

By Senator Flores

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1 A bill to be entitled
2 An act relating to postsecondary education
3 affordability; amending s. 212.08, F.S.; exempting
4 textbooks required for a course offered by a public or
5 nonpublic postsecondary educational institution from
6 the sales and use tax; amending s. 1001.7065, F.S.;
7 conforming provisions to changes made by the act;
8 creating s. 1004.084, F.S.; requiring the Board of
9 Governors and the State Board of Education to identify
10 strategies and initiatives to reduce the cost of
11 higher education; requiring a report to the Governor,
12 the President of the Senate, and the Speaker of the
13 House of Representatives by a certain date; amending
14 s. 1004.085, F.S.; defining the term "instructional
15 materials"; revising textbook policies and procedures
16 to include instructional materials; requiring a public
17 postsecondary institution to post in its course
18 registration system and on its website information
19 relating to required and recommended textbooks and
20 instructional materials and prices; requiring the
21 State Board of Education and the Board of Governors to
22 adopt textbook and instructional materials
23 affordability policies, procedures, and guidelines;
24 providing requirements for the use of adopted
25 undergraduate textbooks and instructional materials;
26 authorizing exceptions by an institution's president
27 or designee; requiring annual reporting of textbook
28 and instructional materials cost information and
29 affordability policies and procedures to the

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30 Chancellor of the Florida College System or the
31 Chancellor of the State University System; requiring
32 electronic copies of the affordability policies and
33 procedures be sent annually to the State Board of
34 Education or the Board of Governors; amending s.
35 1009.22, F.S.; revising the amount tuition may vary
36 for the combined total of the standard tuition and
37 out-of-state fees; amending s. 1009.23, F.S.;

38 prohibiting resident tuition at a Florida College
39 System institution from exceeding a specified amount
40 per credit hour; revising the amount tuition may vary
41 for the combined total of the standard tuition and
42 out-of-state fees; requiring colleges to publicly
43 notice meetings regarding proposed tuition or fee
44 increases; amending s. 1009.24, F.S.; prohibiting
45 resident undergraduate tuition at a state university
46 from exceeding a specified amount per credit hour;
47 removing a Board of Governors designee's permission to
48 establish graduate and professional tuition;
49 prohibiting graduate and professional program tuition
50 from exceeding a specified amount; requiring
51 universities to publicly notice meetings regarding
52 proposed tuition or fee increases; providing an
53 effective date.

54
55 Be It Enacted by the Legislature of the State of Florida:
56

57 Section 1. Paragraph (r) of subsection (7) of section
58 212.08, Florida Statutes, is amended to read:

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59 212.08 Sales, rental, use, consumption, distribution, and
60 storage tax; specified exemptions.—The sale at retail, the
61 rental, the use, the consumption, the distribution, and the
62 storage to be used or consumed in this state of the following
63 are hereby specifically exempt from the tax imposed by this
64 chapter.

65 (7) MISCELLANEOUS EXEMPTIONS.—Exemptions provided to any
66 entity by this chapter do not inure to any transaction that is
67 otherwise taxable under this chapter when payment is made by a
68 representative or employee of the entity by any means,
69 including, but not limited to, cash, check, or credit card, even
70 when that representative or employee is subsequently reimbursed
71 by the entity. In addition, exemptions provided to any entity by
72 this subsection do not inure to any transaction that is
73 otherwise taxable under this chapter unless the entity has
74 obtained a sales tax exemption certificate from the department
75 or the entity obtains or provides other documentation as
76 required by the department. Eligible purchases or leases made
77 with such a certificate must be in strict compliance with this
78 subsection and departmental rules, and any person who makes an
79 exempt purchase with a certificate that is not in strict
80 compliance with this subsection and the rules is liable for and
81 shall pay the tax. The department may adopt rules to administer
82 this subsection.

83 (r) *School books and school lunches; institution of higher*
84 *learning prepaid meal plans; postsecondary education textbooks.*—

85 1. This exemption applies to school books used in regularly
86 prescribed courses of study, and to school lunches served in
87 public, parochial, or nonprofit schools operated for and

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88 attended by pupils of grades K through 12. Yearbooks, magazines,
89 newspapers, directories, bulletins, and similar publications
90 distributed by such educational institutions to their students
91 are also exempt.

92 2. ~~School books and~~ Food sold or served at community
93 colleges and other institutions of higher learning ~~is~~ ~~are~~
94 taxable, except that prepaid meal plans purchased from a college
95 or other institution of higher learning by students currently
96 enrolled at that college or other institution of higher learning
97 are exempt. As used in this subparagraph, the term ~~paragraph,~~
98 “prepaid meal plans” means payment in advance to a college or
99 institution of higher learning for the provision of a defined
100 quantity of units that must expire at the end of an academic
101 term, cannot be refunded to the student upon expiration, and
102 which may only be exchanged for food.

103 3. This exemption also applies to textbooks required for a
104 course offered by a public postsecondary educational institution
105 as defined in s. 1000.04 or a nonpublic postsecondary
106 educational institution that is eligible to participate in the
107 tuition assistance programs authorized by s. 1009.89 or s.
108 1009.891. As used in this subparagraph, the term “textbooks”
109 means any required manual of instruction in any branch of study.
110 To obtain the tax exemption, the student must show his or her
111 student identification and applicable course syllabus.

112 Section 2. Paragraph (k) of subsection (4) of section
113 1001.7065, Florida Statutes, is amended to read:

114 1001.7065 Preeminent state research universities program.-

115 (4) PREEMINENT STATE RESEARCH UNIVERSITY INSTITUTE FOR
116 ONLINE LEARNING.-A state research university that, as of July 1,

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117 2013, meets all 12 of the academic and research excellence
118 standards identified in subsection (2), as verified by the Board
119 of Governors, shall establish an institute for online learning.
120 The institute shall establish a robust offering of high-quality,
121 fully online baccalaureate degree programs at an affordable cost
122 in accordance with this subsection.

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

126 1. For students classified as residents for tuition
127 purposes, tuition for an online baccalaureate degree program
128 shall be set at no more than 75 percent of the tuition rate as
129 specified in the General Appropriations Act pursuant to s.
130 1009.24(4) and 75 percent of the tuition differential pursuant
131 to s. 1009.24(16). No distance learning fee, fee for campus
132 facilities, or fee for on-campus services may be assessed,
133 except that online students shall pay the university's
134 technology fee, financial aid fee, and Capital Improvement Trust
135 Fund fee. The revenues generated from the Capital Improvement
136 Trust Fund fee shall be dedicated to the university's institute
137 for online learning.

138 2. For students classified as nonresidents for tuition
139 purposes, tuition may be set at market rates in accordance with
140 the business plan.

141 3. Tuition for an online degree program shall include all
142 costs associated with instruction, materials, and enrollment,
143 excluding costs associated with the provision of textbooks and
144 instructional materials pursuant to s. 1004.085 and physical
145 laboratory supplies.

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146 4. Subject to the limitations in subparagraph 1., tuition
147 may be differentiated by degree program as appropriate to the
148 instructional and other costs of the program in accordance with
149 the business plan. Pricing must incorporate innovative
150 approaches that incentivize persistence and completion,
151 including, but not limited to, a fee for assessment, a bundled
152 or all-inclusive rate, and sliding scale features.

153 5. The university must accept advance payment contracts and
154 student financial aid.

155 6. Fifty percent of the net revenues generated from the
156 online institute of the university shall be used to enhance and
157 enrich the online institute offerings, and 50 percent of the net
158 revenues generated from the online institute shall be used to
159 enhance and enrich the university's campus state-of-the-art
160 research programs and facilities.

161 7. The institute may charge additional local user fees
162 pursuant to s. 1009.24(14) upon the approval of the Board of
163 Governors.

164 8. The institute shall submit a proposal to the president
165 of the university authorizing additional user fees for the
166 provision of voluntary student participation in activities and
167 additional student services.

168 Section 3. Section 1004.084, Florida Statutes, is created
169 to read:

170 1004.084 College affordability.—The Board of Governors and
171 State Board of Education shall continue to identify strategies
172 and initiatives to further ensure college affordability for all
173 Floridians.

174 (1) Specific strategies and initiatives to reduce the cost

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175 of higher education must include, at a minimum, consideration of
176 the following:

177 (a) The impact of tuition and fee increases at state
178 colleges and universities, including graduate, professional,
179 medical, and law schools.

180 (b) The total cost of fees to a student and family at a
181 state university and a state college, including orientation
182 fees.

183 (c) The cost of textbooks and instructional materials for
184 all students. The Board of Governors and State Board of
185 Education shall use the information provided pursuant to s.
186 1004.085 (5) and (6) to determine the best methods to reduce
187 costs and must, at a minimum, consider the following:

188 1. Any existing Florida College System or State University
189 System initiatives to reduce the cost of textbooks and
190 instructional materials.

191 2. Purchasing e-textbooks in bulk.

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

194 4. The rental options for textbook and instructional
195 materials.

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

198 6. Supporting efficient used book sales, buy-back sales,
199 and student-to-student sales.

200 7. Developing online portals at each institution to assist
201 students in buying, renting, selling, and sharing textbooks and
202 instructional materials.

203 8. The feasibility of expanding and enhancing digital

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204 access platforms that are used by campus stores to help students
205 acquire the correct and least expensive required course
206 materials.

207 9. The cost of instructional materials for dual enrollment
208 students to school districts.

209 (2) By December 31, 2015, and annually thereafter, the
210 Board of Governors and State Board of Education shall submit a
211 report on their respective college affordability efforts, which
212 must include recommendations, to the Governor, the President of
213 the Senate, and the Speaker of the House of Representatives.

214 Section 4. Section 1004.085, Florida Statutes, is amended
215 to read:

216 1004.085 Textbook and instructional materials
217 affordability.-

218 (1) As used in this section, the term "instructional
219 materials" means educational materials, in printed or digital
220 format, for use within a course.

221 (2)~~(1)~~ An ~~no~~ employee of a Florida College System
222 institution or a state university may not demand or receive any
223 payment, loan, subscription, advance, deposit of money, service,
224 or anything of value, present or promised, in exchange for
225 requiring students to purchase a specific textbook or
226 instructional material for coursework or instruction.

227 (3)~~(2)~~ An employee may receive:

228 (a) Sample copies, instructor copies, or instructional
229 materials. These materials may not be sold for any type of
230 compensation if they are specifically marked as free samples not
231 for resale.

232 (b) Royalties or other compensation from sales of textbooks

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233 or instructional materials that include the instructor's own
234 writing or work.

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

236 (d) Fees associated with activities such as reviewing,
237 critiquing, or preparing support materials for textbooks or
238 instructional materials pursuant to guidelines adopted by the
239 State Board of Education or the Board of Governors.

240 (e) Training in the use of course materials and learning
241 technologies.

242 (4)(3) Each Florida College System institution institutions
243 and state university universities shall prominently post in the
244 course registration system and on its website ~~on their websites,~~
245 as early as is feasible, but at least 14 ~~not less than 30~~ days
246 before ~~prior to~~ the first day of student registration ~~class~~ for
247 each term, a hyperlink to lists ~~list~~ of ~~each textbook~~ required
248 and recommended textbooks and instructional materials for at
249 least 90 percent of the courses and course sections ~~each course~~
250 offered at the institution during the upcoming term.

251 (a) These lists ~~The posted list~~ must include:

252 1. The International Standard Book Number (ISBN) for each
253 required and recommended textbook and instructional material.

254 2. For a textbook or instructional material for which an
255 ISBN is not available, ~~textbook or~~ other identifying
256 information, which must include, at a minimum, all of the
257 following: the title, all authors listed, publishers, edition
258 number, copyright date, published date, and other relevant
259 information necessary to identify the specific textbook or
260 instructional material ~~textbooks~~ required and recommended for
261 each course.

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262 3. The new and used retail price and the rental price, if
263 applicable, for a required and recommended textbook or
264 instructional material for purchase at the institution's
265 designated bookstore or other specified vendor, including the
266 website or other contact information for the bookstore.

267 (b) The State Board of Education and the Board of Governors
268 shall include in the policies, procedures, and guidelines
269 adopted under subsection (5) ~~(4)~~ certain limited exceptions to
270 this notification requirement for courses ~~classes~~ added after
271 the notification deadline.

272 (c) An institution that is unable to comply with this
273 subsection by the 2015 fall semester must provide the
274 information required by this subsection to students, in a format
275 determined by the institution, at least 60 days before the first
276 day of classes. The institution must also submit a quarterly
277 report to the State Board of Education or to the Board of
278 Governors, as applicable, documenting the institution's efforts
279 to comply with this subsection by the 2016 fall semester.

280 (5) ~~(4)~~ The State Board of Education and the Board of
281 Governors each shall adopt textbook and instructional materials
282 affordability policies, procedures, and guidelines for
283 implementation by Florida College System institutions and state
284 universities, respectively, which ~~that~~ further efforts to
285 minimize the cost of textbooks and instructional materials for
286 students attending such institutions, while maintaining the
287 quality of education and academic freedom. The policies,
288 procedures, and guidelines must, at a minimum, require ~~shall~~
289 ~~provide for~~ the following:

290 (a) That textbook and instructional material adoptions are

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291 made with sufficient lead time to bookstores so as to confirm
292 availability of the requested materials and, if where possible,
293 ensure maximum availability of used textbooks and instructional
294 materials ~~books~~.

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

300 (c) That a course instructor or the academic department
301 offering the course determine ~~determines~~, before a textbook or
302 instructional material is adopted, the extent to which a new
303 edition differs significantly and substantively from earlier
304 versions and the value to the student of changing to a new
305 edition or the extent to which an open-access textbook or
306 instructional material may exist and be used.

307 (d) That a textbook or instructional material for an
308 undergraduate course remain in use for a minimum of 3 years in
309 that course, unless a less costly textbook or instructional
310 material becomes available or an exception is approved by the
311 institution's president or designee. An exception must be based
312 upon a determination that the new edition differs significantly
313 and substantially from earlier versions and that there is value
314 to the student in changing to the new edition. The institution's
315 president or designee shall annually report to the institution's
316 board of trustees all exceptions granted, including the
317 rationale used to approve each exception. The annual report
318 shall be maintained on the institution's website.

319 (e) ~~(d)~~ That the establishment of policies shall address the

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320 availability of required and recommended textbooks and
321 instructional materials to students otherwise unable to afford
322 the cost, including consideration of the extent to which an
323 open-access textbook or instructional material may be used.

324 (f) ~~(e)~~ That course instructors and academic departments are
325 encouraged to participate in the development, adaptation, and
326 review of open-access textbooks and instructional materials and,
327 in particular, open-access textbooks and instructional materials
328 for high-demand general education courses.

329 (g) That postsecondary institutions consult with school
330 districts with which they have a dual enrollment articulation
331 agreement to identify practices that impact the cost to school
332 districts of dual enrollment textbooks and instructional
333 materials, including, but not limited to, the length of time
334 that textbooks and instructional materials remain in use and the
335 costs associated with digital materials.

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

339 (6) Each Florida College System institution and state
340 university shall report annually to the Chancellor of the
341 Florida College System or the Chancellor of the State University
342 System, as applicable, the cost of undergraduate textbooks and
343 instructional materials, by course and course section; the
344 textbook and instructional material selection process for high-
345 enrollment courses as determined by the chancellors; specific
346 initiatives of the institution which reduce the cost of
347 textbooks and instructional materials; the number of courses and
348 course sections that were not able to meet the textbook and

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349 instructional materials posting deadline; and additional
350 information as determined by the chancellors. Annually, by
351 December 31, the chancellors shall compile the institution
352 reports and submit a comprehensive report to the Governor, the
353 President of the Senate, and the Speaker of the House of
354 Representatives.

355 (7) Each Florida College System institution and state
356 university shall annually send the State Board of Education or
357 the Board of Governors, as applicable, electronic copies of its
358 current textbook and instructional materials affordability
359 policies and procedures. The State Board of Education and the
360 Board of Governors shall provide a link to this information on
361 their respective websites.

362 Section 5. Paragraph (d) of subsection (3) of section
363 1009.22, Florida Statutes, is amended to read:

364 1009.22 Workforce education postsecondary student fees.—
365 (3)

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

371 Section 6. Paragraph (b) of subsection (3) and subsection
372 (4) of section 1009.23, Florida Statutes, are amended, and
373 subsection (20) is added to that section, to read:

374 1009.23 Florida College System institution student fees.—
375 (3)

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

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

380 2. The sum of the tuition and the ~~he~~ out-of-state fee per
381 credit hour for students who are nonresidents for tuition
382 purposes shall be no more than 85 percent of the sum of the
383 tuition and the out-of-state fee at the state university nearest
384 the Florida College System institution.

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

390 (20) Each Florida College System institution shall notice
391 to the public and to all enrolled students any board of trustees
392 meeting that discusses or votes on proposed increases in tuition
393 or fees. The notice must:

394 (a) Be posted 30 days before the board of trustees meeting
395 takes place.

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

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

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

402 Section 7. Paragraphs (a) and (b) of subsection (4) of
403 section 1009.24, Florida Statutes, are amended, present
404 subsection (19) of that section is redesignated as subsection
405 (20), and a new subsection (19) is added to that section, to
406 read:

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407 1009.24 State university student fees.-

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

411 (b) The Board of Governors, ~~or the board's designee,~~ may
412 establish tuition for graduate and professional programs, and
413 out-of-state fees for all programs. Except as otherwise provided
414 in this section, the sum of tuition and out-of-state fees
415 assessed to nonresident students must be sufficient to offset
416 the full instructional cost of serving such students. However,
417 adjustments to out-of-state fees or tuition for graduate
418 programs and professional programs may not exceed 15 percent in
419 any year. Adjustments to the resident tuition for graduate
420 programs and professional programs may not exceed the tuition
421 amount set on July 1, 2015.

422 (19) Each university shall publicly notice to the public
423 and to all enrolled students any board of trustees meeting that
424 discusses or votes on proposed increases in tuition or fees. The
425 notice must:

426 (a) Be posted 30 days before the board of trustees meeting
427 takes place.

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

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

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

434 Section 8. This act shall take effect July 1, 2015.