

By Senator Hays

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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 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

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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

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59 instructional materials from the publisher's
60 depository or any other vendor selling adopted
61 instructional materials and to request assistance from
62 the publisher's depository to recommend instructional
63 materials for review, approval, adoption, and
64 purchase; requiring the recommended materials to be
65 consistent with certain goals, objectives, and
66 requirements; requiring that personnel from the
67 publisher's depository sign an affidavit in order to
68 be considered an instructional materials reviewer;
69 amending s. 1006.38, F.S.; conforming provisions to
70 changes made by the act; revising the duties,
71 responsibilities, and requirements of instructional
72 materials publishers and manufacturers; amending s.
73 1006.40, F.S.; deleting provisions regarding the
74 adoption of instructional materials for certain core
75 courses in the subject area of mathematics; requiring
76 each district school board to use a certain percentage
77 of the annual allocation for the purchase of digital,
78 rather than electronic, instructional materials that
79 meet certain goals, objectives, and requirements;
80 deleting provisions regarding the use of the
81 district's annual allocation for the purchase of
82 instructional materials; amending s. 1006.41, F.S.;
83 conforming provisions to changes made by the act;
84 amending ss. 1006.282 and 1010.82, F.S.; conforming
85 cross-references; providing an effective date.

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

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

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

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

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

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

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117 Board of Education, as well as with the ~~state and district~~
118 performance standards provided for in s. 1001.03(1).

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

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

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

132 1006.283 District school board instructional materials
133 review process.—

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

145 (2) The district school board shall adopt rules

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146 implementing the district's instructional materials program
147 which must include, but need not be limited to:

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

158 1. Each district school board member shall appoint one
159 person 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 10 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. Instructional materials considered for adoption by the
202 district school board must be posted in a read-only format on
203 the district website at least 20 calendar days before the public

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204 hearing and public meeting as specified in this paragraph. The
205 district shall establish an electronic process for the public to
206 submit, and the school board members and the superintendent to
207 access, comments on the recommended instructional materials.

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

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

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

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

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

231 (7) Beginning in the 2015-2016 academic year, all adopted
232 instructional materials for students in kindergarten through

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

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

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

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

253 Section 4. Section 1006.30, Florida Statutes, is amended to
254 read:

255 1006.30 Affidavit of district state instructional materials
256 reviewers.—Before transacting any business, each district state
257 instructional materials reviewer shall make an affidavit, to be
258 filed with the district school board department, that:

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

261 (2) The reviewer does not have an ~~has no~~ interest in any

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262 publishing or manufacturing organization that produces or sells
263 instructional materials.

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

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

270 (5) The reviewer will not accept any emolument or promise
271 of future reward of any kind from any publisher or manufacturer
272 of instructional materials or his or her agent or anyone
273 interested in, or intending to bias his or her judgment in any
274 way in, the selection of any materials to be adopted.

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

282 Section 5. Section 1006.31, Florida Statutes, is amended to
283 read:

284 1006.31 Duties of the ~~Department of Education and~~ school
285 district instructional materials reviewer.—The duties of the
286 instructional materials reviewer are:

287 (1) PROCEDURES.—To adhere to procedures prescribed by ~~the~~
288 ~~department or~~ the district for evaluating instructional
289 materials submitted by publishers and manufacturers in each
290 adoption. ~~This section applies to both the state and district~~

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291 ~~approval processes.~~

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

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

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

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

317 (d) When recommending instructional materials for use in
318 the schools, each reviewer shall require, when appropriate to
319 the comprehension of students, that materials for social

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320 science, history, or civics classes contain the Declaration of
321 Independence and the Constitution of the United States. A
322 reviewer may not recommend any instructional materials for use
323 in the schools which contain any matter reflecting unfairly upon
324 persons because of their race, color, creed, national origin,
325 ancestry, gender, or occupation.

326 (e) Any instructional materials ~~material~~ recommended by
327 each reviewer for use in the schools must ~~shall~~ be, to the
328 satisfaction of each reviewer, accurate, objective, ~~and~~ current,
329 and suited to the needs and comprehension of students at their
330 respective grade levels. A reviewer ~~Reviewers~~ shall consider for
331 adoption materials developed for academically talented students
332 such as those enrolled in advanced placement courses.

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

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

342 2. The educational purpose to be served by the material. In
343 considering instructional materials for classroom use, priority
344 shall be given to the selection of materials that encompass the
345 performance standards provided for in s. 1001.03(1) and that
346 include the instructional objectives contained in the course
347 description approved by rule of the State Board of Education.

348 3. The degree to which the material would be supplemented

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349 and explained by mature classroom instruction as part of a
350 normal classroom instructional program.

351 4. The consideration of the broad racial, ethnic,
352 socioeconomic, and cultural diversity of the students of this
353 state.

354 (3) REPORT OF REVIEWERS.—After a thorough study of all data
355 submitted on each instructional material, to submit an
356 electronic report to the district school board ~~department~~. The
357 report shall be made public and must include responses to each
358 section of the report format prescribed by the district school
359 board ~~department~~.

360 Section 6. Section 1006.32, Florida Statutes, is amended to
361 read:

362 1006.32 Prohibited acts.—

363 (1) A publisher or manufacturer of instructional material,
364 or any representative thereof, may not offer to give any
365 emolument, money, or other valuable thing, or any inducement, to
366 a any district school board official or ~~state~~ instructional
367 materials reviewer to directly or indirectly introduce,
368 recommend, vote for, or otherwise influence the adoption or
369 purchase of any instructional materials.

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

376 (3) A district school board or publisher may not
377 participate in a pilot program of materials being considered for

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378 adoption during the 18-month period before the official adoption
379 of the materials by the commissioner. Any pilot program during
380 the first 2 years of the adoption period must have the prior
381 approval of the commissioner.

382 (4) Any publisher or manufacturer of instructional
383 materials or representative thereof or any district school board
384 official or ~~state~~ instructional materials reviewer who violates
385 ~~any provision of~~ this section commits a misdemeanor of the
386 second degree, punishable as provided in s. 775.082 or s.
387 775.083. A ~~Any~~ representative of a publisher or manufacturer who
388 violates any provision of this section, in addition to any other
389 penalty, shall be banned from practicing business in the state
390 for a period of 1 calendar year.

391 (5) This section does not prohibit any publisher,
392 manufacturer, or agent from supplying, for purposes of
393 examination, necessary sample copies of instructional materials
394 to any district school board official or ~~state~~ instructional
395 materials reviewer.

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

399 (7) This section does not prohibit or restrict a district
400 school board official from receiving royalties or other
401 compensation, other than compensation paid to him or her as
402 commission for negotiating sales to district school boards, from
403 the publisher or manufacturer of instructional materials
404 written, designed, or prepared by such district school board
405 official, and adopted by the commissioner or purchased by any
406 district school board. A ~~No~~ district school board official may

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407 ~~not shall be allowed to~~ receive royalties on any materials not
408 on the district-adopted ~~state-adopted~~ list purchased for use by
409 his or her district school board.

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

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

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

429 Section 9. Section 1006.35, Florida Statutes, is amended to
430 read:

431 1006.35 Accuracy of instructional materials.—

432 (1) In addition to relying on statements of publishers or
433 manufacturers of instructional materials, the district school
434 board commissioner ~~commissioner~~ may conduct or cause to be conducted an
435 independent investigation to determine the accuracy of district-

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436 ~~adopted state-adopted~~ instructional materials.

437 (2) When errors in district-adopted ~~state-adopted~~ materials
438 are confirmed, the publisher of the materials shall provide to
439 each district school board that ~~has~~ purchased the materials the
440 corrections in a format approved by the investigating district
441 school board ~~department~~.

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

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

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

453 Section 11. Section 1006.37, Florida Statutes, is amended
454 to read:

455 1006.37 Requisition of instructional materials from
456 publisher's depository.-

457 (1) The district school superintendent may ~~shall~~
458 requisition adopted instructional materials from the depository
459 of the publisher with whom a contract has been made or any other
460 vendor selling the adopted instructional materials. ~~However, the~~
461 ~~superintendent shall requisition current instructional materials~~
462 ~~to provide each student with a textbook or other materials as a~~
463 ~~major tool of instruction in core courses of the subject areas~~
464 ~~specified in s. 1006.40(2). These materials must be~~

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465 ~~requisitioned within the first 3 years of the adoption cycle,~~
466 ~~except for instructional materials related to growth of student~~
467 ~~membership or instructional materials maintenance needs. The~~
468 ~~superintendent may requisition instructional materials in the~~
469 ~~core subject areas specified in s. 1006.40(2) that are related~~
470 ~~to growth of student membership or instructional materials~~
471 ~~maintenance needs during the 3rd, 4th, 5th, and 6th years of the~~
472 ~~original contract period.~~

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

484 (3) A district school board or a consortium of school
485 districts may ~~which implements an instructional materials~~
486 ~~program pursuant to s. 1006.283 is not required to requisition~~
487 instructional materials from the publisher's depository or any
488 other vendor selling the adopted instructional materials.

489 (4) A district school board or a consortium of school
490 districts may request assistance from the publisher's depository
491 to recommend instructional materials for review, approval,
492 adoption, and purchase pursuant to s. 1006.283.

493 Section 12. Section 1006.38, Florida Statutes, is amended

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494 to read:

495 1006.38 Duties, responsibilities, and requirements of
496 instructional materials publishers and manufacturers. ~~This~~
497 ~~section applies to both the state and district approval~~
498 ~~processes.~~ Publishers and manufacturers of instructional
499 materials, or their representatives, shall:

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

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

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

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

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

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

522 (4) Make available for purchase by any district school

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523 board any diagnostic, criterion-referenced, or other tests that
524 they may develop.

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

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

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

536 (8) Guarantee that all copies of any instructional
537 materials sold in this state will be at least equal in quality
538 to the copies of such instructional materials that are sold
539 elsewhere in the United States and will be kept revised, free
540 from all errors, and up-to-date as may be required by the
541 department.

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

546 (10) Not in any way, directly or indirectly, become
547 associated or connected with any combination in restraint of
548 trade in instructional materials, nor enter into any
549 understanding, agreement, or combination to control prices or
550 restrict competition in the sale of instructional materials for
551 use in the state.

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

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

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

562 (13)~~(14)~~ Accurately and fully disclose only the names of
563 those persons who actually authored the instructional materials.
564 In addition to the penalties provided in subsection (15)
565 ~~subsection (16)~~, the district school board ~~commissioner~~ may
566 remove from the list of district-adopted ~~state-adopted~~
567 instructional materials those instructional materials whose
568 publisher or manufacturer misleads the purchaser by falsely
569 representing genuine authorship.

570 (14)~~(15)~~ Grant, without prior written request, for any
571 copyright held by the publisher or its agencies automatic
572 permission to the district school board ~~department or its~~
573 ~~agencies~~ for the reproduction of instructional materials and
574 supplementary materials in Braille, large print, or other
575 appropriate format for use by visually impaired students or
576 other students with disabilities who ~~that~~ would benefit from use
577 of the materials.

578 (15)~~(16)~~ Upon the willful failure of the publisher or
579 manufacturer to comply with the requirements of this section, be
580 liable to the district school board ~~department~~ in the amount of

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581 three times the total sum which the publisher or manufacturer
582 was paid in excess of the price required under subsections (5)
583 and (6) and in the amount of three times the total value of the
584 instructional materials and services which the district school
585 board is entitled to receive free of charge under subsection
586 (7).

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

589 1006.40 Use of instructional materials allocation;
590 instructional materials, library books, and reference books;
591 repair of books.-

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

607 (3)(a) By the 2015-2016 fiscal year, each district school
608 board shall use at least 50 percent of the annual allocation for
609 the purchase of digital ~~or electronic~~ instructional materials

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

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

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

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

636 1006.41 Disposal of instructional materials.—

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

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639 be disposed of, under adopted rule of the district school board,
640 by:

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

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

651 Section 15. Section 1006.282, Florida Statutes, is amended
652 to read:

653 1006.282 Pilot program for the transition to ~~electronic and~~
654 digital instructional materials.-

655 (1) A district school board may designate pilot program
656 schools to implement the transition to instructional materials
657 that are in ~~an electronic or~~ a digital format as defined in s.
658 1006.283 ~~s. 1006.29(3)~~.

659 (2) A district school board may designate pilot program
660 schools if the school district:

661 (a) Implements a local instructional improvement system
662 pursuant to s. 1006.281 which enables district staff to plan,
663 create, and manage professional development and to connect
664 professional development with staff information and student
665 performance, provides the ability to seamlessly connect the
666 system to ~~electronic and~~ digital instructional materials and the
667 instructional materials to student assessment data, and includes

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668 the minimum standards published by the Department of Education.

669 (b) Requests only the ~~electronic or~~ digital format of the
670 sample copies of instructional materials submitted pursuant to
671 s. 1006.283 ~~s. 1006.33~~.

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

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

678 (a) Section 1006.40(2), if the school provides
679 comprehensive ~~electronic or~~ digital instructional materials to
680 all students; and

681 (b) Section 1006.37.

682 (4) By August 1 of each year, beginning in 2011, the school
683 board must report to the Department of Education the school or
684 schools in its district which have been designated as pilot
685 program schools. The department shall publish the list of pilot
686 program schools on the department's Internet website. The report
687 must include:

688 (a) The name of the pilot program school, the contact
689 person and contact person information, and the grade or grades
690 and associated course or courses included in the pilot program
691 school.

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

696 (c) The projected costs and funding sources, which must

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697 include cost savings or cost avoidances, associated with the
698 pilot program.

699 (5) By September 1 of each year, beginning in 2012, each
700 school board that has a designated pilot program school shall
701 provide to the Department of Education, the Executive Office of
702 the Governor, and the chairs of the appropriations committees of
703 the Senate and the House of Representatives a review of the
704 pilot program schools which must include, but need not be
705 limited to:

706 (a) Successful practices;

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

710 (c) Lessons learned;

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

712 (e) Impacts on student performance.

713 Section 16. Section 1010.82, Florida Statutes, is amended
714 to read:

715 1010.82 Textbook Bid Trust Fund.—Chapter 99-36, Laws of
716 Florida, re-created the Textbook Bid Trust Fund to record the
717 revenue and disbursements of textbook bid performance deposits
718 submitted to the Department of Education ~~as required in s.~~
719 ~~1006.33.~~

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