

By Representative Lynn

1                                   A bill to be entitled  
2           An act relating to instructional materials;  
3           amending s. 230.23, F.S.; prescribing duty of  
4           school boards to provide instructional  
5           materials; defining the term "adequate  
6           instructional materials"; amending s. 233.07,  
7           F.S.; revising the membership of instructional  
8           materials committees; amending s. 233.08, F.S.;  
9           eliminating provisions regarding district  
10          instructional materials committees; amending s.  
11          233.09, F.S.; revising the method of public  
12          announcement of meetings; eliminating the  
13          requirements for aggregating district  
14          recommendations; amending s. 233.095, F.S.;  
15          deleting the requirement that instructional  
16          materials committee training be provided  
17          through summer institutes; deleting provisions  
18          relating to district instructional materials  
19          committees; amending s. 233.115, F.S.; removing  
20          references to district instructional materials  
21          committees; providing requirements regarding  
22          instructional materials pilot programs;  
23          amending s. 233.14, F.S.; revising the method  
24          of announcement of requests for bids or  
25          proposals; amending s. 233.16, F.S.; deleting  
26          provisions relating to district instructional  
27          material committees; changing references to the  
28          Department of Education to the Commissioner of  
29          Education with respect to certain duties  
30          regarding the selection and adoption of  
31          instructional materials; eliminating a

1 condition for rejecting bids; creating s.  
2 233.167, F.S.; establishing procedures for  
3 determining the accuracy of instructional  
4 materials, correcting errors in content, and  
5 removing inaccurate instructional materials  
6 from the state-adopted list; amending s.  
7 233.17, F.S.; revising the term of adoption of  
8 instructional materials; eliminating the  
9 optional escalator clause in certain contracts;  
10 amending s. 233.22, F.S.; requiring the  
11 superintendent of a school district to  
12 requisition certain materials; allowing the  
13 superintendent of a school district to  
14 requisition certain materials; amending s.  
15 233.25, F.S.; deleting provisions relating to  
16 the loan of instructional materials specimen  
17 copies to districts; requiring publishers and  
18 manufacturers to retain instructional materials  
19 in a depository for a specified period of time,  
20 to provide opportunities for school districts  
21 to order customized materials in certain  
22 subject areas, and to accurately and fully  
23 disclose certain information regarding the  
24 development of instructional materials;  
25 providing a penalty for noncompliance; amending  
26 s. 233.34, F.S.; requiring school districts to  
27 purchase instructional materials in core  
28 courses of appropriate subject areas within a  
29 specified time; providing exceptions; allowing  
30 school districts to make certain purchases when  
31 authorized in the General Appropriations Act;

1           amending s. 233.37, F.S.; providing for the  
2           disposal of unserviceable instructional  
3           materials and those no longer on state  
4           contract; eliminating contracts between the  
5           Department of Education and recycling firms;  
6           authorizing the district school board to  
7           prescribe policies for destroying instructional  
8           materials; requiring that certain moneys be  
9           deposited in the district school fund and added  
10          to the district appropriation for instructional  
11          materials; repealing s. 233.38, F.S., relating  
12          to the exchange of textbooks by school  
13          districts; amending s. 233.43, F.S.; requiring  
14          district school board policies to include the  
15          superintendent's responsibilities for keeping  
16          records pursuant to s. 233.46(4), F.S.;  
17          requiring reports; amending s. 233.46, F.S.;  
18          requiring principals to communicate to parents  
19          the manner in which instructional materials are  
20          used to implement curricular objectives;  
21          requiring district school board policies to  
22          include provisions related to lost or damaged  
23          books; amending s. 233.48, F.S.; revising  
24          expenses to be included in the legislative  
25          budget request for instructional materials;  
26          amending s. 229.512, F.S.; correcting a cross  
27          reference; providing an effective date.

28  
29   Be It Enacted by the Legislature of the State of Florida:

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1 Section 1. Subsection (7) of section 230.23, Florida  
2 Statutes, is amended to read:

3 230.23 Powers and duties of school board.--The school  
4 board, acting as a board, shall exercise all powers and  
5 perform all duties listed below:

6 (7) COURSES OF STUDY AND OTHER INSTRUCTIONAL MATERIALS  
7 ~~AIDS~~.--Provide adequate instructional materials ~~aids~~ for all  
8 children as follows and in accordance with the requirements of  
9 chapter 233. For purposes of this subsection, the term  
10 "adequate instructional materials" means a sufficient number  
11 of textbooks or sets of materials serving as the basis for  
12 instruction for each student in the core courses of  
13 mathematics, language arts, social studies, science, reading,  
14 and literature, except for instruction for which the school  
15 advisory council approves the use of a program that does not  
16 include a textbook as a major tool of instruction.

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

19 (b) Textbooks.--Provide for proper requisitioning,  
20 distribution, accounting, storage, care, and use of all  
21 instructional materials furnished by the state and furnish  
22 such other instructional materials as may be needed. The  
23 school board is responsible for assuring that instructional  
24 materials used in the district are consistent with the  
25 district goals and objectives and the curriculum frameworks  
26 approved by the State Board of Education, as well as with the  
27 state and district performance standards provided for in ss.  
28 229.565 and 232.2454.

29 (c) Other instructional materials ~~aids~~.--Provide such  
30 other teaching accessories and aids as are needed to carry out  
31 the program.

1           (d) School library media services; establishment and  
2 maintenance.--Establish and maintain school library media  
3 centers, or school library media centers open to the public,  
4 and, in addition thereto, such traveling or circulating  
5 libraries as may be needed for the proper operation of the  
6 district school system. Establish and maintain a program of  
7 school library media services for all public schools.

8           Section 2. Paragraphs (a) and (b) of subsection (1) of  
9 section 233.07, Florida Statutes, are amended to read:

10           233.07 State instructional materials committees.--

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

25           (a) There shall be nine or more members on each  
26 committee: A majority ~~Four~~ shall be classroom teachers who are  
27 certified in an area directly related to the academic area or  
28 level being considered for adoption, two shall be laypersons,  
29 one shall be a school board member, and two shall be  
30 supervisors of teachers. The committee must have the capacity  
31 or expertise to address the broad racial, ethnic,

1 socioeconomic, and cultural diversity of the student  
2 population of the state. Personnel selected as teachers of  
3 the year at the school, district, regional, or state level  
4 pursuant to the provisions of the program conducted by the  
5 Department of Education shall be encouraged to serve on  
6 instructional materials committees.

7 (b) The membership of each committee must reflect the  
8 broad racial, ethnic, socioeconomic, and cultural diversity of  
9 the state, including a balanced representation from the  
10 state's geographic regions.

11 Section 3. Subsection (1) of section 233.08, Florida  
12 Statutes, is amended to read:

13 233.08 Affidavit of state instructional materials  
14 committee members.--Before transacting any business, each  
15 member of a ~~district or~~ state committee shall make an  
16 affidavit, to be filed with the Commissioner of Education,  
17 that:

18 (1) The member will faithfully discharge the duties  
19 imposed upon him or her as a member ~~or as a secretary~~ of the  
20 committee.

21 Section 4. Subsection (1) and paragraphs (f) and (g)  
22 of subsection (4) of section 233.09, Florida Statutes, are  
23 amended to read:

24 233.09 Duties of each state instructional materials  
25 committee.--The duties of each state instructional materials  
26 committee shall be:

27 (1) PLACE AND TIME OF MEETING.--To meet at the call of  
28 the Commissioner of Education, at a place in the state  
29 designated by him or her, and to remain there in session for a  
30 period of time, not to exceed 20 days, for the purpose of  
31 evaluating and recommending instructional materials for

1 adoption by the state. All meetings of state instructional  
2 materials committees shall be announced publicly in the  
3 Florida Administrative Weekly ~~through the news media of the~~  
4 ~~state~~ at least 2 weeks prior to the date of convening. ~~The~~  
5 ~~announcement of the meeting shall include the agenda of the~~  
6 ~~meeting.~~All meetings of the committees shall be open to the  
7 public.

8 (4) EVALUATION OF INSTRUCTIONAL MATERIALS.--To  
9 evaluate carefully all instructional materials submitted, to  
10 ascertain which instructional materials, if any, submitted for  
11 consideration best implement the selection criteria developed  
12 by the Commissioner of Education and those curricular  
13 objectives included within applicable performance standards  
14 provided for in s. 229.565.

15 ~~(f) When recommending instructional materials for use~~  
16 ~~in the schools, each committee shall have the recommendations~~  
17 ~~of all districts which submit evaluations on the materials~~  
18 ~~submitted for adoption in that particular subject area~~  
19 ~~aggregated and presented to the members to aid them in the~~  
20 ~~selection process; however, such aggregation shall be weighted~~  
21 ~~in accordance with the full-time equivalent student percentage~~  
22 ~~of each district. Each committee shall prepare an additional~~  
23 ~~aggregation, unweighted, with each district recommendation~~  
24 ~~given equal consideration. No instructional materials shall~~  
25 ~~be evaluated or recommended for adoption unless each of the~~  
26 ~~district committees shall have been loaned the specified~~  
27 ~~number of samples.~~

28 ~~(g) In addition to relying on statements of publishers~~  
29 ~~or manufacturers of instructional material, any committee may~~  
30 ~~conduct, or cause to be conducted, an independent~~

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1 ~~investigation as to the compliance of submitted materials with~~  
2 ~~the requirements of this section.~~

3 Section 5. Section 233.095, Florida Statutes, is  
4 amended to read:

5 233.095 Training programs for members of instructional  
6 materials committees.--The Department of Education shall  
7 develop a training program, ~~to be provided through summer~~  
8 ~~inservice institutes~~, for persons selected to serve on state  
9 ~~and district~~ instructional materials committees. The program  
10 shall be structured to assist committee members in developing  
11 the skills necessary to make valid, culturally sensitive, and  
12 objective decisions regarding the content and rigor of  
13 instructional materials. All persons serving on instructional  
14 materials committees must complete the training program prior  
15 to beginning the review and selection process.

16 Section 6. Section 233.115, Florida Statutes, is  
17 amended to read:

18 233.115 Prohibited acts.--

19 (1) No publisher or manufacturer of instructional  
20 material, or any of his or her representatives, shall offer to  
21 give any emolument, money, or other valuable thing, or any  
22 inducement, to any school official or member of a  
23 ~~district-level or~~ state-level committee to directly or  
24 indirectly introduce, recommend, vote for, or otherwise  
25 influence the adoption or purchase of any instructional  
26 materials.

27 (2) No school official or member of a ~~district or~~  
28 state instructional materials committee shall accept any  
29 emolument, money, or other valuable thing, or any inducement,  
30 to directly or indirectly introduce, recommend, vote for, or  
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1 otherwise influence the adoption or purchase of any  
2 instructional material.

3 (3) No school district or publisher may participate in  
4 a pilot program of materials being considered for adoption  
5 during the 18 months prior to the official adoption of the  
6 materials by the Commissioner of Education. Any pilot program  
7 during the first 2 years of the adoption period must have the  
8 prior approval of the Commissioner of Education.

9 (4)~~(3)~~ Any publisher or manufacturer of instructional  
10 materials or his or her representative or any school official  
11 or ~~district or~~ state instructional materials committee member,  
12 who violates any of the provisions of this section is guilty  
13 of a misdemeanor of the second degree. Any representative of  
14 a publisher or manufacturer who violates any of the provisions  
15 of this section, in addition to any other penalty, shall be  
16 banned from practicing business in the state for a period of 1  
17 calendar year. Any school official or ~~district or~~ state  
18 instructional materials committee member who violates any of  
19 the provisions of this section, in addition to any other  
20 penalty, shall be removed from his or her official position.

21 (5)~~(4)~~ Nothing in this section shall be construed to  
22 prevent any publisher, manufacturer, or agent from supplying,  
23 for purposes of examination, necessary sample copies of  
24 instructional materials to any school official or committee  
25 member.

26 (6)~~(5)~~ Nothing in this section shall be construed to  
27 prevent a school official or committee member from receiving  
28 sample copies of instructional materials.

29 (7)~~(6)~~ Nothing contained in this section shall be  
30 construed to prohibit or restrict a school official from  
31 receiving royalties or other compensation, other than

1 compensation paid as commission to the school official for  
2 negotiating sales to district boards, from the publisher or  
3 manufacturer of instructional materials written, designed, or  
4 prepared by such school official, and adopted by the  
5 commissioner or purchased by any district board. No school  
6 official shall be allowed to receive royalties on any  
7 materials not on the state-adopted list purchased for use by  
8 his or her district school board.

9 Section 7. Paragraph (a) of subsection (1) of section  
10 233.14, Florida Statutes, is amended to read:

11 233.14 Bids or proposals; advertisement and its  
12 contents.--

13 (1)(a) Beginning on or before May 15 of any year in  
14 which an instructional materials adoption is to be initiated,  
15 the Department of Education shall advertise in the Florida  
16 Administrative Weekly ~~a newspaper published in Tallahassee,~~  
17 ~~once each week for a period of 4 weeks~~ preceding the date on  
18 which the bids shall be received, that at a certain designated  
19 time, not later than June 15, sealed bids or proposals to be  
20 deposited with the Department of Education will be received  
21 from publishers or manufacturers for the furnishing of  
22 instructional materials proposed to be adopted as listed in  
23 the advertisement beginning April 1 following the adoption.

24 Section 8. Subsections (1), (2), and (3) of section  
25 233.16, Florida Statutes, are amended to read:

26 233.16 Powers and duties of the Commissioner of  
27 Education and the Department of Education in selecting and  
28 adopting instructional materials.--~~The powers and duties of~~  
29 ~~the Department of Education in selecting and adopting~~  
30 ~~instructional materials shall be:~~

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1           (1) PROCEDURES FOR EVALUATING INSTRUCTIONAL  
2 MATERIALS.--The Department of Education shall ~~To~~ implement  
3 procedures prescribed by the Commissioner of Education for  
4 evaluating instructional materials submitted by publishers and  
5 manufacturers in each adoption. Included in these procedures  
6 shall be ~~the following minimum standards:~~  
7           ~~(a) provisions which afford each publisher or~~  
8 ~~manufacturer or his or her representative an opportunity to~~  
9 ~~present to members of the state instructional materials~~  
10 ~~committees the merits of each instructional material submitted~~  
11 ~~in each adoption;~~  
12           ~~(b) Forms on which a district superintendent or his or~~  
13 ~~her designee shall submit the results of the district~~  
14 ~~instructional materials committee's recommendations; and~~  
15           ~~(c) Guidelines for district instructional materials~~  
16 ~~committees, professional associations, and individuals for~~  
17 ~~evaluating instructional materials for state adoption;~~  
18 ~~however, the following minimum standards apply:~~  
19           ~~i. A district instructional materials committee must~~  
20 ~~reflect the broad racial, ethnic, socioeconomic, and cultural~~  
21 ~~diversity of the district and may not consist of fewer than~~  
22 ~~three persons. One must be a layperson and two must be~~  
23 ~~teachers, it being the intent of the Legislature that~~  
24 ~~committees of three or more persons include at least one~~  
25 ~~layperson and one-half teachers as a part of their total~~  
26 ~~membership. The committee must have the capacity or expertise~~  
27 ~~to address the broad racial, ethnic, socioeconomic, and~~  
28 ~~cultural diversity of the student population of the district.~~  
29 ~~Teachers serving on district instructional materials~~  
30 ~~committees must be certified in an area directly related to~~  
31 ~~the academic area or level being considered for adoption.~~

1 ~~Personnel selected as teachers of the year at the school,~~  
2 ~~district, regional, or state level pursuant to the provisions~~  
3 ~~of the program conducted by the Department of Education are~~  
4 ~~encouraged to serve on instructional materials committees.~~

5 ~~2. A district instructional materials committee may~~  
6 ~~not deny any publisher or manufacturer or his or her~~  
7 ~~representative time to present his or her product equal to~~  
8 ~~that time given any other publisher or manufacturer or his or~~  
9 ~~her representative.~~

10 ~~3. Each instructional material evaluated by district~~  
11 ~~instructional materials committees, professional associations,~~  
12 ~~and individuals shall be ranked numerically in relation to all~~  
13 ~~other materials of the same type evaluated, and no two~~  
14 ~~materials in the same subject area may receive the same~~  
15 ~~numerical rating.~~

16 ~~4. District instructional materials committees,~~  
17 ~~professional associations, and individuals who evaluate~~  
18 ~~instructional materials and submit their findings and~~  
19 ~~recommendations to the state committee shall do so in~~  
20 ~~accordance with the provisions of s. 233.09(4).~~

21 (2) SELECTION AND ADOPTION OF INSTRUCTIONAL  
22 MATERIALS.--The Department of Education shall notify all  
23 publishers or manufacturers of instructional materials who  
24 have submitted bids that within 3 weeks after the deadline for  
25 receiving bids, at a designated time and place, it will open  
26 bids and proposals which have been submitted and deposited  
27 with the department of Education. At the time and place  
28 designated, the bids or proposals shall be opened, read, and  
29 tabulated in the presence of the bidders or their  
30 representatives. No one may revise his or her bid after the  
31 bids have been filed. When all bids or proposals have been

1 carefully considered, the Commissioner of Education ~~department~~  
2 shall, from the list of suitable, usable, and desirable  
3 instructional materials reported by the state instructional  
4 materials committee, select and adopt instructional materials  
5 for each grade and subject field in the curriculum of public  
6 elementary and secondary schools in the state in which  
7 adoptions are made and in the subject areas designated in the  
8 advertisement, which adoption shall continue for the period  
9 specified in the advertisement, to begin on the ensuing April  
10 1. Such adoption shall not prevent the extension of a  
11 contract as provided in subsection (3). The commissioner  
12 ~~department~~ shall always reserve ~~to itself~~ the right to reject  
13 any and all bids or proposals ~~if it is of the opinion that any~~  
14 ~~or all bids, for any reason, should be rejected.~~ The  
15 commissioner ~~department~~ may ask for new sealed bids from  
16 publishers or manufacturers whose instructional materials were  
17 recommended by the state instructional materials committee as  
18 suitable, usable, and desirable; specify the dates for filing  
19 such bids and the date on which they shall be opened; and  
20 proceed in all matters regarding the opening of bids and the  
21 awarding of contracts as required by the terms and provisions  
22 of this chapter. In all cases, bids or proposals shall be  
23 accompanied by a cash deposit or certified check of from \$500  
24 to \$2,500, as the commissioner ~~department~~ may direct. The  
25 department, in adopting instructional materials, shall give  
26 due consideration both to the prices bid for furnishing  
27 instructional materials and to the report and recommendations  
28 of the state instructional materials committee. When the  
29 commissioner ~~department~~ has finished with the report of the  
30 state instructional materials committee, the report shall be  
31 filed and preserved in the office of the Department of

1 Education and shall be available at all times for public  
2 inspection.

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

1 department may at any time, after giving 30 days' notice,  
2 require additional security or additional bond. The form of  
3 any bond or bonds or contract or contracts under the  
4 provisions of this chapter shall be prepared and approved by  
5 the Department of Legal Affairs. At the discretion of the  
6 commissioner ~~of Education~~, a publisher or manufacturer to whom  
7 any contract is let under provisions of this chapter may be  
8 allowed a cash deposit in lieu of a bond, conditioned for the  
9 faithful, honest, and exact performance of the contract. The  
10 cash deposit, payable to the Department of Education, shall be  
11 placed in the Textbook Bid Trust Fund. The department may  
12 recover damages on the cash deposit given by the contractor  
13 for failure to furnish instructional materials, the sum  
14 recovered to inure to the General Revenue Fund.

15 Section 9. Section 233.167, Florida Statutes, is  
16 created to read:

17 233.167 Accuracy of instructional materials.--In  
18 addition to relying on statements of publishers or  
19 manufacturers of instructional materials, the Commissioner of  
20 Education may conduct or cause to be conducted an independent  
21 investigation to determine the accuracy of the content of  
22 state-adopted instructional materials. Upon the confirmation  
23 of errors in state-adopted materials, the publisher of the  
24 materials shall provide each district which has purchased  
25 those materials with corrections in a format approved by the  
26 commissioner. The commissioner may remove those materials  
27 determined to contain errors which the publisher refuses to  
28 correct from the list of state-adopted materials. The  
29 commissioner may remove materials from the list of  
30 state-adopted materials at the request of the publisher if, in  
31

1 the commissioner's opinion, there is no material impact on the  
2 education goals of the state.

3 Section 10. Section 233.17, Florida Statutes, is  
4 amended to read:

5 233.17 Term of adoption for instructional materials.--

6 (1) The term of adoption of any instructional  
7 materials must be a 6-year ~~an 8-year~~ period beginning on April  
8 1 following the adoption, ~~except for the core subject areas~~  
9 ~~which include mathematics, science, social studies, reading,~~  
10 ~~and literature which shall be for a term not to exceed 6 years~~  
11 ~~beginning on April 1 following the adoption.~~ Any contract for  
12 instructional materials may be extended as prescribed in s.  
13 233.16(3). The Commissioner of Education may approve terms of  
14 adoption of less than 8 years for materials in content areas  
15 which require more frequent revision.

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

30 (2)(3) The department shall publish annually an  
31 official schedule of subject areas to be called for adoption



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

16 Section 11. Section 233.22, Florida Statutes, is  
17 amended to read:

18 233.22 Requisition of instructional materials from  
19 publisher's depository.--

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

1 that are related to growth of student membership or  
2 instructional materials maintenance needs during the 3rd and  
3 subsequent years of the original contract period.

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

14         Section 12. Subsections (2) and (12) of section  
15 233.25, Florida Statutes, are amended, present subsections  
16 (13) and (14) are renumbered as subsections (18) and (19),  
17 respectively, and new subsections (13), (14), (15), (16), and  
18 (17) are added to said section, to read:

19         233.25 Duties, responsibilities, and requirements of  
20 publishers and manufacturers of instructional  
21 materials.--Publishers and manufacturers of instructional  
22 materials, or their representatives, shall:

23         (2)~~(a)~~ Deliver specimen copies of all instructional  
24 materials upon which bids or proposals are based to each  
25 member of a state instructional materials committee. At the  
26 conclusion of the review process, manufacturers submitting  
27 samples of instructional materials shall be entitled to the  
28 return thereof, at the expense of the manufacturers; or, in  
29 the alternative, the manufacturers shall be entitled to  
30 reimbursement by the individual committee members for the  
31 retail value of such samples.

1       ~~(b) Lend copies of such materials in quantities to be~~  
2 ~~determined by the Department of Education to those districts~~  
3 ~~participating in preadoption evaluations. At the conclusion~~  
4 ~~of the review process, if the district does not return such~~  
5 ~~instructional materials to the publishers and manufacturers,~~  
6 ~~at their expense, the publishers and manufacturers shall be~~  
7 ~~entitled to reimbursement by the district for the retail value~~  
8 ~~of such materials.~~

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

12           (13) For the core subject areas specified in s.  
13 233.34(2), maintain in the depository for the first 2 years of  
14 the contract an inventory of instructional materials which is  
15 sufficient to receive and fill orders.

16           (14) For the core subject areas specified in s.  
17 233.34(2), ensure the availability of an inventory sufficient  
18 to receive and fill orders for instructional materials for  
19 growth, including the opening of a new school, and replacement  
20 during the 3rd and subsequent years of the original contract  
21 period.

22           (15) For all other subject areas, maintain in the  
23 depository an inventory of instructional materials which is  
24 sufficient to receive and fill orders.

25           (16) Accurately and fully disclose the names of all  
26 persons who authored, researched, and developed instructional  
27 materials. In addition to the penalties provided in  
28 subsection (19), the Commissioner of Education may remove from  
29 the list of state-adopted instructional materials those  
30 instructional materials whose publisher or manufacturer fails  
31

1 and refuses to comply with the requirements of this  
2 subsection.

3 (17) Beginning with the 2002 adoption cycle, provide  
4 opportunities for school districts to order customized  
5 instructional materials adopted in the core subject areas of  
6 mathematics, language arts, social studies, and science. As  
7 used in this subsection, the term "customized materials" means  
8 portions, sections, or chapters of state-adopted instructional  
9 materials which may be provided in electronic format, printed  
10 on demand, or reproduced using other innovative practices that  
11 allow for customization as determined by the publisher and the  
12 school district.

13 Section 13. Section 233.34, Florida Statutes, is  
14 amended to read:

15 233.34 Use of instructional materials allocation;  
16 instructional materials, library books, and reference books;  
17 repair of books.--

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

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

31

1       (b) The requirement in paragraph (a) does not apply to  
2 contracts in existence before April 1, 2000, or to a purchase  
3 related to growth of student membership in the district or for  
4 instructional materials maintenance needs.

5       (c) Any school district that meets the requirement in  
6 paragraph (a) may use at least 5 percent of public school  
7 technology funds to purchase electronic book readers when  
8 authorized to do so in the General Appropriations Act.

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

15       (b) However, up to 50 percent of the annual allocation  
16 may be used for the purchase of instructional materials,  
17 including library and reference books and nonprint materials,  
18 not included on the state-adopted list and for the repair and  
19 renovation of textbooks and library books.

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

28       ~~(4)(3)~~ Notwithstanding the definition of instructional  
29 materials in s. 233.07(4), the funds described in subsection  
30 ~~(3)(2)~~ which school districts may use to purchase materials  
31 not on the state adopted list may be used for the purchase of

1 instructional materials or other items having intellectual  
2 content which assist in the instruction of a subject or  
3 course. These items may be available in bound, unbound, kit,  
4 or package form and may consist of hardbacked or softbacked  
5 textbooks, replacements for items which were part of  
6 previously purchased instructional materials, consumables,  
7 learning laboratories, manipulatives, electronic media,  
8 computer courseware or software, and other commonly accepted  
9 instructional tools as prescribed by school board policy. The  
10 funds available to school districts for the purchase of  
11 materials not on the state adopted list may not be used to  
12 purchase electronic or computer hardware even if such hardware  
13 is bundled with software or other electronic media, nor may  
14 such funds be used to purchase equipment or supplies. However,  
15 when authorized to do so in the General Appropriations Act, a  
16 school or school district may use a portion of the funds  
17 available to it for the purchase of materials not on the state  
18 adopted list to purchase science laboratory materials and  
19 supplies.

20 (5)~~(4)~~ Each district school board shall adopt  
21 policies, and each superintendent shall implement procedures,  
22 that will assure the maximum use by the students of the  
23 materials herein authorized.

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

1           ~~(7)~~(6) In any year in which the total allocation for a  
2 district has not been expended or obligated prior to June 30,  
3 the district shall carry forward such unobligated amount and  
4 shall add this amount to the next year's allocation.

5           Section 14. Section 233.37, Florida Statutes, is  
6 amended to read:

7           233.37 Disposal of instructional materials.--

8           (1) Under policy rules of the commissioner, or rules  
9 ~~of the district school board which have been approved by the~~  
10 ~~commissioner, the district school board may dispose of the~~  
11 ~~instructional materials of an old adoption when they have~~  
12 ~~become unserviceable or surplus or are no longer on state~~  
13 ~~contract by:~~

14           (a) Giving or lending the materials to other public  
15 education programs within the district or state, to the  
16 teachers to use in developing supplementary teaching  
17 materials, to students or others, or to any charitable  
18 organization, governmental agency, private school, or state.

19           (b) Selling the materials to used book dealers,  
20 recycling plants, pulp mills, or other persons, firms, or  
21 corporations upon such terms as are most economically  
22 advantageous to the district school board,~~upon such terms and~~  
23 ~~conditions as will yield their fair salvage value. The~~  
24 ~~Department of Education shall enter into one or more contracts~~  
25 ~~with recycling firms for periodic pickup in school districts~~  
26 ~~of obsolete or unusable materials to be salvaged.~~

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

30           (3) All moneys received by reason of sale, exchange,  
31 or other disposition of instructional materials shall be

1 deposited in the district school fund and added to the  
2 district appropriation for instructional materials.

3 Section 15. Section 233.38, Florida Statutes, is  
4 repealed.

5 Section 16. Section 233.43, Florida Statutes, is  
6 amended to read:

7 233.43 Duties of superintendent relating to  
8 instructional materials.--

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

26 (2) Each superintendent of schools shall notify the  
27 Department of Education by April 1 of each year the  
28 state-adopted instructional materials that will be  
29 requisitioned for use in his or her district. The notification  
30 shall include a district plan for instructional materials use  
31



1 to assist in determining if adequate instructional materials  
2 have been requisitioned.

3 Section 17. Subsections (1) and (2) of section 233.46,  
4 Florida Statutes, are amended to read:

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

8 (1) PROPER USE OF INSTRUCTIONAL MATERIALS.--The  
9 principal is responsible for assuring that instructional  
10 materials are used to provide instruction to students enrolled  
11 at the grade level or levels for which the materials are  
12 designed, pursuant to policies of the school board. It shall  
13 be the responsibility of the principal to effectively  
14 communicate to parents the manner in which instructional  
15 materials are used to implement the curricular objectives of  
16 the school.

17 (2) MONEY COLLECTED FOR LOST OR DAMAGED BOOKS;  
18 ENFORCEMENT.--It shall be the duty and responsibility of each  
19 principal to collect from each pupil or the pupil's parent the  
20 purchase price of any instructional material the pupil has  
21 lost, destroyed, or unnecessarily damaged and to report and  
22 transmit such amounts so collected to the superintendent. If  
23 such material so lost, destroyed, or damaged has been in  
24 school use for more than 1 year, a sum ranging between 50 and  
25 75 percent of the purchase price of the book shall be  
26 collected. Such sum shall be determined by the physical  
27 condition of the book. The failure to collect such sum upon  
28 reasonable effort by the principal may result in the  
29 suspension of the pupil from participation in extracurricular  
30 activities or satisfaction of the debt by the pupil through  
31 community service activities at the school site as determined

1 by the principal. The provisions of this subsection must be  
2 included in the policies of the district school board.

3 Section 18. Section 233.48, Florida Statutes, is  
4 amended to read:

5 233.48 Expenses; budget request.--The Commissioner of  
6 Education shall include in the department's annual legislative  
7 budget a request for funds in an amount sufficient to provide  
8 the necessary expense for:

9 (1) The instructional materials committees.

10 ~~(2) Operating expense of the surplus instructional~~  
11 ~~materials exchange.~~

12 (2)~~(3)~~ Instructional materials for use by partially  
13 sighted pupils.

14 (3)~~(4)~~ Other specific and necessary state expense of  
15 the instructional materials program.

16 Section 19. Subsection (18) of section 229.512,  
17 Florida Statutes, is amended 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 (18) 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.  
31 233.17(2)~~(3)~~. It is the intent of the Legislature that

1 publishers have ample time to develop instructional materials  
2 designed to meet requirements in this state.  
3           Section 20. This act shall take effect upon becoming a  
4 law.  
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HOUSE SUMMARY

Prescribes the duty of school boards to provide instructional materials. Defines the term "adequate instructional materials" for purposes of courses of study in the state's public schools. Revises the membership of instructional materials committees. Eliminates district instructional materials committees. Revises the method of announcement of committee meetings and requests for bids or proposals. Deletes requirements for aggregations of district recommendations. Deletes the requirement that instructional materials committee training be provided through summer institutes. Provides requirements regarding instructional materials pilot programs. Transfers certain duties relating to selection and adoption of instructional materials from the Department of Education to the Commissioner of Education. Establishes procedures for determining the accuracy of instructional materials, correcting errors in content, and removing inaccurate instructional materials from the state-adopted list. Revises the term of adoption of instructional materials. Deletes authority for a publisher or manufacturer of instructional materials to increase the contract price of the materials under specified conditions. Requires a superintendent of a school district to requisition current instructional materials to provide each student with a textbook or other materials for core courses specified in s. 233.34(2), F.S., as amended by the act. Deletes provisions relating to the loan of instructional materials specimen copies to districts. Requires publishers and manufacturers to retain instructional materials in a depository for a specified period of time, provide opportunities for school districts to order customized materials, and to accurately and fully disclose certain information regarding the development of instructional materials. Provides a penalty for noncompliance. Requires school districts to purchase instructional materials in core courses of subject areas within a specified time, with exceptions. Allows school districts to make certain purchases when authorized in the General Appropriations Act. Provides for the disposal of unserviceable instructional materials and those no longer on state contract. Eliminates contracts between the Department of Education and recycling firms. Authorizes the district school board to prescribe policies for destroying instructional materials. Requires that moneys received from the disposition of instructional materials be deposited in the district school fund and added to the district appropriation for instructional materials. Requires district school board policies to include the superintendent's responsibilities for keeping records. Requires superintendents to make an annual report of funds collected from the sale, exchange, loss, or damage of instructional materials. Requires the Department of Education to review these reports and report to the Legislature with its recommendations. Requires principals to communicate to parents the manner in which instructional materials are used to implement curricular objectives. Requires that procedures for collection of money for lost or damaged books be included in the policies of the

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1 district school boards. Revises expenses to be included in  
2 the legislative budget request for instructional materials.  
3 Requires the Department of Education to review contracts  
4 used for the core subject areas and prepare a report to the  
5 Legislature. Requires the Executive Office of the Governor  
6 and the Secretary of State to renegotiate contracts for  
7 instructional materials for the core subject area of  
8 science in existence on the effective date of this act.  
9 Repeals s. 233.38, F.S., relating to the exchange of  
10 textbooks among school districts.  
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