

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.; defining the term "instructional
5 materials"; requiring the State Board of Education and
6 the Board of Governors to adopt textbook and
7 instructional materials affordability policies,
8 procedures, and guidelines; providing requirements for
9 the use of adopted undergraduate textbooks and
10 instructional materials and authorizing exceptions;
11 requiring a public postsecondary institution to post
12 in its course registration system and on its website
13 information relating to required and recommended
14 textbooks and instructional materials and prices
15 thereof; requiring annual reporting of textbook and
16 instructional materials cost information and
17 affordability policies and procedures; requiring the
18 Governor to appoint a task force to research options
19 to reduce the cost of textbooks and instructional
20 materials; providing task force membership and duties;
21 amending s. 1001.7065, F.S.; conforming provisions;
22 providing an effective date.

23
24 Be It Enacted by the Legislature of the State of Florida:
25

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

28 1004.085 Textbook and instructional materials
 29 affordability.—

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

33 (2)~~(1)~~ An ~~No~~ employee of a Florida College System
 34 institution or state university may not demand or receive any
 35 payment, loan, subscription, advance, deposit of money, service,
 36 or anything of value, present or promised, in exchange for
 37 requiring students to purchase a specific textbook or
 38 instructional material for coursework or instruction.

39 (3)~~(2)~~ An employee may receive:

40 (a) Sample copies, instructor copies, or instructional
 41 materials. These materials may not be sold for any type of
 42 compensation if they are specifically marked as free samples not
 43 for resale.

44 (b) Royalties or other compensation from sales of
 45 textbooks or instructional materials that include the
 46 instructor's own writing or work.

47 (c) Honoraria for academic peer review of course
 48 materials.

49 (d) Fees associated with activities such as reviewing,
 50 critiquing, or preparing support materials for textbooks or
 51 instructional materials pursuant to guidelines adopted by the

52 State Board of Education or the Board of Governors.

53 (e) Training in the use of course materials and learning
54 technologies.

55 (4)(3) Each Florida College System institution
56 ~~institutions~~ and state university universities shall post
57 prominently in the course registration system and on its website
58 ~~on their websites~~, as early as is feasible, but at least 14 not
59 ~~less than 30 days before~~ prior to the first day of student
60 registration class for each term, a hyperlink to lists list of
61 ~~each textbook~~ required and recommended textbooks and
62 instructional materials for each course and course section
63 offered at the institution during the upcoming term. The lists
64 ~~posted list~~ must include:

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

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

75 (c) The new and used retail price and the rental price, if
76 applicable, for a required and recommended textbook or
77 instructional material for purchase at the institution's

78 designated bookstore or other specified vendor, including the
79 website or other contact information for the bookstore.

80

81 The State Board of Education and the Board of Governors shall
82 include in the policies, procedures, and guidelines adopted
83 under subsection (5) ~~(4)~~ certain limited exceptions to this
84 notification requirement for courses ~~classes~~ added after the
85 notification deadline. An institution that is unable to comply
86 with this subsection by the 2014 fall semester must provide a
87 quarterly report to the State Board of Education or to the Board
88 of Governors, as applicable, documenting the institution's
89 efforts to be in compliance with this subsection by the 2015
90 fall semester.

91 (5)~~(4)~~ The State Board of Education and the Board of
92 Governors each shall adopt textbook and instructional materials
93 affordability policies, procedures, and guidelines for
94 implementation by Florida College System institutions and state
95 universities, respectively, that further efforts to minimize the
96 cost of textbooks and instructional materials for students
97 attending such institutions while maintaining the quality of
98 education and academic freedom. The policies, procedures, and
99 guidelines shall, at a minimum, require ~~provide for~~ the
100 following:

101 (a) That textbook and instructional material adoptions are
102 made with sufficient lead time to bookstores so as to confirm
103 availability of the requested materials and, where possible,

104 ensure maximum availability of used textbooks and instructional
105 materials ~~books~~.

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

111 (c) That a course instructor or the academic department
112 offering the course determines, before a textbook or
113 instructional material is adopted, the extent to which a new
114 edition differs significantly and substantively from earlier
115 versions and the value to the student of changing to a new
116 edition or the extent to which an open-access textbook or
117 instructional material may exist and be used.

118 (d) That a textbook or instructional material for an
119 undergraduate course shall remain in use for a minimum of 3
120 years in that undergraduate course, unless an exception is
121 approved by the institution's president or designee. An
122 exception must be based upon a determination that the new
123 edition differs significantly and substantially from earlier
124 versions and that there is value to the student in changing to
125 the new edition. The institution's president or designee shall
126 annually report to the institution's board of trustees all
127 exceptions granted, including the rationale used to approve each
128 exception. The annual report shall be maintained on the
129 institution's website.

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

135 (f)~~(e)~~ That course instructors and academic departments
136 are encouraged to participate in the development, adaptation,
137 and review of open-access textbooks and instructional materials
138 and, in particular, open-access textbooks and instructional
139 materials for high-demand general education courses.

140 (g) That postsecondary institutions consult with school
141 districts with which they have a dual enrollment articulation
142 agreement to identify practices that impact the cost to school
143 districts of dual enrollment textbooks and instructional
144 materials, including, but not limited to, the length of time
145 that textbooks and instructional materials remain in use and the
146 costs associated with digital materials.

147 (h) That cost-benefit analyses be conducted regularly in
148 comparing options to ensure that students get the highest
149 quality product at the lowest available price.

150 (6) Each Florida College System institution and state
151 university shall report annually to the Chancellor of the
152 Florida College System or the Chancellor of the State University
153 System, as applicable, the cost of undergraduate textbooks and
154 instructional materials, by course and course section; the
155 adoption cycles for high-enrollment courses as determined by the

156 chancellors; specific initiatives of the institution that reduce
157 the cost of textbooks and instructional materials; the number of
158 courses and course sections that were not able to meet the
159 textbook and instructional materials posting deadline; and
160 additional information as determined by the chancellors.
161 Annually, by December 31, the chancellors shall compile the
162 institution reports and submit a comprehensive report to the
163 Governor, the President of the Senate, and the Speaker of the
164 House of Representatives.

165 (7) Each Florida College System institution and state
166 university shall send annually to the State Board of Education
167 or the Board of Governors, as applicable, electronic copies of
168 its current textbook and instructional materials affordability
169 policies and procedures. The State Board of Education and the
170 Board of Governors shall provide a link to this information on
171 their respective websites.

172 (8) (a) The Governor shall appoint a task force which
173 includes the Chancellor of the Florida College System, the
174 Chancellor of the State University System, students who are
175 currently enrolled in a public postsecondary institution, and
176 representatives from Florida College System institutions, state
177 universities, school districts, textbook and instructional
178 materials publishers, and bookstore owners or managers.

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

182 provided pursuant to subsections (5) and (6) to determine the
 183 best methods to reduce costs and must, at a minimum, consider
 184 the following:

185 1. Any existing Florida College System or State University
 186 System initiative to reduce the cost of textbooks and
 187 instructional materials.

188 2. Bulk purchasing of e-textbooks.

189 3. Expanding the use of open-access textbooks and
 190 instructional materials.

191 4. Textbook and instructional materials rental options.

192 5. Statewide agreements with publishers and vendors.

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

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

199 Section 2. Paragraph (k) of subsection (4) of section
 200 1001.7065, Florida Statutes, is amended to read:

201 1001.7065 Preeminent state research universities program.—

202 (4) PREEMINENT STATE RESEARCH UNIVERSITY INSTITUTE FOR
 203 ONLINE LEARNING.—A state research university that, as of July 1,
 204 2013, meets all 12 of the academic and research excellence
 205 standards identified in subsection (2), as verified by the Board
 206 of Governors, shall establish an institute for online learning.
 207 The institute shall establish a robust offering of high-quality,

208 fully online baccalaureate degree programs at an affordable cost
209 in accordance with this subsection.

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

213 1. For students classified as residents for tuition
214 purposes, tuition for an online baccalaureate degree program
215 shall be set at no more than 75 percent of the tuition rate as
216 specified in the General Appropriations Act pursuant to s.
217 1009.24(4) and 75 percent of the tuition differential pursuant
218 to s. 1009.24(16). No distance learning fee, fee for campus
219 facilities, or fee for on-campus services may be assessed,
220 except that online students shall pay the university's
221 technology fee, financial aid fee, and Capital Improvement Trust
222 Fund fee. The revenues generated from the Capital Improvement
223 Trust Fund fee shall be dedicated to the university's institute
224 for online learning.

225 2. For students classified as nonresidents for tuition
226 purposes, tuition may be set at market rates in accordance with
227 the business plan.

228 3. Tuition for an online degree program shall include all
229 costs associated with instruction, materials, and enrollment,
230 excluding costs associated with the provision of textbooks and
231 instructional materials pursuant to s. 1004.085 and physical
232 laboratory supplies.

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

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

240 5. The university must accept advance payment contracts
241 and student financial aid.

242 6. Fifty percent of the net revenues generated from the
243 online institute of the university shall be used to enhance and
244 enrich the online institute offerings, and 50 percent of the net
245 revenues generated from the online institute shall be used to
246 enhance and enrich the university's campus state-of-the-art
247 research programs and facilities.

248 7. The institute may charge additional local user fees
249 pursuant to s. 1009.24(14) upon the approval of the Board of
250 Governors.

251 8. The institute shall submit a proposal to the president
252 of the university authorizing additional user fees for the
253 provision of voluntary student participation in activities and
254 additional student services.

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