

**By** the Committee on Governmental Oversight and Accountability;  
and Senators Hays, Benacquisto, and Negron

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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.; providing  
4       that the district school board has the constitutional  
5       duty and responsibility to select and provide adequate  
6       instructional materials for all students; redefining  
7       the term "adequate instructional materials"; amending  
8       s. 1006.283, F.S.; requiring a district school board  
9       or consortium of school districts to implement an  
10      instructional materials program; including criteria  
11      for the review and recommendation of instructional  
12      materials, the process by which instructional  
13      materials are adopted, and the process by which a  
14      school district will notify parents of their ability  
15      to access their children's instructional materials in  
16      the list of the subjects that must be addressed by  
17      rule of the district school board; requiring adopted  
18      instructional materials to be provided in digital  
19      format; defining the term "digital format"; requiring  
20      the Department of Education to publish minimum,  
21      recommended technology requirements; requiring the  
22      Department of Education to publish annually a 5-year  
23      schedule of subject areas to be reviewed by local  
24      school districts, to begin by a specified date;  
25      requiring the district to make available, upon  
26      request, sample copies of its adopted instructional  
27      materials; repealing s. 1006.29, F.S., relating to  
28      state instructional materials reviewers; amending s.  
29      1006.30, F.S.; requiring each district instructional

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30 materials reviewer to file an affidavit with the  
31 district school board, rather than the department;  
32 amending s. 1006.31, F.S.; deleting references to the  
33 Department of Education regarding the duties of  
34 instructional materials reviewers; revising the  
35 evaluation procedure for instructional materials;  
36 amending s. 1006.32, F.S.; conforming provisions to  
37 changes made by the act; deleting references to the  
38 Commissioner of Education regarding a pilot program  
39 and the adoption of instructional materials; repealing  
40 s. 1006.33, F.S., relating to bids, proposals, and  
41 advertisement regarding the adoption of instructional  
42 materials; repealing s. 1006.34, F.S., relating to  
43 powers and duties of the Commissioner of Education and  
44 the department in selecting and adopting instructional  
45 materials; amending s. 1006.35, F.S.; requiring the  
46 district school board, rather than the commissioner,  
47 to conduct an independent investigation to determine  
48 the accuracy of district-adopted instructional  
49 materials; authorizing the district school board,  
50 rather than the commissioner, to remove materials from  
51 the list of district-adopted materials under certain  
52 circumstances; repealing s. 1006.36, F.S., relating to  
53 the term of adoption for instructional materials;  
54 amending s. 1006.37, F.S.; authorizing, rather than  
55 requiring, the district school superintendent to  
56 requisition adopted instructional materials from the  
57 depository of a publisher with whom a contract has  
58 been made or any other vendor selling the adopted

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59 instructional materials; deleting provisions regarding  
60 the superintendent's requisition of instructional  
61 materials; conforming provisions to changes made by  
62 the act; authorizing a district school board or a  
63 consortium of school districts to requisition  
64 instructional materials from the publisher's  
65 depository or any other vendor selling adopted  
66 instructional materials; amending s. 1006.38, F.S.;  
67 conforming provisions to changes made by the act;  
68 revising the duties, responsibilities, and  
69 requirements of instructional materials publishers and  
70 manufacturers; amending s. 1006.40, F.S.; deleting  
71 provisions regarding the adoption of instructional  
72 materials for certain core courses in the subject area  
73 of mathematics; allowing each district school board to  
74 use all of the annual allocation for the purchase of  
75 digital, rather than electronic, instructional  
76 materials that meet certain goals, objectives, and  
77 requirements; deleting provisions regarding the use of  
78 the district's annual allocation for the purchase of  
79 instructional materials; amending s. 1006.41, F.S.;  
80 conforming provisions to changes made by the act;  
81 amending ss. 1003.621, 1006.282, and 1010.82, F.S.;  
82 conforming cross-references; providing an effective  
83 date.

84  
85 Be It Enacted by the Legislature of the State of Florida:

86  
87 Section 1. Subsection (1) of section 1006.28, Florida

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88 Statutes, is amended to read:

89 1006.28 Duties of district school board, district school  
90 superintendent; and school principal regarding K-12  
91 instructional materials.—

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

106 (a) *Courses of study; adoption.*—Adopt courses of study for  
107 use in the schools of the district.

108 (b) *Instructional materials.*—Provide for proper  
109 requisitioning, distribution, accounting, storage, care, and use  
110 of all instructional materials and furnish such other  
111 instructional materials as may be needed. The district school  
112 board shall ensure that instructional materials used in the  
113 district are consistent with the district goals and objectives  
114 and the course descriptions established in rule of the State  
115 Board of Education, as well as with the ~~state and district~~  
116 performance standards provided for in s. 1001.03(1).

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117 (c) *Other instructional materials.*—Provide such other  
118 teaching accessories and aids as are needed for the school  
119 district's educational program.

120 (d) *School library media services; establishment and*  
121 *maintenance.*—Establish and maintain a program of school library  
122 media services for all public schools in the district, including  
123 school library media centers, or school library media centers  
124 open to the public, and, in addition such traveling or  
125 circulating libraries as may be needed for the proper operation  
126 of the district school system.

127 Section 2. Subsections (1) and (2) of section 1006.283,  
128 Florida Statutes, are amended, and subsections (7), (8), and (9)  
129 are added to that section, to read:

130 1006.283 District school board instructional materials  
131 review process.—

132 (1) A district school board or consortium of school  
133 districts shall ~~may~~ implement an instructional materials program  
134 that includes the review, approval, adoption, and purchase of  
135 instructional materials. ~~Beginning in the 2013-2014 school year,~~  
136 The district school superintendent shall certify to the  
137 department by March 31 of each year that all instructional  
138 materials for core courses used by the district are aligned with  
139 applicable state standards. ~~Included in the certification shall~~  
140 ~~be~~ A list of the core instructional materials that will be used  
141 or purchased for use by the school district shall be included in  
142 the certification.

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

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146           (a) Criteria for the review and recommendation of  
147 instructional materials, including a thorough review of  
148 curriculum content. The district shall establish a local  
149 instructional materials review committee to review and recommend  
150 instructional materials to the district school board for final  
151 adoption. A district may enter into an agreement with other  
152 districts to combine their local instructional materials review  
153 committees into one super committee. A local instructional  
154 materials review committee shall consist of the following  
155 members, appointed as follows:

156           1. Each district school board member shall appoint one  
157 person who has subject area expertise in science, mathematics,  
158 language arts, social studies, or career or technical studies  
159 and who is not employed by the district.

160           2. The superintendent shall appoint a number of classroom  
161 teachers equal to the number of district school board members.  
162 The selection of classroom teachers shall be representative of  
163 the subject areas and grade levels of the instructional  
164 materials being considered for adoption.

165           3. The district school board and the superintendent shall  
166 each appoint at least one parent of a student who is currently  
167 enrolled in a public school in the district ~~its review and~~  
168 ~~purchase process.~~

169           (b) Identification, by subject area, of a review cycle for  
170 instructional materials.

171           (c) The duties and qualifications of the instructional  
172 materials reviewers.

173           (d) The requirements for an affidavit made by each a  
174 district instructional materials reviewer which substantially

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175 ~~meets~~ ~~includes~~ the requirements of s. 1006.30.

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

178 (f) A process for the district school board to determine  
179 and certify ~~that certifies~~ the accuracy of district-adopted  
180 instructional materials.

181 (g) The incorporation of applicable requirements of s.  
182 1006.31, which relates to the duties of instructional materials  
183 reviewers.

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

187 (i) The process by which instructional materials are  
188 adopted by the district school board. The process must allow the  
189 public, within 15 days after district school board adoption, to  
190 appeal the district school board's adoption of specific  
191 instructional materials. Upon appeal, the district school board  
192 shall convene a public hearing to reevaluate the challenged  
193 instructional materials and determine suitability for use.  
194 Suitability includes the accuracy and appropriateness of the  
195 materials according to the evaluation criteria specified in s.  
196 1006.31. The district school board's decision to adopt  
197 instructional materials is final unless a public appeal is  
198 timely filed. If a public appeal is timely filed, the district  
199 school board's decision after convening the public hearing is  
200 final and not subject to further review.

201 1. The district school board shall establish a process to  
202 allow student editions of instructional materials considered for  
203 adoption to be accessed and viewed online by the public at least

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204 20 calendar days before the public hearing and public meeting as  
205 specified in this paragraph. This process must include  
206 reasonable safeguards against the unauthorized use,  
207 reproduction, and distribution of instructional materials  
208 considered for adoption.

209 2. The district school board shall conduct an open, noticed  
210 district school board hearing to receive public comment on and  
211 review the recommended instructional materials.

212 3. The district school board shall hold an open, noticed  
213 public meeting to approve an annual instructional materials  
214 plan, including the adoption of instructional materials. This  
215 public meeting must be held on a different date than the public  
216 hearing.

217 4. The notices for the public hearing and the public  
218 meeting must specifically state which instructional materials  
219 are being reviewed and the manner in which the instructional  
220 materials can be accessed for public review.

221 (j)~~(i)~~ The process by which instructional materials will be  
222 purchased, including advertising, bidding, and purchasing  
223 requirements.

224 (k) The process by which the school district will notify  
225 parents of their ability to access their children's textbooks  
226 and instructional materials through the district's local  
227 instructional improvement system and by which the school  
228 district will encourage parents to access the system. This  
229 notification must be displayed prominently on the district  
230 school board's website and provided annually in a written format  
231 to all parents of enrolled students.

232 (7) Beginning in the 2015-2016 academic year, all adopted



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233 instructional materials for students in kindergarten through  
234 grade 12 must be available in a digital format. As used in this  
235 subsection, the term "digital format" means text-based or image-  
236 based content in a form that provides the student with various  
237 interactive functions; that can be searched, tagged,  
238 distributed, and used for individualized and group learning;  
239 that includes multimedia content such as video clips, animation,  
240 and virtual reality; and that can be accessed at any time and  
241 anywhere. The term does not include electronic or computer  
242 hardware even if such hardware is bundled with software or other  
243 electronic media, nor does the term include equipment or  
244 supplies.

245 (8) (a) The department shall publish recommended minimum  
246 technology requirements that include guidelines on the number of  
247 students per device necessary to ensure that students can access  
248 all instructional materials in digital format and specifications  
249 for hardware, software, networking, and security.

250 (b) The department shall publish annually an official 5-  
251 year schedule of subject areas to be reviewed by local school  
252 districts for each of the succeeding 5 years, to begin July 1,  
253 2014.

254 (9) The school district shall make available upon request  
255 for public inspection sample copies of all instructional  
256 materials that have been adopted by the district school board.

257 Section 3. Section 1006.29, Florida Statutes, is repealed.

258 Section 4. Section 1006.30, Florida Statutes, is amended to  
259 read:

260 1006.30 Affidavit of district ~~state~~ instructional materials  
261 reviewers.—Before transacting any business, each district ~~state~~

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262 instructional materials reviewer shall make an affidavit, to be  
263 filed with the district school board ~~department~~, that:

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

266 (2) The reviewer does not have an ~~has no~~ interest in any  
267 publishing or manufacturing organization that produces or sells  
268 instructional materials.

269 (3) The reviewer is not ~~in no way~~ connected with the  
270 distribution of the instructional materials.

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

275 (5) The reviewer will not accept any emolument or promise  
276 of future reward of any kind from any publisher or manufacturer  
277 of instructional materials or his or her agent or anyone  
278 interested in, or intending to bias his or her judgment in any  
279 way in, the selection of any materials to be adopted.

280 (6) The reviewer understands that it is unlawful to discuss  
281 matters relating to instructional materials submitted for  
282 adoption with any agent of a publisher or manufacturer of  
283 instructional materials, either directly or indirectly, except  
284 during the period when the publisher or manufacturer is  
285 providing a presentation for the reviewer during his or her  
286 review of the instructional materials submitted for adoption.

287 Section 5. Section 1006.31, Florida Statutes, is amended to  
288 read:

289 1006.31 Duties of the ~~Department of Education and~~ school  
290 district instructional materials reviewer.—The duties of the

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291 instructional materials reviewer are:

292 (1) PROCEDURES.—To adhere to procedures prescribed by ~~the~~  
293 ~~department or~~ the district for evaluating instructional  
294 materials submitted by publishers and manufacturers in each  
295 adoption. ~~This section applies to both the state and district~~  
296 ~~approval processes.~~

297 (2) EVALUATION OF INSTRUCTIONAL MATERIALS.—To evaluate  
298 carefully all instructional materials submitted, in order to  
299 ascertain which instructional materials, if any, submitted for  
300 consideration implement the selection criteria developed by the  
301 district department and those curricular objectives included  
302 within applicable performance standards provided for in s.  
303 1001.03(1).

304 (a) When recommending instructional materials for use in  
305 the schools, each reviewer shall include only instructional  
306 materials that accurately portray the ethnic, socioeconomic,  
307 cultural, and racial diversity of our society, including men and  
308 women in professional, career, and executive roles, and the role  
309 and contributions of the entrepreneur and labor in the total  
310 development of this state and the United States.

311 (b) When recommending instructional materials for use in  
312 the schools, each reviewer shall include only materials that  
313 accurately portray, whenever appropriate, humankind's place in  
314 ecological systems, including the necessity for the protection  
315 of our environment and conservation of our natural resources and  
316 the effects on the human system of the use of tobacco, alcohol,  
317 controlled substances, and other dangerous substances.

318 (c) When recommending instructional materials for use in  
319 the schools, each reviewer shall require such materials as he or

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320 she deems necessary and proper to encourage thrift, fire  
321 prevention, and humane treatment of people and animals.

322 (d) When recommending instructional materials for use in  
323 the schools, each reviewer shall require, when appropriate to  
324 the comprehension of students, that materials for social  
325 science, history, or civics classes contain the Declaration of  
326 Independence and the Constitution of the United States. A  
327 reviewer may not recommend any instructional materials for use  
328 in the schools which contain any matter reflecting unfairly upon  
329 persons because of their race, color, creed, national origin,  
330 ancestry, gender, or occupation.

331 (e) Any instructional materials ~~material~~ recommended by  
332 each reviewer for use in the schools must ~~shall~~ be, to the  
333 satisfaction of each reviewer, accurate, objective, balanced,  
334 noninflammatory, fact-based, ~~and current,~~ and suited to the  
335 needs and comprehension of students at their respective grade  
336 levels. A reviewer ~~Reviewers~~ shall consider for adoption  
337 materials developed for academically talented students such as  
338 those enrolled in advanced placement courses.

339 (f) Any instructional materials containing pornography or  
340 which are otherwise prohibited under s. 847.012 may not be used  
341 or made available within a public school. When selecting  
342 instructional materials, library media, and other reading  
343 materials used in the public school system, each reviewer shall  
344 use, at a minimum, the following standards to determine the  
345 propriety of the material:

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

348 2. The educational purpose to be served by the material. In

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349 considering instructional materials for classroom use, priority  
350 shall be given to the selection of materials that encompass the  
351 performance standards provided for in s. 1001.03(1) and that  
352 include the instructional objectives contained in the course  
353 description approved by rule of the State Board of Education.

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

357 4. The consideration of the broad racial, ethnic,  
358 socioeconomic, and cultural diversity of the students of this  
359 state.

360 (3) REPORT OF REVIEWERS.—After a thorough study of all data  
361 submitted on each instructional material, to submit an  
362 electronic report to the district school board ~~department~~. The  
363 report shall be made public and must include responses to each  
364 section of the report format prescribed by the district school  
365 board ~~department~~.

366 Section 6. Section 1006.32, Florida Statutes, is amended to  
367 read:

368 1006.32 Prohibited acts.—

369 (1) A publisher or manufacturer of instructional material,  
370 or any representative thereof, may not offer to give any  
371 emolument, money, or other valuable thing, or any inducement, to  
372 a ~~any~~ district school board official or an ~~state~~ instructional  
373 materials reviewer to directly or indirectly introduce,  
374 recommend, vote for, or otherwise influence the adoption or  
375 purchase of any instructional materials.

376 (2) A district school board official or an ~~a~~ ~~state~~  
377 instructional materials reviewer may not solicit or accept any

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378 emolument, money, or other valuable thing, or any inducement, to  
379 directly or indirectly introduce, recommend, vote for, or  
380 otherwise influence the adoption or purchase of any  
381 instructional material.

382 (3) A district school board or publisher may not  
383 participate in a pilot program of materials being considered for  
384 adoption during the 18-month period before the official adoption  
385 of the materials ~~by the commissioner. Any pilot program during~~  
386 ~~the first 2 years of the adoption period must have the prior~~  
387 ~~approval of the commissioner.~~

388 (4) Any publisher or manufacturer of instructional  
389 materials or representative thereof or any district school board  
390 official or ~~state~~ instructional materials reviewer who violates  
391 ~~any provision of this section~~ commits a misdemeanor of the  
392 second degree, punishable as provided in s. 775.082 or s.  
393 775.083. A ~~Any~~ representative of a publisher or manufacturer who  
394 violates any provision of this section, in addition to any other  
395 penalty, shall be banned from practicing business in the state  
396 for a period of 1 calendar year.

397 (5) This section does not prohibit any publisher,  
398 manufacturer, or agent from supplying, for purposes of  
399 examination, necessary sample copies of instructional materials  
400 to any district school board official or ~~state~~ instructional  
401 materials reviewer.

402 (6) This section does not prohibit a district school board  
403 official or ~~state~~ instructional materials reviewer from  
404 receiving sample copies of instructional materials.

405 (7) This section does not prohibit or restrict a district  
406 school board official from receiving royalties or other

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407 compensation, other than compensation paid to him or her as  
408 commission for negotiating sales to district school boards, from  
409 the publisher or manufacturer of instructional materials  
410 written, designed, or prepared by such district school board  
411 official, and adopted ~~by the commissioner~~ or purchased by any  
412 district school board. A ~~No~~ district school board official may  
413 not ~~shall be allowed to~~ receive royalties on any materials not  
414 on the district-adopted ~~state-adopted~~ list purchased for use by  
415 his or her district school board.

416 (8) A district school superintendent, district school board  
417 member, teacher, or other person officially connected with the  
418 government or direction of public schools may not receive during  
419 the months actually engaged in performing duties under his or  
420 her contract any private fee, gratuity, donation, or  
421 compensation, in any manner whatsoever, for promoting the sale  
422 or exchange of any instructional material, map, or chart in any  
423 public school, or be an agent for the sale of, or the publisher  
424 of, any instructional material or reference work, or have a  
425 direct or indirect pecuniary interest in the introduction of any  
426 such instructional material, and any such agency or interest  
427 shall disqualify any person so acting or interested from holding  
428 any district school board employment whatsoever, and the person  
429 commits a misdemeanor of the second degree, punishable as  
430 provided in s. 775.082 or s. 775.083; however, this subsection  
431 does not prevent the adoption of any instructional material  
432 written in whole or in part by a Florida author.

433 Section 7. Section 1006.33, Florida Statutes, is repealed.

434 Section 8. Section 1006.34, Florida Statutes, is repealed.

435 Section 9. Section 1006.35, Florida Statutes, is amended to

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436 read:

437 1006.35 Accuracy of instructional materials.—

438 (1) In addition to relying on statements of publishers or  
439 manufacturers of instructional materials, the district school  
440 board commissioner may conduct or cause to be conducted an  
441 independent investigation to determine the accuracy of district-  
442 adopted ~~state-adopted~~ instructional materials.

443 (2) When errors in district-adopted ~~state-adopted~~ materials  
444 are confirmed, the publisher of the materials shall provide to  
445 each district school board that ~~has~~ purchased the materials the  
446 corrections in a format approved by the investigating district  
447 school board ~~department~~.

448 (3) The district school board ~~commissioner~~ may remove  
449 materials from the list of district-adopted ~~state-adopted~~  
450 materials if it ~~he or she~~ finds that the content is in error and  
451 the publisher refuses to correct the error when notified by the  
452 district school board ~~department~~.

453 (4) The district school board ~~commissioner~~ may remove  
454 materials from the list of district-adopted ~~state-adopted~~  
455 materials at the request of the publisher if, in the district  
456 school board's ~~his or her~~ opinion, there is no material impact  
457 on the district's and the state's education goals.

458 Section 10. Section 1006.36, Florida Statutes, is repealed.

459 Section 11. Section 1006.37, Florida Statutes, is amended  
460 to read:

461 1006.37 Requisition of instructional materials from  
462 publisher's depository.—

463 (1) The district school superintendent may ~~shall~~  
464 requisition adopted instructional materials from the depository



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465 of the publisher with whom a contract has been made or any other  
466 vendor selling the adopted instructional materials. ~~However, the~~  
467 ~~superintendent shall requisition current instructional materials~~  
468 ~~to provide each student with a textbook or other materials as a~~  
469 ~~major tool of instruction in core courses of the subject areas~~  
470 ~~specified in s. 1006.40(2). These materials must be~~  
471 ~~requisitioned within the first 3 years of the adoption cycle,~~  
472 ~~except for instructional materials related to growth of student~~  
473 ~~membership or instructional materials maintenance needs. The~~  
474 ~~superintendent may requisition instructional materials in the~~  
475 ~~core subject areas specified in s. 1006.40(2) that are related~~  
476 ~~to growth of student membership or instructional materials~~  
477 ~~maintenance needs during the 3rd, 4th, 5th, and 6th years of the~~  
478 ~~original contract period.~~

479 (2) The district school superintendent shall verify that  
480 the requisition is complete and accurate and order the  
481 depository or vendor selling the adopted instructional materials  
482 to forward to him or her the adopted instructional materials  
483 shown by the requisition. The depository or vendor shall prepare  
484 an invoice of the materials shipped, including shipping charges,  
485 and mail it to the superintendent to whom the shipment is being  
486 made. The superintendent shall pay the depository or vendor  
487 within 60 days after receipt of the requisitioned materials from  
488 the appropriation for the purchase of adopted instructional  
489 materials.

490 (3) A district school board or a consortium of school  
491 districts may ~~which implements an instructional materials~~  
492 ~~program pursuant to s. 1006.283 is not required to requisition~~  
493 instructional materials from the publisher's depository or any

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494 other vendor selling the adopted instructional materials.

495 Section 12. Section 1006.38, Florida Statutes, is amended  
496 to read:

497 1006.38 Duties, responsibilities, and requirements of  
498 instructional materials publishers and manufacturers. ~~This~~  
499 ~~section applies to both the state and district approval~~  
500 ~~processes.~~ Publishers and manufacturers of instructional  
501 materials, or their representatives, shall:

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

503 (2) Electronically deliver fully developed sample copies of  
504 all instructional materials upon which bids are based to the  
505 district department pursuant to procedures adopted by the  
506 district school board ~~State Board of Education.~~

507 (3) Submit, at a time designated by the district school  
508 board in s. 1006.33, the following information:

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

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

520 (c) Evidence that the instructional materials include  
521 specific references to statewide standards in the teacher's  
522 manual and incorporate such standards into chapter tests or the

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523 assessments.

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

527 (5) Furnish the instructional materials offered by them at  
528 a price in the state which, including all costs of electronic  
529 transmission, may not exceed the lowest price at which they  
530 offer such instructional materials for adoption or sale to any  
531 state or school district in the United States.

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

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

538 (8) Guarantee that all copies of any instructional  
539 materials sold in this state will be at least equal in quality  
540 to the copies of such instructional materials that are sold  
541 elsewhere in the United States and will be kept revised, free  
542 from all errors, and up-to-date as may be required by the  
543 department for existing contracts, or otherwise, as required by  
544 the district school board.

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

549 (10) Not in any way, directly or indirectly, become  
550 associated or connected with any combination in restraint of  
551 trade in instructional materials, nor enter into any

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552 understanding, agreement, or combination to control prices or  
553 restrict competition in the sale of instructional materials for  
554 use in the state.

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

556 (12) For the core subject areas specified in s. 1006.40(2),  
557 maintain in the depository ~~for the first 3 years of the contract~~  
558 an inventory of instructional materials sufficient to receive  
559 and fill orders.

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

565 (13)~~(14)~~ Accurately and fully disclose only the names of  
566 those persons who actually authored the instructional materials.  
567 In addition to the penalties provided in subsection (15) ~~(16)~~,  
568 the district school board commissioner may remove from the list  
569 of district-adopted ~~state-adopted~~ instructional materials those  
570 instructional materials whose publisher or manufacturer misleads  
571 the purchaser by falsely representing genuine authorship.

572 (14)~~(15)~~ Grant, without prior written request, for any  
573 copyright held by the publisher or its agencies automatic  
574 permission to the district school board ~~department or its~~  
575 ~~agencies~~ for the reproduction of instructional materials and  
576 supplementary materials in Braille, large print, or other  
577 appropriate format for use by visually impaired students or  
578 other students with disabilities who ~~that~~ would benefit from use  
579 of the materials.

580 (15)~~(16)~~ Upon the willful failure of the publisher or

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581 manufacturer to comply with the requirements of this section, be  
582 liable to the district school board ~~department~~ in the amount of  
583 three times the total sum which the publisher or manufacturer  
584 was paid in excess of the price required under subsections (5)  
585 and (6) and in the amount of three times the total value of the  
586 instructional materials and services which the district school  
587 board is entitled to receive free of charge under subsection  
588 (7).

589 Section 13. Subsections (2) and (3) of section 1006.40,  
590 Florida Statutes, are amended to read:

591 1006.40 Use of instructional materials allocation;  
592 instructional materials, library books, and reference books;  
593 repair of books.—

594 (2) Each district school board must purchase current  
595 instructional materials to provide each student in kindergarten  
596 through grade 12 with a major tool of instruction in core  
597 courses of the subject areas of mathematics, language arts,  
598 science, social studies, reading, and literature ~~for~~  
599 ~~kindergarten through grade 12. Such purchase must be made within~~  
600 ~~the first 3 years after the effective date of the adoption~~  
601 ~~cycle. For the 2012-2013 mathematics adoption, a district using~~  
602 ~~a comprehensive mathematics instructional materials program~~  
603 ~~adopted in the 2009-2010 adoption shall be deemed in compliance~~  
604 ~~with this subsection if it provides each student with such~~  
605 ~~additional state-adopted materials as may be necessary to align~~  
606 ~~the previously adopted comprehensive program to common core~~  
607 ~~standards and the other criteria of the 2012-2013 mathematics~~  
608 ~~adoption.~~

609 (3) ~~(a)~~ Beginning in the 2014-2015 ~~By the 2015-2016~~ fiscal

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610 year, each district school board shall use at least 50 percent  
611 of the annual allocation, and may use all of the allocation, for  
612 the purchase of digital ~~or electronic~~ instructional materials  
613 that are consistent with district goals and objectives and the  
614 course descriptions adopted in rule by the State Board of  
615 Education, that align with the performance standards provided  
616 for in s. 1001.03(1), that meet the requirements in s. 1006.31,  
617 and that are on the district-adopted list align with state  
618 ~~standards included on the state-adopted list, except as~~  
619 ~~otherwise authorized in paragraphs (b) and (c). This section~~  
620 ~~does not apply to a district school board or a consortium of~~  
621 ~~school districts which implements an instructional materials~~  
622 ~~program pursuant to s. 1006.283, except that by the 2015-2016~~  
623 ~~fiscal year, each district school board shall use at least 50~~  
624 ~~percent of the annual allocation for the purchase of digital or~~  
625 ~~electronic instructional materials that align with state~~  
626 ~~standards.~~

627 ~~(b) Up to 50 percent of the annual allocation may be used~~  
628 ~~for the purchase of instructional materials, including library~~  
629 ~~and reference books and nonprint materials, not included on the~~  
630 ~~state-adopted list and for the repair and renovation of~~  
631 ~~textbooks and library books.~~

632 ~~(c) District school boards may use 100 percent of that~~  
633 ~~portion of the annual allocation designated for the purchase of~~  
634 ~~instructional materials for kindergarten, and 75 percent of that~~  
635 ~~portion of the annual allocation designated for the purchase of~~  
636 ~~instructional materials for first grade, to purchase materials~~  
637 ~~not on the state-adopted list.~~

638 Section 14. Subsection (1) of section 1006.41, Florida

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639 Statutes, is amended to read:

640 1006.41 Disposal of instructional materials.—

641 (1) Instructional materials that have become unserviceable  
642 or surplus or are no longer on the district ~~state~~ contract may  
643 be disposed of, under adopted rule of the district school board,  
644 by:

645 (a) Giving or lending the materials to other public  
646 education programs within the district or state, to the teachers  
647 to use in developing supplementary teaching materials, to  
648 students or others, or to any charitable organization,  
649 governmental agency, home education students, private school, or  
650 state.

651 (b) Selling the materials to used book dealers, recycling  
652 plants, pulp mills, or other persons, firms, or corporations  
653 upon such terms as are most economically advantageous to the  
654 district school board.

655 Section 15. Paragraph (j) of subsection (2) of section  
656 1003.621, Florida Statutes, is amended to read:

657 1003.621 Academically high-performing school districts.—It  
658 is the intent of the Legislature to recognize and reward school  
659 districts that demonstrate the ability to consistently maintain  
660 or improve their high-performing status. The purpose of this  
661 section is to provide high-performing school districts with  
662 flexibility in meeting the specific requirements in statute and  
663 rules of the State Board of Education.

664 (2) COMPLIANCE WITH STATUTES AND RULES.—Each academically  
665 high-performing school district shall comply with all of the  
666 provisions in chapters 1000-1013, and rules of the State Board  
667 of Education which implement these provisions, pertaining to the

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668 following:

669 (j) Those statutes relating to instructional materials,  
670 except that s. 1006.37, relating to the requisition of state-  
671 adopted materials from the depository under contract with the  
672 publisher, and s. 1006.40(3) ~~(a)~~, relating to the use of 50  
673 percent of the instructional materials allocation, shall be  
674 eligible for exemption.

675 Section 16. Section 1006.282, Florida Statutes, is amended  
676 to read:

677 1006.282 Pilot program for the transition to ~~electronic and~~  
678 digital instructional materials.-

679 (1) A district school board may designate pilot program  
680 schools to implement the transition to instructional materials  
681 that are in ~~an electronic or~~ a digital format as defined in s.  
682 1006.283 ~~s. 1006.29(3)~~.

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

685 (a) Implements a local instructional improvement system  
686 pursuant to s. 1006.281 which enables district staff to plan,  
687 create, and manage professional development and to connect  
688 professional development with staff information and student  
689 performance, provides the ability to seamlessly connect the  
690 system to ~~electronic and~~ digital instructional materials and the  
691 instructional materials to student assessment data, and includes  
692 the minimum standards published by the Department of Education.

693 (b) Requests only the ~~electronic or~~ digital format of the  
694 sample copies of instructional materials submitted pursuant to  
695 s. 1006.283 ~~s. 1006.33~~.

696 (c) Uses at least 50 percent of the pilot program school's



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697 annual allocation from the district for the purchase of  
698 ~~electronic or~~ digital instructional materials included on the  
699 district-adopted ~~state-adopted~~ list.

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

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

705 (b) Section 1006.37.

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

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

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

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

723 (5) By September 1 of each year, beginning in 2012, each  
724 school board that has a designated pilot program school shall  
725 provide to the Department of Education, the Executive Office of

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726 the Governor, and the chairs of the appropriations committees of  
727 the Senate and the House of Representatives a review of the  
728 pilot program schools which must include, but need not be  
729 limited to:

730 (a) Successful practices;

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

734 (c) Lessons learned;

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

736 (e) Impacts on student performance.

737 Section 17. Section 1010.82, Florida Statutes, is amended  
738 to read:

739 1010.82 Textbook Bid Trust Fund.—Chapter 99-36, Laws of  
740 Florida, re-created the Textbook Bid Trust Fund to record the  
741 revenue and disbursements of textbook bid performance deposits  
742 submitted to the Department of Education ~~as required in s.~~  
743 ~~1006.33.~~

744 Section 18. This act shall take effect July 1, 2014.