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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/11/2016	.	
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The Committee on Higher Education (Legg) recommended 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



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11 standards identified in subsection (2), as verified by the Board
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
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



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69 professional students at public colleges and universities and
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.



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98 (b) Royalties or other compensation from sales of textbooks
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)-(3) Each Florida College System ~~institution~~ institutions
123 and state ~~university~~ universities shall post prominently in the
124 course registration system and on its website ~~on their websites,~~
125 as early as is feasible, but at least 45 ~~not less than 30~~ days
126 before ~~prior to~~ the first day of class for each term, a



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127 hyperlink to lists ~~list~~ of ~~each textbook~~ required and
128 recommended textbooks and instructional materials for at least
129 95 percent of all courses and ~~each~~ course sections offered at
130 the institution during the upcoming term. The lists ~~posted list~~
131 must include the International Standard Book Number (ISBN) for
132 each required and recommended textbook and instructional
133 material or other identifying information, which must include,
134 at a minimum, all of the following: the title, all authors
135 listed, publishers, edition number, copyright date, published
136 date, and other relevant information necessary to identify the
137 specific ~~textbook or~~ textbooks or instructional materials
138 required and recommended for each course. The State Board of
139 Education and the Board of Governors shall include in the
140 policies, procedures, and guidelines adopted under subsection
141 (6) ~~(4)~~ certain limited exceptions to this notification
142 requirement for classes added after the notification deadline.

143 (6) ~~(4)~~ After receiving input from students, faculty,
144 bookstores, and publishers, the State Board of Education and the
145 Board of Governors each shall adopt textbook and instructional
146 materials affordability policies, procedures, and guidelines for
147 implementation by Florida College System institutions and state
148 universities, respectively, that further efforts to minimize the
149 cost of textbooks and instructional materials for students
150 attending such institutions while maintaining the quality of
151 education and academic freedom. The policies, procedures, and
152 guidelines shall address ~~provide for the following:~~

153 (a) The establishment of deadlines for an instructor or
154 department to notify the bookstore of required and recommended
155 textbooks and instructional materials so that the bookstore may



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156 verify availability, source lower cost options when practicable,
157 explore alternatives with faculty when academically appropriate,
158 and maximize the availability of used textbooks and
159 instructional materials ~~That textbook adoptions are made with~~
160 ~~sufficient lead time to bookstores so as to confirm availability~~
161 ~~of the requested materials and, where possible, ensure maximum~~
162 ~~availability of used books.~~

163 (b) Confirmation by the course instructor or academic
164 department offering the course, before the textbook or
165 instructional materials adoption is finalized ~~That, in the~~
166 ~~textbook adoption process, of the intent to use all items~~
167 ~~ordered, particularly each individual item sold as part of a~~
168 ~~bundled package, is confirmed by the course instructor or the~~
169 ~~academic department offering the course before the adoption is~~
170 ~~finalized.~~

171 (c) Determination by ~~That~~ a course instructor or the
172 academic department offering the course ~~determines~~, before a
173 textbook or instructional material is adopted, of the extent to
174 which a new edition differs significantly and substantively from
175 earlier versions and the value to the student of changing to a
176 new edition or the extent to which an open-access textbook or
177 instructional material is available ~~may exist and be used.~~

178 ~~That the establishment of policies shall address~~ The
179 availability of required and recommended textbooks and
180 instructional materials to students otherwise unable to afford
181 the cost, including consideration of the extent to which an
182 open-access textbook or instructional material may be used.

183 (e) Participation by ~~That~~ course instructors and academic
184 ~~departments are encouraged to participate~~ in the development,



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185 adaptation, and review of open-access textbooks and
186 instructional materials and, in particular, open-access
187 textbooks and instructional materials for high-demand general
188 education courses.

189 (f) Consultation with school districts to identify
190 practices that impact the cost of dual enrollment textbooks and
191 instructional materials to school districts, including, but not
192 limited to, the length of time that textbooks and instructional
193 materials remain in use.

194 (g) Selection of textbooks and instructional materials
195 through cost-benefit analyses that enable students to obtain the
196 highest-quality product at the lowest available price, by
197 considering:

198 1. Purchasing digital textbooks in bulk.

199 2. Expanding the use of open-access textbooks and
200 instructional materials.

201 3. Providing rental options for textbooks and instructional
202 materials.

203 4. Increasing the availability and use of affordable
204 digital textbooks and learning objects.

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

207 6. The length of time that textbooks and instructional
208 materials remain in use.

209 (7) The board of trustees of each Florida College System
210 institution and state university shall report, by September 30
211 of each year, beginning in 2016, to the Chancellor of the
212 Florida College System or the Chancellor of the State University
213 System, as applicable, the textbook and instructional materials



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214 selection process for general education courses with a wide cost
215 variance identified pursuant to subsection (4) and high-
216 enrollment courses; specific initiatives of the institution
217 designed to reduce the costs of textbooks and instructional
218 materials; policies implemented in accordance with subsection
219 (6); the number of courses and course sections that were not
220 able to meet the textbook and instructional materials posting
221 deadline for the previous academic year; and any additional
222 information determined by the chancellors. By November 1 of each
223 year, beginning in 2016, each chancellor shall provide a summary
224 of the information provided by institutions to the State Board
225 of Education and the Board of Governors, as applicable.

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

228 1009.23 Florida College System institution student fees.—

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

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

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

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

240 Section 5. Paragraph (b) of subsection (4) of section
241 1009.24, Florida Statutes, is amended, and subsection (20) is
242 added to that section, to read:



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243 1009.24 State university student fees.-

244 (4)

245 (b) The Board of Governors, ~~or the board's designee,~~ may
246 establish tuition for graduate and professional programs, and
247 out-of-state fees for all programs. Except as otherwise provided
248 in this section, the sum of tuition and out-of-state fees
249 assessed to nonresident students must be sufficient to offset
250 the full instructional cost of serving such students. However,
251 adjustments to out-of-state fees or tuition for graduate
252 programs and professional programs may not exceed 15 percent in
253 any year.

254 (20) Each state university shall publicly notice and notify
255 all enrolled students of any proposal to increase tuition or
256 fees at least 28 days before its consideration at a board of
257 trustees meeting. The notice must:

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

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

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

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

266

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

268 And the title is amended as follows:

269 Delete everything before the enacting clause
270 and insert:

271 A bill to be entitled



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272 An act relating to education access and affordability;
273 amending s. 1001.7065, F.S.; specifying that the costs
274 of instructional materials are not included in tuition
275 for certain online degree programs; creating s.
276 1004.084, F.S.; requiring the Board of Governors and
277 the State Board of Education to annually identify
278 strategies to promote college affordability; requiring
279 the Board of Governors of the State University System
280 and the State Board of Education to submit annual
281 reports to the Governor and Legislature relating to
282 college affordability; amending s. 1004.085, F.S.;
283 revising provisions relating to textbook affordability
284 to include instructional materials; defining the term
285 "instructional materials"; specifying that Florida
286 College System or state university employees may not
287 receive anything of value in exchange for
288 instructional materials; requiring Florida College
289 System institution and state university boards of
290 trustees to identify wide variances in the costs of,
291 and frequency of changes in the selection of,
292 textbooks and instructional materials for certain
293 courses; requiring the boards of trustees to send a
294 list of identified courses to the academic department
295 chairs for review; providing for legislative review
296 and repeal of specified provisions; requiring Florida
297 College System institutions and state universities to
298 post certain information on their websites; requiring
299 the State Board of Education and Board of Governors to
300 receive input from specified individuals and entities



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301 before adopting textbook and instructional materials
302 affordability policies; requiring postsecondary
303 institutions to consult with certain school districts
304 to identify certain practices; requiring cost-benefit
305 analyses relating to textbooks and instructional
306 materials; providing reporting requirements; amending
307 s. 1009.23, F.S.; requiring Florida College System
308 institutions to provide a public notice relating to
309 increases in tuition and fees; amending s. 1009.24,
310 F.S.; requiring state universities to provide a public
311 notice relating to increases in tuition and fees;
312 providing an effective date.