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Proposed Committee Substitute by the Committee on Appropriations
(Appropriations Subcommittee on Education)

A bill to be entitled

An act relating to postsecondary education textbook and instructional materials affordability; amending s. 1004.085, F.S.; defining the term "instructional materials"; requiring the State Board of Education and the Board of Governors to adopt textbook and instructional materials affordability policies, procedures, and guidelines; providing requirements for the use of adopted undergraduate textbooks and instructional materials and authorizing exceptions; requiring a public postsecondary institution to post in its course registration system and on its website, within a specified timeframe, information relating to required and recommended textbooks and instructional materials and prices thereof; requiring annual reporting of textbook and instructional materials cost information and affordability policies and procedures to certain entities; requiring the Governor to appoint a task force to research options to reduce the cost of textbooks and instructional materials; providing task force membership and duties; amending s. 1001.7065, F.S.; conforming provisions; providing an effective date.

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

Section 1. Section 1004.085, Florida Statutes, is amended



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28 to read:

29 1004.085 Textbook and instructional materials
30 affordability.—

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

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

40 (3)~~(2)~~ An employee may receive:

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

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

48 (c) Honoraria for academic peer review of course 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 ~~institutions~~
56 and state university ~~universities~~ shall post prominently in the



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57 course registration system and on its website ~~on their websites,~~
58 as early as is feasible, but at least 14 ~~not less than 30~~ days
59 before ~~prior to~~ the first day of student registration ~~class~~ for
60 each term, a hyperlink to lists ~~list~~ of each ~~textbook~~ required
61 and recommended textbooks and instructional materials for each
62 course and course section offered at the institution during the
63 upcoming term. The lists ~~posted list~~ must include:

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

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

74 (c) The new and used retail price and the rental price, if
75 applicable, for a required and recommended textbook or
76 instructional material for purchase at the institution's
77 designated bookstore or other specified vendor, including the
78 website or other contact information for the bookstore.

79
80 The State Board of Education and the Board of Governors shall
81 include in the policies, procedures, and guidelines adopted
82 under subsection (5) ~~(4)~~ certain limited exceptions to this
83 notification requirement for courses ~~classes~~ added after the
84 notification deadline. An institution that is unable to comply
85 with this subsection by the 2014 fall semester must provide a



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86 quarterly report to the State Board of Education or to the Board
87 of Governors, as applicable, documenting the institution's
88 efforts to be in compliance with this subsection by the 2015
89 fall semester.

90 (5)(4) The State Board of Education and the Board of
91 Governors each shall adopt textbook and instructional materials
92 affordability policies, procedures, and guidelines for
93 implementation by Florida College System institutions and state
94 universities, respectively, that further efforts to minimize the
95 cost of textbooks and instructional materials for students
96 attending such institutions while maintaining the quality of
97 education and academic freedom. The policies, procedures, and
98 guidelines shall, at a minimum, require ~~provide for~~ the
99 following:

100 (a) That textbook and instructional material adoptions are
101 made with sufficient lead time to bookstores so as to confirm
102 availability of the requested materials and, where possible,
103 ensure maximum availability of used textbooks and instructional
104 materials books.

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

110 (c) That a course instructor or the academic department
111 offering the course determines, before a textbook or
112 instructional material is adopted, the extent to which a new
113 edition differs significantly and substantively from earlier
114 versions and the value to the student of changing to a new



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115 edition or the extent to which an open-access textbook or
116 instructional material may exist and be used.

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

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

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

139 (g) That postsecondary institutions consult with school
140 districts with which they have a dual enrollment articulation
141 agreement to identify practices that impact the cost to school
142 districts of dual enrollment textbooks and instructional
143 materials, including, but not limited to, the length of time



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144 that textbooks and instructional materials remain in use and the
145 costs associated with digital materials.

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

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

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

171 (8) (a) The Governor shall appoint a task force which
172 includes the Chancellor of the Florida College System, the



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173 Chancellor of the State University System, students who are
174 currently enrolled in a public postsecondary institution, and
175 representatives from Florida College System institutions, state
176 universities, school districts, textbook and instructional
177 materials publishers, and bookstore owners or managers.

178 (b) The task force shall research options to reduce the
179 cost of print and digital textbooks and instructional materials
180 for all students. The task force shall use the information
181 provided pursuant to subsections (5) and (6) to determine the
182 best methods to reduce costs and must, at a minimum, consider
183 the following:

184 1. Reducing the cost of textbooks and instructional
185 materials by any existing Florida College System or State
186 University System initiative.

187 2. Purchasing bulk quantities of e-textbooks.

188 3. Increasing the availability and use of affordable
189 digital textbooks and learning objects for faculty and students.

190 4. Supporting efficient used book sales, buyback sales, and
191 student peer-to-peer sales.

192 5. Expanding the use of open-access textbooks and
193 instructional materials.

194 6. Researching textbook and instructional materials rental
195 options.

196 7. Developing online portals at each institution that will
197 assist students in buying, renting, selling, and sharing
198 textbooks and instructional materials.

199 8. Analyzing the feasibility of expanding and enhancing
200 digital access platforms that are developed with and used by
201 campus stores for the purpose of helping students acquire the



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202 correct and least expensive required course materials.

203 9. Determining the cost of instructional materials for dual
204 enrollment students on school districts.

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

208 Section 2. Paragraph (k) of subsection (4) of section
209 1001.7065, Florida Statutes, is amended to read:

210 1001.7065 Preeminent state research universities program.—

211 (4) PREEMINENT STATE RESEARCH UNIVERSITY INSTITUTE FOR
212 ONLINE LEARNING.—A state research university that, as of July 1,
213 2013, meets all 12 of the academic and research excellence
214 standards identified in subsection (2), as verified by the Board
215 of Governors, shall establish an institute for online learning.
216 The institute shall establish a robust offering of high-quality,
217 fully online baccalaureate degree programs at an affordable cost
218 in accordance with this subsection.

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

222 1. For students classified as residents for tuition
223 purposes, tuition for an online baccalaureate degree program
224 shall be set at no more than 75 percent of the tuition rate as
225 specified in the General Appropriations Act pursuant to s.
226 1009.24(4) and 75 percent of the tuition differential pursuant
227 to s. 1009.24(16). No distance learning fee, fee for campus
228 facilities, or fee for on-campus services may be assessed,
229 except that online students shall pay the university's
230 technology fee, financial aid fee, and Capital Improvement Trust



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231 Fund fee. The revenues generated from the Capital Improvement
232 Trust Fund fee shall be dedicated to the university's institute
233 for online learning.

234 2. For students classified as nonresidents for tuition
235 purposes, tuition may be set at market rates in accordance with
236 the business plan.

237 3. Tuition for an online degree program shall include all
238 costs associated with instruction, materials, and enrollment,
239 excluding costs associated with the provision of textbooks and
240 instructional materials pursuant to s. 1004.085 and physical
241 laboratory supplies.

242 4. Subject to the limitations in subparagraph 1., tuition
243 may be differentiated by degree program as appropriate to the
244 instructional and other costs of the program in accordance with
245 the business plan. Pricing must incorporate innovative
246 approaches that incentivize persistence and completion,
247 including, but not limited to, a fee for assessment, a bundled
248 or all-inclusive rate, and sliding scale features.

249 5. The university must accept advance payment contracts and
250 student financial aid.

251 6. Fifty percent of the net revenues generated from the
252 online institute of the university shall be used to enhance and
253 enrich the online institute offerings, and 50 percent of the net
254 revenues generated from the online institute shall be used to
255 enhance and enrich the university's campus state-of-the-art
256 research programs and facilities.

257 7. The institute may charge additional local user fees
258 pursuant to s. 1009.24(14) upon the approval of the Board of
259 Governors.



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260 8. The institute shall submit a proposal to the president
261 of the university authorizing additional user fees for the
262 provision of voluntary student participation in activities and
263 additional student services.

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