

By the Committee on Education Innovation and
Representatives Lynn and Melvin

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 revising the years for which a tentative
11 schedule of subject areas to be called for
12 adoption must be published; amending s. 233.22,
13 F.S.; requiring the superintendent of a school
14 district to requisition certain materials;
15 allowing the superintendent of a school
16 district to requisition certain materials;
17 amending s. 233.25, F.S.; deleting provisions
18 relating to the loan of instructional materials
19 specimen copies to districts; requiring
20 publishers and manufacturers to retain
21 instructional materials in a depository for a
22 specified period of time, to implement a pilot
23 program to provide opportunities for at least
24 one school district to order customized
25 materials in certain subject areas, and to
26 accurately and fully disclose certain
27 information regarding the development of
28 instructional materials; providing a penalty
29 for noncompliance; amending s. 233.34, F.S.;
30 requiring school districts to purchase
31 instructional materials in core courses of

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

1 Be It Enacted by the Legislature of the State of Florida:

2

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

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

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

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

21 (b) Textbooks.--Provide for proper requisitioning,
22 distribution, accounting, storage, care, and use of all
23 instructional materials furnished by the state and furnish
24 such other instructional materials as may be needed. The
25 school board is responsible for assuring that instructional
26 materials used in the district are consistent with the
27 district goals and objectives and the curriculum frameworks
28 approved by the State Board of Education, as well as with the
29 state and district performance standards provided for in ss.
30 229.565 and 232.2454.

31

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

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

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

13 233.07 State instructional materials committees.--

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

28 (a) There shall be nine or more members on each
29 committee: A majority ~~Four~~ shall be classroom teachers who are
30 certified in an area directly related to the academic area or
31 level being considered for adoption, two shall be laypersons,

1 one shall be a school board member, and two shall be
2 supervisors of teachers. The committee must have the capacity
3 or expertise to address the broad racial, ethnic,
4 socioeconomic, and cultural diversity of the student
5 population of the state. Personnel selected as teachers of
6 the year at the school, district, regional, or state level
7 pursuant to the provisions of the program conducted by the
8 Department of Education shall be encouraged to serve on
9 instructional materials committees.

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

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

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

21 (1) The member will faithfully discharge the duties
22 imposed upon him or her as a member ~~or as a secretary~~ of the
23 committee.

24 Section 4. Subsection (1) and paragraphs (f) and (g)
25 of subsection (4) of section 233.09, Florida Statutes, are
26 amended to read:

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

30 (1) PLACE AND TIME OF MEETING.--To meet at the call of
31 the Commissioner of Education, at a place in the state

1 designated by him or her, and to remain there in session for a
2 period of time, not to exceed 20 days, for the purpose of
3 evaluating and recommending instructional materials for
4 adoption by the state. All meetings of state instructional
5 materials committees shall be announced publicly in the
6 Florida Administrative Weekly ~~through the news media of the~~
7 ~~state~~ at least 2 weeks prior to the date of convening. ~~The~~
8 ~~announcement of the meeting shall include the agenda of the~~
9 ~~meeting.~~All meetings of the committees shall be open to the
10 public.

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

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

31

1 ~~(g) In addition to relying on statements of publishers~~
2 ~~or manufacturers of instructional material, any committee may~~
3 ~~conduct, or cause to be conducted, an independent~~
4 ~~investigation as to the compliance of submitted materials with~~
5 ~~the requirements of this section.~~

6 Section 5. Section 233.095, Florida Statutes, is
7 amended to read:

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

19 Section 6. Section 233.115, Florida Statutes, is
20 amended to read:

21 233.115 Prohibited acts.--

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

30 (2) No school official or member of a ~~district or~~
31 state instructional materials committee shall accept any

1 emolument, money, or other valuable thing, or any inducement,
2 to directly or indirectly introduce, recommend, vote for, or
3 otherwise influence the adoption or purchase of any
4 instructional material.

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

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

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

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

31

1 (7)(6) Nothing contained in this section shall be
2 construed to prohibit or restrict a school official from
3 receiving royalties or other compensation, other than
4 compensation paid as commission to the school official for
5 negotiating sales to district boards, from the publisher or
6 manufacturer of instructional materials written, designed, or
7 prepared by such school official, and adopted by the
8 commissioner or purchased by any district board. No school
9 official shall be allowed to receive royalties on any
10 materials not on the state-adopted list purchased for use by
11 his or her district school board.

12 Section 7. Paragraph (a) of subsection (1) of section
13 233.14, Florida Statutes, is amended to read:

14 233.14 Bids or proposals; advertisement and its
15 contents.--

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

27 Section 8. Subsections (1), (2), and (3) of section
28 233.16, Florida Statutes, are amended to read:

29 233.16 Powers and duties of the Commissioner of
30 Education and the Department of Education in selecting and
31 adopting instructional materials.--~~The powers and duties of~~

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

1 ~~committees must be certified in an area directly related to~~
2 ~~the academic area or level being considered for adoption.~~
3 ~~Personnel selected as teachers of the year at the school,~~
4 ~~district, regional, or state level pursuant to the provisions~~
5 ~~of the program conducted by the Department of Education are~~
6 ~~encouraged to serve on instructional materials committees.~~

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

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

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

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

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
14 ~~department~~ shall always reserve ~~to itself~~ the right to reject
15 any and all bids or proposals ~~if it is of the opinion that any~~
16 ~~or all bids, for any reason, should be rejected.~~ The
17 commissioner ~~department~~ may ask for new sealed bids from
18 publishers or manufacturers whose instructional materials were
19 recommended by the state instructional materials committee as
20 suitable, usable, and desirable; specify the dates for filing
21 such bids and the date on which they shall be opened; and
22 proceed in all matters regarding the opening of bids and the
23 awarding of contracts as required by the terms and provisions
24 of this chapter. In all cases, bids or proposals shall be
25 accompanied by a cash deposit or certified check of from \$500
26 to \$2,500, as the commissioner ~~department~~ may direct. The
27 department, in adopting instructional materials, shall give
28 due consideration both to the prices bid for furnishing
29 instructional materials and to the report and recommendations
30 of the state instructional materials committee. When the
31 commissioner ~~department~~ has finished with the report of the

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

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

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

17 Section 9. Section 233.167, Florida Statutes, is
18 created to read:

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

1 state-adopted materials at the request of the publisher if, in
2 the commissioner's opinion, there is no material impact on the
3 education goals of the state.

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

6 233.17 Term of adoption for instructional materials.--

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

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

31

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

18 Section 11. Section 233.22, Florida Statutes, is
19 amended to read:

20 233.22 Requisition of instructional materials from
21 publisher's depository.--

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

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

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

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

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

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

1 reimbursement by the individual committee members for the
2 retail value of such samples.

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

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

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

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

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

27 (16) Accurately and fully disclose only the names of
28 those persons who actually authored the instructional
29 materials. In addition to the penalties provided in
30 subsection (19), the Commissioner of Education may remove from
31 the list of state-adopted instructional materials those

1 instructional materials whose publisher or manufacturer
2 misleads the purchaser by falsely representing genuine
3 authorship.

4 (17) Notwithstanding s. 233.115(3), beginning with the
5 2002 adoption cycle, implement a pilot program to provide
6 opportunities for at least one school district, as determined
7 by the state instructional materials committee in consultation
8 with the publishing industry, to order customized materials
9 adopted in one or more of the core subject areas of
10 mathematics, language arts, social studies, and science. As
11 used in this subsection, the term "customized materials" means
12 portions, sections, or chapters of state-adopted instructional
13 materials which may be provided in electronic format, printed
14 on demand, or reproduced using other innovative practices that
15 allow for customization as determined by the publisher and the
16 school district.

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

19 233.34 Use of instructional materials allocation;
20 instructional materials, library books, and reference books;
21 repair of books.--

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

27 (2)(a) Each school district must purchase current
28 instructional materials to provide each student with a
29 textbook or other instructional materials as a major tool of
30 instruction in core courses of the appropriate subject areas
31 of mathematics, language arts, science, social studies,

1 reading, and literature for kindergarten through grade 12.
2 Such purchase must be made within the first 2 years of the
3 effective date of the adoption cycle.

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

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

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

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

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

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1 (4)~~(3)~~ Notwithstanding the definition of instructional
2 materials in s. 233.07(4), the funds described in subsection
3 ~~(3)~~~~(2)~~ which school districts may use to purchase materials
4 not on the state adopted list may be used for the purchase of
5 instructional materials or other items having intellectual
6 content which assist in the instruction of a subject or
7 course. These items may be available in bound, unbound, kit,
8 or package form and may consist of hardbacked or softbacked
9 textbooks, replacements for items which were part of
10 previously purchased instructional materials, consumables,
11 learning laboratories, manipulatives, electronic media,
12 computer courseware or software, and other commonly accepted
13 instructional tools as prescribed by school board policy. The
14 funds available to school districts for the purchase of
15 materials not on the state adopted list may not be used to
16 purchase electronic or computer hardware even if such hardware
17 is bundled with software or other electronic media, nor may
18 such funds be used to purchase equipment or supplies. However,
19 when authorized to do so in the General Appropriations Act, a
20 school or school district may use a portion of the funds
21 available to it for the purchase of materials not on the state
22 adopted list to purchase science laboratory materials and
23 supplies.

24 (5)~~(4)~~ Each district school board shall adopt
25 policies, and each superintendent shall implement procedures,
26 that will assure the maximum use by the students of the
27 materials herein authorized.

28 (6)~~(5)~~ District school boards are authorized to issue
29 purchase orders subsequent to February 1 ~~March 15~~ in an
30 aggregate amount which does not exceed 20 percent of the
31 current year's allocation, and subsequent to April 1 ~~May 1~~ in

1 an aggregate amount which does not exceed 90 percent of the
2 current year's allocation, for the purpose of expediting the
3 delivery of instructional materials which are to be paid for
4 from the ensuing year's allocation.

5 ~~(7)~~~~(6)~~ In any year in which the total allocation for a
6 district has not been expended or obligated prior to June 30,
7 the district shall carry forward such unobligated amount and
8 shall add this amount to the next year's allocation.

9 Section 14. Section 233.37, Florida Statutes, is
10 amended to read:

11 233.37 Disposal of instructional materials.--

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

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

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

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

4 (3) All moneys received by reason of sale, exchange,
5 or other disposition of instructional materials shall be
6 deposited in the district school fund and added to the
7 district appropriation for instructional materials.

8 Section 15. Section 233.38, Florida Statutes, is
9 repealed.

10 Section 16. Section 233.43, Florida Statutes, is
11 amended to read:

12 233.43 Duties of superintendent relating to
13 instructional materials.--

14 (1) The duties and responsibilities of each
15 superintendent of schools for the requisition, purchase,
16 receipt, storage, distribution, use, conservation, records,
17 and reports of, and management practices and property
18 accountability concerning, instructional materials shall be
19 prescribed by policies of the district school board. Such
20 policies shall also provide for an evaluation of any
21 instructional materials to be requisitioned that have not been
22 used previously in the schools of the district. The duties and
23 responsibilities include keeping adequate records and accounts
24 for all financial transactions for funds collected pursuant to
25 s. 233.46(4). Such records and accounts shall be a component
26 of the educational service delivery scope in a school district
27 best financial management practices review under ss. 11.515
28 and 230.23025.

29 (2) Each superintendent of schools shall notify the
30 Department of Education by April 1 of each year the
31 state-adopted instructional materials that will be

1 requisitioned for use in his or her district. The notification
2 shall include a district plan for instructional materials use
3 to assist in determining if adequate instructional materials
4 have been requisitioned.

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

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

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

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

1 activities or satisfaction of the debt by the pupil through
2 community service activities at the school site as determined
3 by the principal. The provisions of this subsection must be
4 included in the policies of the district school board.

5 Section 18. Section 233.48, Florida Statutes, is
6 amended to read:

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

11 (1) The instructional materials committees.

12 ~~(2) Operating expense of the surplus instructional~~
13 ~~materials exchange.~~

14 (2)(3) Instructional materials for use by partially
15 sighted pupils.

16 (3)(4) Other specific and necessary state expense of
17 the instructional materials program.

18 Section 19. Subsection (18) of section 229.512,
19 Florida Statutes, is amended to read:

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

24 (18) To develop criteria for use by state
25 instructional materials committees in evaluating materials
26 submitted for adoption consideration. The criteria shall, as
27 appropriate, be based on instructional expectations reflected
28 in curriculum frameworks and student performance standards.
29 The criteria for each subject or course shall be made
30 available to publishers of instructional materials at least 24
31 months prior to the date on which bids are due as provided by

1 s. 233.14, except as otherwise permitted under s.
2 233.17(2)~~(3)~~. It is the intent of the Legislature that
3 publishers have ample time to develop instructional materials
4 designed to meet requirements in this state.

5 Section 20. This act shall take effect upon becoming a
6 law.

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