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2014

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:
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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 at least 90 percent of the courses
63 and course sections ~~each course~~ offered at the institution
64 during the upcoming term. The lists 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~~ required and recommended for
74 each course.

75 (c) The new and used retail price and the rental price, if



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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 the
87 information required by this subsection to students, in a format
88 determined by the institution, at least 60 days before the first
89 day of class. The institution must also submit a quarterly
90 report to the State Board of Education or to the Board of
91 Governors, as applicable, documenting the institution's efforts
92 to be in compliance with this subsection by the 2015 fall
93 semester.

94 (5) ~~(4)~~ The State Board of Education and the Board of
95 Governors each shall adopt textbook and instructional materials
96 affordability policies, procedures, and guidelines for
97 implementation by Florida College System institutions and state
98 universities, respectively, that further efforts to minimize the
99 cost of textbooks and instructional materials for students
100 attending such institutions while maintaining the quality of



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101 education and academic freedom. The policies, procedures, and
102 guidelines shall, at a minimum, require ~~provide for~~ the
103 following:

104 (a) That textbook and instructional material adoptions are
105 made with sufficient lead time to bookstores so as to confirm
106 availability of the requested materials and, where possible,
107 ensure maximum availability of used textbooks and instructional
108 materials ~~books~~.

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

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

121 (d) That a textbook or instructional material for an
122 undergraduate course shall remain in use for a minimum of 3
123 years in that undergraduate course, unless there is a textbook
124 or instructional material that is available at a lower cost than
125 the textbook or instructional material in use or an exception is



126 approved by the institution's president or designee. An
127 exception must be based upon a determination that the new
128 edition differs significantly and substantially from earlier
129 versions and that there is value to the student in changing to
130 the new edition. The institution's president or designee shall
131 annually report to the institution's board of trustees all
132 exceptions granted, including the rationale used to approve each
133 exception. The annual report shall be maintained on the
134 institution's website.

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

140 (f)~~(e)~~ That course instructors and academic departments
141 are encouraged to participate in the development, adaptation,
142 and review of open-access textbooks and instructional materials
143 and, in particular, open-access textbooks and instructional
144 materials for high-demand general education courses.

145 (g) That postsecondary institutions consult with school
146 districts with which they have a dual enrollment articulation
147 agreement to identify practices that impact the cost to school
148 districts of dual enrollment textbooks and instructional
149 materials, including, but not limited to, the length of time
150 that textbooks and instructional materials remain in use and the



151 costs associated with digital materials.

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

155 (6) Each Florida College System institution and state
156 university shall report annually to the Chancellor of the
157 Florida College System or the Chancellor of the State University
158 System, as applicable, the cost of undergraduate textbooks and
159 instructional materials, by course and course section; the
160 adoption cycles for high-enrollment courses as determined by the
161 chancellors; specific initiatives of the institution that reduce
162 the cost of textbooks and instructional materials; the number of
163 courses and course sections that were not able to meet the
164 textbook and instructional materials posting deadline; and
165 additional information as determined by the chancellors.
166 Annually, by December 31, the chancellors shall compile the
167 institution reports and submit a comprehensive report to the
168 Governor, the President of the Senate, and the Speaker of the
169 House of Representatives.

170 (7) Each Florida College System institution and state
171 university shall send annually to the State Board of Education
172 or the Board of Governors, as applicable, electronic copies of
173 its current textbook and instructional materials affordability
174 policies and procedures. The State Board of Education and the
175 Board of Governors shall provide a link to this information on



176 their respective websites.

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

184 (b) The task force shall research options to reduce the
185 cost of print and digital textbooks and instructional materials
186 for all students. The task force shall use the information
187 provided pursuant to subsections (5) and (6) to determine the
188 best methods to reduce costs and must, at a minimum, consider
189 the following:

190 1. Any existing Florida College System or State University
191 System initiative to reduce the cost of textbooks and
192 instructional materials.

193 2. Bulk purchasing of e-textbooks.

194 3. Expanding the use of open-access textbooks and
195 instructional materials.

196 4. Textbook and instructional materials rental options.

197 5. Increasing the availability and use of affordable
198 digital textbooks and learning objects for faculty and students.

199 6. Supporting efficient used book sales, buyback sales,
200 and student-to-student sales.



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201 7. The development of online portals at each institution
202 that will assist students in buying, renting, selling, and
203 sharing textbooks and instructional materials.

204 8. The feasibility of expanding and enhancing digital
205 access platforms that are used by campus stores for the purpose
206 of helping students acquire the correct and least expensive
207 required course materials.

208 9. The cost to districts of instructional materials for
209 dual enrollment students.

210 (c) The State Board of Education and the Board of
211 Governors shall provide administrative support for the task
212 force.

213 (d) By January 1, 2015, the task force shall submit
214 recommendations to the Governor, the President of the Senate,
215 and the Speaker of the House of Representatives.

216 Section 2. Paragraph (k) of subsection (4) of section
217 1001.7065, Florida Statutes, is amended to read:

218 1001.7065 Preeminent state research universities program.—

219 (4) PREEMINENT STATE RESEARCH UNIVERSITY INSTITUTE FOR
220 ONLINE LEARNING.—A state research university that, as of July 1,
221 2013, meets all 12 of the academic and research excellence
222 standards identified in subsection (2), as verified by the Board
223 of Governors, shall establish an institute for online learning.
224 The institute shall establish a robust offering of high-quality,
225 fully online baccalaureate degree programs at an affordable cost



226 | in accordance with this subsection.

227 | (k) The university shall establish a tuition structure for
228 | its online institute in accordance with this paragraph,
229 | notwithstanding any other provision of law.

230 | 1. For students classified as residents for tuition
231 | purposes, tuition for an online baccalaureate degree program
232 | shall be set at no more than 75 percent of the tuition rate as
233 | specified in the General Appropriations Act pursuant to s.
234 | 1009.24(4) and 75 percent of the tuition differential pursuant
235 | to s. 1009.24(16). No distance learning fee, fee for campus
236 | facilities, or fee for on-campus services may be assessed,
237 | except that online students shall pay the university's
238 | technology fee, financial aid fee, and Capital Improvement Trust
239 | Fund fee. The revenues generated from the Capital Improvement
240 | Trust Fund fee shall be dedicated to the university's institute
241 | for online learning.

242 | 2. For students classified as nonresidents for tuition
243 | purposes, tuition may be set at market rates in accordance with
244 | the business plan.

245 | 3. Tuition for an online degree program shall include all
246 | costs associated with instruction, materials, and enrollment,
247 | excluding costs associated with the provision of textbooks and
248 | instructional materials pursuant to s. 1004.085 and physical
249 | laboratory supplies.

250 | 4. Subject to the limitations in subparagraph 1., tuition



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251 | may be differentiated by degree program as appropriate to the
252 | instructional and other costs of the program in accordance with
253 | the business plan. Pricing must incorporate innovative
254 | approaches that incentivize persistence and completion,
255 | including, but not limited to, a fee for assessment, a bundled
256 | or all-inclusive rate, and sliding scale features.

257 | 5. The university must accept advance payment contracts
258 | and student financial aid.

259 | 6. Fifty percent of the net revenues generated from the
260 | online institute of the university shall be used to enhance and
261 | enrich the online institute offerings, and 50 percent of the net
262 | revenues generated from the online institute shall be used to
263 | enhance and enrich the university's campus state-of-the-art
264 | research programs and facilities.

265 | 7. The institute may charge additional local user fees
266 | pursuant to s. 1009.24(14) upon the approval of the Board of
267 | Governors.

268 | 8. The institute shall submit a proposal to the president
269 | of the university authorizing additional user fees for the
270 | provision of voluntary student participation in activities and
271 | additional student services.

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