A bill to be entitled
An act relating to prekindergarten through grade 12 education funding; amending s. 1001.10, F.S.; conforming provisions to changes made by the act relating to the review of instructional materials; amending s. 1002.33, F.S.; revising provisions relating to charter school capital outlay funding; providing that a charter school system meeting certain requirements shall be designated a local educational agency for the purpose of receiving federal funds; amending s. 1002.45, F.S., relating to school district virtual instruction programs; requiring school districts to expend certain funds for the district's local instructional improvement system or other technological tools; amending s. 1002.55, F.S.; revising requirements for school-year private prekindergarten program providers; amending s. 1002.63, F.S.; revising requirements for school-year prekindergarten programs delivered by public schools; amending s. 1002.71, F.S.; revising provisions relating to the amount of funds retained by an early learning coalition for administration of prekindergarten education programs; amending s. 1003.01, F.S.; redefining the terms "core-curricula courses" and "extracurricular courses"; amending s. 1003.03, F.S.; revising class size requirements; providing requirements for the assignment of a student to a class that exceeds the class size maximum; amending s. 1003.492, F.S.; requiring State Board of Education rules to establish a process for weighting the value of industry
certifications for career education programs; amending s. 1006.28, F.S.; revising school district duties to provide instructional materials; replacing references to the term "textbooks" with the term "instructional materials"; amending s. 1006.281, F.S.; defining the term "local instructional improvement system"; providing system requirements for managing instructional improvement and student learning; requiring each school district to provide access to its system; requiring State Board of Education rules and minimum standards for local instructional improvement systems; amending s. 1006.29, F.S.; replacing references to the term "state instructional materials committees" with the term "state instructional materials reviewers"; requiring the Commissioner of Education to appoint state or national experts to review and evaluate instructional materials; providing for school district reviewers to review recommendations for state adoption; requiring adopted instructional materials to be provided in an electronic or a digital format; amending s. 1006.30, F.S.; revising provisions relating to the affidavit of state instructional materials reviewers to conform to changes made by the act; amending s. 1006.31, F.S.; revising provisions relating to the duties of each state instructional materials reviewer to conform to changes made by the act; amending s. 1006.32, F.S.; revising provisions relating to prohibited acts to conform to changes made by the act; amending s. 1006.33, F.S.,
relating to bids or proposals and advertisements of
 instructional materials; providing requirements for
digital specifications; amending s. 1006.34, F.S.;
revising powers and duties of the commissioner and the
Department of Education in selecting and adopting
 instructional materials; providing an exemption from the
requirement that a rule having certain regulatory costs be
ratified by the Legislature; amending s. 1006.35, F.S.;
conforming provisions relating to the accuracy of
 instructional materials to changes made by the act;
amending s. 1006.36, F.S.; reducing the term of adoption
of instructional materials from a 6-year period to a 5-
year period; amending s. 1006.38, F.S.; revising
provisions relating to the duties, responsibilities, and
requirements of instructional materials publishers and
manufacturers; requiring electronic delivery of copies of
 instructional materials to the department; amending s.
1006.39, F.S.; revising provisions relating to the
production and dissemination of educational materials and
products by the department to conform to changes made by
the act; amending s. 1006.40, F.S.; revising provisions
relating to the use of the annual allocation for the
purchase of instructional materials; repealing s. 1006.43,
F.S., relating to department expenses and its annual
legislative budget request; amending s. 1011.62, F.S.;
revising provisions relating to the value of student
membership for certain students in career and professional
academy programs for purposes of education funding;
revising provisions relating to the value of student membership for certain students in the Florida Virtual School; amending s. 1011.685, F.S.; revising provisions relating to the use of class size reduction operating categorical funds; amending s. 1011.71, F.S.; conforming provisions to changes made by the act; repealing provisions relating to the levy of additional millage for critical capital outlay or operating needs; authorizing the levy in certain school districts; providing restrictions; increasing the amount that school districts may expend per unweighted full-time equivalent student from the revenue generated by the levy of capital improvement millage; clarifying the types of insurance premiums that may be paid from revenue generated by the levy; authorizing the Commissioner of Education to waive the equal-dollar reduction requirement for certain expenditures relating to the purchase of software and the cost of premiums for property and casualty insurance; providing an effective date.

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

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

1001.10 Commissioner of Education; general powers and duties.—

(6) Additionally, the commissioner has the following general powers and duties:
(o) To develop criteria for use by state instructional materials reviewers committees in evaluating materials submitted for adoption consideration. The criteria shall, as appropriate, be based on instructional expectations reflected in curriculum frameworks and student performance standards. The criteria for each subject or course shall be made available to publishers of instructional materials pursuant to the requirements of chapter 1006.

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

1002.33 Charter schools.—

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

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

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

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

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

1002.45 School district virtual instruction programs.—
(1) PROGRAM.—
(e)1. Each school district shall provide to the department by October 1, 2011, and by each October 1 thereafter, a copy of each contract and the amounts paid per unweighted full-time equivalent student for services procured pursuant to paragraph (c).
2. Each school district shall expend the difference in funds provided for a student participating in the school district virtual instruction program pursuant to subsection (7) and the price paid for contracted services procured pursuant to paragraph (c) for the district's local instructional improvement system pursuant to s. 1006.281 or other technological tools that
are required to access electronic and digital instructional materials.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1002.71 Funding; financial and attendance reporting.—

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

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

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

(14) "Core-curricula courses" means:

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

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

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

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

(e) Exceptional student education courses.

(f) English for Speakers of Other Languages courses.

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

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

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

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

1003.03 Maximum class size.—

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

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

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

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

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

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

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

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

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

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

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

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

1003.492 Industry-certified career education programs.—

(2) The State Board of Education shall use the expertise of Workforce Florida, Inc., and Enterprise Florida, Inc., to develop and adopt rules pursuant to ss. 120.536(1) and 120.54 for implementing an industry certification process. The rules must establish a process for weighting the value of industry certifications based on the rigor of the certification and its employment value to state businesses and industry. Industry certification shall be defined by the Agency for Workforce Innovation, based upon the highest available national standards for specific industry certification, to ensure student skill proficiency and to address emerging labor market and industry trends. A regional workforce board or a career and professional academy may apply to Workforce Florida, Inc., to request additions to the approved list of industry certifications based on high-demand job requirements in the regional economy. The list of industry certifications approved by Workforce Florida, Inc., and the Department of Education shall be published and
updated annually by a date certain, to be included in the adopted rule.

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

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

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

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

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

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

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

(2) DISTRICT SCHOOL SUPERINTENDENT.—

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

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

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

(e) Accounting for instructional materials textbooks.—Principals shall see that all instructional materials books are fully and properly accounted for as prescribed by adopted rules of the district school board.
Section 11. Section 1006.281, Florida Statutes, is amended to read:

1006.281 Local instructional improvement learning management systems.—

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

(2) Each school district shall provide teachers, administrators, students, and parents to ensure that all school districts have equitable access to a local instructional improvement system. The system must provide access to electronic and digital rich instructional materials, districts are encouraged to provide access to an electronic learning management system that allows teachers, students, and parents to access, organize, and use electronically available instructional materials and teaching and learning tools and resources, including the ability for and that enables teachers and administrators to manage, assess, and track student learning.

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

(a) Vertically searches for, gathers, and organizes
specific standards-based instructional materials.
(b) Enables teachers to prepare lessons, individualize
student instruction, and use best practices in providing
instruction, including the ability to connect student assessment
data with electronic and digital instructional materials.
(c) Provides communication, including access to up-to-date
student performance data, in order to help teachers and parents
better serve the needs of students.
(d) Provides access for administrators to ensure quality
of instruction within every classroom.
(e) Enables district staff to plan, create, and manage
professional development and to connect professional development
with staff information and student performance data.
(f) Provides access to multiple content providers and
provides the ability to seamlessly connect the local
instructional improvement system to electronic and digital
content.

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

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

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

1006.29 State instructional materials reviewers committees.—

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

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

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

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

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

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

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

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

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

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

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

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

(3) Beginning in the 2014-2015 academic year, all adopted
Any instructional materials adopted after 2012-2013 for students
in kindergarten through grade 12 must also be
provided in a digital or electronic format. For purposes of
state adoption, the term "digital format" means text-based or
image-based content in a form that provides the student with
various interactive functions; that can be searched, tagged,
distributed, and utilized for individualized and group learning; that includes multimedia content such as video clips, animations, and virtual reality; and that has the ability to be accessed anytime and anywhere. Beginning in the 2012-2013 academic year for grades 9 through 12 and in the 2013-2014 academic year for kindergarten through grade 8, all adopted instructional materials must be provided in an electronic or a digital format. For purposes of state adoption, the term "electronic format" means text-based or image-based content in a form that is produced on, published by, and readable on computers or other digital devices and is an electronic version of a printed book, whether or not any printed equivalent exists. The term does not include electronic or computer hardware even if such hardware is bundled with software or other electronic media, nor does it include equipment or supplies.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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


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

(d) When recommending instructional materials for use in the schools, each reviewer committee shall require, when appropriate to the comprehension of students, that materials for social science, history, or civics classes contain the Declaration of Independence and the Constitution of the United States. A reviewer may not recommend any instructional materials shall be recommended by any committee for use in the schools which contain any matter reflecting unfairly upon persons because of their race, color, creed, national origin, ancestry, gender, or occupation.

(e) Any instructional material shall be, to the satisfaction of each reviewer committee, accurate, objective, and current and suited to the needs and comprehension of students at their respective grade levels.

Reviewers shall consider for adoption materials developed for academically talented students such as those enrolled in advanced placement courses.

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

CODING: Words stricken are deletions; words underlined are additions.
shall be made public and must include responses to each section of the report format prescribed by the department.

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

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

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

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

1006.32 Prohibited acts.—

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

(2) A district school board official or member of a state instructional materials reviewer may not committee shall solicit or accept any emolument, money, or other valuable thing, or any inducement, to directly or indirectly introduce, recommend, vote for, or otherwise influence the adoption or purchase of any instructional material.

(3) A district school board or publisher may not participate in a pilot program of materials being considered for adoption during the 18-month period before the official adoption of the materials by the commissioner. Any pilot program during the first 2 years of the adoption period must have the prior approval of the commissioner.

(4) Any publisher or manufacturer of instructional materials or representative thereof or any district school board official or state instructional materials reviewer committee member, who violates any provision of this section commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083. Any representative of a publisher or manufacturer who violates any provision of this section, in addition to any other penalty, shall be banned from practicing business in the state for a period of 1 calendar year. Any district school board official or state instructional materials committee member who violates any provision of this section, in addition to any other penalty, shall be removed from his or her official position.
(5) This section does not prohibit Nothing in this section shall be construed to prevent any publisher, manufacturer, or agent from supplying, for purposes of examination, necessary sample copies of instructional materials to any district school board official or state instructional materials reviewer committee member.

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

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

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

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

1006.33 Bids or proposals; advertisement and its contents.—

(1)

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

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

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

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

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

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

(1) PROCEDURES FOR EVALUATING INSTRUCTIONAL MATERIALS.—The State Board of Education shall adopt rules prescribing the procedures by which the department shall evaluate instructional materials submitted by publishers and manufacturers in each adoption. The rules shall be exempt from the legislative ratification requirement in s. 120.541(3). Included in these procedures shall be provisions affording each publisher or manufacturer or his or her representative an opportunity to provide a virtual presentation to members of the state instructional materials reviewers on committees the merits of each
instructional material submitted in each adoption.

(2) SELECTION AND ADOPTION OF INSTRUCTIONAL MATERIALS.—

(a) The department shall notify all publishers and manufacturers of instructional materials who have submitted bids that within 3 weeks after the deadline for receiving bids, at a designated time and place, it will open the bids submitted and deposited with it. At the time and place designated, the bids shall be opened, read, and tabulated in the presence of the bidders or their representatives. No one may revise his or her bid after the bids have been filed. When all bids have been carefully considered, the commissioner shall, from the list of suitable, usable, and desirable instructional materials reported by the state instructional materials reviewers committee, select and adopt instructional materials for each grade and subject field in the curriculum of public elementary, middle, and high schools in which adoptions are made and in the subject areas designated in the advertisement. The adoption shall continue for the period specified in the advertisement, beginning on the ensuing April 1. The adoption shall not prevent the extension of a contract as provided in subsection (3). The commissioner shall always reserve the right to reject any and all bids. The commissioner may ask for new sealed bids from publishers or manufacturers whose instructional materials were recommended by the state instructional materials reviewers committee as suitable, usable, and desirable; specify the dates for filing such bids and the date on which they shall be opened; and proceed in all matters regarding the opening of bids and the awarding of contracts as required by this part. In all cases,
bids shall be accompanied by a cash deposit or certified check of from $500 to $2,500, as the department commissioner may direct. The department, in adopting instructional materials, shall give due consideration both to the prices bid for furnishing instructional materials and to the recommendations of the state instructional materials reviewers committee. When the commissioner has finished with the report of the state instructional materials reviewers committee, the report shall be filed and preserved with the department and shall be available at all times for public inspection.

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

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

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

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

4. The consideration of the broad racial, ethnic, socioeconomic, and cultural diversity of the students of this
Any instructional material No book or other material containing
hard-core pornography or otherwise prohibited by s. 847.012 may
not shall be used or made available within any public school
district.

(3) CONTRACT WITH PUBLISHERS OR MANUFACTURERS; BOND.—As
soon as practicable after the commissioner has adopted any
instructional materials and all bidders that have secured the
adoption of any instructional materials have been notified
thereof by registered letter, the Department of Legal Affairs
shall prepare a contract in proper form with every bidder
awarded the adoption of any instructional materials. Each
contract shall be executed by the commissioner Governor and
Secretary of State under the seal of the state, one copy to be
kept by the contractor, one copy to be filed with the Department
of State, and one copy to be filed with the department. After
giving due consideration to comments by the district school
boards, the commissioner, with the agreement of the publisher,
may extend or shorten a contract period for a period not to
exceed 2 years; and the terms of any such contract shall remain
the same as in the original contract. Any publisher or
manufacturer to whom any contract is let under this part must
give bond in such amount as the department commissioner
requires, payable to the state, conditioned for the faithful,
honest, and exact performance of the contract. The bond must
provide for the payment of reasonable attorney’s fees in case of
recovery in any suit thereon. The surety on the bond must be a
guaranty or surety company lawfully authorized to do business in
the state; however, the bond shall not be exhausted by a single
recovery but may be sued upon from time to time until the full
amount thereof is recovered, and the department may at any time,
after giving 30 days' notice, require additional security or
additional bond. The form of any bond or bonds or contract or
contracts under this part shall be prepared and approved by the
department of Legal Affairs. At the discretion of the department
commissioner, a publisher or manufacturer to whom any contract
is let under this part may be allowed a cash deposit in lieu of
a bond, conditioned for the faithful, honest, and exact
performance of the contract. The cash deposit, payable to the
department, shall be placed in the Textbook Bid Trust Fund. The
department may recover damages on the cash deposit given by the
contractor for failure to furnish instructional materials, the
sum recovered to inure to the General Revenue Fund.

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

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

1006.35 Accuracy of instructional materials.—

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

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

1006.36 Term of adoption for instructional materials.—

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

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

Section 20. Subsections (2), (3), (5), and (14) through (17) of section 1006.38, Florida Statutes, are amended to read:
1064 1006.38 Duties, responsibilities, and requirements of
1065 instructional materials publishers and manufacturers.—Publishers
1066 and manufacturers of instructional materials, or their
1067 representatives, shall:
1068  (2) **Electronically** deliver fully developed *sample specimen*
1069 copies of all instructional materials upon which bids are based
1070 to the department pursuant to procedures adopted by the State
1071 Board of Education each member of a state instructional
1072 materials committee. At the conclusion of the review process,
1073 manufacturers submitting samples of instructional materials are
1074 entitled to the return thereof, at the expense of the
1075 manufacturers; or, in the alternative, the manufacturers are
1076 entitled to reimbursement by the individual committee members
1077 for the retail value of the samples.
1078  (3) Submit, at a time designated in s. 1006.33, the
1079 following information:
1080      (a) Detailed specifications of the physical
1081 characteristics of the instructional materials, including any
1082 software or technological tools required for use by the
1083 district, school, teachers, or students. The publisher or
1084 manufacturer shall comply with these specifications if the
1085 instructional materials are adopted and purchased in completed
1086 form.
1087      (b) **Evidence Written proof** that the publisher has provided
1088 materials that address the written correlations to appropriate
1089 curricular objectives included within applicable performance
1090 standards provided for in s. 1001.03(1) and that can be accessed
1091 through the district's local instructional improvement system
and a variety of electronic, digital, and mobile devices. 

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

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

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

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

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

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

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

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

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

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

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

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

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

(4) Funds that are not used to purchase digital or electronic instructional materials may The funds described in subsection (3) which district school boards may use to purchase materials not on the state-adopted list shall be used for the purchase of instructional materials or other items having
intellectual content which assist in the instruction of a subject or course. These items may be available in bound, unbound, kit, or package form and may consist of hardbacked or softbacked textbooks, electronic content, replacements for items which were part of previously purchased instructional materials, consumables, learning laboratories, manipulatives, electronic media, computer courseware or software, and other commonly accepted instructional tools as prescribed by district school board rule. The funds available to district school boards for the purchase of materials not on the state-adopted list may not be used to purchase electronic or computer hardware even if such hardware is bundled with software or other electronic media unless the district school board has complied with the requirements in s. 1011.62(6)(b)5., nor may such funds be used to purchase equipment or supplies. However, when authorized to do so in the General Appropriations Act, a school or district school board may use a portion of the funds available to it for the purchase of materials not on the state-adopted list to purchase science laboratory materials and supplies.

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

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

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

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

(p) Calculation of additional full-time equivalent membership based on certification of successful completion of industry-certified career and professional academy programs pursuant to ss. 1003.491, 1003.492, and 1003.493 and identified in the Industry Certified Funding List pursuant to rules adopted by the State Board of Education.—A maximum value of 0.3 full-time equivalent student membership shall be calculated for each student who completes an industry-certified career and professional academy program under ss. 1003.491, 1003.492, and 1003.493 and who is issued the highest level of industry certification identified annually in the Industry Certification Funding List approved under rules adopted by the State Board of Education and a high school diploma. The value of the full-time equivalent student membership shall be determined by weights adopted by the State Board of Education pursuant to s. 1003.492. Such value shall be added to the total full-time equivalent student membership in secondary career education programs for grades 9 through 12 in the subsequent year for courses that were not funded through dual enrollment. The additional full-time equivalent membership authorized under this paragraph may not exceed 0.3 per student. Each district must allocate at least 80 percent of the funds provided for industry certification, in
accordance with this paragraph, to the program that generated the funds. Unless a different amount is specified in the General Appropriations Act, the appropriation for this calculation is limited to $15 million annually. If the appropriation is insufficient to fully fund the total calculation, the appropriation shall be prorated.

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

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

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

(6) CATEGORICAL FUNDS.—

(b) If a district school board finds and declares in a resolution adopted at a regular meeting of the school board that the funds received for any of the following categorical appropriations are urgently needed to maintain school board specified academic classroom instruction, the school board may consider and approve an amendment to the school district operating budget transferring the identified amount of the categorical funds to the appropriate account for expenditure:
1. Funds for student transportation.
2. Funds for safe schools.
3. Funds for supplemental academic instruction.
4. Funds for research-based reading instruction.
5. Funds for instructional materials if all instructional material purchases necessary to provide updated materials aligned to Next Generation Sunshine State Standards and benchmarks and that meet statutory requirements of content and learning have been completed for that fiscal year, but no sooner than March 1, 2011. Funds available after March 1 may be used to purchase hardware for student instruction.

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

1011.685 Class size reduction; operating categorical fund.—
(2) Class size reduction operating categorical funds shall be used by school districts to reduce class size as required in s. 1003.03. A school district that meets the maximum class size requirements may use the funds, or the funds may be used for any lawful operating expenditure; however, priority shall be given to increasing salaries of classroom teachers.

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

1011.71 District school tax.—
(2) In addition to the maximum millage levy as provided in subsection (1), each school board may levy not more than 1.5 mills against the taxable value for school purposes for district
schools, including charter schools at the discretion of the school board, to fund:

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

(3)

(b) In addition to the millage authorized in this section, each district school board may, by a super majority vote, levy an additional 0.25 mills for critical capital outlay needs or for critical operating needs. If levied for capital outlay, expenditures shall be subject to the requirements of this section. If levied for operations, expenditures shall be consistent with the requirements for operating funds received pursuant to s. 1011.62. If the district levies this additional 0.25 mills for operations, the compression adjustment pursuant to s. 1011.62(5) shall be calculated and added to the district's FEEP allocation. Millage levied pursuant to this paragraph is subject to the provisions of s. 200.065. In order to be
continued after the 2010-2011 fiscal year, millage levied pursuant to this paragraph must be approved by the voters of the district at the 2010 general election or at a subsequent election held at any time, except that not more than one such election shall be held during any 12-month period. Any millage so authorized shall be levied for a period not in excess of 2 years or until changed by another millage election, whichever is earlier. If any such election is invalidated by a court of competent jurisdiction, such invalidated election shall be considered not to have been held. This paragraph is repealed effective June 30, 2011. However, for the 2011-2012 and 2012-2013 fiscal years, the 0.25 mills may be levied in the districts in which it was authorized by the voters of the district in the 2010 general election. Funds generated by this additional millage may not be included in the calculation of the Florida Education Finance Program in the 2011-2012 fiscal year or any subsequent fiscal year and must not be incorporated in the calculation of any hold-harmless or other component of the Florida Education Finance Program in any fiscal year.

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

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

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

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

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