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LEGISLATIVE ACTION

Senate	.	House
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05/06/2011 09:00 PM	.	
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The Conference Committee on SB 2120, 1st Eng. recommended the following:

1 **Senate Conference Committee Amendment (with title**
2 **amendment)**

3
4 Delete everything after the enacting clause
5 and insert:

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

9 213.053 Confidentiality and information sharing.—

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

12 (dd) Information relative to s. 215.61(6) to the State



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13 Board of Education, the Division of Bond Finance, and the Office
14 of Economic and Demographic Research.

15
16 Disclosure of information under this subsection shall be
17 pursuant to a written agreement between the executive director
18 and the agency. Such agencies, governmental or nongovernmental,
19 shall be bound by the same requirements of confidentiality as
20 the Department of Revenue. Breach of confidentiality is a
21 misdemeanor of the first degree, punishable as provided by s.
22 775.082 or s. 775.083.

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

25 215.61 State system of public education capital outlay
26 bonds.—

27 (6) In making the determination as required by subsection
28 (3) of the amount that can be serviced by the gross receipts
29 tax, the State Board of Education shall disregard the effects on
30 the reported gross receipts tax revenues collected during a tax
31 period of any refund paid by the Department of Revenue as a
32 direct result of a refund request made pursuant to the
33 settlement reached in *In re: AT&T Mobility Wireless Data*
34 *Services Sales Litigation*, 270 F.R.D. 330, (Aug. 11, 2010). The
35 Department of Revenue shall provide to the State Board of
36 Education, the Division of Bond Finance, and the Office of
37 Economic and Demographic Research the amount of any such refund
38 and the tax period in which the refund is included.

39 Section 3. Paragraph (o) of subsection (6) of section
40 1001.10, Florida Statutes, is amended to read

41 1001.10 Commissioner of Education; general powers and



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42 duties.-

43 (6) Additionally, the commissioner has the following
44 general powers and duties:

45 (o) To develop criteria for use by state instructional
46 materials reviewers ~~committees~~ in evaluating materials submitted
47 for adoption consideration. The criteria shall, as appropriate,
48 be based on instructional expectations reflected in curriculum
49 frameworks and student performance standards. The criteria for
50 each subject or course shall be made available to publishers of
51 instructional materials pursuant to the requirements of chapter
52 1006.

53 Section 4. Paragraph (b) of subsection (2) of section
54 1001.25, Florida Statutes, is amended to read:

55 1001.25 Educational television.-

56 (2) POWERS OF DEPARTMENT.-

57 (b) The department shall provide through educational
58 television or ~~and~~ other electronic media a means of extending
59 educational services to all the state system of public
60 education, except the state universities, which provision by the
61 department is limited by paragraph (c) and by s. 1001.26(1). The
62 department shall recommend to the State Board of Education rules
63 necessary to provide such services.

64 Section 5. Section 1001.271, Florida Statutes, is amended
65 to read:

66 1001.271 Florida Information Resource Network.-The
67 Commissioner of Education shall facilitate and coordinate the
68 use of the Florida Information Resource Network by school
69 districts, educational institutions in the Florida College
70 System, universities, and other eligible users. ~~Upon requisition~~



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71 ~~by school districts, community colleges, universities, or other~~
72 ~~eligible users of the Florida Information Resource Network, the~~
73 ~~Commissioner of Education shall purchase the nondiscounted~~
74 ~~portion of Internet access services, including, but not limited~~
75 ~~to, circuits, encryption, content filtering, support, and any~~
76 ~~other services needed for the effective and efficient operation~~
77 ~~of the network. For the 2009-2010 fiscal year, each school~~
78 ~~district, the Florida School for the Deaf and the Blind, and the~~
79 ~~regional educational consortia eligible for the e-rate must~~
80 ~~submit a requisition to the Commissioner of Education for at~~
81 ~~least the same level of Internet access services used through~~
82 ~~the Florida Information Resource Network contract in the 2008-~~
83 ~~2009 fiscal year. Each user shall identify in its requisition~~
84 ~~the source of funds from which the commissioner is to make~~
85 ~~payments.~~

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

88 1001.28 Distance learning duties.—The duties of the
89 Department of Education concerning distance learning include,
90 but are not limited to, the duty to:

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

95
96 Nothing in this section shall be construed to abrogate,
97 supersede, alter, or amend the powers and duties of any state
98 agency, district school board, community college board of
99 trustees, university board of trustees, the Board of Governors,



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100 or the State Board of Education.

101 Section 7. Paragraph (a) of subsection (2) of section
102 1001.451, Florida Statutes, is amended, and subsection (5) is
103 added to that section, to read:

104 1001.451 Regional consortium service organizations.—In
105 order to provide a full range of programs to larger numbers of
106 students, minimize duplication of services, and encourage the
107 development of new programs and services:

108 (2) (a) Each regional consortium service organization that
109 consists of four or more school districts is eligible to
110 receive, through the Department of Education, subject to the
111 funds provided in the General Appropriations Act, an incentive
112 grant of \$50,000 per school district and eligible member to be
113 used for the delivery of services within the participating
114 school districts. The determination of services and use of such
115 funds shall be established by the board of directors of the
116 regional consortium service organization. The funds shall be
117 distributed to each regional consortium service organization no
118 later than 30 days following the release of the funds to the
119 department.

120 (5) The board of directors of a regional consortium service
121 organization may use various means to generate revenue in
122 support of its activities. The board of directors may acquire,
123 enjoy, use, and dispose of patents, copyrights, and trademarks
124 and any licenses and other rights or interests thereunder or
125 therein. Ownership of all such patents, copyrights, trademarks,
126 licenses, and rights or interests thereunder or therein shall
127 vest in the state, with the board of directors having full right
128 of use and full right to retain the revenues derived therefrom.



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129 Any funds realized from patents, copyrights, trademarks, or
130 licenses shall be considered internal funds as provided in s.
131 1011.07. Such funds shall be used to support the organization's
132 marketing and research and development activities in order to
133 improve and increase services to its member districts.

134 Section 8. Paragraph (e) of subsection (10), subsection
135 (19), and paragraph (a) of subsection (20) of section 1002.33,
136 Florida Statutes, are amended, present subsections (25) and (26)
137 of that section are redesignated as subsections (26) and (27),
138 respectively, and a new subsection (25) is added to that
139 section, to read:

140 1002.33 Charter schools.—

141 (10) ELIGIBLE STUDENTS.—

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

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

145 2. Students considered at risk of dropping out of school or
146 academic failure. Such students shall include exceptional
147 education students.

148 3. Students enrolling in a charter school-in-the-workplace
149 or charter school-in-a-municipality established pursuant to
150 subsection (15).

151 4. Students residing within a reasonable distance of the
152 charter school, as described in paragraph (20)(c). Such students
153 shall be subject to a random lottery and to the racial/ethnic
154 balance provisions described in subparagraph (7)(a)8. or any
155 federal provisions that require a school to achieve a
156 racial/ethnic balance reflective of the community it serves or
157 within the racial/ethnic range of other public schools in the



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158 same school district.

159 5. Students who meet reasonable academic, artistic, or
160 other eligibility standards established by the charter school
161 and included in the charter school application and charter or,
162 in the case of existing charter schools, standards that are
163 consistent with the school's mission and purpose. Such standards
164 shall be in accordance with current state law and practice in
165 public schools and may not discriminate against otherwise
166 qualified individuals.

167 6. Students articulating from one charter school to another
168 pursuant to an articulation agreement between the charter
169 schools that has been approved by the sponsor.

170 7. Students living in a development in which a business
171 entity provides the school facility and related property having
172 an appraised value of at least \$10 million to be used as a
173 charter school for the development. Students living in the
174 development shall be entitled to 50 percent of the student
175 stations in the charter school. The students who are eligible
176 for enrollment are subject to a random lottery, the
177 racial/ethnic balance provisions, or any federal provisions, as
178 described in subparagraph 4. The remainder of the student
179 stations shall be filled in accordance with subparagraph 4.

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

186 (20) SERVICES.—



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187 (a)1. A sponsor shall provide certain administrative and
188 educational services to charter schools. These services shall
189 include contract management services; full-time equivalent and
190 data reporting services; exceptional student education
191 administration services; services related to eligibility and
192 reporting duties required to ensure that school lunch services
193 under the federal lunch program, consistent with the needs of
194 the charter school, are provided by the school district at the
195 request of the charter school, that any funds due to the charter
196 school under the federal lunch program be paid to the charter
197 school as soon as the charter school begins serving food under
198 the federal lunch program, and that the charter school is paid
199 at the same time and in the same manner under the federal lunch
200 program as other public schools serviced by the sponsor or the
201 school district; test administration services, including payment
202 of the costs of state-required or district-required student
203 assessments; processing of teacher certificate data services;
204 and information services, including equal access to student
205 information systems that are used by public schools in the
206 district in which the charter school is located. Student
207 performance data for each student in a charter school,
208 including, but not limited to, FCAT scores, standardized test
209 scores, previous public school student report cards, and student
210 performance measures, shall be provided by the sponsor to a
211 charter school in the same manner provided to other public
212 schools in the district.

213 2. A total administrative fee for the provision of such
214 services shall be calculated based upon up to 5 percent of the
215 available funds defined in paragraph (17)(b) for all students.



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216 However, a sponsor may only withhold up to a 5-percent
217 administrative fee for enrollment for up to and including 250
218 students. For charter schools with a population of 251 or more
219 students, the difference between the total administrative fee
220 calculation and the amount of the administrative fee withheld
221 may only be used for capital outlay purposes specified in s.
222 1013.62(2).

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

227 ~~4.3.~~ In addition, a sponsor may withhold only up to a 5-
228 percent administrative fee for enrollment for up to and
229 including 500 students within a system of charter schools which
230 meets all of the following:

- 231 a. Includes both conversion charter schools and
232 nonconversion charter schools;
- 233 b. Has all schools located in the same county;
- 234 c. Has a total enrollment exceeding the total enrollment of
235 at least one school district in the state;
- 236 d. Has the same governing board; and
- 237 e. Does not contract with a for-profit service provider for
238 management of school operations.

239 ~~5.4.~~ The difference between the total administrative fee
240 calculation and the amount of the administrative fee withheld
241 pursuant to subparagraph ~~4. 3.~~ may be used for instructional and
242 administrative purposes as well as for capital outlay purposes
243 specified in s. 1013.62(2).

244 6. For a high performing charter school system that also



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245 meets the requirements in subparagraph 4., a sponsor may
246 withhold a 2 percent administrative fee for enrollments up to
247 and including 500 students per system.

248 ~~7.5.~~ Each charter school shall receive 100 percent of the
249 funds awarded to that school pursuant to s. 1012.225. Sponsors
250 shall not charge charter schools any additional fees or
251 surcharges for administrative and educational services in
252 addition to the maximum 5-percent administrative fee withheld
253 pursuant to this paragraph.

254 (25) LOCAL EDUCATIONAL AGENCY STATUS FOR CERTAIN CHARTER
255 SCHOOL SYSTEMS.—A charter school system shall be designated a
256 local educational agency for the purpose of receiving federal
257 funds, the same as though the charter school system were a
258 school district, if the governing board of the charter school
259 system has adopted and filed a resolution with its sponsoring
260 district school board and the Department of Education in which
261 the governing board of the charter school system accepts the
262 full responsibility for all local education agency requirements
263 and the charter school system meets all of the following:

- 264 (a) Includes both conversion charter schools and
265 nonconversion charter schools;
266 (b) Has all schools located in the same county;
267 (c) Has a total enrollment exceeding the total enrollment
268 of at least one school district in the state;
269 (d) Has the same governing board; and
270 (e) Does not contract with a for-profit service provider
271 for management of school operations.

272
273 Such designation does not apply to other provisions unless



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274 specifically provided in law.

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

277 1002.34 Charter technical career centers.—

278 (13) BOARD OF DIRECTORS AUTHORITY.—The board of directors
279 of a center may decide matters relating to the operation of the
280 school, including budgeting, curriculum, and operating
281 procedures, subject to the center's charter. The board of
282 directors is responsible for performing the duties provided in
283 s. 1002.345, including monitoring the corrective action plan.
284 The board of directors must comply with s. 1002.33(26) ~~s.~~
285 ~~1002.33(25)~~.

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

288 1002.45 School district virtual instruction programs.—

289 (1) PROGRAM.—

290 (e)1. Each school district shall provide to the department
291 by October 1, 2011, and by each October 1 thereafter, a copy of
292 each contract and the amounts paid per unweighted full-time
293 equivalent student for services procured pursuant to paragraph
294 (c).

295 2. Each school district shall expend the difference in
296 funds provided for a student participating in the school
297 district virtual instruction program pursuant to subsection (7)
298 and the price paid for contracted services procured pursuant to
299 paragraph (c) for the district's local instructional improvement
300 system pursuant to s. 1006.281 or other technological tools that
301 are required to access electronic and digital instructional
302 materials.



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

305 1002.55 School-year prekindergarten program delivered by
306 private prekindergarten providers.—

307 (3) To be eligible to deliver the prekindergarten program,
308 a private prekindergarten provider must meet each of the
309 following requirements:

310 (c) The private prekindergarten provider must have, for
311 each prekindergarten class of 11 children or fewer, at least one
312 prekindergarten instructor who meets each of the following
313 requirements:

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

316 a. A child development associate credential issued by the
317 National Credentialing Program of the Council for Professional
318 Recognition; or

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

322
323 The Department of Children and Family Services may adopt rules
324 under ss. 120.536(1) and 120.54 which provide criteria and
325 procedures for approving equivalent credentials under sub-
326 subparagraph b.

327 2. The prekindergarten instructor must successfully
328 complete an emergent literacy training course approved by the
329 department as meeting or exceeding the minimum standards adopted
330 under s. 1002.59. This subparagraph does not apply to a
331 prekindergarten instructor who successfully completes approved



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332 training in early literacy and language development under s.
333 402.305(2)(d)5., s. 402.313(6), or s. 402.3131(5) before the
334 establishment of one or more emergent literacy training courses
335 under s. 1002.59 or April 1, 2005, whichever occurs later.

336 (f) Each of the private prekindergarten provider's
337 prekindergarten classes must be composed of at least 4 students
338 but may not exceed 20 ~~18~~ students. In order to protect the
339 health and safety of students, each private prekindergarten
340 provider must also provide appropriate adult supervision for
341 students at all times and, for each prekindergarten class
342 composed of 12 ~~11~~ or more students, must have, in addition to a
343 prekindergarten instructor who meets the requirements of
344 paragraph (c), at least one adult prekindergarten instructor who
345 is not required to meet those requirements but who must meet
346 each requirement of paragraph (d). This paragraph does not
347 supersede any requirement imposed on a provider under ss.
348 402.301-402.319.

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

351 1002.63 School-year prekindergarten program delivered by
352 public schools.—

353 (7) Each prekindergarten class in a public school
354 delivering the school-year prekindergarten program must be
355 composed of at least 4 students but may not exceed 20 ~~18~~
356 students. In order to protect the health and safety of students,
357 each school must also provide appropriate adult supervision for
358 students at all times and, for each prekindergarten class
359 composed of 12 ~~11~~ or more students, must have, in addition to a
360 prekindergarten instructor who meets the requirements of s.



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361 1002.55(3)(c), at least one adult prekindergarten instructor who
362 is not required to meet those requirements but who must meet
363 each requirement of subsection (5).

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

366 1002.71 Funding; financial and attendance reporting.—

367 (7) The Agency for Workforce Innovation shall require that
368 administrative expenditures be kept to the minimum necessary for
369 efficient and effective administration of the Voluntary
370 Prekindergarten Education Program. Administrative policies and
371 procedures shall be revised, to the maximum extent practicable,
372 to incorporate the use of automation and electronic submission
373 of forms, including those required for child eligibility and
374 enrollment, provider and class registration, and monthly
375 certification of attendance for payment. A school district may
376 use its automated daily attendance reporting system for the
377 purpose of transmitting attendance records to the early learning
378 coalition in a mutually agreed-upon format. In addition, actions
379 shall be taken to reduce paperwork, eliminate the duplication of
380 reports, and eliminate other duplicative activities. Beginning
381 with the 2011-2012 ~~2010-2011~~ fiscal year, each early learning
382 coalition may retain and expend no more than 4.0 ~~4.5~~ percent of
383 the funds paid by the coalition to private prekindergarten
384 providers and public schools under paragraph (5)(b). Funds
385 retained by an early learning coalition under this subsection
386 may be used only for administering the Voluntary Prekindergarten
387 Education Program and may not be used for the school readiness
388 program or other programs.

389 Section 14. Subsections (14) and (15) of section 1003.01,



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390 Florida Statutes, are amended to read:
391 1003.01 Definitions.—As used in this chapter, the term:
392 (14) “Core-curricula courses” means:
393 (a) Courses in language arts/reading, mathematics, social
394 studies, and science in prekindergarten through grade 3,
395 excluding any extracurricular courses pursuant to subsection
396 (15);
397 (b) Courses in grades 4 through 8 in subjects that are
398 measured by state assessment at any grade level and courses
399 required for middle school promotion, excluding any
400 extracurricular courses pursuant to subsection (15);
401 (c) Courses in grades 9 through 12 in subjects that are
402 measured by state assessment at any grade level and courses that
403 are specifically identified by name in statute as required for
404 high school graduation and that are not measured by state
405 assessment, excluding any extracurricular courses pursuant to
406 subsection (15);
407 (d) Exceptional student education courses; and
408 (e) English for Speakers of Other Languages courses.
409 ~~courses defined by the Department of Education as mathematics,~~
410 ~~language arts/reading, science, social studies, foreign~~
411 ~~language, English for Speakers of Other Languages, exceptional~~
412 ~~student education, and courses taught in traditional self-~~
413 ~~contained elementary school classrooms.~~
414
415 The term is limited in meaning and used for the sole purpose of
416 designating classes that are subject to the maximum class size
417 requirements established in s. 1, Art. IX of the State
418 Constitution. This term does not include courses offered under



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419 ss. 1002.37, 1002.415, and 1002.45.

420 (15) "Extracurricular courses" means all courses that are
421 not defined as "core-curricula courses," which may include, but
422 are not limited to, physical education, fine arts, performing
423 fine arts, ~~and~~ career education, and courses that may result in
424 college credit. The term is limited in meaning and used for the
425 sole purpose of designating classes that are not subject to the
426 maximum class size requirements established in s. 1, Art. IX of
427 the State Constitution.

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

431 1003.03 Maximum class size.—

432 (1) ~~CONSTITUTIONAL~~ CLASS SIZE MAXIMUMS.—Each year, on or
433 before the October student membership survey, the following
434 class size maximums shall be satisfied Pursuant to s. 1, Art. IX
435 of the State Constitution, beginning in the 2010-2011 school
436 year:

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

441 (b) The maximum number of students assigned to each teacher
442 who is teaching core-curricula courses in public school
443 classrooms for grades 4 through 8 may not exceed 22 students.
444 The maximum number of students assigned to a core-curricula high
445 school course in which a student in grades 4 through 8 is
446 enrolled shall be governed by the requirements in paragraph (c).

447 (c) The maximum number of students assigned to each teacher



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448 who is teaching core-curricula courses in public school
449 classrooms for grades 9 through 12 may not exceed 25 students.

450
451 These maximums shall be maintained after the October student
452 membership survey, except as provided in paragraph (2)(b) or due
453 to an extreme emergency beyond the control of the district
454 school board.

455 (2) IMPLEMENTATION.—

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

459 (b) A student who enrolls in a school after the October
460 student membership survey may be assigned to an existing class
461 that temporarily exceeds the maximum number of students in
462 subsection (1) if the district school board determines it to be
463 impractical, educationally unsound, or disruptive to student
464 learning to not assign the student to the class. If the district
465 school board makes this determination:

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

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

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

476 ~~(b) Prior to the adoption of the district school budget for~~



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477 ~~2010-2011, each district school board shall hold public hearings~~
478 ~~and provide information to parents on the district's website,~~
479 ~~and through any other means by which the district provides~~
480 ~~information to parents and the public, on the district's~~
481 ~~strategies to meet the requirements in subsection (1).~~

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

488 Section 16. Section 1003.4935, Florida Statutes, is created
489 to read:

490 1003.4935 Middle school career and professional academy
491 courses.—

492 (1) Beginning with the 2011-2012 school year, each district
493 school board, in collaboration with regional workforce boards,
494 economic development agencies, and state-approved postsecondary
495 institutions, shall include plans to implement a career and
496 professional academy in at least one middle school in the
497 district as part of the strategic 5-year plan pursuant to s.
498 1003.491(2). The middle school career and professional academy
499 component of the strategic plan must ensure the transition of
500 middle school career and professional academy students to a high
501 school career and professional academy currently operating
502 within the school district. Students who complete a middle
503 school career and professional academy must have the opportunity
504 to earn an industry certificate and high school credit and
505 participate in career planning, job shadowing, and business



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506 leadership development activities.

507 (2) Each middle school career and professional academy must
508 be aligned with at least one high school career and professional
509 academy offered in the district and maintain partnerships with
510 local business and industry and economic development boards.

511 Middle school career and professional academies must:

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

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

518 (c) Offer courses that integrate career and professional
519 academy content with intensive reading and mathematics pursuant
520 to s. 1003.428;

521 (d) Coordinate with high schools to maximize opportunities
522 for middle school career and professional academy students to
523 earn high school credit;

524 (e) Provide access to virtual instruction courses provided
525 by virtual education providers legislatively authorized to
526 provide part-time instruction to middle school students. The
527 virtual instruction courses must be aligned to state curriculum
528 standards for middle school career and professional academy
529 students, with priority given to students who have required
530 course deficits;

531 (f) Provide instruction from highly skilled professionals
532 who hold industry certificates in the career area in which they
533 teach;

534 (g) Offer externships; and



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535 (h) Provide personalized student advisement that includes a
536 parent-participation component.

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

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

544 1004.02 Definitions.—As used in this chapter:

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

549 Section 18. Subsection (1), paragraph (a) of subsection
550 (2), and paragraphs (b) and (e) of subsection (3) of section
551 1006.28, Florida Statutes, are amended to read:

552 1006.28 Duties of district school board, district school
553 superintendent; and school principal regarding K-12
554 instructional materials.—

555 (1) DISTRICT SCHOOL BOARD.—The district school board has
556 the duty to provide adequate instructional materials for all
557 students in accordance with the requirements of this part. The
558 term "adequate instructional materials" means a sufficient
559 number of student or site licenses ~~textbooks~~ or sets of
560 materials that are available in bound, unbound, kit, or package
561 form and may consist of hard-backed or soft-backed textbooks,
562 electronic content, consumables, learning laboratories,
563 manipulatives, electronic media, and computer courseware or



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564 software that serve as the basis for instruction for each
565 student in the core courses of mathematics, language arts,
566 social studies, science, reading, and literature, ~~except for~~
567 ~~instruction for which the school advisory council approves the~~
568 ~~use of a program that does not include a textbook as a major~~
569 ~~tool of instruction.~~ The district school board has the following
570 specific duties:

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

573 (b) *Instructional materials* ~~Textbooks.~~—Provide for proper
574 requisitioning, distribution, accounting, storage, care, and use
575 of all instructional materials ~~furnished by the state~~ and
576 furnish such other instructional materials as may be needed. The
577 district school board shall ensure ~~assure~~ that instructional
578 materials used in the district are consistent with the district
579 goals and objectives and the curriculum frameworks adopted by
580 rule of the State Board of Education, as well as with the state
581 and district performance standards provided for in s.
582 1001.03(1).

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

586 (d) *School library media services; establishment and*
587 *maintenance.*—Establish and maintain a program of school library
588 media services for all public schools in the district, including
589 school library media centers, or school library media centers
590 open to the public, and, in addition such traveling or
591 circulating libraries as may be needed for the proper operation
592 of the district school system.



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593 (2) DISTRICT SCHOOL SUPERINTENDENT.—

594 (a) The district school superintendent has the duty to
595 recommend such plans for improving, providing, distributing,
596 accounting for, and caring for instructional materials ~~textbooks~~
597 and other instructional aids as will result in general
598 improvement of the district school system, as prescribed in this
599 part, in accordance with adopted district school board rules
600 prescribing the duties and responsibilities of the district
601 school superintendent regarding the requisition, purchase,
602 receipt, storage, distribution, use, conservation, records, and
603 reports of, and management practices and property accountability
604 concerning, instructional materials, and providing for an
605 evaluation of any instructional materials to be requisitioned
606 that have not been used previously in the district's schools.
607 The district school superintendent must keep adequate records
608 and accounts for all financial transactions for funds collected
609 pursuant to subsection (3), as a component of the educational
610 service delivery scope in a school district best financial
611 management practices review under s. 1008.35.

612 (3) SCHOOL PRINCIPAL.—The school principal has the
613 following duties for the management and care of instructional
614 materials at the school:

615 (b) *Money collected for lost or damaged instructional*
616 *materials ~~books~~; enforcement.*—The school principal shall collect
617 from each student or the student's parent the purchase price of
618 any instructional material the student has lost, destroyed, or
619 unnecessarily damaged and to report and transmit the money
620 collected to the district school superintendent. The failure to
621 collect such sum upon reasonable effort by the school principal



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622 may result in the suspension of the student from participation
623 in extracurricular activities or satisfaction of the debt by the
624 student through community service activities at the school site
625 as determined by the school principal, pursuant to policies
626 adopted by district school board rule.

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

631 Section 19. Section 1006.281, Florida Statutes, is amended
632 to read:

633 1006.281 Learning management systems.—

634 (1) The term "local instructional improvement system" means
635 a system that uses electronic and digital tools that provide
636 teachers, administrators, students, and parents with data and
637 resources to systematically manage continuous instructional
638 improvement. The system supports relevant activities such as
639 instructional planning, information gathering and analysis,
640 rapid-time reporting, decisionmaking on appropriate
641 instructional sequence, and evaluating the effectiveness of
642 instruction. The system shall integrate instructional
643 information with student-level data to provide predictions of
644 future student achievement.

645 (2)~~(1)~~ Each school district shall provide teachers,
646 administrators, students, and parents ~~To ensure that all school~~
647 ~~districts have equitable access to a local instructional~~
648 improvement system. The system must provide access to electronic
649 and digital ~~digitally rich instructional materials, districts~~
650 ~~are encouraged to provide access to an electronic learning~~



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651 ~~management system that allows teachers, students, and parents to~~
652 ~~access, organize, and use electronically available instructional~~
653 ~~materials~~ and teaching and learning tools and resources,
654 including the ability for ~~and that enables~~ teachers and
655 administrators to manage, assess, and track student learning.

656 (3)(2) By June 30, 2014, a school district's local
657 instructional improvement system shall comply with minimum
658 standards published by the Department of Education. The system
659 must ~~To the extent fiscally and technologically feasible, a~~
660 ~~school district's electronic learning management system should~~
661 allow for a single, authenticated sign-on and include the
662 following functionality:

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

665 (b) Enables teachers to prepare lessons, individualize
666 student instruction, and use best practices in providing
667 instruction, including the ability to connect student assessment
668 data with electronic and digital instructional materials.

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

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

674 (e) Enables district staff to plan, create, and manage
675 professional development and to connect professional development
676 with staff information and student performance data.

677 (f)(e) Provides access to multiple content providers and
678 provides the ability to seamlessly connect the local
679 instructional improvement system to electronic and digital



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680 content.

681 (4) ~~(3)~~ The Department of Education shall provide advisory
682 assistance as requested by school districts in their deployment
683 of a local instructional improvement district electronic
684 learning management system.

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

689 Section 20. Section 1006.282, Florida Statutes, is created
690 to read:

691 1006.282 Pilot program for the transition to electronic and
692 digital instructional materials.-

693 (1) A district school board may designate pilot program
694 schools to implement the transition to instructional materials
695 that are in an electronic or a digital format as defined in s.
696 1006.29(3).

697 (2) A district school board may designate pilot program
698 schools if the school district:

699 (a) Implements a local instructional improvement system
700 pursuant to s. 1006.281 which enables district staff to plan,
701 create, and manage professional development and to connect
702 professional development with staff information and student
703 performance, provides the ability to seamlessly connect the
704 system to electronic and digital instructional materials and the
705 instructional materials to student assessment data, and includes
706 the minimum standards published by the Department of Education.

707 (b) Requests only the electronic or digital format of the
708 sample copies of instructional materials submitted pursuant to



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709 s. 1006.33.

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

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

716 (a) Section 1006.40(2)(a), if the school provides
717 comprehensive electronic or digital instructional materials to
718 all students; and

719 (b) Section 1006.37.

720 (4) By August 1 of each year, beginning in 2011, the school
721 board must report to the Department of Education the school or
722 schools in its district which have been designated as pilot
723 program schools. The department shall publish the list of pilot
724 program schools on the department's Internet website. The report
725 must include:

726 (a) The name of the pilot program school, the contact
727 person and contact person information, and the grade or grades
728 and associated course or courses included in the pilot program
729 school.

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

734 (c) The projected costs and funding sources, which must
735 include cost savings or cost avoidances, associated with the
736 pilot program.

737 (5) By September 1 of each year, beginning in 2012, each



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738 school board that has a designated pilot program school shall
739 provide to the Department of Education, the Executive Office of
740 the Governor, and the chairs of the appropriations committees of
741 the Senate and the House of Representatives a review of the
742 pilot program schools which must include, but need not be
743 limited to:

- 744 (a) Successful practices;
745 (b) The average amount of online Internet time needed by a
746 student to access and use the school's electronic or digital
747 instructional materials;
748 (c) Lessons learned;
749 (d) The level of investment and cost-effectiveness; and
750 (e) Impacts on student performance.

751 Section 21. Section 1006.29, Florida Statutes, is amended
752 to read:

753 1006.29 State instructional materials reviewers
754 committees.-

755 ~~(1) Each school year, not later than April 15, the~~
756 ~~commissioner shall appoint state instructional materials~~
757 ~~committees composed of persons actively engaged in teaching or~~
758 ~~in the supervision of teaching in the public elementary, middle,~~
759 ~~or high schools and representing the major fields and levels in~~
760 ~~which instructional materials are used in the public schools~~
761 ~~and, in addition, lay citizens not professionally connected with~~
762 ~~education. Committee members shall receive training pursuant to~~
763 ~~subsection (5) in competencies related to the evaluation and~~
764 ~~selection of instructional materials.~~

765 ~~(a) There shall be 10 or more members on each committee: At~~
766 ~~least 50 percent of the members shall be classroom teachers who~~



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767 ~~are certified in an area directly related to the academic area~~
768 ~~or level being considered for adoption, 2 shall be laypersons, 1~~
769 ~~shall be a district school board member, and 2 shall be~~
770 ~~supervisors of teachers. The committee must have the capacity or~~
771 ~~expertise to address the broad racial, ethnic, socioeconomic,~~
772 ~~and cultural diversity of the state's student population.~~
773 ~~Personnel selected as teachers of the year at the school,~~
774 ~~district, regional, or state level are encouraged to serve on~~
775 ~~instructional materials committees.~~

776 ~~(b) The membership of each committee must reflect the broad~~
777 ~~racial, ethnic, socioeconomic, and cultural diversity of the~~
778 ~~state, including a balanced representation from the state's~~
779 ~~geographic regions.~~

780 ~~(1) (a) (e)~~ The commissioner shall determine annually the
781 areas in which instructional materials shall be submitted for
782 adoption, taking into consideration the desires of the district
783 school boards. The commissioner shall also determine the number
784 of titles to be adopted in each area.

785 (b) By April 15 of each school year, the commissioner shall
786 appoint three state or national experts in the content areas
787 submitted for adoption to review the instructional materials and
788 evaluate the content for alignment with the applicable Next
789 Generation Sunshine State Standards. These reviewers shall be
790 designated as state instructional materials reviewers and shall
791 review the materials for the level of instructional support and
792 the accuracy and appropriateness of progression of introduced
793 content. Instructional materials shall be made electronically
794 available to the reviewers. The initial review of the materials
795 shall be made by only two of the three reviewers. If the two



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796 reviewers reach different results, the third reviewer shall
797 break the tie. The reviewers shall independently make
798 recommendations to the commissioner regarding materials that
799 should be placed on the list of adopted materials through an
800 electronic feedback review system.

801 (c) The commissioner shall request each district school
802 superintendent to nominate one classroom teacher or district-
803 level content supervisor to review two or three of the
804 submissions recommended by the state instructional materials
805 reviewers. School districts shall ensure that these district
806 reviewers are provided with the support and time necessary to
807 accomplish a thorough review of the instructional materials.
808 District reviewers shall independently rate the recommended
809 submissions on the instructional usability of the resources.

810 ~~(2)(a) All appointments shall be as prescribed in this~~
811 ~~section. No member shall serve more than two consecutive terms~~
812 ~~on any committee. All appointments shall be for 18-month terms.~~
813 ~~All vacancies shall be filled in the manner of the original~~
814 ~~appointment for only the time remaining in the unexpired term.~~
815 ~~At no time may a district school board have more than one~~
816 ~~representative on a committee. The commissioner and a member of~~
817 ~~the department whom he or she shall designate shall be~~
818 ~~additional and ex officio members of each committee.~~

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

822 ~~(c) The district school board shall be reimbursed for the~~
823 ~~actual cost of substitute teachers for each workday that a~~
824 ~~member of its instructional staff is absent from his or her~~



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825 ~~assigned duties for the purpose of rendering service to the~~
826 ~~state instructional materials committee. In addition, committee~~
827 ~~members shall be reimbursed for travel expenses and per diem in~~
828 ~~accordance with s. 112.061 for actual service in meetings of~~
829 ~~committees called by the commissioner. Payment of such travel~~
830 ~~expenses shall be made from the appropriation for the~~
831 ~~administration of the instructional materials program, on~~
832 ~~warrants to be drawn by the Chief Financial Officer upon~~
833 ~~requisition approved by the commissioner.~~

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

836 ~~(3) All references in the law to the state instructional~~
837 ~~materials committee shall apply to each committee created by~~
838 ~~this section.~~

839 (2)(4) For purposes of state adoption, the term
840 "instructional materials" means items having intellectual
841 content that by design serve as a major tool for assisting in
842 the instruction of a subject or course. These items may be
843 available in bound, unbound, kit, or package form and may
844 consist of hardbacked or softbacked textbooks, electronic
845 content, consumables, learning laboratories, manipulatives,
846 electronic media, and computer courseware or software. A
847 publisher or manufacturer providing instructional materials as a
848 single bundle shall also make the instructional materials
849 available as separate and unbundled items, each priced
850 individually. A publisher may also offer sections of state-
851 adopted instructional materials in digital or electronic
852 versions at reduced rates to districts, schools, and teachers.

853 (3) Beginning in the 2015-2016 academic year, all adopted



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854 ~~Any~~ instructional materials ~~adopted after 2012-2013~~ for students
855 in kindergarten ~~grades 9~~ through grade 12 ~~must shall also~~ be
856 provided in an electronic or digital format. For purposes of
857 this section, the term:

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

863 (b) "Digital format" means text-based or image-based
864 content in a form that provides the student with various
865 interactive functions; that can be searched, tagged,
866 distributed, and used for individualized and group learning;
867 that includes multimedia content such as video clips,
868 animations, and virtual reality; and that has the ability to be
869 accessed at any time and anywhere.

870
871 The terms do term does not include electronic or computer
872 hardware even if such hardware is bundled with software or other
873 electronic media, nor does it include equipment or supplies.

874 ~~(4)-(5)~~ The department shall develop a training program for
875 persons selected as state instructional materials reviewers and
876 school district reviewers ~~to serve on state instructional~~
877 ~~materials committees~~. The program shall be structured to assist
878 reviewers ~~committee members~~ in developing the skills necessary
879 to make valid, culturally sensitive, and objective decisions
880 regarding the content and rigor of instructional materials. All
881 persons serving as ~~on~~ instructional materials reviewers
882 ~~committees~~ must complete the training program prior to beginning



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883 the review and selection process.

884 Section 22. Section 1006.30, Florida Statutes, is amended
885 to read:

886 1006.30 Affidavit of state instructional materials
887 reviewers ~~committee members~~.—Before transacting any business,
888 each state instructional materials reviewer ~~member of a state~~
889 ~~committee~~ shall make an affidavit, to be filed with the
890 department commissioner, that:

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

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

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

900 (4) The reviewer ~~does not have any direct or indirect~~
901 pecuniary interest ~~member is not pecuniarily interested, and~~
902 ~~while a member of the committee he or she will assume no~~
903 ~~pecuniary interest, directly or indirectly~~, in the business or
904 profits of any person engaged in manufacturing, publishing, or
905 selling instructional materials designed for use in the public
906 schools.

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



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912 (6) The reviewer understands that it is unlawful ~~for any~~
913 ~~member of a state instructional materials committee~~ to discuss
914 matters relating to instructional materials submitted for
915 adoption with any agent of a publisher or manufacturer of
916 instructional materials, either directly or indirectly, except
917 during the period when the publisher or manufacturer is
918 providing a presentation for the reviewer during his or her
919 review of the committee has been called into session for the
920 purpose of evaluating instructional materials submitted for
921 adoption. ~~Such discussions shall be limited to official meetings~~
922 ~~of the committee and in accordance with procedures prescribed by~~
923 ~~the commissioner for that purpose.~~

924 Section 23. Section 1006.31, Florida Statutes, is amended
925 to read:

926 1006.31 Duties of each state instructional materials
927 reviewer committee.—The duties of each state instructional
928 materials reviewer committee are:

929 ~~(1) PLACE AND TIME OF MEETING. To meet at the call of the~~
930 ~~commissioner, at a place in the state designated by him or her,~~
931 ~~for the purpose of evaluating and recommending instructional~~
932 ~~materials for adoption by the state. All meetings of state~~
933 ~~instructional materials committees shall be announced publicly~~
934 ~~in the Florida Administrative Weekly at least 2 weeks prior to~~
935 ~~the date of convening. All meetings of the committees shall be~~
936 ~~open to the public.~~

937 ~~(2) ORGANIZATION. To elect a chair and vice chair for each~~
938 ~~adoption. An employee of the department shall serve as secretary~~
939 ~~to the committee and keep an accurate record of its proceedings.~~
940 ~~All records of committee motions and votes, and summaries of~~



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941 ~~committee debate shall be incorporated into a publishable~~
942 ~~document and shall be available for public inspection and~~
943 ~~duplication.~~

944 (1)~~(3)~~ PROCEDURES.—To adhere to procedures prescribed by
945 the department commissioner for evaluating instructional
946 materials submitted by publishers and manufacturers in each
947 adoption.

948 (2)~~(4)~~ EVALUATION OF INSTRUCTIONAL MATERIALS.—To evaluate
949 carefully all instructional materials submitted, in order to
950 ascertain which instructional materials, if any, submitted for
951 consideration ~~best~~ implement the selection criteria developed by
952 the department commissioner and those curricular objectives
953 included within applicable performance standards provided for in
954 s. 1001.03(1).

955 (a) When recommending instructional materials for use in
956 the schools, each reviewer ~~committee~~ shall include only
957 instructional materials that accurately portray the ethnic,
958 socioeconomic, cultural, and racial diversity of our society,
959 including men and women in professional, career, and executive
960 roles, and the role and contributions of the entrepreneur and
961 labor in the total development of this state and the United
962 States.

963 (b) When recommending instructional materials for use in
964 the schools, each reviewer ~~committee~~ shall include only
965 materials that ~~which~~ accurately portray, whenever appropriate,
966 humankind's place in ecological systems, including the necessity
967 for the protection of our environment and conservation of our
968 natural resources and the effects on the human system of the use
969 of tobacco, alcohol, controlled substances, and other dangerous



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970 substances.

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

976 (d) When recommending instructional materials for use in
977 the schools, each reviewer ~~committee~~ shall require, when
978 appropriate to the comprehension of students, that materials for
979 social science, history, or civics classes contain the
980 Declaration of Independence and the Constitution of the United
981 States. A reviewer may not recommend any ~~No~~ instructional
982 materials ~~shall be recommended by any committee~~ for use in the
983 schools which contain any matter reflecting unfairly upon
984 persons because of their race, color, creed, national origin,
985 ancestry, gender, or occupation.

986 (e) Any ~~All~~ instructional material ~~materials~~ recommended by
987 each reviewer ~~committee~~ for use in the schools shall be, to the
988 satisfaction of each reviewer ~~committee~~, accurate, objective,
989 and current and suited to the needs and comprehension of
990 students at their respective grade levels. Reviewers
991 ~~Instructional materials committees~~ shall consider for adoption
992 materials developed for academically talented students such as
993 those enrolled in advanced placement courses.

994 ~~(3)-(5) REPORT OF REVIEWERS COMMITTEE.~~ ~~Each committee,~~ After
995 a thorough study of all data submitted on each instructional
996 material, to submit an electronic ~~and after each member has~~
997 ~~carefully evaluated each instructional material, shall present a~~
998 ~~written~~ report to the department ~~commissioner~~. The ~~Such~~ report



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999 shall be made public, and must ~~shall~~ include responses to each
1000 section of the report format prescribed by the department.÷

1001 ~~(a) A description of the procedures used in determining the~~
1002 ~~instructional materials to be recommended to the commissioner.~~

1003 ~~(b) Recommendations of instructional materials for each~~
1004 ~~grade and subject field in the curriculum of public elementary,~~
1005 ~~middle, and high schools in which adoptions are to be made. If~~
1006 ~~deemed advisable, the committee may include such other~~
1007 ~~information, expression of opinion, or recommendation as would~~
1008 ~~be helpful to the commissioner. If there is a difference of~~
1009 ~~opinion among the members of the committee as to the merits of~~
1010 ~~any instructional materials, any member may file an expression~~
1011 ~~of his or her individual opinion.~~

1012
1013 ~~The findings of the committees, including the evaluation of~~
1014 ~~instructional materials, shall be in sessions open to the~~
1015 ~~public. All decisions leading to determinations of the~~
1016 ~~committees shall be by roll call vote, and at no time will a~~
1017 ~~secret ballot be permitted.~~

1018 Section 24. Section 1006.32, Florida Statutes, is amended
1019 to read:

1020 1006.32 Prohibited acts.—

1021 (1) A ~~No~~ publisher or manufacturer of instructional
1022 material, or any representative thereof, may not ~~shall~~ offer to
1023 give any emolument, money, or other valuable thing, or any
1024 inducement, to any district school board official or state
1025 ~~member of a state-level~~ instructional materials reviewer
1026 ~~committee~~ to directly or indirectly introduce, recommend, vote
1027 for, or otherwise influence the adoption or purchase of any



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1028 instructional materials.

1029 (2) A ~~No~~ district school board official or ~~member of a~~
1030 state instructional materials reviewer may not ~~committee shall~~
1031 solicit or accept any emolument, money, or other valuable thing,
1032 or any inducement, to directly or indirectly introduce,
1033 recommend, vote for, or otherwise influence the adoption or
1034 purchase of any instructional material.

1035 (3) A ~~No~~ district school board or publisher may not
1036 participate in a pilot program of materials being considered for
1037 adoption during the 18-month period before the official adoption
1038 of the materials by the commissioner. Any pilot program during
1039 the first 2 years of the adoption period must have the prior
1040 approval of the commissioner.

1041 (4) Any publisher or manufacturer of instructional
1042 materials or representative thereof or any district school board
1043 official or state instructional materials reviewer ~~committee~~
1044 ~~member,~~ who violates any provision of this section commits a
1045 misdemeanor of the second degree, punishable as provided in s.
1046 775.082 or s. 775.083. Any representative of a publisher or
1047 manufacturer who violates any provision of this section, in
1048 addition to any other penalty, shall be banned from practicing
1049 business in the state for a period of 1 calendar year. ~~Any~~
1050 ~~district school board official or state instructional materials~~
1051 ~~committee member who violates any provision of this section, in~~
1052 ~~addition to any other penalty, shall be removed from his or her~~
1053 ~~official position.~~

1054 (5) This section does not prohibit ~~Nothing in this section~~
1055 ~~shall be construed to prevent~~ any publisher, manufacturer, or
1056 agent from supplying, for purposes of examination, necessary



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1057 sample copies of instructional materials to any district school
1058 board official or state instructional materials reviewer
1059 ~~committee member~~.

1060 (6) This section does not prohibit ~~Nothing in this section~~
1061 ~~shall be construed to prevent~~ a district school board official
1062 or state instructional materials reviewer ~~committee member~~ from
1063 receiving sample copies of instructional materials.

1064 (7) This section does not ~~Nothing contained in this section~~
1065 ~~shall be construed to~~ prohibit or restrict a district school
1066 board official from receiving royalties or other compensation,
1067 other than compensation paid to him or her as commission for
1068 negotiating sales to district school boards, from the publisher
1069 or manufacturer of instructional materials written, designed, or
1070 prepared by such district school board official, and adopted by
1071 the commissioner or purchased by any district school board. No
1072 district school board official shall be allowed to receive
1073 royalties on any materials not on the state-adopted list
1074 purchased for use by his or her district school board.

1075 (8) A ~~No~~ district school superintendent, district school
1076 board member, teacher, or other person officially connected with
1077 the government or direction of public schools may not ~~shall~~
1078 receive during the months actually engaged in performing duties
1079 under his or her contract any private fee, gratuity, donation,
1080 or compensation, in any manner whatsoever, for promoting the
1081 sale or exchange of any instructional material ~~school book~~, map,
1082 or chart in any public school, or be an agent for the sale or
1083 the publisher of any instructional material ~~school textbook~~ or
1084 reference work, or have a direct or indirect pecuniary interest
1085 ~~be directly or indirectly pecuniarily interested~~ in the



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1086 introduction of any such instructional material ~~textbook~~, and
1087 any such agency or interest shall disqualify any person so
1088 acting or interested from holding any district school board
1089 employment whatsoever, and the person commits a misdemeanor of
1090 the second degree, punishable as provided in s. 775.082 or s.
1091 775.083; however, provided that this subsection does ~~shall~~ not
1092 prevent ~~be construed as preventing~~ the adoption of any
1093 instructional material ~~book~~ written in whole or in part by a
1094 Florida author.

1095 Section 25. Paragraphs (b) and (e) of subsection (1) and
1096 subsections (2) and (4) of section 1006.33, Florida Statutes,
1097 are amended to read:

1098 1006.33 Bids or proposals; advertisement and its contents.-

1099 (1)

1100 (b) The advertisement shall state that, beginning in 2010-
1101 2011, each bidder shall furnish electronic sample ~~specimen~~
1102 copies of all instructional materials submitted, at a time
1103 designated by the department, which ~~specimen~~ copies shall be
1104 identical with the copies approved and accepted by ~~the members~~
1105 ~~of the~~ state instructional materials reviewers ~~committee~~, as
1106 prescribed in this section, and with the copies furnished to the
1107 department and district school superintendents, as provided in
1108 this part. A school district may not request ~~Any district school~~
1109 ~~superintendent who requires~~ samples in addition to the
1110 electronic sample copies ~~format must request those samples~~
1111 ~~through the department.~~

1112 (e) The advertisement shall give information regarding
1113 digital ~~as to how~~ specifications that ~~which~~ have been adopted by
1114 the department, including minimum format requirements that will



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1115 enable electronic and digital content to be accessed through the
1116 district's local instructional improvement system and a variety
1117 of mobile, electronic, and digital devices. Beginning with
1118 specifications released in 2014, the digital specifications
1119 shall include requiring the capability for searching by state
1120 standards and site and student-level licensing. Such digital
1121 format specifications shall be appropriate for the
1122 interoperability of the content. The department may not adopt
1123 specifications that require the instructional materials to
1124 include specific references to FCAT and Next Generation Sunshine
1125 State Standards and benchmarks at the point of student use in
1126 ~~regard to paper, binding, cover boards, and mechanical makeup~~
1127 ~~can be secured. In adopting specifications, the department shall~~
1128 ~~make an exception for instructional materials that are college-~~
1129 ~~level texts and that do not meet department physical~~
1130 ~~specifications for secondary materials, if the publisher~~
1131 ~~guarantees replacement during the term of the contract.~~

1132 (2) The bids submitted shall be for furnishing the
1133 designated materials in accordance with specifications of the
1134 department. The bid shall state the lowest wholesale price at
1135 which the materials will be furnished, at the time the adoption
1136 period provided in the contract begins, ~~delivered f.o.b. to the~~
1137 ~~Florida depository of the publisher, manufacturer, or bidder.~~

1138 (4) Sample Specimen copies of all instructional materials
1139 that have been made the bases of contracts under this part
1140 shall, upon request for the purpose of public inspection, be
1141 made available by the publisher to the department and the
1142 district school superintendent of each district school board
1143 that adopts the instructional materials from the state list upon



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1144 request for the purpose of public inspection. ~~All contracts and~~
1145 ~~bonds executed under this part shall be signed in triplicate.~~
1146 ~~One copy of each contract and an original of each bid, whether~~
1147 ~~accepted or rejected, shall be preserved with the department for~~
1148 ~~at least 3 years after termination of the contract.~~

1149 Section 26. Subsections (1), (2), (3), and (7) of section
1150 1006.34, Florida Statutes, are amended to read:

1151 1006.34 Powers and duties of the commissioner and the
1152 department in selecting and adopting instructional materials.—

1153 (1) PROCEDURES FOR EVALUATING INSTRUCTIONAL MATERIALS.—The
1154 State Board of Education shall adopt rules prescribing
1155 ~~commissioner shall prescribe~~ the procedures by which the
1156 department shall evaluate instructional materials submitted by
1157 publishers and manufacturers in each adoption. Included in these
1158 procedures shall be provisions affording ~~which afford~~ each
1159 publisher or manufacturer or his or her representative an
1160 opportunity to provide a virtual presentation to ~~present to~~
1161 ~~members of the state instructional materials~~ reviewers on
1162 ~~committees~~ the merits of each instructional material submitted
1163 in each adoption.

1164 (2) SELECTION AND ADOPTION OF INSTRUCTIONAL MATERIALS.—

1165 (a) The department shall notify all publishers and
1166 manufacturers of instructional materials who have submitted bids
1167 that within 3 weeks after the deadline for receiving bids, at a
1168 designated time and place, it will open the bids submitted and
1169 deposited with it. At the time and place designated, the bids
1170 shall be opened, read, and tabulated in the presence of the
1171 bidders or their representatives. No one may revise his or her
1172 bid after the bids have been filed. When all bids have been



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1173 carefully considered, the commissioner shall, from the list of
1174 suitable, usable, and desirable instructional materials reported
1175 by the state instructional materials reviewers ~~committee~~, select
1176 and adopt instructional materials for each grade and subject
1177 field in the curriculum of public elementary, middle, and high
1178 schools in which adoptions are made and in the subject areas
1179 designated in the advertisement. The adoption shall continue for
1180 the period specified in the advertisement, beginning on the
1181 ensuing April 1. The adoption shall not prevent the extension of
1182 a contract as provided in subsection (3). The commissioner shall
1183 always reserve the right to reject any and all bids. The
1184 commissioner may ask for new sealed bids from publishers or
1185 manufacturers whose instructional materials were recommended by
1186 the state instructional materials reviewers ~~committee~~ as
1187 suitable, usable, and desirable; specify the dates for filing
1188 such bids and the date on which they shall be opened; and
1189 proceed in all matters regarding the opening of bids and the
1190 awarding of contracts as required by this part. In all cases,
1191 bids shall be accompanied by a cash deposit or certified check
1192 of from \$500 to \$2,500, as the department ~~commissioner~~ may
1193 direct. The department, in adopting instructional materials,
1194 shall give due consideration both to the prices bid for
1195 furnishing instructional materials and to the report and
1196 recommendations of the state instructional materials reviewers
1197 ~~committee~~. When the commissioner has finished with the report of
1198 the state instructional materials reviewers ~~committee~~, the
1199 report shall be filed and preserved with the department and
1200 shall be available at all times for public inspection.

1201 (b) In the selection of instructional materials, library



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1202 media books, and other reading material used in the public
1203 school system, the standards used to determine the propriety of
1204 the material shall include:

1205 1. The age of the students who normally could be expected
1206 to have access to the material.

1207 2. The educational purpose to be served by the material. In
1208 considering instructional materials for classroom use, priority
1209 shall be given to the selection of materials which encompass the
1210 state and district school board performance standards provided
1211 for in s. 1001.03(1) and which include the instructional
1212 objectives contained within the curriculum frameworks approved
1213 by rule of the State Board of Education.

1214 3. The degree to which the material would be supplemented
1215 and explained by mature classroom instruction as part of a
1216 normal classroom instructional program.

1217 4. The consideration of the broad racial, ethnic,
1218 socioeconomic, and cultural diversity of the students of this
1219 state.

1220
1221 Any instructional ~~No book or other~~ material containing ~~hard-core~~
1222 pornography or otherwise prohibited by s. 847.012 may not ~~shall~~
1223 be used or made available within any public school ~~district~~.

1224 (3) CONTRACT WITH PUBLISHERS OR MANUFACTURERS; BOND.—As
1225 soon as practicable after the commissioner has adopted any
1226 instructional materials and all bidders that have secured the
1227 adoption of any instructional materials have been notified
1228 thereof by registered letter, the department ~~of Legal Affairs~~
1229 shall prepare a contract in proper form with every bidder
1230 awarded the adoption of any instructional materials. Each



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1231 contract shall be executed by the commissioner ~~Governor and~~
1232 ~~Secretary of State under the seal of the state~~, one copy to be
1233 kept by the contractor, ~~one copy to be filed with the Department~~
1234 ~~of State~~, and one copy to be filed with the department. After
1235 giving due consideration to comments by the district school
1236 boards, the commissioner, with the agreement of the publisher,
1237 may extend or shorten a contract period for a period not to
1238 exceed 2 years; and the terms of any such contract shall remain
1239 the same as in the original contract. Any publisher or
1240 manufacturer to whom any contract is let under this part must
1241 give bond in such amount as the department ~~commissioner~~
1242 requires, payable to the state, conditioned for the faithful,
1243 honest, and exact performance of the contract. The bond must
1244 provide for the payment of reasonable attorney's fees in case of
1245 recovery in any suit thereon. The surety on the bond must be a
1246 guaranty or surety company lawfully authorized to do business in
1247 the state; however, the bond shall not be exhausted by a single
1248 recovery but may be sued upon from time to time until the full
1249 amount thereof is recovered, and the department may at any time,
1250 after giving 30 days' notice, require additional security or
1251 additional bond. The form of any bond or bonds or contract or
1252 contracts under this part shall be prepared and approved by the
1253 department ~~of Legal Affairs~~. At the discretion of the department
1254 ~~commissioner~~, a publisher or manufacturer to whom any contract
1255 is let under this part may be allowed a cash deposit in lieu of
1256 a bond, conditioned for the faithful, honest, and exact
1257 performance of the contract. The cash deposit, payable to the
1258 department, shall be placed in the Textbook Bid Trust Fund. The
1259 department may recover damages on the cash deposit given by the



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1260 contractor for failure to furnish instructional materials, the
1261 sum recovered to inure to the General Revenue Fund.

1262 (7) FORFEITURE OF CONTRACT AND BOND.—If any publisher or
1263 manufacturer of instructional materials fails or refuses to
1264 furnish ~~a book, or books, or other~~ instructional materials as
1265 provided in the contract, the publisher's or manufacturer's ~~his~~
1266 ~~or her~~ bond is forfeited and the commissioner must ~~department~~
1267 ~~shall~~ make another contract ~~on such terms as it may find~~
1268 ~~desirable, after giving due consideration to the recommendations~~
1269 ~~of the commissioner.~~

1270 Section 27. Subsection (2) of section 1006.35, Florida
1271 Statutes, is amended to read:

1272 1006.35 Accuracy of instructional materials.—

1273 (2) When errors in state-adopted materials are confirmed,
1274 the publisher of the materials shall provide to each district
1275 school board that has purchased the materials the corrections in
1276 a format approved by the department ~~commissioner~~.

1277 Section 28. Section 1006.36, Florida Statutes, is amended
1278 to read:

1279 1006.36 Term of adoption for instructional materials.—

1280 (1) The term of adoption of any instructional materials
1281 must be a 5-year ~~6-year~~ period beginning on April 1 following
1282 the adoption, except that the commissioner may approve terms of
1283 adoption of less than 5 ~~6~~ years for materials in content areas
1284 which require more frequent revision. Any contract for
1285 instructional materials may be extended as prescribed in s.
1286 1006.34(3).

1287 (2) The department shall publish annually an official
1288 schedule of subject areas to be called for adoption for each of



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1289 the succeeding 2 years, and a tentative schedule for years 3, 4,
1290 and 5, and 6. If extenuating circumstances warrant, the
1291 commissioner may ~~order the department to~~ add one or more subject
1292 areas to the official schedule, in which event the commissioner
1293 shall develop criteria for such additional subject area or areas
1294 and make them available to publishers as soon as practicable
1295 before the date on which bids are due. The schedule shall be
1296 developed so as to promote balance among the subject areas so
1297 that the required expenditure for new instructional materials is
1298 approximately the same each year in order to maintain curricular
1299 consistency.

1300 Section 29. Subsections (2), (3), (5), and (14) through
1301 (17) of section 1006.38, Florida Statutes, are amended to read:
1302 1006.38 Duties, responsibilities, and requirements of
1303 instructional materials publishers and manufacturers.—Publishers
1304 and manufacturers of instructional materials, or their
1305 representatives, shall:

1306 (2) Electronically deliver fully developed sample specimen
1307 copies of all instructional materials upon which bids are based
1308 to the department pursuant to procedures adopted by the State
1309 Board of Education ~~each member of a state instructional~~
1310 ~~materials committee. At the conclusion of the review process,~~
1311 ~~manufacturers submitting samples of instructional materials are~~
1312 ~~entitled to the return thereof, at the expense of the~~
1313 ~~manufacturers; or, in the alternative, the manufacturers are~~
1314 ~~entitled to reimbursement by the individual committee members~~
1315 ~~for the retail value of the samples.~~

1316 (3) Submit, at a time designated in s. 1006.33, the
1317 following information:



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1318 (a) Detailed specifications of the physical characteristics
1319 of the instructional materials, including any software or
1320 technological tools required for use by the district, school,
1321 teachers, or students. The publisher or manufacturer shall
1322 comply with these specifications if the instructional materials
1323 are adopted and purchased in completed form.

1324 (b) Evidence ~~Written proof~~ that the publisher has provided
1325 materials that address the ~~written correlations to appropriate~~
1326 ~~curricular objectives included within applicable performance~~
1327 standards provided for in s. 1001.03(1) and that can be accessed
1328 through the district's local instructional improvement system
1329 and a variety of electronic, digital, and mobile devices.

1330 (5) Furnish the instructional materials offered by them at
1331 a price in the state which, including all costs of electronic
1332 transmission ~~transportation to their depositories,~~ may ~~shall~~ not
1333 exceed the lowest price at which they offer such instructional
1334 materials for adoption or sale to any state or school district
1335 in the United States.

1336 ~~(14) For all other subject areas, maintain in the~~
1337 ~~depository an inventory of instructional materials sufficient to~~
1338 ~~receive and fill orders.~~

1339 ~~(14)~~ ~~(15)~~ Accurately and fully disclose only the names of
1340 those persons who actually authored the instructional materials.
1341 In addition to the penalties provided in subsection ~~(16)~~ ~~(17)~~,
1342 the commissioner may remove from the list of state-adopted
1343 instructional materials those instructional materials whose
1344 publisher or manufacturer misleads the purchaser by falsely
1345 representing genuine authorship.

1346 ~~(15)~~ ~~(16)~~ Grant, without prior written request, for any



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1347 copyright held by the publisher or its agencies automatic
1348 permission to the department or its agencies for the
1349 reproduction of instructional materials ~~textbooks~~ and
1350 supplementary materials in braille, ~~or~~ large print, or other
1351 appropriate format ~~in the form of sound recordings~~, for use by
1352 visually impaired students or other students with disabilities
1353 that would benefit from use of the materials.

1354 ~~(16)-(17)~~ Upon the willful failure of the publisher or
1355 manufacturer to comply with the requirements of this section, be
1356 liable to the department in the amount of three ~~3~~ times the
1357 total sum which the publisher or manufacturer was paid in excess
1358 of the price required under subsections (5) and (6) and in the
1359 amount of three ~~3~~ times the total value of the instructional
1360 materials and services which the district school board is
1361 entitled to receive free of charge under subsection (7).

1362 Section 30. Subsection (5) of section 1006.39, Florida
1363 Statutes, is amended to read:

1364 1006.39 Production and dissemination of educational
1365 materials and products by department.-

1366 (5) The department shall not enter into the business of
1367 producing or publishing instructional materials ~~textbooks~~, ~~or~~
1368 ~~the contents therein~~, for general use in classrooms.

1369 Section 31. Subsection (2), paragraph (a) of subsection
1370 (3), and subsection (4) of section 1006.40, Florida Statutes,
1371 are amended to read:

1372 1006.40 Use of instructional materials allocation;
1373 instructional materials, library books, and reference books;
1374 repair of books.-

1375 ~~(2)-(a)~~ Each district school board must purchase current



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1376 instructional materials to provide each student with a ~~textbook~~
1377 ~~or other instructional materials~~ as a major tool of instruction
1378 in core courses of the ~~appropriate~~ subject areas of mathematics,
1379 language arts, science, social studies, reading, and literature
1380 for kindergarten through grade 12. Such purchase must be made
1381 within the first 2 years after the effective date of the
1382 adoption cycle; ~~however, this requirement is waived for the~~
1383 ~~adoption cycle occurring in the 2008-2009 academic year for~~
1384 ~~schools within the district which are identified in the top four~~
1385 ~~categories of schools pursuant to s. 1008.33, as amended by~~
1386 ~~chapter 2009-144, Laws of Florida. The Commissioner of Education~~
1387 ~~may provide a waiver of this requirement for the adoption cycle~~
1388 ~~occurring in the 2008-2009 academic year if the district~~
1389 ~~demonstrates that it has intervention and support strategies to~~
1390 ~~address the particular needs of schools in the lowest two~~
1391 ~~categories. Unless specifically provided for in the General~~
1392 ~~Appropriations Act, the cost of instructional materials~~
1393 ~~purchases required by this paragraph shall not exceed the amount~~
1394 ~~of the district's allocation for instructional materials,~~
1395 ~~pursuant to s. 1011.67, for the previous 2 years.~~

1396 ~~(b) The requirement in paragraph (a) does not apply to~~
1397 ~~contracts in existence before April 1, 2000, or to a purchase~~
1398 ~~related to growth of student membership in the district or for~~
1399 ~~instructional materials maintenance needs.~~

1400 (3) (a) By the 2015-2016 fiscal year, each district school
1401 board shall use at least 50 percent of the annual allocation for
1402 the purchase of digital or electronic instructional materials
1403 included on the state-adopted list, except as otherwise
1404 authorized in paragraphs (b) and (c). ~~No less than 50 percent of~~



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1405 ~~the annual allocation shall be used to purchase items which will~~
1406 ~~be used to provide instruction to students at the level or~~
1407 ~~levels for which the materials are designed.~~

1408 (4) The funds described in subsection (3) which district
1409 school boards may use to purchase materials not on the state-
1410 adopted list shall be used for the purchase of instructional
1411 materials or other items having intellectual content which
1412 assist in the instruction of a subject or course. These items
1413 may be available in bound, unbound, kit, or package form and may
1414 consist of hardbacked or softbacked textbooks, electronic
1415 content, replacements for items which were part of previously
1416 purchased instructional materials, consumables, learning
1417 laboratories, manipulatives, electronic media, computer
1418 courseware or software, and other commonly accepted
1419 instructional tools as prescribed by district school board rule.
1420 ~~The funds available to district school boards for the purchase~~
1421 ~~of materials not on the state-adopted list may not be used to~~
1422 ~~purchase electronic or computer hardware even if such hardware~~
1423 ~~is bundled with software or other electronic media unless the~~
1424 ~~district school board has complied with the requirements in s.~~
1425 ~~1011.62(6)(b)5., nor may such funds be used to purchase~~
1426 ~~equipment or supplies. However, when authorized to do so in the~~
1427 ~~General Appropriations Act, a school or district school board~~
1428 ~~may use a portion of the funds available to it for the purchase~~
1429 ~~of materials not on the state-adopted list to purchase science~~
1430 ~~laboratory materials and supplies.~~

1431 Section 32. Section 1006.43, Florida Statutes, is repealed.

1432 Section 33. Paragraphs (j) through (u) of subsection (1),
1433 paragraph (a) of subsection (4), paragraph (b) of subsection



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1434 (6), and subsection (11) of section 1011.62, Florida Statutes,
1435 are amended, present subsections (11) through (13) of that
1436 section are redesignated as subsections (12) through (14),
1437 respectively, and a new subsection (11) is added to that
1438 section, to read:

1439 1011.62 Funds for operation of schools.—If the annual
1440 allocation from the Florida Education Finance Program to each
1441 district for operation of schools is not determined in the
1442 annual appropriations act or the substantive bill implementing
1443 the annual appropriations act, it shall be determined as
1444 follows:

1445 (1) COMPUTATION OF THE BASIC AMOUNT TO BE INCLUDED FOR
1446 OPERATION.—The following procedure shall be followed in
1447 determining the annual allocation to each district for
1448 operation:

1449 ~~(j) Coenrollment.—If a high school student wishes to earn~~
1450 ~~high school credits from a community college and enrolls in one~~
1451 ~~or more adult secondary education courses at the community~~
1452 ~~college, the community college shall be reimbursed for the costs~~
1453 ~~incurred because of the high school student's coenrollment as~~
1454 ~~provided in the General Appropriations Act.~~

1455 (j)~~(k)~~ *Instruction in exploratory career education.*—
1456 Students in grades 7 through 12 who are enrolled for more than
1457 four semesters in exploratory career education may not be
1458 counted as full-time equivalent students for this instruction.

1459 (k)~~(l)~~ *Study hall.*—A student who is enrolled in study hall
1460 may not be included in the calculation of full-time equivalent
1461 student membership for funding under this section.

1462 (l)~~(m)~~ *Calculation of additional full-time equivalent*



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1463 membership based on International Baccalaureate examination
1464 scores of students.—A value of 0.16 full-time equivalent student
1465 membership shall be calculated for each student enrolled in an
1466 International Baccalaureate course who receives a score of 4 or
1467 higher on a subject examination. A value of 0.3 full-time
1468 equivalent student membership shall be calculated for each
1469 student who receives an International Baccalaureate diploma.
1470 Such value shall be added to the total full-time equivalent
1471 student membership in basic programs for grades 9 through 12 in
1472 the subsequent fiscal year. Each school district shall allocate
1473 80 percent of the funds received from International
1474 Baccalaureate bonus FTE funding to the school program whose
1475 students generate the funds and to school programs that prepare
1476 prospective students to enroll in International Baccalaureate
1477 courses. Funds shall be expended solely for the payment of
1478 allowable costs associated with the International Baccalaureate
1479 program. Allowable costs include International Baccalaureate
1480 annual school fees; International Baccalaureate examination
1481 fees; salary, benefits, and bonuses for teachers and program
1482 coordinators for the International Baccalaureate program and
1483 teachers and coordinators who prepare prospective students for
1484 the International Baccalaureate program; supplemental books;
1485 instructional supplies; instructional equipment or instructional
1486 materials for International Baccalaureate courses; other
1487 activities that identify prospective International Baccalaureate
1488 students or prepare prospective students to enroll in
1489 International Baccalaureate courses; and training or
1490 professional development for International Baccalaureate
1491 teachers. School districts shall allocate the remaining 20



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1492 percent of the funds received from International Baccalaureate
1493 bonus FTE funding for programs that assist academically
1494 disadvantaged students to prepare for more rigorous courses. The
1495 school district shall distribute to each classroom teacher who
1496 provided International Baccalaureate instruction:

1497 1. A bonus in the amount of \$50 for each student taught by
1498 the International Baccalaureate teacher in each International
1499 Baccalaureate course who receives a score of 4 or higher on the
1500 International Baccalaureate examination.

1501 2. An additional bonus of \$500 to each International
1502 Baccalaureate teacher in a school designated with a grade of "D"
1503 or "F" who has at least one student scoring 4 or higher on the
1504 International Baccalaureate examination, regardless of the
1505 number of classes taught or of the number of students scoring a
1506 4 or higher on the International Baccalaureate examination.

1507
1508 Bonuses awarded to a teacher according to this paragraph shall
1509 not exceed \$2,000 in any given school year and shall be in
1510 addition to any regular wage or other bonus the teacher received
1511 or is scheduled to receive.

1512 ~~(m)-(n)~~ *Calculation of additional full-time equivalent*
1513 *membership based on Advanced International Certificate of*
1514 *Education examination scores of students.*—A value of 0.16 full-
1515 time equivalent student membership shall be calculated for each
1516 student enrolled in a full-credit Advanced International
1517 Certificate of Education course who receives a score of E or
1518 higher on a subject examination. A value of 0.08 full-time
1519 equivalent student membership shall be calculated for each
1520 student enrolled in a half-credit Advanced International



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1521 Certificate of Education course who receives a score of E or
1522 higher on a subject examination. A value of 0.3 full-time
1523 equivalent student membership shall be calculated for each
1524 student who receives an Advanced International Certificate of
1525 Education diploma. Such value shall be added to the total full-
1526 time equivalent student membership in basic programs for grades
1527 9 through 12 in the subsequent fiscal year. The school district
1528 shall distribute to each classroom teacher who provided Advanced
1529 International Certificate of Education instruction:

1530 1. A bonus in the amount of \$50 for each student taught by
1531 the Advanced International Certificate of Education teacher in
1532 each full-credit Advanced International Certificate of Education
1533 course who receives a score of E or higher on the Advanced
1534 International Certificate of Education examination. A bonus in
1535 the amount of \$25 for each student taught by the Advanced
1536 International Certificate of Education teacher in each half-
1537 credit Advanced International Certificate of Education course
1538 who receives a score of E or higher on the Advanced
1539 International Certificate of Education examination.

1540 2. An additional bonus of \$500 to each Advanced
1541 International Certificate of Education teacher in a school
1542 designated with a grade of "D" or "F" who has at least one
1543 student scoring E or higher on the full-credit Advanced
1544 International Certificate of Education examination, regardless
1545 of the number of classes taught or of the number of students
1546 scoring an E or higher on the full-credit Advanced International
1547 Certificate of Education examination.

1548 3. Additional bonuses of \$250 each to teachers of half-
1549 credit Advanced International Certificate of Education classes



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1550 in a school designated with a grade of "D" or "F" which has at
1551 least one student scoring an E or higher on the half-credit
1552 Advanced International Certificate of Education examination in
1553 that class. The maximum additional bonus for a teacher awarded
1554 in accordance with this subparagraph shall not exceed \$500 in
1555 any given school year. Teachers receiving an award under
1556 subparagraph 2. are not eligible for a bonus under this
1557 subparagraph.

1558
1559 Bonuses awarded to a teacher according to this paragraph shall
1560 not exceed \$2,000 in any given school year and shall be in
1561 addition to any regular wage or other bonus the teacher received
1562 or is scheduled to receive.

1563 (n)~~(e)~~ *Calculation of additional full-time equivalent*
1564 *membership based on college board advanced placement scores of*
1565 *students.*—A value of 0.16 full-time equivalent student
1566 membership shall be calculated for each student in each advanced
1567 placement course who receives a score of 3 or higher on the
1568 College Board Advanced Placement Examination for the prior year
1569 and added to the total full-time equivalent student membership
1570 in basic programs for grades 9 through 12 in the subsequent
1571 fiscal year. Each district must allocate at least 80 percent of
1572 the funds provided to the district for advanced placement
1573 instruction, in accordance with this paragraph, to the high
1574 school that generates the funds. The school district shall
1575 distribute to each classroom teacher who provided advanced
1576 placement instruction:

1577 1. A bonus in the amount of \$50 for each student taught by
1578 the Advanced Placement teacher in each advanced placement course



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1579 who receives a score of 3 or higher on the College Board
1580 Advanced Placement Examination.

1581 2. An additional bonus of \$500 to each Advanced Placement
1582 teacher in a school designated with a grade of "D" or "F" who
1583 has at least one student scoring 3 or higher on the College
1584 Board Advanced Placement Examination, regardless of the number
1585 of classes taught or of the number of students scoring a 3 or
1586 higher on the College Board Advanced Placement Examination.

1587
1588 Bonuses awarded to a teacher according to this paragraph shall
1589 not exceed \$2,000 in any given school year and shall be in
1590 addition to any regular wage or other bonus the teacher received
1591 or is scheduled to receive.

1592 (o) ~~(p)~~ *Calculation of additional full-time equivalent*
1593 *membership based on certification of successful completion of*
1594 *industry-certified career and professional academy programs*
1595 *pursuant to ss. 1003.491, 1003.492, ~~and~~ 1003.493 and 1003.4935*
1596 *and identified in the Industry Certified Funding List pursuant*
1597 *to rules adopted by the State Board of Education.—A value of*
1598 0.1, 0.2, or 0.3 full-time equivalent student membership shall
1599 be calculated for each student who completes an industry-
1600 certified career and professional academy program under ss.
1601 1003.491, 1003.492, ~~and~~ 1003.493 and 1003.4935 and who is issued
1602 the highest level of industry certification identified annually
1603 in the Industry Certification Funding List approved under rules
1604 adopted by the State Board of Education and a high school
1605 diploma. The maximum full-time equivalent student membership
1606 value for any student is 0.3. The Department of Education shall
1607 assign the appropriate full-time equivalent value for each



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1608 certification, 50 percent of which is based on rigor and the
1609 remaining 50 percent on employment value. The State Board of
1610 Education shall include the assigned values in the Industry
1611 Certification Funding List under rules adopted by the state
1612 board. Rigor shall be based on the number of instructional
1613 hours, including work experience hours, required to earn the
1614 certification, with a bonus for industry certifications that
1615 have a statewide articulation agreement for college credit
1616 approved by the State Board of Education. Employment value shall
1617 be based on the entry wage, growth rate in employment for each
1618 occupational category, and average annual openings for the
1619 primary occupation linked to the industry certification. Such
1620 value shall be added to the total full-time equivalent student
1621 membership in secondary career education programs for grades 9
1622 through 12 in the subsequent year for courses that were not
1623 funded through dual enrollment. The additional full-time
1624 equivalent membership authorized under this paragraph may not
1625 exceed 0.3 per student. Each district must allocate at least 80
1626 percent of the funds provided for industry certification, in
1627 accordance with this paragraph, to the program that generated
1628 the funds. Unless a different amount is specified in the General
1629 Appropriations Act, the appropriation for this calculation is
1630 limited to \$15 million annually. If the appropriation is
1631 insufficient to fully fund the total calculation, the
1632 appropriation shall be prorated.

1633 ~~(g) Calculation of additional full-time equivalent~~
1634 ~~membership for the Florida Virtual School. The reported full-~~
1635 ~~time equivalent student membership for the Florida Virtual~~
1636 ~~School for students who are also enrolled in a school district~~



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1637 ~~shall be multiplied by 0.114, and such value shall be added to~~
1638 ~~the total full-time equivalent student membership.~~

1639 (p) ~~(r)~~ *Year-round-school programs.*—The Commissioner of
1640 Education is authorized to adjust student eligibility
1641 definitions, funding criteria, and reporting requirements of
1642 statutes and rules in order that year-round-school programs may
1643 achieve equivalent application of funding requirements with non-
1644 year-round-school programs.

1645 (q) ~~(s)~~ *Extended-school-year program.*—It is the intent of
1646 the Legislature that students be provided additional instruction
1647 by extending the school year to 210 days or more. Districts may
1648 apply to the Commissioner of Education for funds to be used in
1649 planning and implementing an extended-school-year program.

1650 (r) ~~(t)~~ *Determination of the basic amount for current*
1651 *operation.*—The basic amount for current operation to be included
1652 in the Florida Education Finance Program for kindergarten
1653 through grade 12 for each district shall be the product of the
1654 following:

1655 1. The full-time equivalent student membership in each
1656 program, multiplied by

1657 2. The cost factor for each program, adjusted for the
1658 maximum as provided by paragraph (c), multiplied by

1659 3. The base student allocation.

1660 (s) ~~(u)~~ *Computation for funding through the Florida*
1661 *Education Finance Program.*—The State Board of Education may
1662 adopt rules establishing programs and courses for which the
1663 student may earn credit toward high school graduation.

1664 (4) COMPUTATION OF DISTRICT REQUIRED LOCAL EFFORT.—The
1665 Legislature shall prescribe the aggregate required local effort



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1666 for all school districts collectively as an item in the General
1667 Appropriations Act for each fiscal year. The amount that each
1668 district shall provide annually toward the cost of the Florida
1669 Education Finance Program for kindergarten through grade 12
1670 programs shall be calculated as follows:

1671 (a) *Estimated taxable value calculations.*—

1672 1.a. Not later than 2 working days prior to July 19, the
1673 Department of Revenue shall certify to the Commissioner of
1674 Education its most recent estimate of the taxable value for
1675 school purposes in each school district and the total for all
1676 school districts in the state for the current calendar year
1677 based on the latest available data obtained from the local
1678 property appraisers. The value certified shall be the taxable
1679 value for school purposes for that year, and no further
1680 adjustments shall be made, except those made pursuant to
1681 paragraphs (c) and (d), or an assessment roll change required by
1682 final judicial decisions as specified in paragraph (13) (b)
1683 ~~(12) (b)~~. Not later than July 19, the Commissioner of Education
1684 shall compute a millage rate, rounded to the next highest one
1685 one-thousandth of a mill, which, when applied to 96 percent of
1686 the estimated state total taxable value for school purposes,
1687 would generate the prescribed aggregate required local effort
1688 for that year for all districts. The Commissioner of Education
1689 shall certify to each district school board the millage rate,
1690 computed as prescribed in this subparagraph, as the minimum
1691 millage rate necessary to provide the district required local
1692 effort for that year.

1693 b. The General Appropriations Act shall direct the
1694 computation of the statewide adjusted aggregate amount for



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1695 required local effort for all school districts collectively from
1696 ad valorem taxes to ensure that no school district's revenue
1697 from required local effort millage will produce more than 90
1698 percent of the district's total Florida Education Finance
1699 Program calculation as calculated and adopted by the
1700 Legislature, and the adjustment of the required local effort
1701 millage rate of each district that produces more than 90 percent
1702 of its total Florida Education Finance Program entitlement to a
1703 level that will produce only 90 percent of its total Florida
1704 Education Finance Program entitlement in the July calculation.

1705 2. On the same date as the certification in sub-
1706 subparagraph 1.a., the Department of Revenue shall certify to
1707 the Commissioner of Education for each district:

1708 a. Each year for which the property appraiser has certified
1709 the taxable value pursuant to s. 193.122(2) or (3), if
1710 applicable, since the prior certification under sub-subparagraph
1711 1.a.

1712 b. For each year identified in sub-subparagraph a., the
1713 taxable value certified by the appraiser pursuant to s.
1714 193.122(2) or (3), if applicable, since the prior certification
1715 under sub-subparagraph 1.a. This is the certification that
1716 reflects all final administrative actions of the value
1717 adjustment board.

1718 (6) CATEGORICAL FUNDS.—

1719 (b) If a district school board finds and declares in a
1720 resolution adopted at a regular meeting of the school board that
1721 the funds received for any of the following categorical
1722 appropriations are urgently needed to maintain school board
1723 specified academic classroom instruction, the school board may



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1724 consider and approve an amendment to the school district
1725 operating budget transferring the identified amount of the
1726 categorical funds to the appropriate account for expenditure:
1727 1. Funds for student transportation.
1728 2. Funds for safe schools.
1729 3. Funds for supplemental academic instruction.
1730 4. Funds for research-based reading instruction.
1731 5. Funds for instructional materials if all instructional
1732 material purchases necessary to provide updated materials
1733 aligned to Next Generation Sunshine State Standards and
1734 benchmarks and that meet statutory requirements of content and
1735 learning have been completed for that fiscal year, but no sooner
1736 than March 1, ~~2011~~. Funds available after March 1 may be used to
1737 purchase hardware for student instruction.

1738 (11) VIRTUAL EDUCATION CONTRIBUTION.—The Legislature may
1739 annually provide in the Florida Education Finance Program a
1740 virtual education contribution. The amount of the virtual
1741 education contribution shall be the difference between the
1742 amount per FTE established in the General Appropriations Act for
1743 virtual education and the amount per FTE for each district and
1744 the Florida Virtual School, which may be calculated by taking
1745 the sum of the base FEFP allocation, the discretionary local
1746 effort, the state-funded discretionary contribution, the
1747 discretionary millage compression supplement, the research-based
1748 reading instruction allocation, and the instructional materials
1749 allocation, and then dividing by the total unweighted FTE. This
1750 difference shall be multiplied by the virtual education
1751 unweighted FTE for programs and options identified in s.
1752 1002.455(3) (a), (b), and (d) and the Florida Virtual School and



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1753 its franchises to equal the virtual education contribution and
1754 shall be included as a separate allocation in the funding
1755 formula.

1756 (12)~~(11)~~ QUALITY ASSURANCE GUARANTEE.—The Legislature may
1757 annually in the General Appropriations Act determine a
1758 percentage increase in funds per K-12 unweighted FTE as a
1759 minimum guarantee to each school district. The guarantee shall
1760 be calculated from prior year base funding per unweighted FTE
1761 student which shall include the adjusted FTE dollars as provided
1762 in subsection (13) ~~(12)~~, quality guarantee funds, and actual
1763 nonvoted discretionary local effort from taxes. From the base
1764 funding per unweighted FTE, the increase shall be calculated for
1765 the current year. The current year funds from which the
1766 guarantee shall be determined shall include the adjusted FTE
1767 dollars as provided in subsection (13) ~~(12)~~ and potential
1768 nonvoted discretionary local effort from taxes. A comparison of
1769 current year funds per unweighted FTE to prior year funds per
1770 unweighted FTE shall be computed. For those school districts
1771 which have less than the legislatively assigned percentage
1772 increase, funds shall be provided to guarantee the assigned
1773 percentage increase in funds per unweighted FTE student. Should
1774 appropriated funds be less than the sum of this calculated
1775 amount for all districts, the commissioner shall prorate each
1776 district's allocation. This provision shall be implemented to
1777 the extent specifically funded.

1778 Section 34. Section 1011.621, Florida Statutes, is created
1779 to read:

1780 1011.621 Adjustments for interdistrict transfers of
1781 students in Department of Juvenile Justice detention facilities



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1782 within a survey period.—The Department of Education, upon
1783 request by a school district and verification by the Department
1784 of Juvenile Justice, shall direct a school district that
1785 receives Florida Education Finance Program funds attributed to a
1786 membership survey for children in secure detention care pursuant
1787 to chapter 985 to transfer a pro rata share of the funds to
1788 another district that served the same students during the same
1789 survey period but were unable to report the students for
1790 funding. The amount of the funds transfer shall be based on the
1791 percentage of the survey period in which the students were
1792 served by each district.

1793 Section 35. Subsection (2) of section 1011.685, Florida
1794 Statutes, is amended to read:

1795 1011.685 Class size reduction; operating categorical fund.—

1796 (2) Class size reduction operating categorical funds shall
1797 be used by school districts to reduce class size as required in
1798 s. 1003.03. A school district that meets the maximum class size
1799 requirement may use the funds, ~~or the funds may be used~~ for any
1800 lawful operating expenditure; however, priority shall be given
1801 to increasing salaries of classroom teachers.

1802 Section 36. Subsection (1), paragraph (b) of subsection
1803 (3), and subsection (5) of section 1011.71, Florida Statutes,
1804 are amended, and paragraphs (c) and (d) are added to subsection
1805 (3) of that section, to read:

1806 1011.71 District school tax.—

1807 (1) If the district school tax is not provided in the
1808 General Appropriations Act or the substantive bill implementing
1809 the General Appropriations Act, each district school board
1810 desiring to participate in the state allocation of funds for



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1811 current operation as prescribed by s. 1011.62(13) ~~1011.62(12)~~
1812 shall levy on the taxable value for school purposes of the
1813 district, exclusive of millage voted under the provisions of s.
1814 9(b) or s. 12, Art. VII of the State Constitution, a millage
1815 rate not to exceed the amount certified by the commissioner as
1816 the minimum millage rate necessary to provide the district
1817 required local effort for the current year, pursuant to s.
1818 1011.62(4)(a)1. In addition to the required local effort millage
1819 levy, each district school board may levy a nonvoted current
1820 operating discretionary millage. The Legislature shall prescribe
1821 annually in the appropriations act the maximum amount of millage
1822 a district may levy.

1823 (3)

1824 (b) In addition to the millage authorized in this section,
1825 each district school board may, by a super majority vote, levy
1826 an additional 0.25 mills for critical capital outlay needs or
1827 for critical operating needs. If levied for capital outlay,
1828 expenditures shall be subject to the requirements of this
1829 section. If levied for operations, expenditures shall be
1830 consistent with the requirements for operating funds received
1831 pursuant to s. 1011.62. If the district levies this additional
1832 0.25 mills for operations, the compression adjustment pursuant
1833 to s. 1011.62(5) shall be calculated and added to the district's
1834 FEFP allocation. Millage levied pursuant to this paragraph is
1835 subject to the provisions of s. 200.065. In order to be
1836 continued after the 2010-2011 fiscal year, millage levied
1837 pursuant to this paragraph must be approved by the voters of the
1838 district at the 2010 general election or at a subsequent
1839 election held at any time, except that not more than one such



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1840 election shall be held during any 12-month period. Any millage
1841 so authorized shall be levied for a period not in excess of 2
1842 years or until changed by another millage election, whichever is
1843 earlier. If any such election is invalidated by a court of
1844 competent jurisdiction, such invalidated election shall be
1845 considered not to have been held. The provisions of this
1846 paragraph expire June 30, 2011.

1847 (c) Local funds generated by the additional 0.25 mills
1848 authorized in paragraph (b) and state funds provided pursuant to
1849 s. 1011.62(5) may not be included in the calculation of the
1850 Florida Education Finance Program in 2011-2012 or any subsequent
1851 year and may not be incorporated in the calculation of any hold-
1852 harmless or other component of the Florida Education Finance
1853 Program in any year, except as provided in paragraph (d).

1854 (d) For the 2011-2012 and 2012-2013 fiscal years, the 0.25
1855 mills authorized in paragraph (b) may be levied by the districts
1856 in which it was authorized by the voters in the 2010 general
1857 election. If a district levies this voter-approved 0.25 mills
1858 for operations, a compression adjustment pursuant to s.
1859 1011.62(5) may be calculated and added to the district's Florida
1860 Education Finance Program allocation, subject to determination
1861 in the General Appropriations Act.

1862 (5) Effective July 1, 2008, a school district may expend,
1863 subject to the provisions of s. 200.065, up to \$100 per
1864 unweighted full-time equivalent student from the revenue
1865 generated by the millage levy authorized by subsection (2) to
1866 fund, in addition to expenditures authorized in paragraphs
1867 (2) (a)-(j), expenses for the following:

1868 (a) The purchase, lease-purchase, or lease of driver's



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1869 education vehicles; motor vehicles used for the maintenance or
1870 operation of plants and equipment; security vehicles; or
1871 vehicles used in storing or distributing materials and
1872 equipment.

1873 (b) Payment of the cost of premiums, as defined in s.
1874 627.403, for property and casualty insurance necessary to insure
1875 school district educational and ancillary plants. As used in
1876 this paragraph, casualty insurance has the same meaning as in s.
1877 624.605(1)(d), (f), (g), (h), and (m). Operating revenues that
1878 are made available through the payment of property and casualty
1879 insurance premiums from revenues generated under this subsection
1880 may be expended only for nonrecurring operational expenditures
1881 of the school district.

1882 Section 37. If the Commissioner of Education determines
1883 that a school district acted in good faith, he or she may waive
1884 the equal-dollar reduction required in s. 1011.71, Florida
1885 Statutes, for audit findings for the 2009-2010 fiscal year, and
1886 for expenditures made prior to January 1, 2011, in the 2010-2011
1887 fiscal year for payment of premiums for property insurance and
1888 casualty insurance.

1889 Section 38. Notwithstanding the repeal of s. 1012.225,
1890 Florida Statutes, in section 11 of Committee Substitute for
1891 House Bill 7087, state funding for the Merit Award Program in
1892 the Conference Report on Senate Bill 2000 is provided for
1893 payment of awards for 2010-2011 fiscal year teacher performance
1894 pursuant to s. 1012.225, Florida Statutes 2010.

1895 Section 39. Section 1013.737, Florida Statutes, is amended
1896 to read:

1897 1013.737 The Class Size Reduction and Educational



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1898 Facilities Lottery Revenue Bond Program.—There is established
1899 the Class Size Reduction and Educational Facilities Lottery
1900 Revenue Bond Program.

1901 (1) The issuance of revenue bonds is authorized to finance
1902 or refinance the construction, acquisition, reconstruction, or
1903 renovation of educational facilities. Such bonds shall be issued
1904 pursuant to and in compliance with the provisions of s. 11(d),
1905 Art. VII of the State Constitution, the provisions of the State
1906 Bond Act, ss. 215.57-215.83, as amended, and the provisions of
1907 this section.

1908 (2) The bonds are payable from, and secured by a first lien
1909 on, the first lottery revenues transferred to the Educational
1910 Enhancement Trust Fund each fiscal year, as provided by s.
1911 24.121(2), and do not constitute a general obligation of, or a
1912 pledge of the full faith and credit of, the state.

1913 (3) The state hereby covenants with the holders of such
1914 revenue bonds that it will not take any action that will
1915 materially and adversely affect the rights of such holders so
1916 long as bonds authorized by this section are outstanding. The
1917 state does hereby additionally authorize the establishment of a
1918 covenant in connection with the bonds which provides that any
1919 additional funds received by the state from new or enhanced
1920 lottery programs; video gaming; banking card games, including
1921 baccarat, chemin de fer, or blackjack; electronic or
1922 electromechanical facsimiles of any game of chance; casino
1923 games; slot machines; or other similar activities will first be
1924 available for payments relating to bonds pledging revenues
1925 available pursuant to s. 24.121(2), prior to use for any other
1926 purpose.



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1927 (4) The bonds shall be issued by the Division of Bond
1928 Finance of the State Board of Administration on behalf of the
1929 Department of Education in such amount as shall be requested by
1930 resolution of the State Board of Education. However, the total
1931 principal amount of bonds, excluding refunding bonds, issued
1932 pursuant to this section shall not exceed amounts specifically
1933 authorized in the General Appropriations Act.

1934 (5) Proceeds available from the sale of the bonds shall be
1935 deposited in the Lottery Capital Outlay and Debt Service Trust
1936 Fund within the Department of Education.

1937 (6) The facilities to be financed with the proceeds of such
1938 bonds are designated as state fixed capital outlay projects for
1939 purposes of s. 11(d), Art. VII of the State Constitution, and
1940 the specific facilities to be financed shall be determined in
1941 accordance with state law and appropriations from the
1942 Educational Enhancement Trust Fund. Projects shall be funded
1943 from the Lottery Capital Outlay and Debt Service Trust Fund.
1944 Each educational facility to be financed with the proceeds of
1945 the bonds issued pursuant to this section is hereby approved as
1946 required by s. 11(f), Art. VII of the State Constitution.

1947 (7) Any complaint for validation of such bonds is required
1948 to be filed only in the circuit court of the county where the
1949 seat of state government is situated. The notice required to be
1950 published by s. 75.06 is required to be published only in the
1951 county where the complaint is filed, and the complaint and order
1952 of the circuit court need be served only on the state attorney
1953 of the circuit in which the action is pending.

1954 (8) The Commissioner of Education shall provide for timely
1955 encumbrances of funds for duly authorized projects. Encumbrances



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1956 may include proceeds to be received under a resolution approved
1957 by the State Board of Education authorizing issuance of class
1958 size reduction lottery bonds or educational facilities bonds
1959 pursuant to s. 11(d), Art. VII of the State Constitution, this
1960 section, and other applicable law.

1961 Section 40. Notwithstanding the repeal of s. 1003.62,
1962 Florida Statutes 2009, educational facility exemptions for the
1963 demolition and replacement of school buildings identified in
1964 accordance with Charter School District Addendum Number 2 and
1965 approved by the district school board prior to June 30, 2010,
1966 are extended to June 30, 2012.

1967 Section 41. Notwithstanding the required review by the
1968 Legislative Budget Commission pursuant to s. 1003.03(4)(c),
1969 Florida Statutes, the Legislature hereby adopts by reference the
1970 alternate compliance calculation amounts to the class size
1971 operating categorical as set forth in Budget Amendment EOG
1972 #02011-0074, as submitted by the Governor on March 2, 2011, on
1973 behalf of the Department of Education for approval by the
1974 Legislative Budget Commission. The Commissioner of Education
1975 shall modify payments to school districts for the 2010-2011
1976 fiscal year consistent with the amendment and s. 1003.03,
1977 Florida Statutes. This section shall take effect upon this act
1978 becoming a law.

1979 Section 42. Except as otherwise expressly provided in this
1980 act and except for this section, which shall take effect upon
1981 this act becoming a law, this act shall take effect July 1,
1982 2011.

1983
1984 ===== T I T L E A M E N D M E N T =====



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1985 And the title is amended as follows:
1986 Delete everything before the enacting clause
1987 and insert:
1988 A bill to be entitled
1989 An act relating to K-12 education funding; amending s.
1990 213.053, F.S.; authorizing the Department of Revenue
1991 to provide certain information regarding the gross
1992 receipts tax to the State Board of Education, the
1993 Division of Bond Finance, and the Office of Economic
1994 and Demographic Research; amending s. 215.61, F.S.;
1995 requiring that, for purposes of servicing public
1996 education capital outlay bonds, the State Board of
1997 Education disregard the effects on the gross receipts
1998 tax revenues collected during a tax period of a refund
1999 resulting from a specified settlement agreement;
2000 amending s. 1001.10, F.S., relating to duties of the
2001 Commissioner of Education; conforming provisions to
2002 changes made by the act; amending s. 1001.25, F.S.;
2003 requiring that the Department of Education provide a
2004 means of extending educational services through
2005 educational television or other electronic media;
2006 amending s. 1001.271, F.S.; requiring that the
2007 Commissioner of Education facilitate and coordinate
2008 the use of the Florida Information Resource Network by
2009 school districts, educational institutions in the
2010 Florida College System, state universities, and other
2011 eligible users; amending s. 1001.28, F.S.; deleting a
2012 reference to the Florida Knowledge Network as it
2013 relates to the department's distance learning duties;



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2014 amending s. 1001.451, F.S.; revising provisions
2015 relating to incentive grants for regional consortium
2016 service organizations; authorizing regional consortium
2017 service organizations to use various means to generate
2018 revenue for future activities; amending s. 1002.33,
2019 F.S.; revising provisions relating to charter schools;
2020 providing for an additional student population to be
2021 included for enrollment in a charter school;
2022 authorizing a sponsor to withhold up to a specified
2023 percentage of the total administrative fee for
2024 services in higher performing charter schools;
2025 providing that a charter school system may be
2026 designated as a local educational agency for funding
2027 purposes if certain requirements are met; amending s.
2028 1002.34, F.S.; conforming a cross-reference; amending
2029 s. 1002.45, F.S., relating to school district virtual
2030 instruction programs; requiring school districts to
2031 expend certain funds for the district's local
2032 instructional improvement system or other
2033 technological tools; amending s. 1002.55, F.S.;
2034 revising class size requirements for school-year
2035 private prekindergarten program providers; amending s.
2036 1002.63, F.S.; revising class size requirements for
2037 school-year prekindergarten programs delivered by
2038 public schools; amending s. 1002.71, F.S.; revising
2039 provisions relating to the amount of funds retained by
2040 an early learning coalition for the administration of
2041 prekindergarten education programs; amending s.
2042 1003.01, F.S.; redefining the terms "core-curricula



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2043 courses" and "extracurricular courses"; amending s.
2044 1003.03, F.S.; deleting a reference to the State
2045 Constitution regarding class size maximums; requiring
2046 that class size maximums be satisfied on or before the
2047 October student membership survey each year; requiring
2048 that the class size maximums be maintained after the
2049 October student membership survey unless certain
2050 conditions occur; providing that a student who enrolls
2051 in a school after the October student membership
2052 survey may be assigned to classes that temporarily
2053 exceed class size maximums if the school board
2054 determines that not assigning the student would be
2055 impractical, educationally unsound, or disruptive to
2056 student learning; providing for a specified number of
2057 students to be assigned above the maximum if the
2058 district school board makes this determination;
2059 requiring that the district school board develop a
2060 plan providing that the school will be in full
2061 compliance with the maximum class size requirements by
2062 the next October student membership survey; requiring
2063 that the Department of Education identify from the
2064 Course Code Directory the core-curricula courses for
2065 the purpose of satisfying the maximum class size
2066 requirement; authorizing the department to adopt
2067 rules; creating s. 1003.4935, F.S.; requiring each
2068 district school board to include, as part of its 5-
2069 year plan, a middle school career and professional
2070 academy in at least one middle school in the district;
2071 requiring that the middle school career and



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2072 professional academy be aligned with at least one high
2073 school career and professional academy in the
2074 district; providing requirements for middle school
2075 career and professional academies; requiring that the
2076 Department of Education collect and report student
2077 achievement data for academy students; amending s.
2078 1004.02, F.S.; revising the definition of the term
2079 "adult student"; amending s. 1006.28, F.S., relating
2080 to K-12 instructional materials; conforming
2081 terminology to changes made by the act; amending s.
2082 1006.281, F.S.; defining the term "local instructional
2083 improvement system"; requiring each school district to
2084 provide teachers, administrators, students, and
2085 parents with access to a local instructional
2086 improvement system; providing requirements for the
2087 system; requiring the State Board of Education to
2088 adopt rules that include minimum standards for local
2089 instructional improvement systems; creating s.
2090 1006.282, F.S.; authorizing each district school board
2091 to designate schools to implement a pilot program for
2092 the transition to instructional materials in an
2093 electronic or digital format; providing requirements
2094 for the designation of pilot program schools;
2095 providing certain exemptions for such schools;
2096 requiring that the district school board report
2097 certain information regarding the pilot program to the
2098 department by a specified date each year; requiring
2099 that each district school board submit a review of the
2100 pilot program to the department, the Executive Office



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2101 of the Governor, and the chairs of the legislative
2102 appropriations committees by a specified date each
2103 year; amending s. 1006.29, F.S.; deleting provisions
2104 requiring the appointment of instructional materials
2105 committees; providing for the Commissioner of
2106 Education to appoint experts to review instructional
2107 materials; providing for school districts to nominate
2108 teachers and supervisors to review recommendations by
2109 the state instructional materials reviewers; requiring
2110 that by a specified date all adopted instructional
2111 materials for students in kindergarten through grade
2112 12 be provided in an electronic or digital format;
2113 defining the terms "electronic format" and "digital
2114 format"; requiring that the department develop a
2115 training program for persons selected as instructional
2116 materials reviewers at the state and district levels;
2117 amending s. 1006.30, F.S.; revising the requirements
2118 for the affidavit to be filed with the department by
2119 each state instructional materials reviewer; amending
2120 s. 1006.31, F.S.; specifying duties of the state
2121 instructional materials reviewers; requiring that
2122 reviewers submit reports electronically; amending s.
2123 1006.32, F.S., relating to prohibited acts with
2124 respect to the review and selection of instructional
2125 materials; conforming provisions to changes made by
2126 the act; amending s. 1006.33, F.S.; revising the
2127 requirements for bids and proposals for instructional
2128 materials; requiring that the department adopt
2129 specifications for electronic and digital content;



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2130 amending s. 1006.34, F.S.; requiring that the State
2131 Board of Education adopt rules for the evaluation of
2132 instructional materials; conforming provisions and
2133 terminology; amending s. 1006.35, F.S.; requiring that
2134 the department rather than the Commissioner of
2135 Education approve certain materials; amending s.
2136 1006.36, F.S.; reducing the length of the term of
2137 adoption for instructional materials; amending s.
2138 1006.38, F.S.; revising requirements for publishers
2139 and manufactures of instructional materials; requiring
2140 that certain samples be delivered electronically to
2141 the department; amending s. 1006.39, F.S.; prohibiting
2142 the department from producing or publishing
2143 instructional materials; amending s. 1006.40, F.S.;
2144 deleting obsolete provisions; requiring each district
2145 school board, by a certain date, to use a specified
2146 percentage of its annual allocation for the purchase
2147 of digital or electronic instructional materials;
2148 repealing s. 1006.43, F.S., relating to the
2149 department's annual legislative budget request;
2150 amending s. 1011.62, F.S.; revising provisions
2151 relating to district funding for the operation of
2152 schools; deleting provisions relating to the
2153 coenrollment of high school students; providing the
2154 maximum full-time equivalent membership value for
2155 students completing an industry-certified career and
2156 professional academy program; requiring that the
2157 Department of Education assign the appropriate full-
2158 time equivalent value for each certification based on



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2159 rigor and employment value; requiring that the State
2160 Board of Education include the assigned values in the
2161 Industry Certification Funding List under rules
2162 adopted by the state board; deleting provisions
2163 providing for calculating an additional full-time
2164 equivalent membership for the Florida Virtual School;
2165 conforming a cross-reference; providing for certain
2166 amendments to the district's operating budget;
2167 authorizing the Legislature to provide a virtual
2168 education contribution as a separate allocation in the
2169 Florida Education Finance Program; specifying a
2170 formula for calculating the virtual education
2171 contribution; creating s. 1011.621, F.S.; requiring
2172 that the Department of Education, upon request by a
2173 school district and verification by the Department of
2174 Juvenile Justice, direct a school district receiving
2175 funds through the Florida Education Finance Program to
2176 transfer a pro rata share of the funds to another
2177 district that served the same students during the same
2178 survey period but were unable to report the students
2179 for funding purposes; requiring that the amount of the
2180 transfer be based on the percentage of the survey
2181 period in which the students were served by each
2182 district; amending s. 1011.685, F.S.; revising
2183 provisions relating to class size reduction
2184 operational categorical funds; authorizing a school
2185 district that meets the maximum class size requirement
2186 to use the funds for any lawful operating expenditure;
2187 amending s. 1011.71, F.S.; revising provisions



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2188 relating to the district school tax; conforming a
2189 cross-reference; providing for future expiration of
2190 provisions relating to additional millage levied by
2191 district school boards; authorizing district school
2192 boards to levy additional millage if approved by the
2193 voters; providing that the local funds generated by
2194 the additional millage not be included in the
2195 calculation of funding through the Florida Education
2196 Finance Program; clarifying the types of insurance
2197 premiums that may be paid from revenue generated by
2198 the levy; authorizing the Commissioner of Education to
2199 waive the equal-dollar reduction requirement for
2200 certain expenditures relating to the purchase of
2201 premiums for property and casualty insurance;
2202 providing for payment of awards for the 2010-2011
2203 fiscal year under the Merit Award Program for
2204 Instructional Personnel and School-Based
2205 Administrators, notwithstanding the discontinuation of
2206 the program; amending s. 1013.737, F.S.; changing the
2207 name of the Class Size Reduction Lottery Revenue Bond
2208 Program to the Class Size Reduction and Educational
2209 Facilities Lottery Revenue Bond Program; authorizing
2210 the issuance of educational facilities bonds;
2211 extending an exemption for educational facilities in a
2212 district designated as a Charter School District for
2213 purposes of the demolition and replacement of certain
2214 school buildings; adopting by reference the alternate
2215 compliance calculation amounts to the class size
2216 operating categorical, as submitted by the Governor on



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2217 behalf of the Department of Education for approval by
2218 the Legislative Budget Commission; requiring that the
2219 Commissioner of Education modify payments to school
2220 districts for the 2010-2011 fiscal year consistent
2221 with the amendment; providing effective dates.