

1 A bill to be entitled

2 An act relating to postsecondary education textbook
3 and instructional materials affordability; amending s.
4 1004.085, F.S.; revising textbook affordability
5 policies and procedures to include other instructional
6 materials; requiring the policies and procedures to be
7 adopted by Florida College System institutions and
8 state universities; requiring an institution to post
9 on its course schedule information relating to
10 required and recommended textbooks and other
11 instructional materials and cost information;
12 requiring annual reporting of textbook and other
13 instructional material costs; requiring the State
14 Board of Education and the Board of Governors to
15 submit recommendations to the Governor and the
16 Legislature to reduce student costs; requiring the
17 Florida Virtual Campus to report textbook and other
18 instructional materials affordability policies and
19 procedures and bookstore contracts; amending s.
20 1001.7065, F.S.; conforming provisions; providing an
21 effective date.

22
23 Be It Enacted by the Legislature of the State of Florida:

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25 Section 1. Section 1004.085, Florida Statutes, is amended
26 to read:

27 | 1004.085 Textbook and instructional materials
28 | affordability.—

29 | (1) An ~~No~~ employee of a Florida College System institution
30 | or state university may not demand or receive any payment, loan,
31 | subscription, advance, deposit of money, service, or anything of
32 | value, present or promised, in exchange for requiring students
33 | to purchase a specific textbook or other instructional materials
34 | for coursework or instruction.

35 | (2) An employee may receive:

36 | (a) Sample copies, instructor copies, or instructional
37 | materials. These materials may not be sold for any type of
38 | compensation if they are specifically marked as free samples not
39 | for resale.

40 | (b) Royalties or other compensation from sales of
41 | textbooks or other instructional materials that include the
42 | instructor's own writing or work.

43 | (c) Honoraria for academic peer review of course
44 | materials.

45 | (d) Fees associated with activities such as reviewing,
46 | critiquing, or preparing support materials for textbooks or
47 | other instructional materials pursuant to policies and
48 | procedures ~~guidelines~~ adopted by the Florida College System
49 | institution ~~State Board of Education~~ or state university ~~the~~
50 | ~~Board of Governors~~.

51 | (e) Training in the use of course materials and learning
52 | technologies.

53 (3) Each Florida College System institution ~~institutions~~
54 and state university ~~universities~~ shall post on the registrar's
55 schedule of courses ~~their websites~~, as early as is feasible, but
56 at least 14 ~~not less than 30~~ days before ~~prior to~~ the first day
57 of student registration ~~class~~ for each term, a list of each
58 ~~textbook~~ required and recommended textbooks and other
59 instructional materials for each course and course section
60 offered at the institution during the upcoming term. The posted
61 list must include:

62 (a) The International Standard Book Number (ISBN) for each
63 required and recommended textbook and other instructional
64 material.

65 (b) For textbooks or other instructional materials for
66 which an ISBN is not available, other identifying information,
67 which must include, at a minimum, all of the following: the
68 title, all authors listed, publishers, edition number, copyright
69 date, published date, and other relevant information necessary
70 to identify the specific textbook or textbooks or other
71 instructional materials required and recommended for each
72 course.

73 (c) The new and used retail price and the rental price, if
74 applicable, for required and recommended textbooks and other
75 instructional materials for purchase at the institution's
76 bookstore or other bookstore, including the website or other
77 contact information for the bookstore.

78

79 A Florida College System institution and a state university ~~The~~
 80 ~~State Board of Education and the Board of Governors~~ shall
 81 include in the policies and, ~~procedures, and guidelines~~ adopted
 82 under subsection (4) certain limited exceptions to this
 83 notification requirement for courses ~~classes~~ added after the
 84 notification deadline.

85 (4) ~~The State Board of Education and the Board of~~
 86 ~~Governors~~ Each Florida College System institution and state
 87 university shall adopt policies and, ~~procedures, and guidelines~~
 88 ~~for implementation by Florida College System institutions and~~
 89 ~~state universities, respectively, that further efforts to~~
 90 minimize the cost of textbooks and other instructional materials
 91 for students attending such institutions while maintaining the
 92 quality of education and academic freedom. The policies and,
 93 ~~procedures, and guidelines~~ shall, at a minimum, require ~~provide~~
 94 ~~for~~ the following:

95 (a) That textbook and other instructional material
 96 adoptions are made with sufficient lead time to bookstores so as
 97 to confirm availability of the requested materials and, where
 98 possible, ensure maximum availability of used textbooks and
 99 other instructional materials ~~books~~.

100 (b) That, in the textbook and other instructional
 101 materials adoption process, the intent to use all items ordered,
 102 particularly each individual item sold as part of a bundled
 103 package, is confirmed by the course instructor or the academic
 104 department offering the course before the adoption is finalized.

105 (c) That a course instructor or the academic department
106 offering the course determines, before a textbook or other
107 instructional material is adopted, the extent to which a new
108 edition differs significantly and substantively from earlier
109 versions and the value of changing to a new edition or the
110 extent to which an open-access textbook or other instructional
111 material may exist and be used.

112 (d) That the establishment of policies shall address the
113 availability of required and recommended textbooks and other
114 instructional materials to students otherwise unable to afford
115 the cost, including consideration of the extent to which an
116 open-access textbook or other instructional material may be
117 used.

118 (e) That course instructors and academic departments are
119 encouraged to participate in the development, adaptation, and
120 review of open-access textbooks and other instructional
121 materials and, in particular, open-access textbooks and other
122 instructional materials for high-demand general education
123 courses.

124 (5) Each Florida College System institution and state
125 university shall report annually to the Chancellor of the
126 Florida College System or the Chancellor of the State University
127 System, as applicable, the average cost of textbooks and other
128 instructional materials, the adoption cycles for high-demand
129 courses as determined by the chancellors, and additional
130 information as determined by the chancellors. Annually, by

131 December 31, the Chancellor of the Florida College System and
132 the Chancellor of the State University System shall compile the
133 institution reports and submit a comprehensive report to the
134 Governor, the Board of Governors, the President of the Senate,
135 and the Speaker of the House of Representatives.

136 (6) By December 31, 2014, the State Board of Education and
137 the Board of Governors shall submit recommendations to the
138 Governor, the President of the Senate, and the Speaker of the
139 House of Representatives for negotiating statewide agreements
140 with publishers and vendors of textbooks and other instructional
141 materials, both print and digital, to reduce student costs.

142 (7) Each Florida College System institution and state
143 university shall report annually to the Florida Virtual Campus
144 its textbook and other instructional materials affordability
145 policies and procedures and bookstore contracts. The Florida
146 Virtual Campus shall annually report this information to the
147 Chancellor of the Florida College System and the Chancellor of
148 the State University System and make the information available
149 on the Florida Virtual Campus website.

150 Section 2. Paragraph (k) of subsection (4) of section
151 1001.7065, Florida Statutes, is amended to read:

152 1001.7065 Preeminent state research universities program.—

153 (4) PREEMINENT STATE RESEARCH UNIVERSITY INSTITUTE FOR
154 ONLINE LEARNING.—A state research university that, as of July 1,
155 2013, meets all 12 of the academic and research excellence
156 standards identified in subsection (2), as verified by the Board

157 of Governors, shall establish an institute for online learning.
158 The institute shall establish a robust offering of high-quality,
159 fully online baccalaureate degree programs at an affordable cost
160 in accordance with this subsection.

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

164 1. For students classified as residents for tuition
165 purposes, tuition for an online baccalaureate degree program
166 shall be set at no more than 75 percent of the tuition rate as
167 specified in the General Appropriations Act pursuant to s.
168 1009.24(4) and 75 percent of the tuition differential pursuant
169 to s. 1009.24(16). No distance learning fee, fee for campus
170 facilities, or fee for on-campus services may be assessed,
171 except that online students shall pay the university's
172 technology fee, financial aid fee, and Capital Improvement Trust
173 Fund fee. The revenues generated from the Capital Improvement
174 Trust Fund fee shall be dedicated to the university's institute
175 for online learning.

176 2. For students classified as nonresidents for tuition
177 purposes, tuition may be set at market rates in accordance with
178 the business plan.

179 3. Tuition for an online degree program shall include all
180 costs associated with instruction, materials, and enrollment,
181 excluding costs associated with the provision of textbooks and
182 instructional materials pursuant to s. 1004.085 and physical

183 laboratory supplies.

184 4. Subject to the limitations in subparagraph 1., tuition
185 may be differentiated by degree program as appropriate to the
186 instructional and other costs of the program in accordance with
187 the business plan. Pricing must incorporate innovative
188 approaches that incentivize persistence and completion,
189 including, but not limited to, a fee for assessment, a bundled
190 or all-inclusive rate, and sliding scale features.

191 5. The university must accept advance payment contracts
192 and student financial aid.

193 6. Fifty percent of the net revenues generated from the
194 online institute of the university shall be used to enhance and
195 enrich the online institute offerings, and 50 percent of the net
196 revenues generated from the online institute shall be used to
197 enhance and enrich the university's campus state-of-the-art
198 research programs and facilities.

199 7. The institute may charge additional local user fees
200 pursuant to s. 1009.24(14) upon the approval of the Board of
201 Governors.

202 8. The institute shall submit a proposal to the president
203 of the university authorizing additional user fees for the
204 provision of voluntary student participation in activities and
205 additional student services.

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