

609-164AX-38

Bill No. CS for SB 850, 1st Eng.

Amendment No. ____ (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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ORIGINAL STAMP BELOW

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Representative(s) Lynn offered the following:

Amendment (with title amendment)

Remove from the bill: Everything after the enacting clause
and insert in lieu thereof:

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

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

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

1 include a textbook as a major tool of instruction.

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

4 (b) Textbooks.--Provide for proper requisitioning,
5 distribution, accounting, storage, care, and use of all
6 instructional materials furnished by the state and furnish
7 such other instructional materials as may be needed. The
8 school board is responsible for assuring that instructional
9 materials used in the district are consistent with the
10 district goals and objectives and the curriculum frameworks
11 approved by the State Board of Education, as well as with the
12 state and district performance standards provided for in ss.
13 229.565 and 232.2454.

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

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

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

26 233.07 State instructional materials committees.--

27 (1) Each school year, not later than April 15, the
28 Commissioner of Education shall appoint state instructional
29 materials committees composed of persons actively engaged in
30 teaching or in the supervision of teaching in the public
31 elementary or secondary schools and representing the major

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1 fields and levels in which instructional materials are used in
2 the public schools of the state and, in addition, lay citizens
3 not professionally connected with education. There shall be
4 committees for the recommendation of instructional materials
5 for the elementary and secondary grades as may be found
6 necessary by the Commissioner of Education. Committee members
7 shall receive training pursuant to s. 233.095 in competencies
8 related to the evaluation and selection of instructional
9 materials.

10 (a) There shall be nine or more members on each
11 committee: At least 50 percent of the members ~~Four~~ shall be
12 classroom teachers who are certified in an area directly
13 related to the academic area or level being considered for
14 adoption, two shall be laypersons, one shall be a school board
15 member, and two shall be supervisors of teachers. The
16 committee must have the capacity or expertise to address the
17 broad racial, ethnic, socioeconomic, and cultural diversity of
18 the student population of the state. Personnel selected as
19 teachers of the year at the school, district, regional, or
20 state level pursuant to the provisions of the program
21 conducted by the Department of Education shall be encouraged
22 to serve on instructional materials committees.

23 (b) The membership of each committee must reflect the
24 broad racial, ethnic, socioeconomic, and cultural diversity of
25 the state, including a balanced representation from the
26 state's geographic regions.

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

29 233.08 Affidavit of state instructional materials
30 committee members.--Before transacting any business, each
31 member of a ~~district or~~ state committee shall make an

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1 affidavit, to be filed with the Commissioner of Education,
2 that:

3 (1) The member will faithfully discharge the duties
4 imposed upon him or her as a member ~~or as a secretary~~ of the
5 committee.

6 Section 4. Subsection (1) and paragraphs (f) and (g)
7 of subsection (4) of section 233.09, Florida Statutes, are
8 amended to read:

9 233.09 Duties of each state instructional materials
10 committee.--The duties of each state instructional materials
11 committee shall be:

12 (1) PLACE AND TIME OF MEETING.--To meet at the call of
13 the Commissioner of Education, at a place in the state
14 designated by him or her, and to remain there in session for a
15 period of time, not to exceed 20 days, for the purpose of
16 evaluating and recommending instructional materials for
17 adoption by the state. All meetings of state instructional
18 materials committees shall be announced publicly in the
19 Florida Administrative Weekly ~~through the news media of the~~
20 ~~state~~ at least 2 weeks prior to the date of convening. ~~The~~
21 ~~announcement of the meeting shall include the agenda of the~~
22 ~~meeting.~~All meetings of the committees shall be open to the
23 public.

24 (4) EVALUATION OF INSTRUCTIONAL MATERIALS.--To
25 evaluate carefully all instructional materials submitted, to
26 ascertain which instructional materials, if any, submitted for
27 consideration best implement the selection criteria developed
28 by the Commissioner of Education and those curricular
29 objectives included within applicable performance standards
30 provided for in s. 229.565.

31 ~~(f) When recommending instructional materials for use~~

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

13 ~~(g) In addition to relying on statements of publishers~~
14 ~~or manufacturers of instructional material, any committee may~~
15 ~~conduct, or cause to be conducted, an independent~~
16 ~~investigation as to the compliance of submitted materials with~~
17 ~~the requirements of this section.~~

18 Section 5. Section 233.095, Florida Statutes, is
19 amended to read:

20 233.095 Training programs for members of instructional
21 materials committees.--The Department of Education shall
22 develop a training program, ~~to be provided through summer~~
23 ~~inservice institutes,~~for persons selected to serve on state
24 ~~and district~~ instructional materials committees. The program
25 shall be structured to assist committee members in developing
26 the skills necessary to make valid, culturally sensitive, and
27 objective decisions regarding the content and rigor of
28 instructional materials. All persons serving on instructional
29 materials committees must complete the training program prior
30 to beginning the review and selection process.

31 Section 6. Section 233.115, Florida Statutes, is

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1 amended to read:

2 233.115 Prohibited acts.--

3 (1) No publisher or manufacturer of instructional
4 material, or any of his or her representatives, shall offer to
5 give any emolument, money, or other valuable thing, or any
6 inducement, to any school official or member of a
7 ~~district-level~~ or state-level committee to directly or
8 indirectly introduce, recommend, vote for, or otherwise
9 influence the adoption or purchase of any instructional
10 materials.

11 (2) No school official or member of a ~~district~~ or
12 state instructional materials committee shall accept any
13 emolument, money, or other valuable thing, or any inducement,
14 to directly or indirectly introduce, recommend, vote for, or
15 otherwise influence the adoption or purchase of any
16 instructional material.

17 (3) No school district or publisher may participate in
18 a pilot program of materials being considered for adoption
19 during the 18 months prior to the official adoption of the
20 materials by the Commissioner of Education. Any pilot program
21 during the first 2 years of the adoption period must have the
22 prior approval of the Commissioner of Education.

23 (4)~~(3)~~ Any publisher or manufacturer of instructional
24 materials or his or her representative or any school official
25 or ~~district~~ or state instructional materials committee member,
26 who violates any of the provisions of this section is guilty
27 of a misdemeanor of the second degree. Any representative of
28 a publisher or manufacturer who violates any of the provisions
29 of this section, in addition to any other penalty, shall be
30 banned from practicing business in the state for a period of 1
31 calendar year. Any school official or ~~district~~ or state

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1 instructional materials committee member who violates any of
2 the provisions of this section, in addition to any other
3 penalty, shall be removed from his or her official position.

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

9 (6)~~(5)~~ Nothing in this section shall be construed to
10 prevent a school official or committee member from receiving
11 sample copies of instructional materials.

12 (7)~~(6)~~ Nothing contained in this section shall be
13 construed to prohibit or restrict a school official from
14 receiving royalties or other compensation, other than
15 compensation paid as commission to the school official for
16 negotiating sales to district boards, from the publisher or
17 manufacturer of instructional materials written, designed, or
18 prepared by such school official, and adopted by the
19 commissioner or purchased by any district board. No school
20 official shall be allowed to receive royalties on any
21 materials not on the state-adopted list purchased for use by
22 his or her district school board.

23 Section 7. Paragraph (a) of subsection (1) of section
24 233.14, Florida Statutes, is amended to read:

25 233.14 Bids or proposals; advertisement and its
26 contents.--

27 (1)(a) Beginning on or before May 15 of any year in
28 which an instructional materials adoption is to be initiated,
29 the Department of Education shall advertise in the Florida
30 Administrative Weekly ~~a newspaper published in Tallahassee,~~
31 ~~once each week for a period of 4 weeks preceding the date on~~

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1 which the bids shall be received, that at a certain designated
2 time, not later than June 15, sealed bids or proposals to be
3 deposited with the Department of Education will be received
4 from publishers or manufacturers for the furnishing of
5 instructional materials proposed to be adopted as listed in
6 the advertisement beginning April 1 following the adoption.

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

9 233.16 Powers and duties of the Commissioner of
10 Education and the Department of Education in selecting and
11 adopting instructional materials.--~~The powers and duties of~~
12 ~~the Department of Education in selecting and adopting~~
13 ~~instructional materials shall be:~~

14 (1) PROCEDURES FOR EVALUATING INSTRUCTIONAL
15 MATERIALS.--The Department of Education shall ~~To~~ implement
16 procedures prescribed by the Commissioner of Education for
17 evaluating instructional materials submitted by publishers and
18 manufacturers in each adoption. Included in these procedures
19 shall be ~~the following minimum standards:~~

20 (a) ~~provisions which afford each publisher or~~
21 ~~manufacturer or his or her representative an opportunity to~~
22 ~~present to members of the state instructional materials~~
23 ~~committees the merits of each instructional material submitted~~
24 ~~in each adoption;~~

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

28 (c) ~~Guidelines for district instructional materials~~
29 ~~committees, professional associations, and individuals for~~
30 ~~evaluating instructional materials for state adoption;~~
31 ~~however, the following minimum standards apply:~~

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- 1 ~~1. A district instructional materials committee must~~
2 ~~reflect the broad racial, ethnic, socioeconomic, and cultural~~
3 ~~diversity of the district and may not consist of fewer than~~
4 ~~three persons. One must be a layperson and two must be~~
5 ~~teachers, it being the intent of the Legislature that~~
6 ~~committees of three or more persons include at least one~~
7 ~~layperson and one-half teachers as a part of their total~~
8 ~~membership. The committee must have the capacity or expertise~~
9 ~~to address the broad racial, ethnic, socioeconomic, and~~
10 ~~cultural diversity of the student population of the district.~~
11 ~~Teachers serving on district instructional materials~~
12 ~~committees must be certified in an area directly related to~~
13 ~~the academic area or level being considered for adoption.~~
14 ~~Personnel selected as teachers of the year at the school,~~
15 ~~district, regional, or state level pursuant to the provisions~~
16 ~~of the program conducted by the Department of Education are~~
17 ~~encouraged to serve on instructional materials committees.~~
- 18 ~~2. A district instructional materials committee may~~
19 ~~not deny any publisher or manufacturer or his or her~~
20 ~~representative time to present his or her product equal to~~
21 ~~that time given any other publisher or manufacturer or his or~~
22 ~~her representative.~~
- 23 ~~3. Each instructional material evaluated by district~~
24 ~~instructional materials committees, professional associations,~~
25 ~~and individuals shall be ranked numerically in relation to all~~
26 ~~other materials of the same type evaluated, and no two~~
27 ~~materials in the same subject area may receive the same~~
28 ~~numerical rating.~~
- 29 ~~4. District instructional materials committees,~~
30 ~~professional associations, and individuals who evaluate~~
31 ~~instructional materials and submit their findings and~~

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1 ~~recommendations to the state committee shall do so in~~
2 ~~accordance with the provisions of s. 233.09(4).~~

3 (2) SELECTION AND ADOPTION OF INSTRUCTIONAL
4 MATERIALS.--The Department of Education shall notify all
5 publishers or manufacturers of instructional materials who
6 have submitted bids that within 3 weeks after the deadline for
7 receiving bids, at a designated time and place, it will open
8 bids and proposals which have been submitted and deposited
9 with the department of Education. At the time and place
10 designated, the bids or proposals shall be opened, read, and
11 tabulated in the presence of the bidders or their
12 representatives. No one may revise his or her bid after the
13 bids have been filed. When all bids or proposals have been
14 carefully considered, the Commissioner of Education ~~department~~
15 shall, from the list of suitable, usable, and desirable
16 instructional materials reported by the state instructional
17 materials committee, select and adopt instructional materials
18 for each grade and subject field in the curriculum of public
19 elementary and secondary schools in the state in which
20 adoptions are made and in the subject areas designated in the
21 advertisement, which adoption shall continue for the period
22 specified in the advertisement, to begin on the ensuing April
23 1. Such adoption shall not prevent the extension of a
24 contract as provided in subsection (3). The commissioner
25 ~~department~~ shall always reserve to itself the right to reject
26 any and all bids or proposals if it is of the opinion that any
27 ~~or all bids, for any reason, should be rejected.~~ The
28 commissioner ~~department~~ may ask for new sealed bids from
29 publishers or manufacturers whose instructional materials were
30 recommended by the state instructional materials committee as
31 suitable, usable, and desirable; specify the dates for filing

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1 such bids and the date on which they shall be opened; and
2 proceed in all matters regarding the opening of bids and the
3 awarding of contracts as required by the terms and provisions
4 of this chapter. In all cases, bids or proposals shall be
5 accompanied by a cash deposit or certified check of from \$500
6 to \$2,500, as the commissioner ~~department~~ may direct. The
7 department, in adopting instructional materials, shall give
8 due consideration both to the prices bid for furnishing
9 instructional materials and to the report and recommendations
10 of the state instructional materials committee. When the
11 commissioner ~~department~~ has finished with the report of the
12 state instructional materials committee, the report shall be
13 filed and preserved in the office of the Department of
14 Education and shall be available at all times for public
15 inspection.

16 (3) CONTRACT WITH PUBLISHERS OR MANUFACTURERS;
17 BOND.--As soon as practicable after the Commissioner of
18 Education ~~department~~ has adopted any instructional materials
19 and all bidders that have secured the adoption of any
20 instructional materials have been notified of the same by
21 registered letter, the Department of Legal Affairs shall
22 prepare a contract in accordance with the provisions of the
23 school code with every bidder awarded the adoption of any
24 instructional materials. Said contracts shall be executed by
25 the Governor and Secretary of State under the seal of the
26 state, one copy to be kept by the contractor, one copy to be
27 filed in the Department of State, and one copy to be filed in
28 the Department of Education. After giving due consideration to
29 comments by the districts, the commissioner ~~department~~, with
30 the agreement of the publisher, may extend or shorten a
31 contract period for a period not to exceed 2 years; and the

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1 terms of any such contract shall remain the same as those set
2 forth in the original contract. By January 1, 2001, the
3 Department of Education shall review the contracts used for
4 the core subject areas, prepare a report that includes
5 recommendations for any needed changes, and provide copies of
6 the report to the President of the Senate, the Speaker of the
7 House of Representatives, and the minority leader of each
8 house.Any publisher or manufacturer to whom any contract is
9 let under the provisions of this chapter must give bond in
10 such amount as the commissioner ~~department~~ deems advisable,
11 payable to the state, conditioned for the faithful, honest,
12 and exact performance of the contract. The bond must further
13 provide for the payment of reasonable attorney's fees in case
14 of recovery in any suit upon the same. The surety on the bond
15 must be a guaranty or surety company authorized by the laws of
16 the state to do business in the state; however, the bond shall
17 not be exhausted by a single recovery but may be sued upon
18 from time to time until the full amount thereof is recovered,
19 and the department may at any time, after giving 30 days'
20 notice, require additional security or additional bond. The
21 form of any bond or bonds or contract or contracts under the
22 provisions of this chapter shall be prepared and approved by
23 the Department of Legal Affairs. At the discretion of the
24 ~~commissioner of Education~~, a publisher or manufacturer to whom
25 any contract is let under provisions of this chapter may be
26 allowed a cash deposit in lieu of a bond, conditioned for the
27 faithful, honest, and exact performance of the contract. The
28 cash deposit, payable to the Department of Education, shall be
29 placed in the Textbook Bid Trust Fund. The department may
30 recover damages on the cash deposit given by the contractor
31 for failure to furnish instructional materials, the sum

1 recovered to inure to the General Revenue Fund.

2 Section 9. Section 233.167, Florida Statutes, is
3 created to read:

4 233.167 Accuracy of instructional materials.--

5 (1) In addition to relying on statements of publishers
6 or manufacturers of instructional materials, the Commissioner
7 of Education may conduct or cause to be conducted an
8 independent investigation to determine the accuracy of
9 state-adopted instructional materials.

10 (2) When errors in state-adopted materials are
11 confirmed, the publisher of the materials shall provide to
12 each district that has purchased the materials the corrections
13 in a format approved by the Commissioner of Education.

14 (3) The Commissioner of Education may remove materials
15 from the list of state-adopted materials if he or she finds
16 that the content is in error and the publisher refuses to
17 correct the error when notified by the department.

18 (4) The Commissioner of Education may remove materials
19 from the list of state-adopted materials at the request of the
20 publisher if, in his or her opinion, there is no material
21 impact on the education goals of the state.

22 Section 10. Section 233.17, Florida Statutes, is
23 amended to read:

24 233.17 Term of adoption for instructional materials.--

25 (1) The term of adoption of any instructional
26 materials must be a 6-year ~~an 8-year~~ period beginning on April
27 1 following the adoption, ~~except for the core subject areas~~
28 ~~which include mathematics, science, social studies, reading,~~
29 ~~and literature which shall be for a term not to exceed 6 years~~
30 ~~beginning on April 1 following the adoption.~~ Any contract for
31 instructional materials may be extended as prescribed in s.

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1 233.16(3). The Commissioner of Education may approve terms of
2 adoption of less than 6 ~~8~~ years for materials in content areas
3 which require more frequent revision.

4 ~~(2) Any contract placing an instructional material on~~
5 ~~adoption for 4 or more years shall provide that a publisher or~~
6 ~~manufacturer of instructional materials may, at the end of the~~
7 ~~third year during the term of the contract, upon giving 60~~
8 ~~days' notification, increase such contract price to the~~
9 ~~publisher's or manufacturer's then-current lowest wholesale~~
10 ~~price at which the materials are then being offered to any~~
11 ~~state or school district in the United States, except that~~
12 ~~such adjustment shall not exceed the percentage by which the~~
13 ~~consumer price index as determined by the United States~~
14 ~~Department of Labor has increased during the time the contract~~
15 ~~has been in force. Such price increase shall remain in effect~~
16 ~~for the remaining term of the contract, unless the contract~~
17 ~~price is increased as permitted above.~~

18 ~~(2)(3)~~ The department shall publish annually an
19 official schedule of subject areas to be called for adoption
20 for each of the succeeding 2 years, and a tentative schedule
21 for years 3, 4, 5, and 6. If extenuating circumstances
22 warrant, the Commissioner of Education may order the
23 department to add one or more subject areas to the official
24 schedule, in which event the commissioner shall develop
25 criteria for such additional subject area or areas pursuant to
26 s. 229.512(18) and make them available to publishers as soon
27 as practicable. Notwithstanding the provisions of s.
28 229.512(18), the criteria for such additional subject area or
29 areas may be provided to publishers less than 24 months before
30 the date on which bids are due. The schedule shall be
31 developed so as to promote balance among the subject areas so

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1 that the required expenditure for new instructional materials
2 is approximately the same each year in order to maintain
3 curricular consistency.

4 Section 11. Section 233.22, Florida Statutes, is
5 amended to read:

6 233.22 Requisition of instructional materials from
7 publisher's depository.--

8 (1) The superintendent shall requisition adopted
9 instructional materials from the depository of the publisher
10 with whom a contract has been made. However, the
11 superintendent shall requisition current instructional
12 materials to provide each student with a textbook or other
13 materials as a major tool of instruction in core courses of
14 the subject areas specified in s. 233.34(2). These materials
15 must be requisitioned within the first 2 years of the adoption
16 cycle, except for instructional materials related to growth of
17 student membership or instructional materials maintenance
18 needs. The superintendent may requisition instructional
19 materials in the core subject areas specified in s. 233.34(2)
20 that are related to growth of student membership or
21 instructional materials maintenance needs during the 3rd, 4th,
22 5th, and 6th years of the original contract period.

23 (2) The superintendent shall verify that such
24 requisition is complete and accurate and order the depository
25 to forward to him or her the adopted instructional materials
26 shown by the requisition. The depository shall prepare an
27 invoice of the materials shipped, including shipping charges,
28 and mail it to the superintendent to whom the shipment is
29 being made. The superintendent shall pay the depository within
30 60 days after receipt of the requisitioned materials from the
31 appropriation for the purchase of adopted instructional

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1 materials.

2 Section 12. Subsections (2) and (12) of section
3 233.25, Florida Statutes, are amended, present subsections
4 (13) and (14) are renumbered as subsections (18) and (19),
5 respectively, and new subsections (13), (14), (15), (16), and
6 (17) are added to said section, to read:

7 233.25 Duties, responsibilities, and requirements of
8 publishers and manufacturers of instructional
9 materials.--Publishers and manufacturers of instructional
10 materials, or their representatives, shall:

11 (2)(a) Deliver specimen copies of all instructional
12 materials upon which bids or proposals are based to each
13 member of a state instructional materials committee. At the
14 conclusion of the review process, manufacturers submitting
15 samples of instructional materials shall be entitled to the
16 return thereof, at the expense of the manufacturers; or, in
17 the alternative, the manufacturers shall be entitled to
18 reimbursement by the individual committee members for the
19 retail value of such samples.

20 ~~(b) Lend copies of such materials in quantities to be~~
21 ~~determined by the Department of Education to those districts~~
22 ~~participating in preadoption evaluations. At the conclusion~~
23 ~~of the review process, if the district does not return such~~
24 ~~instructional materials to the publishers and manufacturers,~~
25 ~~at their expense, the publishers and manufacturers shall be~~
26 ~~entitled to reimbursement by the district for the retail value~~
27 ~~of such materials.~~

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

31 (13) For the core subject areas specified in s.

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1 233.34(2), maintain in the depository for the first 2 years of
2 the contract an inventory of instructional materials which is
3 sufficient to receive and fill orders.

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

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

13 (16) Accurately and fully disclose only the names of
14 those persons who actually authored the instructional
15 materials. In addition to the penalties provided in
16 subsection (19), the Commissioner of Education may remove from
17 the list of state-adopted instructional materials those
18 instructional materials whose publisher or manufacturer
19 misleads the purchaser by falsely representing genuine
20 authorship.

21 (17) Notwithstanding s. 233.115(3), beginning with the
22 2002 adoption cycle, implement a pilot program to provide
23 opportunities for at least one school district, as determined
24 by the state instructional materials committee in consultation
25 with the publishing industry, to order customized materials
26 adopted in one or more of the core subject areas of
27 mathematics, language arts, social studies, and science. As
28 used in this subsection, the term "customized materials" means
29 portions, sections, or chapters of state-adopted instructional
30 materials which may be provided in electronic format, printed
31 on demand, or reproduced using other innovative practices that

1 allow for customization as determined by the publisher and the
2 school district.

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

5 233.34 Use of instructional materials allocation;
6 instructional materials, library books, and reference books;
7 repair of books.--

8 (1) On or before July 1 each year, the commissioner
9 shall certify to the superintendent of each district the
10 estimated allocation of state funds for instructional
11 materials, computed pursuant to the provisions of chapter 236
12 for the ensuing fiscal year.

13 (2)(a) Each school district must purchase current
14 instructional materials to provide each student with a
15 textbook or other instructional materials as a major tool of
16 instruction in core courses of the appropriate subject areas
17 of mathematics, language arts, science, social studies,
18 reading, and literature for kindergarten through grade 12.
19 Such purchase must be made within the first 2 years of the
20 effective date of the adoption cycle. Unless specifically
21 provided for in the General Appropriations Act, the cost of
22 instructional materials purchases required by this paragraph
23 shall not exceed the amount of the district's allocation for
24 instructional materials, pursuant to s. 236.122, for the
25 previous 2 years.

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

30 (c) Any school district that meets the requirement in
31 paragraph (a) may use at least 5 percent of public school

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1 technology funds to purchase electronic book readers when
2 authorized to do so in the General Appropriations Act.

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

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

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

22 (4)(3) Notwithstanding the definition of instructional
23 materials in s. 233.07(4), the funds described in subsection
24 (3)(2) which school districts may use to purchase materials
25 not on the state adopted list may be used for the purchase of
26 instructional materials or other items having intellectual
27 content which assist in the instruction of a subject or
28 course. These items may be available in bound, unbound, kit,
29 or package form and may consist of hardbacked or softbacked
30 textbooks, replacements for items which were part of
31 previously purchased instructional materials, consumables,

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

14 (5)~~(4)~~ Each district school board shall adopt
15 policies, and each superintendent shall implement procedures,
16 that will assure the maximum use by the students of the
17 materials herein authorized.

18 (6)~~(5)~~ District school boards are authorized to issue
19 purchase orders subsequent to February 1 ~~March 15~~ in an
20 aggregate amount which does not exceed 20 percent of the
21 current year's allocation, and subsequent to April 1 ~~May 1~~ in
22 an aggregate amount which does not exceed 90 percent of the
23 current year's allocation, for the purpose of expediting the
24 delivery of instructional materials which are to be paid for
25 from the ensuing year's allocation.

26 (7)~~(6)~~ In any year in which the total allocation for a
27 district has not been expended or obligated prior to June 30,
28 the district shall carry forward such unobligated amount and
29 shall add this amount to the next year's allocation.

30 Section 14. Section 233.37, Florida Statutes, is
31 amended to read:

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1 233.37 Disposal of instructional materials.--

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

8 (a) Giving or lending the materials to other public
9 education programs within the district or state, to the
10 teachers to use in developing supplementary teaching
11 materials, to students or others, or to any charitable
12 organization, governmental agency, private school, or state.

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

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

24 (3) All moneys received by reason of sale, exchange,
25 or other disposition of instructional materials shall be
26 deposited in the district school fund and added to the
27 district appropriation for instructional materials.

28 Section 15. Section 233.38, Florida Statutes, is
29 repealed.

30 Section 16. Section 233.43, Florida Statutes, is
31 amended to read:

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1 233.43 Duties of superintendent relating to
2 instructional materials.--

3 (1) The duties and responsibilities of each
4 superintendent of schools for the requisition, purchase,
5 receipt, storage, distribution, use, conservation, records,
6 and reports of, and management practices and property
7 accountability concerning, instructional materials shall be
8 prescribed by policies of the district school board. Such
9 policies shall also provide for an evaluation of any
10 instructional materials to be requisitioned that have not been
11 used previously in the schools of the district. The duties and
12 responsibilities include keeping adequate records and accounts
13 for all financial transactions for funds collected pursuant to
14 s. 233.46(4). Such records and accounts shall be a component
15 of the educational service delivery scope in a school district
16 best financial management practices review under ss. 11.515
17 and 230.23025.

18 (2) Each superintendent of schools shall notify the
19 Department of Education by April 1 of each year the
20 state-adopted instructional materials that will be
21 requisitioned for use in his or her district. The notification
22 shall include a district plan for instructional materials use
23 to assist in determining if adequate instructional materials
24 have been requisitioned.

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

27 233.46 Duties of principals.--The duties and
28 responsibilities of principals for instructional materials
29 management and care include:

30 (1) PROPER USE OF INSTRUCTIONAL MATERIALS.--The
31 principal is responsible for assuring that instructional

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1 materials are used to provide instruction to students enrolled
2 at the grade level or levels for which the materials are
3 designed, pursuant to policies of the school board. It shall
4 be the responsibility of the principal to effectively
5 communicate to parents the manner in which instructional
6 materials are used to implement the curricular objectives of
7 the school.

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

25 Section 18. Section 233.48, Florida Statutes, is
26 amended to read:

27 233.48 Expenses; budget request.--The Commissioner of
28 Education shall include in the department's annual legislative
29 budget a request for funds in an amount sufficient to provide
30 the necessary expense for:

31 (1) The instructional materials committees.

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

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

5 (3)~~(4)~~ Other specific and necessary state expense of
6 the instructional materials program.

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

9 229.512 Commissioner of Education; general powers and
10 duties.--The Commissioner of Education is the chief
11 educational officer of the state, and has the following
12 general powers and duties:

13 (18) To develop criteria for use by state
14 instructional materials committees in evaluating materials
15 submitted for adoption consideration. The criteria shall, as
16 appropriate, be based on instructional expectations reflected
17 in curriculum frameworks and student performance standards.
18 The criteria for each subject or course shall be made
19 available to publishers of instructional materials at least 24
20 months prior to the date on which bids are due as provided by
21 s. 233.14, except as otherwise permitted under s.
22 233.17(2)~~(3)~~. It is the intent of the Legislature that
23 publishers have ample time to develop instructional materials
24 designed to meet requirements in this state.

25 Section 20. Paragraph (a) of subsection (1) of section
26 230.23025, Florida Statutes, is amended to read:

27 230.23025 Best financial management practices;
28 standards; reviews; designation of districts.--

29 (1) The Office of Program Policy Analysis and
30 Government Accountability (OPPAGA) and the Office of the
31 Auditor General are directed to develop a system for reviewing

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1 the financial management practices of school districts. In
 2 this system, OPPAGA and the Auditor General shall jointly
 3 examine district operations to determine whether they meet
 4 "best financial management practices." The best financial
 5 management practices adopted by the Commissioner of Education
 6 may be updated periodically after consultation with the
 7 Legislature, the Governor, the SMART Schools Clearinghouse,
 8 OPPAGA, and the Auditor General. The best financial management
 9 practices, at a minimum, must instill public confidence by
 10 addressing the following areas:

11 (a) Efficient use of resources, use of lottery
 12 proceeds, student transportation and food service operations,
 13 management structures, and personnel systems and benefits,
 14 instructional materials, and administrative and instructional
 15 technology;

16 Section 21. The Executive Office of the Governor and
 17 the Secretary of State shall renegotiate any contracts in
 18 existence on the effective date of this act which provide for
 19 instructional materials for the core subject area of science
 20 for kindergarten and for grades 1 through 12.

21 Section 22. This act shall take effect upon becoming a
 22 law.

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 24
 25 ===== T I T L E A M E N D M E N T =====

26 And the title is amended as follows:
 27 remove from the title of the bill: the entire title
 28
 29 and insert in lieu thereof:

30 A bill to be entitled
 31 An act relating to instructional materials;

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1 amending s. 230.23, F.S.; prescribing duty of
2 school boards to provide instructional
3 materials; defining the term "adequate
4 instructional materials"; amending s. 233.07,
5 F.S.; revising the membership of instructional
6 materials committees; amending s. 233.08, F.S.;
7 eliminating provisions regarding district
8 instructional materials committees; amending s.
9 233.09, F.S.; revising the method of public
10 announcement of meetings; eliminating the
11 requirements for aggregating district
12 recommendations; amending s. 233.095, F.S.;
13 deleting the requirement that instructional
14 materials committee training be provided
15 through summer institutes; deleting provisions
16 relating to district instructional materials
17 committees; amending s. 233.115, F.S.; removing
18 references to district instructional materials
19 committees; providing requirements regarding
20 instructional materials pilot programs;
21 amending s. 233.14, F.S.; revising the method
22 of announcement of requests for bids or
23 proposals; amending s. 233.16, F.S.; deleting
24 provisions relating to district instructional
25 material committees; changing references to the
26 Department of Education to the Commissioner of
27 Education with respect to certain duties
28 regarding the selection and adoption of
29 instructional materials; eliminating a
30 condition for rejecting bids; requiring a
31 report; creating s. 233.167, F.S.; establishing

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

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1 Appropriations Act; amending s. 233.37, F.S.;
2 providing for the disposal of unserviceable
3 instructional materials and those no longer on
4 state contract; eliminating contracts between
5 the Department of Education and recycling
6 firms; 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; amending s. 230.23025, F.S.,
28 relating to best financial management practices
29 reviews; providing for instructional materials
30 and educational technology review; requiring
31 the Executive Office of the Governor and the

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1 Secretary of State to renegotiate certain
2 contracts; providing an effective date.
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