

By the Committees on Appropriations; and Education; and Senator Montford

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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 instructional materials for core
14 courses align with applicable state standards;
15 requiring the district school board to adopt rules;
16 authorizing the district school board to assess and
17 collect fees from a publisher that participates in the
18 instructional materials review process; requiring the
19 fee amount to be posted on the school district's
20 website and reported to the Department of Education;
21 providing a limit on fees; prohibiting fees from being
22 collected from publishers to review certain
23 instructional materials; providing for a stipend,
24 reimbursement for travel expenses, and per diem for
25 reviewers; requiring instructional materials that are
26 approved by the district instructional materials
27 reviewers to be aligned with applicable state
28 standards; requiring each district school
29 superintendent to annually certify that the

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30 instructional materials for core courses used by the
31 district align with applicable state standards;
32 providing pricing requirements for instructional
33 materials; amending s. 1006.29, F.S.; providing a
34 definition; requiring the department to appoint state
35 instructional materials reviewers, rather than state
36 or national experts, to review instructional
37 materials; providing requirements, appointments, and
38 terms for state instructional materials reviewers;
39 authorizing the department to assess and collect fees;
40 requiring the fee amount to be posted on the
41 department's website and reported to the State Board
42 of Education; providing a purpose for the use of the
43 fees, such as a stipend for service as a reviewer,
44 payment for per diem, and reimbursement for travel
45 expenses for service as a reviewer; requiring a
46 publisher to offer sections of instructional materials
47 in certain versions at reduced rates; requiring the
48 department to post certain instructional materials on
49 its website; amending s. 1006.30, F.S.; conforming
50 provisions to changes made by the act; amending s.
51 1006.31, F.S.; conforming provisions to changes made
52 by the act; revising the procedure for evaluating
53 instructional materials; providing standards to
54 determine the propriety of instructional materials;
55 amending s. 1006.32, F.S.; conforming provisions to
56 changes made by the act; repealing s. 1006.33, F.S.,
57 relating to bids, proposals, and advertisement
58 regarding instructional materials; amending s.

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59 1006.34, F.S.; revising the powers and duties of the
60 State Board of Education in evaluating instructional
61 materials to include collecting fees and adopting
62 rules; conforming provisions to changes made by the
63 act; amending s. 1006.35, F.S.; authorizing the
64 Commissioner of Education to remove materials from the
65 list of approved materials if the materials do not
66 align with applicable state standards; prohibiting a
67 school district from purchasing removed materials
68 under certain circumstances; amending s. 1006.36,
69 F.S.; providing for the state review cycle for
70 instructional materials; amending s. 1006.37, F.S.;
71 authorizing a district school superintendent to
72 requisition approved instructional materials;
73 conforming provisions to changes made by the act;
74 amending s. 1006.38, F.S.; providing for
75 applicability; revising duties of publishers and
76 manufacturers; amending s. 1006.40, F.S.; revising the
77 allocation for instructional materials; amending s.
78 1001.10, F.S.; revising the duties of the Commissioner
79 of Education with regard to instructional materials,
80 including submission of a report to the Governor, the
81 Legislature, and the State Board of Education;
82 amending s. 1003.55, F.S.; requiring a publisher or
83 manufacturer of instructional materials that have been
84 approved by the Department of Education or a school
85 district to furnish the department with a computer
86 file in an electronic format specified by the
87 department; amending ss. 1003.621 and 1011.62, F.S.;

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88 conforming provisions to changes made by the act;
89 providing an effective date.

90

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

92

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

95 1006.28 Duties of district school board, district school
96 superintendent; and school principal regarding K-12
97 instructional materials.—

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

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

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117 and the course descriptions established in ~~curriculum frameworks~~
118 ~~adopted by~~ rule of the State Board of Education, as well as with
119 the state and district performance standards provided for in s.
120 1001.03(1).

121 (2) DISTRICT SCHOOL SUPERINTENDENT.—

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

140 (b) Beginning in the 2013-2014 school year, each district
141 school superintendent shall certify to the department by March
142 31 of each year that all instructional materials for core
143 courses used by the district are aligned with applicable state
144 standards. A list of the state-approved or district-approved
145 core instructional materials that will be used or purchased for

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

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

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

157 Section 3. Section 1006.283, Florida Statutes, is created
158 to read:

159 1006.283 District school board instructional materials
160 review process.-

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

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

174 (a) Its review and purchase process.

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175 (b) Identification of a review cycle for instructional
176 materials.

177 (c) The duties and qualifications of the instructional
178 materials reviewers.

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

182 (e) Compliance with s. 1006.32, relating to prohibited
183 acts.

184 (f) A process that certifies the accuracy of instructional
185 materials.

186 (g) The incorporation of applicable requirements of s.
187 1006.38, relating to the duties, responsibilities, and
188 requirements of publishers of instructional materials.

189 (h) The process by which instructional materials will be
190 purchased, including advertising, bidding, and purchasing
191 requirements.

192 (3) (a) The school board may assess and collect fees from
193 publishers participating in the instructional materials approval
194 process. The amount assessed and collected must be posted on the
195 school district's website and reported to the department. The
196 fees may not exceed the amount established in state board rule
197 under s. 1006.34(2). Any fees collected for this process shall
198 be allocated for the support of the review process and
199 maintained in a separate line item for auditing purposes. Fees
200 may not be collected from publishers to review instructional
201 materials that are approved by the department and placed on the
202 department's website.

203 (b) The fees shall be used to cover the actual cost of

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

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

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

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

228 Section 4. Section 1006.29, Florida Statutes, is amended to
229 read:

230 1006.29 Department of Education ~~State~~ instructional
231 materials reviewers.-

232 (1) For purposes of this section, the term "instructional

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233 materials” means items that have intellectual content and that,
234 by design, serve as a major tool or for assisting in the
235 instruction of a subject or course.

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

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

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262 his or her responsibilities, the additional reviewer may be a
263 content expert from the department. As part of the review
264 process, each reviewer shall be provided training on the
265 electronic review system. The reviewers shall independently make
266 recommendations to the commissioner regarding materials that
267 should be placed on the list of approved materials through an
268 electronic feedback review system.

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

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

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

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

318 (4)~~(3)~~ Beginning in the 2015-2016 academic year, all
319 approved ~~adopted~~ instructional materials for students in

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320 kindergarten through grade 12 must be provided in an electronic
321 or digital format. For purposes of this section, the term:

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

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

334

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

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

347 (6) By March 1 of each year, the department shall post on
348 its website a list of department-approved instructional

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

360 Section 5. Section 1006.30, Florida Statutes, is amended to
361 read:

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

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

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

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

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

377 (5) The reviewer will not accept any emolument or promise

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378 of future reward of any kind from any publisher or manufacturer
379 of instructional materials or his or her agent or anyone
380 interested in, or intending to bias his or her judgment in any
381 way in, the selection of any materials to be approved ~~adopted~~.

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

390 Section 6. Section 1006.31, Florida Statutes, is amended to
391 read:

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

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

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

406 (a) When evaluating ~~recommending~~ instructional materials

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

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

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

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

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

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

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

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

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

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

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

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465 enrolled in advanced placement courses.

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

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

473 1006.32 Prohibited acts.—

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

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

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

493 (3) ~~(4)~~ A Any publisher or manufacturer of instructional

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494 materials or representative thereof or a ~~any~~ district school
495 board official or department or district ~~state~~ instructional
496 materials reviewer who violates any provision of this section
497 commits a misdemeanor of the second degree, punishable as
498 provided in s. 775.082 or s. 775.083. A ~~Any~~ representative of a
499 publisher or manufacturer who violates any provision of this
500 section, in addition to any other penalty, shall be banned from
501 practicing business in the state for a period of 1 calendar
502 year.

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

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

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

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523 (7)~~(8)~~ A district school superintendent, district school
524 board member, teacher, or other person officially connected with
525 the government or direction of public schools may not receive
526 during the months actually engaged in performing duties under
527 his or her contract any private fee, gratuity, donation, or
528 compensation, in any manner whatsoever, for promoting the sale
529 or exchange of any instructional material, map, or chart in any
530 public school, or be an agent for the sale or the publisher of
531 any instructional material or reference work, or have a direct
532 or indirect pecuniary interest in the introduction of any such
533 instructional material, and any such agency or interest shall
534 disqualify any person so acting or interested from holding any
535 district school board employment whatsoever, and the person
536 commits a misdemeanor of the second degree, punishable as
537 provided in s. 775.082 or s. 775.083; however, this subsection
538 does not prevent the approval ~~adoption~~ of any instructional
539 material written in whole or in part by a Florida author.

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

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

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

546 (1) PROCEDURES FOR EVALUATING INSTRUCTIONAL MATERIALS.—The
547 State Board of Education shall adopt rules prescribing the
548 procedures by which the department shall evaluate instructional
549 materials submitted by publishers and manufacturers in each
550 review for approval ~~adoption~~. Included in these procedures shall
551 be provisions affording each publisher or manufacturer or his or

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552 her representative an opportunity to provide a live virtual or
553 in-person presentation to the department state instructional
554 materials reviewers on the merits of each instructional material
555 submitted in each review for approval adoption.

556 (2) FEES.—The State Board of Education shall adopt by rule
557 a fee schedule specifying the amount of fees that the department
558 may charge publishers who submit instructional materials for
559 review. Fees may not exceed the actual costs for the review,
560 taking into consideration the cost of reviewers, the content
561 area and complexity of the instructional materials to be
562 reviewed, and other relevant factors. The fee schedule must
563 specify the amount that may be collected by the department for
564 each submission.

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

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

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

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

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

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

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

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

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

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

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

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

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

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668 ~~to furnish instructional materials, the sum recovered to inure~~
669 ~~to the General Revenue Fund.~~

670 ~~(5) RETURN OF DEPOSITS.—~~

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

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

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

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

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

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

704 1006.35 Accuracy of instructional materials.—

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

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

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

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

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

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

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

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

731 1006.36 State review cycle ~~Term of adoption~~ for
732 instructional materials.—

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

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

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

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755 1006.37 Requisition of instructional materials from
756 publisher's depository.-

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

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

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

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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 of
791 all instructional materials upon which reviews ~~bids~~ are based to
792 the department pursuant to procedures adopted by the State Board
793 of Education.

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

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

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

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

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

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

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

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

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

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

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

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842 use in the state.

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

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

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

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

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

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

870 (15) Grant, without prior written request, for any

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871 copyright held by the publisher or its agencies automatic
872 permission to the department or its agencies for the
873 reproduction of instructional materials and supplementary
874 materials in Braille, large print, or other appropriate format
875 for use by visually impaired students or other students with
876 disabilities that would benefit from use of the materials.

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

885 Section 14. Subsections (2), (3), and (4) of section
886 1006.40, Florida Statutes, are amended to read:

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

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

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900 ~~if it provides each student with such additional state-adopted~~
901 ~~materials as may be necessary to align the previously adopted~~
902 ~~comprehensive program to common core standards and the other~~
903 ~~criteria of the 2012-2013 mathematics adoption.~~

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

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

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

920 (4) Remaining funds may ~~The funds described in subsection~~
921 ~~(3) which district school boards may use to purchase materials~~
922 ~~not on the state-adopted list shall be used for the purchase of~~
923 ~~instructional materials or other items, including library and~~
924 ~~reference books and nonprint materials,~~ having intellectual
925 content which assist in the instruction of a subject or course.
926 These items may be available in bound, unbound, kit, or package
927 form and may consist of hardbacked or softbacked textbooks,
928 electronic content, replacements for items which were part of

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929 previously purchased instructional materials, consumables,
930 learning laboratories, manipulatives, electronic media, computer
931 courseware or software, and other commonly accepted
932 instructional tools as prescribed by district school board rule.

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

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

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

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

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

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

957 (r) To submit to the Governor, the President of the Senate,

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958 the Speaker of the House of Representatives, and the State Board
959 of Education an annual report regarding district and state
960 instructional materials reviews, the impact on the quality and
961 availability of instructional materials, and the cost-
962 effectiveness of the state and district review processes. The
963 report shall be submitted on January 1 following the first
964 fiscal year of implementation of the program and each year
965 thereafter.

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

968 1003.55 Instructional programs for blind or visually
969 impaired students and deaf or hard-of-hearing students.—

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

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987 Section 17. Paragraph (j) of subsection (2) of section
988 1003.621, Florida Statutes, is amended to read:

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

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

1001 (j) Those statutes relating to instructional materials,
1002 except that s. 1006.40 ~~s. 1006.37, relating to the requisition~~
1003 ~~of state-adopted materials from the depository under contract~~
1004 ~~with the publisher, and s. 1006.40(3)(a), relating to the use of~~
1005 50 percent of the instructional materials allocation, is ~~shall~~
1006 ~~be~~ eligible for exemption.

1007 Section 18. Paragraph (b) of subsection (6) of section
1008 1011.62, Florida Statutes, is amended to read:

1009 1011.62 Funds for operation of schools.—If the annual
1010 allocation from the Florida Education Finance Program to each
1011 district for operation of schools is not determined in the
1012 annual appropriations act or the substantive bill implementing
1013 the annual appropriations act, it shall be determined as
1014 follows:

1015 (6) CATEGORICAL FUNDS.—

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1016 (b) If a district school board finds and declares in a
1017 resolution approved ~~adopted~~ at a regular meeting of the school
1018 board that the funds received for any of the following
1019 categorical appropriations are urgently needed to maintain
1020 ~~school board specified~~ academic classroom instruction specified
1021 by the school board, the school board may consider and approve
1022 an amendment to the school district operating budget
1023 transferring the identified amount of the categorical funds to
1024 the appropriate account for expenditure:

- 1025 1. Funds for student transportation.
- 1026 2. Funds for safe schools.
- 1027 3. Funds for supplemental academic instruction if the
1028 required additional hour of instruction beyond the normal school
1029 day for each day of the entire school year has been provided for
1030 the students in each low-performing elementary school in the
1031 district pursuant to paragraph (1)(f).
- 1032 4. Funds for research-based reading instruction if the
1033 required additional hour of instruction beyond the normal school
1034 day for each day of the entire school year has been provided for
1035 the students in each low-performing elementary school in the
1036 district pursuant to paragraph (9)(a).
- 1037 5. Funds for instructional materials if all instructional
1038 material purchases necessary to provide updated materials that
1039 are aligned with applicable ~~to Next Generation Sunshine~~ state
1040 standards and course descriptions ~~benchmarks~~ and that meet
1041 statutory requirements of content and learning have been
1042 completed for that fiscal year, but no sooner than March 1.
1043 Funds available after March 1 may be used to purchase hardware
1044 for student instruction.

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