

1 A bill to be entitled
2 An act relating to instructional materials for K-12
3 public education; amending s. 1006.28, F.S.; revising
4 the duties of a district school board and the district
5 superintendent with regard to instructional materials;
6 repealing s. 1006.282, F.S., relating to the pilot
7 program for the transition to electronic and digital
8 instructional materials; creating s. 1006.283, F.S.;
9 authorizing a district school board or a consortium of
10 school districts to implement an instructional
11 materials program; requiring the district
12 superintendent to certify to the Department of
13 Education that core instructional materials align with
14 applicable state standards; requiring the district
15 school board to adopt rules; authorizing the district
16 school board to set and collect fees from a publisher
17 that participates in the instructional materials
18 review process; providing a limit on fees; prohibiting
19 fees from being collected from publishers to review
20 instructional materials; providing for a stipend and
21 reimbursement for travel expenses and per diem for
22 reviewers; requiring instructional materials that are
23 approved by the district instructional materials
24 reviewers to be aligned with applicable state
25 standards; requiring each district school board to
26 annually certify that the instructional materials
27 align with applicable state standards; providing
28 pricing requirements for instructional materials;

29 | amending s. 1006.29, F.S.; providing a definition;
30 | requiring the department to appoint state
31 | instructional materials reviewers, rather than state
32 | or national experts, to review instructional
33 | materials; providing requirements, appointments, and
34 | terms for state instructional materials reviewers;
35 | authorizing the department to compensate assigned
36 | reviewers with funds collected through certain fees;
37 | providing a purpose for the use of the fees;
38 | authorizing a stipend for service as a reviewer;
39 | providing for payment for per diem and reimbursement
40 | for travel expenses for service as a reviewer;
41 | requiring a publisher to offer sections of
42 | instructional materials in certain version at reduced
43 | rates; requiring the department to post certain
44 | instructional materials on its website; amending s.
45 | 1006.30, F.S.; conforming provisions to changes made
46 | by the act; amending s. 1006.31, F.S.; conforming
47 | provisions to changes made by the act; revising the
48 | procedure for evaluating instructional materials;
49 | providing standards to determine the propriety of
50 | instructional materials; amending s. 1006.32, F.S.;
51 | conforming provisions to changes made by the act;
52 | repealing s. 1006.33, F.S., relating to bids,
53 | proposals, and advertisement regarding instructional
54 | materials; amending s. 1006.34, F.S.; revising the
55 | powers and duties of the State Board of Education in
56 | evaluating instructional materials to include

57 | collecting fees and adopting rules; conforming
58 | provisions to changes made by the act; amending s.
59 | 1006.35, F.S.; authorizing the Commissioner of
60 | Education to remove materials from the list of
61 | approved materials if the materials do not align with
62 | applicable state standards; prohibiting a school
63 | district from purchasing removed materials under
64 | certain circumstances; amending s. 1006.36, F.S.;
65 | providing for the state review cycle for instructional
66 | materials; amending s. 1006.37, F.S.; authorizing a
67 | district school superintendent to requisition approved
68 | instructional materials; conforming provisions to
69 | changes made by the act; amending s. 1006.38, F.S.;
70 | providing for applicability; revising duties of
71 | publishers and manufacturers; amending s. 1006.40,
72 | F.S.; revising the allocation for instructional
73 | materials; amending s. 1001.10, F.S.; revising the
74 | duties of the Commissioner of Education with regard to
75 | instructional materials, including submission of a
76 | report to the Governor and the Legislature; amending
77 | s. 1003.55, F.S.; requiring a publisher or
78 | manufacturer of instructional materials that have been
79 | approved by the Department of Education or a school
80 | district to furnish the department with a computer
81 | file in an electronic format specified by the
82 | department; amending s. 1003.621, F.S.; conforming
83 | provisions to changes made by the act; amending s.
84 | 1011.62, F.S.; conforming provisions to changes made

85 | by the act; providing an effective date.

86 |

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

88 |

89 | Section 1. Paragraph (b) of subsection (1) and subsection
90 | (2) of section 1006.28, Florida Statutes, are amended to read:

91 | 1006.28 Duties of district school board, district school
92 | superintendent; and school principal regarding K-12
93 | instructional materials.—

94 | (1) DISTRICT SCHOOL BOARD.—The district school board has
95 | the duty to provide adequate instructional materials for all
96 | students in accordance with the requirements of this part. The
97 | term "adequate instructional materials" means a sufficient
98 | number of student or site licenses or sets of materials that are
99 | available in bound, unbound, kit, or package form and may
100 | consist of hardbacked or softbacked textbooks, electronic
101 | content, consumables, learning laboratories, manipulatives,
102 | electronic media, and computer courseware or software that serve
103 | as the basis for instruction for each student in the core
104 | courses of mathematics, language arts, social studies, science,
105 | reading, and literature. The district school board has the
106 | following specific duties:

107 | (b) Instructional materials.—Provide for proper
108 | requisitioning, distribution, accounting, storage, care, and use
109 | of all instructional materials and furnish such other
110 | instructional materials as may be needed. The district school
111 | board shall ensure that instructional materials used in the
112 | district are consistent with the district goals and objectives

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113 and the course descriptions established in curriculum frameworks
114 ~~adopted by~~ rule of the State Board of Education, as well as with
115 the state and district performance standards provided for in s.
116 1001.03(1).

117 (2) DISTRICT SCHOOL SUPERINTENDENT.—

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

136 (b) Beginning in the 2013-2014 school year, each district
137 school superintendent shall certify to the department by March
138 31 of each year that all core instructional materials used by
139 the district are aligned with applicable state standards. A list
140 of the state-approved or district-approved core instructional

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141 materials that will be used or purchased for use by the school
142 district shall be included in the certification ~~notify the~~
143 ~~department by April 1 of each year the state-adopted~~
144 ~~instructional materials that will be requisitioned for use in~~
145 ~~his or her school district. The notification shall include a~~
146 ~~district school board plan for instructional materials use to~~
147 ~~assist in determining if adequate instructional materials have~~
148 ~~been requisitioned.~~

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

152 Section 2. Section 1006.282, Florida Statutes, is
153 repealed.

154 Section 3. Section 1006.283, Florida Statutes, is created
155 to read:

156 1006.283 District school board instructional materials
157 review process.—

158 (1) A school board or consortium of school districts may
159 implement an instructional materials program that includes the
160 review, approval, and purchasing of instructional materials.
161 Beginning in the 2013-2014 school year, the district school
162 superintendent shall certify to the department by March 31 of
163 each year that all core instructional materials used by the
164 district are aligned with applicable state standards. Included
165 in the certification shall be a list of the core instructional
166 materials that will be used or purchased for use by the school
167 district.

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

171 (a) Its review and purchase process.
172 (b) Identification of a review cycle for instructional
173 materials.

174 (c) The duties and qualifications of the instructional
175 materials reviewers.

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

179 (e) Compliance with s. 1006.32 relating to prohibited
180 acts.

181 (f) A process that certifies the accuracy of instructional
182 materials.

183 (g) The incorporation of applicable requirements of s.
184 1006.38 relating to the duties, responsibilities, and
185 requirements of publishers of instructional materials.

186 (h) The process by which instructional materials will be
187 purchased, including advertising, bidding, and purchasing
188 requirements.

189 (3) (a) The school board may set and collect fees from
190 publishers participating in the instructional materials approval
191 process. The amount assessed and collected shall be advertised
192 and must be reported to the district school board. The fees may
193 not exceed the fees that are assessed for those materials
194 submitted for review by the state as defined by the State Board
195 of Education. Any fees collected for this process shall be

196 allocated for the support of the review process and maintained
197 in a separate line item for auditing purposes. Fees may not be
198 collected from publishers to review instructional materials that
199 are approved by the department and placed on the department's
200 website.

201 (b) The fees shall be used to cover the actual cost of
202 substitute teachers for each workday that a member of a school
203 district's instructional staff is absent from his or her
204 assigned duties for the purpose of rendering service as an
205 instructional materials reviewer. In addition, each reviewer may
206 be paid a stipend and is entitled to reimbursement for travel
207 expenses and per diem in accordance with s. 112.061 for actual
208 service in meetings.

209 (4) Instructional materials that have been reviewed by the
210 district instructional materials reviewers and approved must
211 have been determined to align with all applicable state
212 standards pursuant to s. 1003.41 and the requirements in s.
213 1006.31. The district school superintendent must annually
214 certify to the department that the district's all core
215 instructional materials are aligned with all applicable state
216 standards.

217 (5) A publisher that offers instructional materials to a
218 district school board must provide such materials at a price
219 which, including all costs of electronic transmission, does not
220 exceed the lowest price at which the publisher offers such
221 instructional materials for approval or sale to any state or
222 school district in the United States.

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

226 Section 4. Section 1006.29, Florida Statutes, is amended
227 to read:

228 1006.29 Department of Education ~~State~~ instructional
229 materials reviewers.—

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

234 (2)~~(1)~~(a) The commissioner shall determine annually the
235 areas in which instructional materials shall be submitted for
236 approval ~~adoption~~, taking into consideration the desires of the
237 district school boards. ~~The commissioner shall also determine~~
238 ~~the number of titles to be adopted in each area.~~

239 (b) ~~By April 15 of each school year, The~~ department
240 ~~commissioner~~ shall appoint five reviewers for each submission by
241 a publisher or district school board ~~three state or national~~
242 ~~experts in the content areas submitted for adoption to review~~
243 for approval the instructional materials and evaluate the
244 content for alignment with the applicable ~~Next Generation~~
245 ~~Sunshine~~ state standards. ~~These reviewers shall be designated as~~
246 ~~state instructional materials reviewers and shall review~~ The
247 materials shall be evaluated for the level of instructional
248 support and the accuracy and appropriateness of progression of
249 introduced content. Instructional materials shall be made
250 electronically available to the reviewers. The state review of

251 the instructional materials shall be made by the five reviewers.
252 Two of the reviewers must be professional content experts, two
253 must be K-12 educators who are actively engaged in teaching or
254 in the supervision of teaching in the public elementary, middle,
255 or high schools and represent the major fields and levels in
256 which instructional materials are used in the public schools,
257 and one must be a lay person who is not professionally connected
258 with education. In the event that only four reviewers can be
259 procured, or if one of the five reviewers is unable to fulfill
260 his or her responsibilities, the additional reviewer may be a
261 content expert from the department. As part of the review
262 process, each reviewer shall be provided training on the
263 electronic review system. The reviewers shall independently make
264 recommendations to the commissioner regarding materials that
265 should be placed on the list of approved materials through an
266 electronic feedback review system.

267 (c) The department may assess and collect fees in
268 accordance with s. 1006.34(2). The amount assessed and collected
269 shall be advertised and must be reported to the State Board of
270 Education. Any fees collected for this process shall be
271 allocated for the support of the review process, maintained in a
272 separate account for auditing purposes, and deposited in the
273 department's Operating Trust Fund.

274 (d) Fees collected under paragraph (c) shall be used to
275 cover the cost of the review process, including the cost of any
276 meetings and applicable travel and per diem, and the amount paid
277 by a school district to substitute teachers who fill in for
278 instructional staff that are absent for the purpose of rendering

279 service as instructional materials reviewers. In addition, each
280 reviewer may be paid a stipend and is entitled to reimbursement
281 for travel expenses and per diem in accordance with s. 112.061
282 for actual service in meetings ~~The initial review of the~~
283 ~~materials shall be made by only two of the three reviewers. If~~
284 ~~the two reviewers reach different results, the third reviewer~~
285 ~~shall break the tie. The reviewers shall independently make~~
286 ~~recommendations to the commissioner regarding materials that~~
287 ~~should be placed on the list of adopted materials through an~~
288 ~~electronic feedback review system.~~

289 (e) ~~(e)~~ The commissioner shall request each district school
290 superintendent to nominate one classroom teacher or district-
291 level content supervisor to review two or three of the
292 submissions recommended by the department ~~state~~ instructional
293 materials reviewers. School districts shall ensure that these
294 district reviewers are provided with the support and time
295 necessary to accomplish a thorough review of the instructional
296 materials. District reviewers shall independently rate the
297 recommended submissions on the instructional usability of the
298 resources. District reviewers may be paid a stipend and are
299 entitled to reimbursement for travel expenses and per diem in
300 accordance with s. 112.061 for actual service in meetings, if
301 applicable.

302 (3) ~~(2)~~ For purposes of approving materials ~~state adoption~~,
303 the term "instructional materials" means items having
304 intellectual content that by design serve as a major tool or for
305 assisting in the instruction of a subject or course. These items
306 may be available in bound, unbound, kit, or package form and may

307 consist of hardbacked or softbacked textbooks, electronic
308 content, consumables, learning laboratories, manipulatives,
309 electronic media, and computer courseware or software. A
310 publisher or manufacturer providing instructional materials as a
311 single bundle shall also make the instructional materials
312 available as separate and unbundled items, each priced
313 individually. A publisher shall ~~may~~ also offer sections of
314 ~~state-adopted~~ instructional materials in digital or electronic
315 versions at reduced rates to districts, schools, and teachers.

316 (4) ~~(3)~~ Beginning in the 2015-2016 academic year, all
317 approved ~~adopted~~ instructional materials for students in
318 kindergarten through grade 12 must be provided in an electronic
319 or digital format. For purposes of this section, the term:

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

325 (b) "Digital format" means text-based or image-based
326 content in a form that provides the student with various
327 interactive functions; that can be searched, tagged,
328 distributed, and used for individualized and group learning;
329 that includes multimedia content such as video clips,
330 animations, and virtual reality; and that has the ability to be
331 accessed at any time and anywhere.

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

336 (5)~~(4)~~ The department shall develop a training program for
337 persons selected to review submitted as state instructional
338 materials ~~reviewers and school district reviewers~~. The program
339 shall be structured to assist reviewers in developing the skills
340 necessary to make valid, culturally sensitive, and objective
341 decisions regarding the content and rigor of instructional
342 materials. All persons reviewing ~~serving as instructional~~
343 ~~materials reviewers~~ must complete the training program prior to
344 beginning the review and selection process.

345 (6) By March 1 of each year, the department shall post on
346 its website a list of department-approved instructional
347 materials and instructional materials approved by other states
348 which align with applicable state standards. The list shall be
349 maintained and updated periodically. The list shall be
350 comprehensive and include sufficient instructional materials or
351 major tools to cover all of the core content areas. The posting
352 must include the purchase price of each product once it is
353 purchased anywhere in the United States. In addition to the
354 posting, the department shall send school district
355 administrators periodic updates to the website. District-
356 approved instructional materials shall also be posted on the
357 website.

358 Section 5. Section 1006.30, Florida Statutes, is amended
359 to read:

360 1006.30 Affidavit of Department of Education ~~state~~
361 instructional materials reviewers.—Before transacting any
362 business, each department ~~state~~ instructional materials reviewer
363 shall make an affidavit, to be filed with the department, that:

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

366 (2) The reviewer has no interest in any publishing or
367 manufacturing organization that produces or sells instructional
368 materials.

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

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

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

380 (6) The reviewer understands that it is unlawful to
381 discuss matters relating to instructional materials submitted
382 for approval ~~adoption~~ with any agent of a publisher or
383 manufacturer of instructional materials, either directly or
384 indirectly, except during the period when the publisher or
385 manufacturer is providing a presentation for the reviewer during
386 his or her review of the instructional materials submitted for
387 approval ~~adoption~~.

388 Section 6. Section 1006.31, Florida Statutes, is amended
 389 to read:

390 1006.31 Duties of the Department of Education and school
 391 district ~~each state~~ instructional materials reviewer.—The duties
 392 of the ~~each state~~ instructional materials reviewer are:

393 (1) PROCEDURES.—To adhere to procedures prescribed by the
 394 department or the district for evaluating instructional
 395 materials submitted by publishers and manufacturers in each
 396 review for approval ~~adoption~~.

397 (2) EVALUATION OF INSTRUCTIONAL MATERIALS.—To evaluate
 398 carefully all instructional materials submitted, in order to
 399 ascertain which instructional materials, if any, submitted for
 400 consideration implement the selection criteria developed by the
 401 department or the district and those curricular objectives
 402 included within applicable performance standards provided for in
 403 s. 1001.03(1).

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

412 (b) When evaluating ~~recommending~~ instructional materials
 413 for use in the schools, each reviewer shall include only
 414 materials that accurately portray, whenever appropriate,
 415 humankind's place in ecological systems, including the necessity

416 for the protection of our environment and conservation of our
417 natural resources and the effects on the human system of the use
418 of tobacco, alcohol, controlled substances, and other dangerous
419 substances.

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

425 (d) When evaluating ~~recommending~~ instructional materials
426 for use in the schools, each reviewer shall require, when
427 appropriate to the comprehension of students, that materials for
428 social science, history, or civics classes contain the
429 Declaration of Independence and the Constitution of the United
430 States. A reviewer may not recommend any instructional materials
431 for use in the schools which contain any matter reflecting
432 unfairly upon persons because of their race, color, creed,
433 national origin, ancestry, gender, or occupation.

434 (e) When evaluating instructional materials, library
435 media, and other reading material for use in the schools, a
436 reviewer shall use the following standards to determine the
437 propriety of the material:

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

440 2. The educational purpose to be served by the material.

441 In considering instructional materials for classroom use,
442 priority shall be given to the selection of materials that
443 encompass the state and district school board performance

444 standards provided for in s. 1001.03(1) and include the
445 instructional objectives contained within the course
446 descriptions established in rule by the State Board of
447 Education.

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

451 4. The degree to which the material represents the broad
452 racial, ethnic, socioeconomic, and cultural diversity of
453 students in the state.

454
455 Any instructional material containing pornography or otherwise
456 prohibited by s. 847.012 may not be used or made available
457 within any public school.

458 (c)(e) Any Instructional material recommended by a each
459 reviewer for use in the schools shall be, to the satisfaction of
460 the each reviewer, accurate, objective, and current and suited
461 to the needs and comprehension of students at their respective
462 grade levels. Reviewers shall consider for adoption materials
463 developed for academically talented students such as those
464 enrolled in advanced placement courses.

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

470 Section 7. Section 1006.32, Florida Statutes, is amended
471 to read:

472 1006.32 Prohibited acts.—

473 (1) A publisher or manufacturer of instructional material,
 474 or any representative thereof, may not offer to give any
 475 emolument, money, or other valuable thing, or any inducement, to
 476 any district school board official or department or district
 477 ~~state~~ instructional materials reviewer to directly or indirectly
 478 introduce, recommend, vote for, or otherwise influence the
 479 approval ~~adoption~~ or purchase of any instructional materials.

480 (2) A district school board official or a department or
 481 district ~~state~~ instructional materials reviewer may not solicit
 482 or accept any emolument, money, or other valuable thing, or any
 483 inducement, to directly or indirectly introduce, recommend, vote
 484 for, or otherwise influence the approval ~~adoption~~ or purchase of
 485 any instructional material.

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

492 (3)-(4) ~~A~~ Any publisher or manufacturer of instructional
 493 materials or representative thereof or a ~~any~~ district school
 494 board official or department or district ~~state~~ instructional
 495 materials reviewer who violates any provision of this section
 496 commits a misdemeanor of the second degree, punishable as
 497 provided in s. 775.082 or s. 775.083. A ~~Any~~ representative of a
 498 publisher or manufacturer who violates any provision of this
 499 section, in addition to any other penalty, shall be banned from

500 practicing business in the state for a period of 1 calendar
501 year.

502 (4)~~(5)~~ This section does not prohibit any publisher,
503 manufacturer, or agent from supplying, for purposes of
504 examination, necessary sample copies of instructional materials
505 to any district school board official or department or district
506 ~~state~~ instructional materials reviewer.

507 (5)~~(6)~~ This section does not prohibit a district school
508 board official or department or district ~~state~~ instructional
509 materials reviewer from receiving sample copies of instructional
510 materials.

511 (6)~~(7)~~ This section does not prohibit or restrict a
512 district school board official from receiving royalties or other
513 compensation, other than compensation paid to him or her as
514 commission for negotiating sales to district school boards, from
515 the publisher or manufacturer of instructional materials
516 written, designed, or prepared by such district school board
517 official, ~~and adopted by the commissioner or~~ purchased by any
518 district school board. A ~~No~~ district school board official may
519 not ~~shall be allowed to~~ receive royalties on any materials not
520 ~~on the state-adopted list~~ purchased for use by his or her
521 district school board.

522 (7)~~(8)~~ A district school superintendent, district school
523 board member, teacher, or other person officially connected with
524 the government or direction of public schools may not receive
525 during the months actually engaged in performing duties under
526 his or her contract any private fee, gratuity, donation, or
527 compensation, in any manner whatsoever, for promoting the sale

528 or exchange of any instructional material, map, or chart in any
 529 public school, or be an agent for the sale or the publisher of
 530 any instructional material or reference work, or have a direct
 531 or indirect pecuniary interest in the introduction of any such
 532 instructional material, and any such agency or interest shall
 533 disqualify any person so acting or interested from holding any
 534 district school board employment whatsoever, and the person
 535 commits a misdemeanor of the second degree, punishable as
 536 provided in s. 775.082 or s. 775.083; however, this subsection
 537 does not prevent the approval ~~adoption~~ of any instructional
 538 material written in whole or in part by a Florida author.

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

540 Section 9. Section 1006.34, Florida Statutes, is amended
 541 to read:

542 1006.34 Powers and duties of the State Board of Education
 543 ~~commissioner and the department~~ in evaluating ~~selecting and~~
 544 ~~adopting~~ instructional materials.-

545 (1) PROCEDURES FOR EVALUATING INSTRUCTIONAL MATERIALS.—The
 546 State Board of Education shall adopt rules prescribing the
 547 procedures by which the department shall evaluate instructional
 548 materials submitted by publishers and manufacturers in each
 549 review for approval ~~adoption~~. Included in these procedures shall
 550 be provisions affording each publisher or manufacturer or his or
 551 her representative an opportunity to provide a live virtual or
 552 in-person presentation to the department ~~state~~ instructional
 553 materials reviewers on the merits of each instructional material
 554 submitted in each review for approval ~~adoption~~.

555 (2) FEES.—The State Board of Education may set and collect
556 fees from publishers participating in the instructional
557 materials approval process who request a review of their
558 submitted materials by the department. The fees set by the State
559 Board of Education shall specify the amount that may be
560 collected by the department per submission from publishers for
561 review. The fees may not exceed the actual costs necessary to
562 support the cost of reviewing instructional materials,
563 including, but not limited to, the costs associated with
564 reviewers. The State Board of Education shall adopt rules
565 regarding the fees.

566 ~~(2) SELECTION AND ADOPTION OF INSTRUCTIONAL MATERIALS.—~~
567 ~~(a) The department shall notify all publishers and~~
568 ~~manufacturers of instructional materials who have submitted bids~~
569 ~~that within 3 weeks after the deadline for receiving bids, at a~~
570 ~~designated time and place, it will open the bids submitted and~~
571 ~~deposited with it. At the time and place designated, the bids~~
572 ~~shall be opened, read, and tabulated in the presence of the~~
573 ~~bidders or their representatives. No one may revise his or her~~
574 ~~bid after the bids have been filed. When all bids have been~~
575 ~~carefully considered, the commissioner shall, from the list of~~
576 ~~suitable, usable, and desirable instructional materials reported~~
577 ~~by the state instructional materials reviewers, select and adopt~~
578 ~~instructional materials for each grade and subject field in the~~
579 ~~curriculum of public elementary, middle, and high schools in~~
580 ~~which adoptions are made and in the subject areas designated in~~
581 ~~the advertisement. The adoption shall continue for the period~~
582 ~~specified in the advertisement, beginning on the ensuing April~~

583 ~~1. The adoption shall not prevent the extension of a contract as~~
584 ~~provided in subsection (3). The commissioner shall always~~
585 ~~reserve the right to reject any and all bids. The commissioner~~
586 ~~may ask for new sealed bids from publishers or manufacturers~~
587 ~~whose instructional materials were recommended by the state~~
588 ~~instructional materials reviewers as suitable, usable, and~~
589 ~~desirable; specify the dates for filing such bids and the date~~
590 ~~on which they shall be opened; and proceed in all matters~~
591 ~~regarding the opening of bids and the awarding of contracts as~~
592 ~~required by this part. In all cases, bids shall be accompanied~~
593 ~~by a cash deposit or certified check of from \$500 to \$2,500, as~~
594 ~~the department may direct. The department, in adopting~~
595 ~~instructional materials, shall give due consideration both to~~
596 ~~the prices bid for furnishing instructional materials and to the~~
597 ~~report and recommendations of the state instructional materials~~
598 ~~reviewers. When the commissioner has finished with the report of~~
599 ~~the state instructional materials reviewers, the report shall be~~
600 ~~filed and preserved with the department and shall be available~~
601 ~~at all times for public inspection.~~

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

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

608 ~~2. The educational purpose to be served by the material.~~
609 ~~In considering instructional materials for classroom use,~~
610 ~~priority shall be given to the selection of materials which~~

611 ~~encompass the state and district school board performance~~
612 ~~standards provided for in s. 1001.03(1) and which include the~~
613 ~~instructional objectives contained within the curriculum~~
614 ~~frameworks approved by rule of the State Board of Education.~~

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

618 ~~4. The consideration of the broad racial, ethnic,~~
619 ~~socioeconomic, and cultural diversity of the students of this~~
620 ~~state.~~

621
622 ~~Any instructional material containing pornography or otherwise~~
623 ~~prohibited by s. 847.012 may not be used or made available~~
624 ~~within any public school.~~

625 ~~(3) CONTRACT WITH PUBLISHERS OR MANUFACTURERS; BOND. As~~
626 ~~soon as practicable after the commissioner has adopted any~~
627 ~~instructional materials and all bidders that have secured the~~
628 ~~adoption of any instructional materials have been notified~~
629 ~~thereof by registered letter, the department shall prepare a~~
630 ~~contract in proper form with every bidder awarded the adoption~~
631 ~~of any instructional materials. Each contract shall be executed~~
632 ~~by the commissioner, one copy to be kept by the contractor and~~
633 ~~one copy to be filed with the department. After giving due~~
634 ~~consideration to comments by the district school boards, the~~
635 ~~commissioner, with the agreement of the publisher, may extend or~~
636 ~~shorten a contract period for a period not to exceed 2 years;~~
637 ~~and the terms of any such contract shall remain the same as in~~
638 ~~the original contract. Any publisher or manufacturer to whom any~~

639 ~~contract is let under this part must give bond in such amount as~~
640 ~~the department requires, payable to the state, conditioned for~~
641 ~~the faithful, honest, and exact performance of the contract. The~~
642 ~~bond must provide for the payment of reasonable attorney's fees~~
643 ~~in case of recovery in any suit thereon. The surety on the bond~~
644 ~~must be a guaranty or surety company lawfully authorized to do~~
645 ~~business in the state; however, the bond shall not be exhausted~~
646 ~~by a single recovery but may be sued upon from time to time~~
647 ~~until the full amount thereof is recovered, and the department~~
648 ~~may at any time, after giving 30 days' notice, require~~
649 ~~additional security or additional bond. The form of any bond or~~
650 ~~bonds or contract or contracts under this part shall be prepared~~
651 ~~and approved by the department. At the discretion of the~~
652 ~~department, a publisher or manufacturer to whom any contract is~~
653 ~~let under this part may be allowed a cash deposit in lieu of a~~
654 ~~bond, conditioned for the faithful, honest, and exact~~
655 ~~performance of the contract. The cash deposit, payable to the~~
656 ~~department, shall be placed in the Textbook Bid Trust Fund. The~~
657 ~~department may recover damages on the cash deposit given by the~~
658 ~~contractor for failure to furnish instructional materials, the~~
659 ~~sum recovered to inure to the General Revenue Fund.~~

660 ~~(4) REGULATIONS GOVERNING THE CONTRACT. The department~~
661 ~~may, from time to time, take any necessary actions, consistent~~
662 ~~with this part, to secure the prompt and faithful performance of~~
663 ~~all instructional materials contracts; and if any contractor~~
664 ~~fails or refuses to furnish instructional materials as provided~~
665 ~~in this part or otherwise breaks his or her contract, the~~
666 ~~department may sue on the required bond in the name of the~~

667 ~~state, in the courts of the state having jurisdiction, and~~
668 ~~recover damages on the bond given by the contractor for failure~~
669 ~~to furnish instructional materials, the sum recovered to inure~~
670 ~~to the General Revenue Fund.~~

671 ~~(5) RETURN OF DEPOSITS.—~~

672 ~~(a) The successful bidder shall be notified by registered~~
673 ~~mail of the award of contract and shall, within 30 days after~~
674 ~~receipt of the contract, execute the proper contract and post~~
675 ~~the required bond. When the bond and contract have been~~
676 ~~executed, the department shall notify the Chief Financial~~
677 ~~Officer and request that a warrant be issued against the~~
678 ~~Textbook Bid Trust Fund payable to the successful bidder in the~~
679 ~~amount deposited pursuant to this part. The Chief Financial~~
680 ~~Officer shall issue and forward the warrant to the department~~
681 ~~for distribution to the bidder.~~

682 ~~(b) At the same time or prior thereto, the department~~
683 ~~shall inform the Chief Financial Officer of the names of the~~
684 ~~unsuccessful bidders. Upon receipt of such notice, the Chief~~
685 ~~Financial Officer shall issue warrants against the Textbook Bid~~
686 ~~Trust Fund payable to the unsuccessful bidders in the amounts~~
687 ~~deposited pursuant to this part and shall forward the warrants~~
688 ~~to the department for distribution to the unsuccessful bidders.~~

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

693 ~~(6) DEPOSITS FORFEITED.—If any successful bidder fails or~~
694 ~~refuses to execute contract and bond within 30 days after~~

695 ~~receipt of the contract, the cash deposit shall be forfeited to~~
 696 ~~the state and placed by the Chief Financial Officer in the~~
 697 ~~General Revenue Fund.~~

698 ~~(7) FORFEITURE OF CONTRACT AND BOND.—If any publisher or~~
 699 ~~manufacturer of instructional materials fails or refuses to~~
 700 ~~furnish instructional materials as provided in the contract, the~~
 701 ~~publisher's or manufacturer's bond is forfeited and the~~
 702 ~~commissioner must make another contract.~~

703 Section 10. Section 1006.35, Florida Statutes, is amended
 704 to read:

705 1006.35 Accuracy of instructional materials.—

706 (1) In addition to relying on statements of publishers or
 707 manufacturers of instructional materials, the commissioner may
 708 conduct or cause to be conducted an independent investigation to
 709 determine the accuracy of approved state-adopted instructional
 710 materials.

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

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

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

721 (b) ~~(4) The commissioner may remove materials from the list~~
 722 ~~of state-adopted materials~~ At the request of the publisher or

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723 manufacturer if, in the commissioner's ~~his or her~~ opinion, there
724 is no material impact on the state's education goals.

725 (c) If the materials do not align with all applicable
726 state standards.

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

730 Section 11. Section 1006.36, Florida Statutes, is amended
731 to read:

732 1006.36 State review cycle ~~Term of adoption~~ for
733 instructional materials.-

734 (1) The state review cycle ~~term of adoption~~ of any
735 instructional materials shall ~~must~~ be a 5-year period ~~beginning~~
736 ~~on April 1 following the adoption~~, except that the commissioner
737 may approve alternative schedules ~~terms of adoption~~ of less than
738 5 years for materials in content areas which require more
739 frequent revision. ~~Any contract for instructional materials may~~
740 ~~be extended as prescribed in s. 1006.34(3).~~

741 (2) The department shall publish annually an official
742 schedule of subject areas to be called for review ~~adoption~~ for
743 each of the succeeding 2 years, and a tentative schedule for
744 years 3, 4, and 5. If extenuating circumstances warrant, the
745 commissioner may add one or more subject areas to the official
746 schedule, in which event the commissioner shall develop criteria
747 for such additional subject area or areas and make them
748 available to publishers or manufacturers as soon as practicable
749 before the date on which submission for review is ~~bids~~ due.
750 The schedule shall be developed so as to promote balance among

751 the subject areas so that the required expenditure for new
752 instructional materials is approximately the same each year in
753 order to maintain curricular consistency.

754 Section 12. Section 1006.37, Florida Statutes, is amended
755 to read:

756 1006.37 Requisition of instructional materials from
757 publisher's depository.-

758 ~~(1) The district school superintendent may ~~shall~~~~
759 ~~requisition approved ~~adopted~~ instructional materials from the~~
760 ~~depository of the publisher with whom a contract has been made.~~
761 ~~However, the superintendent shall requisition current~~
762 ~~instructional materials to provide each student with a textbook~~
763 ~~or other materials as a major tool of instruction in core~~
764 ~~courses of the subject areas specified in s. 1006.40(2). These~~
765 ~~materials must be requisitioned within the first 2 years of the~~
766 ~~adoption cycle, except for instructional materials related to~~
767 ~~growth of student membership or instructional materials~~
768 ~~maintenance needs. The superintendent may requisition~~
769 ~~instructional materials in the core subject areas specified in~~
770 ~~s. 1006.40(2) that are related to growth of student membership~~
771 ~~or instructional materials maintenance needs during the 3rd,~~
772 ~~4th, 5th, and 6th years of the original contract period.~~

773 ~~(2) The district school superintendent shall verify that~~
774 ~~the requisition is complete and accurate and order the~~
775 ~~depository to forward to him or her the adopted instructional~~
776 ~~materials shown by the requisition. The depository shall prepare~~
777 ~~an invoice of the materials shipped, including shipping charges,~~
778 ~~and mail it to the superintendent to whom the shipment is being~~

779 | ~~made. The superintendent shall pay the depository within 60 days~~
 780 | ~~after receipt of the requisitioned materials from the~~
 781 | ~~appropriation for the purchase of adopted instructional~~
 782 | ~~materials.~~

783 | Section 13. 1006.38, Florida Statutes, is amended to read:

784 | 1006.38 Duties, responsibilities, and requirements of
 785 | instructional materials publishers and manufacturers.—This
 786 | section applies to both the state and district approval
 787 | processes. Publishers and manufacturers of instructional
 788 | materials, or their representatives, shall:

789 | (1) Comply with all provisions of this part.

790 | (2) Electronically deliver fully developed sample copies
 791 | of all instructional materials upon which reviews ~~bids~~ are based
 792 | to the department pursuant to procedures adopted by the State
 793 | Board of Education.

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

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

803 | (b) Evidence that the publisher or manufacturer has
 804 | provided materials that address the performance standards
 805 | provided for in s. 1001.03(1) and that can be accessed through

806 the district's local instructional improvement system and a
807 variety of electronic, digital, and mobile devices.

808 (c) Evidence that the instructional materials include
809 specific references to statewide standards in the teacher's
810 manual and incorporate such standards into chapter tests or the
811 assessments. Beginning in the 2013-2014 adoption year, the
812 statewide standards shall not be included at the point of
813 student use.

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

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

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

825 (8) Guarantee that all copies of any instructional
826 materials sold in this state will be at least equal in quality
827 to the copies of such instructional materials that are sold
828 elsewhere in the United States and will be kept revised, free
829 from all errors, and up-to-date as may be required by the
830 department.

831 (9) Agree that any supplementary material developed at the
832 district or state level does not violate the author's or

833 publisher's copyright, provided such material is developed in
834 accordance with the doctrine of fair use.

835 (10) Not in any way, directly or indirectly, become
836 associated or connected with any combination in restraint of
837 trade in instructional materials, nor enter into any
838 understanding, agreement, or combination to control prices or
839 restrict competition in the sale of instructional materials for
840 use in the state.

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

846 (12) Provide the department and school districts with the
847 cost paid for an instructional materials product by a school or
848 district anywhere in the United States. The cost paid for that
849 product must remain the same for all future sales and must be
850 posted on all marketing materials.

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

852 ~~(12) For the core subject areas specified in s.~~
853 ~~1006.40(2), maintain in the depository for the first 2 years of~~
854 ~~the contract an inventory of instructional materials sufficient~~
855 ~~to receive and fill orders.~~

856 (13) For the core subject areas specified in s.
857 1006.40(2), ensure the availability of an inventory sufficient
858 to receive and fill orders for instructional materials for
859 growth, including the opening of a new school, and replacement

860 during the 3rd and subsequent years of the original contract
861 period.

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

869 (15) Grant, without prior written request, for any
870 copyright held by the publisher or its agencies automatic
871 permission to the department or its agencies for the
872 reproduction of instructional materials and supplementary
873 materials in Braille, large print, or other appropriate format
874 for use by visually impaired students or other students with
875 disabilities that would benefit from use of the materials.

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

884 Section 14. Subsections (2), (3), and (4) of section
885 1006.40, Florida Statutes, are amended to read:

886 1006.40 Use of instructional materials allocation;
887 instructional materials, library books, and reference books;
888 repair of books.—

889 (2) Each district school board must provide ~~purchase~~
890 current instructional materials to ~~provide~~ each student with a
891 major tool or assistance ~~of instruction~~ in core courses of the
892 subject areas of mathematics, language arts, science, social
893 studies, reading, and literature for kindergarten through grade
894 12. ~~Such purchase must be made within the first 2 years after~~
895 ~~the effective date of the adoption cycle. For the 2012-2013~~
896 ~~mathematics adoption, a district using a comprehensive~~
897 ~~mathematics instructional materials program adopted in the 2009-~~
898 ~~2010 adoption shall be deemed in compliance with this subsection~~
899 ~~if it provides each student with such additional state-adopted~~
900 ~~materials as may be necessary to align the previously adopted~~
901 ~~comprehensive program to common core standards and the other~~
902 ~~criteria of the 2012-2013 mathematics adoption.~~

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

908 ~~(b) Up to 50 percent of the annual allocation may be used~~
909 ~~for the purchase of instructional materials, including library~~
910 ~~and reference books and nonprint materials, not included on the~~
911 ~~state-adopted list and for the repair and renovation of~~
912 ~~textbooks and library books.~~

913 ~~(c) District school boards may use 100 percent of that~~
914 ~~portion of the annual allocation designated for the purchase of~~
915 ~~instructional materials for kindergarten, and 75 percent of that~~
916 ~~portion of the annual allocation designated for the purchase of~~
917 ~~instructional materials for first grade, to purchase materials~~
918 ~~not on the state-adopted list.~~

919 (4) Remaining funds may ~~The funds described in subsection~~
920 ~~(3) which district school boards may use to purchase materials~~
921 ~~not on the state-adopted list shall be used for the purchase of~~
922 ~~instructional materials or other items~~ including library and
923 reference books and nonprint materials, having intellectual
924 content which assist in the instruction of a subject or course.
925 These items may be available in bound, unbound, kit, or package
926 form and may consist of hardbacked or softbacked textbooks,
927 electronic content, replacements for items which were part of
928 previously purchased instructional materials, consumables,
929 learning laboratories, manipulatives, electronic media, computer
930 courseware or software, and other commonly accepted
931 instructional tools as prescribed by district school board rule.

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

935 1001.10 Commissioner of Education; general powers and
936 duties.—

937 (6) Additionally, the commissioner has the following
938 general powers and duties:

939 (o) To develop criteria for use by department ~~state~~
940 instructional materials reviewers in evaluating materials

941 submitted for approval ~~adoption consideration~~. The criteria
942 shall, as appropriate, be based on instructional expectations
943 reflected in course descriptions ~~curriculum frameworks~~ and
944 student performance standards. The criteria for each subject or
945 course shall be made available to publishers and manufacturers
946 of instructional materials pursuant to the requirements of
947 chapter 1006.

948 (p) To prescribe procedures for evaluating instructional
949 materials submitted by publishers and manufacturers in each
950 review for approval ~~adoption~~.

951 (q) To remove any materials approved by the state or a
952 district ~~enter into agreement with Space Florida to develop~~
953 ~~innovative aerospace-related education programs that promote~~
954 ~~mathematics and science education for grades K-20~~.

955 (r) To submit to the Governor, the President of the
956 Senate, the Speaker of the House of Representatives, and the
957 State Board of Education an annual report regarding district and
958 state instructional materials reviews, the impact on the quality
959 and availability of instructional materials, and the cost-
960 effectiveness of the state and district review processes. The
961 report shall be submitted on January 1 following the first
962 fiscal year of implementation of the program and each year
963 thereafter.

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

966 1003.55 Instructional programs for blind or visually
967 impaired students and deaf or hard-of-hearing students.—

968 (5) Any publisher or manufacturer of instructional
969 materials that have been approved by the department or a school
970 district ~~a textbook adopted pursuant to the state instructional~~
971 ~~materials adoption process~~ shall furnish the department ~~of~~
972 ~~Education~~ with a computer file in an electronic format specified
973 by the department ~~at least 2 years in advance~~ that is readily
974 translatable to Braille and can be used for large print or
975 speech access. Any instructional materials ~~textbook~~ reproduced
976 pursuant to ~~the provisions of~~ this subsection shall be purchased
977 at a price equal to the price paid for the instructional
978 materials ~~textbook~~ as approved ~~adopted~~. The department ~~of~~
979 ~~Education~~ shall not reproduce instructional materials ~~textbooks~~
980 obtained pursuant to this subsection in any manner that would
981 generate revenues for the department from the use of such
982 computer files or that would preclude the rightful payment of
983 fees to the publisher or manufacturer for use of all or some
984 portion of the instructional materials ~~textbook~~.

985 Section 17. Paragraph (j) of subsection (2) of section
986 1003.621, Florida Statutes, is amended to read:

987 1003.621 Academically high-performing school districts.—It
988 is the intent of the Legislature to recognize and reward school
989 districts that demonstrate the ability to consistently maintain
990 or improve their high-performing status. The purpose of this
991 section is to provide high-performing school districts with
992 flexibility in meeting the specific requirements in statute and
993 rules of the State Board of Education.

994 (2) COMPLIANCE WITH STATUTES AND RULES.—Each academically
995 high-performing school district shall comply with all of the

996 provisions in chapters 1000-1013, and rules of the State Board
 997 of Education which implement these provisions, pertaining to the
 998 following:

999 (j) Those statutes relating to instructional materials,
 1000 except that s. 1006.40 ~~s. 1006.37~~, relating to the requisition
 1001 of state-adopted materials from the depository under contract
 1002 with the publisher, and ~~s. 1006.40(3)(a)~~, relating to the use of
 1003 50 percent of the instructional materials allocation, is ~~shall~~
 1004 ~~be~~ eligible for exemption.

1005 Section 18. Paragraph (b) of subsection (6) of section
 1006 1011.62, Florida Statutes, is amended to read:

1007 1011.62 Funds for operation of schools.—If the annual
 1008 allocation from the Florida Education Finance Program to each
 1009 district for operation of schools is not determined in the
 1010 annual appropriations act or the substantive bill implementing
 1011 the annual appropriations act, it shall be determined as
 1012 follows:

1013 (6) CATEGORICAL FUNDS.—

1014 (b) If a district school board finds and declares in a
 1015 resolution approved ~~adopted~~ at a regular meeting of the school
 1016 board that the funds received for any of the following
 1017 categorical appropriations are urgently needed to maintain
 1018 ~~school board specified~~ academic classroom instruction specified
 1019 by the school board, the school board may consider and approve
 1020 an amendment to the school district operating budget
 1021 transferring the identified amount of the categorical funds to
 1022 the appropriate account for expenditure:

1023 1. Funds for student transportation.

1024 2. Funds for safe schools.

1025 3. Funds for supplemental academic instruction if the
 1026 required additional hour of instruction beyond the normal school
 1027 day for each day of the entire school year has been provided for
 1028 the students in each low-performing elementary school in the
 1029 district pursuant to paragraph (1)(f).

1030 4. Funds for research-based reading instruction if the
 1031 required additional hour of instruction beyond the normal school
 1032 day for each day of the entire school year has been provided for
 1033 the students in each low-performing elementary school in the
 1034 district pursuant to paragraph (9)(a).

1035 5. Funds for instructional materials if all instructional
 1036 material purchases necessary to provide updated materials that
 1037 are aligned with applicable ~~to Next Generation Sunshine~~ state
 1038 standards and course descriptions ~~benchmarks~~ and that meet
 1039 statutory requirements of content and learning have been
 1040 completed for that fiscal year, but no sooner than March 1.
 1041 Funds available after March 1 may be used to purchase hardware
 1042 for student instruction.

1043 Section 19. This act shall take effect July 1, 2013.