

Bill No. CS/HB 309

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	<b>Senate Amendment (with title amendment)</b>		
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           On page 1, line 6, after the semicolon  
2  
3 insert:  
4           amending s. 230.23, F.S.; defining the term  
5           "adequate instructional materials" to mean  
6           providing each student with a textbook or  
7           certain other materials; amending s. 233.09,  
8           F.S.; eliminating the requirements for  
9           providing weighted and unweighted aggregations;  
10          amending s. 233.16, F.S.; changing the  
11          reference from the Department of Education to  
12          the Commissioner of Education with respect to  
13          certain duties in selecting and adopting  
14          instructional materials; eliminating a  
15          condition for rejecting bids; amending s.  
16          233.17, F.S.; eliminating the optional  
17          escalator clause in certain contracts; amending  
18          s. 233.22, F.S.; requiring the superintendent  
19          to requisition certain materials; allowing the  
20          superintendent to requisition certain  
21          materials; amending s. 233.25, F.S.; requiring  
22          publishers and manufacturers to retain  
23          instructional materials in a depository for a  
24          specified period of time and to ensure the  
25          availability of materials; authorizing the  
26          Commissioner of Education to accept certain  
27          submissions under certain circumstances;  
28          amending s. 233.34, F.S.; requiring school  
29          districts to purchase instructional materials  
30          in core courses of subject areas within a  
31          specified time; providing exceptions; allowing

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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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