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Proposed Committee Substitute by the Committee on Appropriations
(Appropriations Subcommittee on Education)

A bill to be entitled

An act relating to instructional materials for K-12 public education; amending s. 1006.28, F.S.; revising the duties of a district school board and the district superintendent with regard to instructional materials; repealing s. 1006.282, F.S., relating to the pilot program for the transition to electronic and digital instructional materials; creating s. 1006.283, F.S.; authorizing a district school board or a consortium of school districts to implement an instructional materials program; requiring the district superintendent to certify to the Department of Education that core instructional materials align with applicable state standards; requiring the district school board to adopt rules; authorizing the district school board to set and collect fees from a publisher that participates in the instructional materials review process; providing a limit on fees; prohibiting fees from being collected from publishers to review instructional materials; providing for a stipend and reimbursement for travel expenses and per diem for reviewers; requiring instructional materials that are approved by the district instructional materials reviewers to be aligned with applicable state standards; requiring each district school board to annually certify that the instructional materials align with applicable state standards; providing



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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 versions 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



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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 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 ss. 1003.621 and 1011.62, F.S.;
83 conforming provisions to changes made by the act;
84 providing an effective date.

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

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

90 1006.28 Duties of district school board, district school
91 superintendent; and school principal regarding K-12
92 instructional materials.—

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

106 (b) *Instructional materials*.—Provide for proper
107 requisitioning, distribution, accounting, storage, care, and use
108 of all instructional materials and furnish such other
109 instructional materials as may be needed. The district school
110 board shall ensure that instructional materials used in the
111 district are consistent with the district goals and objectives
112 and the course descriptions established in curriculum frameworks
113 ~~adopted by~~ rule of the State Board of Education, as well as with
114 the state and district performance standards provided for in s.



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115 1001.03(1).

116 (2) DISTRICT SCHOOL SUPERINTENDENT.—

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

135 (b) Beginning in the 2013-2014 school year, each district
136 school superintendent shall certify to the department by March
137 31 of each year that all core instructional materials used by
138 the district are aligned with applicable state standards. A list
139 of the state-approved or district-approved core instructional
140 materials that will be used or purchased for use by the school
141 district shall be included in the certification ~~notify the~~
142 ~~department by April 1 of each year the state-adopted~~
143 ~~instructional materials that will be requisitioned for use in~~



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144 ~~his or her school district. The notification shall include a~~
145 ~~district school board plan for instructional materials use to~~
146 ~~assist in determining if adequate instructional materials have~~
147 ~~been requisitioned.~~

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

151 Section 2. Section 1006.282, Florida Statutes, is repealed.

152 Section 3. Section 1006.283, Florida Statutes, is created
153 to read:

154 1006.283 District school board instructional materials
155 review process.—

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

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

169 (a) Its review and purchase process.

170 (b) Identification of a review cycle for instructional
171 materials.

172 (c) The duties and qualifications of the instructional



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173 materials reviewers.

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

177 (e) Compliance with s. 1006.32, relating to prohibited
178 acts.

179 (f) A process that certifies the accuracy of instructional
180 materials.

181 (g) The incorporation of applicable requirements of s.
182 1006.38, relating to the duties, responsibilities, and
183 requirements of publishers of instructional materials.

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

187 (3) (a) The school board may set and collect fees from
188 publishers participating in the instructional materials approval
189 process. The amount assessed and collected shall be advertised
190 and must be reported to the district school board. The fees may
191 not exceed the fees that are assessed for those materials
192 submitted for review by the state as defined by the State Board
193 of Education. Any fees collected for this process shall be
194 allocated for the support of the review process and maintained
195 in a separate line item for auditing purposes. Fees may not be
196 collected from publishers to review instructional materials that
197 are approved by the department and placed on the department's
198 website.

199 (b) The fees shall be used to cover the actual cost of
200 substitute teachers for each workday that a member of a school
201 district's instructional staff is absent from his or her



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202 assigned duties for the purpose of rendering service as an
203 instructional materials reviewer. In addition, each reviewer may
204 be paid a stipend and is entitled to reimbursement for travel
205 expenses and per diem in accordance with s. 112.061 for actual
206 service in meetings.

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

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

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

223 Section 4. Section 1006.29, Florida Statutes, is amended to
224 read:

225 1006.29 Department of Education ~~State~~ instructional
226 materials reviewers.-

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



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231 ~~(1)~~(2) (a) The commissioner shall determine annually the
232 areas in which instructional materials shall be submitted for
233 approval adoption, taking into consideration the desires of the
234 district school boards. ~~The commissioner shall also determine~~
235 ~~the number of titles to be adopted in each area.~~

236 (b) ~~By April 15 of each school year,~~ The department
237 ~~commissioner~~ shall appoint five reviewers for each submission by
238 a publisher or district school board ~~three state or national~~
239 ~~experts in the content areas submitted for adoption to review~~
240 for approval the instructional materials and evaluate the
241 content for alignment with the applicable ~~Next Generation~~
242 ~~Sunshine~~ state standards. ~~These reviewers shall be designated as~~
243 ~~state instructional materials reviewers and shall review~~ The
244 materials shall be evaluated for the level of instructional
245 support and the accuracy and appropriateness of progression of
246 introduced content. Instructional materials shall be made
247 electronically available to the reviewers. The state review of
248 the instructional materials shall be made by the five reviewers.
249 Two of the reviewers must be professional content experts, two
250 must be K-12 educators who are actively engaged in teaching or
251 in the supervision of teaching in the public elementary, middle,
252 or high schools and represent the major fields and levels in
253 which instructional materials are used in the public schools,
254 and one must be a lay person who is not professionally connected
255 with education. In the event only four reviewers can be
256 procured, or if one of the five reviewers is unable to fulfill
257 his or her responsibilities, the additional reviewer may be a
258 content expert from the department. As part of the review
259 process, each reviewer shall be provided training on the



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260 electronic review system. The reviewers shall independently make
261 recommendations to the commissioner regarding materials that
262 should be placed on the list of approved materials through an
263 electronic feedback review system.

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

271 (d) Fees collected under paragraph (c) shall be used to
272 cover the cost of the review process including the cost of any
273 meetings and applicable travel and per diem, and the amount paid
274 by a school district to substitute teachers who fill in for
275 instructional staff that is absent for the purpose of rendering
276 service as an instructional materials reviewer. In addition,
277 each reviewer may be paid a stipend and is entitled to
278 reimbursement for travel expenses and per diem in accordance
279 with s. 112.061 for actual service in meetings ~~The initial~~
280 ~~review of the materials shall be made by only two of the three~~
281 ~~reviewers. If the two reviewers reach different results, the~~
282 ~~third reviewer shall break the tie. The reviewers shall~~
283 ~~independently make recommendations to the commissioner regarding~~
284 ~~materials that should be placed on the list of adopted materials~~
285 ~~through an electronic feedback review system.~~

286 (e) ~~(e)~~ The commissioner shall request each district school
287 superintendent to nominate one classroom teacher or district-
288 level content supervisor to review two or three of the



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289 submissions recommended by the department ~~state~~ instructional
290 materials reviewers. School districts shall ensure that these
291 district reviewers are provided with the support and time
292 necessary to accomplish a thorough review of the instructional
293 materials. District reviewers shall independently rate the
294 recommended submissions on the instructional usability of the
295 resources. District reviewers may be paid a stipend and are
296 entitled to reimbursement for travel expenses and per diem in
297 accordance with s. 112.061 for actual service in meetings, if
298 applicable.

299 (3)~~(2)~~ For purposes of approving materials ~~state adoption~~,
300 the term "instructional materials" means items having
301 intellectual content that by design serve as a major tool or for
302 assisting in the instruction of a subject or course. These items
303 may be available in bound, unbound, kit, or package form and may
304 consist of hardbacked or softbacked textbooks, electronic
305 content, consumables, learning laboratories, manipulatives,
306 electronic media, and computer courseware or software. A
307 publisher or manufacturer providing instructional materials as a
308 single bundle shall also make the instructional materials
309 available as separate and unbundled items, each priced
310 individually. A publisher shall ~~may~~ also offer sections of
311 ~~state-adopted~~ instructional materials in digital or electronic
312 versions at reduced rates to districts, schools, and teachers.

313 (4)~~(3)~~ Beginning in the 2015-2016 academic year, all
314 approved ~~adopted~~ instructional materials for students in
315 kindergarten through grade 12 must be provided in an electronic
316 or digital format. For purposes of this section, the term:

317 (a) "Electronic format" means text-based or image-based



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318 content in a form that is produced on, published by, and
319 readable on computers or other digital devices and is an
320 electronic version of a printed book, whether or not any printed
321 equivalent exists.

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

329
330 The terms do not include electronic or computer hardware even if
331 such hardware is bundled with software or other electronic
332 media, nor does it include equipment or supplies.

333 (5)~~(4)~~ The department shall develop a training program for
334 persons selected to review submitted as state instructional
335 materials ~~reviewers and school district reviewers~~. The program
336 shall be structured to assist reviewers in developing the skills
337 necessary to make valid, culturally sensitive, and objective
338 decisions regarding the content and rigor of instructional
339 materials. All persons reviewing ~~servicing~~ as instructional
340 materials ~~reviewers~~ must complete the training program prior to
341 beginning the review and selection process.

342 (6) By March 1 of each year, the department shall post on
343 its website a list of department-approved instructional
344 materials and instructional materials approved by other states
345 which align with applicable state standards. The list shall be
346 maintained and updated periodically. The list shall be



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347 comprehensive and include sufficient instructional materials or
348 major tools to cover all of the core content areas. The posting
349 must include the purchase price of each product once it is
350 purchased anywhere in the United States. In addition to the
351 posting, the department shall send school district
352 administrators periodic updates to the website. District-
353 approved instructional materials shall also be posted on the
354 website.

355 Section 5. Section 1006.30, Florida Statutes, is amended to
356 read:

357 1006.30 Affidavit of Department of Education ~~state~~
358 instructional materials reviewers.—Before transacting any
359 business, each department ~~state~~ instructional materials reviewer
360 shall make an affidavit, to be filed with the department, that:

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

363 (2) The reviewer has no interest in any publishing or
364 manufacturing organization that produces or sells instructional
365 materials.

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

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

372 (5) The reviewer will not accept any emolument or promise
373 of future reward of any kind from any publisher or manufacturer
374 of instructional materials or his or her agent or anyone
375 interested in, or intending to bias his or her judgment in any



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376 way in, the selection of any materials to be approved ~~adopted~~.

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

385 Section 6. Section 1006.31, Florida Statutes, is amended to
386 read:

387 1006.31 Duties of the Department of Education and school
388 district ~~each state~~ instructional materials reviewer.—The duties
389 of the ~~each state~~ instructional materials reviewer are:

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

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

401 (a) When evaluating ~~recommending~~ instructional materials
402 for use in the schools, each reviewer shall include only
403 instructional materials ~~that~~ accurately portray the ethnic,
404 socioeconomic, cultural, and racial diversity of our society,



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405 including men and women in professional, career, and executive
406 roles, and the role and contributions of the entrepreneur and
407 labor in the total development of this state and the United
408 States.

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

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

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

431 (e) When evaluating instructional materials, library media,
432 and other reading material for use in the schools, a reviewer
433 shall use the following standards to determine the propriety of



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434 the material:

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

437 2. The educational purpose to be served by the material. In
438 considering instructional materials for classroom use, priority
439 shall be given to the selection of materials that encompass the
440 state and district school board performance standards provided
441 for in s. 1001.03(1) and include the instructional objectives
442 contained within the course descriptions established in rule by
443 the State Board of Education.

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

447 4. The degree to which the material represents the broad
448 racial, ethnic, socioeconomic, and cultural diversity of
449 students in the state.

450
451 Any instructional material containing pornography or otherwise
452 prohibited by s. 847.012 may not be used or made available
453 within any public school.

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

461 (3) REPORT OF REVIEWERS.—After a thorough study of all data
462 submitted on each instructional material, to submit an



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463 electronic report to the department. The report shall be made
464 public and must include responses to each section of the report
465 format prescribed by the department.

466 Section 7. Section 1006.32, Florida Statutes, is amended to
467 read:

468 1006.32 Prohibited acts.—

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

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

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

488 (3) ~~(4)~~ A Any publisher or manufacturer of instructional
489 materials or representative thereof or a ~~any~~ district school
490 board official or department or district ~~state~~ instructional
491 materials reviewer who violates any provision of this section



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492 commits a misdemeanor of the second degree, punishable as
493 provided in s. 775.082 or s. 775.083. A ~~Any~~ representative of a
494 publisher or manufacturer who violates any provision of this
495 section, in addition to any other penalty, shall be banned from
496 practicing business in the state for a period of 1 calendar
497 year.

498 (4) ~~(5)~~ This section does not prohibit any publisher,
499 manufacturer, or agent from supplying, for purposes of
500 examination, necessary sample copies of instructional materials
501 to any district school board official or department or district
502 ~~state~~ instructional materials reviewer.

503 (5) ~~(6)~~ This section does not prohibit a district school
504 board official or department or district ~~state~~ instructional
505 materials reviewer from receiving sample copies of instructional
506 materials.

507 (6) ~~(7)~~ This section does not prohibit or restrict a
508 district school board official from receiving royalties or other
509 compensation, other than compensation paid to him or her as
510 commission for negotiating sales to district school boards, from
511 the publisher or manufacturer of instructional materials
512 written, designed, or prepared by such district school board
513 official, ~~and adopted by the commissioner or~~ purchased by any
514 district school board. A ~~No~~ district school board official may
515 not ~~shall be allowed to~~ receive royalties on any materials not
516 ~~on the state-adopted list~~ purchased for use by his or her
517 district school board.

518 (7) ~~(8)~~ A district school superintendent, district school
519 board member, teacher, or other person officially connected with
520 the government or direction of public schools may not receive



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521 during the months actually engaged in performing duties under
522 his or her contract any private fee, gratuity, donation, or
523 compensation, in any manner whatsoever, for promoting the sale
524 or exchange of any instructional material, map, or chart in any
525 public school, or be an agent for the sale or the publisher of
526 any instructional material or reference work, or have a direct
527 or indirect pecuniary interest in the introduction of any such
528 instructional material, and any such agency or interest shall
529 disqualify any person so acting or interested from holding any
530 district school board employment whatsoever, and the person
531 commits a misdemeanor of the second degree, punishable as
532 provided in s. 775.082 or s. 775.083; however, this subsection
533 does not prevent the approval ~~adoption~~ of any instructional
534 material written in whole or in part by a Florida author.

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

536 Section 9. Section 1006.34, Florida Statutes, is amended to
537 read:

538 1006.34 Powers and duties of the State Board of Education
539 ~~commissioner and the department in evaluating selecting and~~
540 ~~adopting~~ instructional materials.—

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



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550 submitted in each review for approval ~~adoption~~.

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

562 ~~(2) SELECTION AND ADOPTION OF INSTRUCTIONAL MATERIALS.—~~

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



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

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

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

604 ~~2. The educational purpose to be served by the material. In~~
605 ~~considering instructional materials for classroom use, priority~~
606 ~~shall be given to the selection of materials which encompass the~~
607 ~~state and district school board performance standards provided~~



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608 ~~for in s. 1001.03(1) and which include the instructional~~
609 ~~objectives contained within the curriculum frameworks approved~~
610 ~~by rule of the State Board of Education.~~

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

614 ~~4. The consideration of the broad racial, ethnic,~~
615 ~~socioeconomic, and cultural diversity of the students of this~~
616 ~~state.~~

617
618 ~~Any instructional material containing pornography or otherwise~~
619 ~~prohibited by s. 847.012 may not be used or made available~~
620 ~~within any public school.~~

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



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

656 ~~(4) REGULATIONS GOVERNING THE CONTRACT. The department may,~~
657 ~~from time to time, take any necessary actions, consistent with~~
658 ~~this part, to secure the prompt and faithful performance of all~~
659 ~~instructional materials contracts; and if any contractor fails~~
660 ~~or refuses to furnish instructional materials as provided in~~
661 ~~this part or otherwise breaks his or her contract, the~~
662 ~~department may sue on the required bond in the name of the~~
663 ~~state, in the courts of the state having jurisdiction, and~~
664 ~~recover damages on the bond given by the contractor for failure~~
665 ~~to furnish instructional materials, the sum recovered to inure~~



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666 ~~to the General Revenue Fund.~~

667 ~~(5) RETURN OF DEPOSITS.—~~

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

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

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

689 ~~(6) DEPOSITS FORFEITED.—If any successful bidder fails or~~
690 ~~refuses to execute contract and bond within 30 days after~~
691 ~~receipt of the contract, the cash deposit shall be forfeited to~~
692 ~~the state and placed by the Chief Financial Officer in the~~
693 ~~General Revenue Fund.~~

694 ~~(7) FORFEITURE OF CONTRACT AND BOND.—If any publisher or~~



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695 ~~manufacturer of instructional materials fails or refuses to~~
696 ~~furnish instructional materials as provided in the contract, the~~
697 ~~publisher's or manufacturer's bond is forfeited and the~~
698 ~~commissioner must make another contract.~~

699 Section 10. Section 1006.35, Florida Statutes, is amended
700 to read:

701 1006.35 Accuracy of instructional materials.—

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

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

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

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

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

721 (c) If the materials do not align with all applicable state
722 standards.

723 (4) If the commissioner removes materials from the list of



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724 approved materials, the district may not purchase them for use
725 in core content areas.

726 Section 11. Section 1006.36, Florida Statutes, is amended
727 to read:

728 1006.36 State review cycle ~~Term of adoption~~ for
729 instructional materials.—

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

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

750 Section 12. Section 1006.37, Florida Statutes, is amended
751 to read:

752 1006.37 Requisition of instructional materials from



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753 publisher's depository.-

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

769 ~~(2) The district school superintendent shall verify that~~
770 ~~the requisition is complete and accurate and order the~~
771 ~~depository to forward to him or her the adopted instructional~~
772 ~~materials shown by the requisition. The depository shall prepare~~
773 ~~an invoice of the materials shipped, including shipping charges,~~
774 ~~and mail it to the superintendent to whom the shipment is being~~
775 ~~made. The superintendent shall pay the depository within 60 days~~
776 ~~after receipt of the requisitioned materials from the~~
777 ~~appropriation for the purchase of adopted instructional~~
778 ~~materials.~~

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

780 1006.38 Duties, responsibilities, and requirements of
781 instructional materials publishers and manufacturers.-This



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782 section applies to both the state and district approval
783 processes. Publishers and manufacturers of instructional
784 materials, or their representatives, shall:

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

786 (2) Electronically deliver fully developed sample copies of
787 all instructional materials upon which reviews ~~bids~~ are based to
788 the department pursuant to procedures adopted by the State Board
789 of Education.

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

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

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

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

809 (5) Furnish the instructional materials offered by them at
810 a price in the state which, including all costs of electronic



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811 transmission, may not exceed the lowest price at which they
812 offer such instructional materials for approval ~~adoption~~ or sale
813 to any state or school district in the United States.

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

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

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

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

830 (10) Not in any way, directly or indirectly, become
831 associated or connected with any combination in restraint of
832 trade in instructional materials, nor enter into any
833 understanding, agreement, or combination to control prices or
834 restrict competition in the sale of instructional materials for
835 use in the state.

836 (11) Furnish the instructional materials offered by them at
837 a price in the state which, including all costs of electronic
838 transmission, may not exceed the lowest price at which they
839 offer such instructional materials for approval or sale to any



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840 other school district in the state.

841 (12) Provide the department and school districts the cost
842 paid for an instructional materials product by a school or
843 district anywhere in the United States. The cost paid for that
844 product must remain the same for all future sales and must be
845 posted on all marketing materials.

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

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

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

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

863 (15) Grant, without prior written request, for any
864 copyright held by the publisher or its agencies automatic
865 permission to the department or its agencies for the
866 reproduction of instructional materials and supplementary
867 materials in Braille, large print, or other appropriate format
868 for use by visually impaired students or other students with



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869 disabilities that would benefit from use of the materials.

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

878 Section 14. Subsections (2), (3), and (4) of section
879 1006.40, Florida Statutes, are amended to read:

880 1006.40 Use of instructional materials allocation;
881 instructional materials, library books, and reference books;
882 repair of books.—

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

897 (3) ~~(a)~~ By the 2015-2016 fiscal year, each district school



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898 board shall use at least 50 percent of the annual allocation for
899 the purchase of digital or electronic instructional materials
900 that align with state standards ~~included on the state-adopted~~
901 ~~list, except as otherwise authorized in paragraphs (b) and (c).~~

902 ~~(b) Up to 50 percent of the annual allocation may be used~~
903 ~~for the purchase of instructional materials, including library~~
904 ~~and reference books and nonprint materials, not included on the~~
905 ~~state-adopted list and for the repair and renovation of~~
906 ~~textbooks and library books.~~

907 ~~(c) District school boards may use 100 percent of that~~
908 ~~portion of the annual allocation designated for the purchase of~~
909 ~~instructional materials for kindergarten, and 75 percent of that~~
910 ~~portion of the annual allocation designated for the purchase of~~
911 ~~instructional materials for first grade, to purchase materials~~
912 ~~not on the state-adopted list.~~

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

926 Section 15. Paragraphs (o), (p), and (q) of subsection (6)



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927 of section 1001.10, Florida Statutes, are amended, and paragraph
928 (r) is added to that section to read:

929 1001.10 Commissioner of Education; general powers and
930 duties.—

931 (6) Additionally, the commissioner has the following
932 general powers and duties:

933 (o) To develop criteria for use by department state
934 instructional materials reviewers in evaluating materials
935 submitted for approval ~~adoption consideration~~. The criteria
936 shall, as appropriate, be based on instructional expectations
937 reflected in course descriptions ~~curriculum frameworks~~ and
938 student performance standards. The criteria for each subject or
939 course shall be made available to publishers and manufacturers
940 of instructional materials pursuant to the requirements of
941 chapter 1006.

942 (p) To prescribe procedures for evaluating instructional
943 materials submitted by publishers and manufacturers in each
944 review for approval ~~adoption~~.

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

949 (r) To submit to the Governor, the President of the Senate,
950 the Speaker of the House of Representatives, and the State Board
951 of Education an annual report regarding district and state
952 instructional materials reviews, the impact on the quality and
953 availability of instructional materials, and the cost-
954 effectiveness of the state and district review processes. The
955 report shall be submitted on January 1 following the first



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956 fiscal year of implementation of the program and each year
957 thereafter.

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

960 1003.55 Instructional programs for blind or visually
961 impaired students and deaf or hard-of-hearing students.—

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

979 Section 17. Paragraph (j) of subsection (2) of section
980 1003.621, Florida Statutes, is amended to read:

981 1003.621 Academically high-performing school districts.—It
982 is the intent of the Legislature to recognize and reward school
983 districts that demonstrate the ability to consistently maintain
984 or improve their high-performing status. The purpose of this



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985 section is to provide high-performing school districts with
986 flexibility in meeting the specific requirements in statute and
987 rules of the State Board of Education.

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

993 (j) Those statutes relating to instructional materials,
994 except that s. 1006.40 ~~s. 1006.37~~, relating to the requisition
995 ~~of state-adopted materials from the depository under contract~~
996 ~~with the publisher, and s. 1006.40(3)(a)~~, relating to the use of
997 50 percent of the instructional materials allocation, is ~~shall~~
998 ~~be~~ eligible for exemption.

999 Section 18. Paragraph (b) of subsection (6) of section
1000 1011.62, Florida Statutes, is amended to read:

1001 1011.62 Funds for operation of schools.—If the annual
1002 allocation from the Florida Education Finance Program to each
1003 district for operation of schools is not determined in the
1004 annual appropriations act or the substantive bill implementing
1005 the annual appropriations act, it shall be determined as
1006 follows:

1007 (6) CATEGORICAL FUNDS.—

1008 (b) If a district school board finds and declares in a
1009 resolution approved ~~adopted~~ at a regular meeting of the school
1010 board that the funds received for any of the following
1011 categorical appropriations are urgently needed to maintain
1012 ~~school board specified~~ academic classroom instruction specified
1013 by the school board, the school board may consider and approve



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1014 an amendment to the school district operating budget
1015 transferring the identified amount of the categorical funds to
1016 the appropriate account for expenditure:

1017 1. Funds for student transportation.

1018 2. Funds for safe schools.

1019 3. Funds for supplemental academic instruction if the
1020 required additional hour of instruction beyond the normal school
1021 day for each day of the entire school year has been provided for
1022 the students in each low-performing elementary school in the
1023 district pursuant to paragraph (1)(f).

1024 4. Funds for research-based reading instruction if the
1025 required additional hour of instruction beyond the normal school
1026 day for each day of the entire school year has been provided for
1027 the students in each low-performing elementary school in the
1028 district pursuant to paragraph (9)(a).

1029 5. Funds for instructional materials if all instructional
1030 material purchases necessary to provide updated materials that
1031 are aligned with applicable to Next Generation Sunshine state
1032 standards and course descriptions benchmarks and that meet
1033 statutory requirements of content and learning have been
1034 completed for that fiscal year, but no sooner than March 1.
1035 Funds available after March 1 may be used to purchase hardware
1036 for student instruction.

1037 Section 19. This act shall take effect July 1, 2013.