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2 An act relating to instructional materials for
3 K-12 public education; amending s. 1006.28,
4 F.S.; changing the date by which school
5 superintendents must notify the department
6 regarding certain instructional materials;
7 amending s. 1006.29, F.S.; changing the date
8 for appointment of instructional materials
9 committees; amending s. 1006.33, F.S.; changing
10 the date for advertisement for and receipt of
11 bids for furnishing instructional materials;
12 amending ss. 1006.34, 1006.36, F.S.; changing
13 the date on which adoption of instructional
14 materials is effective; amending s. 1006.37,
15 F.S.; requiring publishers to provide and price
16 adopted instructional materials on an
17 individual basis for purchase by school
18 districts; providing limitations on purchasing
19 authority; providing district responsibilities
20 for certain purchases; amending s. 1006.40,
21 F.S.; revising provisions relating to the
22 issuance of purchase orders; providing for the
23 application of certain provisions; providing an
24 effective date.

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

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28 Section 1. Paragraph (b) of subsection (2) of section
29 1006.28, Florida Statutes, is amended to read:

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1 1006.28 Duties of district school board, district
2 school superintendent; and school principal regarding K-12
3 instructional materials.--

4 (2) DISTRICT SCHOOL SUPERINTENDENT.--

5 (b) Each district school superintendent shall notify
6 the department by February 1 ~~April 1~~ of each year the
7 state-adopted instructional materials that will be
8 requisitioned for use in his or her school district. The
9 notification shall include a district school board plan for
10 instructional materials use to assist in determining if
11 adequate instructional materials have been requisitioned.

12 Section 2. Subsection (1) of section 1006.29, Florida
13 Statutes, is amended to read:

14 1006.29 State instructional materials committees.--

15 (1) Each school year, not later than March 15 ~~April~~
16 ~~15~~, the commissioner shall appoint state instructional
17 materials committees composed of persons actively engaged in
18 teaching or in the supervision of teaching in the public
19 elementary, middle, or high schools and representing the major
20 fields and levels in which instructional materials are used in
21 the public schools and, in addition, lay citizens not
22 professionally connected with education. Committee members
23 shall receive training pursuant to subsection (5) in
24 competencies related to the evaluation and selection of
25 instructional materials.

26 (a) There shall be 10 or more members on each
27 committee: At least 50 percent of the members shall be
28 classroom teachers who are certified in an area directly
29 related to the academic area or level being considered for
30 adoption, 2 shall be laypersons, 1 shall be a district school
31 board member, and 2 shall be supervisors of teachers. The

1 committee must have the capacity or expertise to address the
2 broad racial, ethnic, socioeconomic, and cultural diversity of
3 the state's student population. Personnel selected as
4 teachers of the year at the school, district, regional, or
5 state level are encouraged to serve on instructional materials
6 committees.

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

11 (c) The commissioner shall determine annually the
12 areas in which instructional materials shall be submitted for
13 adoption, taking into consideration the desires of the
14 district school boards. The commissioner shall also determine
15 the number of titles to be adopted in each area.

16 Section 3. Paragraph (a) of subsection (1) of section
17 1006.33, Florida Statutes, is amended to read:

18 1006.33 Bids or proposals; advertisement and its
19 contents.--

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

30 Section 4. Paragraph (a) of subsection (2) of section
31 1006.34, Florida Statutes, is amended to read:

1 1006.34 Powers and duties of the commissioner and the
2 department in selecting and adopting instructional
3 materials.--

4 (2) SELECTION AND ADOPTION OF INSTRUCTIONAL
5 MATERIALS.--

6 (a) The department shall notify all publishers and
7 manufacturers of instructional materials who have submitted
8 bids that within 3 weeks after the deadline for receiving
9 bids, at a designated time and place, it will open the bids
10 submitted and deposited with it. At the time and place
11 designated, the bids shall be opened, read, and tabulated in
12 the presence of the bidders or their representatives. No one
13 may revise his or her bid after the bids have been filed.
14 When all bids have been carefully considered, the commissioner
15 shall, from the list of suitable, usable, and desirable
16 instructional materials reported by the state instructional
17 materials committee, select and adopt instructional materials
18 for each grade and subject field in the curriculum of public
19 elementary, middle, and high schools in which adoptions are
20 made and in the subject areas designated in the advertisement.
21 The adoption shall continue for the period specified in the
22 advertisement, beginning on the ensuing February 1 ~~April 1~~.
23 The adoption shall not prevent the extension of a contract as
24 provided in subsection (3). The commissioner shall always
25 reserve the right to reject any and all bids. The commissioner
26 may ask for new sealed bids from publishers or manufacturers
27 whose instructional materials were recommended by the state
28 instructional materials committee as suitable, usable, and
29 desirable; specify the dates for filing such bids and the date
30 on which they shall be opened; and proceed in all matters
31 regarding the opening of bids and the awarding of contracts as

1 required by this part. In all cases, bids shall be accompanied
2 by a cash deposit or certified check of from \$500 to \$2,500,
3 as the commissioner may direct. The department, in adopting
4 instructional materials, shall give due consideration both to
5 the prices bid for furnishing instructional materials and to
6 the report and recommendations of the state instructional
7 materials committee. When the commissioner has finished with
8 the report of the state instructional materials committee, the
9 report shall be filed and preserved with the department and
10 shall be available at all times for public inspection.

11 Section 5. Subsection (1) of section 1006.36, Florida
12 Statutes, is amended to read:

13 1006.36 Term of adoption for instructional
14 materials.--

15 (1) The term of adoption of any instructional
16 materials must be a 6-year period beginning on February 1
17 ~~April 1~~ following the adoption, except that the commissioner
18 may approve terms of adoption of less than 6 years for
19 materials in content areas which require more frequent
20 revision. Any contract for instructional materials may be
21 extended as prescribed in s. 1006.34(3).

22 Section 6. Subsection (3) is added to section 1006.37,
23 Florida Statutes, to read:

24 1006.37 Requisition of instructional materials from
25 publisher's depository.--

26 (3) Publishers shall provide and price adopted
27 instructional materials on an individual basis so that school
28 districts may purchase core subject area textbooks or other
29 core subject area materials individually in lieu of purchase
30 as part of an adopted package or bundle. This authority shall
31 not be construed to set any future year's allocation. Any

1 amount committed in purchase orders in excess of the ensuing
2 year's allocation is the responsibility of the school
3 district.

4 Section 7. Subsection (6) of section 1006.40, Florida
5 Statutes, is amended to read:

6 1006.40 Use of instructional materials allocation;
7 instructional materials, library books, and reference books;
8 repair of books.--

9 (6) District school boards may issue purchase orders
10 subsequent to February 1 in an aggregate amount which does not
11 exceed 90 ~~20~~ percent of the current year's allocation, ~~and~~
12 ~~subsequent to April 1 in an aggregate amount which does not~~
13 ~~exceed 90 percent of the current year's allocation,~~for the
14 purpose of expediting the delivery of instructional materials
15 which are to be paid for from the ensuing year's allocation.

16 Section 8. Sections 1 through 4 of this act affect
17 only new adoptions, beginning with the 2004-2005 adoption
18 cycle.

19 Section 9. This act shall take effect July 1, 2003.
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