

By the Committee on Education and Senator Cowin

304-823-00

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; amending s. 233.09, F.S.; amending  
6           existing notice requirements and eliminating  
7           the requirements for providing weighted and  
8           unweighted aggregations; amending s. 233.16,  
9           F.S.; changing the reference from the  
10          Department of Education to the Commissioner of  
11          Education with respect to certain duties in  
12          selecting and adopting instructional materials;  
13          eliminating a condition for rejecting bids;  
14          amending s. 233.17, F.S.; changing the term of  
15          adoption for instructional materials;  
16          eliminating the optional escalator clause in  
17          certain contracts; amending s. 233.22, F.S.;  
18          requiring the superintendent of a school  
19          district to requisition certain materials;  
20          allowing the superintendent of a school  
21          district to requisition certain materials;  
22          amending s. 233.25, F.S.; requiring publishers  
23          and manufacturers to retain instructional  
24          materials in a depository for a specified  
25          period of time and to ensure the availability  
26          of materials; authorizing the Commissioner of  
27          Education to accept certain submissions under  
28          certain circumstances; amending s. 233.34,  
29          F.S.; requiring school districts to purchase  
30          instructional materials in core courses of  
31          subject areas within a specified time;

1 providing exceptions; allowing school districts  
2 to make certain purchases when authorized in  
3 the General Appropriations Act; changing dates  
4 for authorized purchase orders; amending s.  
5 233.37, F.S.; providing for the disposal of  
6 unserviceable instructional materials and those  
7 no longer on state contract; eliminating  
8 contracts between the Department of Education  
9 and recycling firms; authorizing the district  
10 school board to prescribe policies for  
11 destroying instructional materials; requiring  
12 that certain moneys be deposited in the  
13 district school fund and added to the district  
14 appropriation for instructional materials;  
15 repealing s. 233.38, F.S., relating to the  
16 exchange of textbooks by school districts;  
17 amending s. 233.43, F.S.; requiring district  
18 school board policies to include the  
19 superintendent's responsibilities for keeping  
20 records pursuant to s. 233.46(4), F.S.;  
21 establishing notification requirements for  
22 superintendents; requiring reports; amending s.  
23 233.46, F.S.; adding a responsibility for  
24 principals; requiring policies by district  
25 school boards related to lost or damaged books;  
26 requiring a report by the Department of  
27 Education; requiring that the Executive Office  
28 of the Governor and the Secretary of State  
29 renegotiate existing contracts for certain  
30 instructional materials; amending s. 230.23025,  
31 F.S.; requiring that administrative and

1 instructional technology be included in the  
2 review of best financial management practices;  
3 amending s. 233.07, F.S.; providing for more  
4 members on the state committees; providing for  
5 geographical representation; creating s.  
6 233.66, F.S.; authorizing the Commissioner of  
7 Education to take certain actions; creating  
8 additional responsibilities for publishers;  
9 providing an effective date.

10

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

12

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

15 230.23 Powers and duties of school board.--The school  
16 board, acting as a board, shall exercise all powers and  
17 perform all duties listed below:

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

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

31

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

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

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

21           Section 2. Subsection (1) and paragraphs (f) and (g)  
22 of subsection (4) of section 233.09, Florida Statutes, are  
23 amended to read:

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

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

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

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

15 (f) When recommending instructional materials for use  
16 in the schools, each committee shall have the recommendations  
17 of all districts which submit evaluations on the materials  
18 submitted for adoption in that particular subject area  
19 aggregated and presented to the members to aid them in the  
20 selection process. ~~7~~ ~~however, such aggregation shall be~~  
21 ~~weighted in accordance with the full-time equivalent student~~  
22 ~~percentage of each district. Each committee shall prepare an~~  
23 ~~additional aggregation, unweighted, with~~ Each district  
24 recommendation must be given equal consideration. ~~No~~  
25 Instructional materials may not ~~shall~~ be evaluated or  
26 recommended for adoption unless each of the district  
27 committees has ~~shall have~~ been loaned the specified number of  
28 samples.

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

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

3 Section 3. Subsection (2) of section 233.16, Florida  
4 Statutes, is amended to read:

5 233.16 Powers and duties of Department of Education in  
6 selecting and adopting instructional materials.--The powers  
7 and duties of the Department of Education in selecting and  
8 adopting instructional materials shall be:

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

1 to reject any and all bids or proposals ~~if it is of the~~  
2 ~~opinion that any or all bids, for any reason, should be~~  
3 ~~rejected.~~ The Commissioner of Education ~~department~~ may ask for  
4 new sealed bids from publishers or manufacturers whose  
5 instructional materials were recommended by the state  
6 instructional materials committee as suitable, usable, and  
7 desirable; specify the dates for filing such bids and the date  
8 on which they shall be opened; and proceed in all matters  
9 regarding the opening of bids and the awarding of contracts as  
10 required by the terms and provisions of this chapter. In all  
11 cases, bids or proposals shall be accompanied by a cash  
12 deposit or certified check of from \$500 to \$2,500, as the  
13 Commissioner of Education ~~department~~ may direct. The  
14 department, in adopting instructional materials, shall give  
15 due consideration both to the prices bid for furnishing  
16 instructional materials and to the report and recommendations  
17 of the state instructional materials committee. When the  
18 Commissioner of Education ~~department~~ has finished with the  
19 report of the state instructional materials committee, the  
20 report shall be filed and preserved in the office of the  
21 Department of Education and shall be available at all times  
22 for public inspection.

23 Section 4. Section 233.17, Florida Statutes, is  
24 amended to read:

25 233.17 Term of adoption for instructional materials.--

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

1 instructional materials may be extended as prescribed in s.  
2 233.16(3). The Commissioner of Education may approve terms of  
3 adoption of less than 8 years for materials in content areas  
4 which require more frequent revision.

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

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



1 developed so as to promote balance among the subject areas so  
2 that the required expenditure for new instructional materials  
3 is approximately the same each year in order to maintain  
4 curricular consistency.

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

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

9 (1) The superintendent shall requisition adopted  
10 instructional materials from the depository of the publisher  
11 with whom a contract has been made. However, the  
12 superintendent shall requisition current instructional  
13 materials to provide each student with a textbook or other  
14 materials as a major tool of instruction in core courses of  
15 the subject areas specified in s. 233.34(2). These materials  
16 must be requisitioned within the first 2 years of the adoption  
17 cycle, except for instructional materials related to growth of  
18 student membership or instructional-materials-maintenance  
19 needs. The superintendent may requisition instructional  
20 materials in the core subject areas specified in s. 233.34(2)  
21 that are related to growth of student membership or  
22 instructional-materials-maintenance needs during the 3rd, 4th,  
23 5th, and 6th years of the original contract period.

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

1 appropriation for the purchase of adopted instructional  
2 materials.

3 Section 6. Subsections (8) and (12) of section 233.25,  
4 Florida Statutes, are amended, present subsections (13) and  
5 (14) of that section are redesignated as subsections (16) and  
6 (17), respectively, and new subsections (13), (14), and (15)  
7 are added to that section, to read:

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

12 (8) Provide any instructional materials free of charge  
13 in the state to the same extent as that received by any state  
14 or school district in the United States. The commissioner may  
15 accept submissions that include a charge for ancillary  
16 materials provided free of charge in other states' contracts  
17 if the publisher reduces the total program cost to state  
18 school districts.

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

22 (13) For the core subject areas specified in s.  
23 233.34(2), maintain in the depository for the first 2 years of  
24 the contract an inventory of instructional materials which is  
25 sufficient to receive and fill orders.

26 (14) For the core subject areas specified in s.  
27 233.34(2), ensure the availability of an inventory sufficient  
28 to receive and fill orders for instructional materials for  
29 growth, including the opening of a new school, and replacement  
30 during the 3rd, 4th, 5th, and 6th years of the original  
31 contract period.

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

4           Section 7. Section 233.34, Florida Statutes, is  
5 amended to read:

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

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

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

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

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

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

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

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

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

20           (4)~~(3)~~ Notwithstanding the definition of instructional  
21 materials in s. 233.07(4), the funds described in subsection  
22 ~~(3)~~~~(2)~~ which school districts may use to purchase materials  
23 not on the state adopted list may be used for the purchase of  
24 instructional materials or other items having intellectual  
25 content which assist in the instruction of a subject or  
26 course. These items may be available in bound, unbound, kit,  
27 or package form and may consist of hardbacked or softbacked  
28 textbooks, replacements for items which were part of  
29 previously purchased instructional materials, consumables,  
30 learning laboratories, manipulatives, electronic media,  
31 computer courseware or software, and other commonly accepted

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

12 (5)~~(4)~~ Each district school board shall adopt  
13 policies, and each superintendent shall implement procedures,  
14 that will assure the maximum use by the students of the  
15 materials herein authorized.

16 (6)~~(5)~~ District school boards are authorized to issue  
17 purchase orders subsequent to February 1 ~~March 15~~ in an  
18 aggregate amount that ~~which~~ does not exceed 20 percent of the  
19 current year's allocation, and subsequent to April ~~May~~ 1 in an  
20 aggregate amount that ~~which~~ does not exceed 90 percent of the  
21 current year's allocation, for the purpose of expediting the  
22 delivery of instructional materials which are to be paid for  
23 from the ensuing year's allocation.

24 (7)~~(6)~~ In any year in which the total allocation for a  
25 district has not been expended or obligated prior to June 30,  
26 the district shall carry forward such unobligated amount and  
27 shall add this amount to the next year's allocation.

28 Section 8. Section 233.37, Florida Statutes, is  
29 amended to read:

30 233.37 Disposal of instructional materials.--  
31

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

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

12           (b) Selling the materials to used book dealers,  
13 recycling plants, pulp mills, or other persons, firms, or  
14 corporations upon such terms as are most economically  
15 advantageous to the district school board.

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

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

27           Section 9. Section 233.38, Florida Statutes, is  
28 repealed.

29           Section 10. Section 233.43, Florida Statutes, is  
30 amended to read:

31

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

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

20           (2) Each superintendent shall notify the Department of  
21 Education, by April 1 of each year of those instructional  
22 materials adopted by the Commissioner of Education which will  
23 be requisitioned for use in his or her district. The  
24 notification must include the district plans for  
25 implementation.

26           Section 11. Subsections (1) and (2) of section 233.46,  
27 Florida Statutes, are amended to read:

28           233.46 Duties of principals.--The duties and  
29 responsibilities of principals for instructional materials  
30 management and care include:  
31

1           (1) PROPER USE OF INSTRUCTIONAL MATERIALS.--The  
2 principal is responsible for assuring that instructional  
3 materials are used to provide instruction to students enrolled  
4 at the grade level or levels for which the materials are  
5 designed, pursuant to policies of the school board. The  
6 principal is responsible for effectively communicating to  
7 parents the manner in which instructional materials are used  
8 to implement the curricular objectives of the school.

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

26           Section 12. The Department of Education shall review  
27 the contracts used for the core subject areas and prepare a  
28 report that includes recommendations for any needed changes.  
29 The department shall provide a copy of the report to the  
30 President of the Senate, the Speaker of the House of

31



1 Representatives, and the minority leader of each house by  
2 January 1, 2001.

3           Section 13. The Executive Office of the Governor and  
4 the Secretary of State shall renegotiate any contracts in  
5 existence on the effective date of this act which provide for  
6 instructional materials for the core subject area of science  
7 for kindergarten and for grades 1 through 12.

8           Section 14. Subsection (1) of section 230.23025,  
9 Florida Statutes, is amended to read:

10           230.23025 Best financial management practices;  
11 standards; reviews; designation of districts.--

12           (1) The Office of Program Policy Analysis and  
13 Government Accountability (OPPAGA) and the Office of the  
14 Auditor General are directed to develop a system for reviewing  
15 the financial management practices of school districts. In  
16 this system, OPPAGA and the Auditor General shall jointly  
17 examine district operations to determine whether they meet  
18 "best financial management practices." The best financial  
19 management practices adopted by the Commissioner of Education  
20 may be updated periodically after consultation with the  
21 Legislature, the Governor, the SMART Schools Clearinghouse,  
22 OPPAGA, and the Auditor General. The best financial management  
23 practices, at a minimum, must instill public confidence by  
24 addressing the following areas:

25           (a) Efficient use of resources, use of lottery  
26 proceeds, student transportation and food service operations,  
27 management structures, ~~and~~ personnel systems and benefits, and  
28 administrative and instructional technology;

29           (b) Compliance with generally accepted accounting  
30 principles and state and federal laws relating to financial  
31 management;

1 (c) Performance accountability systems, including  
2 performance measurement reports to the public, internal  
3 auditing, financial auditing, and information made available  
4 to support decisionmaking;

5 (d) Cost control systems, including asset, risk, and  
6 financial management, purchasing, and information system  
7 controls.

8 Section 15. Paragraphs (a) and (b) of subsection (1)  
9 of section 233.07, Florida Statutes, are amended to read:

10 233.07 State instructional materials committees.--

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

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

1 cultural diversity of the student population of the state.

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

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

10 Section 16. Section 233.66, Florida Statutes, is  
11 created to read:

12 233.66 Accuracy of instructional materials.--

13 (1) In addition to relying on statements of publishers  
14 or manufacturers of instructional materials, the Commissioner  
15 of Education may conduct or cause to be conducted an  
16 independent investigation to determine the accuracy of  
17 state-adopted instructional materials.

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

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

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

30 Section 17. This act shall take effect upon becoming a  
31 law.

1                   STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
2   COMMITTEE SUBSTITUTE FOR  
3   SB 850

4     The committee substitute amends s. 233.07, F.S., to expand  
5     participation on state materials committees. The membership  
6     composition must reflect a balanced representation for the  
7     state's geographic regions. The bill amends s. 233.34, (6)  
8     F.S., to allow district school boards to issue purchase orders  
9     earlier to expedite the delivery of instructional  
10    materials. The bill amends s. 233.43, F.S., to require  
11    superintendents to notify the Department of Education about  
12    which state-adopted instructional materials will be  
13    requisitioned for use in the district. The notification must  
14    include the district's implementation plans.

15    Under s. 233.66, F.S., the Commissioner of Education may  
16    enforce the accuracy of instructional materials by conducting  
17    an investigation and removing instructional materials from the  
18    state-adopted list if the content is in error and the  
19    publisher refuses to correct the error when notified by the  
20    Department of Education. The Commissioner may also remove  
21    materials from the list if there is no material impact on the  
22    state's education goals. Publishers are required to provide  
23    corrections to state-adopted materials to all school districts  
24    that purchased the materials.

25    The committee substitute amends s. 233.46, F.S., to require  
26    principals to effectively inform parents about the manner in  
27    which instructional materials are used to implement the  
28    school's curricular objectives. Section 230.23025, F.S., is  
29    amended to add administrative and instructional technology to  
30    the best financial management reviews. The bill amends s.  
31    233.17, F.S., to change the term of adoption for instructional  
32    materials from 8 to 6 years.

33    The committee substitute amends s. 233.09(1), F.S., to allow  
34    for additional notice of meetings of the state instructional  
35    materials committees. The bill omits the requirement in law  
36    that an agenda must be included with the notice and removes  
37    the authority for instructional materials committees to  
38    investigate compliance of submitted materials.