

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 district to make available, upon request, sample  
23 copies of its adopted instructional materials;  
24 repealing s. 1006.29, F.S., relating to state  
25 instructional materials reviewers; amending s.  
26 1006.30, F.S.; requiring each district instructional

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

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

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

80

81 Section 1. Subsection (1) of section 1006.28, Florida  
82 Statutes, is amended to read:

83 1006.28 Duties of district school board, district school  
84 superintendent; and school principal regarding K-12  
85 instructional materials.—

86 (1) DISTRICT SCHOOL BOARD.—The district school board has  
87 the constitutional duty and responsibility to select and provide  
88 adequate instructional materials for all students in accordance  
89 with the requirements of this part. The term "adequate  
90 instructional materials" means a sufficient number of student or  
91 site licenses or sets of materials that are available in bound,  
92 unbound, kit, or package form and may consist of hardbacked or  
93 softbacked textbooks, electronic content, consumables, learning  
94 laboratories, manipulatives, and electronic media~~7~~, and computer  
95 courseware, ~~or~~ software, or applications that serve as the basis  
96 for instruction for each student in the core courses of  
97 mathematics, language arts, social studies, science, reading,  
98 and literature. The district school board has the following  
99 specific duties and responsibilities:

100 (a) Courses of study; adoption.—Adopt courses of study for  
101 use in the schools of the district.

102 (b) Instructional materials.—Provide for proper  
103 requisitioning, distribution, accounting, storage, care, and use  
104 of all instructional materials and furnish such other

105 instructional materials as may be needed. The district school  
106 board shall ensure that instructional materials used in the  
107 district are consistent with the district goals and objectives  
108 and the course descriptions established in rule of the State  
109 Board of Education, as well as with the ~~state and district~~  
110 performance standards provided for in s. 1001.03(1).

111 (c) Other instructional materials.—Provide such other  
112 teaching accessories and aids as are needed for the school  
113 district's educational program.

114 (d) School library media services; establishment and  
115 maintenance.—Establish and maintain a program of school library  
116 media services for all public schools in the district, including  
117 school library media centers, or school library media centers  
118 open to the public, and, in addition such traveling or  
119 circulating libraries as may be needed for the proper operation  
120 of the district school system.

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

124 1006.283 District school board instructional materials  
125 review process.—

126 (1) A district school board or consortium of school  
127 districts shall ~~may~~ implement an instructional materials program  
128 that includes the review, approval, adoption, and purchase of  
129 instructional materials. ~~Beginning in the 2013-2014 school year,~~  
130 The district school superintendent shall certify to the

131 department by March 31 of each year that all instructional  
132 materials for core courses used by the district are aligned with  
133 applicable state standards. ~~Included in the certification shall~~  
134 ~~be~~ A list of the core instructional materials that will be used  
135 or purchased for use by the school district shall be included in  
136 the certification.

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

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

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

154 2. The superintendent shall appoint a number of classroom  
155 teachers equal to the number of district school board members.  
156 The selection of classroom teachers shall be representative of

157 the subject areas and grade levels of the instructional  
158 materials being considered for adoption.

159 3. The district school board and the superintendent shall  
160 each appoint at least one parent of a student who is currently  
161 enrolled in a public school in the district ~~its review and~~  
162 ~~purchase process.~~

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

165 (c) The duties and qualifications of the instructional  
166 materials reviewers.

167 (d) The requirements for an affidavit made by each a  
168 district instructional materials reviewer which substantially  
169 meets ~~includes~~ the requirements of s. 1006.30.

170 (e) Compliance with s. 1006.32, relating to prohibited  
171 acts.

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

175 (g) The incorporation of applicable requirements of s.  
176 1006.31, which relates to the duties of instructional materials  
177 reviewers.

178 (h) The incorporation of applicable requirements of s.  
179 1006.38, relating to the duties, responsibilities, and  
180 requirements of publishers of instructional materials.

181 (i) The process by which instructional materials are  
182 adopted by the district school board.

183       1. The district school board shall establish a process to  
184 allow student editions of instructional materials considered for  
185 adoption to be accessed and viewed online by the public at least  
186 20 calendar days before the public hearing and public meeting as  
187 specified in this paragraph. This process must include  
188 reasonable safeguards against the unauthorized use,  
189 reproduction, and distribution of instructional materials  
190 considered for adoption.

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

194       3. The district school board shall hold an open, noticed  
195 public meeting to approve an annual instructional materials  
196 plan, including the adoption of instructional materials. This  
197 public meeting must be held on a different date than the public  
198 hearing.

199       4. The notices for the public hearing and the public  
200 meeting must specifically state which instructional materials  
201 are being reviewed and the manner in which the instructional  
202 materials can be accessed for public review.

203       (j)(i) The process by which instructional materials will  
204 be purchased, including advertising, bidding, and purchasing  
205 requirements.

206       (k) The process by which the school district will notify  
207 parents of their ability to access their children's textbooks  
208 and instructional materials through the district's local



209 instructional improvement system and by which the school  
210 district will encourage parents to access the system. This  
211 notification must be displayed prominently on the district  
212 school board's website and provided annually in a written format  
213 to all parents of enrolled students.

214 (7) Beginning in the 2015-2016 academic year, all adopted  
215 instructional materials for students in kindergarten through  
216 grade 12 must be available in a digital format. As used in this  
217 subsection, the term "digital format" means text-based or image-  
218 based content in a form that provides the student with various  
219 interactive functions; that can be searched, tagged,  
220 distributed, and used for individualized and group learning;  
221 that includes multimedia content such as video clips, animation,  
222 and virtual reality; and that can be accessed at anytime and  
223 anywhere. The term does not include electronic or computer  
224 hardware even if such hardware is bundled with software or other  
225 electronic media, nor does the term include equipment or  
226 supplies.

227 (8) The department shall publish recommended, minimum  
228 technology requirements that include guidelines on the number of  
229 students per device necessary to ensure that students can access  
230 all instructional materials in digital format and specifications  
231 for hardware, software, networking, and security.

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

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

236 Section 4. Section 1006.30, Florida Statutes, is amended  
 237 to read:

238 1006.30 Affidavit of district ~~state~~ instructional  
 239 materials reviewers.—Before transacting any business, each  
 240 district ~~state~~ instructional materials reviewer shall make an  
 241 affidavit, to be filed with the district school board  
 242 ~~department~~, that:

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

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

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

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

254 (5) The reviewer will not accept any emolument or promise  
 255 of future reward of any kind from any publisher or manufacturer  
 256 of instructional materials or his or her agent or anyone  
 257 interested in, or intending to bias his or her judgment in any  
 258 way in, the selection of any materials to be adopted.

259 (6) The reviewer understands that it is unlawful to  
 260 discuss matters relating to instructional materials submitted

261 for adoption with any agent of a publisher or manufacturer of  
 262 instructional materials, either directly or indirectly, except  
 263 during the period when the publisher or manufacturer is  
 264 providing a presentation for the reviewer during his or her  
 265 review of the instructional materials submitted for adoption.

266 Section 5. Section 1006.31, Florida Statutes, is amended  
 267 to read:

268 1006.31 Duties of the ~~Department of Education~~ and school  
 269 district instructional materials reviewer.—The duties of the  
 270 instructional materials reviewer are:

271 (1) PROCEDURES.—To adhere to procedures prescribed by ~~the~~  
 272 ~~department or the district~~ for evaluating instructional  
 273 materials submitted by publishers and manufacturers in each  
 274 adoption. ~~This section applies to both the state and district~~  
 275 ~~approval processes.~~

276 (2) EVALUATION OF INSTRUCTIONAL MATERIALS.—To evaluate  
 277 carefully all instructional materials submitted, in order to  
 278 ascertain which instructional materials, if any, submitted for  
 279 consideration implement the selection criteria developed by the  
 280 district ~~department~~ and those curricular objectives included  
 281 within applicable performance standards provided for in s.  
 282 1001.03(1).

283 (a) When recommending instructional materials for use in  
 284 the schools, each reviewer shall include only instructional  
 285 materials that accurately portray the ethnic, socioeconomic,  
 286 cultural, and racial diversity of our society, including men and

287 women in professional, career, and executive roles, and the role  
288 and contributions of the entrepreneur and labor in the total  
289 development of this state and the United States.

290 (b) When recommending instructional materials for use in  
291 the schools, each reviewer shall include only materials that  
292 accurately portray, whenever appropriate, humankind's place in  
293 ecological systems, including the necessity for the protection  
294 of our environment and conservation of our natural resources and  
295 the effects on the human system of the use of tobacco, alcohol,  
296 controlled substances, and other dangerous substances.

297 (c) When recommending instructional materials for use in  
298 the schools, each reviewer shall require such materials as he or  
299 she deems necessary and proper to encourage thrift, fire  
300 prevention, and humane treatment of people and animals.

301 (d) When recommending instructional materials for use in  
302 the schools, each reviewer shall require, when appropriate to  
303 the comprehension of students, that materials for social  
304 science, history, or civics classes contain the Declaration of  
305 Independence and the Constitution of the United States. A  
306 reviewer may not recommend any instructional materials for use  
307 in the schools which contain any matter reflecting unfairly upon  
308 persons because of their race, color, creed, national origin,  
309 ancestry, gender, or occupation.

310 (e) Any instructional materials ~~material~~ recommended by  
311 each reviewer for use in the schools must ~~shall~~ be, to the  
312 satisfaction of each reviewer, accurate, objective, balanced,

313 noninflammatory, fact-based, and current, and suited to the  
314 needs and comprehension of students at their respective grade  
315 levels. A reviewer ~~Reviewers~~ shall consider for adoption  
316 materials developed for academically talented students such as  
317 those enrolled in advanced placement courses.

318 (f) Any instructional materials containing pornography or  
319 which are otherwise prohibited under s. 847.012 may not be used  
320 or made available within a public school. When selecting  
321 instructional materials, library media, and other reading  
322 materials used in the public school system, each reviewer shall  
323 use, at a minimum, the following standards to determine the  
324 propriety of the material:

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

327 2. The educational purpose to be served by the material.  
328 In considering instructional materials for classroom use,  
329 priority shall be given to the selection of materials that  
330 encompass the performance standards provided for in s.  
331 1001.03(1) and that include the instructional objectives  
332 contained in the course description approved by rule of the  
333 State Board of Education.

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

337 4. The consideration of the broad racial, ethnic,  
338 socioeconomic, and cultural diversity of the students of this

339 state.

340 (3) REPORT OF REVIEWERS.—After a thorough study of all  
 341 data submitted on each instructional material, to submit an  
 342 electronic report to the district school board ~~department~~. The  
 343 report shall be made public and must include responses to each  
 344 section of the report format prescribed by the district school  
 345 board ~~department~~.

346 Section 6. Section 1006.32, Florida Statutes, is amended  
 347 to read:

348 1006.32 Prohibited acts.—

349 (1) A publisher or manufacturer of instructional material,  
 350 or any representative thereof, may not offer to give any  
 351 emolument, money, or other valuable thing, or any inducement, to  
 352 a ~~any~~ district school board official or ~~state~~ instructional  
 353 materials reviewer to directly or indirectly introduce,  
 354 recommend, vote for, or otherwise influence the adoption or  
 355 purchase of any instructional materials.

356 (2) A district school board official or an ~~a~~ ~~state~~  
 357 instructional materials reviewer may not solicit or accept any  
 358 emolument, money, or other valuable thing, or any inducement, to  
 359 directly or indirectly introduce, recommend, vote for, or  
 360 otherwise influence the adoption or purchase of any  
 361 instructional material.

362 (3) A district school board or publisher may not  
 363 participate in a pilot program of materials being considered for  
 364 adoption during the 18-month period before the official adoption

365 of the materials by the commissioner. Any pilot program during  
366 the first 2 years of the adoption period must have the prior  
367 approval of the commissioner.

368 (4) Any publisher or manufacturer of instructional  
369 materials or representative thereof or any district school board  
370 official or ~~state~~ instructional materials reviewer who violates  
371 ~~any provision of~~ this section commits a misdemeanor of the  
372 second degree, punishable as provided in s. 775.082 or s.  
373 775.083. A Any representative of a publisher or manufacturer who  
374 violates any provision of this section, in addition to any other  
375 penalty, shall be banned from practicing business in the state  
376 for a period of 1 calendar year.

377 (5) This section does not prohibit any publisher,  
378 manufacturer, or agent from supplying, for purposes of  
379 examination, necessary sample copies of instructional materials  
380 to any district school board official or ~~state~~ instructional  
381 materials reviewer.

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

385 (7) This section does not prohibit or restrict a district  
386 school board official from receiving royalties or other  
387 compensation, other than compensation paid to him or her as  
388 commission for negotiating sales to district school boards, from  
389 the publisher or manufacturer of instructional materials  
390 written, designed, or prepared by such district school board

391 official, and adopted by the commissioner or purchased by any  
 392 district school board. A ~~No~~ district school board official may  
 393 not ~~shall be allowed to~~ receive royalties on any materials not  
 394 on the district-adopted ~~state-adopted~~ list purchased for use by  
 395 his or her district school board.

396 (8) A district school superintendent, district school  
 397 board member, teacher, or other person officially connected with  
 398 the government or direction of public schools may not receive  
 399 during the months actually engaged in performing duties under  
 400 his or her contract any private fee, gratuity, donation, or  
 401 compensation, in any manner whatsoever, for promoting the sale  
 402 or exchange of any instructional material, map, or chart in any  
 403 public school, or be an agent for the sale of, or the publisher  
 404 of, any instructional material or reference work, or have a  
 405 direct or indirect pecuniary interest in the introduction of any  
 406 such instructional material, and any such agency or interest  
 407 shall disqualify any person so acting or interested from holding  
 408 any district school board employment whatsoever, and the person  
 409 commits a misdemeanor of the second degree, punishable as  
 410 provided in s. 775.082 or s. 775.083; however, this subsection  
 411 does not prevent the adoption of any instructional material  
 412 written in whole or in part by a Florida author.

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

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

415 Section 9. Section 1006.35, Florida Statutes, is amended  
 416 to read:



417 1006.35 Accuracy of instructional materials.—

418 (1) In addition to relying on statements of publishers or  
 419 manufacturers of instructional materials, the district school  
 420 board commissioner may conduct or cause to be conducted an  
 421 independent investigation to determine the accuracy of district-  
 422 adopted ~~state-adopted~~ instructional materials.

423 (2) When errors in district-adopted ~~state-adopted~~  
 424 materials are confirmed, the publisher of the materials shall  
 425 provide to each district school board that ~~has~~ purchased the  
 426 materials the corrections in a format approved by the  
 427 investigating district school board ~~department~~.

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

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

438 Section 10. Section 1006.36, Florida Statutes, is  
 439 repealed.

440 Section 11. Section 1006.37, Florida Statutes, is amended  
 441 to read:

442 1006.37 Requisition of instructional materials from

443 publisher's depository.-

444 (1) The district school superintendent may ~~shall~~  
 445 requisition adopted instructional materials from the depository  
 446 of the publisher with whom a contract has been made or any other  
 447 vendor selling the adopted instructional materials. ~~However, the~~  
 448 ~~superintendent shall requisition current instructional materials~~  
 449 ~~to provide each student with a textbook or other materials as a~~  
 450 ~~major tool of instruction in core courses of the subject areas~~  
 451 ~~specified in s. 1006.40(2). These materials must be~~  
 452 ~~requisitioned within the first 3 years of the adoption cycle,~~  
 453 ~~except for instructional materials related to growth of student~~  
 454 ~~membership or instructional materials maintenance needs. The~~  
 455 ~~superintendent may requisition instructional materials in the~~  
 456 ~~core subject areas specified in s. 1006.40(2) that are related~~  
 457 ~~to growth of student membership or instructional materials~~  
 458 ~~maintenance needs during the 3rd, 4th, 5th, and 6th years of the~~  
 459 ~~original contract period.~~

460 (2) The district school superintendent shall verify that  
 461 the requisition is complete and accurate and order the  
 462 depository or vendor selling the adopted instructional materials  
 463 to forward to him or her the adopted instructional materials  
 464 shown by the requisition. The depository or vendor shall prepare  
 465 an invoice of the materials shipped, including shipping charges,  
 466 and mail it to the superintendent to whom the shipment is being  
 467 made. The superintendent shall pay the depository or vendor  
 468 within 60 days after receipt of the requisitioned materials from

469 the appropriation for the purchase of adopted instructional  
470 materials.

471 (3) A district school board or a consortium of school  
472 districts may ~~which implements an instructional materials~~  
473 ~~program pursuant to s. 1006.283 is not required to~~ requisition  
474 instructional materials from the publisher's depository or any  
475 other vendor selling the adopted instructional materials.

476 Section 12. Section 1006.38, Florida Statutes, is amended  
477 to read:

478 1006.38 Duties, responsibilities, and requirements of  
479 instructional materials publishers and manufacturers. ~~This~~  
480 ~~section applies to both the state and district approval~~  
481 ~~processes.~~ Publishers and manufacturers of instructional  
482 materials, or their representatives, shall:

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

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

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

490 (a) Detailed specifications of the physical  
491 characteristics of the instructional materials, including any  
492 software or technological tools required for use by the  
493 district, school, teachers, or students. The publisher or  
494 manufacturer shall comply with these specifications if the

495 instructional materials are adopted and purchased in completed  
496 form.

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

502 (c) Evidence that the instructional materials include  
503 specific references to statewide standards in the teacher's  
504 manual and incorporate such standards into chapter tests or the  
505 assessments.

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

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

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

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

520 (8) Guarantee that all copies of any instructional

521 materials sold in this state will be at least equal in quality  
522 to the copies of such instructional materials that are sold  
523 elsewhere in the United States and will be kept revised, free  
524 from all errors, and up-to-date as may be required by the  
525 department.

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

530 (10) Not in any way, directly or indirectly, become  
531 associated or connected with any combination in restraint of  
532 trade in instructional materials, nor enter into any  
533 understanding, agreement, or combination to control prices or  
534 restrict competition in the sale of instructional materials for  
535 use in the state.

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

537 (12) For the core subject areas specified in s.  
538 1006.40(2), maintain in the depository ~~for the first 3 years of~~  
539 ~~the contract~~ an inventory of instructional materials sufficient  
540 to receive and fill orders.

541 ~~(13) For the core subject areas specified in s.~~  
542 ~~1006.40(2), ensure the availability of an inventory sufficient~~  
543 ~~to receive and fill orders for instructional materials for~~  
544 ~~growth, including the opening of a new school, and replacement~~  
545 ~~during the 3rd and subsequent years of the original contract~~  
546 ~~period.~~

547        (13)~~(14)~~ Accurately and fully disclose only the names of  
548 those persons who actually authored the instructional materials.  
549 In addition to the penalties provided in subsection (15)  
550 ~~subsection (16)~~, the district school board ~~commissioner~~ may  
551 remove from the list of district-adopted ~~state-adopted~~  
552 instructional materials those instructional materials whose  
553 publisher or manufacturer misleads the purchaser by falsely  
554 representing genuine authorship.

555        (14)~~(15)~~ Grant, without prior written request, for any  
556 copyright held by the publisher or its agencies automatic  
557 permission to the district school board ~~department or its~~  
558 ~~agencies~~ for the reproduction of instructional materials and  
559 supplementary materials in Braille, large print, or other  
560 appropriate format for use by visually impaired students or  
561 other students with disabilities who ~~that~~ would benefit from use  
562 of the materials.

563        (15)~~(16)~~ Upon the willful failure of the publisher or  
564 manufacturer to comply with the requirements of this section, be  
565 liable to the district school board ~~department~~ in the amount of  
566 three times the total sum which the publisher or manufacturer  
567 was paid in excess of the price required under subsections (5)  
568 and (6) and in the amount of three times the total value of the  
569 instructional materials and services which the district school  
570 board is entitled to receive free of charge under subsection  
571 (7).

572        Section 13. Subsections (2) and (3) of section 1006.40,

573 Florida Statutes, are amended to read:

574 1006.40 Use of instructional materials allocation;  
575 instructional materials, library books, and reference books;  
576 repair of books.—

577 (2) Each district school board must purchase current  
578 instructional materials to provide each student in kindergarten  
579 through grade 12 with a major tool of instruction in core  
580 courses of the subject areas of mathematics, language arts,  
581 science, social studies, reading, and literature ~~for~~  
582 ~~kindergarten through grade 12. Such purchase must be made within~~  
583 ~~the first 3 years after the effective date of the adoption~~  
584 ~~cycle. For the 2012-2013 mathematics adoption, a district using~~  
585 ~~a comprehensive mathematics instructional materials program~~  
586 ~~adopted in the 2009-2010 adoption shall be deemed in compliance~~  
587 ~~with this subsection if it provides each student with such~~  
588 ~~additional state-adopted materials as may be necessary to align~~  
589 ~~the previously adopted comprehensive program to common core~~  
590 ~~standards and the other criteria of the 2012-2013 mathematics~~  
591 ~~adoption.~~

592 (3)(a) Beginning in the 2014-2015 ~~By the 2015-2016~~ fiscal  
593 year, each district school board shall use at least 50 percent  
594 of the annual allocation, and may use all of the allocation, for  
595 the purchase of digital ~~or electronic~~ instructional materials  
596 that are consistent with district goals and objectives and the  
597 course descriptions adopted in rule by the State Board of  
598 Education, align with the performance standards provided for in

599 s. 1001.03(1), meet the requirements in s. 1006.31, and are on  
600 the district-adopted list align with state standards included on  
601 the state-adopted list, except as otherwise authorized in  
602 paragraphs (b) and (c). This section does not apply to a  
603 district school board or a consortium of school districts which  
604 implements an instructional materials program pursuant to s.  
605 1006.283, except that by the 2015-2016 fiscal year, each  
606 district school board shall use at least 50 percent of the  
607 annual allocation for the purchase of digital or electronic  
608 instructional materials that align with state standards.

609 ~~(b) Up to 50 percent of the annual allocation may be used~~  
610 ~~for the purchase of instructional materials, including library~~  
611 ~~and reference books and nonprint materials, not included on the~~  
612 ~~state-adopted list and for the repair and renovation of~~  
613 ~~textbooks and library books.~~

614 ~~(c) District school boards may use 100 percent of that~~  
615 ~~portion of the annual allocation designated for the purchase of~~  
616 ~~instructional materials for kindergarten, and 75 percent of that~~  
617 ~~portion of the annual allocation designated for the purchase of~~  
618 ~~instructional materials for first grade, to purchase materials~~  
619 ~~not on the state-adopted list.~~

620 Section 14. Subsection (1) of section 1006.41, Florida  
621 Statutes, is amended to read:

622 1006.41 Disposal of instructional materials.—

623 (1) Instructional materials that have become unserviceable  
624 or surplus or are no longer on the district state contract may



625 be disposed of, under adopted rule of the district school board,  
 626 by:

627 (a) Giving or lending the materials to other public  
 628 education programs within the district or state, to the teachers  
 629 to use in developing supplementary teaching materials, to  
 630 students or others, or to any charitable organization,  
 631 governmental agency, home education students, private school, or  
 632 state.

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

637 Section 15. Section 1006.282, Florida Statutes, is amended  
 638 to read:

639 1006.282 Pilot program for the transition to ~~electronic~~  
 640 ~~and~~ digital instructional materials.—

641 (1) A district school board may designate pilot program  
 642 schools to implement the transition to instructional materials  
 643 that are in ~~an electronic or~~ a digital format as defined in s.  
 644 1006.283 ~~s. 1006.29(3)~~.

645 (2) A district school board may designate pilot program  
 646 schools if the school district:

647 (a) Implements a local instructional improvement system  
 648 pursuant to s. 1006.281 which enables district staff to plan,  
 649 create, and manage professional development and to connect  
 650 professional development with staff information and student

651 performance, provides the ability to seamlessly connect the  
 652 system to ~~electronic and~~ digital instructional materials and the  
 653 instructional materials to student assessment data, and includes  
 654 the minimum standards published by the Department of Education.

655 (b) Requests only the ~~electronic or~~ digital format of the  
 656 sample copies of instructional materials submitted pursuant to  
 657 s. 1006.283 ~~s. 1006.33~~.

658 (c) Uses at least 50 percent of the pilot program school's  
 659 annual allocation from the district for the purchase of  
 660 ~~electronic or~~ digital instructional materials included on the  
 661 district-adopted ~~state-adopted~~ list.

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

664 (a) Section 1006.40(2), if the school provides  
 665 comprehensive ~~electronic or~~ digital instructional materials to  
 666 all students; and

667 (b) Section 1006.37.

668 (4) By August 1 of each year, beginning in 2011, the  
 669 school board must report to the Department of Education the  
 670 school or schools in its district which have been designated as  
 671 pilot program schools. The department shall publish the list of  
 672 pilot program schools on the department's Internet website. The  
 673 report must include:

674 (a) The name of the pilot program school, the contact  
 675 person and contact person information, and the grade or grades  
 676 and associated course or courses included in the pilot program

677 school.

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

682 (c) The projected costs and funding sources, which must  
683 include cost savings or cost avoidances, associated with the  
684 pilot program.

685 (5) By September 1 of each year, beginning in 2012, each  
686 school board that has a designated pilot program school shall  
687 provide to the Department of Education, the Executive Office of  
688 the Governor, and the chairs of the appropriations committees of  
689 the Senate and the House of Representatives a review of the  
690 pilot program schools which must include, but need not be  
691 limited to:

692 (a) Successful practices;

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

696 (c) Lessons learned;

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

698 (e) Impacts on student performance.

699 Section 16. Section 1010.82, Florida Statutes, is amended  
700 to read:

701 1010.82 Textbook Bid Trust Fund.—Chapter 99-36, Laws of  
702 Florida, re-created the Textbook Bid Trust Fund to record the

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2014

703 revenue and disbursements of textbook bid performance deposits  
704 submitted to the Department of Education ~~as required in s.~~  
705 ~~1006.33.~~

706           Section 17. This act shall take effect July 1, 2014.