a member~~
1126 ~~of the committee he or she will assume no interest~~, in any
1127 publishing or manufacturing organization that ~~which~~ produces or
1128 sells instructional materials.

1129 (3) The reviewer ~~member~~ is in no way connected, ~~and while a~~
1130 ~~member of the committee he or she will assume no connection~~,
1131 with the distribution of the instructional materials.

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1132 (4) The reviewer does not have any direct or indirect
1133 pecuniary interest ~~member is not pecuniarily interested, and~~
1134 ~~while a member of the committee he or she will assume no~~
1135 ~~pecuniary interest, directly or indirectly,~~ in the business or
1136 profits of any person engaged in manufacturing, publishing, or
1137 selling instructional materials designed for use in the public
1138 schools.

1139 (5) The reviewer ~~member~~ will not accept any emolument or
1140 promise of future reward of any kind from any publisher or
1141 manufacturer of instructional materials or his or her agent or
1142 anyone interested in, or intending to bias his or her judgment
1143 in any way in, the selection of any materials to be adopted.

1144 (6) The reviewer understands that it is unlawful ~~for any~~
1145 ~~member of a state instructional materials committee~~ to discuss
1146 matters relating to instructional materials submitted for
1147 adoption with any agent of a publisher or manufacturer of
1148 instructional materials, either directly or indirectly, except
1149 during the period when the publisher or manufacturer is
1150 providing a presentation for the reviewer during his or her
1151 review of the ~~committee has been called into session for the~~
1152 ~~purpose of evaluating~~ instructional materials submitted for
1153 adoption. ~~Such discussions shall be limited to official meetings~~
1154 ~~of the committee and in accordance with procedures prescribed by~~
1155 ~~the commissioner for that purpose.~~

1156 Section 23. Section 1006.31, Florida Statutes, is amended
1157 to read:

1158 1006.31 Duties of each state instructional materials
1159 reviewer ~~committee~~.—The duties of each state instructional
1160 materials reviewer ~~committee~~ are:

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1161 ~~(1) PLACE AND TIME OF MEETING. To meet at the call of the~~
1162 ~~commissioner, at a place in the state designated by him or her,~~
1163 ~~for the purpose of evaluating and recommending instructional~~
1164 ~~materials for adoption by the state. All meetings of state~~
1165 ~~instructional materials committees shall be announced publicly~~
1166 ~~in the Florida Administrative Weekly at least 2 weeks prior to~~
1167 ~~the date of convening. All meetings of the committees shall be~~
1168 ~~open to the public.~~

1169 ~~(2) ORGANIZATION. To elect a chair and vice chair for each~~
1170 ~~adoption. An employee of the department shall serve as secretary~~
1171 ~~to the committee and keep an accurate record of its proceedings.~~
1172 ~~All records of committee motions and votes, and summaries of~~
1173 ~~committee debate shall be incorporated into a publishable~~
1174 ~~document and shall be available for public inspection and~~
1175 ~~duplication.~~

1176 (1)~~(3)~~ PROCEDURES.—To adhere to procedures prescribed by
1177 the department ~~commissioner~~ for evaluating instructional
1178 materials submitted by publishers and manufacturers in each
1179 adoption.

1180 (2)~~(4)~~ EVALUATION OF INSTRUCTIONAL MATERIALS.—To evaluate
1181 carefully all instructional materials submitted, in order to
1182 ascertain which instructional materials, if any, submitted for
1183 consideration ~~best~~ implement the selection criteria developed by
1184 the department ~~commissioner~~ and those curricular objectives
1185 included within applicable performance standards provided for in
1186 s. 1001.03(1).

1187 (a) When recommending instructional materials for use in
1188 the schools, each reviewer ~~committee~~ shall include only
1189 instructional materials that accurately portray the ethnic,

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1190 socioeconomic, cultural, and racial diversity of our society,
1191 including men and women in professional, career, and executive
1192 roles, and the role and contributions of the entrepreneur and
1193 labor in the total development of this state and the United
1194 States.

1195 (b) When recommending instructional materials for use in
1196 the schools, each reviewer ~~committee~~ shall include only
1197 materials that ~~which~~ accurately portray, whenever appropriate,
1198 humankind's place in ecological systems, including the necessity
1199 for the protection of our environment and conservation of our
1200 natural resources and the effects on the human system of the use
1201 of tobacco, alcohol, controlled substances, and other dangerous
1202 substances.

1203 (c) When recommending instructional materials for use in
1204 the schools, each reviewer ~~committee~~ shall require such
1205 materials as he or she ~~it~~ deems necessary and proper to
1206 encourage thrift, fire prevention, and humane treatment of
1207 people and animals.

1208 (d) When recommending instructional materials for use in
1209 the schools, each reviewer ~~committee~~ shall require, when
1210 appropriate to the comprehension of students, that materials for
1211 social science, history, or civics classes contain the
1212 Declaration of Independence and the Constitution of the United
1213 States. A reviewer may not recommend any ~~No~~ instructional
1214 materials ~~shall be recommended by any committee~~ for use in the
1215 schools which contain any matter reflecting unfairly upon
1216 persons because of their race, color, creed, national origin,
1217 ancestry, gender, or occupation.

1218 (e) Any ~~All~~ instructional material ~~materials~~ recommended by

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1219 each reviewer ~~committee~~ for use in the schools shall be, to the
1220 satisfaction of each reviewer ~~committee~~, accurate, objective,
1221 and current and suited to the needs and comprehension of
1222 students at their respective grade levels. Reviewers
1223 ~~Instructional materials committees~~ shall consider for adoption
1224 materials developed for academically talented students such as
1225 those enrolled in advanced placement courses.

1226 (3)-(5) REPORT OF REVIEWERS COMMITTEE. ~~Each committee, After~~
1227 a thorough study of all data submitted on each instructional
1228 material, to submit an electronic ~~and after each member has~~
1229 ~~carefully evaluated each instructional material, shall present a~~
1230 ~~written~~ report to the department ~~commissioner~~. The Such report
1231 shall be made public, and must shall include responses to each
1232 section of the report format prescribed by the department.+

1233 ~~(a) A description of the procedures used in determining the~~
1234 ~~instructional materials to be recommended to the commissioner.~~

1235 ~~(b) Recommendations of instructional materials for each~~
1236 ~~grade and subject field in the curriculum of public elementary,~~
1237 ~~middle, and high schools in which adoptions are to be made. If~~
1238 ~~deemed advisable, the committee may include such other~~
1239 ~~information, expression of opinion, or recommendation as would~~
1240 ~~be helpful to the commissioner. If there is a difference of~~
1241 ~~opinion among the members of the committee as to the merits of~~
1242 ~~any instructional materials, any member may file an expression~~
1243 ~~of his or her individual opinion.~~

1244
1245 ~~The findings of the committees, including the evaluation of~~
1246 ~~instructional materials, shall be in sessions open to the~~
1247 ~~public. All decisions leading to determinations of the~~

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1248 ~~committees shall be by roll call vote, and at no time will a~~
1249 ~~secret ballot be permitted.~~

1250 Section 24. Section 1006.32, Florida Statutes, is amended
1251 to read:

1252 1006.32 Prohibited acts.—

1253 (1) A ~~No~~ publisher or manufacturer of instructional
1254 material, or any representative thereof, may not ~~shall~~ offer to
1255 give any emolument, money, or other valuable thing, or any
1256 inducement, to any district school board official or state
1257 ~~member of a state-level~~ instructional materials reviewer
1258 ~~committee~~ to directly or indirectly introduce, recommend, vote
1259 for, or otherwise influence the adoption or purchase of any
1260 instructional materials.

1261 (2) A ~~No~~ district school board official or ~~member of a~~
1262 state instructional materials reviewer may not ~~committee shall~~
1263 solicit or accept any emolument, money, or other valuable thing,
1264 or any inducement, to directly or indirectly introduce,
1265 recommend, vote for, or otherwise influence the adoption or
1266 purchase of any instructional material.

1267 (3) A ~~No~~ district school board or publisher may not
1268 participate in a pilot program of materials being considered for
1269 adoption during the 18-month period before the official adoption
1270 of the materials by the commissioner. Any pilot program during
1271 the first 2 years of the adoption period must have the prior
1272 approval of the commissioner.

1273 (4) Any publisher or manufacturer of instructional
1274 materials or representative thereof or any district school board
1275 official or state instructional materials reviewer ~~committee~~
1276 ~~member,~~ who violates any provision of this section commits a

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1277 misdemeanor of the second degree, punishable as provided in s.
1278 775.082 or s. 775.083. Any representative of a publisher or
1279 manufacturer who violates any provision of this section, in
1280 addition to any other penalty, shall be banned from practicing
1281 business in the state for a period of 1 calendar year. ~~Any~~
1282 ~~district school board official or state instructional materials~~
1283 ~~committee member who violates any provision of this section, in~~
1284 ~~addition to any other penalty, shall be removed from his or her~~
1285 ~~official position.~~

1286 (5) This section does not prohibit ~~Nothing in this section~~
1287 ~~shall be construed to prevent~~ any publisher, manufacturer, or
1288 agent from supplying, for purposes of examination, necessary
1289 sample copies of instructional materials to any district school
1290 board official or state instructional materials reviewer
1291 ~~committee member.~~

1292 (6) This section does not prohibit ~~Nothing in this section~~
1293 ~~shall be construed to prevent~~ a district school board official
1294 or state instructional materials reviewer ~~committee member~~ from
1295 receiving sample copies of instructional materials.

1296 (7) This section does not ~~Nothing contained in this section~~
1297 ~~shall be construed to prohibit or restrict~~ a district school
1298 board official from receiving royalties or other compensation,
1299 other than compensation paid to him or her as commission for
1300 negotiating sales to district school boards, from the publisher
1301 or manufacturer of instructional materials written, designed, or
1302 prepared by such district school board official, and adopted by
1303 the commissioner or purchased by any district school board. No
1304 district school board official shall be allowed to receive
1305 royalties on any materials not on the state-adopted list

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1306 purchased for use by his or her district school board.

1307 (8) A ~~No~~ district school superintendent, district school
1308 board member, teacher, or other person officially connected with
1309 the government or direction of public schools may not ~~shall~~
1310 receive during the months actually engaged in performing duties
1311 under his or her contract any private fee, gratuity, donation,
1312 or compensation, in any manner whatsoever, for promoting the
1313 sale or exchange of any instructional material ~~school book~~, map,
1314 or chart in any public school, or be an agent for the sale or
1315 the publisher of any instructional material ~~school textbook~~ or
1316 reference work, or have a direct or indirect pecuniary interest
1317 ~~be directly or indirectly pecuniarily interested~~ in the
1318 introduction of any such instructional material ~~textbook~~, and
1319 any such agency or interest shall disqualify any person so
1320 acting or interested from holding any district school board
1321 employment whatsoever, and the person commits a misdemeanor of
1322 the second degree, punishable as provided in s. 775.082 or s.
1323 775.083; however, provided that this subsection does ~~shall~~ not
1324 prevent ~~be construed as preventing~~ the adoption of any
1325 instructional material ~~book~~ written in whole or in part by a
1326 Florida author.

1327 Section 25. Paragraphs (b) and (e) of subsection (1) and
1328 subsections (2) and (4) of section 1006.33, Florida Statutes,
1329 are amended to read:

1330 1006.33 Bids or proposals; advertisement and its contents.-

1331 (1)

1332 (b) The advertisement shall state that, beginning in 2010-
1333 2011, each bidder shall furnish electronic sample specimen
1334 copies of all instructional materials submitted, at a time

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1335 designated by the department, which ~~specimen~~ copies shall be
1336 identical with the copies approved and accepted by ~~the members~~
1337 ~~of the~~ state instructional materials reviewers ~~committee~~, as
1338 prescribed in this section, and with the copies furnished to the
1339 department and district school superintendents, as provided in
1340 this part. A school district may not request ~~Any district school~~
1341 ~~superintendent who requires~~ samples in addition to the
1342 electronic sample copies ~~format must request those samples~~
1343 ~~through the department.~~

1344 (e) The advertisement shall give information regarding
1345 digital as to how specifications that ~~which~~ have been adopted by
1346 the department, including minimum format requirements that will
1347 enable electronic and digital content to be accessed through the
1348 district's local instructional improvement system and a variety
1349 of mobile, electronic, and digital devices. Beginning with
1350 specifications released in 2014, the digital specifications
1351 shall include requiring the capability for searching by state
1352 standards and site and student-level licensing. Such digital
1353 format specifications shall be appropriate for the
1354 interoperability of the content. The department may not adopt
1355 specifications that require the instructional materials to
1356 include specific references to FCAT and Next Generation Sunshine
1357 State Standards and benchmarks at the point of student use ~~in~~
1358 ~~regard to paper, binding, cover boards, and mechanical makeup~~
1359 ~~can be secured. In adopting specifications, the department shall~~
1360 ~~make an exception for instructional materials that are college-~~
1361 ~~level texts and that do not meet department physical~~
1362 ~~specifications for secondary materials, if the publisher~~
1363 ~~guarantees replacement during the term of the contract.~~

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1364 (2) The bids submitted shall be for furnishing the
1365 designated materials in accordance with specifications of the
1366 department. The bid shall state the lowest wholesale price at
1367 which the materials will be furnished, at the time the adoption
1368 period provided in the contract begins, ~~delivered f.o.b. to the~~
1369 ~~Florida depository of the publisher, manufacturer, or bidder.~~

1370 (4) Sample ~~Specimen~~ copies of all instructional materials
1371 that have been made the bases of contracts under this part
1372 shall, upon request for the purpose of public inspection, be
1373 made available by the publisher to the department and the
1374 district school superintendent of each district school board
1375 that adopts the instructional materials from the state list upon
1376 request for the purpose of public inspection. ~~All contracts and~~
1377 ~~bonds executed under this part shall be signed in triplicate.~~
1378 ~~One copy of each contract and an original of each bid, whether~~
1379 ~~accepted or rejected, shall be preserved with the department for~~
1380 ~~at least 3 years after termination of the contract.~~

1381 Section 26. Subsections (1), (2), (3), and (7) of section
1382 1006.34, Florida Statutes, are amended to read:

1383 1006.34 Powers and duties of the commissioner and the
1384 department in selecting and adopting instructional materials.—

1385 (1) PROCEDURES FOR EVALUATING INSTRUCTIONAL MATERIALS.—The
1386 State Board of Education shall adopt rules prescribing
1387 ~~commissioner shall prescribe~~ the procedures by which the
1388 department shall evaluate instructional materials submitted by
1389 publishers and manufacturers in each adoption. Included in these
1390 procedures shall be provisions affording ~~which afford~~ each
1391 publisher or manufacturer or his or her representative an
1392 opportunity to provide a virtual presentation to ~~present to~~

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1393 ~~members of the~~ state instructional materials reviewers on
1394 ~~committees~~ the merits of each instructional material submitted
1395 in each adoption.

1396 (2) SELECTION AND ADOPTION OF INSTRUCTIONAL MATERIALS.—

1397 (a) The department shall notify all publishers and
1398 manufacturers of instructional materials who have submitted bids
1399 that within 3 weeks after the deadline for receiving bids, at a
1400 designated time and place, it will open the bids submitted and
1401 deposited with it. At the time and place designated, the bids
1402 shall be opened, read, and tabulated in the presence of the
1403 bidders or their representatives. No one may revise his or her
1404 bid after the bids have been filed. When all bids have been
1405 carefully considered, the commissioner shall, from the list of
1406 suitable, usable, and desirable instructional materials reported
1407 by the state instructional materials reviewers ~~committee~~, select
1408 and adopt instructional materials for each grade and subject
1409 field in the curriculum of public elementary, middle, and high
1410 schools in which adoptions are made and in the subject areas
1411 designated in the advertisement. The adoption shall continue for
1412 the period specified in the advertisement, beginning on the
1413 ensuing April 1. The adoption shall not prevent the extension of
1414 a contract as provided in subsection (3). The commissioner shall
1415 always reserve the right to reject any and all bids. The
1416 commissioner may ask for new sealed bids from publishers or
1417 manufacturers whose instructional materials were recommended by
1418 the state instructional materials reviewers ~~committee~~ as
1419 suitable, usable, and desirable; specify the dates for filing
1420 such bids and the date on which they shall be opened; and
1421 proceed in all matters regarding the opening of bids and the

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1422 awarding of contracts as required by this part. In all cases,
1423 bids shall be accompanied by a cash deposit or certified check
1424 of from \$500 to \$2,500, as the department ~~commissioner~~ may
1425 direct. The department, in adopting instructional materials,
1426 shall give due consideration both to the prices bid for
1427 furnishing instructional materials and to the report and
1428 recommendations of the state instructional materials reviewers
1429 ~~committee~~. When the commissioner has finished with the report of
1430 the state instructional materials reviewers ~~committee~~, the
1431 report shall be filed and preserved with the department and
1432 shall be available at all times for public inspection.

1433 (b) In the selection of instructional materials, library
1434 media books, and other reading material used in the public
1435 school system, the standards used to determine the propriety of
1436 the material shall include:

1437 1. The age of the students who normally could be expected
1438 to have access to the material.

1439 2. The educational purpose to be served by the material. In
1440 considering instructional materials for classroom use, priority
1441 shall be given to the selection of materials which encompass the
1442 state and district school board performance standards provided
1443 for in s. 1001.03(1) and which include the instructional
1444 objectives contained within the curriculum frameworks approved
1445 by rule of the State Board of Education.

1446 3. The degree to which the material would be supplemented
1447 and explained by mature classroom instruction as part of a
1448 normal classroom instructional program.

1449 4. The consideration of the broad racial, ethnic,
1450 socioeconomic, and cultural diversity of the students of this

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1451 state.

1452
1453 Any instructional ~~No book or other~~ material containing ~~hard-core~~
1454 pornography or otherwise prohibited by s. 847.012 may not shall
1455 be used or made available within any public school ~~district~~.

1456 (3) CONTRACT WITH PUBLISHERS OR MANUFACTURERS; BOND.—As
1457 soon as practicable after the commissioner has adopted any
1458 instructional materials and all bidders that have secured the
1459 adoption of any instructional materials have been notified
1460 thereof by registered letter, the department ~~of Legal Affairs~~
1461 shall prepare a contract in proper form with every bidder
1462 awarded the adoption of any instructional materials. Each
1463 contract shall be executed by the commissioner ~~Governor and~~
1464 ~~Secretary of State under the seal of the state~~, one copy to be
1465 kept by the contractor, ~~one copy to be filed with the Department~~
1466 ~~of State~~, and one copy to be filed with the department. After
1467 giving due consideration to comments by the district school
1468 boards, the commissioner, with the agreement of the publisher,
1469 may extend or shorten a contract period for a period not to
1470 exceed 2 years; and the terms of any such contract shall remain
1471 the same as in the original contract. Any publisher or
1472 manufacturer to whom any contract is let under this part must
1473 give bond in such amount as the department ~~commissioner~~
1474 requires, payable to the state, conditioned for the faithful,
1475 honest, and exact performance of the contract. The bond must
1476 provide for the payment of reasonable attorney's fees in case of
1477 recovery in any suit thereon. The surety on the bond must be a
1478 guaranty or surety company lawfully authorized to do business in
1479 the state; however, the bond shall not be exhausted by a single

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1480 recovery but may be sued upon from time to time until the full
1481 amount thereof is recovered, and the department may at any time,
1482 after giving 30 days' notice, require additional security or
1483 additional bond. The form of any bond or bonds or contract or
1484 contracts under this part shall be prepared and approved by the
1485 department ~~of Legal Affairs~~. At the discretion of the department
1486 ~~commissioner~~, a publisher or manufacturer to whom any contract
1487 is let under this part may be allowed a cash deposit in lieu of
1488 a bond, conditioned for the faithful, honest, and exact
1489 performance of the contract. The cash deposit, payable to the
1490 department, shall be placed in the Textbook Bid Trust Fund. The
1491 department may recover damages on the cash deposit given by the
1492 contractor for failure to furnish instructional materials, the
1493 sum recovered to inure to the General Revenue Fund.

1494 (7) FORFEITURE OF CONTRACT AND BOND.—If any publisher or
1495 manufacturer of instructional materials fails or refuses to
1496 furnish ~~a book, or books, or other~~ instructional materials as
1497 provided in the contract, the publisher's or manufacturer's ~~his~~
1498 ~~or her~~ bond is forfeited and the commissioner must ~~department~~
1499 ~~shall~~ make another contract ~~on such terms as it may find~~
1500 ~~desirable, after giving due consideration to the recommendations~~
1501 ~~of the commissioner~~.

1502 Section 27. Subsection (2) of section 1006.35, Florida
1503 Statutes, is amended to read:

1504 1006.35 Accuracy of instructional materials.—

1505 (2) When errors in state-adopted materials are confirmed,
1506 the publisher of the materials shall provide to each district
1507 school board that has purchased the materials the corrections in
1508 a format approved by the department ~~commissioner~~.

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1509 Section 28. Section 1006.36, Florida Statutes, is amended
1510 to read:

1511 1006.36 Term of adoption for instructional materials.—

1512 (1) The term of adoption of any instructional materials
1513 must be a 5-year ~~6-year~~ period beginning on April 1 following
1514 the adoption, except that the commissioner may approve terms of
1515 adoption of less than 5 ~~6~~ years for materials in content areas
1516 which require more frequent revision. Any contract for
1517 instructional materials may be extended as prescribed in s.
1518 1006.34(3).

1519 (2) The department shall publish annually an official
1520 schedule of subject areas to be called for adoption for each of
1521 the succeeding 2 years, and a tentative schedule for years 3, 4,
1522 and 5, ~~and 6~~. If extenuating circumstances warrant, the
1523 commissioner may ~~order the department to~~ add one or more subject
1524 areas to the official schedule, in which event the commissioner
1525 shall develop criteria for such additional subject area or areas
1526 and make them available to publishers as soon as practicable
1527 before the date on which bids are due. The schedule shall be
1528 developed so as to promote balance among the subject areas so
1529 that the required expenditure for new instructional materials is
1530 approximately the same each year in order to maintain curricular
1531 consistency.

1532 Section 29. Subsections (2), (3), (5), and (14) through
1533 (17) of section 1006.38, Florida Statutes, are amended to read:

1534 1006.38 Duties, responsibilities, and requirements of
1535 instructional materials publishers and manufacturers.—Publishers
1536 and manufacturers of instructional materials, or their
1537 representatives, shall:

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1538 (2) Electronically deliver fully developed sample ~~specimen~~
1539 copies of all instructional materials upon which bids are based
1540 to the department pursuant to procedures adopted by the State
1541 Board of Education ~~each member of a state instructional~~
1542 ~~materials committee. At the conclusion of the review process,~~
1543 ~~manufacturers submitting samples of instructional materials are~~
1544 ~~entitled to the return thereof, at the expense of the~~
1545 ~~manufacturers; or, in the alternative, the manufacturers are~~
1546 ~~entitled to reimbursement by the individual committee members~~
1547 ~~for the retail value of the samples.~~

1548 (3) Submit, at a time designated in s. 1006.33, the
1549 following information:

1550 (a) Detailed specifications of the physical characteristics
1551 of the instructional materials, including any software or
1552 technological tools required for use by the district, school,
1553 teachers, or students. The publisher or manufacturer shall
1554 comply with these specifications if the instructional materials
1555 are adopted and purchased in completed form.

1556 (b) Evidence ~~Written proof~~ that the publisher has provided
1557 materials that address the ~~written correlations to appropriate~~
1558 ~~curricular objectives included within applicable performance~~
1559 ~~standards provided for in s. 1001.03(1)~~ and that can be accessed
1560 through the district's local instructional improvement system
1561 and a variety of electronic, digital, and mobile devices.

1562 (5) Furnish the instructional materials offered by them at
1563 a price in the state which, including all costs of electronic
1564 transmission ~~transportation to their depositories,~~ may shall not
1565 exceed the lowest price at which they offer such instructional
1566 materials for adoption or sale to any state or school district

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1567 in the United States.

1568 ~~(14) For all other subject areas, maintain in the~~
1569 ~~depository an inventory of instructional materials sufficient to~~
1570 ~~receive and fill orders.~~

1571 (14) ~~(15)~~ Accurately and fully disclose only the names of
1572 those persons who actually authored the instructional materials.
1573 In addition to the penalties provided in subsection (16) ~~(17)~~,
1574 the commissioner may remove from the list of state-adopted
1575 instructional materials those instructional materials whose
1576 publisher or manufacturer misleads the purchaser by falsely
1577 representing genuine authorship.

1578 (15) ~~(16)~~ Grant, without prior written request, for any
1579 copyright held by the publisher or its agencies automatic
1580 permission to the department or its agencies for the
1581 reproduction of instructional materials ~~textbooks~~ and
1582 supplementary materials in braille, ~~or~~ large print, or other
1583 appropriate format ~~in the form of sound recordings~~, for use by
1584 visually impaired students or other students with disabilities
1585 that would benefit from use of the materials.

1586 (16) ~~(17)~~ Upon the willful failure of the publisher or
1587 manufacturer to comply with the requirements of this section, be
1588 liable to the department in the amount of three ~~3~~ times the
1589 total sum which the publisher or manufacturer was paid in excess
1590 of the price required under subsections (5) and (6) and in the
1591 amount of three ~~3~~ times the total value of the instructional
1592 materials and services which the district school board is
1593 entitled to receive free of charge under subsection (7).

1594 Section 30. Subsection (5) of section 1006.39, Florida
1595 Statutes, is amended to read:

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1596 1006.39 Production and dissemination of educational
1597 materials and products by department.—

1598 (5) The department shall not enter into the business of
1599 producing or publishing instructional materials ~~textbooks, or~~
1600 ~~the contents therein,~~ for general use in classrooms.

1601 Section 31. Subsection (2), paragraph (a) of subsection
1602 (3), and subsection (4) of section 1006.40, Florida Statutes,
1603 are amended to read:

1604 1006.40 Use of instructional materials allocation;
1605 instructional materials, library books, and reference books;
1606 repair of books.—

1607 (2) ~~(a)~~ Each district school board must purchase current
1608 instructional materials to provide each student with ~~a textbook~~
1609 ~~or other instructional materials~~ as a major tool of instruction
1610 in core courses of the ~~appropriate~~ subject areas of mathematics,
1611 language arts, science, social studies, reading, and literature
1612 for kindergarten through grade 12. Such purchase must be made
1613 within the first 2 years after the effective date of the
1614 ~~adoption cycle; however, this requirement is waived for the~~
1615 ~~adoption cycle occurring in the 2008-2009 academic year for~~
1616 ~~schools within the district which are identified in the top four~~
1617 ~~categories of schools pursuant to s. 1008.33, as amended by~~
1618 ~~chapter 2009-144, Laws of Florida. The Commissioner of Education~~
1619 ~~may provide a waiver of this requirement for the adoption cycle~~
1620 ~~occurring in the 2008-2009 academic year if the district~~
1621 ~~demonstrates that it has intervention and support strategies to~~
1622 ~~address the particular needs of schools in the lowest two~~
1623 ~~categories. Unless specifically provided for in the General~~
1624 ~~Appropriations Act, the cost of instructional materials~~

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1625 ~~purchases required by this paragraph shall not exceed the amount~~
1626 ~~of the district's allocation for instructional materials,~~
1627 ~~pursuant to s. 1011.67, for the previous 2 years.~~

1628 ~~(b) The requirement in paragraph (a) does not apply to~~
1629 ~~contracts in existence before April 1, 2000, or to a purchase~~
1630 ~~related to growth of student membership in the district or for~~
1631 ~~instructional materials maintenance needs.~~

1632 (3) (a) By the 2015-2016 fiscal year, each district school
1633 board shall use at least 50 percent of the annual allocation for
1634 the purchase of digital or electronic instructional materials
1635 included on the state-adopted list, except as otherwise
1636 authorized in paragraphs (b) and (c). ~~No less than 50 percent of~~
1637 ~~the annual allocation shall be used to purchase items which will~~
1638 ~~be used to provide instruction to students at the level or~~
1639 ~~levels for which the materials are designed.~~

1640 (4) The funds described in subsection (3) which district
1641 school boards may use to purchase materials not on the state-
1642 adopted list shall be used for the purchase of instructional
1643 materials or other items having intellectual content which
1644 assist in the instruction of a subject or course. These items
1645 may be available in bound, unbound, kit, or package form and may
1646 consist of hardbacked or softbacked textbooks, electronic
1647 content, replacements for items which were part of previously
1648 purchased instructional materials, consumables, learning
1649 laboratories, manipulatives, electronic media, computer
1650 courseware or software, and other commonly accepted
1651 instructional tools as prescribed by district school board rule.
1652 ~~The funds available to district school boards for the purchase~~
1653 ~~of materials not on the state-adopted list may not be used to~~

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1654 ~~purchase electronic or computer hardware even if such hardware~~
1655 ~~is bundled with software or other electronic media unless the~~
1656 ~~district school board has complied with the requirements in s.~~
1657 ~~1011.62(6)(b)5., nor may such funds be used to purchase~~
1658 ~~equipment or supplies. However, when authorized to do so in the~~
1659 ~~General Appropriations Act, a school or district school board~~
1660 ~~may use a portion of the funds available to it for the purchase~~
1661 ~~of materials not on the state adopted list to purchase science~~
1662 ~~laboratory materials and supplies.~~

1663 Section 32. Section 1006.43, Florida Statutes, is repealed.

1664 Section 33. Paragraphs (j) through (u) of subsection (1),
1665 paragraph (a) of subsection (4), paragraph (b) of subsection
1666 (6), and subsection (11) of section 1011.62, Florida Statutes,
1667 are amended, present subsections (11) through (13) of that
1668 section are redesignated as subsections (12) through (14),
1669 respectively, and a new subsection (11) is added to that
1670 section, to read:

1671 1011.62 Funds for operation of schools.—If the annual
1672 allocation from the Florida Education Finance Program to each
1673 district for operation of schools is not determined in the
1674 annual appropriations act or the substantive bill implementing
1675 the annual appropriations act, it shall be determined as
1676 follows:

1677 (1) COMPUTATION OF THE BASIC AMOUNT TO BE INCLUDED FOR
1678 OPERATION.—The following procedure shall be followed in
1679 determining the annual allocation to each district for
1680 operation:

1681 ~~(j) Coenrollment. If a high school student wishes to earn~~
1682 ~~high school credits from a community college and enrolls in one~~

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1683 ~~or more adult secondary education courses at the community~~
1684 ~~college, the community college shall be reimbursed for the costs~~
1685 ~~incurred because of the high school student's coenrollment as~~
1686 ~~provided in the General Appropriations Act.~~

1687 (j)~~(k)~~ *Instruction in exploratory career education.*—
1688 Students in grades 7 through 12 who are enrolled for more than
1689 four semesters in exploratory career education may not be
1690 counted as full-time equivalent students for this instruction.

1691 (k)~~(l)~~ *Study hall.*—A student who is enrolled in study hall
1692 may not be included in the calculation of full-time equivalent
1693 student membership for funding under this section.

1694 (l)~~(m)~~ *Calculation of additional full-time equivalent*
1695 *membership based on International Baccalaureate examination*
1696 *scores of students.*—A value of 0.16 full-time equivalent student
1697 membership shall be calculated for each student enrolled in an
1698 International Baccalaureate course who receives a score of 4 or
1699 higher on a subject examination. A value of 0.3 full-time
1700 equivalent student membership shall be calculated for each
1701 student who receives an International Baccalaureate diploma.
1702 Such value shall be added to the total full-time equivalent
1703 student membership in basic programs for grades 9 through 12 in
1704 the subsequent fiscal year. Each school district shall allocate
1705 80 percent of the funds received from International
1706 Baccalaureate bonus FTE funding to the school program whose
1707 students generate the funds and to school programs that prepare
1708 prospective students to enroll in International Baccalaureate
1709 courses. Funds shall be expended solely for the payment of
1710 allowable costs associated with the International Baccalaureate
1711 program. Allowable costs include International Baccalaureate

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1712 annual school fees; International Baccalaureate examination
1713 fees; salary, benefits, and bonuses for teachers and program
1714 coordinators for the International Baccalaureate program and
1715 teachers and coordinators who prepare prospective students for
1716 the International Baccalaureate program; supplemental books;
1717 instructional supplies; instructional equipment or instructional
1718 materials for International Baccalaureate courses; other
1719 activities that identify prospective International Baccalaureate
1720 students or prepare prospective students to enroll in
1721 International Baccalaureate courses; and training or
1722 professional development for International Baccalaureate
1723 teachers. School districts shall allocate the remaining 20
1724 percent of the funds received from International Baccalaureate
1725 bonus FTE funding for programs that assist academically
1726 disadvantaged students to prepare for more rigorous courses. The
1727 school district shall distribute to each classroom teacher who
1728 provided International Baccalaureate instruction:

1729 1. A bonus in the amount of \$50 for each student taught by
1730 the International Baccalaureate teacher in each International
1731 Baccalaureate course who receives a score of 4 or higher on the
1732 International Baccalaureate examination.

1733 2. An additional bonus of \$500 to each International
1734 Baccalaureate teacher in a school designated with a grade of "D"
1735 or "F" who has at least one student scoring 4 or higher on the
1736 International Baccalaureate examination, regardless of the
1737 number of classes taught or of the number of students scoring a
1738 4 or higher on the International Baccalaureate examination.

1739
1740 Bonuses awarded to a teacher according to this paragraph shall

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1741 not exceed \$2,000 in any given school year and shall be in
1742 addition to any regular wage or other bonus the teacher received
1743 or is scheduled to receive.

1744 (m)~~(n)~~ Calculation of additional full-time equivalent
1745 membership based on Advanced International Certificate of
1746 Education examination scores of students.—A value of 0.16 full-
1747 time equivalent student membership shall be calculated for each
1748 student enrolled in a full-credit Advanced International
1749 Certificate of Education course who receives a score of E or
1750 higher on a subject examination. A value of 0.08 full-time
1751 equivalent student membership shall be calculated for each
1752 student enrolled in a half-credit Advanced International
1753 Certificate of Education course who receives a score of E or
1754 higher on a subject examination. A value of 0.3 full-time
1755 equivalent student membership shall be calculated for each
1756 student who receives an Advanced International Certificate of
1757 Education diploma. Such value shall be added to the total full-
1758 time equivalent student membership in basic programs for grades
1759 9 through 12 in the subsequent fiscal year. The school district
1760 shall distribute to each classroom teacher who provided Advanced
1761 International Certificate of Education instruction:

1762 1. A bonus in the amount of \$50 for each student taught by
1763 the Advanced International Certificate of Education teacher in
1764 each full-credit Advanced International Certificate of Education
1765 course who receives a score of E or higher on the Advanced
1766 International Certificate of Education examination. A bonus in
1767 the amount of \$25 for each student taught by the Advanced
1768 International Certificate of Education teacher in each half-
1769 credit Advanced International Certificate of Education course

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1770 who receives a score of E or higher on the Advanced
1771 International Certificate of Education examination.

1772 2. An additional bonus of \$500 to each Advanced
1773 International Certificate of Education teacher in a school
1774 designated with a grade of "D" or "F" who has at least one
1775 student scoring E or higher on the full-credit Advanced
1776 International Certificate of Education examination, regardless
1777 of the number of classes taught or of the number of students
1778 scoring an E or higher on the full-credit Advanced International
1779 Certificate of Education examination.

1780 3. Additional bonuses of \$250 each to teachers of half-
1781 credit Advanced International Certificate of Education classes
1782 in a school designated with a grade of "D" or "F" which has at
1783 least one student scoring an E or higher on the half-credit
1784 Advanced International Certificate of Education examination in
1785 that class. The maximum additional bonus for a teacher awarded
1786 in accordance with this subparagraph shall not exceed \$500 in
1787 any given school year. Teachers receiving an award under
1788 subparagraph 2. are not eligible for a bonus under this
1789 subparagraph.

1790
1791 Bonuses awarded to a teacher according to this paragraph shall
1792 not exceed \$2,000 in any given school year and shall be in
1793 addition to any regular wage or other bonus the teacher received
1794 or is scheduled to receive.

1795 (n) ~~(o)~~ Calculation of additional full-time equivalent
1796 membership based on college board advanced placement scores of
1797 students.—A value of 0.16 full-time equivalent student
1798 membership shall be calculated for each student in each advanced

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1799 placement course who receives a score of 3 or higher on the
1800 College Board Advanced Placement Examination for the prior year
1801 and added to the total full-time equivalent student membership
1802 in basic programs for grades 9 through 12 in the subsequent
1803 fiscal year. Each district must allocate at least 80 percent of
1804 the funds provided to the district for advanced placement
1805 instruction, in accordance with this paragraph, to the high
1806 school that generates the funds. The school district shall
1807 distribute to each classroom teacher who provided advanced
1808 placement instruction:

1809 1. A bonus in the amount of \$50 for each student taught by
1810 the Advanced Placement teacher in each advanced placement course
1811 who receives a score of 3 or higher on the College Board
1812 Advanced Placement Examination.

1813 2. An additional bonus of \$500 to each Advanced Placement
1814 teacher in a school designated with a grade of "D" or "F" who
1815 has at least one student scoring 3 or higher on the College
1816 Board Advanced Placement Examination, regardless of the number
1817 of classes taught or of the number of students scoring a 3 or
1818 higher on the College Board Advanced Placement Examination.

1819
1820 Bonuses awarded to a teacher according to this paragraph shall
1821 not exceed \$2,000 in any given school year and shall be in
1822 addition to any regular wage or other bonus the teacher received
1823 or is scheduled to receive.

1824 (o) ~~(p)~~ *Calculation of additional full-time equivalent*
1825 *membership based on certification of successful completion of*
1826 *industry-certified career and professional academy programs*
1827 *pursuant to ss. 1003.491, 1003.492, ~~and~~ 1003.493 and 1003.4935*

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1828 *and identified in the Industry Certified Funding List pursuant*
1829 *to rules adopted by the State Board of Education.*—A value of
1830 0.1, 0.2, or 0.3 full-time equivalent student membership shall
1831 be calculated for each student who completes an industry-
1832 certified career and professional academy program under ss.
1833 1003.491, 1003.492, ~~and~~ 1003.493 and 1003.4935 and who is issued
1834 the highest level of industry certification identified annually
1835 in the Industry Certification Funding List approved under rules
1836 adopted by the State Board of Education and a high school
1837 diploma. The maximum full-time equivalent student membership
1838 value for any student is 0.3. The Department of Education shall
1839 assign the appropriate full-time equivalent value for each
1840 certification, 50 percent of which is based on rigor and the
1841 remaining 50 percent on employment value. The State Board of
1842 Education shall include the assigned values in the Industry
1843 Certification Funding List under rules adopted by the state
1844 board. Rigor shall be based on the number of instructional
1845 hours, including work experience hours, required to earn the
1846 certification, with a bonus for industry certifications that
1847 have a statewide articulation agreement for college credit
1848 approved by the State Board of Education. Employment value shall
1849 be based on the entry wage, growth rate in employment for each
1850 occupational category, and average annual openings for the
1851 primary occupation linked to the industry certification. Such
1852 value shall be added to the total full-time equivalent student
1853 membership in secondary career education programs for grades 9
1854 through 12 in the subsequent year for courses that were not
1855 funded through dual enrollment. The additional full-time
1856 equivalent membership authorized under this paragraph may not

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1857 exceed 0.3 per student. Each district must allocate at least 80
1858 percent of the funds provided for industry certification, in
1859 accordance with this paragraph, to the program that generated
1860 the funds. Unless a different amount is specified in the General
1861 Appropriations Act, the appropriation for this calculation is
1862 limited to \$15 million annually. If the appropriation is
1863 insufficient to fully fund the total calculation, the
1864 appropriation shall be prorated.

1865 ~~(q) Calculation of additional full-time equivalent~~
1866 ~~membership for the Florida Virtual School. The reported full-~~
1867 ~~time equivalent student membership for the Florida Virtual~~
1868 ~~School for students who are also enrolled in a school district~~
1869 ~~shall be multiplied by 0.114, and such value shall be added to~~
1870 ~~the total full-time equivalent student membership.~~

1871 (p) ~~(r)~~ *Year-round-school programs.*—The Commissioner of
1872 Education is authorized to adjust student eligibility
1873 definitions, funding criteria, and reporting requirements of
1874 statutes and rules in order that year-round-school programs may
1875 achieve equivalent application of funding requirements with non-
1876 year-round-school programs.

1877 (q) ~~(s)~~ *Extended-school-year program.*—It is the intent of
1878 the Legislature that students be provided additional instruction
1879 by extending the school year to 210 days or more. Districts may
1880 apply to the Commissioner of Education for funds to be used in
1881 planning and implementing an extended-school-year program.

1882 (r) ~~(t)~~ *Determination of the basic amount for current*
1883 *operation.*—The basic amount for current operation to be included
1884 in the Florida Education Finance Program for kindergarten
1885 through grade 12 for each district shall be the product of the

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1886 following:

1887 1. The full-time equivalent student membership in each
1888 program, multiplied by

1889 2. The cost factor for each program, adjusted for the
1890 maximum as provided by paragraph (c), multiplied by

1891 3. The base student allocation.

1892 (s)~~(u)~~ *Computation for funding through the Florida*
1893 *Education Finance Program.*—The State Board of Education may
1894 adopt rules establishing programs and courses for which the
1895 student may earn credit toward high school graduation.

1896 (4) COMPUTATION OF DISTRICT REQUIRED LOCAL EFFORT.—The
1897 Legislature shall prescribe the aggregate required local effort
1898 for all school districts collectively as an item in the General
1899 Appropriations Act for each fiscal year. The amount that each
1900 district shall provide annually toward the cost of the Florida
1901 Education Finance Program for kindergarten through grade 12
1902 programs shall be calculated as follows:

1903 (a) *Estimated taxable value calculations.*—

1904 1.a. Not later than 2 working days prior to July 19, the
1905 Department of Revenue shall certify to the Commissioner of
1906 Education its most recent estimate of the taxable value for
1907 school purposes in each school district and the total for all
1908 school districts in the state for the current calendar year
1909 based on the latest available data obtained from the local
1910 property appraisers. The value certified shall be the taxable
1911 value for school purposes for that year, and no further
1912 adjustments shall be made, except those made pursuant to
1913 paragraphs (c) and (d), or an assessment roll change required by
1914 final judicial decisions as specified in paragraph (13) (b)

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1915 ~~(12)(b)~~. Not later than July 19, the Commissioner of Education
1916 shall compute a millage rate, rounded to the next highest one
1917 one-thousandth of a mill, which, when applied to 96 percent of
1918 the estimated state total taxable value for school purposes,
1919 would generate the prescribed aggregate required local effort
1920 for that year for all districts. The Commissioner of Education
1921 shall certify to each district school board the millage rate,
1922 computed as prescribed in this subparagraph, as the minimum
1923 millage rate necessary to provide the district required local
1924 effort for that year.

1925 b. The General Appropriations Act shall direct the
1926 computation of the statewide adjusted aggregate amount for
1927 required local effort for all school districts collectively from
1928 ad valorem taxes to ensure that no school district's revenue
1929 from required local effort millage will produce more than 90
1930 percent of the district's total Florida Education Finance
1931 Program calculation as calculated and adopted by the
1932 Legislature, and the adjustment of the required local effort
1933 millage rate of each district that produces more than 90 percent
1934 of its total Florida Education Finance Program entitlement to a
1935 level that will produce only 90 percent of its total Florida
1936 Education Finance Program entitlement in the July calculation.

1937 2. On the same date as the certification in sub-
1938 subparagraph 1.a., the Department of Revenue shall certify to
1939 the Commissioner of Education for each district:

1940 a. Each year for which the property appraiser has certified
1941 the taxable value pursuant to s. 193.122(2) or (3), if
1942 applicable, since the prior certification under sub-subparagraph
1943 1.a.

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1944 b. For each year identified in sub-subparagraph a., the
1945 taxable value certified by the appraiser pursuant to s.
1946 193.122(2) or (3), if applicable, since the prior certification
1947 under sub-subparagraph 1.a. This is the certification that
1948 reflects all final administrative actions of the value
1949 adjustment board.

1950 (6) CATEGORICAL FUNDS.—

1951 (b) If a district school board finds and declares in a
1952 resolution adopted at a regular meeting of the school board that
1953 the funds received for any of the following categorical
1954 appropriations are urgently needed to maintain school board
1955 specified academic classroom instruction, the school board may
1956 consider and approve an amendment to the school district
1957 operating budget transferring the identified amount of the
1958 categorical funds to the appropriate account for expenditure:

- 1959 1. Funds for student transportation.
- 1960 2. Funds for safe schools.
- 1961 3. Funds for supplemental academic instruction.
- 1962 4. Funds for research-based reading instruction.
- 1963 5. Funds for instructional materials if all instructional
1964 material purchases necessary to provide updated materials
1965 aligned to Next Generation Sunshine State Standards and
1966 benchmarks and that meet statutory requirements of content and
1967 learning have been completed for that fiscal year, but no sooner
1968 than March 1, ~~2011~~. Funds available after March 1 may be used to
1969 purchase hardware for student instruction.

1970 (11) VIRTUAL EDUCATION CONTRIBUTION.—The Legislature may
1971 annually provide in the Florida Education Finance Program a
1972 virtual education contribution. The amount of the virtual

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1973 education contribution shall be the difference between the
1974 amount per FTE established in the General Appropriations Act for
1975 virtual education and the amount per FTE for each district and
1976 the Florida Virtual School, which may be calculated by taking
1977 the sum of the base FEFP allocation, the discretionary local
1978 effort, the state-funded discretionary contribution, the
1979 discretionary millage compression supplement, the research-based
1980 reading instruction allocation, and the instructional materials
1981 allocation, and then dividing by the total unweighted FTE. This
1982 difference shall be multiplied by the virtual education
1983 unweighted FTE for programs and options identified in s.
1984 1002.455(3)(a), (b), and (d) and the Florida Virtual School and
1985 its franchises to equal the virtual education contribution and
1986 shall be included as a separate allocation in the funding
1987 formula.

1988 (12)~~(11)~~ QUALITY ASSURANCE GUARANTEE.—The Legislature may
1989 annually in the General Appropriations Act determine a
1990 percentage increase in funds per K-12 unweighted FTE as a
1991 minimum guarantee to each school district. The guarantee shall
1992 be calculated from prior year base funding per unweighted FTE
1993 student which shall include the adjusted FTE dollars as provided
1994 in subsection (13) ~~(12)~~, quality guarantee funds, and actual
1995 nonvoted discretionary local effort from taxes. From the base
1996 funding per unweighted FTE, the increase shall be calculated for
1997 the current year. The current year funds from which the
1998 guarantee shall be determined shall include the adjusted FTE
1999 dollars as provided in subsection (13) ~~(12)~~ and potential
2000 nonvoted discretionary local effort from taxes. A comparison of
2001 current year funds per unweighted FTE to prior year funds per

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2002 unweighted FTE shall be computed. For those school districts
2003 which have less than the legislatively assigned percentage
2004 increase, funds shall be provided to guarantee the assigned
2005 percentage increase in funds per unweighted FTE student. Should
2006 appropriated funds be less than the sum of this calculated
2007 amount for all districts, the commissioner shall prorate each
2008 district's allocation. This provision shall be implemented to
2009 the extent specifically funded.

2010 Section 34. Section 1011.621, Florida Statutes, is created
2011 to read:

2012 1011.621 Adjustments for interdistrict transfers of
2013 students in Department of Juvenile Justice detention facilities
2014 within a survey period.—The Department of Education, upon
2015 request by a school district and verification by the Department
2016 of Juvenile Justice, shall direct a school district that
2017 receives Florida Education Finance Program funds attributed to a
2018 membership survey for children in secure detention care pursuant
2019 to chapter 985 to transfer a pro rata share of the funds to
2020 another district that served the same students during the same
2021 survey period but were unable to report the students for
2022 funding. The amount of the funds transfer shall be based on the
2023 percentage of the survey period in which the students were
2024 served by each district.

2025 Section 35. Subsection (2) of section 1011.685, Florida
2026 Statutes, is amended to read:

2027 1011.685 Class size reduction; operating categorical fund.—

2028 (2) Class size reduction operating categorical funds shall
2029 be used by school districts to reduce class size as required in
2030 s. 1003.03. A school district that meets the maximum class size

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2031 requirement may use the funds, ~~or the funds may be used~~ for any
2032 lawful operating expenditure; however, priority shall be given
2033 to increasing salaries of classroom teachers.

2034 Section 36. Subsection (1), paragraph (b) of subsection
2035 (3), and subsection (5) of section 1011.71, Florida Statutes,
2036 are amended, and paragraphs (c) and (d) are added to subsection
2037 (3) of that section, to read:

2038 1011.71 District school tax.—

2039 (1) If the district school tax is not provided in the
2040 General Appropriations Act or the substantive bill implementing
2041 the General Appropriations Act, each district school board
2042 desiring to participate in the state allocation of funds for
2043 current operation as prescribed by s. 1011.62(13) ~~1011.62(12)~~
2044 shall levy on the taxable value for school purposes of the
2045 district, exclusive of millage voted under the provisions of s.
2046 9(b) or s. 12, Art. VII of the State Constitution, a millage
2047 rate not to exceed the amount certified by the commissioner as
2048 the minimum millage rate necessary to provide the district
2049 required local effort for the current year, pursuant to s.
2050 1011.62(4)(a)1. In addition to the required local effort millage
2051 levy, each district school board may levy a nonvoted current
2052 operating discretionary millage. The Legislature shall prescribe
2053 annually in the appropriations act the maximum amount of millage
2054 a district may levy.

2055 (3)

2056 (b) In addition to the millage authorized in this section,
2057 each district school board may, by a super majority vote, levy
2058 an additional 0.25 mills for critical capital outlay needs or
2059 for critical operating needs. If levied for capital outlay,

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2060 expenditures shall be subject to the requirements of this
2061 section. If levied for operations, expenditures shall be
2062 consistent with the requirements for operating funds received
2063 pursuant to s. 1011.62. If the district levies this additional
2064 0.25 mills for operations, the compression adjustment pursuant
2065 to s. 1011.62(5) shall be calculated and added to the district's
2066 FEFP allocation. Millage levied pursuant to this paragraph is
2067 subject to the provisions of s. 200.065. In order to be
2068 continued after the 2010-2011 fiscal year, millage levied
2069 pursuant to this paragraph must be approved by the voters of the
2070 district at the 2010 general election or at a subsequent
2071 election held at any time, except that not more than one such
2072 election shall be held during any 12-month period. Any millage
2073 so authorized shall be levied for a period not in excess of 2
2074 years or until changed by another millage election, whichever is
2075 earlier. If any such election is invalidated by a court of
2076 competent jurisdiction, such invalidated election shall be
2077 considered not to have been held. The provisions of this
2078 paragraph expire June 30, 2011.

2079 (c) Local funds generated by the additional 0.25 mills
2080 authorized in paragraph (b) and state funds provided pursuant to
2081 s. 1011.62(5) may not be included in the calculation of the
2082 Florida Education Finance Program in 2011-2012 or any subsequent
2083 year and may not be incorporated in the calculation of any hold-
2084 harmless or other component of the Florida Education Finance
2085 Program in any year, except as provided in paragraph (d).

2086 (d) For the 2011-2012 and 2012-2013 fiscal years, the 0.25
2087 mills authorized in paragraph (b) may be levied by the districts
2088 in which it was authorized by the voters in the 2010 general

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2089 election. If a district levies this voter-approved 0.25 mills
2090 for operations, a compression adjustment pursuant to s.
2091 1011.62(5) may be calculated and added to the district's Florida
2092 Education Finance Program allocation, subject to determination
2093 in the General Appropriations Act.

2094 (5) Effective July 1, 2008, a school district may expend,
2095 subject to the provisions of s. 200.065, up to \$100 per
2096 unweighted full-time equivalent student from the revenue
2097 generated by the millage levy authorized by subsection (2) to
2098 fund, in addition to expenditures authorized in paragraphs
2099 (2)(a)-(j), expenses for the following:

2100 (a) The purchase, lease-purchase, or lease of driver's
2101 education vehicles; motor vehicles used for the maintenance or
2102 operation of plants and equipment; security vehicles; or
2103 vehicles used in storing or distributing materials and
2104 equipment.

2105 (b) Payment of the cost of premiums, as defined in s.
2106 627.403, for property and casualty insurance necessary to insure
2107 school district educational and ancillary plants. As used in
2108 this paragraph, casualty insurance has the same meaning as in s.
2109 624.605(1)(d), (f), (g), (h), and (m). Operating revenues that
2110 are made available through the payment of property and casualty
2111 insurance premiums from revenues generated under this subsection
2112 may be expended only for nonrecurring operational expenditures
2113 of the school district.

2114 Section 37. If the Commissioner of Education determines
2115 that a school district acted in good faith, he or she may waive
2116 the equal-dollar reduction required in s. 1011.71, Florida
2117 Statutes, for audit findings for the 2009-2010 fiscal year, and

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2118 for expenditures made prior to January 1, 2011, in the 2010-2011
2119 fiscal year for payment of premiums for property insurance and
2120 casualty insurance.

2121 Section 38. Notwithstanding the repeal of s. 1012.225,
2122 Florida Statutes, in section 11 of Committee Substitute for
2123 House Bill 7087, state funding for the Merit Award Program in
2124 the Conference Report on Senate Bill 2000 is provided for
2125 payment of awards for 2010-2011 fiscal year teacher performance
2126 pursuant to s. 1012.225, Florida Statutes 2010.

2127 Section 39. Section 1013.737, Florida Statutes, is amended
2128 to read:

2129 1013.737 The Class Size Reduction and Educational
2130 Facilities Lottery Revenue Bond Program.—There is established
2131 the Class Size Reduction and Educational Facilities Lottery
2132 Revenue Bond Program.

2133 (1) The issuance of revenue bonds is authorized to finance
2134 or refinance the construction, acquisition, reconstruction, or
2135 renovation of educational facilities. Such bonds shall be issued
2136 pursuant to and in compliance with the provisions of s. 11(d),
2137 Art. VII of the State Constitution, the provisions of the State
2138 Bond Act, ss. 215.57-215.83, as amended, and the provisions of
2139 this section.

2140 (2) The bonds are payable from, and secured by a first lien
2141 on, the first lottery revenues transferred to the Educational
2142 Enhancement Trust Fund each fiscal year, as provided by s.
2143 24.121(2), and do not constitute a general obligation of, or a
2144 pledge of the full faith and credit of, the state.

2145 (3) The state hereby covenants with the holders of such
2146 revenue bonds that it will not take any action that will

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2147 materially and adversely affect the rights of such holders so
2148 long as bonds authorized by this section are outstanding. The
2149 state does hereby additionally authorize the establishment of a
2150 covenant in connection with the bonds which provides that any
2151 additional funds received by the state from new or enhanced
2152 lottery programs; video gaming; banking card games, including
2153 baccarat, chemin de fer, or blackjack; electronic or
2154 electromechanical facsimiles of any game of chance; casino
2155 games; slot machines; or other similar activities will first be
2156 available for payments relating to bonds pledging revenues
2157 available pursuant to s. 24.121(2), prior to use for any other
2158 purpose.

2159 (4) The bonds shall be issued by the Division of Bond
2160 Finance of the State Board of Administration on behalf of the
2161 Department of Education in such amount as shall be requested by
2162 resolution of the State Board of Education. However, the total
2163 principal amount of bonds, excluding refunding bonds, issued
2164 pursuant to this section shall not exceed amounts specifically
2165 authorized in the General Appropriations Act.

2166 (5) Proceeds available from the sale of the bonds shall be
2167 deposited in the Lottery Capital Outlay and Debt Service Trust
2168 Fund within the Department of Education.

2169 (6) The facilities to be financed with the proceeds of such
2170 bonds are designated as state fixed capital outlay projects for
2171 purposes of s. 11(d), Art. VII of the State Constitution, and
2172 the specific facilities to be financed shall be determined in
2173 accordance with state law and appropriations from the
2174 Educational Enhancement Trust Fund. Projects shall be funded
2175 from the Lottery Capital Outlay and Debt Service Trust Fund.

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2176 Each educational facility to be financed with the proceeds of
2177 the bonds issued pursuant to this section is hereby approved as
2178 required by s. 11(f), Art. VII of the State Constitution.

2179 (7) Any complaint for validation of such bonds is required
2180 to be filed only in the circuit court of the county where the
2181 seat of state government is situated. The notice required to be
2182 published by s. 75.06 is required to be published only in the
2183 county where the complaint is filed, and the complaint and order
2184 of the circuit court need be served only on the state attorney
2185 of the circuit in which the action is pending.

2186 (8) The Commissioner of Education shall provide for timely
2187 encumbrances of funds for duly authorized projects. Encumbrances
2188 may include proceeds to be received under a resolution approved
2189 by the State Board of Education authorizing issuance of class
2190 size reduction lottery bonds or educational facilities bonds
2191 pursuant to s. 11(d), Art. VII of the State Constitution, this
2192 section, and other applicable law.

2193 Section 40. Notwithstanding the repeal of s. 1003.62,
2194 Florida Statutes 2009, educational facility exemptions for the
2195 demolition and replacement of school buildings identified in
2196 accordance with Charter School District Addendum Number 2 and
2197 approved by the district school board prior to June 30, 2010,
2198 are extended to June 30, 2012.

2199 Section 41. Notwithstanding the required review by the
2200 Legislative Budget Commission pursuant to s. 1003.03(4)(c),
2201 Florida Statutes, the Legislature hereby adopts by reference the
2202 alternate compliance calculation amounts to the class size
2203 operating categorical as set forth in Budget Amendment EOG
2204 #02011-0074, as submitted by the Governor on March 2, 2011, on

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2205 behalf of the Department of Education for approval by the
2206 Legislative Budget Commission. The Commissioner of Education
2207 shall modify payments to school districts for the 2010-2011
2208 fiscal year consistent with the amendment and s. 1003.03,
2209 Florida Statutes. This section shall take effect upon this act
2210 becoming a law.

2211 Section 42. Except as otherwise expressly provided in this
2212 act and except for this section, which shall take effect upon
2213 this act becoming a law, this act shall take effect July 1,
2214 2011.