

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 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:

88

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
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)

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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
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 has subject area expertise in science, mathematics,
160 language arts, social studies, or career or technical studies
161 and who is not employed by the district.

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

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

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

173 (c) The duties and qualifications of the instructional
174 materials reviewers.

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

178 (e) Compliance with s. 1006.32, relating to prohibited
179 acts.

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

183 (g) The incorporation of applicable requirements of s.
 184 1006.31, which relates to the duties of instructional materials
 185 reviewers.

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

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

191 1. Instructional materials considered for adoption by the
 192 district school board must be posted in a read-only format on
 193 the district website at least 20 calendar days before the public
 194 hearing and public meeting as specified in this paragraph. The
 195 district shall establish an electronic process for the public to
 196 submit, and the school board members and the superintendent to
 197 access, comments on the recommended instructional materials.

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

201 3. The district school board shall hold an open, noticed
 202 public meeting to approve an annual instructional materials
 203 plan, including the adoption of instructional materials. This
 204 public meeting must be held on a different date than the public
 205 hearing.

206 4. The notices for the public hearing and the public
 207 meeting must specifically state which instructional materials
 208 are being reviewed and the manner in which the instructional

209 materials can be accessed for public review.

210 (j)~~(i)~~ The process by which instructional materials will
211 be purchased, including advertising, bidding, and purchasing
212 requirements.

213 (k) The process by which the school district will notify
214 parents of their ability to access their children's textbooks
215 and instructional materials through the district's local
216 instructional improvement system and by which the school
217 district will encourage parents to access the system. This
218 notification must be displayed prominently on the district
219 school board's website and provided annually in a written format
220 to all parents of enrolled students.

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

234 (8) The department shall publish recommended, minimum

235 technology requirements that include guidelines on the number of
236 students per device necessary to ensure that students can access
237 all instructional materials in digital format and specifications
238 for hardware, software, networking, and security.

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

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

243 Section 4. Section 1006.30, Florida Statutes, is amended
244 to read:

245 1006.30 Affidavit of district ~~state~~ instructional
246 materials reviewers.—Before transacting any business, each
247 district ~~state~~ instructional materials reviewer shall make an
248 affidavit, to be filed with the district school board
249 ~~department~~, that:

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

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

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

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

261 (5) The reviewer will not accept any emolument or promise
 262 of future reward of any kind from any publisher or manufacturer
 263 of instructional materials or his or her agent or anyone
 264 interested in, or intending to bias his or her judgment in any
 265 way in, the selection of any materials to be adopted.

266 (6) The reviewer understands that it is unlawful to
 267 discuss matters relating to instructional materials submitted
 268 for adoption with any agent of a publisher or manufacturer of
 269 instructional materials, either directly or indirectly, except
 270 during the period when the publisher or manufacturer is
 271 providing a presentation for the reviewer during his or her
 272 review of the instructional materials submitted for adoption.

273 Section 5. Section 1006.31, Florida Statutes, is amended
 274 to read:

275 1006.31 Duties of the ~~Department of Education~~ and school
 276 district instructional materials reviewer.—The duties of the
 277 instructional materials reviewer are:

278 (1) PROCEDURES.—To adhere to procedures prescribed by ~~the~~
 279 ~~department or~~ the district for evaluating instructional
 280 materials submitted by publishers and manufacturers in each
 281 adoption. ~~This section applies to both the state and district~~
 282 ~~approval processes.~~

283 (2) EVALUATION OF INSTRUCTIONAL MATERIALS.—To evaluate
 284 carefully all instructional materials submitted, in order to
 285 ascertain which instructional materials, if any, submitted for
 286 consideration implement the selection criteria developed by the

287 district ~~department~~ and those curricular objectives included
288 within applicable performance standards provided for in s.
289 1001.03(1).

290 (a) When recommending instructional materials for use in
291 the schools, each reviewer shall include only instructional
292 materials that accurately portray the ethnic, socioeconomic,
293 cultural, and racial diversity of our society, including men and
294 women in professional, career, and executive roles, and the role
295 and contributions of the entrepreneur and labor in the total
296 development of this state and the United States.

297 (b) When recommending instructional materials for use in
298 the schools, each reviewer shall include only materials that
299 accurately portray, whenever appropriate, humankind's place in
300 ecological systems, including the necessity for the protection
301 of our environment and conservation of our natural resources and
302 the effects on the human system of the use of tobacco, alcohol,
303 controlled substances, and other dangerous substances.

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

308 (d) When recommending instructional materials for use in
309 the schools, each reviewer shall require, when appropriate to
310 the comprehension of students, that materials for social
311 science, history, or civics classes contain the Declaration of
312 Independence and the Constitution of the United States. A

313 reviewer may not recommend any instructional materials for use
314 in the schools which contain any matter reflecting unfairly upon
315 persons because of their race, color, creed, national origin,
316 ancestry, gender, or occupation.

317 (e) Any instructional materials ~~material~~ recommended by
318 each reviewer for use in the schools must ~~shall~~ be, to the
319 satisfaction of each reviewer, accurate, objective, ~~and~~ current,
320 and suited to the needs and comprehension of students at their
321 respective grade levels. A reviewer ~~Reviewers~~ shall consider for
322 adoption materials developed for academically talented students
323 such as those enrolled in advanced placement courses.

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

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

333 2. The educational purpose to be served by the material.

334 In considering instructional materials for classroom use,
335 priority shall be given to the selection of materials that
336 encompass the performance standards provided for in s.
337 1001.03(1) and that include the instructional objectives
338 contained in the course description approved by rule of the

339 State Board of Education.

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

343 4. The consideration of the broad racial, ethnic,
 344 socioeconomic, and cultural diversity of the students of this
 345 state.

346 (3) REPORT OF REVIEWERS.—After a thorough study of all
 347 data submitted on each instructional material, to submit an
 348 electronic report to the district school board ~~department~~. The
 349 report shall be made public and must include responses to each
 350 section of the report format prescribed by the district school
 351 board ~~department~~.

352 Section 6. Section 1006.32, Florida Statutes, is amended
 353 to read:

354 1006.32 Prohibited acts.—

355 (1) A publisher or manufacturer of instructional material,
 356 or any representative thereof, may not offer to give any
 357 emolument, money, or other valuable thing, or any inducement, to
 358 a ~~any~~ district school board official or ~~state~~ instructional
 359 materials reviewer to directly or indirectly introduce,
 360 recommend, vote for, or otherwise influence the adoption or
 361 purchase of any instructional materials.

362 (2) A district school board official or an ~~a~~-state
 363 instructional materials reviewer may not solicit or accept any
 364 emolument, money, or other valuable thing, or any inducement, to

365 directly or indirectly introduce, recommend, vote for, or
366 otherwise influence the adoption or purchase of any
367 instructional material.

368 (3) A district school board or publisher may not
369 participate in a pilot program of materials being considered for
370 adoption during the 18-month period before the official adoption
371 of the materials by the commissioner. Any pilot program during
372 the first 2 years of the adoption period must have the prior
373 approval of the commissioner.

374 (4) Any publisher or manufacturer of instructional
375 materials or representative thereof or any district school board
376 official or ~~state~~ instructional materials reviewer who violates
377 ~~any provision of~~ this section commits a misdemeanor of the
378 second degree, punishable as provided in s. 775.082 or s.
379 775.083. A ~~Any~~ representative of a publisher or manufacturer who
380 violates any provision of this section, in addition to any other
381 penalty, shall be banned from practicing business in the state
382 for a period of 1 calendar year.

383 (5) This section does not prohibit any publisher,
384 manufacturer, or agent from supplying, for purposes of
385 examination, necessary sample copies of instructional materials
386 to any district school board official or ~~state~~ instructional
387 materials reviewer.

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

391 (7) This section does not prohibit or restrict a district
392 school board official from receiving royalties or other
393 compensation, other than compensation paid to him or her as
394 commission for negotiating sales to district school boards, from
395 the publisher or manufacturer of instructional materials
396 written, designed, or prepared by such district school board
397 official, and adopted by the commissioner or purchased by any
398 district school board. A ~~No~~ district school board official may
399 not ~~shall be allowed to~~ receive royalties on any materials not
400 on the district-adopted ~~state-adopted~~ list purchased for use by
401 his or her district school board.

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

417 does not prevent the adoption of any instructional material
418 written in whole or in part by a Florida author.

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

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

421 Section 9. Section 1006.35, Florida Statutes, is amended
422 to read:

423 1006.35 Accuracy of instructional materials.—

424 (1) In addition to relying on statements of publishers or
425 manufacturers of instructional materials, the district school
426 board commissioner may conduct or cause to be conducted an
427 independent investigation to determine the accuracy of district-
428 adopted state-adopted instructional materials.

429 (2) When errors in district-adopted state-adopted
430 materials are confirmed, the publisher of the materials shall
431 provide to each district school board that ~~has~~ purchased the
432 materials the corrections in a format approved by the
433 investigating district school board department.

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

439 (4) The district school board commissioner may remove
440 materials from the list of district-adopted state-adopted
441 materials at the request of the publisher if, in the district
442 school board's ~~his or her~~ opinion, there is no material impact

443 on the district's and the state's education goals.

444 Section 10. Section 1006.36, Florida Statutes, is
 445 repealed.

446 Section 11. Section 1006.37, Florida Statutes, is amended
 447 to read:

448 1006.37 Requisition of instructional materials from
 449 publisher's depository.—

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

466 (2) The district school superintendent shall verify that
 467 the requisition is complete and accurate and order the
 468 depository or vendor selling the adopted instructional materials

469 to forward to him or her the adopted instructional materials
 470 shown by the requisition. The depository or vendor shall prepare
 471 an invoice of the materials shipped, including shipping charges,
 472 and mail it to the superintendent to whom the shipment is being
 473 made. The superintendent shall pay the depository or vendor
 474 within 60 days after receipt of the requisitioned materials from
 475 the appropriation for the purchase of adopted instructional
 476 materials.

477 (3) A district school board or a consortium of school
 478 districts may ~~which implements an instructional materials~~
 479 ~~program pursuant to s. 1006.283 is not required to requisition~~
 480 instructional materials from the publisher's depository or any
 481 other vendor selling the adopted instructional materials.

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

486 Section 12. Section 1006.38, Florida Statutes, is amended
 487 to read:

488 1006.38 Duties, responsibilities, and requirements of
 489 instructional materials publishers and manufacturers. ~~This~~
 490 ~~section applies to both the state and district approval~~
 491 ~~processes.~~ Publishers and manufacturers of instructional
 492 materials, or their representatives, shall:

- 493 (1) Comply with all provisions of this part.
- 494 (2) Electronically deliver fully developed sample copies

495 of all instructional materials upon which bids are based to the
496 district department pursuant to procedures adopted by the
497 district school board ~~State Board of Education~~.

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

500 (a) Detailed specifications of the physical
501 characteristics of the instructional materials, including any
502 software or technological tools required for use by the
503 district, school, teachers, or students. The publisher or
504 manufacturer shall comply with these specifications if the
505 instructional materials are adopted and purchased in completed
506 form.

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

512 (c) Evidence that the instructional materials include
513 specific references to statewide standards in the teacher's
514 manual and incorporate such standards into chapter tests or the
515 assessments.

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

519 (5) Furnish the instructional materials offered by them at
520 a price in the state which, including all costs of electronic

521 transmission, may not exceed the lowest price at which they
522 offer such instructional materials for adoption or sale to any
523 state or school district in the United States.

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

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

530 (8) Guarantee that all copies of any instructional
531 materials sold in this state will be at least equal in quality
532 to the copies of such instructional materials that are sold
533 elsewhere in the United States and will be kept revised, free
534 from all errors, and up-to-date as may be required by the
535 department.

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

540 (10) Not in any way, directly or indirectly, become
541 associated or connected with any combination in restraint of
542 trade in instructional materials, nor enter into any
543 understanding, agreement, or combination to control prices or
544 restrict competition in the sale of instructional materials for
545 use in the state.

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

547 (12) For the core subject areas specified in s.
548 1006.40(2), maintain in the depository ~~for the first 3 years of~~
549 ~~the contract~~ an inventory of instructional materials sufficient
550 to receive and fill orders.

551 ~~(13) For the core subject areas specified in s.~~
552 ~~1006.40(2), ensure the availability of an inventory sufficient~~
553 ~~to receive and fill orders for instructional materials for~~
554 ~~growth, including the opening of a new school, and replacement~~
555 ~~during the 3rd and subsequent years of the original contract~~
556 ~~period.~~

557 (13)~~(14)~~ Accurately and fully disclose only the names of
558 those persons who actually authored the instructional materials.
559 In addition to the penalties provided in subsection (15)
560 ~~subsection (16)~~, the district school board ~~commissioner~~ may
561 remove from the list of district-adopted ~~state-adopted~~
562 instructional materials those instructional materials whose
563 publisher or manufacturer misleads the purchaser by falsely
564 representing genuine authorship.

565 (14)~~(15)~~ Grant, without prior written request, for any
566 copyright held by the publisher or its agencies automatic
567 permission to the district school board ~~department or its~~
568 ~~agencies~~ for the reproduction of instructional materials and
569 supplementary materials in Braille, large print, or other
570 appropriate format for use by visually impaired students or
571 other students with disabilities who ~~that~~ would benefit from use
572 of the materials.

573 ~~(15)-(16)~~ Upon the willful failure of the publisher or
574 manufacturer to comply with the requirements of this section, be
575 liable to the district school board ~~department~~ in the amount of
576 three times the total sum which the publisher or manufacturer
577 was paid in excess of the price required under subsections (5)
578 and (6) and in the amount of three times the total value of the
579 instructional materials and services which the district school
580 board is entitled to receive free of charge under subsection
581 (7).

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

584 1006.40 Use of instructional materials allocation;
585 instructional materials, library books, and reference books;
586 repair of books.—

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

599 ~~the previously adopted comprehensive program to common core~~
600 ~~standards and the other criteria of the 2012-2013 mathematics~~
601 ~~adoption.~~

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

618 ~~(b) Up to 50 percent of the annual allocation may be used~~
619 ~~for the purchase of instructional materials, including library~~
620 ~~and reference books and nonprint materials, not included on the~~
621 ~~state-adopted list and for the repair and renovation of~~
622 ~~textbooks and library books.~~

623 ~~(c) District school boards may use 100 percent of that~~
624 ~~portion of the annual allocation designated for the purchase of~~

625 ~~instructional materials for kindergarten, and 75 percent of that~~
 626 ~~portion of the annual allocation designated for the purchase of~~
 627 ~~instructional materials for first grade, to purchase materials~~
 628 ~~not on the state-adopted list.~~

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

631 1006.41 Disposal of instructional materials.—

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

636 (a) Giving or lending the materials to other public
 637 education programs within the district or state, to the teachers
 638 to use in developing supplementary teaching materials, to
 639 students or others, or to any charitable organization,
 640 governmental agency, home education students, private school, or
 641 state.

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

646 Section 15. Section 1006.282, Florida Statutes, is amended
 647 to read:

648 1006.282 Pilot program for the transition to ~~electronic~~
 649 ~~and~~ digital instructional materials.—

650 (1) A district school board may designate pilot program

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651 schools to implement the transition to instructional materials
652 that are in ~~an electronic or~~ a digital format as defined in s.
653 1006.283 ~~s. 1006.29(3)~~.

654 (2) A district school board may designate pilot program
655 schools if the school district:

656 (a) Implements a local instructional improvement system
657 pursuant to s. 1006.281 which enables district staff to plan,
658 create, and manage professional development and to connect
659 professional development with staff information and student
660 performance, provides the ability to seamlessly connect the
661 system to ~~electronic and~~ digital instructional materials and the
662 instructional materials to student assessment data, and includes
663 the minimum standards published by the Department of Education.

664 (b) Requests only the ~~electronic or~~ digital format of the
665 sample copies of instructional materials submitted pursuant to
666 s. 1006.283 ~~s. 1006.33~~.

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

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

673 (a) Section 1006.40(2), if the school provides
674 comprehensive ~~electronic or~~ digital instructional materials to
675 all students; and

676 (b) Section 1006.37.

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

683 (a) The name of the pilot program school, the contact
684 person and contact person information, and the grade or grades
685 and associated course or courses included in the pilot program
686 school.

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

691 (c) The projected costs and funding sources, which must
692 include cost savings or cost avoidances, associated with the
693 pilot program.

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

701 (a) Successful practices;

702 (b) The average amount of online Internet time needed by a

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703 student to access and use the school's ~~electronic or~~ digital
704 instructional materials;

705 (c) Lessons learned;

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

707 (e) Impacts on student performance.

708 Section 16. Section 1010.82, Florida Statutes, is amended
709 to read:

710 1010.82 Textbook Bid Trust Fund.—Chapter 99-36, Laws of
711 Florida, re-created the Textbook Bid Trust Fund to record the
712 revenue and disbursements of textbook bid performance deposits
713 submitted to the Department of Education ~~as required in s.~~
714 ~~1006.33~~.

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