

By the Committee on Education; and Senator Aronberg

304-2025-03

1 A bill to be entitled
 2 An act relating to instructional materials for
 3 K-12 public education; amending s. 1006.29,
 4 F.S.; changing the date for appointment of
 5 instructional materials committees; amending s.
 6 1006.33, F.S.; changing the date for
 7 advertisement for and receipt of bids for
 8 furnishing instructional materials; amending
 9 ss. 1006.34, 1006.36, F.S.; changing the date
 10 on which adoption of instructional materials is
 11 effective; amending s. 1006.37, F.S.; requiring
 12 publishers to provide and price adopted
 13 instructional materials on an individual basis
 14 for purchase by school districts; providing
 15 limitations on purchasing authority; providing
 16 district responsibilities for certain
 17 purchases; amending s. 1006.40, F.S.; revising
 18 provisions relating to the issuance of purchase
 19 orders; providing an effective date.

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

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 23 Section 1. Subsection (1) of section 1006.29, Florida
 24 Statutes, is amended to read:

25 1006.29 State instructional materials committees.--

26 (1) Each school year, not later than March 15 ~~April~~
 27 ~~15~~, the commissioner shall appoint state instructional
 28 materials committees composed of persons actively engaged in
 29 teaching or in the supervision of teaching in the public
 30 elementary, middle, or high schools and representing the major
 31 fields and levels in which instructional materials are used in

1 the public schools and, in addition, lay citizens not
2 professionally connected with education. Committee members
3 shall receive training pursuant to subsection (5) in
4 competencies related to the evaluation and selection of
5 instructional materials.

6 (a) There shall be 10 or more members on each
7 committee: At least 50 percent of the members shall be
8 classroom teachers who are certified in an area directly
9 related to the academic area or level being considered for
10 adoption, 2 shall be laypersons, 1 shall be a district school
11 board member, and 2 shall be supervisors of teachers. The
12 committee must have the capacity or expertise to address the
13 broad racial, ethnic, socioeconomic, and cultural diversity of
14 the state's student population. Personnel selected as
15 teachers of the year at the school, district, regional, or
16 state level are encouraged to serve on instructional materials
17 committees.

18 (b) The membership of each committee must reflect the
19 broad racial, ethnic, socioeconomic, and cultural diversity of
20 the state, including a balanced representation from the
21 state's geographic regions.

22 (c) The commissioner shall determine annually the
23 areas in which instructional materials shall be submitted for
24 adoption, taking into consideration the desires of the
25 district school boards. The commissioner shall also determine
26 the number of titles to be adopted in each area.

27 Section 2. Paragraph (a) of subsection (1) of section
28 1006.33, Florida Statutes, is amended to read:

29 1006.33 Bids or proposals; advertisement and its
30 contents.--

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1 (1)(a) Beginning on or before April 15 ~~May 15~~ of any
2 year in which an instructional materials adoption is to be
3 initiated, the department shall advertise in the Florida
4 Administrative Weekly 4 weeks preceding the date on which the
5 bids shall be received, that at a certain designated time, not
6 later than May 15 ~~June 15~~, sealed bids or proposals to be
7 deposited with the department will be received from publishers
8 or manufacturers for the furnishing of instructional materials
9 proposed to be adopted as listed in the advertisement
10 beginning April 1 following the adoption.

11 Section 3. Paragraph (a) of subsection (2) of section
12 1006.34, Florida Statutes, is amended to read:

13 1006.34 Powers and duties of the commissioner and the
14 department in selecting and adopting instructional
15 materials.--

16 (2) SELECTION AND ADOPTION OF INSTRUCTIONAL
17 MATERIALS.--

18 (a) The department shall notify all publishers and
19 manufacturers of instructional materials who have submitted
20 bids that within 3 weeks after the deadline for receiving
21 bids, at a designated time and place, it will open the bids
22 submitted and deposited with it. At the time and place
23 designated, the bids shall be opened, read, and tabulated in
24 the presence of the bidders or their representatives. No one
25 may revise his or her bid after the bids have been filed.
26 When all bids have been carefully considered, the commissioner
27 shall, from the list of suitable, usable, and desirable
28 instructional materials reported by the state instructional
29 materials committee, select and adopt instructional materials
30 for each grade and subject field in the curriculum of public
31 elementary, middle, and high schools in which adoptions are

1 made and in the subject areas designated in the advertisement.
2 The adoption shall continue for the period specified in the
3 advertisement, beginning on the ensuing February 1 ~~April 1~~.
4 The adoption shall not prevent the extension of a contract as
5 provided in subsection (3). The commissioner shall always
6 reserve the right to reject any and all bids. The commissioner
7 may ask for new sealed bids from publishers or manufacturers
8 whose instructional materials were recommended by the state
9 instructional materials committee as suitable, usable, and
10 desirable; specify the dates for filing such bids and the date
11 on which they shall be opened; and proceed in all matters
12 regarding the opening of bids and the awarding of contracts as
13 required by this part. In all cases, bids shall be accompanied
14 by a cash deposit or certified check of from \$500 to \$2,500,
15 as the commissioner may direct. The department, in adopting
16 instructional materials, shall give due consideration both to
17 the prices bid for furnishing instructional materials and to
18 the report and recommendations of the state instructional
19 materials committee. When the commissioner has finished with
20 the report of the state instructional materials committee, the
21 report shall be filed and preserved with the department and
22 shall be available at all times for public inspection.

23 Section 4. Subsection (1) of section 1006.36, Florida
24 Statutes, is amended to read:

25 1006.36 Term of adoption for instructional
26 materials.--

27 (1) The term of adoption of any instructional
28 materials must be a 6-year period beginning on February 1
29 ~~April 1~~ following the adoption, except that the commissioner
30 may approve terms of adoption of less than 6 years for
31 materials in content areas which require more frequent

1 revision. Any contract for instructional materials may be
2 extended as prescribed in s. 1006.34(3).

3 Section 5. Subsection (3) is added to section 1006.37,
4 Florida Statutes, to read:

5 1006.37 Requisition of instructional materials from
6 publisher's depository.--

7 (3) Publishers shall provide and price adopted
8 instructional materials on an individual basis so that school
9 districts may purchase core subject area textbooks or other
10 core subject area materials individually in lieu of purchase
11 as part of an adopted package or bundle. This authority shall
12 not be construed to set any future year's allocation. Any
13 amount committed in purchase orders in excess of the ensuing
14 year's allocation is the responsibility of the school
15 district.

16 Section 6. Subsection (6) of section 1006.40, Florida
17 Statutes, is amended to read:

18 1006.40 Use of instructional materials allocation;
19 instructional materials, library books, and reference books;
20 repair of books.--

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

28 Section 7. This act shall take effect July 1, 2003.
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STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
COMMITTEE SUBSTITUTE FOR
Senate Bill 1838

The committee substitute makes changes for the following deadlines:

appointing members of the state instructional materials committees;

advertising bids for instructional materials;

receiving sealed bids by the Department of Education; and

beginning the adoption term for instructional materials.

The committee substitute also:

requires publishers to provide and price certain adopted materials on an individual basis for individual purchase by school districts;

provides that the authority in the bill must not be construed to set any future year's instructional materials allocation; and

makes the school district responsible for any financial commitment in purchase orders that exceeds the district's allocation for the next year.