

By Senator Legg

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1 A bill to be entitled
2 An act relating to education access and affordability;
3 amending s. 1001.7065, F.S.; requiring tuition for an
4 online degree program to include costs associated with
5 the provision of instructional materials; creating s.
6 1004.084, F.S.; requiring the Board of Governors and
7 the State Board of Education to identify strategies
8 and initiatives to reduce the cost of higher
9 education; requiring the Board of Governors and the
10 state board to annually submit a report to the
11 Governor and the Legislature; amending s. 1004.085,
12 F.S.; defining the term "instructional materials";
13 revising policies and procedures relating to
14 textbooks; requiring a public postsecondary
15 institution to post information relating to required
16 and recommended textbooks and instructional materials
17 and prices in its course registration system and on
18 its website; requiring the state board and the Board
19 of Governors to adopt textbook and instructional
20 materials affordability policies, procedures, and
21 guidelines; providing requirements for the use of
22 adopted undergraduate textbooks and instructional
23 materials; requiring annual reporting of textbook and
24 instructional materials cost information and
25 affordability policies and procedures to the
26 Chancellor of the Florida College System or the
27 Chancellor of the State University System; requiring
28 that electronic copies of the affordability policies
29 and procedures be sent annually to the state board or

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30 the Board of Governors; amending s. 1009.23, F.S.;

31 requiring a Florida College System institution to

32 publicly notice meetings at which votes on proposed

33 tuition or fee increases are scheduled; amending s.

34 1009.24, F.S.; requiring a state university to

35 publicly notice meetings at which votes on proposed

36 tuition or fee increases are scheduled; providing an

37 effective date.

38

39 Be It Enacted by the Legislature of the State of Florida:

40

41 Section 1. Paragraph (k) of subsection (4) of section

42 1001.7065, Florida Statutes, is amended to read:

43 1001.7065 Preeminent state research universities program.-

44 (4) PREEMINENT STATE RESEARCH UNIVERSITY INSTITUTE FOR

45 ONLINE LEARNING.-A state research university that, as of July 1,

46 2013, meets all 12 of the academic and research excellence

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

48 of Governors, shall establish an institute for online learning.

49 The institute shall establish a robust offering of high-quality,

50 fully online baccalaureate degree programs at an affordable cost

51 in accordance with this subsection.

52 (k) The university shall establish a tuition structure for

53 its online institute in accordance with this paragraph,

54 notwithstanding any other provision of law.

55 1. For students classified as residents for tuition

56 purposes, tuition for an online baccalaureate degree program

57 shall be set at no more than 75 percent of the tuition rate as

58 specified in the General Appropriations Act pursuant to s.

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59 1009.24(4) and 75 percent of the tuition differential pursuant
60 to s. 1009.24(16). No distance learning fee, fee for campus
61 facilities, or fee for on-campus services may be assessed,
62 except that online students shall pay the university's
63 technology fee, financial aid fee, and Capital Improvement Trust
64 Fund fee. The revenues generated from the Capital Improvement
65 Trust Fund fee shall be dedicated to the university's institute
66 for online learning.

67 2. For students classified as nonresidents for tuition
68 purposes, tuition may be set at market rates in accordance with
69 the business plan.

70 3. Tuition for an online degree program shall include all
71 costs associated with instruction, materials, and enrollment,
72 excluding costs associated with the provision of textbooks and
73 instructional materials pursuant to s. 1004.085 and physical
74 laboratory supplies.

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

82 5. The university must accept advance payment contracts and
83 student financial aid.

84 6. Fifty percent of the net revenues generated from the
85 online institute of the university shall be used to enhance and
86 enrich the online institute offerings, and 50 percent of the net
87 revenues generated from the online institute shall be used to

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88 enhance and enrich the university's campus state-of-the-art
89 research programs and facilities.

90 7. The institute may charge additional local user fees
91 pursuant to s. 1009.24(14) upon the approval of the Board of
92 Governors.

93 8. The institute shall submit a proposal to the president
94 of the university authorizing additional user fees for the
95 provision of voluntary student participation in activities and
96 additional student services.

97 Section 2. Section 1004.084, Florida Statutes, is created
98 to read:

99 1004.084 College affordability.—The Board of Governors and
100 the State Board of Education shall continue to identify
101 strategies and initiatives to further ensure college
102 affordability for all Floridians.

103 (1) Specific strategies and initiatives to reduce the cost
104 of higher education must include, at a minimum, consideration of
105 the following:

106 (a) The impact of tuition and fee increases at state
107 colleges and universities, including graduate, professional,
108 medical, and law schools.

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

111 (c) The cost to students of textbooks and instructional
112 materials. The Board of Governors and the State Board of
113 Education shall use the information provided pursuant to s.
114 1004.085(5) and (6) and consult with students, faculty,
115 bookstores, and publishers to determine the best methods to
116 reduce costs and shall, at a minimum, consider the following:

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117 1. Any existing Florida College System or State University
118 System initiatives to reduce the cost of textbooks and
119 instructional materials.

120 2. Purchasing digital textbooks in bulk.

121 3. Expanding the use of open-access textbooks and
122 instructional materials.

123 4. Rental options for textbooks and instructional
124 materials.

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

127 6. Supporting efficient used book sales, buy-back sales,
128 and student-to-student sales.

129 7. Developing online portals at each institution to assist
130 students in buying, renting, selling, and sharing textbooks and
131 instructional materials.

132 8. The feasibility of expanding and enhancing digital
133 access platforms that are used by campus stores to help students
134 acquire the correct and least expensive required course
135 materials.

136 9. The cost to school districts of instructional materials
137 for dual enrollment students.

138 (2) By December 31, 2016, and annually thereafter, the
139 Board of Governors and the State Board of Education shall submit
140 a report and recommendations on their respective college
141 affordability efforts to the Governor, the President of the
142 Senate, and the Speaker of the House of Representatives.

143 Section 3. Section 1004.085, Florida Statutes, is amended
144 to read:

145 1004.085 Textbook and instructional materials

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146 affordability.—

147 (1) As used in this section, the term "instructional
148 materials" means educational materials, in printed or digital
149 format, which are required or recommended for use within a
150 course.

151 (2)~~(1)~~ An ~~No~~ employee of a Florida College System
152 institution or a state university may not demand or receive any
153 payment, loan, subscription, advance, deposit of money, service,
154 or anything of value, present or promised, in exchange for
155 requiring students to purchase a specific textbook or
156 instructional material for coursework or instruction.

157 (3)~~(2)~~ An employee may receive:

158 (a) Sample copies, instructor copies, or instructional
159 materials. These materials may not be sold for any type of
160 compensation if they are specifically marked as free samples not
161 for resale.

162 (b) Royalties or other compensation from sales of textbooks
163 or instructional materials that include the instructor's own
164 writing or work.

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

166 (d) Fees associated with activities such as reviewing,
167 critiquing, or preparing support materials for textbooks or
168 instructional materials pursuant to guidelines adopted by the
169 State Board of Education or the Board of Governors.

170 (e) Training in the use of course materials and learning
171 technologies.

172 (4)~~(3)~~ Each Florida College System institution ~~institutions~~
173 and state university ~~universities~~ shall prominently post in the
174 course registration system and on its website ~~on their websites,~~

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175 as early as is feasible, but at least 14 ~~not less than 30~~ days
176 before ~~prior to~~ the first day of student registration ~~class~~ for
177 each term, a hyperlink to lists ~~list~~ of each ~~textbook~~ required
178 and recommended textbooks and instructional materials for at
179 least 90 percent of the courses and course sections ~~each course~~
180 offered at the institution or university during the upcoming
181 term.

182 (a) The lists required pursuant to this subsection ~~The~~
183 ~~posted list~~ must include:

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

186 2. For a textbook or instructional materials for which an
187 ISBN is not available, ~~textbook or~~ other identifying
188 information, which must include, at a minimum, ~~all of the~~
189 ~~following:~~ the title, all authors listed, publishers, edition
190 number, copyright date, published date, and other relevant
191 information necessary to identify the specific textbook or
192 instructional material ~~textbooks~~ required and recommended for
193 each course.

194 3. The new and used retail prices and the rental price, if
195 applicable, for a required or recommended textbook or
196 instructional material for purchase at the institution's
197 designated bookstore or other specified vendor, including the
198 website or other contact information for the bookstore.

199 (b) The State Board of Education and the Board of Governors
200 shall include in the policies, procedures, and guidelines
201 adopted under subsection (5) ~~(4)~~ certain limited exceptions to
202 this notification requirement for courses ~~classes~~ added after
203 the notification deadline.

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204 (c) An institution that is unable to comply with this
205 subsection by the 2016 fall semester must provide the
206 information required by this subsection to students, in a format
207 determined by the institution, at least 60 days before the first
208 day of classes. The institution must also submit a quarterly
209 report to the State Board of Education or to the Board of
210 Governors, as applicable, documenting the institution's efforts
211 to comply with this subsection by the 2017 fall semester.

212 (5)~~(4)~~ The State Board of Education and the Board of
213 Governors each shall adopt textbook and instructional materials
214 affordability policies, procedures, and guidelines for
215 implementation by Florida College System institutions and state
216 universities, respectively, which ~~that~~ further efforts to
217 minimize the cost of textbooks and instructional materials for
218 students attending such institutions, while maintaining the
219 quality of education and academic freedom. The policies,
220 procedures, and guidelines must, at a minimum, require ~~shall~~
221 ~~provide for~~ the following:

222 (a) That textbook and instructional materials adoptions are
223 made with sufficient lead time to bookstores so as to confirm
224 availability of the requested materials and, if ~~where~~ possible,
225 ensure maximum availability of used textbooks and instructional
226 materials ~~books~~.

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

232 (c) That a course instructor or the academic department

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233 offering the course determine ~~determines~~, before a textbook or
234 instructional materials are ~~is~~ adopted, the extent to which a
235 new edition differs significantly and substantively from earlier
236 versions and the value to the student of changing to a new
237 edition or the extent to which an open-access textbook or
238 instructional material may exist and be used.

239 (d) That the establishment of policies shall address the
240 availability of required and recommended textbooks and
241 instructional material to students otherwise unable to afford
242 the cost, including consideration of the extent to which an
243 open-access textbook or instructional materials may be used.

244 (e) That course instructors and academic departments are
245 encouraged to participate in the development, adaptation, and
246 review of open-access textbooks and instructional materials and,
247 in particular, open-access textbooks and instructional materials
248 for high-demand general education courses.

249 (f) That postsecondary institutions consult with school
250 districts with which they have a dual enrollment articulation
251 agreement to identify practices that affect the cost to school
252 districts of dual enrollment textbooks and instructional
253 materials, including, but not limited to, the length of time
254 that textbooks and instructional materials remain in use and the
255 costs associated with digital materials.

256 (g) That cost-benefit analyses be conducted regularly to
257 compare options to ensure that students receive the highest
258 quality product at the lowest available price.

259 (6) Each Florida College System institution and each state
260 university shall report annually to the Chancellor of the
261 Florida College System or the Chancellor of the State University

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262 System, as applicable, the cost of undergraduate textbooks and
263 instructional materials, by course and course section; the
264 textbooks and instructional materials selection process for
265 high-enrollment courses as determined by the chancellors;
266 specific initiatives of the institution which reduce the cost of
267 textbooks and instructional materials; the number of courses and
268 course sections that did not meet the textbooks and
269 instructional materials posting deadline; and additional
270 information as determined by the chancellors. Annually, by
271 December 31, each chancellor shall compile the reports from
272 their respective institutions and universities and submit a
273 comprehensive report to the Governor, the President of the
274 Senate, and the Speaker of the House of Representatives.

275 (7) Each Florida College System institution and state
276 university shall annually submit to the State Board of Education
277 or the Board of Governors, as applicable, electronic copies of
278 its current textbooks and instructional materials affordability
279 policies and procedures. The State Board of Education and the
280 Board of Governors shall provide a link to this information on
281 their respective websites.

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

284 1009.23 Florida College System institution student fees.—

285 (20) Each Florida College System institution shall provide
286 notice to the public and to all enrolled students of any board
287 of trustees meeting at which a vote will be taken on proposed
288 increases in tuition or fees. The noticed meeting must allow for
289 public comment on the proposed increase and must:

290 (a) Be posted at least 28 days before the board of trustees

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291 meeting takes place.

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

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

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

298 Section 5. Present subsection (19) of section 1009.24,
299 Florida Statutes, is redesignated as subsection (20), and a new
300 subsection (19) is added to that section, to read:

301 1009.24 State university student fees.—

302 (19) Each university shall provide notice to the public and
303 to all enrolled students any board of trustees meeting at which
304 a vote will be taken on proposed increases in tuition or fees.
305 The noticed meeting must allow for public comment on the
306 proposed increase and must:

307 (a) Be posted at least 28 days before the board of trustees
308 meeting takes place.

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

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

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

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