

1 A bill to be entitled

2 An act relating to postsecondary education textbook
3 and instructional materials affordability; amending s.
4 1004.085, F.S.; defining the term "instructional
5 materials"; requiring the State Board of Education and
6 the Board of Governors to adopt textbook and
7 instructional materials affordability policies,
8 procedures, and guidelines; providing requirements for
9 the use of adopted undergraduate textbooks and
10 instructional materials and authorizing exceptions;
11 requiring a public postsecondary institution to post
12 in its course registration system and on its website
13 information relating to required and recommended
14 textbooks and instructional materials and prices
15 thereof; requiring annual reporting of textbook and
16 instructional materials cost information and
17 affordability policies and procedures; requiring the
18 Governor to appoint a task force to research options
19 to reduce the cost of textbooks and instructional
20 materials; providing task force membership and duties;
21 amending s. 1001.7065, F.S.; conforming provisions;
22 providing an effective date.

23
24 Be It Enacted by the Legislature of the State of Florida:
25

Section 1. Section 1004.085, Florida Statutes, is amended to read:

1004.085 Textbook and instructional materials affordability.—

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

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

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

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

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

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

(d) Fees associated with activities such as reviewing, critiquing, or preparing support materials for textbooks or instructional materials pursuant to guidelines adopted by the

52 State Board of Education or the Board of Governors.

53 (e) Training in the use of course materials and learning
54 technologies.

55 (4)(3) Each Florida College System institution
56 ~~institutions~~ and state university universities shall post
57 prominently in the course registration system and on its website
58 ~~on their websites~~, as early as is feasible, but at least 14 not
59 ~~less than 30 days before~~ prior to the first day of student
60 registration class for each term, a hyperlink to lists ~~list~~ of
61 ~~each textbook~~ required and recommended textbooks and
62 instructional materials for each course and course section
63 offered at the institution during the upcoming term. The lists
64 ~~posted list~~ must include:

65 (a) The International Standard Book Number (ISBN) for each
66 required and recommended textbook and instructional material.

67 (b) For a textbook or instructional material for which an
68 ISBN is not available, textbook or other identifying
69 information, which must include, at a minimum, all of the
70 following: the title, all authors listed, publishers, edition
71 number, copyright date, published date, and other relevant
72 information necessary to identify the specific textbook or
73 instructional material ~~textbooks~~ required and recommended for
74 each course.

75 (c) The new and used retail price and the rental price, if
76 applicable, for a required and recommended textbook or
77 instructional material for purchase at the institution's

78 designated bookstore or other specified vendor, including the
79 website or other contact information for the bookstore.
80

81 The State Board of Education and the Board of Governors shall
82 include in the policies, procedures, and guidelines adopted
83 under subsection (5) ~~(4)~~ certain limited exceptions to this
84 notification requirement for courses ~~classes~~ added after the
85 notification deadline.

86 (5) ~~(4)~~ The State Board of Education and the Board of
87 Governors each shall adopt textbook and instructional materials
88 affordability policies, procedures, and guidelines for
89 implementation by Florida College System institutions and state
90 universities, respectively, that further efforts to minimize the
91 cost of textbooks and instructional materials for students
92 attending such institutions while maintaining the quality of
93 education and academic freedom. The policies, procedures, and
94 guidelines shall, at a minimum, require ~~provide for~~ the
95 following:

96 (a) That textbook and instructional material adoptions are
97 made with sufficient lead time to bookstores so as to confirm
98 availability of the requested materials and, where possible,
99 ensure maximum availability of used textbooks and instructional
100 materials ~~books~~.

101 (b) That, in the textbook and instructional material
102 adoption process, the intent to use all items ordered,
103 particularly each individual item sold as part of a bundled

104 package, is confirmed by the course instructor or the academic
105 department offering the course before the adoption is finalized.

106 (c) That a course instructor or the academic department
107 offering the course determines, before a textbook or
108 instructional material is adopted, the extent to which a new
109 edition differs significantly and substantively from earlier
110 versions and the value to the student of changing to a new
111 edition or the extent to which an open-access textbook or
112 instructional material may exist and be used.

113 (d) That a textbook or instructional material for an
114 undergraduate course shall remain in use for a minimum of 3
115 years in that undergraduate course, unless an exception is
116 approved by the institution's president or designee. An
117 exception must be based upon a determination that the new
118 edition differs significantly and substantially from earlier
119 versions and that there is value to the student in changing to
120 the new edition. The institution's president or designee shall
121 annually report to the institution's board of trustees all
122 exceptions granted, including the rationale used to approve each
123 exception. The annual report shall be maintained on the
124 institution's website.

125 (e) ~~(d)~~ That the establishment of policies shall address
126 the availability of required and recommended textbooks and
127 instructional materials to students otherwise unable to afford
128 the cost, including consideration of the extent to which an
129 open-access textbook or instructional material may be used.

130 ~~(f)(e)~~ That course instructors and academic departments
131 are encouraged to participate in the development, adaptation,
132 and review of open-access textbooks and instructional materials
133 and, in particular, open-access textbooks and instructional
134 materials for high-demand general education courses.

135 (6) Each Florida College System institution and state
136 university shall report annually to the Chancellor of the
137 Florida College System or the Chancellor of the State University
138 System, as applicable, the cost of undergraduate textbooks and
139 instructional materials, by course and course section; the
140 adoption cycles for high-enrollment courses as determined by the
141 chancellors; specific initiatives of the institution that reduce
142 the cost of textbooks and instructional materials; the number of
143 courses and course sections that were not able to meet the
144 textbook and instructional materials posting deadline; and
145 additional information as determined by the chancellors.
146 Annually, by December 31, the chancellors shall compile the
147 institution reports and submit a comprehensive report to the
148 Governor, the President of the Senate, and the Speaker of the
149 House of Representatives.

150 (7) Each Florida College System institution and state
151 university shall send annually to the State Board of Education
152 or the Board of Governors, as applicable, electronic copies of
153 its current textbook and instructional materials affordability
154 policies and procedures. The State Board of Education and the
155 Board of Governors shall provide a link to this information on

156 their respective websites.

157 (8) (a) The Governor shall appoint a task force which
158 includes the Chancellor of the Florida College System, the
159 Chancellor of the State University System, students who are
160 currently enrolled in a public postsecondary institution, and
161 representatives from Florida College System institutions, state
162 universities, textbook and instructional materials publishers,
163 and bookstore owners or managers.

164 (b) The task force shall research options to reduce the
165 cost of print and digital textbooks and instructional materials
166 for all students. The task force shall use the information
167 provided pursuant to subsections (5) and (6) to determine the
168 best methods to reduce costs and must, at a minimum, consider
169 the following:

170 1. Any existing Florida College System or State University
171 System initiative to reduce the cost of textbooks and
172 instructional materials.

173 2. Bulk purchasing of e-textbooks.

174 3. Expanding the use of open-access textbooks and
175 instructional materials.

176 4. Textbook and instructional materials rental options.

177 5. Statewide agreements with publishers and vendors.

178 6. The development of online portals at each institution
179 that will assist students in buying, renting, selling, and
180 sharing textbooks and instructional materials.

181 (c) By July 1, 2015, the task force shall submit

182 recommendations to the Governor, the President of the Senate,
183 and the Speaker of the House of Representatives.

184 Section 2. Paragraph (k) of subsection (4) of section
185 1001.7065, Florida Statutes, is amended to read:

186 1001.7065 Preeminent state research universities program.—

187 (4) PREEMINENT STATE RESEARCH UNIVERSITY INSTITUTE FOR
188 ONLINE LEARNING.—A state research university that, as of July 1,
189 2013, meets all 12 of the academic and research excellence
190 standards identified in subsection (2), as verified by the Board
191 of Governors, shall establish an institute for online learning.
192 The institute shall establish a robust offering of high-quality,
193 fully online baccalaureate degree programs at an affordable cost
194 in accordance with this subsection.

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

198 1. For students classified as residents for tuition
199 purposes, tuition for an online baccalaureate degree program
200 shall be set at no more than 75 percent of the tuition rate as
201 specified in the General Appropriations Act pursuant to s.
202 1009.24(4) and 75 percent of the tuition differential pursuant
203 to s. 1009.24(16). No distance learning fee, fee for campus
204 facilities, or fee for on-campus services may be assessed,
205 except that online students shall pay the university's
206 technology fee, financial aid fee, and Capital Improvement Trust
207 Fund fee. The revenues generated from the Capital Improvement

208 Trust Fund fee shall be dedicated to the university's institute
209 for online learning.

210 2. For students classified as nonresidents for tuition
211 purposes, tuition may be set at market rates in accordance with
212 the business plan.

213 3. Tuition for an online degree program shall include all
214 costs associated with instruction, materials, and enrollment,
215 excluding costs associated with the provision of textbooks and
216 instructional materials pursuant to s. 1004.085 and physical
217 laboratory supplies.

218 4. Subject to the limitations in subparagraph 1., tuition
219 may be differentiated by degree program as appropriate to the
220 instructional and other costs of the program in accordance with
221 the business plan. Pricing must incorporate innovative
222 approaches that incentivize persistence and completion,
223 including, but not limited to, a fee for assessment, a bundled
224 or all-inclusive rate, and sliding scale features.

225 5. The university must accept advance payment contracts
226 and student financial aid.

227 6. Fifty percent of the net revenues generated from the
228 online institute of the university shall be used to enhance and
229 enrich the online institute offerings, and 50 percent of the net
230 revenues generated from the online institute shall be used to
231 enhance and enrich the university's campus state-of-the-art
232 research programs and facilities.

233 7. The institute may charge additional local user fees

CS/HB 355

2014

234 pursuant to s. 1009.24(14) upon the approval of the Board of
235 Governors.

236 8. The institute shall submit a proposal to the president
237 of the university authorizing additional user fees for the
238 provision of voluntary student participation in activities and
239 additional student services.

240 Section 3. This act shall take effect July 1, 2014.