

By the Committee on Higher Education; and Senators Flores and Soto

589-02766-15

2015938c1

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 or recommended for a course offered
5 by a public or nonpublic postsecondary educational
6 institution from the tax imposed by ch. 212, F.S.;
7 authorizing the Department of Revenue to adopt
8 emergency rules; providing for expiration; amending s.
9 1001.7065, F.S.; conforming provisions to changes made
10 by the act; creating s. 1004.084, F.S.; requiring the
11 Board of Governors and the State Board of Education to
12 identify strategies and initiatives to reduce the cost
13 of higher education; requiring the Board of Governors
14 and the state board to annually submit a report to the
15 Governor and the Legislature; amending s. 1004.085,
16 F.S.; defining the term "instructional materials";
17 revising policies and procedures relating to
18 textbooks; requiring a public postsecondary
19 institution to post information relating to required
20 and recommended textbooks and instructional materials
21 and prices in its course registration system and on
22 its website; requiring the state board and the Board
23 of Governors to adopt textbook and instructional
24 materials affordability policies, procedures, and
25 guidelines; providing requirements for the use of
26 adopted undergraduate textbooks and instructional
27 materials; requiring annual reporting of textbook and
28 instructional materials cost information and
29 affordability policies and procedures to the

589-02766-15

2015938c1

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 or the
34 Board of Governors; amending s. 1009.22, F.S.;

35 revising the amount tuition may vary for the combined
36 total of the standard tuition and out-of-state fees;
37 amending s. 1009.23, F.S.; prohibiting resident
38 tuition at a Florida College System institution from
39 exceeding a specified amount per credit hour; revising
40 the amount tuition may vary for the combined total of
41 the standard tuition and out-of-state fees; requiring
42 a Florida College System institution to publicly
43 notice meetings at which votes on proposed tuition or
44 fee increases are scheduled; amending s. 1009.24,
45 F.S.; prohibiting resident undergraduate tuition at a
46 state university from exceeding a specified amount per
47 credit hour; removing authority for a designee of the
48 Board of Governors to establish graduate and
49 professional tuition and out-of-state fees;
50 prohibiting graduate and professional program tuition
51 from exceeding a specified amount; requiring a state
52 university to publicly notice meetings at which votes
53 on proposed tuition or fee increases are scheduled;
54 providing an effective date.

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

57
58 Section 1. Paragraph (r) of subsection (7) of section

589-02766-15

2015938c1

59 212.08, Florida Statutes, is amended to read:

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

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

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

86 1. This exemption applies to school books used in regularly
87 prescribed courses of study, and to school lunches served in

589-02766-15

2015938c1

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

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

104 3. This exemption also applies to textbooks that are
105 required or recommended for a course offered by a public
106 postsecondary educational institution as defined in s. 1000.04
107 or a nonpublic postsecondary educational institution that is
108 eligible to participate in the tuition assistance programs
109 authorized by s. 1009.89 or s. 1009.891. As used in this
110 subparagraph, the term "textbooks" means any required or
111 recommended manual of instruction or instructional materials as
112 defined in s. 1004.085(1) in any branch of study. To obtain the
113 tax exemption, the student must provide either a physical or an
114 electronic copy of the following items to the vendor:

115 a. His or her student identification number; and

116 b. An applicable course syllabus or the list of required

589-02766-15

2015938c1

117 and recommended textbooks and instructional materials provided
118 pursuant to s. 1004.085(4).

119
120 The vendor shall maintain documentation, as prescribed by
121 department rule, to identify complete transactions or portions
122 of a transaction involving the sale of postsecondary education
123 textbooks that are exempt from the tax imposed under this
124 chapter.

125 Section 2. (1) The executive director of the Department of
126 Revenue is authorized, and all conditions are deemed met, to
127 adopt emergency rules pursuant to ss. 120.536(1) and 120.54(4),
128 Florida Statutes, for the purpose of implementing the amendment
129 made by this act to s. 212.08(7), Florida Statutes.

130 (2) Notwithstanding any provision of law, emergency rules
131 adopted pursuant to subsection (1) shall remain in effect for 6
132 months after the date adopted and may be renewed during the
133 pendency of procedures to adopt permanent rules addressing the
134 subject of the emergency rules.

135 (3) This section expires July 1, 2018.

136 Section 3. Paragraph (k) of subsection (4) of section
137 1001.7065, Florida Statutes, is amended to read:

138 1001.7065 Preeminent state research universities program.-

139 (4) PREEMINENT STATE RESEARCH UNIVERSITY INSTITUTE FOR
140 ONLINE LEARNING.-A state research university that, as of July 1,
141 2013, meets all 12 of the academic and research excellence
142 standards identified in subsection (2), as verified by the Board
143 of Governors, shall establish an institute for online learning.
144 The institute shall establish a robust offering of high-quality,
145 fully online baccalaureate degree programs at an affordable cost

589-02766-15

2015938c1

146 in accordance with this subsection.

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

150 1. For students classified as residents for tuition
151 purposes, tuition for an online baccalaureate degree program
152 shall be set at no more than 75 percent of the tuition rate as
153 specified in the General Appropriations Act pursuant to s.
154 1009.24(4) and 75 percent of the tuition differential pursuant
155 to s. 1009.24(16). No distance learning fee, fee for campus
156 facilities, or fee for on-campus services may be assessed,
157 except that online students shall pay the university's
158 technology fee, financial aid fee, and Capital Improvement Trust
159 Fund fee. The revenues generated from the Capital Improvement
160 Trust Fund fee shall be dedicated to the university's institute
161 for online learning.

162 2. For students classified as nonresidents for tuition
163 purposes, tuition may be set at market rates in accordance with
164 the business plan.

165 3. Tuition for an online degree program shall include all
166 costs associated with instruction, materials, and enrollment,
167 excluding costs associated with the provision of textbooks and
168 instructional materials pursuant to s. 1004.085 and physical
169 laboratory supplies.

170 4. Subject to the limitations in subparagraph 1., tuition
171 may be differentiated by degree program as appropriate to the
172 instructional and other costs of the program in accordance with
173 the business plan. Pricing must incorporate innovative
174 approaches that incentivize persistence and completion,

589-02766-15

2015938c1

175 including, but not limited to, a fee for assessment, a bundled
176 or all-inclusive rate, and sliding scale features.

177 5. The university must accept advance payment contracts and
178 student financial aid.

179 6. Fifty percent of the net revenues generated from the
180 online institute of the university shall be used to enhance and
181 enrich the online institute offerings, and 50 percent of the net
182 revenues generated from the online institute shall be used to
183 enhance and enrich the university's campus state-of-the-art
184 research programs and facilities.

185 7. The institute may charge additional local user fees
186 pursuant to s. 1009.24(14) upon the approval of the Board of
187 Governors.

188 8. The institute shall submit a proposal to the president
189 of the university authorizing additional user fees for the
190 provision of voluntary student participation in activities and
191 additional student services.

192 Section 4. Section 1004.084, Florida Statutes, is created
193 to read:

194 1004.084 College affordability.—The Board of Governors and
195 State Board of Education shall continue to identify strategies
196 and initiatives to further ensure college affordability for all
197 Floridians.

198 (1) Specific strategies and initiatives to reduce the cost
199 of higher education must include, at a minimum, consideration of
200 the following:

201 (a) The impact of tuition and fee increases at state
202 colleges and universities, including graduate, professional,
203 medical, and law schools.

589-02766-15

2015938c1

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

206 (c) The cost of textbooks and instructional materials for
207 all students. The Board of Governors and State Board of
208 Education shall use the information provided pursuant to s.
209 1004.085(5) and (6) and consult with students, faculty,
210 bookstores, and publishers, to determine the best methods to
211 reduce costs and must, at a minimum, consider the following:

212 1. Any existing Florida College System or State University
213 System initiatives to reduce the cost of textbooks and
214 instructional materials.

215 2. Purchasing e-textbooks in bulk.

216 3. Expanding the use of open-access textbooks and
217 instructional materials.

218 4. The rental options for textbook and instructional
219 materials.

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

222 6. Supporting efficient used book sales, buy-back sales,
223 and student-to-student sales.

224 7. Developing online portals at each institution to assist
225 students in buying, renting, selling, and sharing textbooks and
226 instructional materials.

227 8. The feasibility of expanding and enhancing digital
228 access platforms that are used by campus stores to help students
229 acquire the correct and least expensive required course
230 materials.

231 9. The cost to school districts of instructional materials
232 for dual enrollment students.

589-02766-15

2015938c1

233 (2) By December 31, 2015, and annually thereafter, the
234 Board of Governors and State Board of Education shall submit a
235 report on their respective college affordability efforts, which
236 must include recommendations, to the Governor, the President of
237 the Senate, and the Speaker of the House of Representatives.

238 Section 5. Section 1004.085, Florida Statutes, is amended
239 to read:

240 1004.085 Textbook and instructional materials
241 affordability.—

242 (1) As used in this section, the term "instructional
243 materials" means educational materials, in printed or digital
244 format, which are required or recommended for use within a
245 course.

246 (2)~~(1)~~ An ~~No~~ employee of a Florida College System
247 institution or a state university may not demand or receive any
248 payment, loan, subscription, advance, deposit of money, service,
249 or anything of value, present or promised, in exchange for
250 requiring students to purchase a specific textbook or
251 instructional material for coursework or instruction.

252 (3)~~(2)~~ An employee may receive:

253 (a) Sample copies, instructor copies, or instructional
254 materials. These materials may not be sold for any type of
255 compensation if they are specifically marked as free samples not
256 for resale.

257 (b) Royalties or other compensation from sales of textbooks
258 or instructional materials that include the instructor's own
259 writing or work.

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

261 (d) Fees associated with activities such as reviewing,

589-02766-15

2015938c1

262 critiquing, or preparing support materials for textbooks or
263 instructional materials pursuant to guidelines adopted by the
264 State Board of Education or the Board of Governors.

265 (e) Training in the use of course materials and learning
266 technologies.

267 ~~(4)-(3)~~ Each Florida College System institution ~~institutions~~
268 and state university ~~universities~~ shall prominently post in the
269 course registration system and on its website ~~on their websites,~~
270 as early as is feasible, but at least 14 ~~not less than 30~~ days
271 before ~~prior to~~ the first day of student registration ~~class~~ for
272 each term, a hyperlink to lists ~~list~~ of ~~each textbook~~ required
273 and recommended textbooks and instructional materials for at
274 least 90 percent of the courses and course sections ~~each course~~
275 offered at the institution during the upcoming term.

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

277 1. The International Standard Book Number (ISBN) for each
278 required and recommended textbook and instructional materials.

279 2. For a textbook or instructional materials for which an
280 ISBN is not available, ~~textbook or~~ other identifying
281 information, which must include, at a minimum, all of the
282 following: the title, all authors listed, publishers, edition
283 number, copyright date, published date, and other relevant
284 information necessary to identify the specific textbook or
285 instructional materials ~~textbooks~~ required and recommended for
286 each course.

287 3. The new and used retail price and the rental price, if
288 applicable, for a required or recommended textbook or
289 instructional materials for purchase at the institution's
290 designated bookstore or other specified vendor, including the

589-02766-15

2015938c1

291 website or other contact information for the bookstore.

292 (b) The State Board of Education and the Board of Governors
293 shall include in the policies, procedures, and guidelines
294 adopted under subsection (5) ~~(4)~~ certain limited exceptions to
295 this notification requirement for courses ~~classes~~ added after
296 the notification deadline.

297 (c) An institution that is unable to comply with this
298 subsection by the 2015 fall semester must provide the
299 information required by this subsection to students, in a format
300 determined by the institution, at least 60 days before the first
301 day of classes. The institution must also submit a quarterly
302 report to the State Board of Education or to the Board of
303 Governors, as applicable, documenting the institution's efforts
304 to comply with this subsection by the 2016 fall semester.

305 (5)~~(4)~~ The State Board of Education and the Board of
306 Governors each shall adopt textbook and instructional materials
307 affordability policies, procedures, and guidelines for
308 implementation by Florida College System institutions and state
309 universities, respectively, which ~~that~~ further efforts to
310 minimize the cost of textbooks and instructional materials for
311 students attending such institutions, while maintaining the
312 quality of education and academic freedom. The policies,
313 procedures, and guidelines must, at a minimum, require ~~shall~~
314 ~~provide for~~ the following:

315 (a) That textbook and instructional materials adoptions are
316 made with sufficient lead time to bookstores so as to confirm
317 availability of the requested materials and, if ~~where~~ possible,
318 ensure maximum availability of used textbooks and instructional
319 materials ~~books~~.

589-02766-15

2015938c1

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

325 (c) That a course instructor or the academic department
326 offering the course determine ~~determines~~, before a textbook or
327 instructional materials are ~~is~~ adopted, the extent to which a
328 new edition differs significantly and substantively from earlier
329 versions and the value to the student of changing to a new
330 edition or the extent to which an open-access textbook or
331 instructional materials may exist and be used.

332 (d) That the establishment of policies shall address the
333 availability of required and recommended textbooks and
334 instructional materials to students otherwise unable to afford
335 the cost, including consideration of the extent to which an
336 open-access textbook or instructional materials may be used.

337 (e) That course instructors and academic departments are
338 encouraged to participate in the development, adaptation, and
339 review of open-access textbooks and instructional materials and,
340 in particular, open-access textbooks and instructional materials
341 for high-demand general education courses.

342 (f) That postsecondary institutions consult with school
343 districts with which they have a dual enrollment articulation
344 agreement to identify practices that impact the cost to school
345 districts of dual enrollment textbooks and instructional
346 materials, including, but not limited to, the length of time
347 that textbooks and instructional materials remain in use and the
348 costs associated with digital materials.

589-02766-15

2015938c1

349 (g) That cost-benefit analyses be conducted regularly in
350 comparing options to ensure that students receive the highest
351 quality product at the lowest available price.

352 (6) Each Florida College System institution and each state
353 university shall report annually to the Chancellor of the
354 Florida College System or the Chancellor of the State University
355 System, as applicable, the cost of undergraduate textbooks and
356 instructional materials, by course and course section; the
357 textbook and instructional materials selection process for high-
358 enrollment courses as determined by the chancellors; specific
359 initiatives of the institution which reduce the cost of
360 textbooks and instructional materials; the number of courses and
361 course sections that were not able to meet the textbook and
362 instructional materials posting deadline; and additional
363 information as determined by the chancellors. Annually, by
364 December 31, the chancellors shall compile the institution
365 reports and submit a comprehensive report to the Governor, the
366 President of the Senate, and the Speaker of the House of
367 Representatives.

368 (7) Each Florida College System institution and state
369 university shall annually send the State Board of Education or
370 the Board of Governors, as applicable, electronic copies of its
371 current textbook and instructional materials affordability
372 policies and procedures. The State Board of Education and the
373 Board of Governors shall provide a link to this information on
374 their respective websites.

375 Section 6. Paragraph (d) of subsection (3) of section
376 1009.22, Florida Statutes, is amended to read:

377 1009.22 Workforce education postsecondary student fees.—

589-02766-15

2015938c1

378 (3)

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

384 Section 7. Paragraph (b) of subsection (3) and subsection
385 (4) of section 1009.23, Florida Statutes, are amended, and
386 subsection (20) is added to that section, to read:

387 1009.23 Florida College System institution student fees.—

388 (3)

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

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

393 2. The sum of the tuition and the ~~he~~ out-of-state fee per
394 credit hour for students who are nonresidents for tuition
395 purposes shall be no more than 85 percent of the sum of the
396 tuition and the out-of-state fee at the state university nearest
397 the Florida College System institution.

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

403 (20) Each Florida College System institution shall notice
404 to the public and to all enrolled students any board of trustees
405 meeting that votes on proposed increases in tuition or fees. The
406 noticed meeting must allow for public comment on the proposed

589-02766-15

2015938c1

407 increase and must:

408 (a) Be posted 28 days before the board of trustees meeting
409 takes place.

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

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

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

416 Section 8. Paragraphs (a) and (b) of subsection (4) of
417 section 1009.24, Florida Statutes, are amended, present
418 subsection (19) of that section is redesignated as subsection
419 (20), and a new subsection (19) is added to that section, to
420 read:

421 1009.24 State university student fees.—

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

425 (b) The Board of Governors, ~~or the board's designee,~~ may
426 establish tuition for graduate and professional programs, and
427 out-of-state fees for all programs. Except as otherwise provided
428 in this section, the sum of tuition and out-of-state fees
429 assessed to nonresident students must be sufficient to offset
430 the full instructional cost of serving such students. However,
431 adjustments to out-of-state fees or tuition for graduate
432 programs and professional programs may not exceed 15 percent in
433 any year. Adjustments to the resident tuition for graduate
434 programs and professional programs may not exceed the tuition
435 amount set on July 1, 2015.

589-02766-15

2015938c1

436 (19) Each university shall publicly notice to the public
437 and to all enrolled students any board of trustees meeting that
438 votes on proposed increases in tuition or fees. The noticed
439 meeting must allow for public comment on the proposed increase
440 and must:

441 (a) Be posted 28 days before the board of trustees meeting
442 takes place.

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

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

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

449 Section 9. This act shall take effect July 1, 2015.