

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED _____ (Y/N)
 ADOPTED AS AMENDED _____ (Y/N)
 ADOPTED W/O OBJECTION _____ (Y/N)
 FAILED TO ADOPT _____ (Y/N)
 WITHDRAWN _____ (Y/N)
 OTHER _____

1 Committee/Subcommittee hearing bill: Higher Education &
 2 Workforce Subcommittee
 3 Representative Porter offered the following:
 4

Amendment (with title amendment)

6 Remove everything after the enacting clause and insert:

7 Section 1. Section 1004.085, Florida Statutes, is amended
 8 to read:

9 1004.085 Textbook and instructional materials
 10 affordability.—

11 (1) As used in this section, the term "instructional
 12 materials" means educational materials for use within a course
 13 that may be available in printed or digital format.

14 (2)~~(1)~~ An ~~No~~ employee of a Florida College System
 15 institution or state university may not demand or receive any
 16 payment, loan, subscription, advance, deposit of money, service,
 17 or anything of value, present or promised, in exchange for

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18 requiring students to purchase a specific textbook or
19 instructional material for coursework or instruction.

20 ~~(3)~~(2) An employee may receive:

21 (a) Sample copies, instructor copies, or instructional
22 materials. These materials may not be sold for any type of
23 compensation if they are specifically marked as free samples not
24 for resale.

25 (b) Royalties or other compensation from sales of
26 textbooks or instructional materials that include the
27 instructor's own writing or work.

28 (c) Honoraria for academic peer review of course
29 materials.

30 (d) Fees associated with activities such as reviewing,
31 critiquing, or preparing support materials for textbooks or
32 instructional materials pursuant to guidelines adopted by the
33 State Board of Education or the Board of Governors.

34 (e) Training in the use of course materials and learning
35 technologies.

36 ~~(4)~~(3) Each Florida College System institution
37 ~~institutions~~ and state university ~~universities~~ shall post
38 prominently in the course registration system and on its website
39 ~~on their websites~~, as early as is feasible, but at least 14 ~~not~~
40 ~~less than 30~~ days before ~~prior to~~ the first day of student
41 registration ~~class~~ for each term, a hyperlink to lists ~~list~~ of
42 ~~each textbook~~ required and recommended textbooks and
43 instructional materials for each course and course section

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44 offered at the institution during the upcoming term. The lists
45 ~~posted list~~ must include:

46 (a) The International Standard Book Number (ISBN) for each
47 required and recommended textbook and instructional material.

48 (b) For a textbook or instructional material for which an
49 ISBN is not available, ~~textbook or~~ other identifying
50 information, which must include, at a minimum, all of the
51 following: the title, all authors listed, publishers, edition
52 number, copyright date, published date, and other relevant
53 information necessary to identify the specific textbook or
54 instructional material ~~textbooks~~ required and recommended for
55 each course.

56 (c) The new and used retail price and the rental price, if
57 applicable, for a required and recommended textbook or
58 instructional material for purchase at the institution's
59 designated bookstore or other specified vendor, including the
60 website or other contact information for the bookstore.

61
62 The State Board of Education and the Board of Governors shall
63 include in the policies, procedures, and guidelines adopted
64 under subsection (5) ~~(4)~~ certain limited exceptions to this
65 notification requirement for courses ~~classes~~ added after the
66 notification deadline.

67 (5)~~(4)~~ The State Board of Education and the Board of
68 Governors each shall adopt textbook and instructional materials
69 affordability policies, procedures, and guidelines for

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70 implementation by Florida College System institutions and state
71 universities, respectively, that further efforts to minimize the
72 cost of textbooks and instructional materials for students
73 attending such institutions while maintaining the quality of
74 education and academic freedom. The policies, procedures, and
75 guidelines shall, at a minimum, require ~~provide for~~ the
76 following:

77 (a) That textbook and instructional material adoptions are
78 made with sufficient lead time to bookstores so as to confirm
79 availability of the requested materials and, where possible,
80 ensure maximum availability of used textbooks and instructional
81 materials ~~books~~.

82 (b) That, in the textbook and instructional material
83 adoption process, the intent to use all items ordered,
84 particularly each individual item sold as part of a bundled
85 package, is confirmed by the course instructor or the academic
86 department offering the course before the adoption is finalized.

87 (c) That a course instructor or the academic department
88 offering the course determines, before a textbook or
89 instructional material is adopted, the extent to which a new
90 edition differs significantly and substantively from earlier
91 versions and the value to the student of changing to a new
92 edition or the extent to which an open-access textbook or
93 instructional material may exist and be used.

94 (d) That a textbook or instructional material for an
95 undergraduate course shall remain in use for a minimum of 3

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96 years in that undergraduate course, unless an exception is
97 approved by the institution's president or designee. An
98 exception must be based upon a determination that the new
99 edition differs significantly and substantially from earlier
100 versions and that there is value to the student in changing to
101 the new edition. The institution's president or designee shall
102 annually report to the institution's board of trustees all
103 exceptions granted, including the rationale used to approve each
104 exception. The annual report shall be maintained on the
105 institution's website.

106 (e)~~(d)~~ That the establishment of policies shall address
107 the availability of required and recommended textbooks and
108 instructional materials to students otherwise unable to afford
109 the cost, including consideration of the extent to which an
110 open-access textbook or instructional material may be used.

111 (f)~~(e)~~ That course instructors and academic departments
112 are encouraged to participate in the development, adaptation,
113 and review of open-access textbooks and instructional materials
114 and, in particular, open-access textbooks and instructional
115 materials for high-demand general education courses.

116 (6) Each Florida College System institution and state
117 university shall report annually to the Chancellor of the
118 Florida College System or the Chancellor of the State University
119 System, as applicable, the cost of undergraduate textbooks and
120 instructional materials, by course and course section; the
121 adoption cycles for high-enrollment courses as determined by the

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122 chancellors; specific initiatives of the institution that reduce
123 the cost of textbooks and instructional materials; the number of
124 courses and course sections that were not able to meet the
125 textbook and instructional materials posting deadline; and
126 additional information as determined by the chancellors.

127 Annually, by December 31, the chancellors shall compile the
128 institution reports and submit a comprehensive report to the
129 Governor, the President of the Senate, and the Speaker of the
130 House of Representatives.

131 (7) Each Florida College System institution and state
132 university shall send annually to the State Board of Education
133 or the Board of Governors, as applicable, electronic copies of
134 its current textbook and instructional materials affordability
135 policies and procedures. The State Board of Education and the
136 Board of Governors shall provide a link to this information on
137 their respective websites.

138 (8) (a) The Governor shall appoint a task force which
139 includes the Chancellor of the Florida College System, the
140 Chancellor of the State University System, students who are
141 currently enrolled in a public postsecondary institution, and
142 representatives from Florida College System institutions, state
143 universities, textbook and instructional materials publishers,
144 and bookstore owners or managers.

145 (b) The task force shall research options to reduce the
146 cost of print and digital textbooks and instructional materials
147 for all students. The task force shall use the information

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148 provided pursuant to subsections (5) and (6) to determine the
149 best methods to reduce costs and must, at a minimum, consider
150 the following:

151 1. An existing Florida College System or State University
152 System initiative to reduce the cost of textbooks and
153 instructional materials.

154 2. Bulk purchasing of e-textbooks.

155 3. Expanding the use of open-access textbooks and
156 instructional materials.

157 4. Textbook and instructional materials rental options.

158 5. Statewide agreements with publishers and vendors.

159 6. The development of online portals at each institution
160 that will assist students in buying, renting, selling, and
161 sharing textbooks and instructional materials.

162 (c) By July 1, 2015, the task force shall submit
163 recommendations to the Governor, the President of the Senate,
164 and the Speaker of the House of Representatives.

165 Section 2. Paragraph (k) of subsection (4) of section
166 1001.7065, Florida Statutes, is amended to read:

167 1001.7065 Preeminent state research universities program.—

168 (4) PREEMINENT STATE RESEARCH UNIVERSITY INSTITUTE FOR
169 ONLINE LEARNING.—A state research university that, as of July 1,
170 2013, meets all 12 of the academic and research excellence
171 standards identified in subsection (2), as verified by the Board
172 of Governors, shall establish an institute for online learning.
173 The institute shall establish a robust offering of high-quality,

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174 fully online baccalaureate degree programs at an affordable cost
175 in accordance with this subsection.

176 (k) The university shall establish a tuition structure for
177 its online institute in accordance with this paragraph,
178 notwithstanding any other provision of law.

179 1. For students classified as residents for tuition
180 purposes, tuition for an online baccalaureate degree program
181 shall be set at no more than 75 percent of the tuition rate as
182 specified in the General Appropriations Act pursuant to s.
183 1009.24(4) and 75 percent of the tuition differential pursuant
184 to s. 1009.24(16). No distance learning fee, fee for campus
185 facilities, or fee for on-campus services may be assessed,
186 except that online students shall pay the university's
187 technology fee, financial aid fee, and Capital Improvement Trust
188 Fund fee. The revenues generated from the Capital Improvement
189 Trust Fund fee shall be dedicated to the university's institute
190 for online learning.

191 2. For students classified as nonresidents for tuition
192 purposes, tuition may be set at market rates in accordance with
193 the business plan.

194 3. Tuition for an online degree program shall include all
195 costs associated with instruction, materials, and enrollment,
196 excluding costs associated with the provision of textbooks and
197 instructional materials pursuant to s. 1004.085 and physical
198 laboratory supplies.

199 4. Subject to the limitations in subparagraph 1., tuition

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200 may be differentiated by degree program as appropriate to the
201 instructional and other costs of the program in accordance with
202 the business plan. Pricing must incorporate innovative
203 approaches that incentivize persistence and completion,
204 including, but not limited to, a fee for assessment, a bundled
205 or all-inclusive rate, and sliding scale features.

206 5. The university must accept advance payment contracts
207 and student financial aid.

208 6. Fifty percent of the net revenues generated from the
209 online institute of the university shall be used to enhance and
210 enrich the online institute offerings, and 50 percent of the net
211 revenues generated from the online institute shall be used to
212 enhance and enrich the university's campus state-of-the-art
213 research programs and facilities.

214 7. The institute may charge additional local user fees
215 pursuant to s. 1009.24(14) upon the approval of the Board of
216 Governors.

217 8. The institute shall submit a proposal to the president
218 of the university authorizing additional user fees for the
219 provision of voluntary student participation in activities and
220 additional student services.

221 Section 3. This act shall take effect July 1, 2014.

222

223

224 **T I T L E A M E N D M E N T**

225 Remove everything before the enacting clause and insert:

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226 A bill to be entitled
227 An act relating to postsecondary education textbook
228 and instructional materials affordability; amending s.
229 1004.085, F.S.; defining the term "instructional
230 materials"; requiring the State Board of Education and
231 the Board of Governors to adopt textbook and
232 instructional materials affordability policies,
233 procedures, and guidelines; providing requirements for
234 the use of adopted undergraduate textbooks and
235 instructional materials and authorizing exceptions;
236 requiring a public postsecondary institution to post
237 in its course registration system and on its website
238 information relating to required and recommended
239 textbooks and instructional materials and prices
240 thereof; requiring annual reporting of textbook and
241 instructional materials cost information and
242 affordability policies and procedures; requiring the
243 Governor to appoint a task force to research options
244 to reduce the cost of textbooks and instructional
245 materials; providing task force membership and duties;
246 amending s. 1001.7065, F.S.; conforming provisions;
247 providing an effective date.