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LEGISLATIVE ACTION

Senate	.	House
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Floor: 1/AD/2R	.	Floor: SENAT/C
03/09/2016 05:37 PM	.	03/10/2016 05:21 PM
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Senator Legg moved the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

Section 1. Paragraph (k) of subsection (4) of section  
1001.7065, Florida Statutes, is amended to read:

1001.7065 Preeminent state research universities program.-  
(4) PREEMINENT STATE RESEARCH UNIVERSITY INSTITUTE FOR  
ONLINE LEARNING.-A state research university that, as of July 1,  
2013, meets all 12 of the academic and research excellence  
standards identified in subsection (2), as verified by the Board



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12 of Governors, shall establish an institute for online learning.  
13 The institute shall establish a robust offering of high-quality,  
14 fully online baccalaureate degree programs at an affordable cost  
15 in accordance with this subsection.

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

19 1. For students classified as residents for tuition  
20 purposes, tuition for an online baccalaureate degree program  
21 shall be set at no more than 75 percent of the tuition rate as  
22 specified in the General Appropriations Act pursuant to s.  
23 1009.24(4) and 75 percent of the tuition differential pursuant  
24 to s. 1009.24(16). No distance learning fee, fee for campus  
25 facilities, or fee for on-campus services may be assessed,  
26 except that online students shall pay the university's  
27 technology fee, financial aid fee, and Capital Improvement Trust  
28 Fund fee. The revenues generated from the Capital Improvement  
29 Trust Fund fee shall be dedicated to the university's institute  
30 for online learning.

31 2. For students classified as nonresidents for tuition  
32 purposes, tuition may be set at market rates in accordance with  
33 the business plan.

34 3. Tuition for an online degree program shall include all  
35 costs associated with instruction, materials, and enrollment,  
36 excluding costs associated with the provision of textbooks and  
37 instructional materials pursuant to s. 1004.085 and physical  
38 laboratory supplies.

39 4. Subject to the limitations in subparagraph 1., tuition  
40 may be differentiated by degree program as appropriate to the



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41 instructional and other costs of the program in accordance with  
42 the business plan. Pricing must incorporate innovative  
43 approaches that incentivize persistence and completion,  
44 including, but not limited to, a fee for assessment, a bundled  
45 or all-inclusive rate, and sliding scale features.

46 5. The university must accept advance payment contracts and  
47 student financial aid.

48 6. Fifty percent of the net revenues generated from the  
49 online institute of the university shall be used to enhance and  
50 enrich the online institute offerings, and 50 percent of the net  
51 revenues generated from the online institute shall be used to  
52 enhance and enrich the university's campus state-of-the-art  
53 research programs and facilities.

54 7. The institute may charge additional local user fees  
55 pursuant to s. 1009.24(14) upon the approval of the Board of  
56 Governors.

57 8. The institute shall submit a proposal to the president  
58 of the university authorizing additional user fees for the  
59 provision of voluntary student participation in activities and  
60 additional student services.

61 Section 2. Section 1004.084, Florida Statutes, is created  
62 to read:

63 1004.084 College affordability.-

64 (1) The Board of Governors and the State Board of Education  
65 shall annually identify strategies to promote college  
66 affordability for all Floridians by evaluating, at a minimum,  
67 the impact of:

68 (a) Tuition and fees on undergraduate, graduate, and  
69 professional students at public colleges and universities and



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70 graduate assistants employed by public universities.

71 (b) Federal, state, and institutional financial aid  
72 policies on the actual cost of attendance for students and their  
73 families.

74 (c) The costs of textbooks and instructional materials.

75 (2) By December 31 of each year, beginning in 2016, the  
76 Board of Governors and the State Board of Education shall submit  
77 a report on their respective college affordability initiatives  
78 to the Governor, the President of the Senate, and the Speaker of  
79 the House of Representatives.

80 Section 3. Section 1004.085, Florida Statutes, is amended  
81 to read:

82 1004.085 Textbook and instructional materials  
83 affordability.-

84 (1) As used in this section, the term "instructional  
85 materials" means educational materials for use within a course  
86 which may be available in printed or digital format.

87 (2) ~~(1)~~ An ~~no~~ employee of a Florida College System  
88 institution or state university may not demand or receive any  
89 payment, loan, subscription, advance, deposit of money, service,  
90 or anything of value, present or promised, in exchange for  
91 requiring students to purchase a specific textbook or  
92 instructional material for coursework or instruction.

93 (3) ~~(2)~~ An employee may receive:

94 (a) Sample copies, instructor copies, or instructional  
95 materials. These materials may not be sold for any type of  
96 compensation if they are specifically marked as free samples not  
97 for resale.

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



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99 or instructional materials that include the instructor's own  
100 writing or work.

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

102 (d) Fees associated with activities such as reviewing,  
103 critiquing, or preparing support materials for textbooks or  
104 instructional materials pursuant to guidelines adopted by the  
105 State Board of Education or the Board of Governors.

106 (e) Training in the use of course materials and learning  
107 technologies.

108 (4) Each Florida College System institution and state  
109 university board of trustees shall, each semester, examine the  
110 cost of textbooks and instructional materials by course and  
111 course section for all general education courses offered at the  
112 institution to identify any variance in the cost of textbooks  
113 and instructional materials among different sections of the same  
114 course and the percentage of textbooks and instructional  
115 materials that remain in use for more than one term. Courses  
116 that have a wide variance in costs among sections or that have  
117 frequent changes in textbook and instructional materials  
118 selections shall be identified and a list of such courses sent  
119 to the appropriate academic department chair for review. This  
120 subsection is repealed July 1, 2018, unless reviewed and saved  
121 from repeal through reenactment by the Legislature.

122 (5) Each Florida College System institution and state  
123 university board of trustees is authorized to adopt policies in  
124 consultation with providers, including bookstores, which allow  
125 for the use of innovative pricing techniques and payment options  
126 for textbooks and instructional materials. Such policies may  
127 include bulk pricing arrangements that enable students to



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128 purchase course materials or texts that are delivered digitally;  
129 delivered through other technologies that are, or the licenses  
130 of which are, required for use within a course; or delivered in  
131 a print format. Innovative pricing techniques and payment  
132 options must include an opt-in provision for students and may be  
133 approved only if there is documented evidence that the options  
134 reduce the cost of textbooks and instructional materials for  
135 students taking a course.

136 (6) ~~(3)~~ Each Florida College System institution institutions  
137 and state university universities shall post prominently in the  
138 course registration system and on its website ~~on their websites,~~  
139 as early as is feasible, but at least 45 ~~not less than 30~~ days  
140 before ~~prior to~~ the first day of class for each term, a  
141 hyperlink to lists ~~list~~ of ~~each textbook~~ required and  
142 recommended textbooks and instructional materials for at least  
143 95 percent of all courses and ~~each~~ course sections offered at  
144 the institution during the upcoming term. The ~~lists posted list~~  
145 must include the International Standard Book Number (ISBN) for  
146 each required and recommended textbook and instructional  
147 material or other identifying information, which must include,  
148 at a minimum, all of the following: the title, all authors  
149 listed, publishers, edition number, copyright date, published  
150 date, and other relevant information necessary to identify the  
151 specific ~~textbook or~~ textbooks or instructional materials  
152 required and recommended for each course. The State Board of  
153 Education and the Board of Governors shall include in the  
154 policies, procedures, and guidelines adopted under subsection  
155 (7) ~~(4)~~ certain limited exceptions to this notification  
156 requirement for classes added after the notification deadline.



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157        (7) ~~(4)~~ After receiving input from students, faculty,  
158 bookstores, and publishers, the State Board of Education and the  
159 Board of Governors each shall adopt textbook and instructional  
160 materials affordability policies, procedures, and guidelines for  
161 implementation by Florida College System institutions and state  
162 universities, respectively, that further efforts to minimize the  
163 cost of textbooks and instructional materials for students  
164 attending such institutions while maintaining the quality of  
165 education and academic freedom. The policies, procedures, and  
166 guidelines shall address ~~provide for the following:~~

167        (a) The establishment of deadlines for an instructor or  
168 department to notify the bookstore of required and recommended  
169 textbooks and instructional materials so that the bookstore may  
170 verify availability, source lower cost options when practicable,  
171 explore alternatives with faculty when academically appropriate,  
172 and maximize the availability of used textbooks and  
173 instructional materials ~~That textbook adoptions are made with~~  
174 ~~sufficient lead time to bookstores so as to confirm availability~~  
175 ~~of the requested materials and, where possible, ensure maximum~~  
176 ~~availability of used books.~~

177        (b) Confirmation by the course instructor or academic  
178 department offering the course, before the textbook or  
179 instructional materials adoption is finalized ~~That, in the~~  
180 ~~textbook adoption process, of the intent to use all items~~  
181 ~~ordered, particularly each individual item sold as part of a~~  
182 ~~bundled package, is confirmed by the course instructor or the~~  
183 ~~academic department offering the course before the adoption is~~  
184 ~~finalized.~~

185        (c) Determination by ~~That~~ a course instructor or the



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186 academic department offering the course ~~determines~~, before a  
187 textbook or instructional material is adopted, of the extent to  
188 which a new edition differs significantly and substantively from  
189 earlier versions and the value to the student of changing to a  
190 new edition or the extent to which an open-access textbook or  
191 instructional material is available ~~may exist and be used~~.

192 (d) ~~That the establishment of policies shall address~~ The  
193 availability of required and recommended textbooks and  
194 instructional materials to students otherwise unable to afford  
195 the cost, including consideration of the extent to which an  
196 open-access textbook or instructional material may be used.

197 (e) Participation by ~~That~~ course instructors and academic  
198 departments ~~are encouraged to participate~~ in the development,  
199 adaptation, and review of open-access textbooks and  
200 instructional materials and, in particular, open-access  
201 textbooks and instructional materials for high-demand general  
202 education courses.

203 (f) Consultation with school districts to identify  
204 practices that impact the cost of dual enrollment textbooks and  
205 instructional materials to school districts, including, but not  
206 limited to, the length of time that textbooks and instructional  
207 materials remain in use.

208 (g) Selection of textbooks and instructional materials  
209 through cost-benefit analyses that enable students to obtain the  
210 highest-quality product at the lowest available price, by  
211 considering:

- 212 1. Purchasing digital textbooks in bulk.
- 213 2. Expanding the use of open-access textbooks and  
214 instructional materials.





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215 3. Providing rental options for textbooks and instructional  
216 materials.

217 4. Increasing the availability and use of affordable  
218 digital textbooks and learning objects.

219 5. Developing mechanisms to assist in buying, renting,  
220 selling, and sharing textbooks and instructional materials.

221 6. The length of time that textbooks and instructional  
222 materials remain in use.

223 7. An evaluation of cost savings for textbooks and  
224 instructional materials which a student may realize if  
225 individual students are able to exercise opt-in provisions for  
226 the purchase of the materials.

227 (8) The board of trustees of each Florida College System  
228 institution and state university shall report, by September 30  
229 of each year, beginning in 2016, to the Chancellor of the  
230 Florida College System or the Chancellor of the State University  
231 System, as applicable, the textbook and instructional materials  
232 selection process for general education courses with a wide cost  
233 variance identified pursuant to subsection (4) and high-  
234 enrollment courses; specific initiatives of the institution  
235 designed to reduce the costs of textbooks and instructional  
236 materials; policies implemented in accordance with subsection  
237 (6); the number of courses and course sections that were not  
238 able to meet the textbook and instructional materials posting  
239 deadline for the previous academic year; and any additional  
240 information determined by the chancellors. By November 1 of each  
241 year, beginning in 2016, each chancellor shall provide a summary  
242 of the information provided by institutions to the State Board  
243 of Education and the Board of Governors, as applicable.



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244 Section 4. Subsection (20) is added to section 1009.23,  
245 Florida Statutes, to read:

246 1009.23 Florida College System institution student fees.—

247 (20) Each Florida College System institution shall publicly  
248 notice and notify all enrolled students of any proposal to  
249 increase tuition or fees at least 28 days before its  
250 consideration at a board of trustees meeting. The notice must:

251 (a) Include the date and time of the meeting at which the  
252 proposal will be considered.

253 (b) Specifically outline the details of existing tuition  
254 and fees, the rationale for the proposed increase, and how the  
255 funds from the proposed increase will be used.

256 (c) Be posted on the institution's website and issued in a  
257 press release.

258 Section 5. Paragraph (b) of subsection (4) of section  
259 1009.24, Florida Statutes, is amended, and subsection (20) is  
260 added to that section, to read:

261 1009.24 State university student fees.—

262 (4)

263 (b) The Board of Governors, ~~or the board's designee,~~ may  
264 establish tuition for graduate and professional programs, and  
265 out-of-state fees for all programs. Except as otherwise provided  
266 in this section, the sum of tuition and out-of-state fees  
267 assessed to nonresident students must be sufficient to offset  
268 the full instructional cost of serving such students. However,  
269 adjustments to out-of-state fees or tuition for graduate  
270 programs and professional programs may not exceed 15 percent in  
271 any year.

272 (20) Each state university shall publicly notice and notify



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273 all enrolled students of any proposal to increase tuition or  
274 fees at least 28 days before its consideration at a board of  
275 trustees meeting. The notice must:

276 (a) Include the date and time of the meeting at which the  
277 proposal will be considered.

278 (b) Specifically outline the details of existing tuition  
279 and fees, the rationale for the proposed increase, and how the  
280 funds from the proposed increase will be used.

281 (c) Be posted on the university's website and issued in a  
282 press release.

283 Section 6. This act shall take effect July 1, 2016.

284

285 ===== T I T L E A M E N D M E N T =====

286 And the title is amended as follows:

287 Delete everything before the enacting clause  
288 and insert:

289 A bill to be entitled  
290 An act relating to education access and affordability;  
291 amending s. 1001.7065, F.S.; specifying that the costs  
292 of instructional materials are not included in tuition  
293 for certain online degree programs; creating s.  
294 1004.084, F.S.; requiring the Board of Governors and  
295 the State Board of Education to annually identify  
296 strategies to promote college affordability; requiring  
297 the Board of Governors of the State University System  
298 and the State Board of Education to submit annual  
299 reports to the Governor and Legislature relating to  
300 college affordability; amending s. 1004.085, F.S.;  
301 revising provisions relating to textbook affordability



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302 to include instructional materials; defining the term  
303 "instructional materials"; specifying that Florida  
304 College System or state university employees may not  
305 receive anything of value in exchange for  
306 instructional materials; requiring Florida College  
307 System institution and state university boards of  
308 trustees to identify wide variances in the costs of,  
309 and frequency of changes in the selection of,  
310 textbooks and instructional materials for certain  
311 courses; requiring the boards of trustees to send a  
312 list of identified courses to the academic department  
313 chairs for review; providing for legislative review  
314 and repeal of specified provisions; authorizing the  
315 Florida College System institution and state  
316 university boards of trustees to adopt policies in  
317 consultation with providers to allow for the use of  
318 innovative pricing techniques and payment options for  
319 certain textbooks and instructional materials;  
320 requiring the innovative techniques and options to  
321 include certain provisions; requiring Florida College  
322 System institutions and state universities to post  
323 certain information on their websites; requiring the  
324 State Board of Education and Board of Governors to  
325 receive input from specified individuals and entities  
326 before adopting textbook and instructional materials  
327 affordability policies; requiring postsecondary  
328 institutions to consult with certain school districts  
329 to identify certain practices; requiring cost-benefit  
330 analyses relating to textbooks and instructional



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331 materials; providing reporting requirements; amending  
332 s. 1009.23, F.S.; requiring Florida College System  
333 institutions to provide a public notice relating to  
334 increases in tuition and fees; amending s. 1009.24,  
335 F.S.; requiring state universities to provide a public  
336 notice relating to increases in tuition and fees;  
337 providing an effective date.