

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.)

Prepared By: The Professional Staff of the Committee on Education

BILL: SB 530

INTRODUCER: Senator Flores

SUBJECT: Postsecondary Education Textbook and Instructional Materials Affordability

DATE: March 10, 2014

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Hand	Klebacha	ED	Pre-meeting
2.	_____	_____	AED	_____
3.	_____	_____	AP	_____

I. Summary:

SB 530 revises textbook requirements for colleges and state universities to apply requirements to other “instructional materials,” authorizes local rather than state policies and procedures to minimize costs to students, expands the type of information available to students, and requires greater visibility of cost information associated with textbooks and instructional materials.

Specifically, the bill:

- Includes instructional materials within textbook affordability requirements for college institutions and state universities.
- Requires each Florida College System (FCS) institution and state university, rather than the State Board of Education or Board of Governors, to adopt textbook and instructional materials affordability policies and procedures.
- Requires each FCS institution and state university to post on its registrar’s schedule of courses a list of required and recommended textbooks and other instructional materials for each course and course section offered 14 days prior to the first day of student registration for each term, including pricing information.
- Requires each FCS institution and state university to annually report the average cost of textbooks and instructional materials, and adoption cycles for high-enrollment courses.
- Requires each FCS institution and state university to annually provide its textbook and other instructional materials affordability policies and procedures and bookstore contracts to the Florida Virtual Campus, for compilation and posting on its website.

The effective date of the bill is July 1, 2014.

II. Present Situation:

Current “textbook affordability” statutory provisions that apply to Florida College System (FCS) institutions and state universities address components related to employee requirements, textbook information requirements, and cost information.

Employee Requirements

Current law prohibits an employee of an FCS institution or state university from demanding or receiving any payment, loan, subscription, advance, money deposit, service, or anything of value in exchange for requiring students to purchase specific textbooks.¹ The law permits employees to receive:

- Sample copies, instructor copies, or instructional materials. These materials may not be sold for any type of compensation if specifically marked as free samples not for resale.
- Royalties or other compensation from sales of textbooks that include the instructor’s own writing or work.
- Honoraria for academic peer review of course materials.
- Fees associated with activities such as reviewing, critiquing, or preparing support materials for textbooks pursuant to guidelines adopted by the State Board of Education (SBE) or Board of Governors (BOG).
- Training in the use of course materials and learning technologies.²

Textbook Information Requirements

FCS institutions and state universities are required to post on their websites, 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.³

Rules and Regulations

The SBE and BOG 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. The policies, procedures, and guidelines must provide that:

- Textbook adoptions are made with sufficient lead time for bookstores to confirm availability of textbooks and ensure maximum availability of used books.⁴
- The course instructor or academic department offering the course confirms that all items ordered, including individual items as part of a bundled package, is intended to be used.⁵
- The course instructor or academic department offering the course determines, before adoption of the textbook, that a new edition differs significantly and substantially enough

¹ Section 1004.085(1), F.S.

² Section 1004.085(2), F.S.

³ Section 1004.085(3), F.S.

⁴ Section 1004.085(4)(a), F.S.

⁵ Section 1004.085(4)(b), F.S.

from earlier versions that there is value in changing to the new edition or to the extent to which an open-access textbook may exist and be used.⁶

- The policies address the availability of required textbooks to students otherwise unable to afford the cost, including consideration of the extent to which an open-access textbook may be used.⁷
- The course instructors and academics departments are encouraged to participate in the development, adaptation, and review of open-access textbooks and, in particular, open-access textbooks for high-demand general education courses.⁸

In accordance with these statutory requirements, the SBE adopted Rule 6A-14.092, F.A.C.,⁹ in January 2009, and the BOG adopted Regulation 8.003 in March 2009.¹⁰

III. Effect of Proposed Changes:

SB 530 revises textbook requirements for colleges and state universities to apply requirements to other “instructional materials,” authorizes local rather than state policies and procedures to minimize costs to students, expands the type of information available to students, and requires greater visibility of cost information associated with textbooks and instructional materials.

Instructional Materials

The bill applies the same provisions to instructional materials as it currently does to textbooks. For example, the bill prohibits employees from receiving any kind of payment for requiring students to purchase specific textbooks or instructional materials.¹¹

Employee Requirements

Fees associated with reviewing, critiquing, or preparing support materials pursuant to policies and procedures are adopted by each Florida College System (FCS) institution and state university, rather than the State Board of Education (SBE) or Board of Governors (BOG).

Textbook Information Requirements

The bill lengthens the timeframe for FCS institutions and state universities to have certain information posted on their websites to 14 days before the first day of student registration. The information remains the same, except that the following is added:

- Recommended, in addition to required, textbooks and instructional materials.

⁶ Section 1004.085(4)(c), F.S. The instructor also determines the extent to which open-access textbooks may exist and be used. *Id.*

⁷ Section 1004.085(4)(d), F.S.

⁸ Section 1004.085(4)(e), F.S.

⁹ See <https://www.flrules.org/gateway/ruleNo.asp?id=6A-14.092> (last visited March 7, 2014)

¹⁰ See 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.

¹¹ 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.

- 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 requires each FCS institution and state university, rather than the SBE and BOG, to adopt policies and procedures to minimize the cost of textbooks and other instructional 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 State University System (SUS):

- The average cost of textbooks and other instructional materials,
- The adoption cycles for high-demand courses as determined by the chancellors, and
- Additional information as determined by the chancellors.

A new annual report is added requiring that, by December 31 of each year, the chancellors 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.

The bill also adds a new requirement that the SBE and BOG submit recommendations for negotiating statewide agreements with publishers and vendors of textbooks and other instructional materials, both print and digital, to reduce student costs, to the Governor, the President of the Senate, and the Speaker of the House of Representatives by December 31, 2014.

Additionally, the bill adds a new requirement for each FCS institution and state university to annually report to the Florida Virtual Campus (FLVC) its textbook and other instructional materials' affordability policies and procedures and bookstore contracts. The FLVC is then required to annually report this information to the chancellors of the FCS and SUS, and the information must be available on the FLVC website.

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:

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:

None.

VI. Technical Deficiencies:

To implement bill requirements, individual FCS institutions and state universities will have to define terms that are not otherwise defined. For example, “textbooks” and “instructional materials” related to postsecondary institutions are not defined in current law or in the bill. Absent statewide definitions, implementation may result in differing definitions among the FCS institutions and state universities.

VII. Related Issues:

None.

VIII. Statutes Affected:

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

IX. Additional Information:**A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.