

Amendment No.

CHAMBER ACTION

Senate

House

.

Representative Porter offered the following:

Amendment (with title amendment)

Remove everything after the enacting clause and insert:

Section 1. Paragraph (b) of subsection (1) and subsection (2) 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 or sets of materials that are available in bound, unbound, kit, or package form and may consist of hardbacked or softbacked textbooks, electronic

316865

Amendment No.

17 content, consumables, learning laboratories, manipulatives,
18 electronic media, and computer courseware or software that serve
19 as the basis for instruction for each student in the core
20 courses of mathematics, language arts, social studies, science,
21 reading, and literature. The district school board has the
22 following specific duties:

23 (b) Instructional materials.—Provide for proper
24 requisitioning, distribution, accounting, storage, care, and use
25 of all instructional materials and furnish such other
26 instructional materials as may be needed. The district school
27 board shall ensure that instructional materials used in the
28 district are consistent with the district goals and objectives
29 and the course descriptions established in ~~curriculum frameworks~~
30 ~~adopted by~~ rule of the State Board of Education, as well as with
31 the state and district performance standards provided for in s.
32 1001.03(1).

33 (2) DISTRICT SCHOOL SUPERINTENDENT.—

34 (a) The district school superintendent has the duty to
35 recommend such plans for improving, providing, distributing,
36 accounting for, and caring for instructional materials and other
37 instructional aids as will result in general improvement of the
38 district school system, as prescribed in this part, in
39 accordance with adopted district school board rules prescribing
40 the duties and responsibilities of the district school
41 superintendent regarding the requisition, purchase, receipt,
42 storage, distribution, use, conservation, records, and reports
43 of, and management practices and property accountability
44 concerning, instructional materials, and providing for an

Amendment No.

45 evaluation of any instructional materials to be requisitioned
46 that have not been used previously in the district's schools.
47 The district school superintendent must keep adequate records
48 and accounts for all financial transactions for funds collected
49 pursuant to subsection (3), as a component of the educational
50 service delivery scope in a school district best financial
51 management practices review under s. 1008.35.

52 (b) Beginning in the 2013-2014 school year, each district
53 school superintendent shall certify to the department by March
54 31 of each year that all instructional materials for core
55 courses used by the district are aligned with applicable state
56 standards. A list of the state-approved or district-approved
57 core instructional materials that will be used or purchased for
58 use by the school district shall be included in the
59 certification ~~notify the department by April 1 of each year the~~
60 ~~state-adopted instructional materials that will be requisitioned~~
61 ~~for use in his or her school district. The notification shall~~
62 ~~include a district school board plan for instructional materials~~
63 ~~use to assist in determining if adequate instructional materials~~
64 ~~have been requisitioned.~~

65 (c) Each principal shall verify that all instructional
66 materials are fully and properly accounted for as prescribed by
67 adopted rules of the district school board.

68 Section 2. Section 1006.282, Florida Statutes, is
69 repealed.

70 Section 3. Section 1006.283, Florida Statutes, is created
71 to read:

Amendment No.

72 1006.283 District school board instructional materials
73 review process.-

74 (1) A school board or consortium of school districts may
75 implement an instructional materials program that includes the
76 review, approval, and purchasing of instructional materials.
77 Beginning in the 2013-2014 school year, the district school
78 superintendent shall certify to the department by March 31 of
79 each year that all instructional materials for core courses used
80 by the district are aligned with applicable state standards.
81 Included in the certification shall be a list of the core
82 instructional materials that will be used or purchased for use
83 by the school district.

84 (2) The school board shall adopt rules implementing the
85 district's instructional materials program which must include,
86 but need not be limited to:

87 (a) Its review and purchase process.

88 (b) Identification of a review cycle for instructional
89 materials.

90 (c) The duties and qualifications of the instructional
91 materials reviewers.

92 (d) The requirements for an affidavit made by a district
93 instructional materials reviewer, which substantially includes
94 the requirements of s. 1006.30.

95 (e) Compliance with s. 1006.32, relating to prohibited
96 acts.

97 (f) A process that certifies the accuracy of instructional
98 materials.

Amendment No.

99 (g) The incorporation of applicable requirements of s.
100 1006.38, relating to the duties, responsibilities, and
101 requirements of publishers of instructional materials.

102 (h) The process by which instructional materials will be
103 purchased, including advertising, bidding, and purchasing
104 requirements.

105 (3) (a) The school board may assess and collect fees from
106 publishers participating in the instructional materials approval
107 process. The amount assessed and collected must be posted on the
108 school district's website and reported to the department. The
109 fees may not exceed the amount established in state board rule
110 under s. 1006.34(2). Any fees collected for this process shall
111 be allocated for the support of the review process and
112 maintained in a separate line item for auditing purposes. Fees
113 may not be collected from publishers to review instructional
114 materials that are approved by the department and placed on the
115 department's website.

116 (b) The fees shall be used to cover the actual cost of
117 substitute teachers for each workday that a member of a school
118 district's instructional staff is absent from his or her
119 assigned duties for the purpose of rendering service as an
120 instructional materials reviewer. In addition, each reviewer may
121 be paid a stipend and is entitled to reimbursement for travel
122 expenses and per diem in accordance with s. 112.061 for actual
123 service in meetings.

124 (4) Instructional materials that have been reviewed by the
125 district instructional materials reviewers and approved must
126 have been determined to align with all applicable state

Amendment No.

127 standards pursuant to s. 1003.41 and the requirements in s.
128 1006.31. The district school superintendent shall annually
129 certify to the department that all instructional materials for
130 core courses used by the district are aligned with all
131 applicable state standards.

132 (5) A publisher that offers instructional materials to a
133 district school board must provide such materials at a price
134 that, including all costs of electronic transmission, does not
135 exceed the lowest price at which the publisher offers such
136 instructional materials for approval or sale to any state or
137 school district in the United States.

138 (6) A publisher shall reduce automatically the price of
139 the instructional materials to the district school board to the
140 extent that reductions are made elsewhere in the United States.

141 Section 4. Section 1006.29, Florida Statutes, is amended
142 to read:

143 1006.29 Department of Education ~~State~~ instructional
144 materials reviewers.—

145 (1) For purposes of this section, the term "instructional
146 materials" means items that have intellectual content and that,
147 by design, serve as a major tool or for assisting in the
148 instruction of a subject or course.

149 (2)-(1)(a) The commissioner shall determine annually the
150 areas in which instructional materials shall be submitted for
151 approval ~~adoption~~, taking into consideration the desires of the
152 district school boards. ~~The commissioner shall also determine~~
153 ~~the number of titles to be adopted in each area.~~

Amendment No.

154 (b) ~~By April 15 of each school year,~~ The department
155 ~~commissioner~~ shall appoint five reviewers for each submission by
156 a publisher or district school board ~~three state or national~~
157 ~~experts in the content areas submitted for adoption to review~~
158 for approval the instructional materials and evaluate the
159 content for alignment with the applicable ~~Next Generation~~
160 ~~Sunshine~~ state standards. ~~These reviewers shall be designated as~~
161 ~~state instructional materials reviewers and shall review~~ The
162 materials shall be evaluated for the level of instructional
163 support and the accuracy and appropriateness of progression of
164 introduced content. Instructional materials shall be made
165 electronically available to the reviewers. The state review of
166 the instructional materials shall be made by the five reviewers.
167 Two of the reviewers must be professional content experts, two
168 must be K-12 educators who are actively engaged in teaching or
169 in the supervision of teaching in the public elementary, middle,
170 or high schools and represent the major fields and levels in
171 which instructional materials are used in the public schools,
172 and one must be a lay person who is not professionally connected
173 with education. In the event only four reviewers can be
174 procured, or if one of the five reviewers is unable to fulfill
175 his or her responsibilities, the additional reviewer may be a
176 content expert from the department. As part of the review
177 process, each reviewer shall be provided training on the
178 electronic review system. The reviewers shall independently make
179 recommendations to the commissioner regarding materials that
180 should be placed on the list of approved materials through an
181 electronic feedback review system.

316865

Approved For Filing: 4/26/2013 11:18:03 AM

Amendment No.

182 (c) The department may assess and collect fees in
183 accordance with s. 1006.34(2). The amount assessed and collected
184 shall be posted on the department's website and must be reported
185 to the State Board of Education. Any fees collected for this
186 process shall be allocated for the support of the review
187 process, maintained in a separate account for auditing purposes,
188 and deposited in the department's Operating Trust Fund.

189 (d) Fees collected under paragraph (c) shall be used to
190 cover the cost of the review process, including the cost of any
191 meetings and applicable travel and per diem, and the amount paid
192 by a school district to substitute teachers who fill in for
193 instructional staff that is absent for the purpose of rendering
194 service as an instructional materials reviewer. In addition,
195 each reviewer may be paid a stipend and is entitled to
196 reimbursement for travel expenses and per diem in accordance
197 with s. 112.061 for actual service in meetings ~~The initial~~
198 ~~review of the materials shall be made by only two of the three~~
199 ~~reviewers. If the two reviewers reach different results, the~~
200 ~~third reviewer shall break the tie. The reviewers shall~~
201 ~~independently make recommendations to the commissioner regarding~~
202 ~~materials that should be placed on the list of adopted materials~~
203 ~~through an electronic feedback review system.~~

204 (e)-(e) The commissioner shall request each district school
205 superintendent to nominate one classroom teacher or district-
206 level content supervisor to review two or three of the
207 submissions recommended by the department ~~state~~ instructional
208 materials reviewers. School districts shall ensure that these
209 district reviewers are provided with the support and time

316865

Approved For Filing: 4/26/2013 11:18:03 AM

Amendment No.

210 necessary to accomplish a thorough review of the instructional
211 materials. District reviewers shall independently rate the
212 recommended submissions on the instructional usability of the
213 resources. District reviewers may be paid a stipend and are
214 entitled to reimbursement for travel expenses and per diem in
215 accordance with s. 112.061 for actual service in meetings, if
216 applicable.

217 (3)-(2) For purposes of approving materials ~~state adoption~~,
218 the term "instructional materials" means items having
219 intellectual content that by design serve as a major tool or for
220 assisting in the instruction of a subject or course. These items
221 may be available in bound, unbound, kit, or package form and may
222 consist of hardbacked or softbacked textbooks, electronic
223 content, consumables, learning laboratories, manipulatives,
224 electronic media, and computer courseware or software. A
225 publisher or manufacturer providing instructional materials as a
226 single bundle shall also make the instructional materials
227 available as separate and unbundled items, each priced
228 individually. A publisher shall ~~may~~ also offer sections of
229 ~~state-adopted~~ instructional materials in digital or electronic
230 versions at reduced rates to districts, schools, and teachers.

231 (4)-(3) Beginning in the 2015-2016 academic year, all
232 approved ~~adopted~~ instructional materials for students in
233 kindergarten through grade 12 must be provided in an electronic
234 or digital format. For purposes of this section, the term:

235 (a) "Electronic format" means text-based or image-based
236 content in a form that is produced on, published by, and
237 readable on computers or other digital devices and is an

Amendment No.

238 electronic version of a printed book, whether or not any printed
239 equivalent exists.

240 (b) "Digital format" means text-based or image-based
241 content in a form that provides the student with various
242 interactive functions; that can be searched, tagged,
243 distributed, and used for individualized and group learning;
244 that includes multimedia content such as video clips,
245 animations, and virtual reality; and that has the ability to be
246 accessed at any time and anywhere.

247

248 The terms do not include electronic or computer hardware even if
249 such hardware is bundled with software or other electronic
250 media, nor does it include equipment or supplies.

251 (5)~~(4)~~ The department shall develop a training program for
252 persons selected to review submitted ~~as state~~ instructional
253 materials ~~reviewers and school district reviewers~~. The program
254 shall be structured to assist reviewers in developing the skills
255 necessary to make valid, culturally sensitive, and objective
256 decisions regarding the content and rigor of instructional
257 materials. All persons reviewing ~~servicing~~ as instructional
258 materials ~~reviewers~~ must complete the training program prior to
259 beginning the review and selection process.

260 (6) By March 1 of each year, the department shall post on
261 its website a list of department-approved instructional
262 materials and instructional materials approved by other states
263 which align with applicable state standards. The list shall be
264 maintained and updated periodically. The list shall be
265 comprehensive and include sufficient instructional materials or

316865

Approved For Filing: 4/26/2013 11:18:03 AM

Amendment No.

266 major tools to cover all of the core content areas. The posting
267 must include the purchase price of each product once it is
268 purchased anywhere in the United States. In addition to the
269 posting, the department shall send school district
270 administrators periodic updates to the website. District-
271 approved instructional materials shall also be posted on the
272 website.

273 Section 5. Section 1006.30, Florida Statutes, is amended
274 to read:

275 1006.30 Affidavit of the Department of Education ~~state~~
276 instructional materials reviewers.—Before transacting any
277 business, each department ~~state~~ instructional materials reviewer
278 shall make an affidavit, to be filed with the department, that:

279 (1) The reviewer will faithfully discharge the duties
280 imposed upon him or her.

281 (2) The reviewer has no interest in any publishing or
282 manufacturing organization that produces or sells instructional
283 materials.

284 (3) The reviewer is in no way connected with the
285 distribution of the instructional materials.

286 (4) The reviewer does not have any direct or indirect
287 pecuniary interest in the business or profits of any person
288 engaged in manufacturing, publishing, or selling instructional
289 materials designed for use in the public schools.

290 (5) The reviewer will not accept any emolument or promise
291 of future reward of any kind from any publisher or manufacturer
292 of instructional materials or his or her agent or anyone

Amendment No.

293 interested in, or intending to bias his or her judgment in any
294 way in, the selection of any materials to be approved ~~adopted~~.

295 (6) The reviewer understands that it is unlawful to
296 discuss matters relating to instructional materials submitted
297 for approval ~~adoption~~ with any agent of a publisher or
298 manufacturer of instructional materials, either directly or
299 indirectly, except during the period when the publisher or
300 manufacturer is providing a presentation for the reviewer during
301 his or her review of the instructional materials submitted for
302 approval ~~adoption~~.

303 Section 6. Section 1006.31, Florida Statutes, is amended
304 to read:

305 1006.31 Duties of the Department of Education and school
306 district ~~each state~~ instructional materials reviewer.—The duties
307 of the ~~each state~~ instructional materials reviewer are:

308 (1) PROCEDURES.—To adhere to procedures prescribed by the
309 department or the district for evaluating instructional
310 materials submitted by publishers and manufacturers in each
311 review for approval ~~adoption~~.

312 (2) EVALUATION OF INSTRUCTIONAL MATERIALS.—To evaluate
313 carefully all instructional materials submitted, in order to
314 ascertain which instructional materials, if any, submitted for
315 consideration implement the selection criteria developed by the
316 department or the district and those curricular objectives
317 included within applicable performance standards provided for in
318 s. 1001.03(1).

319 (a) When evaluating ~~recommending~~ instructional materials
320 for use in the schools, each reviewer shall include only

316865

Approved For Filing: 4/26/2013 11:18:03 AM

Amendment No.

321 instructional materials that accurately portray the ethnic,
322 socioeconomic, cultural, and racial diversity of our society,
323 including men and women in professional, career, and executive
324 roles, and the role and contributions of the entrepreneur and
325 labor in the total development of this state and the United
326 States.

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

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

340 (d) When evaluating ~~recommending~~ instructional materials
341 for use in the schools, each reviewer shall require, when
342 appropriate to the comprehension of students, that materials for
343 social science, history, or civics classes contain the
344 Declaration of Independence and the Constitution of the United
345 States. A reviewer may not recommend any instructional materials
346 for use in the schools which contain any matter reflecting
347 unfairly upon persons because of their race, color, creed,
348 national origin, ancestry, gender, or occupation.

316865

Approved For Filing: 4/26/2013 11:18:03 AM

Amendment No.

349 (e) When evaluating instructional materials, library
350 media, and other reading material for use in the schools, a
351 reviewer shall use the following standards to determine the
352 propriety of the material:

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

355 2. The educational purpose to be served by the material.
356 In considering instructional materials for classroom use,
357 priority shall be given to the selection of materials that
358 encompass the state and district school board performance
359 standards provided for in s. 1001.03(1) and include the
360 instructional objectives contained within the course
361 descriptions established in rule by the State Board of
362 Education.

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

366 4. The degree to which the material represents the broad
367 racial, ethnic, socioeconomic, and cultural diversity of
368 students in the state.

369
370 Any instructional material containing pornography or otherwise
371 prohibited by s. 847.012 may not be used or made available
372 within any public school.

373 (f)(e) Any Instructional material recommended by a each
374 reviewer for use in the schools shall be, to the satisfaction of
375 the each reviewer, accurate, objective, and current and suited
376 to the needs and comprehension of students at their respective

316865

Approved For Filing: 4/26/2013 11:18:03 AM

Amendment No.

377 grade levels. Reviewers shall consider for adoption materials
378 developed for academically talented students such as those
379 enrolled in advanced placement courses.

380 (3) REPORT OF REVIEWERS.—After a thorough study of all
381 data submitted on each instructional material, to submit an
382 electronic report to the department. The report shall be made
383 public and must include responses to each section of the report
384 format prescribed by the department.

385 Section 7. Section 1006.32, Florida Statutes, is amended
386 to read:

387 1006.32 Prohibited acts.—

388 (1) A publisher or manufacturer of instructional material,
389 or any representative thereof, may not offer to give any
390 emolument, money, or other valuable thing, or any inducement, to
391 any district school board official or department or district
392 ~~state~~ instructional materials reviewer to directly or indirectly
393 introduce, recommend, vote for, or otherwise influence the
394 approval ~~adoption~~ or purchase of any instructional materials.

395 (2) A district school board official or a department or
396 district ~~state~~ instructional materials reviewer may not solicit
397 or accept any emolument, money, or other valuable thing, or any
398 inducement, to directly or indirectly introduce, recommend, vote
399 for, or otherwise influence the approval ~~adoption~~ or purchase of
400 any instructional material.

401 ~~(3) A district school board or publisher may not~~
402 ~~participate in a pilot program of materials being considered for~~
403 ~~adoption during the 18-month period before the official adoption~~
404 ~~of the materials by the commissioner. Any pilot program during~~

316865

Approved For Filing: 4/26/2013 11:18:03 AM

Amendment No.

405 ~~the first 2 years of the adoption period must have the prior~~
406 ~~approval of the commissioner.~~

407 (3)~~(4)~~ A ~~Any~~ publisher or manufacturer of instructional
408 materials or representative thereof or a a ~~any~~ district school
409 board official or department or district ~~state~~ instructional
410 materials reviewer who violates any provision of this section
411 commits a misdemeanor of the second degree, punishable as
412 provided in s. 775.082 or s. 775.083. A ~~Any~~ representative of a
413 publisher or manufacturer who violates any provision of this
414 section, in addition to any other penalty, shall be banned from
415 practicing business in the state for a period of 1 calendar
416 year.

417 (4)~~(5)~~ This section does not prohibit any publisher,
418 manufacturer, or agent from supplying, for purposes of
419 examination, necessary sample copies of instructional materials
420 to any district school board official or department or district
421 ~~state~~ instructional materials reviewer.

422 (5)~~(6)~~ This section does not prohibit a district school
423 board official or department or district ~~state~~ instructional
424 materials reviewer from receiving sample copies of instructional
425 materials.

426 (6)~~(7)~~ This section does not prohibit or restrict a
427 district school board official from receiving royalties or other
428 compensation, other than compensation paid to him or her as
429 commission for negotiating sales to district school boards, from
430 the publisher or manufacturer of instructional materials
431 written, designed, or prepared by such district school board
432 official, ~~and adopted by the commissioner or~~ purchased by any

316865

Approved For Filing: 4/26/2013 11:18:03 AM

Amendment No.

433 district school board. A ~~No~~ district school board official may
434 not ~~shall be allowed to~~ receive royalties on any materials not
435 ~~on the state-adopted list~~ purchased for use by his or her
436 district school board.

437 (7)-(8) A district school superintendent, district school
438 board member, teacher, or other person officially connected with
439 the government or direction of public schools may not receive
440 during the months actually engaged in performing duties under
441 his or her contract any private fee, gratuity, donation, or
442 compensation, in any manner whatsoever, for promoting the sale
443 or exchange of any instructional material, map, or chart in any
444 public school, or be an agent for the sale or the publisher of
445 any instructional material or reference work, or have a direct
446 or indirect pecuniary interest in the introduction of any such
447 instructional material, and any such agency or interest shall
448 disqualify any person so acting or interested from holding any
449 district school board employment whatsoever, and the person
450 commits a misdemeanor of the second degree, punishable as
451 provided in s. 775.082 or s. 775.083; however, this subsection
452 does not prevent the approval ~~adoption~~ of any instructional
453 material written in whole or in part by a Florida author.

454 Section 8. Section 1006.33, Florida Statutes, is repealed.

455 Section 9. Section 1006.34, Florida Statutes, is amended
456 to read:

457 1006.34 Powers and duties of the State Board of Education
458 ~~commissioner and the department in~~ evaluating ~~selecting and~~
459 ~~adopting~~ instructional materials.-

Amendment No.

460 (1) PROCEDURES FOR EVALUATING INSTRUCTIONAL MATERIALS.—The
461 State Board of Education shall adopt rules prescribing the
462 procedures by which the department shall evaluate instructional
463 materials submitted by publishers and manufacturers in each
464 review for approval ~~adoption~~. Included in these procedures shall
465 be provisions affording each publisher or manufacturer or his or
466 her representative an opportunity to provide a live virtual or
467 in-person presentation to the department ~~state~~ instructional
468 materials reviewers on the merits of each instructional material
469 submitted in each review for approval ~~adoption~~.

470 (2) FEES.—The State Board of Education shall adopt by rule
471 a fee schedule specifying the amount of fees that the department
472 may charge publishers who submit instructional materials for
473 review. Fees may not exceed the actual costs for the review,
474 taking into consideration the cost of reviewers, the content
475 area and complexity of the instructional materials to be
476 reviewed, and other relevant factors. The fee schedule must
477 specify the amount that may be collected by the department for
478 each submission.

479 ~~(2) SELECTION AND ADOPTION OF INSTRUCTIONAL MATERIALS.—~~
480 ~~(a) The department shall notify all publishers and~~
481 ~~manufacturers of instructional materials who have submitted bids~~
482 ~~that within 3 weeks after the deadline for receiving bids, at a~~
483 ~~designated time and place, it will open the bids submitted and~~
484 ~~deposited with it. At the time and place designated, the bids~~
485 ~~shall be opened, read, and tabulated in the presence of the~~
486 ~~bidders or their representatives. No one may revise his or her~~
487 ~~bid after the bids have been filed. When all bids have been~~

316865

Approved For Filing: 4/26/2013 11:18:03 AM

Amendment No.

488 ~~carefully considered, the commissioner shall, from the list of~~
489 ~~suitable, usable, and desirable instructional materials reported~~
490 ~~by the state instructional materials reviewers, select and adopt~~
491 ~~instructional materials for each grade and subject field in the~~
492 ~~curriculum of public elementary, middle, and high schools in~~
493 ~~which adoptions are made and in the subject areas designated in~~
494 ~~the advertisement. The adoption shall continue for the period~~
495 ~~specified in the advertisement, beginning on the ensuing April~~
496 ~~1. The adoption shall not prevent the extension of a contract as~~
497 ~~provided in subsection (3). The commissioner shall always~~
498 ~~reserve the right to reject any and all bids. The commissioner~~
499 ~~may ask for new sealed bids from publishers or manufacturers~~
500 ~~whose instructional materials were recommended by the state~~
501 ~~instructional materials reviewers as suitable, usable, and~~
502 ~~desirable; specify the dates for filing such bids and the date~~
503 ~~on which they shall be opened; and proceed in all matters~~
504 ~~regarding the opening of bids and the awarding of contracts as~~
505 ~~required by this part. In all cases, bids shall be accompanied~~
506 ~~by a cash deposit or certified check of from \$500 to \$2,500, as~~
507 ~~the department may direct. The department, in adopting~~
508 ~~instructional materials, shall give due consideration both to~~
509 ~~the prices bid for furnishing instructional materials and to the~~
510 ~~report and recommendations of the state instructional materials~~
511 ~~reviewers. When the commissioner has finished with the report of~~
512 ~~the state instructional materials reviewers, the report shall be~~
513 ~~filed and preserved with the department and shall be available~~
514 ~~at all times for public inspection.~~

316865

Approved For Filing: 4/26/2013 11:18:03 AM

Amendment No.

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

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

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

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

531 ~~4. The consideration of the broad racial, ethnic,~~
532 ~~socioeconomic, and cultural diversity of the students of this~~
533 ~~state.~~

534
535 ~~Any instructional material containing pornography or otherwise~~
536 ~~prohibited by s. 847.012 may not be used or made available~~
537 ~~within any public school.~~

538 ~~(3) CONTRACT WITH PUBLISHERS OR MANUFACTURERS; BOND.—As~~
539 ~~soon as practicable after the commissioner has adopted any~~
540 ~~instructional materials and all bidders that have secured the~~
541 ~~adoption of any instructional materials have been notified~~
542 ~~thereof by registered letter, the department shall prepare a~~

316865

Approved For Filing: 4/26/2013 11:18:03 AM

Amendment No.

543 ~~contract in proper form with every bidder awarded the adoption~~
544 ~~of any instructional materials. Each contract shall be executed~~
545 ~~by the commissioner, one copy to be kept by the contractor and~~
546 ~~one copy to be filed with the department. After giving due~~
547 ~~consideration to comments by the district school boards, the~~
548 ~~commissioner, with the agreement of the publisher, may extend or~~
549 ~~shorten a contract period for a period not to exceed 2 years;~~
550 ~~and the terms of any such contract shall remain the same as in~~
551 ~~the original contract. Any publisher or manufacturer to whom any~~
552 ~~contract is let under this part must give bond in such amount as~~
553 ~~the department requires, payable to the state, conditioned for~~
554 ~~the faithful, honest, and exact performance of the contract. The~~
555 ~~bond must provide for the payment of reasonable attorney's fees~~
556 ~~in case of recovery in any suit thereon. The surety on the bond~~
557 ~~must be a guaranty or surety company lawfully authorized to do~~
558 ~~business in the state; however, the bond shall not be exhausted~~
559 ~~by a single recovery but may be sued upon from time to time~~
560 ~~until the full amount thereof is recovered, and the department~~
561 ~~may at any time, after giving 30 days' notice, require~~
562 ~~additional security or additional bond. The form of any bond or~~
563 ~~bonds or contract or contracts under this part shall be prepared~~
564 ~~and approved by the department. At the discretion of the~~
565 ~~department, a publisher or manufacturer to whom any contract is~~
566 ~~let under this part may be allowed a cash deposit in lieu of a~~
567 ~~bond, conditioned for the faithful, honest, and exact~~
568 ~~performance of the contract. The cash deposit, payable to the~~
569 ~~department, shall be placed in the Textbook Bid Trust Fund. The~~
570 ~~department may recover damages on the cash deposit given by the~~

316865

Approved For Filing: 4/26/2013 11:18:03 AM

Amendment No.

571 ~~contractor for failure to furnish instructional materials, the~~
572 ~~sum recovered to inure to the General Revenue Fund.~~

573 ~~(4) REGULATIONS GOVERNING THE CONTRACT. The department~~
574 ~~may, from time to time, take any necessary actions, consistent~~
575 ~~with this part, to secure the prompt and faithful performance of~~
576 ~~all instructional materials contracts; and if any contractor~~
577 ~~fails or refuses to furnish instructional materials as provided~~
578 ~~in this part or otherwise breaks his or her contract, the~~
579 ~~department may sue on the required bond in the name of the~~
580 ~~state, in the courts of the state having jurisdiction, and~~
581 ~~recover damages on the bond given by the contractor for failure~~
582 ~~to furnish instructional materials, the sum recovered to inure~~
583 ~~to the General Revenue Fund.~~

584 ~~(5) RETURN OF DEPOSITS.—~~

585 ~~(a) The successful bidder shall be notified by registered~~
586 ~~mail of the award of contract and shall, within 30 days after~~
587 ~~receipt of the contract, execute the proper contract and post~~
588 ~~the required bond. When the bond and contract have been~~
589 ~~executed, the department shall notify the Chief Financial~~
590 ~~Officer and request that a warrant be issued against the~~
591 ~~Textbook Bid Trust Fund payable to the successful bidder in the~~
592 ~~amount deposited pursuant to this part. The Chief Financial~~
593 ~~Officer shall issue and forward the warrant to the department~~
594 ~~for distribution to the bidder.~~

595 ~~(b) At the same time or prior thereto, the department~~
596 ~~shall inform the Chief Financial Officer of the names of the~~
597 ~~unsuccessful bidders. Upon receipt of such notice, the Chief~~
598 ~~Financial Officer shall issue warrants against the Textbook Bid~~

316865

Approved For Filing: 4/26/2013 11:18:03 AM

Amendment No.

599 ~~Trust Fund payable to the unsuccessful bidders in the amounts~~
600 ~~deposited pursuant to this part and shall forward the warrants~~
601 ~~to the department for distribution to the unsuccessful bidders.~~

602 ~~(c) One copy of each contract and an original of each bid,~~
603 ~~whether accepted or rejected, shall be preserved with the~~
604 ~~department for at least 3 years after the termination of the~~
605 ~~contract.~~

606 ~~(6) DEPOSITS FORFEITED. If any successful bidder fails or~~
607 ~~refuses to execute contract and bond within 30 days after~~
608 ~~receipt of the contract, the cash deposit shall be forfeited to~~
609 ~~the state and placed by the Chief Financial Officer in the~~
610 ~~General Revenue Fund.~~

611 ~~(7) FORFEITURE OF CONTRACT AND BOND. If any publisher or~~
612 ~~manufacturer of instructional materials fails or refuses to~~
613 ~~furnish instructional materials as provided in the contract, the~~
614 ~~publisher's or manufacturer's bond is forfeited and the~~
615 ~~commissioner must make another contract.~~

616 Section 10. Section 1006.35, Florida Statutes, is amended
617 to read:

618 1006.35 Accuracy of instructional materials.—

619 (1) In addition to relying on statements of publishers or
620 manufacturers of instructional materials, the commissioner may
621 conduct or cause to be conducted an independent investigation to
622 determine the accuracy of approved ~~state-adopted~~ instructional
623 materials.

624 (2) When errors in approved ~~state-adopted~~ materials are
625 confirmed, the publisher or manufacturer of the materials shall
626 provide to each district school board that has purchased the

316865

Approved For Filing: 4/26/2013 11:18:03 AM

Amendment No.

627 materials the corrections in a format approved by the
628 department.

629 (3) The commissioner may remove materials from the list of
630 approved state-adopted materials:

631 (a) If he or she finds that the content is in error and
632 the publisher or manufacturer refuses to correct the error when
633 notified by the department.

634 ~~(b) (4) The commissioner may remove materials from the list~~
635 ~~of state-adopted materials~~ At the request of the publisher or
636 manufacturer if, in the commissioner's ~~his or her~~ opinion, there
637 is no material impact on the state's education goals.

638 (c) If the materials do not align with all applicable
639 state standards.

640 (4) If the commissioner removes materials from the list of
641 approved materials, the district may not purchase them for use
642 in core content areas.

643 Section 11. Section 1006.36, Florida Statutes, is amended
644 to read:

645 1006.36 State review cycle ~~Term of adoption~~ for
646 instructional materials.-

647 (1) The state review cycle ~~term of adoption~~ of any
648 instructional materials shall ~~must~~ be a 5-year period ~~beginning~~
649 ~~on April 1 following the adoption~~, except that the commissioner
650 may approve alternative schedules ~~terms of adoption~~ of less than
651 5 years for materials in content areas which require more
652 frequent revision. ~~Any contract for instructional materials may~~
653 ~~be extended as prescribed in s. 1006.34(3).~~

Amendment No.

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

667 Section 12. Section 1006.37, Florida Statutes, is amended
668 to read:

669 1006.37 Requisition of instructional materials from
670 publisher's depository.-

671 ~~(1)~~ The district school superintendent may ~~shall~~
672 requisition approved ~~adopted~~ instructional materials from the
673 depository of the publisher with whom a contract has been made.
674 ~~However, the superintendent shall requisition current~~
675 ~~instructional materials to provide each student with a textbook~~
676 ~~or other materials as a major tool of instruction in core~~
677 ~~courses of the subject areas specified in s. 1006.40(2). These~~
678 ~~materials must be requisitioned within the first 2 years of the~~
679 ~~adoption cycle, except for instructional materials related to~~
680 ~~growth of student membership or instructional materials~~
681 ~~maintenance needs. The superintendent may requisition~~

316865

Approved For Filing: 4/26/2013 11:18:03 AM

Amendment No.

682 ~~instructional materials in the core subject areas specified in~~
683 ~~s. 1006.40(2) that are related to growth of student membership~~
684 ~~or instructional materials maintenance needs during the 3rd,~~
685 ~~4th, 5th, and 6th years of the original contract period.~~

686 ~~(2) The district school superintendent shall verify that~~
687 ~~the requisition is complete and accurate and order the~~
688 ~~depository to forward to him or her the adopted instructional~~
689 ~~materials shown by the requisition. The depository shall prepare~~
690 ~~an invoice of the materials shipped, including shipping charges,~~
691 ~~and mail it to the superintendent to whom the shipment is being~~
692 ~~made. The superintendent shall pay the depository within 60 days~~
693 ~~after receipt of the requisitioned materials from the~~
694 ~~appropriation for the purchase of adopted instructional~~
695 ~~materials.~~

696 Section 13. Section 1006.38, Florida Statutes, is amended
697 to read:

698 1006.38 Duties, responsibilities, and requirements of
699 instructional materials publishers and manufacturers.—This
700 section applies to both the state and district approval
701 processes. Publishers and manufacturers of instructional
702 materials, or their representatives, shall:

703 (1) Comply with all provisions of this part.

704 (2) Electronically deliver fully developed sample copies
705 of all instructional materials upon which reviews ~~bids~~ are based
706 to the department pursuant to procedures adopted by the State
707 Board of Education.

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

316865

Approved For Filing: 4/26/2013 11:18:03 AM

Amendment No.

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

717 (b) Evidence that the publisher or manufacturer has
718 provided materials that address the performance standards
719 provided for in s. 1001.03(1) and that can be accessed through
720 the district's local instructional improvement system and a
721 variety of electronic, digital, and mobile devices.

722 (c) Evidence that the instructional materials include
723 specific references to statewide standards in the teacher's
724 manual and incorporate such standards into chapter tests or the
725 assessments. Beginning in the 2013-2014 adoption year, the
726 statewide standards may not be included at the point of student
727 use.

728 (4) Make available for purchase by any district school
729 board any diagnostic, criterion-referenced, or other tests that
730 they may develop.

731 (5) Furnish the instructional materials offered by them at
732 a price in the state which, including all costs of electronic
733 transmission, may not exceed the lowest price at which they
734 offer such instructional materials for approval ~~adoption~~ or sale
735 to any state or school district in the United States.

Amendment No.

736 (6) Reduce automatically the price of the instructional
737 materials to any district school board to the extent that
738 reductions are made elsewhere in the United States.

739 (7) Provide any instructional materials free of charge in
740 the state to the same extent as they are provided free of charge
741 to any state or school district in the United States.

742 (8) Guarantee that all copies of any instructional
743 materials sold in this state will be at least equal in quality
744 to the copies of such instructional materials that are sold
745 elsewhere in the United States and will be kept revised, free
746 from all errors, and up-to-date as may be required by the
747 department.

748 (9) Agree that any supplementary material developed at the
749 district or state level does not violate the author's or
750 publisher's copyright, provided such material is developed in
751 accordance with the doctrine of fair use.

752 (10) Not in any way, directly or indirectly, become
753 associated or connected with any combination in restraint of
754 trade in instructional materials, nor enter into any
755 understanding, agreement, or combination to control prices or
756 restrict competition in the sale of instructional materials for
757 use in the state.

758 (11) Furnish the instructional materials offered by them
759 at a price in the state which, including all costs of electronic
760 transmission, may not exceed the lowest price at which they
761 offer such instructional materials for approval or sale to any
762 other school district in the state.

Amendment No.

763 (12) Provide the department and school districts the cost
764 paid for an instructional materials product by a school or
765 district anywhere in the United States. The cost paid for that
766 product must remain the same for all future sales and must be
767 posted on all marketing materials.

768 ~~(11) Maintain or contract with a depository in the state.~~

769 ~~(12) For the core subject areas specified in s.~~
770 ~~1006.40(2), maintain in the depository for the first 2 years of~~
771 ~~the contract an inventory of instructional materials sufficient~~
772 ~~to receive and fill orders.~~

773 (13) For the core subject areas specified in s.
774 1006.40(2), ensure the availability of an inventory sufficient
775 to receive and fill orders for instructional materials for
776 growth, including the opening of a new school, and replacement
777 during the 3rd and subsequent years of the original contract
778 period.

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

786 (15) Grant, without prior written request, for any
787 copyright held by the publisher or its agencies automatic
788 permission to the department or its agencies for the
789 reproduction of instructional materials and supplementary
790 materials in Braille, large print, or other appropriate format

316865

Approved For Filing: 4/26/2013 11:18:03 AM

Amendment No.

791 for use by visually impaired students or other students with
792 disabilities that would benefit from use of the materials.

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

801 Section 14. Subsections (2), (3), and (4) of section
802 1006.40, Florida Statutes, are amended to read:

803 1006.40 Use of instructional materials allocation;
804 instructional materials, library books, and reference books;
805 repair of books.-

806 (2) Each district school board must provide ~~purchase~~
807 current instructional materials to ~~provide~~ each student with a
808 major tool or assistance ~~of instruction~~ in core courses of the
809 subject areas of mathematics, language arts, science, social
810 studies, reading, and literature for kindergarten through grade
811 12. ~~Such purchase must be made within the first 2 years after~~
812 ~~the effective date of the adoption cycle. For the 2012-2013~~
813 ~~mathematics adoption, a district using a comprehensive~~
814 ~~mathematics instructional materials program adopted in the 2009-~~
815 ~~2010 adoption shall be deemed in compliance with this subsection~~
816 ~~if it provides each student with such additional state-adopted~~
817 ~~materials as may be necessary to align the previously adopted~~

Amendment No.

818 ~~comprehensive program to common core standards and the other~~
819 ~~criteria of the 2012-2013 mathematics adoption.~~

820 (3) ~~(a)~~ By the 2015-2016 fiscal year, each district school
821 board shall use at least 50 percent of the annual allocation for
822 the purchase of digital or electronic instructional materials
823 that align with state standards included on the state-adopted
824 list, except as otherwise authorized in paragraphs (b) and (c).

825 ~~(b) Up to 50 percent of the annual allocation may be used~~
826 ~~for the purchase of instructional materials, including library~~
827 ~~and reference books and nonprint materials, not included on the~~
828 ~~state-adopted list and for the repair and renovation of~~
829 ~~textbooks and library books.~~

830 ~~(c) District school boards may use 100 percent of that~~
831 ~~portion of the annual allocation designated for the purchase of~~
832 ~~instructional materials for kindergarten, and 75 percent of that~~
833 ~~portion of the annual allocation designated for the purchase of~~
834 ~~instructional materials for first grade, to purchase materials~~
835 ~~not on the state-adopted list.~~

836 (4) Remaining funds may ~~The funds described in subsection~~
837 ~~(3) which district school boards may use to purchase materials~~
838 ~~not on the state-adopted list shall be used for the purchase of~~
839 ~~instructional materials or other items, including library and~~
840 ~~reference books and nonprint materials, having intellectual~~
841 ~~content which assist in the instruction of a subject or course.~~
842 ~~These items may be available in bound, unbound, kit, or package~~
843 ~~form and may consist of hardbacked or softbacked textbooks,~~
844 ~~electronic content, replacements for items which were part of~~
845 ~~previously purchased instructional materials, consumables,~~

316865

Approved For Filing: 4/26/2013 11:18:03 AM

Amendment No.

846 learning laboratories, manipulatives, electronic media, computer
847 courseware or software, and other commonly accepted
848 instructional tools as prescribed by district school board rule.

849 Section 15. Paragraphs (o), (p), and (q) of subsection (6)
850 of section 1001.10, Florida Statutes, are amended, and paragraph
851 (r) is added to that subsection, to read:

852 1001.10 Commissioner of Education; general powers and
853 duties.—

854 (6) Additionally, the commissioner has the following
855 general powers and duties:

856 (o) To develop criteria for use by department ~~state~~
857 instructional materials reviewers in evaluating materials
858 submitted for approval ~~adoption consideration~~. The criteria
859 shall, as appropriate, be based on instructional expectations
860 reflected in course descriptions ~~curriculum frameworks~~ and
861 student performance standards. The criteria for each subject or
862 course shall be made available to publishers and manufacturers
863 of instructional materials pursuant to the requirements of
864 chapter 1006.

865 (p) To prescribe procedures for evaluating instructional
866 materials submitted by publishers and manufacturers in each
867 review for approval ~~adoption~~.

868 (q) To remove any instructional materials from the list of
869 materials approved by the department or a school district ~~enter~~
870 ~~into agreement with Space Florida to develop innovative~~
871 ~~aerospace-related education programs that promote mathematics~~
872 ~~and science education for grades K-20.~~

Amendment No.

873 (r) To submit to the Governor, the President of the
874 Senate, the Speaker of the House of Representatives, and the
875 State Board of Education an annual report regarding district and
876 state instructional materials reviews, the impact on the quality
877 and availability of instructional materials, and the cost-
878 effectiveness of the state and district review processes. The
879 report shall be submitted on January 1 following the first
880 fiscal year of implementation of the program and each year
881 thereafter.

882 Section 16. Subsection (5) of section 1003.55, Florida
883 Statutes, is amended to read:

884 1003.55 Instructional programs for blind or visually
885 impaired students and deaf or hard-of-hearing students.—

886 (5) Any publisher or manufacturer of instructional
887 materials that have been approved by the department or a school
888 district ~~a textbook adopted pursuant to the state instructional~~
889 ~~materials adoption process~~ shall furnish the department of
890 ~~Education~~ with a computer file in an electronic format specified
891 by the department ~~at least 2 years in advance~~ that is readily
892 translatable to Braille and can be used for large print or
893 speech access. Any instructional materials ~~textbook~~ reproduced
894 pursuant to ~~the provisions of~~ this subsection shall be purchased
895 at a price equal to the price paid for the instructional
896 materials ~~textbook~~ as approved ~~adopted~~. The department of
897 ~~Education~~ shall not reproduce instructional materials ~~textbooks~~
898 obtained pursuant to this subsection in any manner that would
899 generate revenues for the department from the use of such
900 computer files or that would preclude the rightful payment of

316865

Approved For Filing: 4/26/2013 11:18:03 AM

Amendment No.

901 fees to the publisher or manufacturer for use of all or some
902 portion of the instructional materials ~~textbook~~.

903 Section 17. Paragraph (j) of subsection (2) of section
904 1003.621, Florida Statutes, is amended to read:

905 1003.621 Academically high-performing school districts.—It
906 is the intent of the Legislature to recognize and reward school
907 districts that demonstrate the ability to consistently maintain
908 or improve their high-performing status. The purpose of this
909 section is to provide high-performing school districts with
910 flexibility in meeting the specific requirements in statute and
911 rules of the State Board of Education.

912 (2) COMPLIANCE WITH STATUTES AND RULES.—Each academically
913 high-performing school district shall comply with all of the
914 provisions in chapters 1000-1013, and rules of the State Board
915 of Education which implement these provisions, pertaining to the
916 following:

917 (j) Those statutes relating to instructional materials,
918 except that s. 1006.40 ~~s. 1006.37, relating to the requisition~~
919 ~~of state-adopted materials from the depository under contract~~
920 ~~with the publisher, and s. 1006.40(3)(a), relating to the use of~~
921 50 percent of the instructional materials allocation, is ~~shall~~
922 ~~be~~ eligible for exemption.

923 Section 18. Paragraph (b) of subsection (6) of section
924 1011.62, Florida Statutes, is amended to read:

925 1011.62 Funds for operation of schools.—If the annual
926 allocation from the Florida Education Finance Program to each
927 district for operation of schools is not determined in the
928 annual appropriations act or the substantive bill implementing

316865

Approved For Filing: 4/26/2013 11:18:03 AM

Amendment No.

929 the annual appropriations act, it shall be determined as
930 follows:

931 (6) CATEGORICAL FUNDS.—

932 (b) If a district school board finds and declares in a
933 resolution approved ~~adopted~~ at a regular meeting of the school
934 board that the funds received for any of the following
935 categorical appropriations are urgently needed to maintain
936 ~~school board specified~~ academic classroom instruction specified
937 by the school board, the school board may consider and approve
938 an amendment to the school district operating budget
939 transferring the identified amount of the categorical funds to
940 the appropriate account for expenditure:

941 1. Funds for student transportation.

942 2. Funds for safe schools.

943 3. Funds for supplemental academic instruction if the
944 required additional hour of instruction beyond the normal school
945 day for each day of the entire school year has been provided for
946 the students in each low-performing elementary school in the
947 district pursuant to paragraph (1) (f).

948 4. Funds for research-based reading instruction if the
949 required additional hour of instruction beyond the normal school
950 day for each day of the entire school year has been provided for
951 the students in each low-performing elementary school in the
952 district pursuant to paragraph (9) (a).

953 5. Funds for instructional materials if all instructional
954 material purchases necessary to provide updated materials that
955 are aligned with applicable ~~to Next Generation Sunshine~~ state
956 standards and course descriptions ~~benchmarks~~ and that meet

316865

Approved For Filing: 4/26/2013 11:18:03 AM

Amendment No.

957 statutory requirements of content and learning have been
958 completed for that fiscal year, but no sooner than March 1.
959 Funds available after March 1 may be used to purchase hardware
960 for student instruction.

961 Section 19. This act shall take effect July 1, 2013.

962 -----
963 -----

964 **T I T L E A M E N D M E N T**

965 Remove everything before the enacting clause and insert:

966 A bill to be entitled

967 An act relating to instructional materials for K-12
968 public education; amending s. 1006.28, F.S.; revising
969 the duties of a district school board and the district
970 superintendent with regard to instructional materials;
971 repealing s. 1006.282, F.S., relating to the pilot
972 program for the transition to electronic and digital
973 instructional materials; creating s. 1006.283, F.S.;
974 authorizing a district school board or a consortium of
975 school districts to implement an instructional
976 materials program; requiring the district
977 superintendent to certify to the Department of
978 Education that instructional materials for core
979 courses align with applicable state standards;
980 requiring the district school board to adopt rules;
981 authorizing the district school board to set and
982 collect fees from a publisher that participates in the
983 instructional materials review process; requiring the
984 fee amount to be posted on the school district's

Amendment No.

985 website and reported to the Department of Education;
986 providing a limit on fees; prohibiting fees from being
987 collected from publishers to review certain
988 instructional materials; providing for a stipend,
989 reimbursement for travel expenses, and per diem for
990 reviewers; requiring instructional materials that are
991 approved by the district instructional materials
992 reviewers to be aligned with applicable state
993 standards; requiring each district school
994 superintendent to annually certify that the
995 instructional materials for core courses used by the
996 district align with applicable state standards;
997 providing pricing requirements for instructional
998 materials; amending s. 1006.29, F.S.; providing a
999 definition; requiring the department to appoint state
1000 instructional materials reviewers, rather than state
1001 or national experts, to review instructional
1002 materials; providing requirements, appointments, and
1003 terms for state instructional materials reviewers;
1004 authorizing the department to assess and collect fees;
1005 requiring the fee amount to be posted on the
1006 department's website and reported to the State Board
1007 of Education; providing a purpose for the use of the
1008 fees, such as a stipend for service as a reviewer,
1009 payment for per diem, and reimbursement for travel
1010 expenses for service as a reviewer; requiring a
1011 publisher to offer sections of instructional materials
1012 in certain versions at reduced rates; requiring the

316865

Approved For Filing: 4/26/2013 11:18:03 AM

Page 37 of 39

Amendment No.

1013 department to post certain instructional materials on
1014 its website; amending s. 1006.30, F.S.; conforming
1015 provisions to changes made by the act; amending s.
1016 1006.31, F.S.; conforming provisions to changes made
1017 by the act; revising the procedure for evaluating
1018 instructional materials; providing standards to
1019 determine the propriety of instructional materials;
1020 amending s. 1006.32, F.S.; conforming provisions to
1021 changes made by the act; repealing s. 1006.33, F.S.,
1022 relating to bids, proposals, and advertisement
1023 regarding instructional materials; amending s.
1024 1006.34, F.S.; revising the powers and duties of the
1025 State Board of Education in evaluating instructional
1026 materials to include collecting fees and adopting
1027 rules; conforming provisions to changes made by the
1028 act; amending s. 1006.35, F.S.; authorizing the
1029 Commissioner of Education to remove materials from the
1030 list of approved materials if the materials do not
1031 align with applicable state standards; prohibiting a
1032 school district from purchasing removed materials
1033 under certain circumstances; amending s. 1006.36,
1034 F.S.; providing for the state review cycle for
1035 instructional materials; amending s. 1006.37, F.S.;
1036 authorizing a district school superintendent to
1037 requisition approved instructional materials;
1038 conforming provisions to changes made by the act;
1039 amending s. 1006.38, F.S.; providing for
1040 applicability; revising duties of publishers and

316865

Approved For Filing: 4/26/2013 11:18:03 AM

Amendment No.

1041 manufacturers; amending s. 1006.40, F.S.; revising the
1042 allocation for instructional materials; amending s.
1043 1001.10, F.S.; revising the duties of the Commissioner
1044 of Education with regard to instructional materials,
1045 including submission of a report to the Governor, the
1046 Legislature, and the State Board of Education;
1047 amending s. 1003.55, F.S.; requiring a publisher or
1048 manufacturer of instructional materials that have been
1049 approved by the Department of Education or a school
1050 district to furnish the department with a computer
1051 file in an electronic format specified by the
1052 department; amending ss. 1003.621 and 1011.62, F.S.;
1053 conforming provisions to changes made by the act;
1054 providing an effective date.