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## CHAMBER ACTION

The Committee on Education K-20 recommends the following:

**Committee Substitute**

Remove the entire bill and insert:

A bill to be entitled

An act relating to instructional materials for K-12 public education; amending s. 1006.28, F.S.; revising a notification date relating to requisition of instructional materials; amending s. 1006.29, F.S.; revising the date by which the Commissioner of Education must appoint state instructional materials committees; amending s. 1006.33, F.S.; revising dates relating to bids or proposals and advertisements; amending s. 1006.34, F.S.; revising date for adoption of instructional materials; amending s. 1006.36, F.S.; revising date for term of adoption; amending s. 1006.37, F.S.; requiring publishers to provide and price adopted instructional materials on an individual basis for purchase by school districts; amending s. 1006.40, F.S.; revising provisions relating to the issuance of purchase orders; establishing responsibility of the school district for commitment in excess of ensuing year's allocation; providing for application of certain provisions; providing an effective date.



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

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

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

(2) DISTRICT SCHOOL SUPERINTENDENT.--

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

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

1006.29 State instructional materials committees.--

(1) Each school year, not later than March 15 ~~April 15~~, the commissioner shall appoint state instructional materials committees composed of persons actively engaged in teaching or in the supervision of teaching in the public elementary, middle, or high schools and representing the major fields and levels in which instructional materials are used in the public schools and, in addition, lay citizens not professionally connected with education. Committee members shall receive training pursuant to



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56 subsection (5) in competencies related to the evaluation and  
57 selection of instructional materials.

58 (a) There shall be 10 or more members on each committee:  
59 At least 50 percent of the members shall be classroom teachers  
60 who are certified in an area directly related to the academic  
61 area or level being considered for adoption, 2 shall be  
62 laypersons, 1 shall be a district school board member, and 2  
63 shall be supervisors of teachers. The committee must have the  
64 capacity or expertise to address the broad racial, ethnic,  
65 socioeconomic, and cultural diversity of the state's student  
66 population. Personnel selected as teachers of the year at the  
67 school, district, regional, or state level are encouraged to  
68 serve on instructional materials committees.

69 (b) The membership of each committee must reflect the  
70 broad racial, ethnic, socioeconomic, and cultural diversity of  
71 the state, including a balanced representation from the state's  
72 geographic regions.

73 (c) The commissioner shall determine annually the areas in  
74 which instructional materials shall be submitted for adoption,  
75 taking into consideration the desires of the district school  
76 boards. The commissioner shall also determine the number of  
77 titles to be adopted in each area.

78 Section 3. Paragraph (a) of subsection (1) of section  
79 1006.33, Florida Statutes, is amended to read:

80 1006.33 Bids or proposals; advertisement and its  
81 contents.--

82 (1)(a) Beginning on or before April 15 ~~May 15~~ of any year  
83 in which an instructional materials adoption is to be initiated,



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84 the department shall advertise in the Florida Administrative  
85 Weekly 4 weeks preceding the date on which the bids shall be  
86 received, that at a certain designated time, not later than May  
87 15 ~~June 15~~, sealed bids or proposals to be deposited with the  
88 department will be received from publishers or manufacturers for  
89 the furnishing of instructional materials proposed to be adopted  
90 as listed in the advertisement beginning February 1 ~~April 1~~  
91 following the adoption.

92 Section 4. Paragraph (a) of subsection (2) of section  
93 1006.34, Florida Statutes, is amended to read:

94 1006.34 Powers and duties of the commissioner and the  
95 department in selecting and adopting instructional materials.--

96 (2) SELECTION AND ADOPTION OF INSTRUCTIONAL MATERIALS.--

97 (a) The department shall notify all publishers and  
98 manufacturers of instructional materials who have submitted bids  
99 that within 3 weeks after the deadline for receiving bids, at a  
100 designated time and place, it will open the bids submitted and  
101 deposited with it. At the time and place designated, the bids  
102 shall be opened, read, and tabulated in the presence of the  
103 bidders or their representatives. No one may revise his or her  
104 bid after the bids have been filed. When all bids have been  
105 carefully considered, the commissioner shall, from the list of  
106 suitable, usable, and desirable instructional materials reported  
107 by the state instructional materials committee, select and adopt  
108 instructional materials for each grade and subject field in the  
109 curriculum of public elementary, middle, and high schools in  
110 which adoptions are made and in the subject areas designated in  
111 the advertisement. The adoption shall continue for the period



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112 specified in the advertisement, beginning on the ensuing  
113 February 1 ~~April 1~~. The adoption shall not prevent the extension  
114 of a contract as provided in subsection (3). The commissioner  
115 shall always reserve the right to reject any and all bids. The  
116 commissioner may ask for new sealed bids from publishers or  
117 manufacturers whose instructional materials were recommended by  
118 the state instructional materials committee as suitable, usable,  
119 and desirable; specify the dates for filing such bids and the  
120 date on which they shall be opened; and proceed in all matters  
121 regarding the opening of bids and the awarding of contracts as  
122 required by this part. In all cases, bids shall be accompanied  
123 by a cash deposit or certified check of from \$500 to \$2,500, as  
124 the commissioner may direct. The department, in adopting  
125 instructional materials, shall give due consideration both to  
126 the prices bid for furnishing instructional materials and to the  
127 report and recommendations of the state instructional materials  
128 committee. When the commissioner has finished with the report of  
129 the state instructional materials committee, the report shall be  
130 filed and preserved with the department and shall be available  
131 at all times for public inspection.

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

134 1006.36 Term of adoption for instructional materials.--

135 (1) The term of adoption of any instructional materials  
136 must be a 6-year period beginning on February 1 ~~April 1~~  
137 following the adoption, except that the commissioner may approve  
138 terms of adoption of less than 6 years for materials in content  
139 areas which require more frequent revision. Any contract for



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140 instructional materials may be extended as prescribed in s.  
141 1006.34(3).

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

144 1006.37 Requisition of instructional materials from  
145 publisher's depository.--

146 (3) Publishers shall provide and price adopted  
147 instructional materials on an individual basis so that school  
148 districts may purchase core subject area textbooks or other core  
149 subject area materials individually in lieu of purchase as part  
150 of an adopted package or bundle.

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

153 1006.40 Use of instructional materials allocation;  
154 instructional materials, library books, and reference books;  
155 repair of books.--

156 (6) District school boards may issue purchase orders  
157 subsequent to February 1 in an aggregate amount which does not  
158 exceed 90 ~~20~~ percent of the current year's allocation, ~~and~~  
159 ~~subsequent to April 1 in an aggregate amount which does not~~  
160 ~~exceed 90 percent of the current year's allocation,~~ for the  
161 purpose of expediting the delivery of instructional materials  
162 which are to be paid for from the ensuing year's allocation.  
163 This authority shall not be construed to set any future year's  
164 allocation. Any amount committed in purchase orders in excess of  
165 the ensuing year's allocation is the responsibility of the  
166 school district.



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167 |           Section 8. Sections 1 through 5 of this act shall affect  
168 | only new adoptions beginning with the 2004-2005 adoption cycle.  
169 |           Section 9. This act shall take effect July 1, 2003.