

Bill No. CS for SB 1440

Amendment No.

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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11	Senator Cowin moved the following amendment:		
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13	Senate Amendment (with title amendment)		
14	On page 1, between lines 25 and 26,		
15			
16	insert:		
17	Section 2. Subsection (7) of section 230.23, Florida		
18	Statutes, 1998 Supplement, is amended to read:		
19	230.23 Powers and duties of school board.--The school		
20	board, acting as a board, shall exercise all powers and		
21	perform all duties listed below:		
22	(7) COURSES OF STUDY AND OTHER INSTRUCTIONAL		
23	AIDS.--Provide adequate instructional aids for all children as		
24	follows and in accordance with the requirements of chapter		
25	<u>233. For purposes of this subsection, adequate instructional</u>		
26	<u>materials means providing each student with a textbook or set</u>		
27	<u>of materials serving as the basis for instruction in the core</u>		
28	<u>courses of mathematics, language arts, social studies,</u>		
29	<u>science, reading, and literature, unless the school advisory</u>		
30	<u>council approves the use of a program that does not include a</u>		
31	<u>textbook as a major tool of instruction.</u>		

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1 (a) Courses of study; adoption.--Adopt courses of
2 study for use in the schools of the district.

3 (b) Textbooks.--Provide for proper requisitioning,
4 distribution, accounting, storage, care, and use of all
5 textbooks and other books furnished by the state and furnish
6 such other textbooks and library books as may be needed. The
7 school board is responsible for assuring that instructional
8 materials used in the district are consistent with the
9 district goals and objectives and the curriculum frameworks
10 approved by the State Board of Education, as well as with the
11 state and district performance standards provided for in ss.
12 229.565 and 232.2454.

13 (c) Other instructional aids.--Provide such other
14 teaching accessories and aids as are needed to carry out the
15 program.

16 (d) School library media services; establishment and
17 maintenance.--Establish and maintain school library media
18 centers, or school library media centers open to the public,
19 and, in addition thereto, such traveling or circulating
20 libraries as may be needed for the proper operation of the
21 district school system. Establish and maintain a program of
22 school library media services for all public schools.

23 Section 3. Paragraph (f) of subsection (4) of section
24 233.09, Florida Statutes, is amended to read:

25 233.09 Duties of each state instructional materials
26 committee.--The duties of each state instructional materials
27 committee shall be:

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

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1 by the Commissioner of Education and those curricular
2 objectives included within applicable performance standards
3 provided for in s. 229.565.

4 (f) When recommending instructional materials for use
5 in the schools, each committee shall have the recommendations
6 of all districts which submit evaluations on the materials
7 submitted for adoption in that particular subject area
8 aggregated and presented to the members to aid them in the
9 selection process. ~~7 however, such aggregation shall be~~
10 ~~weighted in accordance with the full-time equivalent student~~
11 ~~percentage of each district. Each committee shall prepare an~~
12 ~~additional aggregation, unweighted, with Each district~~
13 recommendation shall be given equal consideration. No
14 instructional materials shall be evaluated or recommended for
15 adoption unless each of the district committees shall have
16 been loaned the specified number of samples.

17 Section 4. Subsection (2) of section 233.16, Florida
18 Statutes, is amended to read:

19 233.16 Powers and duties of Department of Education in
20 selecting and adopting instructional materials.--The powers
21 and duties of the Department of Education in selecting and
22 adopting instructional materials shall be:

23 (2) SELECTION AND ADOPTION OF INSTRUCTIONAL
24 MATERIALS.--The Department of Education shall notify all
25 publishers or manufacturers of instructional materials who
26 have submitted bids that within 3 weeks after the deadline for
27 receiving bids, at a designated time and place, it will open
28 bids and proposals which have been submitted and deposited
29 with the Department of Education. At the time and place
30 designated, the bids or proposals shall be opened, read, and
31 tabulated in the presence of the bidders or their

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

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

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

8 233.17 Term of adoption for instructional materials.--

9 (1) The term of adoption of any instructional
10 materials must be an 8-year period beginning on April 1
11 following the adoption, except for the core subject areas
12 which include mathematics, science, social studies, reading,
13 and literature which shall be for a term not to exceed 6 years
14 beginning on April 1 following the adoption. Any contract for
15 instructional materials may be extended as prescribed in s.
16 233.16(2). The Commissioner of Education may approve terms of
17 adoption of less than 8 years for materials in content areas
18 which require more frequent revision.

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

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1 ~~price is increased as permitted above.~~

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

19 Section 6. Section 233.22, Florida Statutes, is
20 amended to read:

21 233.22 Requisition of instructional materials from
22 publisher's depository.--

23 (1) The superintendent shall requisition adopted
24 instructional materials from the depository of the publisher
25 with whom a contract has been made. However, the
26 superintendent shall requisition current instructional
27 materials to provide each student with a textbook or other
28 materials as a major tool of instruction in core courses of
29 the subject areas in s. 233.34(2). These materials must be
30 requisitioned within the first 2 years of the adoption cycle,
31 except for instructional materials related to growth of

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1 student membership or instructional-materials-maintenance
2 needs. The superintendent may requisition instructional
3 materials in the core subject areas in s. 233.34(2) that are
4 related to growth of student membership or
5 instructional-materials-maintenance needs during the 3rd, 4th,
6 5th, and 6th years of the original contract period.

7 (2) The superintendent shall verify that such
8 requisition is complete and accurate and order the depository
9 to forward to him or her the adopted instructional materials
10 shown by the requisition. The depository shall prepare an
11 invoice of the materials shipped, including shipping charges,
12 and mail it to the superintendent to whom the shipment is
13 being made. The superintendent shall pay the depository within
14 60 days after receipt of the requisitioned materials from the
15 appropriation for the purchase of adopted instructional
16 materials.

17 Section 7. Subsection (12) of section 233.25, Florida
18 Statutes, is amended, present subsections (13) and (14) of
19 that section are redesignated as subsections (16) and (17),
20 respectively, and new subsections (13), (14), and (15) are
21 added to that section, to read:

22 233.25 Duties, responsibilities, and requirements of
23 publishers and manufacturers of instructional
24 materials.--Publishers and manufacturers of instructional
25 materials, or their representatives, shall:

26 (12) Maintain, or contract with, a depository in the
27 state ~~and maintain there an inventory sufficient to receive~~
28 ~~and fill orders for instructional materials.~~

29 (13) For the core subject areas in s. 233.34(2),
30 maintain in the depository for the first 2 years of the
31 contract an inventory of instructional materials that is

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1 sufficient to receive and fill orders.

2 (14) For the core subject areas in s. 233.34(2),
3 ensure the availability of an inventory sufficient to receive
4 and fill orders for instructional materials for growth,
5 including the opening of a new school, and replacement during
6 the 3rd, 4th, 5th, and 6th years of the original contract
7 period.

8 (15) For all other subject areas, maintain in the
9 depository an inventory of instructional materials that is
10 sufficient to receive and fill orders.

11 Section 8. Section 233.34, Florida Statutes, is
12 amended to read:

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

16 (1) On or before July 1 each year, the commissioner
17 shall certify to the superintendent of each district the
18 estimated allocation of state funds for instructional
19 materials, computed pursuant to the provisions of chapter 236
20 for the ensuing fiscal year.

21 (2)(a) Each school district must purchase current
22 instructional materials to provide each student with a
23 textbook or other instructional materials as a major tool of
24 instruction in core courses of the subject areas of
25 mathematics, language arts, science, social studies, reading,
26 and literature for kindergarten through grade 12. Such
27 purchase must be made within the first 2 years of the
28 effective date of the adoption cycle.

29 (b) The requirement in paragraph (a) does not apply to
30 contracts in existence prior to April 1, 1999, or to a
31 purchase related to growth of student membership in the

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1 district or for instructional-materials-maintenance needs.

2 (c) The exceptions in subsections (3) and (4) for the
3 use of the annual allocation do not apply to this subsection.

4 (3)(a)(2) Each school district shall use the annual
5 allocation for the purchase of instructional materials
6 included on the state-adopted list. No less than 50 percent
7 of the annual allocation shall be used to purchase items which
8 will be used to provide instruction to students at the level
9 or levels for which the materials are designed.

10 (b) However, up to 50 percent of the annual allocation
11 may be used for the purchase of instructional materials,
12 including library and reference books and nonprint materials,
13 not included on the state-adopted list and for the repair and
14 renovation of textbooks and library books.

15 (c) Notwithstanding the provisions of this subsection,
16 school districts may use 100 percent of that portion of the
17 annual allocation which is designated by the district for the
18 purchase of instructional materials for kindergarten, and 75
19 percent of that portion of the annual allocation which is
20 designated for the purchase of instructional materials for
21 first grade, to purchase materials not on the state-adopted
22 list.

23 (4)(3) Notwithstanding the definition of instructional
24 materials in s. 233.07(4), the funds described in subsection
25 (3)(2) which school districts may use to purchase materials
26 not on the state adopted list may be used for the purchase of
27 instructional materials or other items having intellectual
28 content which assist in the instruction of a subject or
29 course. These items may be available in bound, unbound, kit,
30 or package form and may consist of hardbacked or softbacked
31 textbooks, replacements for items which were part of

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1 previously purchased instructional materials, consumables,
 2 learning laboratories, manipulatives, electronic media,
 3 computer courseware or software, and other commonly accepted
 4 instructional tools as prescribed by school board policy. The
 5 funds available to school districts for the purchase of
 6 materials not on the state adopted list may not be used to
 7 purchase electronic or computer hardware even if such hardware
 8 is bundled with software or other electronic media, nor may
 9 such funds be used to purchase equipment or supplies. However,
 10 when authorized to do so in the General Appropriations Act, a
 11 school or school district may use a portion of the funds
 12 available to it for the purchase of materials not on the state
 13 adopted list to purchase science laboratory materials and
 14 supplies.

15 (5)~~(4)~~ Each district school board shall adopt
 16 policies, and each superintendent shall implement procedures,
 17 that will assure the maximum use by the students of the
 18 materials herein authorized.

19 (6)~~(5)~~ District school boards are authorized to issue
 20 purchase orders subsequent to March 15 in an aggregate amount
 21 which does not exceed 20 percent of the current year's
 22 allocation, and subsequent to May 1 in an aggregate amount
 23 which does not exceed 90 percent of the current year's
 24 allocation, for the purpose of expediting the delivery of
 25 instructional materials which are to be paid for from the
 26 ensuing year's allocation.

27 (7)~~(6)~~ In any year in which the total allocation for a
 28 district has not been expended or obligated prior to June 30,
 29 the district shall carry forward such unobligated amount and
 30 shall add this amount to the next year's allocation.

31 Section 9. Section 233.37, Florida Statutes, is

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1 amended to read:

2 233.37 Disposal of instructional materials.--

3 (1) Under policy rules of the commissioner, or rules
4 of the district school board which have been approved by the
5 commissioner, the district school board may dispose of the
6 instructional materials of an old adoption when they have
7 become unserviceable or are no longer on state contract by any
8 of the following means:

9 (a) Giving the materials to other public education
10 programs within the district or state.

11 (b) Giving the materials to the teachers to use in
12 developing supplementary teaching materials.

13 (c) Giving the materials to students or others.

14 (d) Giving the materials to any charitable
15 organization, governmental agency, private school, or state.

16 (e) Selling the materials to used book dealers,
17 recycling plants, pulp mills, or other persons, firms, or
18 corporations upon such terms as are most economically
19 advantageous to the district school board.

20 (2) The district school board may prescribe by policy
21 the manner for destroying instructional materials that cannot
22 be disposed of as provided in subsection (1).

23 (3) All moneys received by reason of sale, exchange,
24 or other disposition of instructional materials shall be
25 deposited in the district school fund and added to the
26 district appropriation for instructional materials., upon such
27 terms and conditions as will yield their fair salvage value.
28 The Department of Education shall enter into one or more
29 contracts with recycling firms for periodic pickup in school
30 districts of obsolete or unusable materials to be salvaged.

31 Section 10. Section 233.38, Florida Statutes, is

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1 repealed.

2 Section 11. Section 233.43, Florida Statutes, is
3 amended to read:

4 233.43 Duties of superintendent relating to
5 instructional materials.--The duties and responsibilities of
6 each superintendent for the requisition, purchase, receipt,
7 storage, distribution, use, conservation, records, and reports
8 of, and management practices and property accountability
9 concerning, instructional materials shall be prescribed by
10 policies of the district school board. Such policies shall
11 also provide for an evaluation of any instructional materials
12 to be requisitioned that have not been used previously in the
13 schools of the district. The duties and responsibilities shall
14 include keeping adequate records and accounts for all
15 financial transactions for funds collected pursuant to s.
16 233.46(4). Each superintendent shall provide an annual report
17 on the funds collected from the sale, exchange, loss, or
18 damage of instructional materials under s. 233.46(4) to the
19 Department of Education. The Department of Education shall
20 annually review these reports and prepare a report to the
21 Legislature, including recommendations for any needed changes.

22 Section 12. Subsection (2) of section 233.46, Florida
23 Statutes, is amended to read:

24 233.46 Duties of principals.--The duties and
25 responsibilities of principals for instructional materials
26 management and care include:

27 (2) MONEY COLLECTED FOR LOST OR DAMAGED BOOKS;
28 ENFORCEMENT.--It shall be the duty and responsibility of each
29 principal to collect from each pupil or the pupil's parent the
30 purchase price of any instructional material the pupil has
31 lost, destroyed, or unnecessarily damaged and to report and

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1 transmit such amounts so collected to the superintendent. If
 2 such material so lost, destroyed, or damaged has been in
 3 school use for more than 1 year, a sum ranging between 50 and
 4 75 percent of the purchase price of the book shall be
 5 collected. Such sum shall be determined by the physical
 6 condition of the book. The failure to collect such sum upon
 7 reasonable effort by the principal may result in the
 8 suspension of the pupil from participation in extracurricular
 9 activities or satisfaction of the debt by the pupil through
 10 community service activities at the school site as determined
 11 by the principal. The provisions of this subsection must be
 12 included in the policies of the district school board.

13 Section 13. The Department of Education shall review
 14 the contracts used for the core subject areas and prepare a
 15 report that includes recommendations for any needed changes.
 16 The department shall provide a copy of the report to the
 17 President of the Senate, the Speaker of the House of
 18 Representatives, and the minority leader of each house by
 19 January 1, 2000.

20 Section 14. The Executive Office of the Governor and
 21 the Secretary of State shall renegotiate any contracts in
 22 existence on the effective date of this act which provides for
 23 instructional materials for the core subject areas of
 24 mathematics and social studies for grades 9 through 12 and
 25 language arts for grades 6 through 12.

26
27 (Redesignate subsequent sections.)

28
29
30 ===== T I T L E A M E N D M E N T =====

31 And the title is amended as follows:

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1 school districts to make certain purchases when
2 authorized in the General Appropriations Act;
3 amending s. 233.37, F.S.; providing for the
4 disposal of unserviceable instructional
5 materials and those no longer on state
6 contract; eliminating contracts between the
7 Department of Education and recycling firms;
8 authorizing the district school board to
9 prescribe policies for destroying instructional
10 materials; requiring that certain moneys be
11 deposited in the district school fund and added
12 to the district appropriation for instructional
13 materials; repealing s. 233.38, F.S., relating
14 to the exchange of textbooks by certain
15 districts; amending s. 233.43, F.S.; requiring
16 district school board policies to include the
17 superintendent's responsibilities for keeping
18 records pursuant to s. 233.46(4), F.S.;
19 requiring reports; amending s. 233.46, F.S.;
20 requiring policies by district school boards
21 related to lost or damaged books; requiring a
22 report by the Department of Education;
23 requiring that the Executive Office of the
24 Governor and the Secretary of State renegotiate
25 existing contracts for certain instructional
26 materials in core subject areas;

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