

By Representative Murman

1 A bill to be entitled
2 An act relating to instructional materials;
3 amending s. 233.22, F.S.; prohibiting the
4 superintendent from requisitioning certain
5 materials; allowing the superintendent to
6 requisition certain materials; amending s.
7 233.25, F.S.; requiring publishers and
8 manufacturers to retain instructional materials
9 in a depository for a specified period of time
10 and to ensure the availability of materials;
11 amending s. 233.34, F.S.; requiring school
12 districts to purchase state-adopted
13 instructional materials in core subject areas
14 within a specified time; providing exceptions;
15 allowing school districts to make certain
16 purchases when authorized in the General
17 Appropriations Act; prohibiting the use of
18 state funds for certain materials; allowing the
19 use of local funds for certain purposes;
20 amending s. 233.37, F.S.; providing for the
21 disposal of unserviceable instructional
22 materials and those no longer on state
23 contract; eliminating contracts between the
24 Department of Education and recycling firms;
25 authorizing the district school board to
26 prescribe rules for destroying instructional
27 materials; requiring that certain moneys be
28 deposited in the district school fund and added
29 to the district appropriation for instructional
30 materials; repealing s. 233.38, F.S., relating
31 to the exchange of textbooks by certain

1 districts; amending s. 233.43, F.S.; requiring
2 district school board policies to include the
3 superintendent's responsibilities for keeping
4 records pursuant to s. 233.46(4), F.S.;
5 requiring reports; amending s. 233.46, F.S.;
6 requiring policies by district school boards
7 relating to lost or damaged books; defining the
8 term "contract period" for purposes of specific
9 provisions relating to contracts in s. 233.34,
10 F.S.; providing that certain requirements do
11 not apply to certain districts; allowing
12 certain districts to comply with s. 233.34,
13 F.S., if certain conditions are met; requiring
14 a report by the Department of Education;
15 requiring that the Executive Office of the
16 Governor and the Secretary of State renegotiate
17 existing contracts for certain instructional
18 materials in core subject areas; providing an
19 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. Section 233.22, Florida Statutes, is
24 amended to read:

25 233.22 Requisition of instructional materials from
26 publisher's depository.--

27 (1) The superintendent shall requisition adopted
28 instructional materials from the depository of the publisher
29 with whom a contract has been made. However, the
30 superintendent may not requisition state-adopted instructional
31 materials in the core subject areas in s. 233.34(2) beyond the

1 first 2 years of the original contract, except for
2 instructional materials relating to growth of student
3 membership or instructional materials maintenance needs. The
4 superintendent may requisition instructional materials in the
5 core subject areas in s. 233.34(2) relating to growth of
6 student membership or instructional materials maintenance
7 needs during the 3rd, 4th, 5th, and 6th years of the original
8 contract period.

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

19 Section 2. Subsection (12) of section 233.25, Florida
20 Statutes, is amended, present subsections (13) and (14) of
21 that section are redesignated as subsections (16) and (17),
22 respectively, and new subsections (13), (14), and (15) are
23 added to that section, to read:

24 233.25 Duties, responsibilities, and requirements of
25 publishers and manufacturers of instructional
26 materials.--Publishers and manufacturers of instructional
27 materials, or their representatives, shall:

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

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1 (13) For the core subject areas in s. 233.34(2),
2 maintain in the depository for the first 2 years of the
3 contract an inventory of instructional materials that is
4 sufficient to receive and fill orders.

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

11 (15) For all other subject areas, maintain in the
12 depository an inventory of instructional materials that is
13 sufficient to receive and fill orders.

14 Section 3. Section 233.34, Florida Statutes, is
15 amended to read:

16 233.34 Use of instructional materials allocation;
17 instructional materials, library books, and reference books;
18 repair of books; exceptions.--

19 (1) On or before July 1 each year, the commissioner
20 shall certify to the superintendent of each district the
21 estimated allocation of state funds for instructional
22 materials, computed pursuant to the provisions of chapter 236
23 for the ensuing fiscal year.

24 (2)(a) Each school district must purchase
25 state-adopted instructional materials for the core subject
26 areas of mathematics, language arts, science, social studies,
27 reading, and literature for kindergarten through grade 12. The
28 purchase must be made within the first 2 years of the
29 effective date of the original contract period.

30 (b) The requirement in paragraph (a) does not apply to
31 contracts in existence prior to April 1, 1999, or to a

1 purchase relating to growth of student membership in the
2 district or for instructional materials maintenance needs.

3 (c) Any school district that meets the requirement in
4 paragraph (a) may use 5 percent of the following funds to
5 purchase laptop computers for use as readers when authorized
6 to do so in the General Appropriations Act:

7 1. Instructional materials funds, notwithstanding the
8 definition of instructional materials in s. 233.07(4) or the
9 provisions in subsection (4); or

10 2. Public school technology funds.

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

13 (e) For the core subject areas, state funds shall be
14 used only for state-adopted materials. However, a school
15 district may use local funds to purchase instructional
16 materials other than state-adopted instructional materials in
17 the core subject areas.

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

24 (b) However, up to 50 percent of the annual allocation
25 may be used for the purchase of instructional materials,
26 including library and reference books and nonprint materials,
27 not included on the state-adopted list and for the repair and
28 renovation of textbooks and library books.

29 (c) Notwithstanding the provisions of this subsection,
30 school districts may use 100 percent of that portion of the
31 annual allocation which is designated by the district for the

1 purchase of instructional materials for kindergarten, and 75
2 percent of that portion of the annual allocation which is
3 designated for the purchase of instructional materials for
4 first grade, to purchase materials not on the state-adopted
5 list.

6 (4)~~(3)~~ Notwithstanding the definition of instructional
7 materials in s. 233.07(4), the funds described in subsection
8 (3)~~(2)~~ which school districts may use to purchase materials
9 not on the state adopted list may be used for the purchase of
10 instructional materials or other items having intellectual
11 content which assist in the instruction of a subject or
12 course. These items may be available in bound, unbound, kit,
13 or package form and may consist of hardbacked or softbacked
14 textbooks, replacements for items which were part of
15 previously purchased instructional materials, consumables,
16 learning laboratories, manipulatives, electronic media,
17 computer courseware or software, and other commonly accepted
18 instructional tools as prescribed by school board policy. The
19 funds available to school districts for the purchase of
20 materials not on the state adopted list may not be used to
21 purchase electronic or computer hardware even if such hardware
22 is bundled with software or other electronic media, nor may
23 such funds be used to purchase equipment or supplies. However,
24 when authorized to do so in the General Appropriations Act, a
25 school or school district may use a portion of the funds
26 available to it for the purchase of materials not on the state
27 adopted list to purchase science laboratory materials and
28 supplies.

29 (5)~~(4)~~ Each district school board shall adopt
30 policies, and each superintendent shall implement procedures,
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1 that will assure the maximum use by the students of the
2 materials herein authorized.

3 (6)~~(5)~~ District school boards are authorized to issue
4 purchase orders subsequent to March 15 in an aggregate amount
5 which does not exceed 20 percent of the current year's
6 allocation, and subsequent to May 1 in an aggregate amount
7 which does not exceed 90 percent of the current year's
8 allocation, for the purpose of expediting the delivery of
9 instructional materials which are to be paid for from the
10 ensuing year's allocation.

11 (7)~~(6)~~ In any year in which the total allocation for a
12 district has not been expended or obligated prior to June 30,
13 the district shall carry forward such unobligated amount and
14 shall add this amount to the next year's allocation.

15 Section 4. Section 233.37, Florida Statutes, is
16 amended to read:

17 233.37 Disposal of instructional materials.--

18 (1) Under ~~rules of the commissioner, or rules of the~~
19 ~~district school board which have been approved by the~~
20 ~~commissioner~~, the district ~~school board~~ may dispose of the
21 instructional materials ~~of an old adoption~~ when they have
22 become unserviceable or are no longer on state contract by any
23 of the following means:

24 (a) Giving the materials to other public education
25 programs within the district or state.

26 (b) Giving the materials to the teachers to use in
27 developing supplementary teaching materials.

28 (c) Giving the materials to students or others.

29 (d) Giving the materials to any charitable
30 organization, governmental agency, private school, or state.

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1 (e) Selling the materials to used book dealers,
2 recycling plants, pulp mills, or other persons, firms, or
3 corporations upon such terms as are most economically
4 advantageous to the district school board.

5 (2) The district school board may prescribe by rule
6 the manner for destroying instructional materials that cannot
7 be disposed of as provided in subsection (1).

8 (3) All moneys received by reason of sale, exchange,
9 or other disposition of instructional materials shall be
10 deposited in the district school fund and added to the
11 district appropriation for instructional materials. ~~upon~~
12 ~~such terms and conditions as will yield their fair salvage~~
13 ~~value. The Department of Education shall enter into one or~~
14 ~~more contracts with recycling firms for periodic pickup in~~
15 ~~school districts of obsolete or unusable materials to be~~
16 ~~salvaged.~~

17 Section 5. Section 233.38, Florida Statutes, is
18 repealed.

19 Section 6. Section 233.43, Florida Statutes, is
20 amended to read:

21 233.43 Duties of superintendent relating to
22 instructional materials.--The duties and responsibilities of
23 each superintendent for the requisition, purchase, receipt,
24 storage, distribution, use, conservation, records, and reports
25 of, and management practices and property accountability
26 concerning, instructional materials shall be prescribed by
27 policies of the district school board. Such policies shall
28 also provide for an evaluation of any instructional materials
29 to be requisitioned that have not been used previously in the
30 schools of the district. The duties and responsibilities shall
31 include keeping adequate records and accounts for all

1 financial transactions for funds collected pursuant to s.
2 233.46(4). Each superintendent shall provide an annual report
3 on the funds collected from the sale, exchange, loss, or
4 damage of instructional materials under s. 233.46(4) to the
5 Legislature and the Department of Education. The Department of
6 Education shall annually review these reports and prepare a
7 report to the Legislature, including recommendations for any
8 needed changes.

9 Section 7. Subsection (2) of section 233.46, Florida
10 Statutes, is amended to read:

11 233.46 Duties of principals.--The duties and
12 responsibilities of principals for instructional materials
13 management and care include:

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

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1 Section 8. In order to meet the requirement in section
2 233.34(2), Florida Statutes, the term "contract period" means:

3 (1) The original 6-year contract period beginning
4 April 1, 1999, for the core subject areas of mathematics and
5 social studies for grades 9 through 12 and language arts for
6 grades 6 through 12.

7 (2) The original 6-year contract period beginning
8 April 1, 2000, for the core subject area of science for
9 kindergarten through grade 12.

10 (3) The original 6-year contract period beginning
11 April 1, 2001, for the core subject areas of social studies
12 and language arts for kindergarten through grade 12.

13 (4) The original 6-year contract period beginning
14 April 1, 2002, for the core subject area of reading for
15 kindergarten through grade 12.

16 (5) The original 6-year contract period beginning
17 April 1, 2003, for the core subject areas of mathematics for
18 grades 9 through 12, and literature for grades 6 through 12.

19 (6) The original 6-year contract period beginning
20 April 1, 2004, for the core subject areas of social studies
21 and science for grades 6 through grade 12, and mathematics for
22 kindergarten through grade 8.

23 Section 9. The requirements in section 233.34(2),
24 Florida Statutes, shall not apply to a district that was
25 granted a waiver from the instructional materials requirements
26 under section 229.592(6), Florida Statutes, which expires on
27 June 30, 2001. However, any such district may choose to comply
28 with the provisions of section 233.34(2), Florida Statutes,
29 upon written notification to the Commissioner of Education of
30 the district's intent to end the terms of the waiver. The
31 notification must be received no later than October 1, 1999.

1 In order for a district with this waiver to be eligible for
2 the use of funds authorized in section 233.34(2)(c), Florida
3 Statutes, the district must comply with the notification
4 requirements in this section and the requirements in section
5 233.34(2), Florida Statutes.

6 Section 10. The Department of Education shall review
7 the contracts used for the core subject areas and prepare a
8 report that includes recommendations for any needed changes.
9 The department shall provide a copy of the report to the
10 President of the Senate, the Speaker of the House of
11 Representatives, and the minority leader of each house by
12 January 1, 2000.

13 Section 11. The Executive Office of the Governor and
14 the Secretary of State shall renegotiate any contract in
15 existence on the effective date of this act which provides for
16 instructional materials for the core subject areas of
17 mathematics and social studies for grades 9 through 12 and
18 language arts for grades 6 through 12.

19 Section 12. This act shall take effect upon becoming a
20 law.

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HOUSE SUMMARY

Specifies instructional materials a superintendent may and may not requisition. Revises provisions relating to the instructional materials depository. Requires school districts to purchase state-adopted instructional materials in certain core subject areas within a specified period of time. Provides exceptions to such requirement. Authorizes school districts to use a portion of certain funds to purchase laptop computers when authorized in the General Appropriations Act. Prohibits the use of state funds for certain purposes. Allows the use of local funds for certain purposes. Provides for the disposal of unserviceable instructional materials and those no longer on state contract. Authorizes the district school board to prescribe rules for destroying instructional materials. Provides requirements regarding funds received by disposition of instruction materials. Eliminates provisions regarding contracts between the Department of Education and recycling firms for the salvage of instructional materials. Repeals provisions relating to the exchange of textbooks by certain districts. Requires school board policies to include the superintendent's responsibilities for keeping records pursuant to s. 233.46(4), F.S. Requires school board policies to include provisions relating to lost or damaged books. Defines the term "contract period" for purposes of the purchase of instructional materials. Provides that certain requirements regarding the purchase of instructional materials do not apply to certain districts. Requires a report by the Department of Education. Requires the Executive Office of the Governor and the Secretary of State to renegotiate certain existing contracts.