



Education Committee

**Tuesday, April 16, 2013
9:00 AM – 10:00 AM**

Action Packet

**Will Weatherford
Speaker**

**H. Marlene O'Toole
Chair**

COMMITTEE MEETING REPORT

Education Committee

4/16/2013 9:00:00AM

Location: Reed Hall (102 HOB)

Summary:

Education Committee

Tuesday April 16, 2013 09:00 am

CS/CS/HB 283	Favorable With Committee Substitute	Yeas: 13	Nays: 1
	Amendment 710561 Adopted		
HB 559	Favorable	Yeas: 15	Nays: 0
HB 1031	Favorable With Committee Substitute	Yeas: 12	Nays: 0
	Amendment 944941 Adopted		
HB 1285	Favorable	Yeas: 14	Nays: 0

Committee meeting was reported out: Tuesday, April 16, 2013 1:03:05PM

COMMITTEE MEETING REPORT

Education Committee

4/16/2013 9:00:00AM

Location: Reed Hall (102 HOB)

Attendance:

	<i>Present</i>	<i>Absent</i>	<i>Excused</i>
H. Marlene O'Toole (Chair)	X		
Janet Adkins			X
Michael Bileca	X		
Mark Danish	X		
Manny Diaz, Jr.	X		
Reggie Fullwood			X
James Grant	X		
Travis Hutson	X		
Charles McBurney	X		
Jeanette Nuñez	X		
W. Keith Perry	X		
Kathleen Peters	X		
Elizabeth Porter	X		
Betty Reed	X		
Joe Saunders	X		
Cynthia Stafford	X		
Victor Torres, Jr.	X		
Carl Zimmermann	X		
Totals:	16	0	2

Committee meeting was reported out: Tuesday, April 16, 2013 1:03:05PM

COMMITTEE MEETING REPORT

Education Committee

4/16/2013 9:00:00AM

Location: Reed Hall (102 HOB)

CS/CS/HB 283 : Fine Arts Courses

Favorable With Committee Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Janet Adkins			X		
Michael Bileca	X				
Mark Danish	X				
Manny Diaz, Jr.	X				
Reggie Fullwood			X		
James Grant	X				
Travis Hutson	X				
Charles McBurney	X				
Jeanette Nuñez	X				
W. Keith Perry				X	
Kathleen Peters	X				
Elizabeth Porter	X				
Betty Reed	X				
Joe Saunders	X				
Cynthia Stafford	X				
Victor Torres, Jr.	X				
Carl Zimmermann		X			
H. Marlene O'Toole (Chair)				X	
Total Yeas: 13		Total Nays: 1			

CS/CS/HB 283 Amendments

Amendment 710561

Adopted

Appearances:

Felicidad Curva, Partner (Lobbyist) - Opponent
Florida Alliance for Health, Phys Ed, Recreation, Dance & Sports
1212 Piedmont Drive
Tallahassee FL 32312
Phone: 850-508-2256

David Francis, Government Relations Director (Lobbyist) - Opponent
American Heart Association
2851 Remington Green Circle, Suite C
Tallahassee FL 32308
Phone: 850-567-0598

Jim Horne (Lobbyist) - Waive In Support
AIF
200 W. College Avenue
Tallahassee FL 32301

Committee meeting was reported out: Tuesday, April 16, 2013 1:03:05PM

COMMITTEE MEETING REPORT

Education Committee

4/16/2013 9:00:00AM

Location: Reed Hall (102 HOB)

CS/CS/HB 283 : Fine Arts Courses (continued)

Appearances: (continued)

AMD and Bill

Frank Meiners (Lobbyist) - Waive In Support

Center for Fine Arts Ed

P. O. Box 1633

Tallahassee Florida 32302

Phone: 850-591-0177

Brian Pitts, Trustee - Information Only

Justice-2-Jesus

1119 Newton Avenue South

St. Petersburg Florida 33705

Phone: 727-897-9291

Committee meeting was reported out: Tuesday, April 16, 2013 1:03:05PM



COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/CS/HB 283 (2013)

Amendment No.1

<u>COMMITTEE/SUBCOMMITTEE/ACTION</u>	
ADOPTED	<input checked="" type="checkbox"/> (Y/N)
ADOPTED AS AMENDED	<input type="checkbox"/> (Y/N)
ADOPTED W/O OBJECTION	<input type="checkbox"/> (Y/N)
FAILED TO ADOPT	<input type="checkbox"/> (Y/N)
WITHDRAWN	<input type="checkbox"/> (Y/N)
OTHER	<input type="checkbox"/>

1 Committee/Subcommittee hearing bill: Education Committee
 2 Representative McBurney offered the following:

3
4
5
6
7
8

Amendment

Remove line 23 and insert:

Sunshine State Standards. The report shall be posted on the
 Department of Education website and shall be updated annually.

COMMITTEE MEETING REPORT

Education Committee

4/16/2013 9:00:00AM

Location: Reed Hall (102 HOB)

HB 559 : Public School Instruction

Favorable

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Janet Adkins			X		
Michael Bileca	X				
Mark Danish	X				
Manny Diaz, Jr.	X				
Reggie Fullwood			X		
James Grant	X				
Travis Hutson	X				
Charles McBurney	X				
Jeanette Nuñez	X				
W. Keith Perry	X				
Kathleen Peters	X				
Elizabeth Porter	X				
Betty Reed	X				
Joe Saunders	X				
Cynthia Stafford	X				
Victor Torres, Jr.	X				
Carl Zimmermann	X				
H. Marlene O'Toole (Chair)				X	
Total Yeas: 15		Total Nays: 0			

Appearances:

Brian Pitts, Trustee - Information Only

Justice-2-Jesus

1119 Newton Ave. S.

St. Petersburg FL 33705

Phone: 727-897-9291

Committee meeting was reported out: Tuesday, April 16, 2013 1:03:05PM

COMMITTEE MEETING REPORT

Education Committee

4/16/2013 9:00:00AM

Location: Reed Hall (102 HOB)

HB 1031 : Instructional Materials for K-12 Public Education

Favorable With Committee Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Janet Adkins			X		
Michael Bileca	X				
Mark Danish	X				
Manny Diaz, Jr.	X				
Reggie Fullwood			X		
James Grant				X	
Travis Hutson	X				
Charles McBurney	X				
Jeanette Nuñez				X	
W. Keith Perry				X	
Kathleen Peters	X				
Elizabeth Porter	X				
Betty Reed	X				
Joe Saunders	X				
Cynthia Stafford	X				
Victor Torres, Jr.	X				
Carl Zimmermann	X				
H. Marlene O'Toole (Chair)				X	
Total Yeas: 12		Total Nays: 0			

HB 1031 Amendments

Amendment 944941

Adopted

Appearances:

Brian Pitts, Trustee - Information Only
Justice-2-Jesus
1119 Newton Ave. S.
St. Petersburg FL 33705
Phone: 727-897-9291

Jim Horne (Lobbyist) - Waive In Support
200 W. College Avenue
Tallahassee FL 32301

Committee meeting was reported out: Tuesday, April 16, 2013 1:03:05PM



Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<input checked="" type="checkbox"/>	(Y/N)
ADOPTED AS AMENDED	<input type="checkbox"/>	(Y/N)
ADOPTED W/O OBJECTION	<input type="checkbox"/>	(Y/N)
FAILED TO ADOPT	<input type="checkbox"/>	(Y/N)
WITHDRAWN	<input type="checkbox"/>	(Y/N)
OTHER		

1 Committee/Subcommittee hearing bill: Education Committee
 2 Representative Porter offered the following:

Amendment (with title amendment)

Remove everything after the enacting clause and insert:

6 Section 1. Paragraph (b) of subsection (1) and subsection
 7 (2) of section 1006.28, Florida Statutes, are amended to read:
 8 1006.28 Duties of district school board, district school
 9 superintendent; and school principal regarding K-12
 10 instructional materials.—

11 (1) DISTRICT SCHOOL BOARD.—The district school board has
 12 the duty to provide adequate instructional materials for all
 13 students in accordance with the requirements of this part. The
 14 term "adequate instructional materials" means a sufficient
 15 number of student or site licenses or sets of materials that are
 16 available in bound, unbound, kit, or package form and may
 17 consist of hardbacked or softbacked textbooks, electronic
 18 content, consumables, learning laboratories, manipulatives,
 19 electronic media, and computer courseware or software that serve



Amendment No. 1

20 as the basis for instruction for each student in the core
21 courses of mathematics, language arts, social studies, science,
22 reading, and literature. The district school board has the
23 following specific duties:

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

34 (2) DISTRICT SCHOOL SUPERINTENDENT.—

35 (a) The district school superintendent has the duty to
36 recommend such plans for improving, providing, distributing,
37 accounting for, and caring for instructional materials and other
38 instructional aids as will result in general improvement of the
39 district school system, as prescribed in this part, in
40 accordance with adopted district school board rules prescribing
41 the duties and responsibilities of the district school
42 superintendent regarding the requisition, purchase, receipt,
43 storage, distribution, use, conservation, records, and reports
44 of, and management practices and property accountability
45 concerning, instructional materials, and providing for an
46 evaluation of any instructional materials to be requisitioned
47 that have not been used previously in the district's schools.



Amendment No. 1

48 The district school superintendent must keep adequate records
49 and accounts for all financial transactions for funds collected
50 pursuant to subsection (3), as a component of the educational
51 service delivery scope in a school district best financial
52 management practices review under s. 1008.35.

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

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

69 Section 2. Section 1006.282, Florida Statutes, is
70 repealed.

71 Section 3. Section 1006.283, Florida Statutes, is created
72 to read:

73 1006.283 District school board instructional materials
74 review process.—



Amendment No. 1

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

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

88 (a) Its review and purchase process.

89 (b) Identification of a review cycle for instructional
90 materials.

91 (c) The duties and qualifications of the instructional
92 materials reviewers.

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

96 (e) Compliance with s. 1006.32, relating to prohibited
97 acts.

98 (f) A process that certifies the accuracy of instructional
99 materials.

100 (g) The incorporation of applicable requirements of s.
101 1006.38, relating to the duties, responsibilities, and
102 requirements of publishers of instructional materials.



Amendment No. 1

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

106 (3) (a) The school board may set and collect fees from
107 publishers participating in the instructional materials approval
108 process. The amount assessed and collected shall be advertised
109 and must be reported to the district school board. The fees may
110 not exceed the fees that are assessed for those materials
111 submitted for review by the state as defined by the State Board
112 of Education. Any fees collected for this process shall be
113 allocated for the support of the review process and maintained
114 in a separate line item for auditing purposes. Fees may not be
115 collected from publishers to review instructional materials that
116 are approved by the department and placed on the department's
117 website.

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

126 (4) Instructional materials that have been reviewed by the
127 district instructional materials reviewers and approved must
128 have been determined to align with all applicable state
129 standards pursuant to s. 1003.41 and the requirements in s.
130 1006.31. The district school superintendent must annually



Amendment No. 1

131 certify to the department that the district's all core
132 instructional materials are aligned with all applicable state
133 standards.

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

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

143 Section 4. Section 1006.29, Florida Statutes, is amended
144 to read:

145 1006.29 Department of Education State instructional
146 materials reviewers.-

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

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

156 (b) ~~By April 15 of each school year,~~ The department
157 ~~commissioner~~ shall appoint five reviewers for each submission by
158 ~~a publisher or district school board three state or national~~



Amendment No. 1

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

184 (c) The department may assess and collect fees in
185 accordance with s. 1006.34(2). The amount assessed and collected
186 shall be advertised and must be reported to the State Board of



Amendment No. 1

187 Education. Any fees collected for this process shall be
188 allocated for the support of the review process, maintained in a
189 separate account for auditing purposes, and deposited in the
190 department's Operating Trust Fund.

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

206 ~~(e)~~ (e) The commissioner shall request each district school
207 superintendent to nominate one classroom teacher or district-
208 level content supervisor to review two or three of the
209 submissions recommended by the department ~~state~~ instructional
210 materials reviewers. School districts shall ensure that these
211 district reviewers are provided with the support and time
212 necessary to accomplish a thorough review of the instructional
213 materials. District reviewers shall independently rate the
214 recommended submissions on the instructional usability of the



Amendment No. 1

215 resources. District reviewers may be paid a stipend and are
216 entitled to reimbursement for travel expenses and per diem in
217 accordance with s. 112.061 for actual service in meetings, if
218 applicable.

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

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

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



Amendment No. 1

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

249

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

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

262 (6) By March 1 of each year, the department shall post on
263 its website a list of department-approved instructional
264 materials and instructional materials approved by other states
265 which align with applicable state standards. The list shall be
266 maintained and updated periodically. The list shall be
267 comprehensive and include sufficient instructional materials or
268 major tools to cover all of the core content areas. The posting
269 must include the purchase price of each product once it is



Amendment No. 1

270 purchased anywhere in the United States. In addition to the
271 posting, the department shall send school district
272 administrators periodic updates to the website. District-
273 approved instructional materials shall also be posted on the
274 website.

275 Section 5. Section 1006.30, Florida Statutes, is amended
276 to read:

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

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

283 (2) The reviewer has no interest in any publishing or
34 manufacturing organization that produces or sells instructional
285 materials.

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

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

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



Amendment No. 1

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

305 Section 6. Section 1006.31, Florida Statutes, is amended
306 to read:

307 1006.31 Duties of the Department of Education and school
308 district each state instructional materials reviewer.—The duties
309 of the each state instructional materials reviewer are:

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

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

321 (a) When evaluating recommending instructional materials
322 for use in the schools, each reviewer shall include only
323 instructional materials ~~that~~ accurately portray the ethnic,
324 socioeconomic, cultural, and racial diversity of our society,



Amendment No. 1

325 including men and women in professional, career, and executive
326 roles, and the role and contributions of the entrepreneur and
327 labor in the total development of this state and the United
328 States.

329 (b) When evaluating ~~recommending~~ instructional materials
330 for use in the schools, each reviewer shall include only
331 materials that accurately portray, whenever appropriate,
332 humankind's place in ecological systems, including the necessity
333 for the protection of our environment and conservation of our
334 natural resources and the effects on the human system of the use
335 of tobacco, alcohol, controlled substances, and other dangerous
336 substances.

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

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

351 (e) When evaluating instructional materials, library
352 media, and other reading material for use in the schools, a



Amendment No. 1

353 reviewer shall use the following standards to determine the
354 propriety of the material:

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

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

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

368 4. The degree to which the material represents the broad
369 racial, ethnic, socioeconomic, and cultural diversity of
370 students in the state.

371

372 Any instructional material containing pornography or otherwise
373 prohibited by s. 847.012 may not be used or made available
374 within any public school.

375 (c)(e) Any Instructional material recommended by a each
376 reviewer for use in the schools shall be, to the satisfaction of
377 the each reviewer, accurate, objective, and current and suited
378 to the needs and comprehension of students at their respective
379 grade levels. Reviewers shall consider for adoption materials



Amendment No. 1

380 developed for academically talented students such as those
381 enrolled in advanced placement courses.

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

387 Section 7. Section 1006.32, Florida Statutes, is amended
388 to read:

389 1006.32 Prohibited acts.—

390 (1) A publisher or manufacturer of instructional material,
391 or any representative thereof, may not offer to give any
392 emolument, money, or other valuable thing, or any inducement, to
393 any district school board official or department or district
394 state instructional materials reviewer to directly or indirectly
395 introduce, recommend, vote for, or otherwise influence the
396 approval ~~adoption~~ or purchase of any instructional materials.

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

403 ~~(3) A district school board or publisher may not~~
404 ~~participate in a pilot program of materials being considered for~~
405 ~~adoption during the 18 month period before the official adoption~~
406 ~~of the materials by the commissioner. Any pilot program during~~



Amendment No. 1

407 ~~the first 2 years of the adoption period must have the prior~~
408 ~~approval of the commissioner.~~

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

419 ~~(4)~~(5) This section does not prohibit any publisher,
420 manufacturer, or agent from supplying, for purposes of
421 examination, necessary sample copies of instructional materials
422 to any district school board official or department or district
423 ~~state~~ instructional materials reviewer.

424 ~~(5)~~(6) This section does not prohibit a district school
425 board official or department or district ~~state~~ instructional
426 materials reviewer from receiving sample copies of instructional
427 materials.

428 ~~(6)~~(7) This section does not prohibit or restrict a
429 district school board official from receiving royalties or other
430 compensation, other than compensation paid to him or her as
431 commission for negotiating sales to district school boards, from
432 the publisher or manufacturer of instructional materials
433 written, designed, or prepared by such district school board
434 official, ~~and adopted by the commissioner or purchased by any~~



Amendment No. 1

435 district school board. A ~~No~~ district school board official may
436 not shall be allowed to receive royalties on any materials not
437 on the state adopted list purchased for use by his or her
438 district school board.

439 (7)(8) A district school superintendent, district school
440 board member, teacher, or other person officially connected with
441 the government or direction of public schools may not receive
442 during the months actually engaged in performing duties under
443 his or her contract any private fee, gratuity, donation, or
444 compensation, in any manner whatsoever, for promoting the sale
445 or exchange of any instructional material, map, or chart in any
446 public school, or be an agent for the sale or the publisher of
447 any instructional material or reference work, or have a direct
448 or indirect pecuniary interest in the introduction of any such
449 instructional material, and any such agency or interest shall
450 disqualify any person so acting or interested from holding any
451 district school board employment whatsoever, and the person
452 commits a misdemeanor of the second degree, punishable as
453 provided in s. 775.082 or s. 775.083; however, this subsection
454 does not prevent the approval ~~adoption~~ of any instructional
455 material written in whole or in part by a Florida author.

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

457 Section 9. Section 1006.34, Florida Statutes, is amended
458 to read:

459 1006.34 Powers and duties of the State Board of Education
460 ~~commissioner and the department in evaluating selecting and~~
461 ~~adopting~~ instructional materials.—



Amendment No. 1

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

472 (2) FEES.—The State Board of Education may set and collect
473 fees from publishers participating in the instructional
474 materials approval process who request a review of their
475 submitted materials by the department. The fees set by the State
476 Board of Education shall specify the amount that may be
477 collected by the department per submission from publishers for
478 review. The fees may not exceed the actual costs necessary to
479 support the cost of reviewing instructional materials,
480 including, but not limited to, the costs associated with
481 reviewers. The State Board of Education shall adopt rules
482 regarding the fees.

483 ~~(2) SELECTION AND ADOPTION OF INSTRUCTIONAL MATERIALS.—~~
484 ~~(a) The department shall notify all publishers and~~
485 ~~manufacturers of instructional materials who have submitted bids~~
486 ~~that within 3 weeks after the deadline for receiving bids, at a~~
487 ~~designated time and place, it will open the bids submitted and~~
488 ~~deposited with it. At the time and place designated, the bids~~
489 ~~shall be opened, read, and tabulated in the presence of the~~



Amendment No. 1

490 ~~bidders or their representatives. No one may revise his or her~~
491 ~~bid after the bids have been filed. When all bids have been~~
492 ~~carefully considered, the commissioner shall, from the list of~~
493 ~~suitable, usable, and desirable instructional materials reported~~
494 ~~by the state instructional materials reviewers, select and adopt~~
495 ~~instructional materials for each grade and subject field in the~~
496 ~~curriculum of public elementary, middle, and high schools in~~
497 ~~which adoptions are made and in the subject areas designated in~~
498 ~~the advertisement. The adoption shall continue for the period~~
499 ~~specified in the advertisement, beginning on the ensuing April~~
500 ~~1. The adoption shall not prevent the extension of a contract as~~
501 ~~provided in subsection (3). The commissioner shall always~~
502 ~~reserve the right to reject any and all bids. The commissioner~~
503 ~~may ask for new sealed bids from publishers or manufacturers~~
504 ~~whose instructional materials were recommended by the state~~
505 ~~instructional materials reviewers as suitable, usable, and~~
506 ~~desirable; specify the dates for filing such bids and the date~~
507 ~~on which they shall be opened; and proceed in all matters~~
508 ~~regarding the opening of bids and the awarding of contracts as~~
509 ~~required by this part. In all cases, bids shall be accompanied~~
510 ~~by a cash deposit or certified check of from \$500 to \$2,500, as~~
511 ~~the department may direct. The department, in adopting~~
512 ~~instructional materials, shall give due consideration both to~~
513 ~~the prices bid for furnishing instructional materials and to the~~
514 ~~report and recommendations of the state instructional materials~~
515 ~~reviewers. When the commissioner has finished with the report of~~
516 ~~the state instructional materials reviewers, the report shall be~~



Amendment No. 1

517 ~~filed and preserved with the department and shall be available~~
518 ~~at all times for public inspection.~~

519 ~~(b) In the selection of instructional materials, library~~
520 ~~media, and other reading material used in the public school~~
521 ~~system, the standards used to determine the propriety of the~~
522 ~~material shall include:~~

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

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

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

535 ~~4. The consideration of the broad racial, ethnic,~~
536 ~~socioeconomic, and cultural diversity of the students of this~~
537 ~~state.~~

538

539 ~~Any instructional material containing pornography or otherwise~~
540 ~~prohibited by s. 847.012 may not be used or made available~~
541 ~~within any public school.~~

542 ~~(3) CONTRACT WITH PUBLISHERS OR MANUFACTURERS; BOND. As~~
543 ~~soon as practicable after the commissioner has adopted any~~
544 ~~instructional materials and all bidders that have secured the~~



Amendment No. 1

545 ~~adoption of any instructional materials have been notified~~
546 ~~thereof by registered letter, the department shall prepare a~~
547 ~~contract in proper form with every bidder awarded the adoption~~
548 ~~of any instructional materials. Each contract shall be executed~~
549 ~~by the commissioner, one copy to be kept by the contractor and~~
550 ~~one copy to be filed with the department. After giving due~~
551 ~~consideration to comments by the district school boards, the~~
552 ~~commissioner, with the agreement of the publisher, may extend or~~
553 ~~shorten a contract period for a period not to exceed 2 years,~~
554 ~~and the terms of any such contract shall remain the same as in~~
555 ~~the original contract. Any publisher or manufacturer to whom any~~
556 ~~contract is let under this part must give bond in such amount as~~
557 ~~the department requires, payable to the state, conditioned for~~
558 ~~the faithful, honest, and exact performance of the contract. The~~
559 ~~bond must provide for the payment of reasonable attorney's fees~~
560 ~~in case of recovery in any suit thereon. The surety on the bond~~
561 ~~must be a guaranty or surety company lawfully authorized to do~~
562 ~~business in the state; however, the bond shall not be exhausted~~
563 ~~by a single recovery but may be sued upon from time to time~~
564 ~~until the full amount thereof is recovered, and the department~~
565 ~~may at any time, after giving 30 days' notice, require~~
566 ~~additional security or additional bond. The form of any bond or~~
567 ~~bonds or contract or contracts under this part shall be prepared~~
568 ~~and approved by the department. At the discretion of the~~
569 ~~department, a publisher or manufacturer to whom any contract is~~
570 ~~let under this part may be allowed a cash deposit in lieu of a~~
571 ~~bond, conditioned for the faithful, honest, and exact~~
572 ~~performance of the contract. The cash deposit, payable to the~~



Amendment No. 1

573 ~~department, shall be placed in the Textbook Bid Trust Fund. The~~
574 ~~department may recover damages on the cash deposit given by the~~
575 ~~contractor for failure to furnish instructional materials, the~~
576 ~~sum recovered to inure to the General Revenue Fund.~~

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

588 ~~(5) RETURN OF DEPOSITS.~~

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

599 ~~(b) At the same time or prior thereto, the department~~
600 ~~shall inform the Chief Financial Officer of the names of the~~



Amendment No. 1

601 ~~unsuccessful bidders. Upon receipt of such notice, the Chief~~
602 ~~Financial Officer shall issue warrants against the Textbook Bid~~
603 ~~Trust Fund payable to the unsuccessful bidders in the amounts~~
604 ~~deposited pursuant to this part and shall forward the warrants~~
605 ~~to the department for distribution to the unsuccessful bidders.~~

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

610 ~~(6) DEPOSITS FORFEITED. If any successful bidder fails or~~
611 ~~refuses to execute contract and bond within 30 days after~~
612 ~~receipt of the contract, the cash deposit shall be forfeited to~~
613 ~~the state and placed by the Chief Financial Officer in the~~
614 ~~General Revenue Fund.~~

615 ~~(7) FORFEITURE OF CONTRACT AND BOND. If any publisher or~~
616 ~~manufacturer of instructional materials fails or refuses to~~
617 ~~furnish instructional materials as provided in the contract, the~~
618 ~~publisher's or manufacturer's bond is forfeited and the~~
619 ~~commissioner must make another contract.~~

620 Section 10. Section 1006.35, Florida Statutes, is amended
621 to read:

622 1006.35 Accuracy of instructional materials.—

623 (1) In addition to relying on statements of publishers or
624 manufacturers of instructional materials, the commissioner may
625 conduct or cause to be conducted an independent investigation to
626 determine the accuracy of approved ~~state adopted~~ instructional
627 materials.



Amendment No. 1

628 (2) When errors in approved ~~state-adopted~~ materials are
629 confirmed, the publisher or manufacturer of the materials shall
630 provide to each district school board that has purchased the
631 materials the corrections in a format approved by the
632 department.

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

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

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

642 (c) If the materials do not align with all applicable
643 state standards.

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

647 Section 11. Section 1006.36, Florida Statutes, is amended
648 to read:

649 1006.36 State review cycle ~~Term of adoption~~ for
650 instructional materials.-

651 (1) The state review cycle ~~term of adoption~~ of any
652 instructional materials shall ~~must~~ be a 5-year period ~~beginning~~
653 ~~on April 1 following the adoption~~, except that the commissioner
654 may approve alternative schedules ~~terms of adoption~~ of less than
655 5 years for materials in content areas which require more



Amendment No. 1

656 frequent revision. ~~Any contract for instructional materials may~~
657 ~~be extended as prescribed in s. 1006.34(3).~~

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

671 Section 12. Section 1006.37, Florida Statutes, is amended
672 to read:

673 1006.37 Requisition of instructional materials from
674 publisher's depository.-

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



Amendment No. 1

684 ~~growth of student membership or instructional materials~~
685 ~~maintenance needs. The superintendent may requisition~~
686 ~~instructional materials in the core subject areas specified in~~
687 ~~s. 1006.40(2) that are related to growth of student membership~~
688 ~~or instructional materials maintenance needs during the 3rd,~~
689 ~~4th, 5th, and 6th years of the original contract period.~~

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

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

701 1006.38 Duties, responsibilities, and requirements of
702 instructional materials publishers and manufacturers.—This
703 section applies to both the state and district approval
704 processes. Publishers and manufacturers of instructional
705 materials, or their representatives, shall:

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

707 (2) Electronically deliver fully developed sample copies
708 of all instructional materials upon which reviews ~~bids~~ are based
709 to the department pursuant to procedures adopted by the State
710 Board of Education.



Amendment No. 1

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

713 (a) Detailed specifications of the physical
714 characteristics of the instructional materials, including any
715 software or technological tools required for use by the
716 district, school, teachers, or students. The publisher or
717 manufacturer shall comply with these specifications if the
718 instructional materials are approved ~~adopted~~ and purchased in
719 completed form.

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

725 (c) Evidence that the instructional materials include
726 specific references to statewide standards in the teacher's
727 manual and incorporate such standards into chapter tests or the
728 assessments. Beginning in the 2013-2014 adoption year, the
729 statewide standards shall not be included at the point of
730 student use.

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

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



Amendment No. 1

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

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

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

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

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

763 (12) Provide the department and school districts the cost
764 paid for an instructional materials product by a school or
765 district anywhere in the United States. The cost paid for that



Amendment No. 1

766 product must remain the same for all future sales and must be
767 posted on all marketing materials.

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

769 ~~(12) For the core subject areas specified in s.~~

770 ~~1006.40(2), maintain in the depository for the first 2 years of~~
771 ~~the contract an inventory of instructional materials sufficient~~
772 ~~to receive and fill orders.~~

773 (13) For the core subject areas specified in s.

774 1006.40(2), ensure the availability of an inventory sufficient
775 to receive and fill orders for instructional materials for
776 growth, including the opening of a new school, and replacement
777 during the 3rd and subsequent years of the original contract
778 period.

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

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



Amendment No. 1

793 (16) Upon the willful failure of the publisher or
794 manufacturer to comply with the requirements of this section, be
795 liable to the department in the amount of three times the total
796 sum which the publisher or manufacturer was paid in excess of
797 the price required under subsections (5) and (6) and in the
798 amount of three times the total value of the instructional
799 materials and services which the district school board is
800 entitled to receive free of charge under subsection (7).

801 Section 14. Subsections (2), (3), and (4) of section
802 1006.40, Florida Statutes, are amended to read:

803 1006.40 Use of instructional materials allocation;
804 instructional materials, library books, and reference books;
805 repair of books.—

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



Amendment No. 1

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

825 ~~(b) Up to 50 percent of the annual allocation may be used~~
826 ~~for the purchase of instructional materials, including library~~
827 ~~and reference books and nonprint materials, not included on the~~
828 ~~state adopted list and for the repair and renovation of~~
829 ~~textbooks and library books.~~

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

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



Amendment No. 1

847 courseware or software, and other commonly accepted
848 instructional tools as prescribed by district school board rule.

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

852 1001.10 Commissioner of Education; general powers and
853 duties.—

854 (6) Additionally, the commissioner has the following
855 general powers and duties:

856 (o) To develop criteria for use by department state
857 instructional materials reviewers in evaluating materials
858 submitted for approval ~~adoption consideration~~. The criteria
859 shall, as appropriate, be based on instructional expectations
860 reflected in course descriptions ~~curriculum frameworks~~ and
861 student performance standards. The criteria for each subject or
862 course shall be made available to publishers and manufacturers
863 of instructional materials pursuant to the requirements of
864 chapter 1006.

865 (p) To prescribe procedures for evaluating instructional
866 materials submitted by publishers and manufacturers in each
867 review for approval ~~adoption~~.

868 (q) To remove any materials approved by the state or a
869 district ~~enter into agreement with Space Florida to develop~~
870 ~~innovative aerospace related education programs that promote~~
871 ~~mathematics and science education for grades K-20~~.

872 (r) To submit to the Governor, the President of the
873 Senate, the Speaker of the House of Representatives, and the
874 State Board of Education an annual report regarding district and



Amendment No. 1

875 state instructional materials reviews, the impact on the quality
876 and availability of instructional materials, and the cost-
877 effectiveness of the state and district review processes. The
878 report shall be submitted on January 1 following the first
879 fiscal year of implementation of the program and each year
880 thereafter.

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

883 1003.55 Instructional programs for blind or visually
884 impaired students and deaf or hard-of-hearing students.—

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



Amendment No. 1

902 Section 17. Paragraph (j) of subsection (2) of section
903 1003.621, Florida Statutes, is amended to read:

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

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

916 (j) Those statutes relating to instructional materials,
917 except that s. 1006.40 ~~s. 1006.37~~, relating to the requisition
918 ~~of state adopted materials from the depository under contract~~
919 ~~with the publisher, and s. 1006.40(3)(a)~~, relating to the use of
920 50 percent of the instructional materials allocation, is shall
921 be eligible for exemption.

922 Section 18. Paragraph (b) of subsection (6) of section
923 1011.62, Florida Statutes, is amended to read:

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



Amendment No. 1

930 (6) CATEGORICAL FUNDS.—

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

940 1. Funds for student transportation.

941 2. Funds for safe schools.

942 3. Funds for supplemental academic instruction if the
943 required additional hour of instruction beyond the normal school
14 day for each day of the entire school year has been provided for
945 the students in each low-performing elementary school in the
946 district pursuant to paragraph (1)(f).

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

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



Amendment No. 1

958 Funds available after March 1 may be used to purchase hardware
959 for student instruction.

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

961

962 -----

963

T I T L E A M E N D M E N T

964

Remove everything before the enacting clause and insert:

965

A bill to be entitled

966

An act relating to instructional materials for K-12

967

public education; amending s. 1006.28, F.S.; revising

968

the duties of a district school board and the district

969

superintendent with regard to instructional materials;

970

repealing s. 1006.282, F.S., relating to the pilot

971

program for the transition to electronic and digital

972

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

973

authorizing a district school board or a consortium of

974

school districts to implement an instructional

975

materials program; requiring the district

976

superintendent to certify to the Department of

977

Education that core instructional materials align with

978

applicable state standards; requiring the district

979

school board to adopt rules; authorizing the district

980

school board to set and collect fees from a publisher

981

that participates in the instructional materials

982

review process; providing a limit on fees; prohibiting

983

fees from being collected from publishers to review

984

instructional materials; providing for a stipend and

985

reimbursement for travel expenses and per diem for



Amendment No. 1

986 reviewers; requiring instructional materials that are
987 approved by the district instructional materials
988 reviewers to be aligned with applicable state
989 standards; requiring each district school board to
990 annually certify that the instructional materials
991 align with applicable state standards; providing
992 pricing requirements for instructional materials;
993 amending s. 1006.29, F.S.; providing a definition;
994 requiring the department to appoint state
995 instructional materials reviewers, rather than state
996 or national experts, to review instructional
997 materials; providing requirements, appointments, and
998 terms for state instructional materials reviewers;
999 authorizing the department to compensate assigned
1000 reviewers with funds collected through certain fees;
1001 providing a purpose for the use of the fees;
1002 authorizing a stipend for service as a reviewer;
1003 providing for payment for per diem and reimbursement
1004 for travel expenses for service as a reviewer;
1005 requiring a publisher to offer sections of
1006 instructional materials in certain version at reduced
1007 rates; requiring the department to post certain
1008 instructional materials on its website; amending s.
1009 1006.30, F.S.; conforming provisions to changes made
1010 by the act; amending s. 1006.31, F.S.; conforming
1011 provisions to changes made by the act; revising the
1012 procedure for evaluating instructional materials;
1013 providing standards to determine the propriety of



Amendment No. 1

1014 instructional materials; amending s. 1006.32, F.S.;

1015 conforming provisions to changes made by the act;

1016 repealing s. 1006.33, F.S., relating to bids,

1017 proposals, and advertisement regarding instructional

1018 materials; amending s. 1006.34, F.S.; revising the

1019 powers and duties of the State Board of Education in

1020 evaluating instructional materials to include

1021 collecting fees and adopting rules; conforming

1022 provisions to changes made by the act; amending s.

1023 1006.35, F.S.; authorizing the Commissioner of

1024 Education to remove materials from the list of

1025 approved materials if the materials do not align with

1026 applicable state standards; prohibiting a school

1027 district from purchasing removed materials under

1028 certain circumstances; amending s. 1006.36, F.S.;

1029 providing for the state review cycle for instructional

1030 materials; amending s. 1006.37, F.S.; authorizing a

1031 district school superintendent to requisition approved

1032 instructional materials; conforming provisions to

1033 changes made by the act; amending s. 1006.38, F.S.;

1034 providing for applicability; revising duties of

1035 publishers and manufacturers; amending s. 1006.40,

1036 F.S.; revising the allocation for instructional

1037 materials; amending s. 1001.10, F.S.; revising the

1038 duties of the Commissioner of Education with regard to

1039 instructional materials, including submission of a

1040 report to the Governor and the Legislature; amending

1041 s. 1003.55, F.S.; requiring a publisher or



Amendment No. 1

1042 manufacturer of instructional materials that have been
1043 approved by the Department of Education or a school
1044 district to furnish the department with a computer
1045 file in an electronic format specified by the
1046 department; amending s. 1003.621, F.S.; conforming
1047 provisions to changes made by the act; amending s.
1048 1011.62, F.S.; conforming provisions to changes made
1049 by the act; providing an effective date.

COMMITTEE MEETING REPORT

Education Committee

4/16/2013 9:00:00AM

Location: Reed Hall (102 HOB)

HB 1285 : Tallahassee-Leon County Civic Center Authority, Leon County

Favorable

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Janet Adkins			X		
Michael Bileca	X				
Mark Danish	X				
Manny Diaz, Jr.	X				
Reggie Fullwood			X		
James Grant				X	
Travis Hutson	X				
Charles McBurney	X				
Jeanette Nuñez	X				
W. Keith Perry	X				
Kathleen Peters	X				
Elizabeth Porter	X				
Betty Reed	X				
Joe Saunders	X				
Cynthia Stafford	X				
Victor Torres, Jr.	X				
Carl Zimmermann	X				
H. Marlene O'Toole (Chair)				X	
Total Yeas: 14		Total Nays: 0			

Appearances:

Carolyn Egan, General Counsel (State Employee) - Waive In Support
 Florida State
 Westcott Bldg
 Tallahassee FL 32306

Brian Pitts, Trustee - Information Only
 Justice-2-Jesus
 1119 Newton Ave. S.
 St. Petersburg FL 33705
 Phone: 727-897-9291

Jeffrey Sharkey, (Lobbyist) - Waive In Support
 Leon County Board of County Commissioners
 106 E. College Avenue
 Tallahassee FL 32301
 Phone: 850-224-1660

Committee meeting was reported out: Tuesday, April 16, 2013 1:03:05PM