

By Senator Flores

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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 an institution to post on its  
7       course schedule information relating to required and  
8       recommended textbooks and other instructional  
9       materials and cost information; requiring the policies  
10      and procedures to be adopted by Florida College System  
11      institutions and state universities; requiring annual  
12      reporting of textbook and other instructional  
13      materials costs; requiring the State Board of  
14      Education and the Board of Governors of the State  
15      University System to submit recommendations to the  
16      Governor and the Legislature to reduce student costs;  
17      requiring the Florida Virtual Campus to report  
18      textbook and other instructional materials  
19      affordability policies and procedures and bookstore  
20      contracts; amending s. 1001.7065, F.S.; conforming  
21      provisions to changes made by the act; providing an  
22      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.-

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30 (1) ~~An~~ ~~Ne~~ employee of a Florida College System institution  
31 or state university may not demand or receive any payment, loan,  
32 subscription, advance, deposit of money, service, or anything of  
33 value, present or promised, in exchange for requiring students  
34 to purchase a specific textbook or other instructional materials  
35 for coursework or instruction.

36 (2) An employee may receive:

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

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

44 (c) Honoraria for academic peer review of course 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

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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 Each Florida College System institution and 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 Governors~~  
86 Each Florida College System institution and state university  
87 shall adopt policies and, ~~procedures, and guidelines for~~

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88 ~~implementation by Florida College System institutions and state~~  
89 ~~universities, respectively, that further efforts to minimize the~~  
90 ~~cost of textbooks and other instructional materials for students~~  
91 attending such institutions while maintaining the quality of  
92 education and academic freedom. The policies ~~and~~ procedures  
93 ~~and guidelines shall, at a minimum, require~~ provide for the  
94 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 materials  
101 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 must ~~shall~~ address  
113 the 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

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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. By December 31 of  
131 each year, the Chancellor of the Florida College System and the  
132 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 the institution's textbook and other instructional materials  
145 affordability policies and procedures and bookstore contracts.

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146 The Florida Virtual Campus shall annually report this  
147 information to the Chancellor of the Florida College System and  
148 the Chancellor of the State University System and make the  
149 information available 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

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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 must ~~shall~~ include  
180 all costs associated with instruction, materials, and  
181 enrollment, excluding costs associated with the provision of  
182 textbooks and instructional materials pursuant to s. 1004.085  
183 and physical 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 and  
192 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

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204 provision of voluntary student participation in activities and  
205 additional student services.

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