

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

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

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

29 1004.085 Textbook and instructional materials

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30 affordability.—

31 (1) As used in this section, the term "instructional
32 materials" means educational materials for use within a course
33 which 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
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

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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.

85 (5) ~~(4)~~ The State Board of Education and the Board of
86 Governors each shall adopt textbook and instructional materials
87 affordability policies, 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 instructional materials for students
91 attending such institutions while maintaining the quality of
92 education and academic freedom. The policies, procedures, and
93 guidelines shall, at a minimum, require ~~provide for~~ the
94 following:

95 (a) That textbook and instructional material adoptions are
96 made with sufficient lead time to bookstores so as to confirm
97 availability of the requested materials and, where possible,
98 ensure maximum availability of used textbooks and instructional
99 materials ~~books~~.

100 (b) That, in the textbook and instructional material
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
107 instructional material is adopted, the extent to which a new
108 edition differs significantly and substantively from earlier
109 versions and the value to the student of changing to a new
110 edition or the extent to which an open-access textbook or
111 instructional material may exist and be used.

112 (d) That a textbook or instructional material for an
113 undergraduate course shall remain in use for a minimum of 3
114 years in that undergraduate course unless an exception is
115 approved by the institution's president or designee. An
116 exception must be based upon a determination that the new

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117 edition differs significantly and substantially from earlier
118 versions and that there is value to the student in changing to
119 the new edition. The institution's president or designee shall
120 annually report to the institution's board of trustees all
121 exceptions granted, including the rationale used to approve each
122 exception. The annual report shall be maintained on the
123 institution's website.

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

129 (f)~~(e)~~ That course instructors and academic departments are
130 encouraged to participate in the development, adaptation, and
131 review of open-access textbooks and instructional materials and,
132 in particular, open-access textbooks and instructional materials
133 for high-demand general education courses. The cost benefits of
134 such efforts should be taken into consideration, including
135 comparison with the cost benefits of textbooks and instructional
136 materials produced by publishers.

137 (g) That, for an undergraduate course in which a dual
138 enrollment student may be enrolled, a textbook or instructional
139 material remain in use for a minimum of 5 years.

140 (6) Each Florida College System institution and state
141 university shall report annually to the Chancellor of the
142 Florida College System or the Chancellor of the State University
143 System, as applicable, the cost of undergraduate textbooks and
144 instructional materials, by course and course section; the
145 adoption cycles for high-enrollment courses as determined by the

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146 chancellors; specific initiatives of the institution which
147 reduce the cost of textbooks and instructional materials; the
148 number of courses and course sections that were not able to meet
149 the textbook and instructional materials posting deadline; and
150 additional information as determined by the chancellors.
151 Annually, by December 31, the chancellors shall compile the
152 institution reports and submit a comprehensive report to the
153 Governor, the President of the Senate, and the Speaker of the
154 House of Representatives.

155 (7) Each Florida College System institution and state
156 university shall send annually to the State Board of Education
157 or the Board of Governors, as applicable, electronic copies of
158 its current textbook and instructional materials affordability
159 policies and procedures. The State Board of Education and the
160 Board of Governors shall provide a link to this information on
161 their respective websites.

162 (8) (a) The Governor shall appoint a task force that
163 includes the Chancellor of the Florida College System, the
164 Chancellor of the State University System, students who are
165 currently enrolled in a public postsecondary institution, and
166 representatives from Florida College System institutions, state
167 universities, textbook and instructional materials publishers,
168 and bookstore owners or managers.

169 (b) The task force shall research options to reduce the
170 cost of print and digital textbooks and instructional materials
171 for all students. The task force shall use the information
172 provided pursuant to subsections (5) and (6) to determine the
173 best methods to reduce costs and must, at a minimum, consider
174 the following:

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175 1. An existing Florida College System or State University
176 System initiative to reduce the cost of textbooks and
177 instructional materials.

178 2. Bulk purchasing of e-textbooks.

179 3. Expanding the use of open-access textbooks and
180 instructional materials.

181 4. Textbook and instructional materials rental options.

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

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

188 Section 2. Paragraph (k) of subsection (4) of section
189 1001.7065, Florida Statutes, is amended to read:

190 1001.7065 Preeminent state research universities program.—

191 (4) PREEMINENT STATE RESEARCH UNIVERSITY INSTITUTE FOR
192 ONLINE LEARNING.—A state research university that, as of July 1,
193 2013, meets all 12 of the academic and research excellence
194 standards identified in subsection (2), as verified by the Board
195 of Governors, shall establish an institute for online learning.
196 The institute shall establish a robust offering of high-quality,
197 fully online baccalaureate degree programs at an affordable cost
198 in accordance with this subsection.

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

202 1. For students classified as residents for tuition
203 purposes, tuition for an online baccalaureate degree program

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204 shall be set at no more than 75 percent of the tuition rate as
205 specified in the General Appropriations Act pursuant to s.
206 1009.24(4) and 75 percent of the tuition differential pursuant
207 to s. 1009.24(16). No distance learning fee, fee for campus
208 facilities, or fee for on-campus services may be assessed,
209 except that online students shall pay the university's
210 technology fee, financial aid fee, and Capital Improvement Trust
211 Fund fee. The revenues generated from the Capital Improvement
212 Trust Fund fee shall be dedicated to the university's institute
213 for online learning.

214 2. For students classified as nonresidents for tuition
215 purposes, tuition may be set at market rates in accordance with
216 the business plan.

217 3. Tuition for an online degree program shall include all
218 costs associated with instruction, materials, and enrollment,
219 excluding costs associated with the provision of textbooks and
220 instructional materials pursuant to s. 1004.085 and physical
221 laboratory supplies.

222 4. Subject to the limitations in subparagraph 1., tuition
223 may be differentiated by degree program as appropriate to the
224 instructional and other costs of the program in accordance with
225 the business plan. Pricing must incorporate innovative
226 approaches that incentivize persistence and completion,
227 including, but not limited to, a fee for assessment, a bundled
228 or all-inclusive rate, and sliding scale features.

229 5. The university must accept advance payment contracts and
230 student financial aid.

231 6. Fifty percent of the net revenues generated from the
232 online institute of the university shall be used to enhance and

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233 enrich the online institute offerings, and 50 percent of the net
234 revenues generated from the online institute shall be used to
235 enhance and enrich the university's campus state-of-the-art
236 research programs and facilities.

237 7. The institute may charge additional local user fees
238 pursuant to s. 1009.24(14) upon the approval of the Board of
239 Governors.

240 8. The institute shall submit a proposal to the president
241 of the university authorizing additional user fees for the
242 provision of voluntary student participation in activities and
243 additional student services.

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