

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

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Prepared By: The Professional Staff of the Appropriations Subcommittee on Education

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**BILL:** CS/CS/SB 530

**INTRODUCER:** Appropriations Subcommittee on Education; Education Committee; and Senator Flores

**SUBJECT:** Postsecondary Education Textbook and Instructional Materials Affordability

**DATE:** April 3, 2014

**REVISED:** \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Hand	Klebacha	ED	<b>Fav/CS</b>
2.	Sikes	Elwell	AED	<b>Fav/CS</b>
3.			AP	

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**Please see Section IX. for Additional Information:**

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

CS/CS/SB 530 revises and applies textbook requirements to instructional materials; expands the dates of availability and type of information pertaining to textbooks and instructional materials that is available to students; requires greater visibility of cost information associated with textbooks and instructional materials; requires minimum adoption cycles; provides for exceptions; requires new reporting requirement; and creates a task force to research options to reduce the cost of textbooks and instructional materials for all students.

The fiscal impact of the bill is indeterminate.

The bill takes effect July 1, 2014.

**II. Present Situation:**

Currently Florida College System (FCS) institutions and state universities are required to post on their websites, not less than 30 days prior to the first day of class for each term, a list of each textbook required for each course for the term. The list must include the International Standard Book Number (ISBN) for each required textbook and specific information necessary to identify the specific textbook required for each course.<sup>1</sup> Currently, Florida Statutes do not specify minimum adoption cycles for textbooks, nor do they define or govern instructional materials.

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<sup>1</sup> Section 1004.085(3), F.S.

The State Board of Education (SBE) and the Board of Governors (BOG) of the State University System (SUS) are required to have policies, procedures, and guidelines for implementation by FCS institutions and state universities that further efforts to minimize the costs of textbooks for students attending such institutions while maintaining the quality of education and academic freedom. In accordance with these statutory requirements, the SBE adopted Rule 6A-14.092, F.A.C.,<sup>2</sup> in January 2009, and the BOG adopted Regulation 8.003 in March 2009.<sup>3</sup>

### III. Effect of Proposed Changes:

The bill defines instructional materials; revises and applies textbook requirements to instructional materials (which may be in printed or digital format); changes the date by which postsecondary institutions must post on their website a list of required and recommended textbooks and instructional materials from 30 days prior to the first day of class to 14 days prior to the first day of student registration; requires greater visibility of cost information associated with textbooks and instructional materials; establishes a minimum adoption cycle of three years and a process for exceptions; requires new reporting requirements; and creates a task force to research options to reduce the cost of textbooks and instructional materials for all students.

#### Instructional Materials

The bill defines instructional materials and applies the same provisions to instructional materials as it currently does to textbooks.<sup>4</sup>

#### Textbook Information Requirements

The bill changes the date by which postsecondary institutions must post on their website a list of required and recommended textbooks and instructional materials from 30 days prior to the first day of class to 14 days prior to the first day of student registration. The information that must be posted about textbooks and instructional materials remains the same, except that the following is added:

- Recommended textbooks and instructional materials in addition to those required.
- The new and used retail price and the rental price for required and recommended textbooks and other materials for purchase at the institution's bookstore or other bookstore, including the website or other contact information for the bookstore.

#### Rules and Regulations

The bill provides that SBE and BOG rules and regulations must:

- Require that textbooks or instructional materials for an undergraduate course remain in use for a minimum of three (3) years, unless an exception is approved by the institution's

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<sup>2</sup> See <https://www.flrules.org/gateway/ruleNo.asp?id=6A-14.092> (last visited March 7, 2014)

<sup>3</sup> See [http://www.flbog.edu/documents\\_regulations/regulations/8\\_003\\_Textbook\\_Adoption.pdf](http://www.flbog.edu/documents_regulations/regulations/8_003_Textbook_Adoption.pdf). However, in 2010, the Legislature amended these statutory requirements to add the above-noted provisions relating to open-access textbooks. Section 4, Chapter 2010-255, L.O.F. The SBE and BOG have not updated their noted rules and procedures to include these open-access textbook provisions. See <https://www.flrules.org/gateway/ruleNo.asp?id=6A-14.092> (last visited March 7, 2014), [http://www.flbog.edu/documents\\_regulations/regulations/8\\_003\\_Textbook\\_Adoption.pdf](http://www.flbog.edu/documents_regulations/regulations/8_003_Textbook_Adoption.pdf).

<sup>4</sup> The bill also includes the cost of instructional materials, along with the current requirement of the cost of textbooks, to the online tuition structure for the preeminent state research university institute for online learning.

President or designee. An exception must be based upon a determination that the new edition differs significantly and substantially from earlier versions and that there is value to the student in changing to the new edition. The number of exemptions granted, including the rationale to approve each exception, must annually be reported to the institution's board and maintained on the institution's website.

- Requires postsecondary institutions to consult with school districts with which they have a dual enrollment articulation agreements to identify practices that impact the cost of textbooks and instructional materials such as adoption cycles and costs of digital materials.

### **Reporting Requirements**

The bill requires each FCS institution and state university to annually report to the Chancellor of the FCS or the Chancellor of the SUS:

- The cost of textbooks and other instructional materials, by course and course section.
- The adoption cycles for high-demand courses as determined by the chancellors.
- Specific initiatives of the institution which reduce the cost of textbooks and instructional materials.
- The number of courses and course selections that were not able to meet the textbook and instructional materials posting deadline.
- Additional information as determined by the chancellors.

In addition, the bill requires the chancellors to compile their respective FCS institution and state university reports and submit a comprehensive report to the Governor, BOG, the President of the Senate, and the Speaker of the House of Representatives by December 31 of each year.

Each FCS institution and state university must annually send to the SBE or BOG, as applicable, electronic copies of its current textbook and instructional materials affordability policies and procedure, which the SBE or BOG must link to on their respective website.

The bill requires the Governor to appoint a task force to research options and determine the best method to reduce the cost of print and digital textbooks and instructional materials for all students. Task force members include the Chancellors of the FCS and SUS, students who are currently enrolled in a public postsecondary institution, representatives from FCS institutions and state universities, textbook and instructional materials publishers, and bookstore owners or managers. The task force must consider several things, such as bulk purchasing of e-books, expanding the use of open-access textbooks, and textbook and instructional materials rental options. The task force is required to submit recommendations to the Governor, President of the Senate, and the Speaker of the House of Representatives by July 1, 2015.

## **IV. Constitutional Issues:**

### **A. Municipality/County Mandates Restrictions:**

None.

**B. Public Records/Open Meetings Issues:**

None.

**C. Trust Funds Restrictions:**

None.

**V. Fiscal Impact Statement:****A. Tax/Fee Issues:**

None.

**B. Private Sector Impact:**

Under CS/CS/SB 530, postsecondary students, or their families, may save money if the students have sufficient information and time to find the best value for their textbooks and instructional materials.

**C. Government Sector Impact:**

As reported by the Division of Florida Colleges, institutional costs associated with providing additional information to students and reporting requirements are indeterminate and vary by college. Associated costs can be absorbed within current resources.<sup>5</sup> No cost data was provided by the Board of Governors for the State University System, but costs are likely indeterminate and vary by university.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 1004.085 and 1001.7065.

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<sup>5</sup> Florida Department of Education, Senate Bill 530 Agency Legislative Bill Analysis (January 15, 2014) (on file with the Senate Appropriations Subcommittee on Education).

**IX. Additional Information:**

- A. **Committee Substitute – Statement of Substantial Changes:**  
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

**Recommended CS/CS by Appropriations Subcommittee on Education on April 2, 2014:**

The committee substitute:

- Requires any institution unable to comply with the provision relating to the posting of recommended textbooks and instructional materials at least 14 days prior to the first day of student registration to submit a quarterly report to SBE and BOG.
- Removes the requirement of a minimum 5 year adoption cycle for undergraduate courses in which a dual-enrollment student may be enrolled, and instead requires postsecondary institutions to consult with school districts with which they have a dual enrollment articulation agreements to identify practices that impact the cost of textbooks and instructional materials such as adoption cycles and costs of digital materials.
- Revises the minimum items for the Governor’s task force to consider. Supporting efficient used book sales, buyback sales, and student peer-to-peer sales; analyzing the feasibility of expanding and enhancing digital access platforms; and determining the cost of instructional materials for dual enrollment students on school districts are among the things added.

**CS by Education on March 11, 2014**

The committee substitute:

- Defines “instructional materials.”
- Requires a 3 year adoption cycle for textbooks and instructional materials for undergraduate courses, unless an exception is granted by the institution’s President, and requires a minimum 5 year adoption cycle for undergraduate courses in which a dual-enrollment student may be enrolled.
- Retains the authority to adopt textbooks and instructional materials policies and procedures at the state level.
- Requires the Governor to appoint a task force for recommendations to reduce the cost of print and digital textbooks and instructional materials.
- Requires the provision of varying individual institutions textbook and instructional materials information to be provided to their respective state chancellor, with certain information posted on the Florida Virtual Campus’ website.
- Requires the cost benefits of open-access textbooks and instructional materials, including comparison with the cost benefits of publishers’ textbooks and instructional materials, to be included guidelines that encourage course instructors and academic departments to participate in the development, adoption and review of open-access textbooks and instructional materials.

B. Amendments:

None.

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This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

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