

By the Committee on Education/K-12 and Representative
Livingston

1 A bill to be entitled
2 An act relating to instructional materials;
3 amending s. 229.512, F.S.; prescribing power of
4 the Commissioner of Education; amending s.
5 233.07, F.S.; revising provisions relating to
6 adoption of titles; deleting obsolete language
7 relating to state instructional materials
8 committee appointments; conforming provisions
9 relating to committee meetings; providing a
10 definition; amending s. 233.09, F.S.; requiring
11 state instructional materials committees to
12 adhere to procedures prescribed by the
13 commissioner; revising provisions relating to
14 evaluation of instructional materials by state
15 instructional materials committees; deleting
16 obsolete provisions; amending s. 233.11, F.S.;
17 conforming language relating to procedures;
18 amending s. 233.16, F.S.; providing procedures
19 for evaluating instructional materials;
20 authorizing a publisher or manufacturer to
21 provide a cash deposit in lieu of a bond;
22 revising provisions relating to preservation of
23 contracts; amending s. 233.17, F.S.; providing
24 for the commissioner to approve terms of
25 adoption for instructional material; providing
26 for the addition of subject areas to the
27 schedule; amending s. 233.18, F.S.; revising
28 requirements for specimen copies of
29 instructional materials; amending s. 233.25,
30 F.S.; revising requirements for samples of
31 nonprint instructional materials; revising

1 requirements of publishers or manufacturers
2 relating to description of instructional
3 materials; conforming provisions; amending s.
4 233.34, F.S.; providing for use of certain
5 funds; amending s. 233.46, F.S.; providing
6 additional penalties for lost or damaged books;
7 deleting obsolete provisions; amending s.
8 233.47, F.S.; requiring immediate reimbursement
9 for lost or damaged instructional materials;
10 amending s. 233.061, F.S.; providing required
11 instruction; providing an effective date.

12
13 Be It Enacted by the Legislature of the State of Florida:

14
15 Section 1. Subsection (15) of section 229.512, Florida
16 Statutes, is amended, and subsection (16) is added to that
17 section, to read:

18 229.512 Commissioner of Education, general powers and
19 duties.--The Commissioner of Education is the chief
20 educational officer of the state, and has the following
21 general powers and duties:

22 (15) To develop criteria for use by state
23 instructional materials committees in evaluating materials
24 submitted for adoption consideration. The criteria shall, as
25 appropriate, be based on instructional expectations reflected
26 in curriculum frameworks and student performance standards.
27 The criteria for each subject or course shall be made
28 available to publishers of instructional materials at least 24
29 months prior to the date on which bids are due as provided by
30 s. 233.14, except as otherwise permitted under s. 233.17(3).
31 It is the intent of the Legislature that publishers have ample

1 time to develop instructional materials designed to meet
2 requirements in this state.

3 (16) To prescribe procedures for evaluating
4 instructional materials submitted by publishers and
5 manufacturers in each adoption.

6 Section 2. Paragraph (c) of subsection (1), paragraphs
7 (a) and (d) of subsection (2), and subsection (4) of section
8 233.07, Florida Statutes, are amended to read:

9 233.07 State instructional materials committees.--

10 (1) Each school year, not later than April 15, the
11 Commissioner of Education shall appoint state instructional
12 materials committees composed of persons actively engaged in
13 teaching or in the supervision of teaching in the public
14 elementary or secondary schools and representing the major
15 fields and levels in which instructional materials are used in
16 the public schools of the state and, in addition, lay citizens
17 not professionally connected with education. There shall be
18 committees for the recommendation of instructional materials
19 for the elementary and secondary grades as may be found
20 necessary by the Commissioner of Education. Committee members
21 shall receive training pursuant to s. 233.095 in competencies
22 related to the evaluation and selection of instructional
23 materials.

24 (c) The commissioner shall determine annually the
25 areas in which instructional materials shall be submitted for
26 adoption. One of the factors upon which the commissioner shall
27 base his or her decision is the desires of the school
28 districts. The commissioner shall also determine the number of
29 titles to be adopted in each area, ~~not to exceed 15 titles.~~

30 (2)(a) All appointments shall be pursuant to the
31 conditions prescribed in this section. No member shall serve

1 more than two consecutive terms on any committee. ~~After~~
2 ~~October 1, 1991,~~All appointments shall be for 18-month terms.
3 All vacancies shall be filled in the manner of the original
4 appointment for only the time remaining in the unexpired term.
5 ~~A committee member whose term has not expired as of July 1,~~
6 ~~1991, shall continue to serve for the remaining period of his~~
7 ~~or her appointment.~~ At no time may a school district have
8 more than one representative on a committee, it being the
9 intent of the Legislature to involve representatives from the
10 maximum number of school districts in the process of
11 instructional materials selection. The Commissioner of
12 Education and a member of the Department of Education whom he
13 or she shall designate shall be additional and ex officio
14 members of each committee.

15 (d) ~~Each committee shall meet at the call of its~~
16 ~~chair, at the request of a majority of its membership, at the~~
17 ~~request of the division, or at such times as may be prescribed~~
18 ~~by its rules.~~Any member of a committee ~~who fails to attend~~
19 ~~two consecutive meetings without cause~~ may be removed by the
20 Commissioner of Education for cause.

21 (4) For purposes of state adoption ~~this chapter,~~
22 "instructional materials" means ~~are defined as~~ items having
23 intellectual content that by design serve as a major tool for
24 assisting in the instruction of a subject or course. These
25 items may be available in bound, unbound, kit, or package form
26 and may consist of hardbacked or softbacked textbooks,
27 consumables, learning laboratories, ~~slides, films and~~
28 filmstrips, recordings, manipulatives, electronic media, and
29 computer courseware or software coursework, ~~video discs, or~~
30 ~~other such electronic media, and other commonly accepted~~
31 instructional tools. The term does not include electronic or

1 computer hardware even if such hardware is bundled with
2 software or other electronic media.

3 Section 3. Subsections (3) and (4) of section 233.09,
4 Florida Statutes, are amended to read:

5 233.09 Duties of each state instructional materials
6 committee.--The duties of each state instructional materials
7 committee shall be:

8 (3) PROCEDURES.--To adhere to ~~adopt~~ procedures
9 prescribed by the Commissioner of Education for evaluating
10 instructional materials submitted by publishers and
11 manufacturers in each adoption. ~~Included in these procedures~~
12 shall be the following minimum standards:

13 ~~(a) Provisions which afford each publisher or~~
14 ~~manufacturer or his or her representative an opportunity to~~
15 ~~present to members of the state instructional materials~~
16 ~~committees the merits of each instructional material submitted~~
17 ~~in each adoption;~~

18 ~~(b) Forms on which a district superintendent or his or~~
19 ~~her designee shall submit the results of the district~~
20 ~~instructional materials committee's recommendations; and~~

21 ~~(c) Guidelines for district instructional materials~~
22 ~~committees, professional associations, and individuals for~~
23 ~~evaluating instructional materials for state adoption;~~
24 ~~however, the following minimum standards apply:~~

25 ~~i. A district instructional materials committee must~~
26 ~~reflect the broad racial, ethnic, socioeconomic, and cultural~~
27 ~~diversity of the district and may not consist of fewer than~~
28 ~~three persons. One must be a layperson and two must be~~
29 ~~teachers, it being the intent of the Legislature that~~
30 ~~committees of three or more persons include at least one~~
31 ~~layperson and one-half teachers as a part of their total~~

1 membership. The committee must have the capacity or expertise
2 to address the broad racial, ethnic, socioeconomic, and
3 cultural diversity of the student population of the district.
4 Teachers serving on district instructional materials
5 committees must be certified in an area directly related to
6 the academic area or level being considered for adoption.
7 Personnel selected as teachers of the year at the school,
8 district, regional, or state level pursuant to the provisions
9 of the program conducted by the Department of Education are
10 encouraged to serve on instructional materials committees.

11 2. A district instructional materials committee may
12 not deny any publisher or manufacturer or his or her
13 representative time to present his or her product equal to
14 that time given any other publisher or manufacturer or his or
15 her representative.

16 3. Evaluations by district instructional materials
17 committees, professional associations, and individuals must be
18 submitted in such form and manner as prescribed by the state
19 committee. Each instructional material shall be ranked
20 numerically as to its choice in relation to all other
21 materials of the same type evaluated, and no two materials in
22 the same subject area may receive the same numerical rating.

23 4. District instructional materials committees,
24 professional associations, and individuals who evaluate
25 instructional materials and submit their findings and
26 recommendations to the state committee shall do so in
27 accordance with the provisions of subsection (4).

28 (4) EVALUATION OF INSTRUCTIONAL MATERIALS.--To
29 evaluate carefully all instructional materials submitted, to
30 ascertain which instructional materials, if any, submitted for
31 consideration best implement the selection criteria developed

1 by the Commissioner of Education and those curricular
2 objectives included within applicable ~~curriculum frameworks~~
3 ~~approved by the State Board of Education and the state and~~
4 ~~district performance standards provided for in s. ss-229.565~~
5 ~~and 232.2454. The committees shall file with the Commissioner~~
6 ~~of Education a written statement of the procedures used in the~~
7 ~~evaluation of instructional materials, and certified copies of~~
8 ~~such statements shall be made available to the public upon~~
9 ~~request. The state instructional materials committees shall~~
10 ~~be prohibited from conducting their assigned duties until such~~
11 ~~written statements are on file with the Commissioner of~~
12 ~~Education.~~

13 (a) When recommending instructional materials for use
14 in the schools, each committee shall include only
15 instructional materials that accurately portray the ethnic,
16 socioeconomic, cultural, and racial diversity of our society,
17 including men and women in professional, vocational, and
18 executive roles, and the role and contributions of the
19 entrepreneur and labor in the total development of this state
20 and the United States.

21 (b) When recommending instructional materials for use
22 in the schools, each committee shall include only materials
23 which accurately portray, whenever appropriate, humankind's
24 place in ecological systems, including the necessity for the
25 protection of our environment and conservation of our natural
26 resources and the effects on the human system of the use of
27 tobacco, alcohol, controlled substances, and other dangerous
28 substances.

29 (c) When recommending instructional materials for use
30 in the schools, each committee shall require such materials as
31

1 it deems necessary and proper to encourage thrift, fire
2 prevention, and humane treatment of people and animals.

3 (d) When recommending instructional materials for use
4 in the schools, each committee shall require, when appropriate
5 to the comprehension of pupils, that materials for social
6 science, history, or civics classes contain the Declaration of
7 Independence and the Constitution of the United States. No
8 instructional materials shall be recommended by any committee
9 for use in the schools which contain any matter reflecting
10 unfairly upon persons because of their race, color, creed,
11 national origin, ancestry, gender, or occupation.

12 ~~(e) Instructional materials recommended for~~
13 ~~mathematics, science, and computer education shall be~~
14 ~~consistent with the Comprehensive Plan for Mathematics,~~
15 ~~Science, and Computer Education.~~

16 (e)~~(f)~~ All instructional materials recommended by each
17 committee for use in the schools shall be, to the satisfaction
18 of each committee, accurate, objective, and current and suited
19 to the needs and comprehension of pupils at their respective
20 grade levels. Instructional materials committees shall
21 consider for adoption materials developed for academically
22 talented students such as those enrolled in advanced placement
23 courses.

24 (f)~~(g)~~ When recommending instructional materials for
25 use in the schools, each committee shall have the
26 recommendations of all districts which submit evaluations on
27 the materials submitted for adoption in that particular
28 subject area aggregated and presented to the members to aid
29 them in the selection process; however, such aggregation shall
30 be weighted in accordance with the full-time equivalent
31 student percentage of each district. Each committee shall

1 prepare an additional aggregation, unweighted, with each
2 district recommendation given equal consideration. No
3 instructional materials shall be evaluated or recommended for
4 adoption unless each of the district committees shall have
5 been loaned the specified number of samples.

6 (g)~~(h)~~ In addition to relying on statements of
7 publishers or manufacturers of instructional material, any
8 committee may conduct, or cause to be conducted, an
9 independent investigation as to the compliance of submitted
10 materials with the requirements of this section.

11 ~~(i) In the event that, after good faith acquisition of~~
12 ~~instructional materials by a district school board, the~~
13 ~~instructional materials are found to be not in accordance with~~
14 ~~the requirements of this subsection and the school board is~~
15 ~~unable to acquire other instructional materials which meet the~~
16 ~~requirements of this subsection in time for them to be used as~~
17 ~~intended, the school board may use the acquired materials, but~~
18 ~~only for that academic year.~~

19 Section 4. Section 233.11, Florida Statutes, is
20 amended to read:

21 233.11 Contact with publishers, manufacturers, or
22 their representatives prohibited.--It is unlawful for any
23 member of a state instructional materials committee to discuss
24 matters relating to instructional materials submitted for
25 adoption with any agent of a publisher or manufacturer of
26 instructional materials, either directly or indirectly, except
27 during the period when the committee shall have been called
28 into session for the purpose of evaluating instructional
29 materials submitted for adoption. Such discussions shall be
30 limited to official meetings of the committee and in
31 accordance with procedures prescribed ~~rules and regulations~~

1 ~~adopted~~ by the Commissioner of Education ~~committee~~ for that
2 purpose.

3 Section 5. Section 233.16, Florida Statutes, is
4 amended to read:

5 233.16 Powers and duties of Department of Education in
6 selecting and adopting instructional materials.--The powers
7 and duties of the Department of Education in selecting and
8 adopting instructional materials shall be:

9 (1) PROCEDURES FOR EVALUATING INSTRUCTIONAL
10 MATERIALS.--To implement procedures prescribed by the
11 Commissioner of Education for evaluating instructional
12 materials submitted by publishers and manufacturers in each
13 adoption. Included in these procedures shall be the following
14 minimum standards:

15 (a) Provisions which afford each publisher or
16 manufacturer or his or her representative an opportunity to
17 present to members of the state instructional materials
18 committees the merits of each instructional material submitted
19 in each adoption.

20 (b) Forms on which a district superintendent or his or
21 her designee shall submit the results of the district
22 instructional materials committee's recommendations.

23 (c) Guidelines for district instructional materials
24 committees, professional associations, and individuals for
25 evaluating instructional materials for state adoption;
26 however, the following minimum standards apply:

27 1. A district instructional materials committee must
28 reflect the broad racial, ethnic, socioeconomic, and cultural
29 diversity of the district and may not consist of fewer than
30 three persons. A committee must include at least one
31 layperson, and at least half of the members must be teachers.

1 The committee must have the capacity or expertise to address
2 the broad racial, ethnic, socioeconomic, and cultural
3 diversity of the student population of the district. Teachers
4 serving on district instructional materials committees must be
5 certified in an area directly related to the academic area or
6 level being considered for adoption. Personnel selected as
7 teachers of the year at the school, district, regional, or
8 state level pursuant to the provisions of the program
9 conducted by the Department of Education are encouraged to
10 serve on instructional materials committees.

11 2. A district instructional materials committee may
12 not deny any publisher or manufacturer or his or her
13 representative time to present his or her product equal to
14 that time given any other publisher or manufacturer or his or
15 her representative.

16 3. Each instructional material evaluated by district
17 instructional materials committees, professional associations,
18 and individuals shall be ranked numerically in relation to all
19 other materials of the same type evaluated, and no two
20 materials in the same subject area may receive the same
21 numerical rating.

22 4. District instructional materials committees,
23 professional associations, and individuals who evaluate
24 instructional materials and submit their findings and
25 recommendations to the state committee shall do so in
26 accordance with the provisions of section 233.09(4).

27 (2)(1) SELECTION AND ADOPTION OF INSTRUCTIONAL
28 MATERIALS.--The Department of Education shall notify all
29 publishers or manufacturers of instructional materials who
30 have submitted bids that within 3 weeks after the deadline for
31 receiving bids, at a designated time and place, it will open

1 bids and proposals which have been submitted and deposited
2 with the Department of Education. At the time and place
3 designated, the bids or proposals shall be opened, read, and
4 tabulated in the presence of the bidders or their
5 representatives. No one may revise his or her bid after the
6 bids have been filed. When all bids or proposals have been
7 carefully considered, the department shall, from the list of
8 suitable, usable, and desirable instructional materials
9 reported by the state instructional materials committee,
10 select and adopt instructional materials for each grade and
11 subject field in the curriculum of public elementary and
12 secondary schools in the state in which adoptions are made and
13 in the subject areas designated in the advertisement, which
14 adoption shall continue for the period specified in the
15 advertisement, to begin on the ensuing April 1. Such adoption
16 shall not prevent the extension of a contract as provided in
17 subsection(3)(2). The department shall always reserve to
18 itself the right to reject any and all bids or proposals if it
19 is of the opinion that any or all bids, for any reason, should
20 be rejected. The department may ask for new sealed bids from
21 publishers or manufacturers whose instructional materials were
22 recommended by the state instructional materials committee as
23 suitable, usable, and desirable; specify the dates for filing
24 such bids and the date on which they shall be opened; and
25 proceed in all matters regarding the opening of bids and the
26 awarding of contracts as required by the terms and provisions
27 of this chapter. In all cases, bids or proposals shall be
28 accompanied by a cash deposit or certified check of from \$500
29 to \$2,500, as the department may direct. The department, in
30 adopting instructional materials, shall give due consideration
31 both to the prices bid for furnishing instructional materials

1 and to the report and recommendations of the state
2 instructional materials committee. When the department has
3 finished with the report of the state instructional materials
4 committee, the report shall be filed and preserved in the
5 office of the Department of Education and shall be available
6 at all times for public inspection.

7 (3)~~(2)~~ CONTRACT WITH PUBLISHERS OR MANUFACTURERS;
8 BOND.--As soon as practicable after the department has adopted
9 any instructional materials and all bidders that have secured
10 the adoption of any instructional materials have been notified
11 of the same by registered letter, the Department of Legal
12 Affairs shall prepare a contract in accordance with the
13 provisions of the school code with every bidder awarded the
14 adoption of any instructional materials. Said contracts shall
15 be executed by the Governor and Secretary of State under the
16 seal of the state, one copy to be kept by the contractor, one
17 copy to be filed in the Department of State, and one copy to
18 be filed in the Department of Education. After giving due
19 consideration to comments by the districts, the department,
20 with the agreement of the publisher, may extend or shorten a
21 contract period for a period not to exceed 2 years; and the
22 terms of any such contract shall remain the same as those set
23 forth in the original contract. Any publisher or manufacturer
24 to whom any contract is let under the provisions of this
25 chapter must give bond in such amount as the department deems
26 advisable, payable to the state, conditioned for the faithful,
27 honest, and exact performance of the contract. The bond must
28 further provide for the payment of reasonable attorney's fees
29 in case of recovery in any suit upon the same. The surety on
30 the bond must be a guaranty or surety company authorized by
31 the laws of the state to do business in the state; however,

1 the bond shall not be exhausted by a single recovery but may
2 be sued upon from time to time until the full amount thereof
3 is recovered, and the department may at any time, after giving
4 30 days' notice, require additional security or additional
5 bond. The form of any bond or bonds or contract or contracts
6 under the provisions of this chapter shall be prepared and
7 approved by the Department of Legal Affairs. At the discretion
8 of the Commissioner of Education, a publisher or manufacturer
9 to whom any contract is let under provisions of this chapter
10 may be allowed a cash deposit in lieu of a bond, conditioned
11 for the faithful, honest, and exact performance of the
12 contract. The cash deposit, payable to the Department of
13 Education, shall be placed in the Textbook Bid Trust Fund.
14 The department may recover damages on the cash deposit given
15 by the contractor for failure to furnish instructional
16 materials, the sum recovered to inure to the General Revenue
17 Fund.

18 (4)~~(3)~~ REGULATIONS GOVERNING THE CONTRACT.--The
19 Department of Education may, from time to time, make any
20 necessary regulations, not contrary to the provisions of this
21 chapter, to secure the prompt and faithful performance of all
22 contracts; and it is expressly provided that, should any
23 contractor fail or refuse to furnish instructional materials
24 as provided in this chapter or otherwise break his or her
25 contract, the department may sue on the bond hereinbefore
26 required in the name of the state, in the courts of the state
27 having jurisdiction, and recover damages on the bond given by
28 the contractor for failure to furnish instructional materials,
29 the sum recovered to inure to the General Revenue Fund.

30 (5)~~(4)~~ RETURN OF DEPOSITS.--

31

1 (a) The successful bidder shall be notified by
2 registered mail of the award of contract; and such bidder
3 shall, within 30 days of receipt of the contract, execute the
4 proper contract and post the required bond. When such bond
5 and contract have been executed, the department shall notify
6 the Comptroller and request that a warrant be issued against
7 the Textbook Bid Trust Fund payable to the successful bidder
8 in the amount deposited under the provisions of s. 233.15.
9 The Comptroller shall issue and forward such warrant to the
10 department for distribution to the bidder.

11 (b) At the same time or prior thereto, the department
12 shall inform the Comptroller of the names of the unsuccessful
13 bidders. Upon receipt of such notice, the Comptroller shall
14 issue warrants against the Textbook Bid Trust Fund payable to
15 the unsuccessful bidders in the amounts deposited under the
16 provisions of s. 233.15 and shall forward such warrants to the
17 department for distribution to the unsuccessful bidders.

18 (c) One copy of each contract and an original of each
19 bid, whether accepted or rejected, shall be preserved in the
20 office of the Department of Education for at least 3 5 years
21 beyond the termination of the contract.

22 (6)~~(5)~~ DEPOSITS FORFEITED.--Should any successful
23 bidder fail or refuse to execute contract and bond within 30
24 days of receipt of the contract, the cash deposit shall be
25 forfeited to the state and placed by the Treasurer in the
26 General Revenue Fund.

27 (7)~~(6)~~ FORFEITURE OF CONTRACT AND BOND.--In case of
28 the failure of any publisher or manufacturer of instructional
29 materials to furnish a book, or books, or other instructional
30 materials as provided in the contract, his or her bond shall
31 stand forfeited; and the department shall make another

1 contract on such terms as it may find desirable, after giving
2 due consideration to the recommendations of the Commissioner
3 of Education.

4 Section 6. Section 233.17, Florida Statutes, is
5 amended to read:

6 233.17 Term of adoption for instructional materials.--

7 (1) The term of adoption of any instructional
8 materials may shall be for an 8-year a 6-year period beginning
9 on April 1 following the adoption, except for the core subject
10 areas which include mathematics, science, social studies,
11 reading, and literature which shall be for a term not to
12 exceed 6 years beginning on April 1 following the adoption.

13 Any unless the contract for instructional materials may be is
14 extended as prescribed in s. 233.16(3)(2). ~~However,~~The
15 Commissioner State Board of Education may approve by rule
16 terms of adoption of less than 8 6 years for materials in
17 content areas which require more frequent revision.

18 (2) Any contract placing an instructional material on
19 adoption for 4 or more years shall provide that a publisher or
20 manufacturer of instructional materials may, at the end of the
21 third year during the term of the contract, upon giving 60
22 days' notification, increase such contract price to the
23 publisher's or manufacturer's then current lowest wholesale
24 price at which the materials are then being offered to any
25 state or school district in the United States, except that
26 such adjustment shall not exceed the percentage by which the
27 consumer price index as determined by the United States
28 Department of Labor has increased during the time the contract
29 has been in force. Such price increase shall remain in effect
30 for the remaining term of the contract, unless the contract
31 price is increased as permitted above.

1 (3) The department shall publish annually an official
2 ~~a~~ schedule of subject areas to be called for adoption for each
3 of the succeeding 2 years, and a tentative schedule for years
4 3, 4, 5 and 6. If extenuating circumstances warrant, the
5 Commissioner of Education may order the department to add one
6 or more subject areas to the official schedule, in which event
7 the commissioner shall develop criteria for such additional
8 subject area or areas pursuant to s. 229.512(15) and make them
9 available to publishers as soon as practicable.
10 Notwithstanding the provisions of s. 229.512(15), the criteria
11 for such additional subject area or areas may be provided to
12 publishers less than 24 months prior to the date on which bids
13 are due ~~6 years~~. The schedule shall be developed so as to
14 promote balance among the subject areas so that the required
15 expenditure for new instructional materials is approximately
16 the same each year in order to maintain curricular
17 consistency.

18 Section 7. Section 233.18, Florida Statutes, is
19 amended to read:

20 233.18 Copies of bids, contracts, and instructional
21 materials ~~books~~ retained.--Specimen copies of all
22 instructional materials ~~textbooks~~, which have been made the
23 bases of contracts under the provisions of this chapter, shall
24 be made available by the publisher to ~~clearly marked and~~
25 ~~identified as such, shall be deposited by their publishers~~
26 ~~with~~ the Department of Education and the superintendent of
27 each school district that adopts such materials from the state
28 list upon request for the purpose of public inspection, ~~which~~
29 ~~specimens shall be preserved and kept open for inspection by~~
30 ~~the public~~. All contracts and bonds executed under the
31 provisions of this chapter shall be signed in triplicate. One

1 copy of each contract and an original of each bid, whether
2 accepted or rejected, shall be preserved in the office of the
3 Department of Education for at least 3 5 years beyond the
4 termination of the contract.

5 Section 8. Subsections (2), (4), (9), and (14) and
6 paragraph (b) of subsection (3) of section 233.25, Florida
7 Statutes, are amended to read:

8 233.25 Duties, responsibilities, and requirements of
9 publishers and manufacturers of instructional
10 materials.--Publishers and manufacturers of instructional
11 materials, or their representatives, shall:

12 (2)(a) Deliver specimen copies of all instructional
13 materials upon which bids or proposals are based to each
14 member of a state instructional materials committee. ~~Written~~
15 ~~descriptions and representative samples of each nonprint~~
16 ~~instructional material upon which a bid or proposal is based~~
17 ~~shall be delivered for use by all members of the committee.~~
18 At the conclusion of the review process, manufacturers
19 submitting samples of instructional materials shall be
20 entitled to the return thereof, at the expense of the
21 manufacturers; or, in the alternative, the manufacturers shall
22 be entitled to reimbursement by the individual committee
23 members for the retail value of such samples.

24 (b) Lend ~~Loan~~ copies of such materials in quantities
25 to be determined by the Department of Education to those
26 districts participating in preadoption evaluations ~~or in lieu~~
27 ~~thereof, in the case of nonprint instructional materials,~~
28 ~~descriptions and representative selections therefrom.~~ At the
29 conclusion of the review process, if the district does not
30 return such instructional materials to the publishers and
31 manufacturers, at their expense, the publishers and

1 manufacturers shall be entitled to reimbursement by the
2 district for the retail value of such materials.

3 (3) Submit, at a time designated in s. 233.14, the
4 following information:

5 (b) Written proof that the publisher has provided
6 written correlations to appropriate curricular objectives
7 included within applicable performance standards provided for
8 in s. 229.565 ~~the following instructional objectives when~~
9 ~~appropriate: standards of excellence, the minimum student~~
10 ~~performance standards, and the raise achievement in secondary~~
11 ~~education program (RAISE) which provides for curriculum~~
12 ~~frameworks for secondary level courses.~~

13 (4) By a date set by the Commissioner of Education for
14 the year that a committee is considering a specific academic
15 area for adoption, each publisher or manufacturer shall submit
16 to the committee a written description of how materials meet
17 each of the specifications and criteria developed by the
18 commissioner. ~~The description shall include an explanation of~~
19 ~~the function and goals of the instructional materials program,~~
20 ~~including the rationale for the design of the program, and the~~
21 ~~relationship between each of the components comprising the~~
22 ~~program. Such reports shall be made available to each school~~
23 ~~district.~~

24 (9) Guarantee that all copies of any instructional
25 materials sold in this state will be at least equal in quality
26 to the copies of such instructional materials that are sold
27 elsewhere in the United States and will be kept revised, free
28 from all errors, and up-to-date as may be required by the
29 Department of Education state board.

30 (14) Upon the willful failure of the publisher or
31 manufacturer to comply with the requirements of this section,

1 be liable to the Department of Education ~~state board~~ in the
2 amount of 3 times the total sum which the publisher or
3 manufacturer was paid in excess of the price required under
4 subsections (6) and (7) and in the amount of 3 times the total
5 value of the instructional materials and services which the
6 district board is entitled to receive free of charge under
7 subsection (8).

8 Section 9. Present subsections (3), (4), and (5) of
9 section 233.34, Florida Statutes, are redesignated as
10 subsections (4), (5), and (6), respectively, and a new
11 subsection (3) is added to that section to read:

12 233.34 Use of instructional materials allocation;
13 instructional materials, library books, and reference books;
14 repair of books.--

15 (3) Notwithstanding the definition of instructional
16 materials in s. 233.07(4), the flexibility funds described in
17 subsection (2) may be used for the purchase of instructional
18 materials or other items having intellectual content which
19 assist in the instruction of a subject or course. These items
20 may be available in bound, unbound, kit, or package form and
21 may consist of hardbacked or softbacked textbooks,
22 replacements for items which were part of previously purchased
23 instructional materials, consumables, learning laboratories,
24 manipulatives, electronic media, computer courseware or
25 software, and other commonly accepted instructional tools as
26 prescribed by school board policy. These flexibility funds may
27 not be used to purchase electronic or computer hardware even
28 if such hardware is bundled with software or other electronic
29 media, nor may such funds be used to purchase equipment or
30 supplies.

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1 Section 10. Subsections (2), (6), and (7) of section
2 233.46, Florida Statutes, are amended to read:

3 233.46 Duties of principals.--The duties and
4 responsibilities of principals for instructional materials
5 management and care include:

6 (2) MONEY COLLECTED FOR LOST OR DAMAGED BOOKS.--It
7 shall be the duty and responsibility of each principal to
8 collect from each pupil or the pupil's parent the purchase
9 price of any instructional material the pupil has lost,
10 destroyed, or unnecessarily damaged and to report and transmit
11 such amounts so collected to the superintendent. If such
12 material so lost, destroyed, or damaged has been in school use
13 for more than 1 year, a sum ranging between 50 and 75 percent
14 of the purchase price of the book shall be collected. Such
15 sum shall be determined by the physical condition of the book.
16 The failure to collect such sum upon reasonable effort by the
17 principal may result in the suspension of the pupil from
18 participation in extracurricular activities or satisfaction of
19 the debt by the pupil through community service activities at
20 the school site as determined by the principal.

21 (6) ACCOUNTING FOR TEXTBOOKS.--Principals shall see
22 that all books are fully and properly accounted for as on
23 forms prescribed by rules of the local school district ~~the~~
24 ~~state board, and on forms which are supplied through the~~
25 ~~office of the superintendent.~~

26 ~~(7) RECORDS AND REPORTS.--Principals shall prepare and~~
27 ~~transmit such textbook records and reports as may be required~~
28 ~~by the Department of Education and such supplementary records~~
29 ~~and reports as the superintendent may direct.~~

30 Section 11. Subsection (1) of section 233.47, Florida
31 Statutes, is amended to read:

1 233.47 Responsibility of pupils, parents, or guardians
2 for instructional materials.--

3 (1) All instructional materials heretofore or
4 hereafter purchased under the provisions of this chapter shall
5 be the property of the district. When distributed to the
6 pupils, such materials shall be merely loaned to the pupils of
7 the school while pursuing the courses of study therein and are
8 to be returned at the direction of the principal or teacher in
9 charge. Each parent, guardian, or other person having charge
10 of a pupil to whom or for whom materials have been issued, as
11 provided herein, shall be held liable for any loss or
12 destruction of, or unnecessary damage to, such materials or
13 for failure of such pupil to return such materials when
14 directed by the principal or teacher in charge, and shall be
15 required to reimburse the school district immediately pay for
16 such loss, destruction, or unnecessary damage ~~as provided by~~
17 ~~law~~.

18 Section 12. Paragraph (e) of subsection (1) of section
19 233.061, Florida Statutes, is amended to read:

20 233.061 Required instruction.--

21 (1) Members of the instructional staff of the public
22 schools, subject to the rules and regulations of the state
23 board and of the school board, shall teach efficiently and
24 faithfully, using the books and materials required, following
25 the prescribed courses of study, and employing approved
26 methods of instruction, the following:

27 (e) The elements of civil government which may include
28 the primary functions of, and interrelationships between, the
29 Federal Government, the state, and the counties,
30 municipalities, school districts, and special districts of the
31 state;

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Section 13. This act shall take effect July 1, 1997.