

## CHAPTER 2011-55

### Senate Bill No. 2120

An act relating to K-12 education funding; amending s. 213.053, F.S.; authorizing the Department of Revenue to provide certain information regarding the gross receipts tax to the State Board of Education, the Division of Bond Finance, and the Office of Economic and Demographic Research; amending s. 215.61, F.S.; requiring that, for purposes of servicing public education capital outlay bonds, the State Board of Education disregard the effects on the gross receipts tax revenues collected during a tax period of a refund resulting from a specified settlement agreement; amending s. 1001.10, F.S., relating to duties of the Commissioner of Education; conforming provisions to changes made by the act; amending s. 1001.25, F.S.; requiring that the Department of Education provide a means of extending educational services through educational television or other electronic media; amending s. 1001.271, F.S.; requiring that the Commissioner of Education facilitate and coordinate the use of the Florida Information Resource Network by school districts, educational institutions in the Florida College System, state universities, and other eligible users; amending s. 1001.28, F.S.; deleting a reference to the Florida Knowledge Network as it relates to the department's distance learning duties; amending s. 1001.451, F.S.; revising provisions relating to incentive grants for regional consortium service organizations; authorizing regional consortium service organizations to use various means to generate revenue for future activities; amending s. 1002.33, F.S.; revising provisions relating to charter schools; providing for an additional student population to be included for enrollment in a charter school; authorizing a sponsor to withhold up to a specified percentage of the total administrative fee for services in higher performing charter schools; providing that a charter school system may be designated as a local educational agency for funding purposes if certain requirements are met; amending s. 1002.34, F.S.; conforming a cross-reference; 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 class size requirements for school-year private prekindergarten program providers; amending s. 1002.63, F.S.; revising class size 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 the administration of pre-kindergarten education programs; amending s. 1003.01, F.S.; redefining the terms "core-curricula courses" and "extracurricular courses"; amending s. 1003.03, F.S.; deleting a reference to the State Constitution regarding class size maximums; requiring that class size maximums be satisfied on or before the October student membership survey each year; requiring that the class size maximums be maintained after the October student membership survey unless certain conditions occur; providing that a

student who enrolls in a school after the October student membership survey may be assigned to classes that temporarily exceed class size maximums if the school board determines that not assigning the student would be impractical, educationally unsound, or disruptive to student learning; providing for a specified number of students to be assigned above the maximum if the district school board makes this determination; requiring that the district school board develop a plan providing that the school will be in full compliance with the maximum class size requirements by the next October student membership survey; requiring that the Department of Education identify from the Course Code Directory the core-curricula courses for the purpose of satisfying the maximum class size requirement; authorizing the department to adopt rules; creating s. 1003.4935, F.S.; requiring each district school board to include, as part of its 5-year plan, a middle school career and professional academy in at least one middle school in the district; requiring that the middle school career and professional academy be aligned with at least one high school career and professional academy in the district; providing requirements for middle school career and professional academies; requiring that the Department of Education collect and report student achievement data for academy students; amending s. 1004.02, F.S.; revising the definition of the term “adult student”; amending s. 1006.28, F.S., relating to K-12 instructional materials; conforming terminology to changes made by the act; amending s. 1006.281, F.S.; defining the term “local instructional improvement system”; requiring each school district to provide teachers, administrators, students, and parents with access to a local instructional improvement system; providing requirements for the system; requiring the State Board of Education to adopt rules that include minimum standards for local instructional improvement systems; creating s. 1006.282, F.S.; authorizing each district school board to designate schools to implement a pilot program for the transition to instructional materials in an electronic or digital format; providing requirements for the designation of pilot program schools; providing certain exemptions for such schools; requiring that the district school board report certain information regarding the pilot program to the department by a specified date each year; requiring that each district school board submit a review of the pilot program to the department, the Executive Office of the Governor, and the chairs of the legislative appropriations committees by a specified date each year; amending s. 1006.29, F.S.; deleting provisions requiring the appointment of instructional materials committees; providing for the Commissioner of Education to appoint experts to review instructional materials; providing for school districts to nominate teachers and supervisors to review recommendations by the state instructional materials reviewers; requiring that by a specified date all adopted instructional materials for students in kindergarten through grade 12 be provided in an electronic or digital format; defining the terms “electronic format” and “digital format”; requiring that the department develop a training program for persons selected as instructional materials reviewers at the state and district levels; amending s. 1006.30, F.S.; revising the requirements for the affidavit to be filed with the department by each state instructional

materials reviewer; amending s. 1006.31, F.S.; specifying duties of the state instructional materials reviewers; requiring that reviewers submit reports electronically; amending s. 1006.32, F.S., relating to prohibited acts with respect to the review and selection of instructional materials; conforming provisions to changes made by the act; amending s. 1006.33, F.S.; revising the requirements for bids and proposals for instructional materials; requiring that the department adopt specifications for electronic and digital content; amending s. 1006.34, F.S.; requiring that the State Board of Education adopt rules for the evaluation of instructional materials; conforming provisions and terminology; amending s. 1006.35, F.S.; requiring that the department rather than the Commissioner of Education approve certain materials; amending s. 1006.36, F.S.; reducing the length of the term of adoption for instructional materials; amending s. 1006.38, F.S.; revising requirements for publishers and manufacturers of instructional materials; requiring that certain samples be delivered electronically to the department; amending s. 1006.39, F.S.; prohibiting the department from producing or publishing instructional materials; amending s. 1006.40, F.S.; deleting obsolete provisions; requiring each district school board, by a certain date, to use a specified percentage of its annual allocation for the purchase of digital or electronic instructional materials; repealing s. 1006.43, F.S., relating to the department's annual legislative budget request; amending s. 1011.62, F.S.; revising provisions relating to district funding for the operation of schools; deleting provisions relating to the coenrollment of high school students; providing the maximum full-time equivalent membership value for students completing an industry-certified career and professional academy program; requiring that the Department of Education assign the appropriate full-time equivalent value for each certification based on rigor and employment value; requiring that the State Board of Education include the assigned values in the Industry Certification Funding List under rules adopted by the state board; deleting provisions providing for calculating an additional full-time equivalent membership for the Florida Virtual School; conforming a cross-reference; providing for certain amendments to the district's operating budget; authorizing the Legislature to provide a virtual education contribution as a separate allocation in the Florida Education Finance Program; specifying a formula for calculating the virtual education contribution; creating s. 1011.621, F.S.; requiring that the Department of Education, upon request by a school district and verification by the Department of Juvenile Justice, direct a school district receiving funds through the Florida Education Finance Program to transfer a pro rata share of the funds to another district that served the same students during the same survey period but were unable to report the students for funding purposes; requiring that the amount of the transfer be based on the percentage of the survey period in which the students were served by each district; amending s. 1011.685, F.S.; revising provisions relating to class size reduction operational categorical funds; authorizing a school district that meets the maximum class size requirement to use the funds for any lawful operating expenditure; amending s. 1011.71, F.S.; revising provisions relating to the district school tax; conforming a cross-reference;

providing for future expiration of provisions relating to additional millage levied by district school boards; authorizing district school boards to levy additional millage if approved by the voters; providing that the local funds generated by the additional millage not be included in the calculation of funding through the Florida Education Finance Program; 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 premiums for property and casualty insurance; providing for payment of awards for the 2010-2011 fiscal year under the Merit Award Program for Instructional Personnel and School-Based Administrators, notwithstanding the discontinuation of the program; amending s. 1013.737, F.S.; changing the name of the Class Size Reduction Lottery Revenue Bond Program to the Class Size Reduction and Educational Facilities Lottery Revenue Bond Program; authorizing the issuance of educational facilities bonds; extending an exemption for educational facilities in a district designated as a Charter School District for purposes of the demolition and replacement of certain school buildings; adopting by reference the alternate compliance calculation amounts to the class size operating categorical, as submitted by the Governor on behalf of the Department of Education for approval by the Legislative Budget Commission; requiring that the Commissioner of Education modify payments to school districts for the 2010-2011 fiscal year consistent with the amendment; providing effective dates.

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

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

213.053 Confidentiality and information sharing.—

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

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

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

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

215.61 State system of public education capital outlay bonds.—

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

Section 3. 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 4. Paragraph (b) of subsection (2) of section 1001.25, Florida Statutes, is amended to read:

1001.25 Educational television.—

(2) POWERS OF DEPARTMENT.—

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

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

1001.271 Florida Information Resource Network.—~~The Commissioner of Education shall facilitate and coordinate the use of the Florida Information Resource Network by school districts, educational institutions in the Florida College System, universities, and other eligible users. Upon requisition by school districts, community colleges, universities, or other eligible users of the Florida Information Resource Network, the Commissioner of Education shall purchase the nondiscounted portion of Internet access services, including, but not limited to, circuits, encryption, content filtering, support, and any other services needed for the effective and efficient operation of the~~

~~network. For the 2009-2010 fiscal year, each school district, the Florida School for the Deaf and the Blind, and the regional educational consortia eligible for the e-rate must submit a requisition to the Commissioner of Education for at least the same level of Internet access services used through the Florida Information Resource Network contract in the 2008-2009 fiscal year. Each user shall identify in its requisition the source of funds from which the commissioner is to make payments.~~

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

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

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

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

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

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

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

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

or licenses shall be considered internal funds as provided in s. 1011.07. Such funds shall be used to support the organization’s marketing and research and development activities in order to improve and increase services to its member districts.

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

1002.33 Charter schools.—

(10) ELIGIBLE STUDENTS.—

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

1. Students within specific age groups or grade levels.
2. Students considered at risk of dropping out of school or academic failure. Such students shall include exceptional education students.
3. Students enrolling in a charter school-in-the-workplace or charter school-in-a-municipality established pursuant to subsection (15).
4. Students residing within a reasonable distance of the charter school, as described in paragraph (20)(c). Such students shall be subject to a random lottery and to the racial/ethnic balance provisions described in subparagraph (7)(a)8. or any federal provisions that require a school to achieve a racial/ethnic balance reflective of the community it serves or within the racial/ethnic range of other public schools in the same school district.
5. Students who meet reasonable academic, artistic, or other eligibility standards established by the charter school and included in the charter school application and charter or, in the case of existing charter schools, standards that are consistent with the school’s mission and purpose. Such standards shall be in accordance with current state law and practice in public schools and may not discriminate against otherwise qualified individuals.
6. Students articulating from one charter school to another pursuant to an articulation agreement between the charter schools that has been approved by the sponsor.
7. Students living in a development in which a business entity provides the school facility and related property having an appraised value of at least \$10 million to be used as a charter school for the development. Students living in the development shall be entitled to 50 percent of the student stations in the charter school. The students who are eligible for enrollment are subject to a random lottery, the racial/ethnic balance provisions, or any

federal provisions, as described in subparagraph 4. The remainder of the student stations shall be filled in accordance with subparagraph 4.

(19) CAPITAL OUTLAY FUNDING.—Charter schools are eligible for capital outlay funds pursuant to s. 1013.62. Capital outlay funds authorized in ~~ss. s-~~ 1011.71(2) and 1013.62 ~~which 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.

(20) SERVICES.—

(a)1. A sponsor shall provide certain administrative and educational services to charter schools. These services shall include contract management services; full-time equivalent and data reporting services; exceptional student education administration services; services related to eligibility and reporting duties required to ensure that school lunch services under the federal lunch program, consistent with the needs of the charter school, are provided by the school district at the request of the charter school, that any funds due to the charter school under the federal lunch program be paid to the charter school as soon as the charter school begins serving food under the federal lunch program, and that the charter school is paid at the same time and in the same manner under the federal lunch program as other public schools serviced by the sponsor or the school district; test administration services, including payment of the costs of state-required or district-required student assessments; processing of teacher certificate data services; and information services, including equal access to student information systems that are used by public schools in the district in which the charter school is located. Student performance data for each student in a charter school, including, but not limited to, FCAT scores, standardized test scores, previous public school student report cards, and student performance measures, shall be provided by the sponsor to a charter school in the same manner provided to other public schools in the district.

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

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

~~4.3.~~ In addition, a sponsor may withhold only up to a 5-percent administrative fee for enrollment for up to and including 500 students within a system of charter schools which 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.

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

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

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

(25) 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, the same as though 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 of the charter school system accepts the full responsibility for all local education 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 unless specifically provided in law.

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

1002.34 Charter technical career centers.—

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

Section 10. 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 11. 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 ~~18~~ 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 ~~11~~ 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 12. 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 20 ~~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 ~~11~~ 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 13. 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~~ 2010-2011 fiscal year, each early learning coalition may retain and expend no more than 4.0 ~~4.5~~ 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 14. 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) Courses in language arts/reading, mathematics, social studies, and science in prekindergarten through grade 3, excluding any extracurricular courses pursuant to subsection (15);

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

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

(d) Exceptional student education courses; and

(e) 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” means 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 15. Subsections (1) and (2) of section 1003.03, Florida Statutes, are amended, and subsection (6) is added to that section, to read:

1003.03 Maximum class size.—

(1) ~~CONSTITUTIONAL CLASS SIZE MAXIMUMS.—~~Each year, on or before the October student membership survey, the following class size maximums shall be satisfied 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 may be assigned to a teacher in kindergarten through grade 3 above the maximum as provided in paragraph (1)(a);

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

3. The district school board shall develop a plan that provides that the school will 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).~~

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

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

1003.4935 Middle school career and professional academy courses.—

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

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

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

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

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

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

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

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

(g) Offer externships; and

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

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

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

1004.02 Definitions.—As used in this chapter:

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

Section 18. 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~~ assure 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 19. Section 1006.281, Florida Statutes, is amended to read:

1006.281 Learning management systems.—

(1) The term “local instructional improvement system” means a system that uses electronic and 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)(1) 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 digitally 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)(2) 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)(e) Provides access to multiple content providers and provides the ability to seamlessly connect the local instructional improvement system to electronic and digital content.

(4)(3) 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 20. Section 1006.282, Florida Statutes, is created to read:

1006.282 Pilot program for the transition to electronic and digital instructional materials.—

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

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

(a) Implements a local instructional improvement system pursuant to s. 1006.281 which enables district staff to plan, create, and manage professional development and to connect professional development with staff information and student performance, provides the ability to seamlessly connect the system to electronic and digital instructional materials and the

instructional materials to student assessment data, and includes the minimum standards published by the Department of Education.

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

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

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

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

(b) Section 1006.37.

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

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

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

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

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

(a) Successful practices;

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

(c) Lessons learned;

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

(e) Impacts on student performance.

Section 21. 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)(e) 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 electronically available to the reviewers. 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 break the tie. 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 a 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, the term “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 2015-2016 academic year, all adopted Any instructional materials adopted after 2012-2013 for students in kindergarten grades

9 through grade 12 must ~~also~~ be provided in an electronic or digital format. For purposes of this section, the term:

(a) “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.

(b) “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 used 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 at any time and anywhere.

The ~~terms do 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)(5) 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 ~~on~~ instructional materials reviewers ~~committees~~ must complete the training program prior to beginning the review and selection process.

Section 22. 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 that ~~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 the 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 23. 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, in order 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 ~~which~~ 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 ~~it~~ 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 ~~No~~ 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 ~~All~~ instructional material ~~materials~~ recommended by each reviewer committee for use in the schools 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 ~~Instructional materials committees~~ shall consider for adoption materials developed for academically talented students such as those enrolled in advanced placement courses.

~~(3)(5) REPORT OF REVIEWERS 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 shall be made public, and must ~~shall~~ 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 24. 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~~ shall 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~~ ~~No~~ 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~~ ~~No~~ 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 a 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 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 25. 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 sample copies 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 2014, the digital specifications shall include requiring the capability for searching by state standards and site and student-level licensing. Such 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 and Next Generation Sunshine State Standards and benchmarks at the 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 26. 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 ~~commissioner shall prescribe~~ the procedures by which the department shall evaluate instructional materials submitted by publishers and manufacturers in each adoption. Included in these procedures shall be provisions affording which afford each publisher or manufacturer or his or her representative an opportunity to provide a virtual presentation to present 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 report and 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 state.

Any instructional ~~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 27. 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 28. 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~~ 6-year period beginning on April 1 following the adoption, except that the commissioner may approve terms of adoption of less than 5 ~~6~~ 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, 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 29. Subsections (2), (3), (5), and (14) through (17) of section 1006.38, Florida Statutes, are amended to read:

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

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

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

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

(b) Evidence Written proof that the publisher has provided materials that address the written correlations to appropriate curricular objectives included within applicable performance standards provided for in s. 1001.03(1) and that can be accessed 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 3 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 3 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 30. 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 shall not enter into the business of producing or publishing instructional materials textbooks, or the contents therein, for general use in classrooms.

Section 31. 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 2015-2016 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) 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 32. Section 1006.43, Florida Statutes, is repealed.

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

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

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

~~(k)(4) *Study hall.*—A student who is enrolled in study hall may not be included in the calculation of full-time equivalent student membership for funding under this section.~~

~~(l)(m) *Calculation of additional full-time equivalent membership based on International Baccalaureate examination scores of students.*—A value of 0.16 full-time equivalent student membership shall be calculated for each student enrolled in an International Baccalaureate course who receives a score of 4 or higher on a subject examination. A value of 0.3 full-time equivalent student membership shall be calculated for each student who receives an International Baccalaureate diploma. Such value shall be added to the total full-time~~

equivalent student membership in basic programs for grades 9 through 12 in the subsequent fiscal year. Each school district shall allocate 80 percent of the funds received from International Baccalaureate bonus FTE funding to the school program whose students generate the funds and to school programs that prepare prospective students to enroll in International Baccalaureate courses. Funds shall be expended solely for the payment of allowable costs associated with the International Baccalaureate program. Allowable costs include International Baccalaureate annual school fees; International Baccalaureate examination fees; salary, benefits, and bonuses for teachers and program coordinators for the International Baccalaureate program and teachers and coordinators who prepare prospective students for the International Baccalaureate program; supplemental books; instructional supplies; instructional equipment or instructional materials for International Baccalaureate courses; other activities that identify prospective International Baccalaureate students or prepare prospective students to enroll in International Baccalaureate courses; and training or professional development for International Baccalaureate teachers. School districts shall allocate the remaining 20 percent of the funds received from International Baccalaureate bonus FTE funding for programs that assist academically disadvantaged students to prepare for more rigorous courses. The school district shall distribute to each classroom teacher who provided International Baccalaureate instruction:

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

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

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

~~(m)~~<sup>(n)</sup> *Calculation of additional full-time equivalent membership based on Advanced International Certificate of Education examination scores of students.*—A value of 0.16 full-time equivalent student membership shall be calculated for each student enrolled in a full-credit Advanced International Certificate of Education course who receives a score of E or higher on a subject examination. A value of 0.08 full-time equivalent student membership shall be calculated for each student enrolled in a half-credit Advanced International Certificate of Education course who receives a score of E or higher on a subject examination. A value of 0.3 full-time equivalent student membership shall be calculated for each student who receives an Advanced International Certificate of Education diploma. Such value shall be added to the total full-time equivalent student membership in basic programs for

grades 9 through 12 in the subsequent fiscal year. The school district shall distribute to each classroom teacher who provided Advanced International Certificate of Education instruction:

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

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

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

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

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

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

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

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

~~(o)(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 1003.4935 and identified in the Industry Certified Funding List pursuant to rules adopted by the State Board of Education.*—A value of 0.1, 0.2, or 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 1003.4935 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 maximum full-time equivalent student membership value for any student is 0.3. The Department of Education shall assign the appropriate full-time equivalent value for each certification, 50 percent of which is based on rigor and the remaining 50 percent on employment value. The State Board of Education shall include the assigned values in the Industry Certification Funding List under rules adopted by the state board. Rigor shall be based on the number of instructional hours, including work experience hours, required to earn the certification, with a bonus for industry certifications that have a statewide articulation agreement for college credit approved by the State Board of Education. Employment value shall be based on the entry wage, growth rate in employment for each occupational category, and average annual openings for the primary occupation linked to the industry certification. 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.

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

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

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

~~(r)~~<sup>(t)</sup> *Determination of the basic amount for current operation.*—The basic amount for current operation to be included in the Florida Education Finance Program for kindergarten through grade 12 for each district shall be the product of the following:

1. The full-time equivalent student membership in each program, multiplied by
2. The cost factor for each program, adjusted for the maximum as provided by paragraph (c), multiplied by
3. The base student allocation.

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

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

(a) *Estimated taxable value calculations.*—

1.a. Not later than 2 working days prior to July 19, the Department of Revenue shall certify to the Commissioner of Education its most recent estimate of the taxable value for school purposes in each school district and the total for all school districts in the state for the current calendar year based on the latest available data obtained from the local property appraisers. The value certified shall be the taxable value for school purposes for that year, and no further adjustments shall be made, except those made pursuant to paragraphs (c) and (d), or an assessment roll change required by final judicial decisions as specified in paragraph ~~(13)(b)~~ <sup>(12)(b)</sup>. Not later

than July 19, the Commissioner of Education shall compute a millage rate, rounded to the next highest one one-thousandth of a mill, which, when applied to 96 percent of the estimated state total taxable value for school purposes, would generate the prescribed aggregate required local effort for that year for all districts. The Commissioner of Education shall certify to each district school board the millage rate, computed as prescribed in this subparagraph, as the minimum millage rate necessary to provide the district required local effort for that year.

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

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

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

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

(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.

(11) VIRTUAL EDUCATION CONTRIBUTION.—The Legislature may annually provide in the Florida Education Finance Program a virtual education contribution. The amount of the virtual education contribution shall be the difference between the amount per FTE established in the General Appropriations Act for virtual education and the amount per FTE for each district and the Florida Virtual School, which may be calculated by taking the sum of the base FEFP allocation, the discretionary local effort, the state-funded discretionary contribution, the discretionary millage compression supplement, the research-based reading instruction allocation, and the instructional materials allocation, and then dividing by the total unweighted FTE. This difference shall be multiplied by the virtual education unweighted FTE for programs and options identified in s. 1002.455(3)(a),(b), and (d) and the Florida Virtual School and its franchises to equal the virtual education contribution and shall be included as a separate allocation in the funding formula.

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

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

1011.621 Adjustments for interdistrict transfers of students in Department of Juvenile Justice detention facilities within a survey period.—The Department of Education, upon request by a school district and verification by the Department of Juvenile Justice, shall direct a school district that receives Florida Education Finance Program funds attributed to a

membership survey for children in secure detention care pursuant to chapter 985 to transfer a pro rata share of the funds to another district that served the same students during the same survey period but were unable to report the students for funding. The amount of the funds transfer shall be based on the percentage of the survey period in which the students were served by each district.

Section 35. 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 requirement 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 36. Subsection (1), paragraph (b) of subsection (3), and subsection (5) of section 1011.71, Florida Statutes, are amended, and paragraphs (c) and (d) are added to subsection (3) of that section, to read:

1011.71 District school tax.—

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

(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 FEFP 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. The provisions of this paragraph expire June 30, 2011.

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

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

(5) Effective July 1, 2008, a school district may expend, subject to the provisions of s. 200.065, up to \$100 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 37. 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 for the 2009-2010 fiscal year, and for expenditures made prior to January 1, 2011, in the 2010-2011 fiscal year for payment of premiums for property insurance and casualty insurance.

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

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

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

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

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

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

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

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

(6) The facilities to be financed with the proceeds of such bonds are designated as state fixed capital outlay projects for purposes of s. 11(d), Art. VII of the State Constitution, and the specific facilities to be financed shall be

determined in accordance with state law and appropriations from the Educational Enhancement Trust Fund. Projects shall be funded from the Lottery Capital Outlay and Debt Service Trust Fund. Each educational facility to be financed with the proceeds of the bonds issued pursuant to this section is hereby approved as required by s. 11(f), Art. VII of the State Constitution.

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

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

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

Section 41. Notwithstanding the required review by the Legislative Budget Commission pursuant to s. 1003.03(4)(c), Florida Statutes, the Legislature hereby adopts by reference the alternate compliance calculation amounts to the class size operating categorical as set forth in Budget Amendment EOG #O2011-0074, as submitted by the Governor on March 2, 2011, on behalf of the Department of Education for approval by the Legislative Budget Commission. The Commissioner of Education shall modify payments to school districts for the 2010-2011 fiscal year consistent with the amendment and s. 1003.03, Florida Statutes. This section shall take effect upon this act becoming a law.

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

Approved by the Governor May 26, 2011.

Filed in Office Secretary of State May 26, 2011.