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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/26/2014	.	
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The Committee on Governmental Oversight and Accountability
(Hays) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

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

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

(1) DISTRICT SCHOOL BOARD.—The district school board has



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11 the constitutional duty and responsibility to select and provide
12 adequate instructional materials for all students in accordance
13 with the requirements of this part. The term "adequate
14 instructional materials" means a sufficient number of student or
15 site licenses or sets of materials that are available in bound,
16 unbound, kit, or package form and may consist of hardbacked or
17 softbacked textbooks, electronic content, consumables, learning
18 laboratories, manipulatives, and electronic media, and computer
19 courseware, ~~or~~ software, or applications that serve as the basis
20 for instruction for each student in the core courses of
21 mathematics, language arts, social studies, science, reading,
22 and literature. The district school board has the following
23 specific duties and responsibilities:

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

26 (b) *Instructional materials.*—Provide for proper
27 requisitioning, distribution, accounting, storage, care, and use
28 of all instructional materials and furnish such other
29 instructional materials as may be needed. The district school
30 board shall ensure that instructional materials used in the
31 district are consistent with the district goals and objectives
32 and the course descriptions established in rule of the State
33 Board of Education, as well as with the ~~state and district~~
34 performance standards provided for in s. 1001.03(1).

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

38 (d) *School library media services; establishment and*
39 *maintenance.*—Establish and maintain a program of school library



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40 media services for all public schools in the district, including
41 school library media centers, or school library media centers
42 open to the public, and, in addition such traveling or
43 circulating libraries as may be needed for the proper operation
44 of the district school system.

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

48 1006.283 District school board instructional materials
49 review process.—

50 (1) A district school board or consortium of school
51 districts ~~shall may~~ implement an instructional materials program
52 that includes the review, approval, adoption, and purchase of
53 instructional materials. ~~Beginning in the 2013-2014 school year,~~
54 The district school superintendent shall certify to the
55 department by March 31 of each year that all instructional
56 materials for core courses used by the district are aligned with
57 applicable state standards. ~~Included in the certification shall~~
58 ~~be~~ A list of the core instructional materials that will be used
59 or purchased for use by the school district shall be included in
60 the certification.

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

64 (a) Criteria for the review and recommendation of
65 instructional materials, including a thorough review of
66 curriculum content. The district shall establish a local
67 instructional materials review committee to review and recommend
68 instructional materials to the district school board for final



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69 adoption. A district may enter into an agreement with other
70 districts to combine their local instructional materials review
71 committees into one super committee. A local instructional
72 materials review committee shall consist of the following
73 members, appointed as follows:

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

78 2. The superintendent shall appoint a number of classroom
79 teachers equal to the number of district school board members.
80 The selection of classroom teachers shall be representative of
81 the subject areas and grade levels of the instructional
82 materials being considered for adoption.

83 3. The district school board and the superintendent shall
84 each appoint at least one parent of a student who is currently
85 enrolled in a public school in the district ~~Its review and~~
86 ~~purchase process.~~

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

89 (c) The duties and qualifications of the instructional
90 materials reviewers.

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

94 (e) Compliance with s. 1006.32, relating to prohibited
95 acts.

96 (f) A process for the district school board to determine
97 and certify ~~that certifies~~ the accuracy of district-adopted



98 instructional materials.

99 (g) The incorporation of applicable requirements of s.
100 1006.31, which relates to the duties of instructional materials
101 reviewers.

102 (h) The incorporation of applicable requirements of s.
103 1006.38, relating to the duties, responsibilities, and
104 requirements of publishers of instructional materials.

105 (i) The process by which instructional materials are
106 adopted by the district school board. The process must allow the
107 public, within 15 days after district school board adoption, to
108 appeal the district school board's adoption of specific
109 instructional materials. Upon appeal, the district school board
110 shall convene a public hearing to reevaluate the challenged
111 instructional materials and determine suitability for use.
112 Suitability includes the accuracy and appropriateness of the
113 materials according to the evaluation criteria specified in s.
114 1006.31. The district school board's decision to adopt
115 instructional materials is final unless a public appeal is
116 timely filed. If a public appeal is timely filed, the district
117 school board's decision after convening the public hearing is
118 final and not subject to further review.

119 1. The district school board shall establish a process to
120 allow student editions of instructional materials considered for
121 adoption to be accessed and viewed online by the public at least
122 20 calendar days before the public hearing and public meeting as
123 specified in this paragraph. This process must include
124 reasonable safeguards against the unauthorized use,
125 reproduction, and distribution of instructional materials
126 considered for adoption.



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

130 3. The district school board shall hold an open, noticed
131 public meeting to approve an annual instructional materials
132 plan, including the adoption of instructional materials. This
133 public meeting must be held on a different date than the public
134 hearing.

135 4. The notices for the public hearing and the public
136 meeting must specifically state which instructional materials
137 are being reviewed and the manner in which the instructional
138 materials can be accessed for public review.

139 (j)-~~i~~ The process by which instructional materials will be
140 purchased, including advertising, bidding, and purchasing
141 requirements.

142 (k) The process by which the school district will notify
143 parents of their ability to access their children's textbooks
144 and instructional materials through the district's local
145 instructional improvement system and by which the school
146 district will encourage parents to access the system. This
147 notification must be displayed prominently on the district
148 school board's website and provided annually in a written format
149 to all parents of enrolled students.

150 (7) Beginning in the 2015-2016 academic year, all adopted
151 instructional materials for students in kindergarten through
152 grade 12 must be available in a digital format. As used in this
153 subsection, the term "digital format" means text-based or image-
154 based content in a form that provides the student with various
155 interactive functions; that can be searched, tagged,



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156 distributed, and used for individualized and group learning;
157 that includes multimedia content such as video clips, animation,
158 and virtual reality; and that can be accessed at any time and
159 anywhere. The term does not include electronic or computer
160 hardware even if such hardware is bundled with software or other
161 electronic media, nor does the term include equipment or
162 supplies.

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

168 (b) The department shall publish annually an official 5-
169 year schedule of subject areas to be reviewed by local school
170 districts for each of the succeeding 5 years, to begin July 1,
171 2014.

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

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

176 Section 4. Section 1006.30, Florida Statutes, is amended to
177 read:

178 1006.30 Affidavit of district ~~state~~ instructional materials
179 reviewers.—Before transacting any business, each district ~~state~~
180 instructional materials reviewer shall make an affidavit, to be
181 filed with the district school board ~~department~~, that:

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

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



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185 publishing or manufacturing organization that produces or sells
186 instructional materials.

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

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

193 (5) The reviewer will not accept any emolument or promise
194 of future reward of any kind from any publisher or manufacturer
195 of instructional materials or his or her agent or anyone
196 interested in, or intending to bias his or her judgment in any
197 way in, the selection of any materials to be adopted.

198 (6) The reviewer understands that it is unlawful to discuss
199 matters relating to instructional materials submitted for
200 adoption with any agent of a publisher or manufacturer of
201 instructional materials, either directly or indirectly, except
202 during the period when the publisher or manufacturer is
203 providing a presentation for the reviewer during his or her
204 review of the instructional materials submitted for adoption.

205 Section 5. Section 1006.31, Florida Statutes, is amended to
206 read:

207 1006.31 Duties of the ~~Department of Education and~~ school
208 district instructional materials reviewer.—The duties of the
209 instructional materials reviewer are:

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



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214 ~~approval processes.~~

215 (2) EVALUATION OF INSTRUCTIONAL MATERIALS.—To evaluate
216 carefully all instructional materials submitted, in order to
217 ascertain which instructional materials, if any, submitted for
218 consideration implement the selection criteria developed by the
219 district department and those curricular objectives included
220 within applicable performance standards provided for in s.
221 1001.03(1).

222 (a) When recommending instructional materials for use in
223 the schools, each reviewer shall include only instructional
224 materials that accurately portray the ethnic, socioeconomic,
225 cultural, and racial diversity of our society, including men and
226 women in professional, career, and executive roles, and the role
227 and contributions of the entrepreneur and labor in the total
228 development of this state and the United States.

229 (b) When recommending instructional materials for use in
230 the schools, each reviewer shall include only materials that
231 accurately portray, whenever appropriate, humankind's place in
232 ecological systems, including the necessity for the protection
233 of our environment and conservation of our natural resources and
234 the effects on the human system of the use of tobacco, alcohol,
235 controlled substances, and other dangerous substances.

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

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



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243 science, history, or civics classes contain the Declaration of
244 Independence and the Constitution of the United States. A
245 reviewer may not recommend any instructional materials for use
246 in the schools which contain any matter reflecting unfairly upon
247 persons because of their race, color, creed, national origin,
248 ancestry, gender, or occupation.

249 (e) Any instructional materials ~~material~~ recommended by
250 each reviewer for use in the schools must ~~shall~~ be, to the
251 satisfaction of each reviewer, accurate, objective, balanced,
252 noninflammatory, fact-based, ~~and~~ current, and suited to the
253 needs and comprehension of students at their respective grade
254 levels. A reviewer ~~Reviewers~~ shall consider for adoption
255 materials developed for academically talented students such as
256 those enrolled in advanced placement courses.

257 (f) Any instructional materials containing pornography or
258 which are otherwise prohibited under s. 847.012 may not be used
259 or made available within a public school. When selecting
260 instructional materials, library media, and other reading
261 materials used in the public school system, each reviewer shall
262 use, at a minimum, the following standards to determine the
263 propriety of the material:

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

266 2. The educational purpose to be served by the material. In
267 considering instructional materials for classroom use, priority
268 shall be given to the selection of materials that encompass the
269 performance standards provided for in s. 1001.03(1) and that
270 include the instructional objectives contained in the course
271 description approved by rule of the State Board of Education.



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

275 4. The consideration of the broad racial, ethnic,
276 socioeconomic, and cultural diversity of the students of this
277 state.

278 (3) REPORT OF REVIEWERS.—After a thorough study of all data
279 submitted on each instructional material, to submit an
280 electronic report to the district school board ~~department~~. The
281 report shall be made public and must include responses to each
282 section of the report format prescribed by the district school
283 board ~~department~~.

284 Section 6. Section 1006.32, Florida Statutes, is amended to
285 read:

286 1006.32 Prohibited acts.—

287 (1) A publisher or manufacturer of instructional material,
288 or any representative thereof, may not offer to give any
289 emolument, money, or other valuable thing, or any inducement, to
290 a any district school board official or an ~~state~~ instructional
291 materials reviewer to directly or indirectly introduce,
292 recommend, vote for, or otherwise influence the adoption or
293 purchase of any instructional materials.

294 (2) A district school board official or an ~~a state~~
295 instructional materials reviewer may not solicit or accept any
296 emolument, money, or other valuable thing, or any inducement, to
297 directly or indirectly introduce, recommend, vote for, or
298 otherwise influence the adoption or purchase of any
299 instructional material.

300 (3) A district school board or publisher may not



301 participate in a pilot program of materials being considered for
302 adoption during the 18-month period before the official adoption
303 of the materials by the commissioner. Any pilot program during
304 the first 2 years of the adoption period must have the prior
305 approval of the commissioner.

306 (4) Any publisher or manufacturer of instructional
307 materials or representative thereof or any district school board
308 official or ~~state~~ instructional materials reviewer who violates
309 ~~any provision of~~ this section commits a misdemeanor of the
310 second degree, punishable as provided in s. 775.082 or s.
311 775.083. A Any representative of a publisher or manufacturer who
312 violates any provision of this section, in addition to any other
313 penalty, shall be banned from practicing business in the state
314 for a period of 1 calendar year.

315 (5) This section does not prohibit any publisher,
316 manufacturer, or agent from supplying, for purposes of
317 examination, necessary sample copies of instructional materials
318 to any district school board official or ~~state~~ instructional
319 materials reviewer.

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

323 (7) This section does not prohibit or restrict a district
324 school board official from receiving royalties or other
325 compensation, other than compensation paid to him or her as
326 commission for negotiating sales to district school boards, from
327 the publisher or manufacturer of instructional materials
328 written, designed, or prepared by such district school board
329 official, and adopted by the commissioner or purchased by any



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330 district school board. A ~~No~~ district school board official may
331 not ~~shall be allowed to~~ receive royalties on any materials not
332 on the district-adopted ~~state-adopted~~ list purchased for use by
333 his or her district school board.

334 (8) A district school superintendent, district school board
335 member, teacher, or other person officially connected with the
336 government or direction of public schools may not receive during
337 the months actually engaged in performing duties under his or
338 her contract any private fee, gratuity, donation, or
339 compensation, in any manner whatsoever, for promoting the sale
340 or exchange of any instructional material, map, or chart in any
341 public school, or be an agent for the sale of, or the publisher
342 of, any instructional material or reference work, or have a
343 direct or indirect pecuniary interest in the introduction of any
344 such instructional material, and any such agency or interest
345 shall disqualify any person so acting or interested from holding
346 any district school board employment whatsoever, and the person
347 commits a misdemeanor of the second degree, punishable as
348 provided in s. 775.082 or s. 775.083; however, this subsection
349 does not prevent the adoption of any instructional material
350 written in whole or in part by a Florida author.

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

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

353 Section 9. Section 1006.35, Florida Statutes, is amended to
354 read:

355 1006.35 Accuracy of instructional materials.—

356 (1) In addition to relying on statements of publishers or
357 manufacturers of instructional materials, the district school
358 board ~~commissioner~~ may conduct or cause to be conducted an



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359 independent investigation to determine the accuracy of district-
360 adopted ~~state-adopted~~ instructional materials.

361 (2) When errors in district-adopted ~~state-adopted~~ materials
362 are confirmed, the publisher of the materials shall provide to
363 each district school board that ~~has~~ purchased the materials the
364 corrections in a format approved by the investigating district
365 school board ~~department~~.

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

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

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

377 Section 11. Section 1006.37, Florida Statutes, is amended
378 to read:

379 1006.37 Requisition of instructional materials from
380 publisher's depository.-

381 (1) The district school superintendent may ~~shall~~
382 requisition adopted instructional materials from the depository
383 of the publisher with whom a contract has been made or any other
384 vendor selling the adopted instructional materials. ~~However, the~~
385 ~~superintendent shall requisition current instructional materials~~
386 ~~to provide each student with a textbook or other materials as a~~
387 ~~major tool of instruction in core courses of the subject areas~~



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388 ~~specified in s. 1006.40(2). These materials must be~~
389 ~~requisitioned within the first 3 years of the adoption cycle,~~
390 ~~except for instructional materials related to growth of student~~
391 ~~membership or instructional materials maintenance needs. The~~
392 ~~superintendent may requisition instructional materials in the~~
393 ~~core subject areas specified in s. 1006.40(2) that are related~~
394 ~~to growth of student membership or instructional materials~~
395 ~~maintenance needs during the 3rd, 4th, 5th, and 6th years of the~~
396 ~~original contract period.~~

397 (2) The district school superintendent shall verify that
398 the requisition is complete and accurate and order the
399 depository or vendor selling the adopted instructional materials
400 to forward to him or her the adopted instructional materials
401 shown by the requisition. The depository or vendor shall prepare
402 an invoice of the materials shipped, including shipping charges,
403 and mail it to the superintendent to whom the shipment is being
404 made. The superintendent shall pay the depository or vendor
405 within 60 days after receipt of the requisitioned materials from
406 the appropriation for the purchase of adopted instructional
407 materials.

408 (3) A district school board or a consortium of school
409 districts may ~~which implements an instructional materials~~
410 ~~program pursuant to s. 1006.283 is not required to requisition~~
411 ~~instructional materials from the publisher's depository or any~~
412 ~~other vendor selling the adopted instructional materials.~~

413 Section 12. Section 1006.38, Florida Statutes, is amended
414 to read:

415 1006.38 Duties, responsibilities, and requirements of
416 instructional materials publishers and manufacturers. ~~This~~



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417 ~~section applies to both the state and district approval~~
418 ~~processes.~~ Publishers and manufacturers of instructional
419 materials, or their representatives, shall:
420 (1) Comply with all provisions of this part.
421 (2) Electronically deliver fully developed sample copies of
422 all instructional materials upon which bids are based to the
423 district department pursuant to procedures adopted by the
424 district school board ~~State Board of Education.~~
425 (3) Submit, at a time designated by the district school
426 board ~~in s. 1006.33~~, the following information:
427 (a) Detailed specifications of the physical characteristics
428 of the instructional materials, including any software or
429 technological tools required for use by the district, school,
430 teachers, or students. The publisher or manufacturer shall
431 comply with these specifications if the instructional materials
432 are adopted and purchased in completed form.
433 (b) Evidence that the publisher or manufacturer has
434 provided materials that address the performance standards
435 provided for in s. 1001.03(1) and that can be accessed through
436 the district's local instructional improvement system and a
437 variety of electronic, digital, and mobile devices.
438 (c) Evidence that the instructional materials include
439 specific references to statewide standards in the teacher's
440 manual and incorporate such standards into chapter tests or the
441 assessments.
442 (4) Make available for purchase by any district school
443 board any diagnostic, criterion-referenced, or other tests that
444 they may develop.
445 (5) Furnish the instructional materials offered by them at



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446 a price in the state which, including all costs of electronic
447 transmission, may not exceed the lowest price at which they
448 offer such instructional materials for adoption or sale to any
449 state or school district in the United States.

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

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

456 (8) Guarantee that all copies of any instructional
457 materials sold in this state will be at least equal in quality
458 to the copies of such instructional materials that are sold
459 elsewhere in the United States and will be kept revised, free
460 from all errors, and up-to-date as may be required by the
461 department for existing contracts, or otherwise, as required by
462 the district school board.

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

467 (10) Not in any way, directly or indirectly, become
468 associated or connected with any combination in restraint of
469 trade in instructional materials, nor enter into any
470 understanding, agreement, or combination to control prices or
471 restrict competition in the sale of instructional materials for
472 use in the state.

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

474 (12) For the core subject areas specified in s. 1006.40(2),



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475 maintain in the depository ~~for the first 3 years of the contract~~
476 an inventory of instructional materials sufficient to receive
477 and fill orders.

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

483 ~~(13)~~ ~~(14)~~ Accurately and fully disclose only the names of
484 those persons who actually authored the instructional materials.
485 In addition to the penalties provided in subsection ~~(15)~~ ~~(16)~~,
486 the district school board ~~commissioner~~ may remove from the list
487 of district-adopted ~~state-adopted~~ instructional materials those
488 instructional materials whose publisher or manufacturer misleads
489 the purchaser by falsely representing genuine authorship.

490 ~~(14)~~ ~~(15)~~ Grant, without prior written request, for any
491 copyright held by the publisher or its agencies automatic
492 permission to the district school board ~~department or its~~
493 ~~agencies~~ for the reproduction of instructional materials and
494 supplementary materials in Braille, large print, or other
495 appropriate format for use by visually impaired students or
496 other students with disabilities who ~~that~~ would benefit from use
497 of the materials.

498 ~~(15)~~ ~~(16)~~ Upon the willful failure of the publisher or
499 manufacturer to comply with the requirements of this section, be
500 liable to the district school board ~~department~~ in the amount of
501 three times the total sum which the publisher or manufacturer
502 was paid in excess of the price required under subsections (5)
503 and (6) and in the amount of three times the total value of the



504 instructional materials and services which the district school
505 board is entitled to receive free of charge under subsection
506 (7).

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

509 1006.40 Use of instructional materials allocation;
510 instructional materials, library books, and reference books;
511 repair of books.—

512 (2) Each district school board must purchase current
513 instructional materials to provide each student in kindergarten
514 through grade 12 with a major tool of instruction in core
515 courses of the subject areas of mathematics, language arts,
516 science, social studies, reading, and literature ~~for~~
517 ~~kindergarten through grade 12. Such purchase must be made within~~
518 ~~the first 3 years after the effective date of the adoption~~
519 ~~cycle. For the 2012-2013 mathematics adoption, a district using~~
520 ~~a comprehensive mathematics instructional materials program~~
521 ~~adopted in the 2009-2010 adoption shall be deemed in compliance~~
522 ~~with this subsection if it provides each student with such~~
523 ~~additional state-adopted materials as may be necessary to align~~
524 ~~the previously adopted comprehensive program to common core~~
525 ~~standards and the other criteria of the 2012-2013 mathematics~~
526 ~~adoption.~~

527 (3) ~~(a)~~ Beginning in the 2014-2015 ~~By the 2015-2016~~ fiscal
528 year, each district school board shall use at least 50 percent
529 of the annual allocation, and may use all of the allocation, for
530 the purchase of digital ~~or electronic~~ instructional materials
531 that are consistent with district goals and objectives and the
532 course descriptions adopted in rule by the State Board of



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533 Education, that align with the performance standards provided
534 for in s. 1001.03(1), that meet the requirements in s. 1006.31,
535 and that are on the district-adopted list align with state
536 standards included on the state-adopted list, except as
537 otherwise authorized in paragraphs (b) and (c). This section
538 does not apply to a district school board or a consortium of
539 school districts which implements an instructional materials
540 program pursuant to s. 1006.283, except that by the 2015-2016
541 fiscal year, each district school board shall use at least 50
542 percent of the annual allocation for the purchase of digital or
543 electronic instructional materials that align with state
544 standards.

545 ~~(b) Up to 50 percent of the annual allocation may be used~~
546 ~~for the purchase of instructional materials, including library~~
547 ~~and reference books and nonprint materials, not included on the~~
548 ~~state-adopted list and for the repair and renovation of~~
549 ~~textbooks and library books.~~

550 ~~(c) District school boards may use 100 percent of that~~
551 ~~portion of the annual allocation designated for the purchase of~~
552 ~~instructional materials for kindergarten, and 75 percent of that~~
553 ~~portion of the annual allocation designated for the purchase of~~
554 ~~instructional materials for first grade, to purchase materials~~
555 ~~not on the state-adopted list.~~

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

558 1006.41 Disposal of instructional materials.—

559 (1) Instructional materials that have become unserviceable
560 or surplus or are no longer on the district ~~state~~ contract may
561 be disposed of, under adopted rule of the district school board,



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562 by:

563 (a) Giving or lending the materials to other public
564 education programs within the district or state, to the teachers
565 to use in developing supplementary teaching materials, to
566 students or others, or to any charitable organization,
567 governmental agency, home education students, private school, or
568 state.

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

573 Section 15. Paragraph (j) of subsection (2) of section
574 1003.621, Florida Statutes, is amended to read:

575 1003.621 Academically high-performing school districts.—It
576 is the intent of the Legislature to recognize and reward school
577 districts that demonstrate the ability to consistently maintain
578 or improve their high-performing status. The purpose of this
579 section is to provide high-performing school districts with
580 flexibility in meeting the specific requirements in statute and
581 rules of the State Board of Education.

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

587 (j) Those statutes relating to instructional materials,
588 except that s. 1006.37, relating to the requisition of state-
589 adopted materials from the depository under contract with the
590 publisher, and s. 1006.40(3)~~(a)~~, relating to the use of 50



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591 percent of the instructional materials allocation, shall be
592 eligible for exemption.

593 Section 16. Section 1006.282, Florida Statutes, is amended
594 to read:

595 1006.282 Pilot program for the transition to ~~electronic and~~
596 digital instructional materials.-

597 (1) A district school board may designate pilot program
598 schools to implement the transition to instructional materials
599 that are in ~~an electronic or~~ a digital format as defined in s.
600 1006.283 ~~s. 1006.29(3)~~.

601 (2) A district school board may designate pilot program
602 schools if the school district:

603 (a) Implements a local instructional improvement system
604 pursuant to s. 1006.281 which enables district staff to plan,
605 create, and manage professional development and to connect
606 professional development with staff information and student
607 performance, provides the ability to seamlessly connect the
608 system to ~~electronic and~~ digital instructional materials and the
609 instructional materials to student assessment data, and includes
610 the minimum standards published by the Department of Education.

611 (b) Requests only the ~~electronic or~~ digital format of the
612 sample copies of instructional materials submitted pursuant to
613 s. 1006.283 ~~s. 1006.33~~.

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

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



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620 (a) Section 1006.40(2), if the school provides
621 comprehensive ~~electronic or~~ digital instructional materials to
622 all students; and

623 (b) Section 1006.37.

624 (4) By August 1 of each year, beginning in 2011, the school
625 board must report to the Department of Education the school or
626 schools in its district which have been designated as pilot
627 program schools. The department shall publish the list of pilot
628 program schools on the department's Internet website. The report
629 must include:

630 (a) The name of the pilot program school, the contact
631 person and contact person information, and the grade or grades
632 and associated course or courses included in the pilot program
633 school.

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

638 (c) The projected costs and funding sources, which must
639 include cost savings or cost avoidances, associated with the
640 pilot program.

641 (5) By September 1 of each year, beginning in 2012, each
642 school board that has a designated pilot program school shall
643 provide to the Department of Education, the Executive Office of
644 the Governor, and the chairs of the appropriations committees of
645 the Senate and the House of Representatives a review of the
646 pilot program schools which must include, but need not be
647 limited to:

648 (a) Successful practices;



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

652 (c) Lessons learned;

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

654 (e) Impacts on student performance.

655 Section 17. Section 1010.82, Florida Statutes, is amended
656 to read:

657 1010.82 Textbook Bid Trust Fund.—Chapter 99-36, Laws of
658 Florida, re-created the Textbook Bid Trust Fund to record the
659 revenue and disbursements of textbook bid performance deposits
660 submitted to the Department of Education ~~as required in s.~~
661 ~~1006.33.~~

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

663
664 ===== T I T L E A M E N D M E N T =====

665 And the title is amended as follows:

666 Delete everything before the enacting clause
667 and insert:

668 A bill to be entitled
669 An act relating to instructional materials for K-12
670 public education; amending s. 1006.28, F.S.; providing
671 that the district school board has the constitutional
672 duty and responsibility to select and provide adequate
673 instructional materials for all students; redefining
674 the term "adequate instructional materials"; amending
675 s. 1006.283, F.S.; requiring a district school board
676 or consortium of school districts to implement an
677 instructional materials program; including criteria



678 for the review and recommendation of instructional
679 materials, the process by which instructional
680 materials are adopted, and the process by which a
681 school district will notify parents of their ability
682 to access their children's instructional materials in
683 the list of the subjects that must be addressed by
684 rule of the district school board; requiring adopted
685 instructional materials to be provided in digital
686 format; defining the term "digital format"; requiring
687 the Department of Education to publish minimum,
688 recommended technology requirements; requiring the
689 Department of Education to publish annually a 5-year
690 schedule of subject areas to be reviewed by local
691 school districts, to begin by a specified date;
692 requiring the district to make available, upon
693 request, sample copies of its adopted instructional
694 materials; repealing s. 1006.29, F.S., relating to
695 state instructional materials reviewers; amending s.
696 1006.30, F.S.; requiring each district instructional
697 materials reviewer to file an affidavit with the
698 district school board, rather than the department;
699 amending s. 1006.31, F.S.; deleting references to the
700 Department of Education regarding the duties of
701 instructional materials reviewers; revising the
702 evaluation procedure for instructional materials;
703 amending s. 1006.32, F.S.; conforming provisions to
704 changes made by the act; repealing s. 1006.33, F.S.,
705 relating to bids, proposals, and advertisement
706 regarding the adoption of instructional materials;



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707 repealing s. 1006.34, F.S., relating to powers and
708 duties of the Commissioner of Education and the
709 department in selecting and adopting instructional
710 materials; amending s. 1006.35, F.S.; requiring the
711 district school board, rather than the commissioner,
712 to conduct an independent investigation to determine
713 the accuracy of district-adopted instructional
714 materials; authorizing the district school board,
715 rather than the commissioner, to remove materials from
716 the list of district-adopted materials under certain
717 circumstances; repealing s. 1006.36, F.S., relating to
718 the term of adoption for instructional materials;
719 amending s. 1006.37, F.S.; authorizing, rather than
720 requiring, the district school superintendent to
721 requisition adopted instructional materials from the
722 depository of a publisher with whom a contract has
723 been made or any other vendor selling the adopted
724 instructional materials; deleting provisions regarding
725 the superintendent's requisition of instructional
726 materials; conforming provisions to changes made by
727 the act; authorizing a district school board or a
728 consortium of school districts to requisition
729 instructional materials from the publisher's
730 depository or any other vendor selling adopted
731 instructional materials; amending s. 1006.38, F.S.;
732 conforming provisions to changes made by the act;
733 revising the duties, responsibilities, and
734 requirements of instructional materials publishers and
735 manufacturers; amending s. 1006.40, F.S.; deleting



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736 provisions regarding the adoption of instructional
737 materials for certain core courses in the subject area
738 of mathematics; allowing each district school board to
739 use all of the annual allocation for the purchase of
740 digital, rather than electronic, instructional
741 materials that meet certain goals, objectives, and
742 requirements; deleting provisions regarding the use of
743 the district's annual allocation for the purchase of
744 instructional materials; amending s. 1006.41, F.S.;
745 conforming provisions to changes made by the act;
746 amending ss. 1003.621, 1006.282, and 1010.82, F.S.;
747 conforming cross-references; providing an effective
748 date.