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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/23/2015	.	
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The Committee on Higher Education (Benacquisto) recommended the following:

**Senate Amendment (with title amendment)**

Delete lines 103 - 427

and insert:

3. This exemption also applies to textbooks that are required or recommended for a course offered by a public postsecondary educational institution as defined in s. 1000.04 or a nonpublic postsecondary educational institution that is eligible to participate in the tuition assistance programs authorized by s. 1009.89 or s. 1009.891. As used in this



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11 subparagraph, the term "textbooks" means any required or  
12 recommended manual of instruction or instructional materials as  
13 defined in s. 1004.085(1) in any branch of study. To obtain the  
14 tax exemption, the student must provide either a physical or an  
15 electronic copy of the following items to the vendor:

- 16 a. His or her student identification number; and  
17 b. An applicable course syllabus or the list of required  
18 and recommended textbooks and instructional materials provided  
19 pursuant to s. 1004.085(4).

20  
21 The vendor shall maintain documentation, as prescribed by  
22 department rule, to identify complete transactions or portions  
23 of a transaction involving the sale of postsecondary education  
24 textbooks that are exempt from the tax imposed under this  
25 chapter.

26 Section 2. (1) The executive director of the Department of  
27 Revenue is authorized, and all conditions are deemed met, to  
28 adopt emergency rules pursuant to ss. 120.536(1) and 120.54(4),  
29 Florida Statutes, for the purpose of implementing the amendment  
30 made by this act to s. 212.08(7), Florida Statutes.

31 (2) Notwithstanding any provision of law, emergency rules  
32 adopted pursuant to subsection (1) shall remain in effect for 6  
33 months after the date adopted and may be renewed during the  
34 pendency of procedures to adopt permanent rules addressing the  
35 subject of the emergency rules.

36 (3) This section expires July 1, 2018.

37 Section 3. Paragraph (k) of subsection (4) of section  
38 1001.7065, Florida Statutes, is amended to read:

39 1001.7065 Preeminent state research universities program.-



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40 (4) PREEMINENT STATE RESEARCH UNIVERSITY INSTITUTE FOR  
41 ONLINE LEARNING.—A state research university that, as of July 1,  
42 2013, meets all 12 of the academic and research excellence  
43 standards identified in subsection (2), as verified by the Board  
44 of Governors, shall establish an institute for online learning.  
45 The institute shall establish a robust offering of high-quality,  
46 fully online baccalaureate degree programs at an affordable cost  
47 in accordance with this subsection.

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

51 1. For students classified as residents for tuition  
52 purposes, tuition for an online baccalaureate degree program  
53 shall be set at no more than 75 percent of the tuition rate as  
54 specified in the General Appropriations Act pursuant to s.  
55 1009.24(4) and 75 percent of the tuition differential pursuant  
56 to s. 1009.24(16). No distance learning fee, fee for campus  
57 facilities, or fee for on-campus services may be assessed,  
58 except that online students shall pay the university's  
59 technology fee, financial aid fee, and Capital Improvement Trust  
60 Fund fee. The revenues generated from the Capital Improvement  
61 Trust Fund fee shall be dedicated to the university's institute  
62 for online learning.

63 2. For students classified as nonresidents for tuition  
64 purposes, tuition may be set at market rates in accordance with  
65 the business plan.

66 3. Tuition for an online degree program shall include all  
67 costs associated with instruction, materials, and enrollment,  
68 excluding costs associated with the provision of textbooks and



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69 instructional materials pursuant to s. 1004.085 and physical  
70 laboratory supplies.

71 4. Subject to the limitations in subparagraph 1., tuition  
72 may be differentiated by degree program as appropriate to the  
73 instructional and other costs of the program in accordance with  
74 the business plan. Pricing must incorporate innovative  
75 approaches that incentivize persistence and completion,  
76 including, but not limited to, a fee for assessment, a bundled  
77 or all-inclusive rate, and sliding scale features.

78 5. The university must accept advance payment contracts and  
79 student financial aid.

80 6. Fifty percent of the net revenues generated from the  
81 online institute of the university shall be used to enhance and  
82 enrich the online institute offerings, and 50 percent of the net  
83 revenues generated from the online institute shall be used to  
84 enhance and enrich the university's campus state-of-the-art  
85 research programs and facilities.

86 7. The institute may charge additional local user fees  
87 pursuant to s. 1009.24(14) upon the approval of the Board of  
88 Governors.

89 8. The institute shall submit a proposal to the president  
90 of the university authorizing additional user fees for the  
91 provision of voluntary student participation in activities and  
92 additional student services.

93 Section 4. Section 1004.084, Florida Statutes, is created  
94 to read:

95 1004.084 College affordability.—The Board of Governors and  
96 State Board of Education shall continue to identify strategies  
97 and initiatives to further ensure college affordability for all



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98 Floridians.

99 (1) Specific strategies and initiatives to reduce the cost  
100 of higher education must include, at a minimum, consideration of  
101 the following:

102 (a) The impact of tuition and fee increases at state  
103 colleges and universities, including graduate, professional,  
104 medical, and law schools.

105 (b) The total cost of fees to a student and family at a  
106 state university or a state college, including orientation fees.

107 (c) The cost of textbooks and instructional materials for  
108 all students. The Board of Governors and State Board of  
109 Education shall use the information provided pursuant to s.  
110 1004.085(5) and (6) and consult with students, faculty,  
111 bookstores, and publishers, to determine the best methods to  
112 reduce costs and must, at a minimum, consider the following:

113 1. Any existing Florida College System or State University  
114 System initiatives to reduce the cost of textbooks and  
115 instructional materials.

116 2. Purchasing e-textbooks in bulk.

117 3. Expanding the use of open-access textbooks and  
118 instructional materials.

119 4. The rental options for textbook and instructional  
120 materials.

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

123 6. Supporting efficient used book sales, buy-back sales,  
124 and student-to-student sales.

125 7. Developing online portals at each institution to assist  
126 students in buying, renting, selling, and sharing textbooks and



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127 instructional materials.

128 8. The feasibility of expanding and enhancing digital  
129 access platforms that are used by campus stores to help students  
130 acquire the correct and least expensive required course  
131 materials.

132 9. The cost to school districts of instructional materials  
133 for dual enrollment students.

134 (2) By December 31, 2015, and annually thereafter, the  
135 Board of Governors and State Board of Education shall submit a  
136 report on their respective college affordability efforts, which  
137 must include recommendations, to the Governor, the President of  
138 the Senate, and the Speaker of the House of Representatives.

139 Section 5. Section 1004.085, Florida Statutes, is amended  
140 to read:

141 1004.085 Textbook and instructional materials  
142 affordability.-

143 (1) As used in this section, the term "instructional  
144 materials" means educational materials, in printed or digital  
145 format, which are required or recommended for use within a  
146 course.

147 (2)~~(1)~~ An ~~Ne~~ employee of a Florida College System  
148 institution or a state university may not demand or receive any  
149 payment, loan, subscription, advance, deposit of money, service,  
150 or anything of value, present or promised, in exchange for  
151 requiring students to purchase a specific textbook or  
152 instructional material for coursework or instruction.

153 (3)~~(2)~~ An employee may receive:

154 (a) Sample copies, instructor copies, or instructional  
155 materials. These materials may not be sold for any type of



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156 compensation if they are specifically marked as free samples not  
157 for resale.

158 (b) Royalties or other compensation from sales of textbooks  
159 or instructional materials that include the instructor's own  
160 writing or work.

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

162 (d) Fees associated with activities such as reviewing,  
163 critiquing, or preparing support materials for textbooks or  
164 instructional materials pursuant to guidelines adopted by the  
165 State Board of Education or the Board of Governors.

166 (e) Training in the use of course materials and learning  
167 technologies.

168 ~~(4)-(3)~~ Each Florida College System institution institutions  
169 and state university universities shall prominently post in the  
170 course registration system and on its website on their websites,  
171 as early as is feasible, but at least 14 not less than 30 days  
172 before prior to the first day of student registration class for  
173 each term, a hyperlink to lists list of each textbook required  
174 and recommended textbooks and instructional materials for at  
175 least 90 percent of the courses and course sections each course  
176 offered at the institution during the upcoming term.

177 (a) These lists The posted list must include:

178 1. The International Standard Book Number (ISBN) for each  
179 required and recommended textbook and instructional materials.

180 2. For a textbook or instructional materials for which an  
181 ISBN is not available, textbook or other identifying  
182 information, which must include, at a minimum, all of the  
183 following: the title, all authors listed, publishers, edition  
184 number, copyright date, published date, and other relevant



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185 information necessary to identify the specific textbook or  
186 instructional materials ~~textbooks~~ required and recommended for  
187 each course.

188 3. The new and used retail price and the rental price, if  
189 applicable, for a required or recommended textbook or  
190 instructional materials for purchase at the institution's  
191 designated bookstore or other specified vendor, including the  
192 website or other contact information for the bookstore.

193 (b) The State Board of Education and the Board of Governors  
194 shall include in the policies, procedures, and guidelines  
195 adopted under subsection (5) ~~(4)~~ certain limited exceptions to  
196 this notification requirement for courses ~~classes~~ added after  
197 the notification deadline.

198 (c) An institution that is unable to comply with this  
199 subsection by the 2015 fall semester must provide the  
200 information required by this subsection to students, in a format  
201 determined by the institution, at least 60 days before the first  
202 day of classes. The institution must also submit a quarterly  
203 report to the State Board of Education or to the Board of  
204 Governors, as applicable, documenting the institution's efforts  
205 to comply with this subsection by the 2016 fall semester.

206 (5) ~~(4)~~ The State Board of Education and the Board of  
207 Governors each shall adopt textbook and instructional materials  
208 affordability policies, procedures, and guidelines for  
209 implementation by Florida College System institutions and state  
210 universities, respectively, which ~~that~~ further efforts to  
211 minimize the cost of textbooks and instructional materials for  
212 students attending such institutions, while maintaining the  
213 quality of education and academic freedom. The policies,





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214 procedures, and guidelines must, at a minimum, require ~~shall~~  
215 ~~provide for~~ the following:

216 (a) That textbook and instructional materials adoptions are  
217 made with sufficient lead time to bookstores so as to confirm  
218 availability of the requested materials and, if where possible,  
219 ensure maximum availability of used textbooks and instructional  
220 materials books.

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

226 (c) That a course instructor or the academic department  
227 offering the course determine ~~determines~~, before a textbook or  
228 instructional materials are ~~is~~ adopted, the extent to which a  
229 new edition differs significantly and substantively from earlier  
230 versions and the value to the student of changing to a new  
231 edition or the extent to which an open-access textbook or  
232 instructional materials may exist and be used.

233 (d) That a textbook or instructional materials for an  
234 undergraduate course remain in use for a minimum of 3 years in  
235 that course, unless a less costly textbook or instructional  
236 materials becomes available or an exception is approved by the  
237 institution's president or designee. An exception must be based  
238 upon a determination that the new textbook or instructional  
239 materials differs significantly and substantially from the  
240 version in use and that there is value to the student in  
241 changing to the new textbook or instructional materials. The  
242 institution's president or designee shall annually report to the



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243 institution's board of trustees all exceptions granted,  
244 including the rationale used to approve each exception. The  
245 annual report shall be maintained on the institution's website.

246 (e)~~(d)~~ That the establishment of policies shall address the  
247 availability of required and recommended textbooks and  
248 instructional materials to students otherwise unable to afford  
249 the cost, including consideration of the extent to which an  
250 open-access textbook or instructional materials may be used.

251 (f)~~(e)~~ That course instructors and academic departments are  
252 encouraged to participate in the development, adaptation, and  
253 review of open-access textbooks and instructional materials and,  
254 in particular, open-access textbooks and instructional materials  
255 for high-demand general education courses.

256 (g) That postsecondary institutions consult with school  
257 districts with which they have a dual enrollment articulation  
258 agreement to identify practices that impact the cost to school  
259 districts of dual enrollment textbooks and instructional  
260 materials, including, but not limited to, the length of time  
261 that textbooks and instructional materials remain in use and the  
262 costs associated with digital materials.

263 (h) That cost-benefit analyses be conducted regularly in  
264 comparing options to ensure that students receive the highest  
265 quality product at the lowest available price.

266 (6) Each Florida College System institution and each state  
267 university shall report annually to the Chancellor of the  
268 Florida College System or the Chancellor of the State University  
269 System, as applicable, the cost of undergraduate textbooks and  
270 instructional materials, by course and course section; the  
271 textbook and instructional materials selection process for high-



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272 enrollment courses as determined by the chancellors; specific  
273 initiatives of the institution which reduce the cost of  
274 textbooks and instructional materials; the number of courses and  
275 course sections that were not able to meet the textbook and  
276 instructional materials posting deadline; and additional  
277 information as determined by the chancellors. Annually, by  
278 December 31, the chancellors shall compile the institution  
279 reports and submit a comprehensive report to the Governor, the  
280 President of the Senate, and the Speaker of the House of  
281 Representatives.

282 (7) Each Florida College System institution and state  
283 university shall annually send the State Board of Education or  
284 the Board of Governors, as applicable, electronic copies of its  
285 current textbook and instructional materials affordability  
286 policies and procedures. The State Board of Education and the  
287 Board of Governors shall provide a link to this information on  
288 their respective websites.

289 Section 6. Paragraph (d) of subsection (3) of section  
290 1009.22, Florida Statutes, is amended to read:

291 1009.22 Workforce education postsecondary student fees.—

292 (3)

293 (d) Each district school board and each Florida College  
294 System institution board of trustees may adopt tuition and out-  
295 of-state fees that vary ~~no more than 5 percent~~ below or no more  
296 than 5 percent above the combined total of the standard tuition  
297 and out-of-state fees established in paragraph (c).

298 Section 7. Paragraph (b) of subsection (3) and subsection  
299 (4) of section 1009.23, Florida Statutes, are amended, and  
300 subsection (20) is added to that section, to read:



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301 1009.23 Florida College System institution student fees.-

302 (3)

303 (b) ~~Effective July 1, 2014,~~ For baccalaureate degree  
304 programs, the following tuition and fee rates shall apply:

305 1. The tuition may not exceed ~~shall be~~ \$91.79 per credit  
306 hour for students who are residents for tuition purposes.

307 2. The sum of the tuition and the ~~he~~ out-of-state fee per  
308 credit hour for students who are nonresidents for tuition  
309 purposes shall be no more than 85 percent of the sum of the  
310 tuition and the out-of-state fee at the state university nearest  
311 the Florida College System institution.

312 (4) Each Florida College System institution board of  
313 trustees shall establish tuition and out-of-state fees, which  
314 may vary ~~no more than 10 percent~~ below and no more than 15  
315 percent above the combined total of the standard tuition and  
316 fees established in subsection (3).

317 (20) Each Florida College System institution shall notice  
318 to the public and to all enrolled students any board of trustees  
319 meeting that votes on proposed increases in tuition or fees. The  
320 noticed meeting must allow for public comment on the proposed  
321 increase and must:

322 (a) Be posted 28 days before the board of trustees meeting  
323 takes place.

324 (b) Include the date and time of the meeting.

325 (c) Be clear and specifically outline the details of the  
326 original tuition or fee, the rationale for the proposed  
327 increase, and what the proposed increase will fund.

328 (d) Be posted on the institution's website homepage and  
329 issued in a press release.



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330 Section 8. Paragraphs (a) and (b) of subsection (4) of  
331 section 1009.24, Florida Statutes, are amended, present  
332 subsection (19) of that section is redesignated as subsection  
333 (20), and a new subsection (19) is added to that section, to  
334 read:

335 1009.24 State university student fees.—

336 (4) (a) ~~Effective July 1, 2014,~~ The resident undergraduate  
337 tuition for lower-level and upper-level coursework may not  
338 exceed ~~shall be~~ \$105.07 per credit hour.

339 (b) The Board of Governors, ~~or the board's designee,~~ may  
340 establish tuition for graduate and professional programs, and  
341 out-of-state fees for all programs. Except as otherwise provided  
342 in this section, the sum of tuition and out-of-state fees  
343 assessed to nonresident students must be sufficient to offset  
344 the full instructional cost of serving such students. However,  
345 adjustments to out-of-state fees or tuition for graduate  
346 programs and professional programs may not exceed 15 percent in  
347 any year. Adjustments to the resident tuition for graduate  
348 programs and professional programs may not exceed the tuition  
349 amount set on July 1, 2015.

350 (19) Each university shall publicly notice to the public  
351 and to all enrolled students any board of trustees meeting that  
352 votes on proposed increases in tuition or fees. The noticed  
353 meeting must allow for public comment on the proposed increase  
354 and must:

355 (a) Be posted 28 days before the board of trustees meeting  
356 takes place.

357  
358 ===== T I T L E A M E N D M E N T =====



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359 And the title is amended as follows:

360 Delete lines 4 - 52

361 and insert:

362 textbooks required or recommended for a course offered  
363 by a public or nonpublic postsecondary educational  
364 institution from the tax imposed by ch. 212, F.S.;

365 authorizing the Department of Revenue to adopt  
366 emergency rules; providing for expiration; amending s.  
367 1001.7065, F.S.; conforming provisions to changes made  
368 by the act; creating s. 1004.084, F.S.; requiring the  
369 Board of Governors and the State Board of Education to  
370 identify strategies and initiatives to reduce the cost  
371 of higher education; requiring the Board of Governors  
372 and the state board to annually submit a report to the  
373 Governor and the Legislature; amending s. 1004.085,  
374 F.S.; defining the term "instructional materials";  
375 revising policies and procedures relating to  
376 textbooks; requiring a public postsecondary  
377 institution to post information relating to required  
378 and recommended textbooks and instructional materials  
379 and prices in its course registration system and on  
380 its website; requiring the state board and the Board  
381 of Governors to adopt textbook and instructional  
382 materials affordability policies, procedures, and  
383 guidelines; providing requirements for the use of  
384 adopted undergraduate textbooks and instructional  
385 materials; authorizing exceptions by an institution's  
386 president or designee; requiring annual reporting of  
387 textbook and instructional materials cost information



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388 and affordability policies and procedures to the  
389 Chancellor of the Florida College System or the  
390 Chancellor of the State University System; requiring  
391 electronic copies of the affordability policies and  
392 procedures be sent annually to the state board or the  
393 Board of Governors; amending s. 1009.22, F.S.;  
394 revising the amount tuition may vary for the combined  
395 total of the standard tuition and out-of-state fees;  
396 amending s. 1009.23, F.S.; prohibiting resident  
397 tuition at a Florida College System institution from  
398 exceeding a specified amount per credit hour; revising  
399 the amount tuition may vary for the combined total of  
400 the standard tuition and out-of-state fees; requiring  
401 a Florida College System institution to publicly  
402 notice meetings at which votes on proposed tuition or  
403 fee increases are scheduled; amending s. 1009.24,  
404 F.S.; prohibiting resident undergraduate tuition at a  
405 state university from exceeding a specified amount per  
406 credit hour; removing authority for a designee of the  
407 Board of Governors to establish graduate and  
408 professional tuition and out-of-state fees;  
409 prohibiting graduate and professional program tuition  
410 from exceeding a specified amount; requiring a state  
411 university to publicly notice meetings at which votes  
412 on proposed tuition or fee increases are scheduled;  
413 providing an