



464234

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/11/2014	.	
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The Committee on Education (Stargel) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

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

1004.085 Textbook and instructional materials  
affordability.-

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



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12            (2)~~(1)~~ An ~~No~~ employee of a Florida College System  
13 institution or state university may not demand or receive any  
14 payment, loan, subscription, advance, deposit of money, service,  
15 or anything of value, present or promised, in exchange for  
16 requiring students to purchase a specific textbook or  
17 instructional material for coursework or instruction.

18            (3)~~(2)~~ An employee may receive:

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

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

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

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

31            (e) Training in the use of course materials and learning  
32 technologies.

33            (4)~~(3)~~ Each Florida College System institution ~~institutions~~  
34 and state university ~~universities~~ shall post prominently in the  
35 course registration system and on its website ~~on their websites~~,  
36 as early as is feasible, but at least 14 ~~not less than 30~~ days  
37 before ~~prior to~~ the first day of student registration ~~class~~ for  
38 each term, a hyperlink to lists ~~list~~ of each ~~textbook~~ required  
39 and recommended textbooks and instructional materials for each  
40 course and course section offered at the institution during the



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41 upcoming term. The lists ~~posted list~~ must include:

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

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

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

57  
58 The State Board of Education and the Board of Governors shall  
59 include in the policies, procedures, and guidelines adopted  
60 under subsection (5) ~~(4)~~ certain limited exceptions to this  
61 notification requirement for courses ~~classes~~ added after the  
62 notification deadline.

63 (5) ~~(4)~~ The State Board of Education and the Board of  
64 Governors each shall adopt textbook and instructional materials  
65 affordability policies, procedures, and guidelines for  
66 implementation by Florida College System institutions and state  
67 universities, respectively, that further efforts to minimize the  
68 cost of textbooks and instructional materials for students  
69 attending such institutions while maintaining the quality of



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70 education and academic freedom. The policies, procedures, and  
71 guidelines shall, at a minimum, require ~~provide for~~ the  
72 following:

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

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

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

90 (d) That a textbook or instructional material for an  
91 undergraduate course shall remain in use for a minimum of 3  
92 years in that undergraduate course unless an exception is  
93 approved by the institution's president or designee. An  
94 exception must be based upon a determination that the new  
95 edition differs significantly and substantially from earlier  
96 versions and that there is value to the student in changing to  
97 the new edition. The institution's president or designee shall  
98 annually report to the institution's board of trustees all



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99 exceptions granted, including the rationale used to approve each  
100 exception. The annual report shall be maintained on the  
101 institution's website.

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

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

112 (6) Each Florida College System institution and state  
113 university shall report annually to the Chancellor of the  
114 Florida College System or the Chancellor of the State University  
115 System, as applicable, the cost of undergraduate textbooks and  
116 instructional materials, by course and course section; the  
117 adoption cycles for high-enrollment courses as determined by the  
118 chancellors; specific initiatives of the institution which  
119 reduce the cost of textbooks and instructional materials; the  
120 number of courses and course sections that were not able to meet  
121 the textbook and instructional materials posting deadline; and  
122 additional information as determined by the chancellors.

123 Annually, by December 31, the chancellors shall compile the  
124 institution reports and submit a comprehensive report to the  
125 Governor, the President of the Senate, and the Speaker of the  
126 House of Representatives.

127 (7) Each Florida College System institution and state



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128 university shall send annually to the State Board of Education  
129 or the Board of Governors, as applicable, electronic copies of  
130 its current textbook and instructional materials affordability  
131 policies and procedures. The State Board of Education and the  
132 Board of Governors shall provide a link to this information on  
133 their respective websites.

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

141 (b) The task force shall research options to reduce the  
142 cost of print and digital textbooks and instructional materials  
143 for all students. The task force shall use the information  
144 provided pursuant to subsections (5) and (6) to determine the  
145 best methods to reduce costs and must, at a minimum, consider  
146 the following:

147 1. An existing Florida College System or State University  
148 System initiative to reduce the cost of textbooks and  
149 instructional materials.

150 2. Bulk purchasing of e-textbooks.

151 3. Expanding the use of open-access textbooks and  
152 instructional materials.

153 4. Textbook and instructional materials rental options.

154 5. The development of online portals at each institution  
155 which will assist students in buying, renting, selling, and  
156 sharing textbooks and instructional materials.



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

160       Section 2. Paragraph (k) of subsection (4) of section  
161 1001.7065, Florida Statutes, is amended to read:

162       1001.7065 Preeminent state research universities program.—

163       (4) PREEMINENT STATE RESEARCH UNIVERSITY INSTITUTE FOR  
164 ONLINE LEARNING.—A state research university that, as of July 1,  
165 2013, meets all 12 of the academic and research excellence  
166 standards identified in subsection (2), as verified by the Board  
167 of Governors, shall establish an institute for online learning.  
168 The institute shall establish a robust offering of high-quality,  
169 fully online baccalaureate degree programs at an affordable cost  
170 in accordance with this subsection.

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

174       1. For students classified as residents for tuition  
175 purposes, tuition for an online baccalaureate degree program  
176 shall be set at no more than 75 percent of the tuition rate as  
177 specified in the General Appropriations Act pursuant to s.  
178 1009.24(4) and 75 percent of the tuition differential pursuant  
179 to s. 1009.24(16). No distance learning fee, fee for campus  
180 facilities, or fee for on-campus services may be assessed,  
181 except that online students shall pay the university's  
182 technology fee, financial aid fee, and Capital Improvement Trust  
183 Fund fee. The revenues generated from the Capital Improvement  
184 Trust Fund fee shall be dedicated to the university's institute  
185 for online learning.



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186           2. For students classified as nonresidents for tuition  
187 purposes, tuition may be set at market rates in accordance with  
188 the business plan.

189           3. Tuition for an online degree program shall include all  
190 costs associated with instruction, materials, and enrollment,  
191 excluding costs associated with the provision of textbooks and  
192 instructional materials pursuant to s. 1004.085 and physical  
193 laboratory supplies.

194           4. Subject to the limitations in subparagraph 1., tuition  
195 may be differentiated by degree program as appropriate to the  
196 instructional and other costs of the program in accordance with  
197 the business plan. Pricing must incorporate innovative  
198 approaches that incentivize persistence and completion,  
199 including, but not limited to, a fee for assessment, a bundled  
200 or all-inclusive rate, and sliding scale features.

201           5. The university must accept advance payment contracts and  
202 student financial aid.

203           6. Fifty percent of the net revenues generated from the  
204 online institute of the university shall be used to enhance and  
205 enrich the online institute offerings, and 50 percent of the net  
206 revenues generated from the online institute shall be used to  
207 enhance and enrich the university's campus state-of-the-art  
208 research programs and facilities.

209           7. The institute may charge additional local user fees  
210 pursuant to s. 1009.24(14) upon the approval of the Board of  
211 Governors.

212           8. The institute shall submit a proposal to the president  
213 of the university authorizing additional user fees for the  
214 provision of voluntary student participation in activities and



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215 additional student services.

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

217

218 ===== T I T L E A M E N D M E N T =====

219 And the title is amended as follows:

220 Delete everything before the enacting clause

221 and insert:

222 A bill to be entitled

223 An act relating to postsecondary education textbook  
224 and instructional materials affordability; amending s.

225 1004.085, F.S.; defining the term "instructional  
226 materials"; requiring the State Board of Education and

227 the Board of Governors to adopt textbook and  
228 instructional materials affordability policies,

229 procedures, and guidelines; providing requirements for  
230 the use of adopted undergraduate textbooks and

231 instructional materials and authorizing exceptions;

232 requiring a public postsecondary institution to post  
233 in its course registration system and on its website

234 information relating to required and recommended

235 textbooks and instructional materials and prices

236 thereof; requiring annual reporting of textbook and

237 instructional materials cost information and

238 affordability policies and procedures; requiring the

239 Governor to appoint a task force to research options

240 to reduce the cost of textbooks and instructional

241 materials; providing task force membership and duties;

242 amending s. 1001.7065, F.S.; conforming provisions;

243 providing an effective date.