



426402

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/25/2013	.	
	.	
	.	
	.	

The Committee on Appropriations (Montford) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Paragraph (b) of subsection (1) and subsection
(2) of section 1006.28, Florida Statutes, are 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
the duty to provide adequate instructional materials for all
students in accordance with the requirements of this part. The



426402

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

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

33 (2) DISTRICT SCHOOL SUPERINTENDENT.—

34 (a) The district school superintendent has the duty to
35 recommend such plans for improving, providing, distributing,
36 accounting for, and caring for instructional materials and other
37 instructional aids as will result in general improvement of the
38 district school system, as prescribed in this part, in
39 accordance with adopted district school board rules prescribing
40 the duties and responsibilities of the district school
41 superintendent regarding the requisition, purchase, receipt,



426402

42 storage, distribution, use, conservation, records, and reports
43 of, and management practices and property accountability
44 concerning, instructional materials, and providing for an
45 evaluation of any instructional materials to be requisitioned
46 that have not been used previously in the district's schools.
47 The district school superintendent must keep adequate records
48 and accounts for all financial transactions for funds collected
49 pursuant to subsection (3), as a component of the educational
50 service delivery scope in a school district best financial
51 management practices review under s. 1008.35.

52 (b) Beginning in the 2013-2014 school year, each district
53 school superintendent shall certify to the department by March
54 31 of each year that all instructional materials for core
55 courses used by the district are aligned with applicable state
56 standards. A list of the state-approved or district-approved
57 core instructional materials that will be used or purchased for
58 use by the school district shall be included in the
59 certification ~~notify the department by April 1 of each year the~~
60 ~~state-adopted instructional materials that will be requisitioned~~
61 ~~for use in his or her school district. The notification shall~~
62 ~~include a district school board plan for instructional materials~~
63 ~~use to assist in determining if adequate instructional materials~~
64 ~~have been requisitioned.~~

65 (c) Each principal shall verify that all instructional
66 materials are fully and properly accounted for as prescribed by
67 adopted rules of the district school board.

68 Section 2. Section 1006.282, Florida Statutes, is repealed.

69 Section 3. Section 1006.283, Florida Statutes, is created
70 to read:



426402

71 1006.283 District school board instructional materials
72 review process.-

73 (1) A school board or consortium of school districts may
74 implement an instructional materials program that includes the
75 review, approval, and purchasing of instructional materials.
76 Beginning in the 2013-2014 school year, the district school
77 superintendent shall certify to the department by March 31 of
78 each year that all instructional materials for core courses used
79 by the district are aligned with applicable state standards.
80 Included in the certification shall be a list of the core
81 instructional materials that will be used or purchased for use
82 by the school district.

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

86 (a) Its review and purchase process.

87 (b) Identification of a review cycle for instructional
88 materials.

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

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

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

96 (f) A process that certifies the accuracy of instructional
97 materials.

98 (g) The incorporation of applicable requirements of s.
99 1006.38, relating to the duties, responsibilities, and



426402

100 requirements of publishers of instructional materials.

101 (h) The process by which instructional materials will be
102 purchased, including advertising, bidding, and purchasing
103 requirements.

104 (3) (a) The school board may assess and collect fees from
105 publishers participating in the instructional materials approval
106 process. The amount assessed and collected must be posted on the
107 school district's website and reported to the department. The
108 fees may not exceed the amount established in state board rule
109 under s. 1006.34(2). Any fees collected for this process shall
110 be allocated for the support of the review process and
111 maintained in a separate line item for auditing purposes. Fees
112 may not be collected from publishers to review instructional
113 materials that are approved by the department and placed on the
114 department's website.

115 (b) The fees shall be used to cover the actual cost of
116 substitute teachers for each workday that a member of a school
117 district's instructional staff is absent from his or her
118 assigned duties for the purpose of rendering service as an
119 instructional materials reviewer. In addition, each reviewer may
120 be paid a stipend and is entitled to reimbursement for travel
121 expenses and per diem in accordance with s. 112.061 for actual
122 service in meetings.

123 (4) Instructional materials that have been reviewed by the
124 district instructional materials reviewers and approved must
125 have been determined to align with all applicable state
126 standards pursuant to s. 1003.41 and the requirements in s.
127 1006.31. The district school superintendent shall annually
128 certify to the department that all instructional materials for



426402

129 core courses used by the district are aligned with all
130 applicable state standards.

131 (5) A publisher that offers instructional materials to a
132 district school board must provide such materials at a price
133 that, including all costs of electronic transmission, does not
134 exceed the lowest price at which the publisher offers such
135 instructional materials for approval or sale to any state or
136 school district in the United States.

137 (6) A publisher shall reduce automatically the price of the
138 instructional materials to the district school board to the
139 extent that reductions are made elsewhere in the United States.

140 Section 4. Section 1006.29, Florida Statutes, is amended to
141 read:

142 1006.29 Department of Education ~~State~~ instructional
143 materials reviewers.—

144 (1) For purposes of this section, the term "instructional
145 materials" means items that have intellectual content and that,
146 by design, serve as a major tool or for assisting in the
147 instruction of a subject or course.

148 (2)~~(1)~~ (a) The commissioner shall determine annually the
149 areas in which instructional materials shall be submitted for
150 approval ~~adoption~~, taking into consideration the desires of the
151 district school boards. ~~The commissioner shall also determine~~
152 ~~the number of titles to be adopted in each area.~~

153 ~~(b) By April 15 of each school year, The~~ department
154 ~~commissioner~~ shall appoint five reviewers for each submission by
155 a publisher or district school board ~~three state or national~~
156 ~~experts in the content areas submitted for adoption to review~~
157 for approval the instructional materials and evaluate the



426402

158 content for alignment with the applicable ~~Next Generation~~
159 ~~Sunshine~~ state standards. ~~These reviewers shall be designated as~~
160 ~~state instructional materials reviewers and shall review~~ The
161 materials shall be evaluated for the level of instructional
162 support and the accuracy and appropriateness of progression of
163 introduced content. Instructional materials shall be made
164 electronically available to the reviewers. The state review of
165 the instructional materials shall be made by the five reviewers.
166 Two of the reviewers must be professional content experts, two
167 must be K-12 educators who are actively engaged in teaching or
168 in the supervision of teaching in the public elementary, middle,
169 or high schools and represent the major fields and levels in
170 which instructional materials are used in the public schools,
171 and one must be a lay person who is not professionally connected
172 with education. In the event only four reviewers can be
173 procured, or if one of the five reviewers is unable to fulfill
174 his or her responsibilities, the additional reviewer may be a
175 content expert from the department. As part of the review
176 process, each reviewer shall be provided training on the
177 electronic review system. The reviewers shall independently make
178 recommendations to the commissioner regarding materials that
179 should be placed on the list of approved materials through an
180 electronic feedback review system.

181 (c) The department may assess and collect fees in
182 accordance with s. 1006.34(2). The amount assessed and collected
183 shall be posted on the department's website and must be reported
184 to the State Board of Education. Any fees collected for this
185 process shall be allocated for the support of the review
186 process, maintained in a separate account for auditing purposes,



426402

187 and deposited in the department's Operating Trust Fund.

188 (d) Fees collected under paragraph (c) shall be used to
189 cover the cost of the review process, including the cost of any
190 meetings and applicable travel and per diem, and the amount paid
191 by a school district to substitute teachers who fill in for
192 instructional staff that is absent for the purpose of rendering
193 service as an instructional materials reviewer. In addition,
194 each reviewer may be paid a stipend and is entitled to
195 reimbursement for travel expenses and per diem in accordance
196 with s. 112.061 for actual service in meetings ~~The initial~~
197 ~~review of the materials shall be made by only two of the three~~
198 ~~reviewers. If the two reviewers reach different results, the~~
199 ~~third reviewer shall break the tie. The reviewers shall~~
200 ~~independently make recommendations to the commissioner regarding~~
201 ~~materials that should be placed on the list of adopted materials~~
202 ~~through an electronic feedback review system.~~

203 (e)-(e) The commissioner shall request each district school
204 superintendent to nominate one classroom teacher or district-
205 level content supervisor to review two or three of the
206 submissions recommended by the department ~~state~~ instructional
207 materials reviewers. School districts shall ensure that these
208 district reviewers are provided with the support and time
209 necessary to accomplish a thorough review of the instructional
210 materials. District reviewers shall independently rate the
211 recommended submissions on the instructional usability of the
212 resources. District reviewers may be paid a stipend and are
213 entitled to reimbursement for travel expenses and per diem in
214 accordance with s. 112.061 for actual service in meetings, if
215 applicable.



426402

216 (3)~~(2)~~ For purposes of approving materials ~~state adoption~~,
217 the term "instructional materials" means items having
218 intellectual content that by design serve as a major tool or for
219 assisting in the instruction of a subject or course. These items
220 may be available in bound, unbound, kit, or package form and may
221 consist of hardbacked or softbacked textbooks, electronic
222 content, consumables, learning laboratories, manipulatives,
223 electronic media, and computer courseware or software. A
224 publisher or manufacturer providing instructional materials as a
225 single bundle shall also make the instructional materials
226 available as separate and unbundled items, each priced
227 individually. A publisher shall ~~may~~ also offer sections of
228 ~~state-adopted~~ instructional materials in digital or electronic
229 versions at reduced rates to districts, schools, and teachers.

230 (4)~~(3)~~ Beginning in the 2015-2016 academic year, all
231 approved ~~adopted~~ instructional materials for students in
232 kindergarten through grade 12 must be provided in an electronic
233 or digital format. For purposes of this section, the term:

234 (a) "Electronic format" means text-based or image-based
235 content in a form that is produced on, published by, and
236 readable on computers or other digital devices and is an
237 electronic version of a printed book, whether or not any printed
238 equivalent exists.

239 (b) "Digital format" means text-based or image-based
240 content in a form that provides the student with various
241 interactive functions; that can be searched, tagged,
242 distributed, and used for individualized and group learning;
243 that includes multimedia content such as video clips,
244 animations, and virtual reality; and that has the ability to be



426402

245 accessed at any time and anywhere.

246

247 The terms do not include electronic or computer hardware even if
248 such hardware is bundled with software or other electronic
249 media, nor does it include equipment or supplies.

250 (5)~~(4)~~ The department shall develop a training program for
251 persons selected to review submitted as state instructional
252 materials ~~reviewers and school district reviewers~~. The program
253 shall be structured to assist reviewers in developing the skills
254 necessary to make valid, culturally sensitive, and objective
255 decisions regarding the content and rigor of instructional
256 materials. All persons reviewing ~~reviewers~~ serving as instructional
257 materials reviewers must complete the training program prior to
258 beginning the review and selection process.

259 (6) By March 1 of each year, the department shall post on
260 its website a list of department-approved instructional
261 materials and instructional materials approved by other states
262 which align with applicable state standards. The list shall be
263 maintained and updated periodically. The list shall be
264 comprehensive and include sufficient instructional materials or
265 major tools to cover all of the core content areas. The posting
266 must include the purchase price of each product once it is
267 purchased anywhere in the United States. In addition to the
268 posting, the department shall send school district
269 administrators periodic updates to the website. District-
270 approved instructional materials shall also be posted on the
271 website.

272 Section 5. Section 1006.30, Florida Statutes, is amended to
273 read:



426402

274 1006.30 Affidavit of the Department of Education ~~state~~
275 instructional materials reviewers.—Before transacting any
276 business, each department ~~state~~ instructional materials reviewer
277 shall make an affidavit, to be filed with the department, that:

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

280 (2) The reviewer has no interest in any publishing or
281 manufacturing organization that produces or sells instructional
282 materials.

283 (3) The reviewer is in no way connected with the
284 distribution of the instructional materials.

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

289 (5) The reviewer will not accept any emolument or promise
290 of future reward of any kind from any publisher or manufacturer
291 of instructional materials or his or her agent or anyone
292 interested in, or intending to bias his or her judgment in any
293 way in, the selection of any materials to be approved ~~adopted~~.

294 (6) The reviewer understands that it is unlawful to discuss
295 matters relating to instructional materials submitted for
296 approval ~~adoption~~ with any agent of a publisher or manufacturer
297 of instructional materials, either directly or indirectly,
298 except during the period when the publisher or manufacturer is
299 providing a presentation for the reviewer during his or her
300 review of the instructional materials submitted for approval
301 ~~adoption~~.

302 Section 6. Section 1006.31, Florida Statutes, is amended to



426402

303 read:

304 1006.31 Duties of the Department of Education and school
305 district ~~each state~~ instructional materials reviewer.—The duties
306 of the ~~each state~~ instructional materials reviewer are:

307 (1) PROCEDURES.—To adhere to procedures prescribed by the
308 department or the district for evaluating instructional
309 materials submitted by publishers and manufacturers in each
310 review for approval ~~adoption~~.

311 (2) EVALUATION OF INSTRUCTIONAL MATERIALS.—To evaluate
312 carefully all instructional materials submitted, in order to
313 ascertain which instructional materials, if any, submitted for
314 consideration implement the selection criteria developed by the
315 department or the district and those curricular objectives
316 included within applicable performance standards provided for in
317 s. 1001.03(1).

318 (a) When evaluating ~~recommending~~ instructional materials
319 for use in the schools, each reviewer shall include only
320 instructional materials ~~that~~ accurately portray the ethnic,
321 socioeconomic, cultural, and racial diversity of our society,
322 including men and women in professional, career, and executive
323 roles, and the role and contributions of the entrepreneur and
324 labor in the total development of this state and the United
325 States.

326 (b) When evaluating ~~recommending~~ instructional materials
327 for use in the schools, each reviewer shall include only
328 materials that accurately portray, whenever appropriate,
329 humankind's place in ecological systems, including the necessity
330 for the protection of our environment and conservation of our
331 natural resources and the effects on the human system of the use



426402

332 of tobacco, alcohol, controlled substances, and other dangerous
333 substances.

334 (c) When evaluating ~~recommending~~ instructional materials
335 for use in the schools, each reviewer shall require such
336 materials as he or she deems necessary and proper to encourage
337 thrift, fire prevention, and humane treatment of people and
338 animals.

339 (d) When evaluating ~~recommending~~ instructional materials
340 for use in the schools, each reviewer shall require, when
341 appropriate to the comprehension of students, that materials for
342 social science, history, or civics classes contain the
343 Declaration of Independence and the Constitution of the United
344 States. A reviewer may not recommend any instructional materials
345 for use in the schools which contain any matter reflecting
346 unfairly upon persons because of their race, color, creed,
347 national origin, ancestry, gender, or occupation.

348 (e) When evaluating instructional materials, library media,
349 and other reading material for use in the schools, a reviewer
350 shall use the following standards to determine the propriety of
351 the material:

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

354 2. The educational purpose to be served by the material. In
355 considering instructional materials for classroom use, priority
356 shall be given to the selection of materials that encompass the
357 state and district school board performance standards provided
358 for in s. 1001.03(1) and include the instructional objectives
359 contained within the course descriptions established in rule by
360 the State Board of Education.



426402

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

364 4. The degree to which the material represents the broad
365 racial, ethnic, socioeconomic, and cultural diversity of
366 students in the state.

367
368 Any instructional material containing pornography or otherwise
369 prohibited by s. 847.012 may not be used or made available
370 within any public school.

371 (f) ~~(e)~~ Any Instructional material recommended by a ~~each~~
372 reviewer for use in the schools shall be, to the satisfaction of
373 the ~~each~~ reviewer, accurate, objective, and current and suited
374 to the needs and comprehension of students at their respective
375 grade levels. Reviewers shall consider for adoption materials
376 developed for academically talented students such as those
377 enrolled in advanced placement courses.

378 (3) REPORT OF REVIEWERS.—After a thorough study of all data
379 submitted on each instructional material, to submit an
380 electronic report to the department. The report shall be made
381 public and must include responses to each section of the report
382 format prescribed by the department.

383 Section 7. Section 1006.32, Florida Statutes, is amended to
384 read:

385 1006.32 Prohibited acts.—

386 (1) A publisher or manufacturer of instructional material,
387 or any representative thereof, may not offer to give any
388 emolument, money, or other valuable thing, or any inducement, to
389 any district school board official or department or district



426402

390 ~~state~~ instructional materials reviewer to directly or indirectly
391 introduce, recommend, vote for, or otherwise influence the
392 approval ~~adoption~~ or purchase of any instructional materials.

393 (2) A district school board official or a department or
394 district ~~state~~ instructional materials reviewer may not solicit
395 or accept any emolument, money, or other valuable thing, or any
396 inducement, to directly or indirectly introduce, recommend, vote
397 for, or otherwise influence the approval ~~adoption~~ or purchase of
398 any instructional material.

399 ~~(3) A district school board or publisher may not~~
400 ~~participate in a pilot program of materials being considered for~~
401 ~~adoption during the 18-month period before the official adoption~~
402 ~~of the materials by the commissioner. Any pilot program during~~
403 ~~the first 2 years of the adoption period must have the prior~~
404 ~~approval of the commissioner.~~

405 (3)~~(4)~~ A Any publisher or manufacturer of instructional
406 materials or representative thereof or a ~~any~~ district school
407 board official or department or district ~~state~~ instructional
408 materials reviewer who violates any provision of this section
409 commits a misdemeanor of the second degree, punishable as
410 provided in s. 775.082 or s. 775.083. A Any representative of a
411 publisher or manufacturer who violates any provision of this
412 section, in addition to any other penalty, shall be banned from
413 practicing business in the state for a period of 1 calendar
414 year.

415 (4)~~(5)~~ This section does not prohibit any publisher,
416 manufacturer, or agent from supplying, for purposes of
417 examination, necessary sample copies of instructional materials
418 to any district school board official or department or district



426402

419 ~~state~~ instructional materials reviewer.

420 (5)~~(6)~~ This section does not prohibit a district school
421 board official or department or district ~~state~~ instructional
422 materials reviewer from receiving sample copies of instructional
423 materials.

424 (6)~~(7)~~ This section does not prohibit or restrict a
425 district school board official from receiving royalties or other
426 compensation, other than compensation paid to him or her as
427 commission for negotiating sales to district school boards, from
428 the publisher or manufacturer of instructional materials
429 written, designed, or prepared by such district school board
430 official, ~~and adopted by the commissioner or~~ purchased by any
431 district school board. A ~~No~~ district school board official may
432 not ~~shall be allowed to~~ receive royalties on any materials not
433 ~~on the state-adopted list~~ purchased for use by his or her
434 district school board.

435 (7)~~(8)~~ A district school superintendent, district school
436 board member, teacher, or other person officially connected with
437 the government or direction of public schools may not receive
438 during the months actually engaged in performing duties under
439 his or her contract any private fee, gratuity, donation, or
440 compensation, in any manner whatsoever, for promoting the sale
441 or exchange of any instructional material, map, or chart in any
442 public school, or be an agent for the sale or the publisher of
443 any instructional material or reference work, or have a direct
444 or indirect pecuniary interest in the introduction of any such
445 instructional material, and any such agency or interest shall
446 disqualify any person so acting or interested from holding any
447 district school board employment whatsoever, and the person



426402

448 commits a misdemeanor of the second degree, punishable as
449 provided in s. 775.082 or s. 775.083; however, this subsection
450 does not prevent the approval ~~adoption~~ of any instructional
451 material written in whole or in part by a Florida author.

452 Section 8. Section 1006.33, Florida Statutes, is repealed.

453 Section 9. Section 1006.34, Florida Statutes, is amended to
454 read:

455 1006.34 Powers and duties of the State Board of Education
456 ~~commissioner and the department~~ in evaluating ~~selecting and~~
457 ~~adopting~~ instructional materials.-

458 (1) PROCEDURES FOR EVALUATING INSTRUCTIONAL MATERIALS.-The
459 State Board of Education shall adopt rules prescribing the
460 procedures by which the department shall evaluate instructional
461 materials submitted by publishers and manufacturers in each
462 review for approval ~~adoption~~. Included in these procedures shall
463 be provisions affording each publisher or manufacturer or his or
464 her representative an opportunity to provide a live virtual or
465 in-person presentation to the department ~~state~~ instructional
466 materials reviewers on the merits of each instructional material
467 submitted in each review for approval ~~adoption~~.

468 (2) FEES.-The State Board of Education shall adopt by rule
469 a fee schedule specifying the amount of fees that the department
470 may charge publishers who submit instructional materials for
471 review. Fees may not exceed the actual costs for the review,
472 taking into consideration the cost of reviewers, the content
473 area and complexity of the instructional materials to be
474 reviewed, and other relevant factors. The fee schedule must
475 specify the amount that may be collected by the department for
476 each submission.



426402

477 ~~(2) SELECTION AND ADOPTION OF INSTRUCTIONAL MATERIALS.—~~

478 ~~(a) The department shall notify all publishers and~~
479 ~~manufacturers of instructional materials who have submitted bids~~
480 ~~that within 3 weeks after the deadline for receiving bids, at a~~
481 ~~designated time and place, it will open the bids submitted and~~
482 ~~deposited with it. At the time and place designated, the bids~~
483 ~~shall be opened, read, and tabulated in the presence of the~~
484 ~~bidders or their representatives. No one may revise his or her~~
485 ~~bid after the bids have been filed. When all bids have been~~
486 ~~carefully considered, the commissioner shall, from the list of~~
487 ~~suitable, usable, and desirable instructional materials reported~~
488 ~~by the state instructional materials reviewers, select and adopt~~
489 ~~instructional materials for each grade and subject field in the~~
490 ~~curriculum of public elementary, middle, and high schools in~~
491 ~~which adoptions are made and in the subject areas designated in~~
492 ~~the advertisement. The adoption shall continue for the period~~
493 ~~specified in the advertisement, beginning on the ensuing April~~
494 ~~1. The adoption shall not prevent the extension of a contract as~~
495 ~~provided in subsection (3). The commissioner shall always~~
496 ~~reserve the right to reject any and all bids. The commissioner~~
497 ~~may ask for new sealed bids from publishers or manufacturers~~
498 ~~whose instructional materials were recommended by the state~~
499 ~~instructional materials reviewers as suitable, usable, and~~
500 ~~desirable; specify the dates for filing such bids and the date~~
501 ~~on which they shall be opened; and proceed in all matters~~
502 ~~regarding the opening of bids and the awarding of contracts as~~
503 ~~required by this part. In all cases, bids shall be accompanied~~
504 ~~by a cash deposit or certified check of from \$500 to \$2,500, as~~
505 ~~the department may direct. The department, in adopting~~



426402

506 ~~instructional materials, shall give due consideration both to~~
507 ~~the prices bid for furnishing instructional materials and to the~~
508 ~~report and recommendations of the state instructional materials~~
509 ~~reviewers. When the commissioner has finished with the report of~~
510 ~~the state instructional materials reviewers, the report shall be~~
511 ~~filed and preserved with the department and shall be available~~
512 ~~at all times for public inspection.~~

513 ~~(b) In the selection of instructional materials, library~~
514 ~~media, and other reading material used in the public school~~
515 ~~system, the standards used to determine the propriety of the~~
516 ~~material shall include:~~

517 ~~1. The age of the students who normally could be expected~~
518 ~~to have access to the material.~~

519 ~~2. The educational purpose to be served by the material. In~~
520 ~~considering instructional materials for classroom use, priority~~
521 ~~shall be given to the selection of materials which encompass the~~
522 ~~state and district school board performance standards provided~~
523 ~~for in s. 1001.03(1) and which include the instructional~~
524 ~~objectives contained within the curriculum frameworks approved~~
525 ~~by rule of the State Board of Education.~~

526 ~~3. The degree to which the material would be supplemented~~
527 ~~and explained by mature classroom instruction as part of a~~
528 ~~normal classroom instructional program.~~

529 ~~4. The consideration of the broad racial, ethnic,~~
530 ~~socioeconomic, and cultural diversity of the students of this~~
531 ~~state.~~

532
533 ~~Any instructional material containing pornography or otherwise~~
534 ~~prohibited by s. 847.012 may not be used or made available~~



426402

535 ~~within any public school.~~

536 ~~(3) CONTRACT WITH PUBLISHERS OR MANUFACTURERS; BOND. As~~
537 ~~soon as practicable after the commissioner has adopted any~~
538 ~~instructional materials and all bidders that have secured the~~
539 ~~adoption of any instructional materials have been notified~~
540 ~~thereof by registered letter, the department shall prepare a~~
541 ~~contract in proper form with every bidder awarded the adoption~~
542 ~~of any instructional materials. Each contract shall be executed~~
543 ~~by the commissioner, one copy to be kept by the contractor and~~
544 ~~one copy to be filed with the department. After giving due~~
545 ~~consideration to comments by the district school boards, the~~
546 ~~commissioner, with the agreement of the publisher, may extend or~~
547 ~~shorten a contract period for a period not to exceed 2 years;~~
548 ~~and the terms of any such contract shall remain the same as in~~
549 ~~the original contract. Any publisher or manufacturer to whom any~~
550 ~~contract is let under this part must give bond in such amount as~~
551 ~~the department requires, payable to the state, conditioned for~~
552 ~~the faithful, honest, and exact performance of the contract. The~~
553 ~~bond must provide for the payment of reasonable attorney's fees~~
554 ~~in case of recovery in any suit thereon. The surety on the bond~~
555 ~~must be a guaranty or surety company lawfully authorized to do~~
556 ~~business in the state; however, the bond shall not be exhausted~~
557 ~~by a single recovery but may be sued upon from time to time~~
558 ~~until the full amount thereof is recovered, and the department~~
559 ~~may at any time, after giving 30 days' notice, require~~
560 ~~additional security or additional bond. The form of any bond or~~
561 ~~bonds or contract or contracts under this part shall be prepared~~
562 ~~and approved by the department. At the discretion of the~~
563 ~~department, a publisher or manufacturer to whom any contract is~~



426402

564 ~~let under this part may be allowed a cash deposit in lieu of a~~
565 ~~bond, conditioned for the faithful, honest, and exact~~
566 ~~performance of the contract. The cash deposit, payable to the~~
567 ~~department, shall be placed in the Textbook Bid Trust Fund. The~~
568 ~~department may recover damages on the cash deposit given by the~~
569 ~~contractor for failure to furnish instructional materials, the~~
570 ~~sum recovered to inure to the General Revenue Fund.~~

571 ~~(4) REGULATIONS GOVERNING THE CONTRACT. The department may,~~
572 ~~from time to time, take any necessary actions, consistent with~~
573 ~~this part, to secure the prompt and faithful performance of all~~
574 ~~instructional materials contracts; and if any contractor fails~~
575 ~~or refuses to furnish instructional materials as provided in~~
576 ~~this part or otherwise breaks his or her contract, the~~
577 ~~department may sue on the required bond in the name of the~~
578 ~~state, in the courts of the state having jurisdiction, and~~
579 ~~recover damages on the bond given by the contractor for failure~~
580 ~~to furnish instructional materials, the sum recovered to inure~~
581 ~~to the General Revenue Fund.~~

582 ~~(5) RETURN OF DEPOSITS.—~~

583 ~~(a) The successful bidder shall be notified by registered~~
584 ~~mail of the award of contract and shall, within 30 days after~~
585 ~~receipt of the contract, execute the proper contract and post~~
586 ~~the required bond. When the bond and contract have been~~
587 ~~executed, the department shall notify the Chief Financial~~
588 ~~Officer and request that a warrant be issued against the~~
589 ~~Textbook Bid Trust Fund payable to the successful bidder in the~~
590 ~~amount deposited pursuant to this part. The Chief Financial~~
591 ~~Officer shall issue and forward the warrant to the department~~
592 ~~for distribution to the bidder.~~



426402

593 ~~(b) At the same time or prior thereto, the department shall~~
594 ~~inform the Chief Financial Officer of the names of the~~
595 ~~unsuccessful bidders. Upon receipt of such notice, the Chief~~
596 ~~Financial Officer shall issue warrants against the Textbook Bid~~
597 ~~Trust Fund payable to the unsuccessful bidders in the amounts~~
598 ~~deposited pursuant to this part and shall forward the warrants~~
599 ~~to the department for distribution to the unsuccessful bidders.~~

600 ~~(c) One copy of each contract and an original of each bid,~~
601 ~~whether accepted or rejected, shall be preserved with the~~
602 ~~department for at least 3 years after the termination of the~~
603 ~~contract.~~

604 ~~(6) DEPOSITS FORFEITED.—If any successful bidder fails or~~
605 ~~refuses to execute contract and bond within 30 days after~~
606 ~~receipt of the contract, the cash deposit shall be forfeited to~~
607 ~~the state and placed by the Chief Financial Officer in the~~
608 ~~General Revenue Fund.~~

609 ~~(7) FORFEITURE OF CONTRACT AND BOND.—If any publisher or~~
610 ~~manufacturer of instructional materials fails or refuses to~~
611 ~~furnish instructional materials as provided in the contract, the~~
612 ~~publisher's or manufacturer's bond is forfeited and the~~
613 ~~commissioner must make another contract.~~

614 Section 10. Section 1006.35, Florida Statutes, is amended
615 to read:

616 1006.35 Accuracy of instructional materials.—

617 (1) In addition to relying on statements of publishers or
618 manufacturers of instructional materials, the commissioner may
619 conduct or cause to be conducted an independent investigation to
620 determine the accuracy of approved ~~state-adopted~~ instructional
621 materials.



426402

622 (2) When errors in approved ~~state-adopted~~ materials are
623 confirmed, the publisher or manufacturer of the materials shall
624 provide to each district school board that has purchased the
625 materials the corrections in a format approved by the
626 department.

627 (3) The commissioner may remove materials from the list of
628 approved ~~state-adopted~~ materials:

629 (a) If he or she finds that the content is in error and the
630 publisher or manufacturer refuses to correct the error when
631 notified by the department.

632 (b) ~~(4) The commissioner may remove materials from the list~~
633 ~~of state-adopted materials~~ At the request of the publisher or
634 manufacturer if, in the commissioner's ~~his or her~~ opinion, there
635 is no material impact on the state's education goals.

636 (c) If the materials do not align with all applicable state
637 standards.

638 (4) If the commissioner removes materials from the list of
639 approved materials, the district may not purchase them for use
640 in core content areas.

641 Section 11. Section 1006.36, Florida Statutes, is amended
642 to read:

643 1006.36 State review cycle ~~Term of adoption~~ for
644 instructional materials.-

645 (1) The state review cycle ~~term of adoption~~ of any
646 instructional materials shall ~~must~~ be a 5-year period ~~beginning~~
647 ~~on April 1 following the adoption~~, except that the commissioner
648 may approve alternative schedules ~~terms of adoption~~ of less than
649 5 years for materials in content areas which require more
650 frequent revision. ~~Any contract for instructional materials may~~



426402

651 ~~be extended as prescribed in s. 1006.34(3).~~

652 (2) The department shall publish annually an official
653 schedule of subject areas to be called for review ~~adoption~~ for
654 each of the succeeding 2 years, and a tentative schedule for
655 years 3, 4, and 5. If extenuating circumstances warrant, the
656 commissioner may add one or more subject areas to the official
657 schedule, in which event the commissioner shall develop criteria
658 for such additional subject area or areas and make them
659 available to publishers or manufacturers as soon as practicable
660 before the date on which submission for review is ~~bids are~~ due.
661 The schedule shall be developed so as to promote balance among
662 the subject areas so that the required expenditure for new
663 instructional materials is approximately the same each year in
664 order to maintain curricular consistency.

665 Section 12. Section 1006.37, Florida Statutes, is amended
666 to read:

667 1006.37 Requisition of instructional materials from
668 publisher's depository.-

669 ~~(1)~~ The district school superintendent may ~~shall~~
670 requisition approved ~~adopted~~ instructional materials from the
671 depository of the publisher with whom a contract has been made.
672 ~~However, the superintendent shall requisition current~~
673 ~~instructional materials to provide each student with a textbook~~
674 ~~or other materials as a major tool of instruction in core~~
675 ~~courses of the subject areas specified in s. 1006.40(2). These~~
676 ~~materials must be requisitioned within the first 2 years of the~~
677 ~~adoption cycle, except for instructional materials related to~~
678 ~~growth of student membership or instructional materials~~
679 ~~maintenance needs. The superintendent may requisition~~



426402

680 ~~instructional materials in the core subject areas specified in~~
681 ~~s. 1006.40(2) that are related to growth of student membership~~
682 ~~or instructional materials maintenance needs during the 3rd,~~
683 ~~4th, 5th, and 6th years of the original contract period.~~

684 ~~(2) The district school superintendent shall verify that~~
685 ~~the requisition is complete and accurate and order the~~
686 ~~depository to forward to him or her the adopted instructional~~
687 ~~materials shown by the requisition. The depository shall prepare~~
688 ~~an invoice of the materials shipped, including shipping charges,~~
689 ~~and mail it to the superintendent to whom the shipment is being~~
690 ~~made. The superintendent shall pay the depository within 60 days~~
691 ~~after receipt of the requisitioned materials from the~~
692 ~~appropriation for the purchase of adopted instructional~~
693 ~~materials.~~

694 Section 13. Section 1006.38, Florida Statutes, is amended
695 to read:

696 1006.38 Duties, responsibilities, and requirements of
697 instructional materials publishers and manufacturers.—This
698 section applies to both the state and district approval
699 processes. Publishers and manufacturers of instructional
700 materials, or their representatives, shall:

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

702 (2) Electronically deliver fully developed sample copies of
703 all instructional materials upon which reviews ~~bids~~ are based to
704 the department pursuant to procedures adopted by the State Board
705 of Education.

706 (3) ~~Submit, at a time designated in s. 1006.33,~~ the
707 following information:

708 (a) Detailed specifications of the physical characteristics



426402

709 of the instructional materials, including any software or
710 technological tools required for use by the district, school,
711 teachers, or students. The publisher or manufacturer shall
712 comply with these specifications if the instructional materials
713 are approved ~~adopted~~ and purchased in completed form.

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

719 (c) Evidence that the instructional materials include
720 specific references to statewide standards in the teacher's
721 manual and incorporate such standards into chapter tests or the
722 assessments. Beginning in the 2013-2014 adoption year, the
723 statewide standards shall not be included at the point of
724 student use.

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

728 (5) Furnish the instructional materials offered by them at
729 a price in the state which, including all costs of electronic
730 transmission, may not exceed the lowest price at which they
731 offer such instructional materials for approval ~~adoption~~ or sale
732 to any state or school district in the United States.

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

736 (7) Provide any instructional materials free of charge in
737 the state to the same extent as they are provided free of charge



426402

738 to any state or school district in the United States.

739 (8) Guarantee that all copies of any instructional
740 materials sold in this state will be at least equal in quality
741 to the copies of such instructional materials that are sold
742 elsewhere in the United States and will be kept revised, free
743 from all errors, and up-to-date as may be required by the
744 department.

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

749 (10) Not in any way, directly or indirectly, become
750 associated or connected with any combination in restraint of
751 trade in instructional materials, nor enter into any
752 understanding, agreement, or combination to control prices or
753 restrict competition in the sale of instructional materials for
754 use in the state.

755 (11) Furnish the instructional materials offered by them at
756 a price in the state which, including all costs of electronic
757 transmission, may not exceed the lowest price at which they
758 offer such instructional materials for approval or sale to any
759 other school district in the state.

760 (12) Provide the department and school districts the cost
761 paid for an instructional materials product by a school or
762 district anywhere in the United States. The cost paid for that
763 product must remain the same for all future sales and must be
764 posted on all marketing materials.

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

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



426402

767 ~~maintain in the depository for the first 2 years of the contract~~
768 ~~an inventory of instructional materials sufficient to receive~~
769 ~~and fill orders.~~

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

775 (14) Accurately and fully disclose only the names of those
776 persons who actually authored the instructional materials. In
777 addition to the penalties provided in subsection (16), the
778 commissioner may remove from the list of state-approved ~~state-~~
779 ~~adopted~~ instructional materials those instructional materials
780 whose publisher or manufacturer misleads the purchaser by
781 falsely representing genuine authorship.

782 (15) Grant, without prior written request, for any
783 copyright held by the publisher or its agencies automatic
784 permission to the department or its agencies for the
785 reproduction of instructional materials and supplementary
786 materials in Braille, large print, or other appropriate format
787 for use by visually impaired students or other students with
788 disabilities that would benefit from use of the materials.

789 (16) Upon the willful failure of the publisher or
790 manufacturer to comply with the requirements of this section, be
791 liable to the department in the amount of three times the total
792 sum which the publisher or manufacturer was paid in excess of
793 the price required under subsections (5) and (6) and in the
794 amount of three times the total value of the instructional
795 materials and services which the district school board is



426402

796 entitled to receive free of charge under subsection (7).

797 Section 14. Subsections (2), (3), and (4) of section
798 1006.40, Florida Statutes, are amended to read:

799 1006.40 Use of instructional materials allocation;
800 instructional materials, library books, and reference books;
801 repair of books.-

802 (2) Each district school board must provide ~~purchase~~
803 current instructional materials to ~~provide~~ each student with a
804 major tool or assistance ~~of instruction~~ in core courses of the
805 subject areas of mathematics, language arts, science, social
806 studies, reading, and literature for kindergarten through grade
807 12. ~~Such purchase must be made within the first 2 years after~~
808 ~~the effective date of the adoption cycle. For the 2012-2013~~
809 ~~mathematics adoption, a district using a comprehensive~~
810 ~~mathematics instructional materials program adopted in the 2009-~~
811 ~~2010 adoption shall be deemed in compliance with this subsection~~
812 ~~if it provides each student with such additional state-adopted~~
813 ~~materials as may be necessary to align the previously adopted~~
814 ~~comprehensive program to common core standards and the other~~
815 ~~criteria of the 2012-2013 mathematics adoption.~~

816 (3)~~(a)~~ By the 2015-2016 fiscal year, each district school
817 board shall use at least 50 percent of the annual allocation for
818 the purchase of digital or electronic instructional materials
819 that align with state standards ~~included on the state-adopted~~
820 ~~list, except as otherwise authorized in paragraphs (b) and (c).~~

821 ~~(b) Up to 50 percent of the annual allocation may be used~~
822 ~~for the purchase of instructional materials, including library~~
823 ~~and reference books and nonprint materials, not included on the~~
824 ~~state-adopted list and for the repair and renovation of~~



426402

825 ~~textbooks and library books.~~

826 ~~(c) District school boards may use 100 percent of that~~
827 ~~portion of the annual allocation designated for the purchase of~~
828 ~~instructional materials for kindergarten, and 75 percent of that~~
829 ~~portion of the annual allocation designated for the purchase of~~
830 ~~instructional materials for first grade, to purchase materials~~
831 ~~not on the state-adopted list.~~

832 (4) Remaining funds may ~~The funds described in subsection~~
833 ~~(3) which district school boards may use to purchase materials~~
834 ~~not on the state-adopted list shall be used for the purchase of~~
835 ~~instructional materials or other items, including library and~~
836 ~~reference books and nonprint materials,~~ having intellectual
837 content which assist in the instruction of a subject or course.
838 These items may be available in bound, unbound, kit, or package
839 form and may consist of hardbacked or softbacked textbooks,
840 electronic content, replacements for items which were part of
841 previously purchased instructional materials, consumables,
842 learning laboratories, manipulatives, electronic media, computer
843 courseware or software, and other commonly accepted
844 instructional tools as prescribed by district school board rule.

845 Section 15. Paragraphs (o), (p), and (q) of subsection (6)
846 of section 1001.10, Florida Statutes, are amended, and paragraph
847 (r) is added to that subsection, to read:

848 1001.10 Commissioner of Education; general powers and
849 duties.—

850 (6) Additionally, the commissioner has the following
851 general powers and duties:

852 (o) To develop criteria for use by department ~~state~~
853 instructional materials reviewers in evaluating materials



426402

854 submitted for approval ~~adoption consideration~~. The criteria
855 shall, as appropriate, be based on instructional expectations
856 reflected in course descriptions ~~curriculum frameworks~~ and
857 student performance standards. The criteria for each subject or
858 course shall be made available to publishers and manufacturers
859 of instructional materials pursuant to the requirements of
860 chapter 1006.

861 (p) To prescribe procedures for evaluating instructional
862 materials submitted by publishers and manufacturers in each
863 review for approval ~~adoption~~.

864 (q) To remove any instructional materials from the list of
865 materials approved by the department or a school district ~~enter~~
866 ~~into agreement with Space Florida to develop innovative~~
867 ~~aerospace-related education programs that promote mathematics~~
868 ~~and science education for grades K-20~~.

869 (r) To submit to the Governor, the President of the Senate,
870 the Speaker of the House of Representatives, and the State Board
871 of Education an annual report regarding district and state
872 instructional materials reviews, the impact on the quality and
873 availability of instructional materials, and the cost-
874 effectiveness of the state and district review processes. The
875 report shall be submitted on January 1 following the first
876 fiscal year of implementation of the program and each year
877 thereafter.

878 Section 16. Subsection (5) of section 1003.55, Florida
879 Statutes, is amended to read:

880 1003.55 Instructional programs for blind or visually
881 impaired students and deaf or hard-of-hearing students.—

882 (5) Any publisher or manufacturer of instructional



426402

883 materials that have been approved by the department or a school
884 district a textbook adopted pursuant to the state instructional
885 materials adoption process shall furnish the department of
886 ~~Education~~ with a computer file in an electronic format specified
887 by the department ~~at least 2 years in advance~~ that is readily
888 translatable to Braille and can be used for large print or
889 speech access. Any instructional materials ~~textbook~~ reproduced
890 pursuant to ~~the provisions of~~ this subsection shall be purchased
891 at a price equal to the price paid for the instructional
892 materials ~~textbook~~ as approved ~~adopted~~. The department of
893 ~~Education~~ shall not reproduce instructional materials ~~textbooks~~
894 obtained pursuant to this subsection in any manner that would
895 generate revenues for the department from the use of such
896 computer files or that would preclude the rightful payment of
897 fees to the publisher or manufacturer for use of all or some
898 portion of the instructional materials ~~textbook~~.

899 Section 17. Paragraph (j) of subsection (2) of section
900 1003.621, Florida Statutes, is amended to read:

901 1003.621 Academically high-performing school districts.—It
902 is the intent of the Legislature to recognize and reward school
903 districts that demonstrate the ability to consistently maintain
904 or improve their high-performing status. The purpose of this
905 section is to provide high-performing school districts with
906 flexibility in meeting the specific requirements in statute and
907 rules of the State Board of Education.

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



426402

912 following:

913 (j) Those statutes relating to instructional materials,
914 except that s. 1006.40 ~~s. 1006.37~~, relating to the requisition
915 ~~of state-adopted materials from the depository under contract~~
916 ~~with the publisher, and s. 1006.40(3)(a)~~, relating to the use of
917 50 percent of the instructional materials allocation, is ~~shall~~
918 ~~be~~ eligible for exemption.

919 Section 18. Paragraph (b) of subsection (6) of section
920 1011.62, Florida Statutes, is amended to read:

921 1011.62 Funds for operation of schools.—If the annual
922 allocation from the Florida Education Finance Program to each
923 district for operation of schools is not determined in the
924 annual appropriations act or the substantive bill implementing
925 the annual appropriations act, it shall be determined as
926 follows:

927 (6) CATEGORICAL FUNDS.—

928 (b) If a district school board finds and declares in a
929 resolution approved ~~adopted~~ at a regular meeting of the school
930 board that the funds received for any of the following
931 categorical appropriations are urgently needed to maintain
932 ~~school board specified~~ academic classroom instruction specified
933 by the school board, the school board may consider and approve
934 an amendment to the school district operating budget
935 transferring the identified amount of the categorical funds to
936 the appropriate account for expenditure:

- 937 1. Funds for student transportation.
938 2. Funds for safe schools.
939 3. Funds for supplemental academic instruction if the
940 required additional hour of instruction beyond the normal school



426402

941 day for each day of the entire school year has been provided for
942 the students in each low-performing elementary school in the
943 district pursuant to paragraph (1)(f).

944 4. Funds for research-based reading instruction if the
945 required additional hour of instruction beyond the normal school
946 day for each day of the entire school year has been provided for
947 the students in each low-performing elementary school in the
948 district pursuant to paragraph (9)(a).

949 5. Funds for instructional materials if all instructional
950 material purchases necessary to provide updated materials that
951 are aligned with applicable ~~to Next Generation Sunshine~~ state
952 standards and course descriptions ~~benchmarks~~ and that meet
953 statutory requirements of content and learning have been
954 completed for that fiscal year, but no sooner than March 1.
955 Funds available after March 1 may be used to purchase hardware
956 for student instruction.

957 Section 19. This act shall take effect July 1, 2013.

958
959 ===== T I T L E A M E N D M E N T =====

960 And the title is amended as follows:

961 Delete everything before the enacting clause
962 and insert:

963 A bill to be entitled
964 An act relating to instructional materials for K-12
965 public education; amending s. 1006.28, F.S.; revising
966 the duties of a district school board and the district
967 superintendent with regard to instructional materials;
968 repealing s. 1006.282, F.S., relating to the pilot
969 program for the transition to electronic and digital



426402

970 instructional materials; creating s. 1006.283, F.S.;

971 authorizing a district school board or a consortium of

972 school districts to implement an instructional

973 materials program; requiring the district

974 superintendent to certify to the Department of

975 Education that instructional materials for core

976 courses align with applicable state standards;

977 requiring the district school board to adopt rules;

978 authorizing the district school board to set and

979 collect fees from a publisher that participates in the

980 instructional materials review process; requiring the

981 fee amount to be posted on the school district's

982 website and reported to the Department of Education;

983 providing a limit on fees; prohibiting fees from being

984 collected from publishers to review certain

985 instructional materials; providing for a stipend,

986 reimbursement for travel expenses, and per diem for

987 reviewers; requiring instructional materials that are

988 approved by the district instructional materials

989 reviewers to be aligned with applicable state

990 standards; requiring each district school

991 superintendent to annually certify that the

992 instructional materials for core courses used by the

993 district align with applicable state standards;

994 providing pricing requirements for instructional

995 materials; amending s. 1006.29, F.S.; providing a

996 definition; requiring the department to appoint state

997 instructional materials reviewers, rather than state

998 or national experts, to review instructional



426402

999 materials; providing requirements, appointments, and
1000 terms for state instructional materials reviewers;
1001 authorizing the department to assess and collect fees;
1002 requiring the fee amount to be posted on the
1003 department's website and reported to the State Board
1004 of Education; providing a purpose for the use of the
1005 fees, such as a stipend for service as a reviewer,
1006 payment for per diem, and reimbursement for travel
1007 expenses for service as a reviewer; requiring a
1008 publisher to offer sections of instructional materials
1009 in certain versions at reduced rates; requiring the
1010 department to post certain instructional materials on
1011 its website; amending s. 1006.30, F.S.; conforming
1012 provisions to changes made by the act; amending s.
1013 1006.31, F.S.; conforming provisions to changes made
1014 by the act; revising the procedure for evaluating
1015 instructional materials; providing standards to
1016 determine the propriety of instructional materials;
1017 amending s. 1006.32, F.S.; conforming provisions to
1018 changes made by the act; repealing s. 1006.33, F.S.,
1019 relating to bids, proposals, and advertisement
1020 regarding instructional materials; amending s.
1021 1006.34, F.S.; revising the powers and duties of the
1022 State Board of Education in evaluating instructional
1023 materials to include collecting fees and adopting
1024 rules; conforming provisions to changes made by the
1025 act; amending s. 1006.35, F.S.; authorizing the
1026 Commissioner of Education to remove materials from the
1027 list of approved materials if the materials do not



426402

1028 align with applicable state standards; prohibiting a
1029 school district from purchasing removed materials
1030 under certain circumstances; amending s. 1006.36,
1031 F.S.; providing for the state review cycle for
1032 instructional materials; amending s. 1006.37, F.S.;
1033 authorizing a district school superintendent to
1034 requisition approved instructional materials;
1035 conforming provisions to changes made by the act;
1036 amending s. 1006.38, F.S.; providing for
1037 applicability; revising duties of publishers and
1038 manufacturers; amending s. 1006.40, F.S.; revising the
1039 allocation for instructional materials; amending s.
1040 1001.10, F.S.; revising the duties of the Commissioner
1041 of Education with regard to instructional materials,
1042 including submission of a report to the Governor, the
1043 Legislature, and the State Board of Education;
1044 amending s. 1003.55, F.S.; requiring a publisher or
1045 manufacturer of instructional materials that have been
1046 approved by the Department of Education or a school
1047 district to furnish the department with a computer
1048 file in an electronic format specified by the
1049 department; amending ss. 1003.621 and 1011.62, F.S.;
1050 conforming provisions to changes made by the act;
1051 providing an effective date.