

By the Committee on Higher Education; and Senator Legg

589-02004-16

2016984c1

1 A bill to be entitled
2 An act relating to education access and affordability;
3 amending s. 1001.7065, F.S.; specifying that the costs
4 of instructional materials are not included in tuition
5 for certain online degree programs; creating s.
6 1004.084, F.S.; requiring the Board of Governors and
7 the State Board of Education to annually identify
8 strategies to promote college affordability; requiring
9 the Board of Governors of the State University System
10 and the State Board of Education to submit annual
11 reports to the Governor and Legislature relating to
12 college affordability; amending s. 1004.085, F.S.;
13 revising provisions relating to textbook affordability
14 to include instructional materials; defining the term
15 "instructional materials"; specifying that Florida
16 College System or state university employees may not
17 receive anything of value in exchange for
18 instructional materials; requiring Florida College
19 System institution and state university boards of
20 trustees to identify wide variances in the costs of,
21 and frequency of changes in the selection of,
22 textbooks and instructional materials for certain
23 courses; requiring the boards of trustees to send a
24 list of identified courses to the academic department
25 chairs for review; providing for legislative review
26 and repeal of specified provisions; requiring Florida
27 College System institutions and state universities to
28 post certain information on their websites; requiring
29 the State Board of Education and Board of Governors to
30 receive input from specified individuals and entities
31 before adopting textbook and instructional materials
32 affordability policies; requiring postsecondary

589-02004-16

2016984c1

33 institutions to consult with certain school districts
34 to identify certain practices; requiring cost-benefit
35 analyses relating to textbooks and instructional
36 materials; providing reporting requirements; amending
37 s. 1009.23, F.S.; requiring Florida College System
38 institutions to provide a public notice relating to
39 increases in tuition and fees; amending s. 1009.24,
40 F.S.; requiring state universities to provide a public
41 notice relating to increases in tuition and fees;
42 providing an effective date.

43
44 Be It Enacted by the Legislature of the State of Florida:

45
46 Section 1. Paragraph (k) of subsection (4) of section
47 1001.7065, Florida Statutes, is amended to read:

48 1001.7065 Preeminent state research universities program.-

49 (4) PREEMINENT STATE RESEARCH UNIVERSITY INSTITUTE FOR
50 ONLINE LEARNING.-A state research university that, as of July 1,
51 2013, meets all 12 of the academic and research excellence
52 standards identified in subsection (2), as verified by the Board
53 of Governors, shall establish an institute for online learning.
54 The institute shall establish a robust offering of high-quality,
55 fully online baccalaureate degree programs at an affordable cost
56 in accordance with this subsection.

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

60 1. For students classified as residents for tuition
61 purposes, tuition for an online baccalaureate degree program

589-02004-16

2016984c1

62 shall be set at no more than 75 percent of the tuition rate as
63 specified in the General Appropriations Act pursuant to s.
64 1009.24(4) and 75 percent of the tuition differential pursuant
65 to s. 1009.24(16). No distance learning fee, fee for campus
66 facilities, or fee for on-campus services may be assessed,
67 except that online students shall pay the university's
68 technology fee, financial aid fee, and Capital Improvement Trust
69 Fund fee. The revenues generated from the Capital Improvement
70 Trust Fund fee shall be dedicated to the university's institute
71 for online learning.

72 2. For students classified as nonresidents for tuition
73 purposes, tuition may be set at market rates in accordance with
74 the business plan.

75 3. Tuition for an online degree program shall include all
76 costs associated with instruction, materials, and enrollment,
77 excluding costs associated with the provision of textbooks and
78 instructional materials pursuant to s. 1004.085 and physical
79 laboratory supplies.

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

87 5. The university must accept advance payment contracts and
88 student financial aid.

89 6. Fifty percent of the net revenues generated from the
90 online institute of the university shall be used to enhance and

589-02004-16

2016984c1

91 enrich the online institute offerings, and 50 percent of the net
92 revenues generated from the online institute shall be used to
93 enhance and enrich the university's campus state-of-the-art
94 research programs and facilities.

95 7. The institute may charge additional local user fees
96 pursuant to s. 1009.24(14) upon the approval of the Board of
97 Governors.

98 8. The institute shall submit a proposal to the president
99 of the university authorizing additional user fees for the
100 provision of voluntary student participation in activities and
101 additional student services.

102 Section 2. Section 1004.084, Florida Statutes, is created
103 to read:

104 1004.084 College affordability.-

105 (1) The Board of Governors and the State Board of Education
106 shall annually identify strategies to promote college
107 affordability for all Floridians by evaluating, at a minimum,
108 the impact of:

109 (a) Tuition and fees on undergraduate, graduate, and
110 professional students at public colleges and universities and
111 graduate assistants employed by public universities.

112 (b) Federal, state, and institutional financial aid
113 policies on the actual cost of attendance for students and their
114 families.

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

116 (2) By December 31 of each year, beginning in 2016, the
117 Board of Governors and the State Board of Education shall submit
118 a report on their respective college affordability initiatives
119 to the Governor, the President of the Senate, and the Speaker of

589-02004-16

2016984c1

120 the House of Representatives.

121 Section 3. Section 1004.085, Florida Statutes, is amended
122 to read:

123 1004.085 Textbook and instructional materials
124 affordability.—

125 (1) As used in this section, the term “instructional
126 materials” means educational materials for use within a course
127 which may be available in printed or digital format.

128 (2)~~(1)~~ An ~~No~~ employee of a Florida College System
129 institution or state university may not demand or receive any
130 payment, loan, subscription, advance, deposit of money, service,
131 or anything of value, present or promised, in exchange for
132 requiring students to purchase a specific textbook or
133 instructional material for coursework or instruction.

134 (3)~~(2)~~ An employee may receive:

135 (a) Sample copies, instructor copies, or instructional
136 materials. These materials may not be sold for any type of
137 compensation if they are specifically marked as free samples not
138 for resale.

139 (b) Royalties or other compensation from sales of textbooks
140 or instructional materials that include the instructor's own
141 writing or work.

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

143 (d) Fees associated with activities such as reviewing,
144 critiquing, or preparing support materials for textbooks or
145 instructional materials pursuant to guidelines adopted by the
146 State Board of Education or the Board of Governors.

147 (e) Training in the use of course materials and learning
148 technologies.

589-02004-16

2016984c1

149 (4) Each Florida College System institution and state
150 university board of trustees shall, each semester, examine the
151 cost of textbooks and instructional materials by course and
152 course section for all general education courses offered at the
153 institution to identify any variance in the cost of textbooks
154 and instructional materials among different sections of the same
155 course and the percentage of textbooks and instructional
156 materials that remain in use for more than one term. Courses
157 that have a wide variance in costs among sections or that have
158 frequent changes in textbook and instructional materials
159 selections shall be identified and a list of such courses sent
160 to the appropriate academic department chair for review. This
161 subsection is repealed July 1, 2018, unless reviewed and saved
162 from repeal through reenactment by the Legislature.

163 (5)(3) Each Florida College System institution institutions
164 and state university universities shall post prominently in the
165 course registration system and on its website on their websites,
166 as early as is feasible, but at least 45 not less than 30 days
167 before prior to the first day of class for each term, a
168 hyperlink to lists list of each textbook required and
169 recommended textbooks and instructional materials for at least
170 95 percent of all courses and each course sections offered at
171 the institution during the upcoming term. The lists posted list
172 must include the International Standard Book Number (ISBN) for
173 each required and recommended textbook and instructional
174 material or other identifying information, which must include,
175 at a minimum, all of the following: the title, all authors
176 listed, publishers, edition number, copyright date, published
177 date, and other relevant information necessary to identify the

589-02004-16

2016984c1

178 specific ~~textbook or~~ textbooks or instructional materials
179 required and recommended for each course. The State Board of
180 Education and the Board of Governors shall include in the
181 policies, procedures, and guidelines adopted under subsection
182 (6) ~~(4)~~ certain limited exceptions to this notification
183 requirement for classes added after the notification deadline.

184 (6) ~~(4)~~ After receiving input from students, faculty,
185 bookstores, and publishers, the State Board of Education and the
186 Board of Governors each shall adopt textbook and instructional
187 materials affordability policies, procedures, and guidelines for
188 implementation by Florida College System institutions and state
189 universities, respectively, that further efforts to minimize the
190 cost of textbooks and instructional materials for students
191 attending such institutions while maintaining the quality of
192 education and academic freedom. The policies, procedures, and
193 guidelines shall address ~~provide for the following:~~

194 (a) The establishment of deadlines for an instructor or
195 department to notify the bookstore of required and recommended
196 textbooks and instructional materials so that the bookstore may
197 verify availability, source lower cost options when practicable,
198 explore alternatives with faculty when academically appropriate,
199 and maximize the availability of used textbooks and
200 instructional materials ~~That textbook adoptions are made with~~
201 ~~sufficient lead time to bookstores so as to confirm availability~~
202 ~~of the requested materials and, where possible, ensure maximum~~
203 ~~availability of used books.~~

204 (b) Confirmation by the course instructor or academic
205 department offering the course, before the textbook or
206 instructional materials adoption is finalized ~~That, in the~~

589-02004-16

2016984c1

207 ~~textbook adoption process, of the intent to use all items~~
208 ~~ordered, particularly each individual item sold as part of a~~
209 ~~bundled package, is confirmed by the course instructor or the~~
210 ~~academic department offering the course before the adoption is~~
211 ~~finalized.~~

212 (c) Determination by ~~That~~ a course instructor or the
213 academic department offering the course ~~determines~~, before a
214 textbook or instructional material is adopted, of the extent to
215 which a new edition differs significantly and substantively from
216 earlier versions and the value to the student of changing to a
217 new edition or the extent to which an open-access textbook or
218 instructional material is available ~~may exist and be used.~~

219 ~~That the establishment of policies shall address~~ The
220 availability of required and recommended textbooks and
221 instructional materials to students otherwise unable to afford
222 the cost, including consideration of the extent to which an
223 open-access textbook or instructional material may be used.

224 (e) Participation by ~~That~~ course instructors and academic
225 departments ~~are encouraged to participate~~ in the development,
226 adaptation, and review of open-access textbooks and
227 instructional materials and, in particular, open-access
228 textbooks and instructional materials for high-demand general
229 education courses.

230 (f) Consultation with school districts to identify
231 practices that impact the cost of dual enrollment textbooks and
232 instructional materials to school districts, including, but not
233 limited to, the length of time that textbooks and instructional
234 materials remain in use.

235 (g) Selection of textbooks and instructional materials

589-02004-16

2016984c1

236 through cost-benefit analyses that enable students to obtain the
237 highest-quality product at the lowest available price, by
238 considering:

239 1. Purchasing digital textbooks in bulk.

240 2. Expanding the use of open-access textbooks and
241 instructional materials.

242 3. Providing rental options for textbooks and instructional
243 materials.

244 4. Increasing the availability and use of affordable
245 digital textbooks and learning objects.

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

248 6. The length of time that textbooks and instructional
249 materials remain in use.

250 (7) The board of trustees of each Florida College System
251 institution and state university shall report, by September 30
252 of each year, beginning in 2016, to the Chancellor of the
253 Florida College System or the Chancellor of the State University
254 System, as applicable, the textbook and instructional materials
255 selection process for general education courses with a wide cost
256 variance identified pursuant to subsection (4) and high-
257 enrollment courses; specific initiatives of the institution
258 designed to reduce the costs of textbooks and instructional
259 materials; policies implemented in accordance with subsection
260 (6); the number of courses and course sections that were not
261 able to meet the textbook and instructional materials posting
262 deadline for the previous academic year; and any additional
263 information determined by the chancellors. By November 1 of each
264 year, beginning in 2016, each chancellor shall provide a summary

589-02004-16

2016984c1

265 of the information provided by institutions to the State Board
266 of Education and the Board of Governors, as applicable.

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

269 1009.23 Florida College System institution student fees.—

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

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

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

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

281 Section 5. Paragraph (b) of subsection (4) of section
282 1009.24, Florida Statutes, is amended, and subsection (20) is
283 added to that section, to read:

284 1009.24 State university student fees.—

285 (4)

286 (b) The Board of Governors, ~~or the board's designee,~~ may
287 establish tuition for graduate and professional programs, and
288 out-of-state fees for all programs. Except as otherwise provided
289 in this section, the sum of tuition and out-of-state fees
290 assessed to nonresident students must be sufficient to offset
291 the full instructional cost of serving such students. However,
292 adjustments to out-of-state fees or tuition for graduate
293 programs and professional programs may not exceed 15 percent in

589-02004-16

2016984c1

294 any year.

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

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

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

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

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