

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

1 allowing school districts to make certain  
2 purchases when authorized in the General  
3 Appropriations Act; amending s. 233.37, F.S.;  
4 providing for the disposal of unserviceable  
5 instructional materials and those no longer on  
6 state contract; eliminating contracts between  
7 the Department of Education and recycling  
8 firms; authorizing the district school board to  
9 prescribe policies for destroying instructional  
10 materials; requiring that certain moneys be  
11 deposited in the district school fund and added  
12 to the district appropriation for instructional  
13 materials; repealing s. 233.38, F.S., relating  
14 to the exchange of textbooks by school  
15 districts; amending s. 233.43, F.S.; requiring  
16 district school board policies to include the  
17 superintendent's responsibilities for keeping  
18 records pursuant to s. 233.46(4), F.S.;  
19 requiring reports; amending s. 233.46, F.S.;  
20 requiring principals to communicate to parents  
21 the manner in which instructional materials are  
22 used to implement curricular objectives;  
23 requiring district school board policies to  
24 include provisions related to lost or damaged  
25 books; amending s. 233.48, F.S.; revising  
26 expenses to be included in the legislative  
27 budget request for instructional materials;  
28 amending s. 229.512, F.S.; correcting a cross  
29 reference; amending s. 230.23025, F.S.,  
30 relating to best financial management practices  
31 reviews; providing for instructional materials

1 and educational technology review; requiring  
2 the Executive Office of the Governor and the  
3 Secretary of State to renegotiate certain  
4 contracts; providing an effective date.  
5

6 Be It Enacted by the Legislature of the State of Florida:  
7

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

10 230.23 Powers and duties of school board.--The school  
11 board, acting as a board, shall exercise all powers and  
12 perform all duties listed below:

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

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

26 (b) Textbooks.--Provide for proper requisitioning,  
27 distribution, accounting, storage, care, and use of all  
28 instructional materials furnished by the state and furnish  
29 such other instructional materials as may be needed. The  
30 school board is responsible for assuring that instructional  
31 materials used in the district are consistent with the

1 district goals and objectives and the curriculum frameworks  
2 approved by the State Board of Education, as well as with the  
3 state and district performance standards provided for in ss.  
4 229.565 and 232.2454.

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

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

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

17 233.07 State instructional materials committees.--

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

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

14           (b) The membership of each committee must reflect the  
15 broad racial, ethnic, socioeconomic, and cultural diversity of  
16 the state, including a balanced representation from the  
17 state's geographic regions.

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

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

25           (1) The member will faithfully discharge the duties  
26 imposed upon him or her as a member ~~or as a secretary~~ of the  
27 committee.

28           Section 4. Subsection (1) and paragraphs (f) and (g)  
29 of subsection (4) of section 233.09, Florida Statutes, are  
30 amended to read:

31

1           233.09 Duties of each state instructional materials  
2 committee.--The duties of each state instructional materials  
3 committee shall be:

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

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

23           ~~(f) When recommending instructional materials for use~~  
24 ~~in the schools, each committee shall have the recommendations~~  
25 ~~of all districts which submit evaluations on the materials~~  
26 ~~submitted for adoption in that particular subject area~~  
27 ~~aggregated and presented to the members to aid them in the~~  
28 ~~selection process; however, such aggregation shall be weighted~~  
29 ~~in accordance with the full-time equivalent student percentage~~  
30 ~~of each district. Each committee shall prepare an additional~~  
31 ~~aggregation, unweighted, with each district recommendation~~

1 ~~given equal consideration. No instructional materials shall~~  
2 ~~be evaluated or recommended for adoption unless each of the~~  
3 ~~district committees shall have been loaned the specified~~  
4 ~~number of samples.~~

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

10 Section 5. Section 233.095, Florida Statutes, is  
11 amended to read:

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

23 Section 6. Section 233.115, Florida Statutes, is  
24 amended to read:

25 233.115 Prohibited acts.--

26 (1) No publisher or manufacturer of instructional  
27 material, or any of his or her representatives, shall offer to  
28 give any emolument, money, or other valuable thing, or any  
29 inducement, to any school official or member of a  
30 ~~district-level or~~ state-level committee to directly or  
31 indirectly introduce, recommend, vote for, or otherwise



1 influence the adoption or purchase of any instructional  
2 materials.

3 (2) No school official or member of a ~~district or~~  
4 state instructional materials committee shall accept any  
5 emolument, money, or other valuable thing, or any inducement,  
6 to directly or indirectly introduce, recommend, vote for, or  
7 otherwise influence the adoption or purchase of any  
8 instructional material.

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

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

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

1           ~~(6)~~~~(5)~~ Nothing in this section shall be construed to  
2 prevent a school official or committee member from receiving  
3 sample copies of instructional materials.

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

15           Section 7. Paragraph (a) of subsection (1) of section  
16 233.14, Florida Statutes, is amended to read:

17           233.14 Bids or proposals; advertisement and its  
18 contents.--

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

30           Section 8. Subsections (1), (2), and (3) of section  
31 233.16, Florida Statutes, are amended to read:

1           233.16 Powers and duties of the Commissioner of  
2 Education and the Department of Education in selecting and  
3 adopting instructional materials.--~~The powers and duties of~~  
4 ~~the Department of Education in selecting and adopting~~  
5 ~~instructional materials shall be:~~

6           (1) PROCEDURES FOR EVALUATING INSTRUCTIONAL  
7 MATERIALS.--The Department of Education shall ~~To~~ implement  
8 procedures prescribed by the Commissioner of Education for  
9 evaluating instructional materials submitted by publishers and  
10 manufacturers in each adoption. Included in these procedures  
11 shall be ~~the following minimum standards:~~

12           (a) provisions which afford each publisher or  
13 manufacturer or his or her representative an opportunity to  
14 present to members of the state instructional materials  
15 committees the merits of each instructional material submitted  
16 in each adoption;

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

20           (c) ~~Guidelines for district instructional materials~~  
21 ~~committees, professional associations, and individuals for~~  
22 ~~evaluating instructional materials for state adoption;~~  
23 however, the following minimum standards apply:

24           i. ~~A district instructional materials committee must~~  
25 ~~reflect the broad racial, ethnic, socioeconomic, and cultural~~  
26 ~~diversity of the district and may not consist of fewer than~~  
27 ~~three persons. One must be a layperson and two must be~~  
28 ~~teachers, it being the intent of the Legislature that~~  
29 ~~committees of three or more persons include at least one~~  
30 ~~layperson and one-half teachers as a part of their total~~  
31 ~~membership. The committee must have the capacity or expertise~~

1 ~~to address the broad racial, ethnic, socioeconomic, and~~  
2 ~~cultural diversity of the student population of the district.~~  
3 ~~Teachers serving on district instructional materials~~  
4 ~~committees must be certified in an area directly related to~~  
5 ~~the academic area or level being considered for adoption.~~  
6 ~~Personnel selected as teachers of the year at the school,~~  
7 ~~district, regional, or state level pursuant to the provisions~~  
8 ~~of the program conducted by the Department of Education are~~  
9 ~~encouraged to serve on instructional materials committees.~~

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

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

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

26 (2) SELECTION AND ADOPTION OF INSTRUCTIONAL  
27 MATERIALS.--The Department of Education shall notify all  
28 publishers or manufacturers of instructional materials who  
29 have submitted bids that within 3 weeks after the deadline for  
30 receiving bids, at a designated time and place, it will open  
31 bids and proposals which have been submitted and deposited

1 with the department ~~of Education~~. At the time and place  
2 designated, the bids or proposals shall be opened, read, and  
3 tabulated in the presence of the bidders or their  
4 representatives. No one may revise his or her bid after the  
5 bids have been filed. When all bids or proposals have been  
6 carefully considered, the Commissioner of Education ~~department~~  
7 shall, from the list of suitable, usable, and desirable  
8 instructional materials reported by the state instructional  
9 materials committee, select and adopt instructional materials  
10 for each grade and subject field in the curriculum of public  
11 elementary and secondary schools in the state in which  
12 adoptions are made and in the subject areas designated in the  
13 advertisement, which adoption shall continue for the period  
14 specified in the advertisement, to begin on the ensuing April  
15 1. Such adoption shall not prevent the extension of a  
16 contract as provided in subsection (3). The commissioner  
17 ~~department~~ shall always reserve ~~to itself~~ the right to reject  
18 any and all bids or proposals ~~if it is of the opinion that any~~  
19 ~~or all bids, for any reason, should be rejected~~. The  
20 commissioner ~~department~~ may ask for new sealed bids from  
21 publishers or manufacturers whose instructional materials were  
22 recommended by the state instructional materials committee as  
23 suitable, usable, and desirable; specify the dates for filing  
24 such bids and the date on which they shall be opened; and  
25 proceed in all matters regarding the opening of bids and the  
26 awarding of contracts as required by the terms and provisions  
27 of this chapter. In all cases, bids or proposals shall be  
28 accompanied by a cash deposit or certified check of from \$500  
29 to \$2,500, as the commissioner ~~department~~ may direct. The  
30 department, in adopting instructional materials, shall give  
31 due consideration both to the prices bid for furnishing

1 instructional materials and to the report and recommendations  
2 of the state instructional materials committee. When the  
3 ~~commissioner department~~ has finished with the report of the  
4 state instructional materials committee, the report shall be  
5 filed and preserved in the office of the Department of  
6 Education and shall be available at all times for public  
7 inspection.

8 (3) CONTRACT WITH PUBLISHERS OR MANUFACTURERS;  
9 BOND.--As soon as practicable after the Commissioner of  
10 Education department has adopted any instructional materials  
11 and all bidders that have secured the adoption of any  
12 instructional materials have been notified of the same by  
13 registered letter, the Department of Legal Affairs shall  
14 prepare a contract in accordance with the provisions of the  
15 school code with every bidder awarded the adoption of any  
16 instructional materials. Said contracts shall be executed by  
17 the Governor and Secretary of State under the seal of the  
18 state, one copy to be kept by the contractor, one copy to be  
19 filed in the Department of State, and one copy to be filed in  
20 the Department of Education. After giving due consideration to  
21 comments by the districts, the ~~commissioner department~~, with  
22 the agreement of the publisher, may extend or shorten a  
23 contract period for a period not to exceed 2 years; and the  
24 terms of any such contract shall remain the same as those set  
25 forth in the original contract. By January 1, 2001, the  
26 Department of Education shall review the contracts used for  
27 the core subject areas, prepare a report that includes  
28 recommendations for any needed changes, and provide copies of  
29 the report to the President of the Senate, the Speaker of the  
30 House of Representatives, and the minority leader of each  
31 house.Any publisher or manufacturer to whom any contract is

1 let under the provisions of this chapter must give bond in  
2 such amount as the commissioner ~~department~~ deems advisable,  
3 payable to the state, conditioned for the faithful, honest,  
4 and exact performance of the contract. The bond must further  
5 provide for the payment of reasonable attorney's fees in case  
6 of recovery in any suit upon the same. The surety on the bond  
7 must be a guaranty or surety company authorized by the laws of  
8 the state to do business in the state; however, the bond shall  
9 not be exhausted by a single recovery but may be sued upon  
10 from time to time until the full amount thereof is recovered,  
11 and the department may at any time, after giving 30 days'  
12 notice, require additional security or additional bond. The  
13 form of any bond or bonds or contract or contracts under the  
14 provisions of this chapter shall be prepared and approved by  
15 the Department of Legal Affairs. At the discretion of the  
16 commissioner ~~of Education~~, a publisher or manufacturer to whom  
17 any contract is let under provisions of this chapter may be  
18 allowed a cash deposit in lieu of a bond, conditioned for the  
19 faithful, honest, and exact performance of the contract. The  
20 cash deposit, payable to the Department of Education, shall be  
21 placed in the Textbook Bid Trust Fund. The department may  
22 recover damages on the cash deposit given by the contractor  
23 for failure to furnish instructional materials, the sum  
24 recovered to inure to the General Revenue Fund.

25 Section 9. Section 233.167, Florida Statutes, is  
26 created to read:

27 233.167 Accuracy of instructional materials.--

28 (1) In addition to relying on statements of publishers  
29 or manufacturers of instructional materials, the Commissioner  
30 of Education may conduct or cause to be conducted an

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1 independent investigation to determine the accuracy of  
2 state-adopted instructional materials.

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

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

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

15 Section 10. Section 233.17, Florida Statutes, is  
16 amended to read:

17 233.17 Term of adoption for instructional materials.--

18 (1) The term of adoption of any instructional  
19 materials must be a 6-year ~~an 8-year~~ period beginning on April  
20 1 following the adoption, ~~except for the core subject areas~~  
21 ~~which include mathematics, science, social studies, reading,~~  
22 ~~and literature which shall be for a term not to exceed 6 years~~  
23 ~~beginning on April 1 following the adoption.~~ Any contract for  
24 instructional materials may be extended as prescribed in s.  
25 233.16(3). The Commissioner of Education may approve terms of  
26 adoption of less than 6 ~~8~~ years for materials in content areas  
27 which require more frequent revision.

28 ~~(2) Any contract placing an instructional material on~~  
29 ~~adoption for 4 or more years shall provide that a publisher or~~  
30 ~~manufacturer of instructional materials may, at the end of the~~  
31 ~~third year during the term of the contract, upon giving 60~~



1 ~~days' notification, increase such contract price to the~~  
2 ~~publisher's or manufacturer's then-current lowest wholesale~~  
3 ~~price at which the materials are then being offered to any~~  
4 ~~state or school district in the United States, except that~~  
5 ~~such adjustment shall not exceed the percentage by which the~~  
6 ~~consumer price index as determined by the United States~~  
7 ~~Department of Labor has increased during the time the contract~~  
8 ~~has been in force. Such price increase shall remain in effect~~  
9 ~~for the remaining term of the contract, unless the contract~~  
10 ~~price is increased as permitted above.~~

11 (2)~~(3)~~ The department shall publish annually an  
12 official schedule of subject areas to be called for adoption  
13 for each of the succeeding 2 years, and a tentative schedule  
14 for years 3, 4, 5, and 6. If extenuating circumstances  
15 warrant, the Commissioner of Education may order the  
16 department to add one or more subject areas to the official  
17 schedule, in which event the commissioner shall develop  
18 criteria for such additional subject area or areas pursuant to  
19 s. 229.512(18) and make them available to publishers as soon  
20 as practicable. Notwithstanding the provisions of s.  
21 229.512(18), the criteria for such additional subject area or  
22 areas may be provided to publishers less than 24 months before  
23 the date on which bids are due. The schedule shall be  
24 developed so as to promote balance among the subject areas so  
25 that the required expenditure for new instructional materials  
26 is approximately the same each year in order to maintain  
27 curricular consistency.

28 Section 11. Section 233.22, Florida Statutes, is  
29 amended to read:

30 233.22 Requisition of instructional materials from  
31 publisher's depository.--

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

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

26           Section 12. Subsections (2) and (12) of section  
27 233.25, Florida Statutes, are amended, present subsections  
28 (13) and (14) are renumbered as subsections (18) and (19),  
29 respectively, and new subsections (13), (14), (15), (16), and  
30 (17) are added to said section, to read:

31

1           233.25 Duties, responsibilities, and requirements of  
2 publishers and manufacturers of instructional  
3 materials.--Publishers and manufacturers of instructional  
4 materials, or their representatives, shall:

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

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

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

25           (13) For the core subject areas specified in s.  
26 233.34(2), maintain in the depository for the first 2 years of  
27 the contract an inventory of instructional materials which is  
28 sufficient to receive and fill orders.

29           (14) For the core subject areas specified in s.  
30 233.34(2), ensure the availability of an inventory sufficient  
31 to receive and fill orders for instructional materials for

1 growth, including the opening of a new school, and replacement  
2 during the 3rd and subsequent years of the original contract  
3 period.

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

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

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

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

30  
31

1           233.34 Use of instructional materials allocation;  
2 instructional materials, library books, and reference books;  
3 repair of books.--

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

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

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           (3)(a)+2) Each school district shall use the annual  
31 allocation for the purchase of instructional materials

1 included on the state-adopted list. No less than 50 percent  
2 of the annual allocation shall be used to purchase items which  
3 will be used to provide instruction to students at the level  
4 or levels for which the materials are designed.

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

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

18 (4)~~(3)~~ Notwithstanding the definition of instructional  
19 materials in s. 233.07(4), the funds described in subsection  
20 ~~(3)~~~~(2)~~ which school districts may use to purchase materials  
21 not on the state adopted list may be used for the purchase of  
22 instructional materials or other items having intellectual  
23 content which assist in the instruction of a subject or  
24 course. These items may be available in bound, unbound, kit,  
25 or package form and may consist of hardbacked or softbacked  
26 textbooks, replacements for items which were part of  
27 previously purchased instructional materials, consumables,  
28 learning laboratories, manipulatives, electronic media,  
29 computer courseware or software, and other commonly accepted  
30 instructional tools as prescribed by school board policy. The  
31 funds available to school districts for the purchase of

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

10 (5)~~(4)~~ Each district school board shall adopt  
11 policies, and each superintendent shall implement procedures,  
12 that will assure the maximum use by the students of the  
13 materials herein authorized.

14 (6)~~(5)~~ District school boards are authorized to issue  
15 purchase orders subsequent to February 1 ~~March 15~~ in an  
16 aggregate amount which does not exceed 20 percent of the  
17 current year's allocation, and subsequent to April 1 ~~May 1~~ in  
18 an aggregate amount which does not exceed 90 percent of the  
19 current year's allocation, for the purpose of expediting the  
20 delivery of instructional materials which are to be paid for  
21 from the ensuing year's allocation.

22 (7)~~(6)~~ In any year in which the total allocation for a  
23 district has not been expended or obligated prior to June 30,  
24 the district shall carry forward such unobligated amount and  
25 shall add this amount to the next year's allocation.

26 Section 14. Section 233.37, Florida Statutes, is  
27 amended to read:

28 233.37 Disposal of instructional materials.--

29 (1) Under policy ~~rules of the commissioner, or rules~~  
30 of the district school board ~~which have been approved by the~~  
31 ~~commissioner~~, the district ~~school board~~ may dispose of the

1 instructional materials ~~of an old adoption~~ when they have  
2 become unserviceable or surplus or are no longer on state  
3 contract by:

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

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

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

20 (3) All moneys received by reason of sale, exchange,  
21 or other disposition of instructional materials shall be  
22 deposited in the district school fund and added to the  
23 district appropriation for instructional materials.

24 Section 15. Section 233.38, Florida Statutes, is  
25 repealed.

26 Section 16. Section 233.43, Florida Statutes, is  
27 amended to read:

28 233.43 Duties of superintendent relating to  
29 instructional materials.--

30 (1) The duties and responsibilities of each  
31 superintendent of schools for the requisition, purchase,



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

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

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

23 233.46 Duties of principals.--The duties and  
24 responsibilities of principals for instructional materials  
25 management and care include:

26 (1) PROPER USE OF INSTRUCTIONAL MATERIALS.--The  
27 principal is responsible for assuring that instructional  
28 materials are used to provide instruction to students enrolled  
29 at the grade level or levels for which the materials are  
30 designed, pursuant to policies of the school board. It shall  
31 be the responsibility of the principal to effectively

1 communicate to parents the manner in which instructional  
2 materials are used to implement the curricular objectives of  
3 the school.

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

21 Section 18. Section 233.48, Florida Statutes, is  
22 amended to read:

23 233.48 Expenses; budget request.--The Commissioner of  
24 Education shall include in the department's annual legislative  
25 budget a request for funds in an amount sufficient to provide  
26 the necessary expense for:

27 (1) The instructional materials committees.

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

30 (2)(3) Instructional materials for use by partially  
31 sighted pupils.

1           ~~(3)(4)~~ Other specific and necessary state expense of  
2 the instructional materials program.

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

5           229.512 Commissioner of Education; general powers and  
6 duties.--The Commissioner of Education is the chief  
7 educational officer of the state, and has the following  
8 general powers and duties:

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

21           Section 20. Paragraph (a) of subsection (1) of section  
22 230.23025, Florida Statutes, is amended to read:

23           230.23025 Best financial management practices;  
24 standards; reviews; designation of districts.--

25           (1) The Office of Program Policy Analysis and  
26 Government Accountability (OPPAGA) and the Office of the  
27 Auditor General are directed to develop a system for reviewing  
28 the financial management practices of school districts. In  
29 this system, OPPAGA and the Auditor General shall jointly  
30 examine district operations to determine whether they meet  
31 "best financial management practices." The best financial

1 management practices adopted by the Commissioner of Education  
2 may be updated periodically after consultation with the  
3 Legislature, the Governor, the SMART Schools Clearinghouse,  
4 OPPAGA, and the Auditor General. The best financial management  
5 practices, at a minimum, must instill public confidence by  
6 addressing the following areas:

7 (a) Efficient use of resources, use of lottery  
8 proceeds, student transportation and food service operations,  
9 management structures, and personnel systems and benefits,  
10 instructional materials, and administrative and instructional  
11 technology;

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

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