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

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

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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

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

90

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

92

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

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

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

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

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

109 | 1002.33 Charter schools.—

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

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

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

118 1002.45 School district virtual instruction programs.—

119 (1) PROGRAM.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

196 1002.71 Funding; financial and attendance reporting.—

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

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

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

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

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

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

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

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

233 (e) Exceptional student education courses.

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

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

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

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253 the State Constitution.

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

256 1003.03 Maximum class size.—

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

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

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

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

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

280 (2) IMPLEMENTATION.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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365 district's educational program.

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

373 (2) DISTRICT SCHOOL SUPERINTENDENT.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

589 computers or other digital devices and is an electronic version
 590 of a printed book, whether or not any printed equivalent exists.
 591 The term does not include electronic or computer hardware even
 592 if such hardware is bundled with software or other electronic
 593 media, nor does it include equipment or supplies.

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

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

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

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

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

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

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

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

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

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

645 to read:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

741 1006.32 Prohibited acts.—

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

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

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

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

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

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

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

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

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

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

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

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

822 (1)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

997 1006.35 Accuracy of instructional materials.—

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

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

1004 1006.36 Term of adoption for instructional materials.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1201 | (6) CATEGORICAL FUNDS.—

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

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

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

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

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

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

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

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1233 amended to read:

1234 1011.71 District school tax.—

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

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

1253 (3)

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

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

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