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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/04/2014	.	
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Appropriations Subcommittee on Education (Detert) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause and insert:

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



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11 that may be available in printed or digital format.

12 (2)-(1) An ~~Ne~~ employee of a Florida College System
13 institution or state university may not demand or receive any
14 payment, loan, subscription, advance, deposit of money, service,
15 or anything of value, present or promised, in exchange for
16 requiring students to purchase a specific textbook or
17 instructional material for coursework or instruction.

18 (3)-(2) An employee may receive:

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

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

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

27 (d) Fees associated with activities such as reviewing,
28 critiquing, or preparing support materials for textbooks or
29 instructional materials pursuant to guidelines adopted by the
30 State Board of Education or the Board of Governors.

31 (e) Training in the use of course materials and learning
32 technologies.

33 (4)-(3) Each Florida College System institution ~~institutions~~
34 and state university ~~universities~~ shall post prominently in the
35 course registration system and on its website ~~on their websites,~~
36 as early as is feasible, but at least 14 ~~not less than 30~~ days
37 before ~~prior to~~ the first day of student registration ~~class~~ for
38 each term, a hyperlink to lists ~~list~~ of each ~~textbook~~ required
39 and recommended textbooks and instructional materials for each



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40 course and course section offered at the institution during the
41 upcoming term. The lists ~~posted list~~ must include:

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

44 (b) For a textbook or instructional material for which an
45 ISBN is not available, ~~textbook or~~ other identifying
46 information, which must include, at a minimum, all of the
47 following: the title, all authors listed, publishers, edition
48 number, copyright date, published date, and other relevant
49 information necessary to identify the specific textbook or
50 instructional material ~~textbooks~~ required and recommended for
51 each course.

52 (c) The new and used retail price and the rental price, if
53 applicable, for a required and recommended textbook or
54 instructional material for purchase at the institution's
55 designated bookstore or other specified vendor, including the
56 website or other contact information for the bookstore.

57
58 The State Board of Education and the Board of Governors shall
59 include in the policies, procedures, and guidelines adopted
60 under subsection (5) ~~(4)~~ certain limited exceptions to this
61 notification requirement for courses ~~classes~~ added after the
62 notification deadline. An institution that is unable to comply
63 with this subsection by the 2014 fall semester must provide a
64 quarterly report to the State Board of Education or to the Board
65 of Governors, as applicable, documenting the institution's
66 efforts to be in compliance with this subsection by the 2015
67 fall semester.

68 (5) ~~(4)~~ The State Board of Education and the Board of



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69 Governors each shall adopt textbook and instructional materials
70 affordability policies, procedures, and guidelines for
71 implementation by Florida College System institutions and state
72 universities, respectively, that further efforts to minimize the
73 cost of textbooks and instructional materials for students
74 attending such institutions while maintaining the quality of
75 education and academic freedom. The policies, procedures, and
76 guidelines shall, at a minimum, require ~~provide for~~ the
77 following:

78 (a) That textbook and instructional material adoptions are
79 made with sufficient lead time to bookstores so as to confirm
80 availability of the requested materials and, where possible,
81 ensure maximum availability of used textbooks and instructional
82 materials books.

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

88 (c) That a course instructor or the academic department
89 offering the course determines, before a textbook or
90 instructional material is adopted, the extent to which a new
91 edition differs significantly and substantively from earlier
92 versions and the value to the student of changing to a new
93 edition or the extent to which an open-access textbook or
94 instructional material may exist and be used.

95 (d) That a textbook or instructional material for an
96 undergraduate course shall remain in use for a minimum of 3
97 years in that undergraduate course, unless an exception is



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98 approved by the institution's president or designee. An
99 exception must be based upon a determination that the new
100 edition differs significantly and substantially from earlier
101 versions and that there is value to the student in changing to
102 the new edition. The institution's president or designee shall
103 annually report to the institution's board of trustees all
104 exceptions granted, including the rationale used to approve each
105 exception. The annual report shall be maintained on the
106 institution's website.

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

112 (f)~~(e)~~ That course instructors and academic departments are
113 encouraged to participate in the development, adaptation, and
114 review of open-access textbooks and instructional materials and,
115 in particular, open-access textbooks and instructional materials
116 for high-demand general education courses.

117 (g) That postsecondary institutions consult with school
118 districts with which they have a dual enrollment articulation
119 agreement to identify practices that impact the cost to school
120 districts of dual enrollment textbooks and instructional
121 materials, including, but not limited to, the length of time
122 that textbooks and instructional materials remain in use and the
123 costs associated with digital materials.

124 (h) That cost-benefit analyses be conducted regularly in
125 comparing options to ensure that students get the highest
126 quality product at the lowest available price.



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127 (6) Each Florida College System institution and state
128 university shall report annually to the Chancellor of the
129 Florida College System or the Chancellor of the State University
130 System, as applicable, the cost of undergraduate textbooks and
131 instructional materials, by course and course section; the
132 adoption cycles for high-enrollment courses as determined by the
133 chancellors; specific initiatives of the institution that reduce
134 the cost of textbooks and instructional materials; the number of
135 courses and course sections that were not able to meet the
136 textbook and instructional materials posting deadline; and
137 additional information as determined by the chancellors.

138 Annually, by December 31, the chancellors shall compile the
139 institution reports and submit a comprehensive report to the
140 Governor, the President of the Senate, and the Speaker of the
141 House of Representatives.

142 (7) Each Florida College System institution and state
143 university shall send annually to the State Board of Education
144 or the Board of Governors, as applicable, electronic copies of
145 its current textbook and instructional materials affordability
146 policies and procedures. The State Board of Education and the
147 Board of Governors shall provide a link to this information on
148 their respective websites.

149 (8) (a) The Governor shall appoint a task force which
150 includes the Chancellor of the Florida College System, the
151 Chancellor of the State University System, students who are
152 currently enrolled in a public postsecondary institution, and
153 representatives from Florida College System institutions, state
154 universities, school districts, textbook and instructional
155 materials publishers, and bookstore owners or managers.



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156 (b) The task force shall research options to reduce the
157 cost of print and digital textbooks and instructional materials
158 for all students. The task force shall use the information
159 provided pursuant to subsections (5) and (6) to determine the
160 best methods to reduce costs and must, at a minimum, consider
161 the following:

162 1. Reducing the cost of textbooks and instructional
163 materials by any existing Florida College System or State
164 University System initiative.

165 2. Purchasing bulk quantities of e-textbooks.

166 3. Increasing the availability and use of affordable
167 digital textbooks and learning objects for faculty and students.

168 4. Supporting efficient used book sales, buyback sales, and
169 student peer-to-peer sales.

170 5. Expanding the use of open-access textbooks and
171 instructional materials.

172 6. Researching textbook and instructional materials rental
173 options.

174 7. Developing online portals at each institution that will
175 assist students in buying, renting, selling, and sharing
176 textbooks and instructional materials.

177 8. Analyzing the feasibility of expanding and enhancing
178 digital access platforms that are developed with and used by
179 campus stores for the purpose of helping students acquire the
180 correct and least expensive required course materials.

181 9. Determining the cost of instructional materials for dual
182 enrollment students on school districts.

183 (c) By July 1, 2015, the task force shall submit
184 recommendations to the Governor, the President of the Senate,



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185 and the Speaker of the House of Representatives.

186 Section 2. Paragraph (k) of subsection (4) of section
187 1001.7065, Florida Statutes, is amended to read:

188 1001.7065 Preeminent state research universities program.-

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

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

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

212 2. For students classified as nonresidents for tuition
213 purposes, tuition may be set at market rates in accordance with



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214 the business plan.

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

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

227 5. The university must accept advance payment contracts and
228 student financial aid.

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

235 7. The institute may charge additional local user fees
236 pursuant to s. 1009.24(14) upon the approval of the Board of
237 Governors.

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

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



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

And the title is amended as follows:

Delete everything before the enacting clause
and insert:

A bill to be entitled

An act relating to postsecondary education textbook
and instructional materials affordability; amending s.
1004.085, F.S.; defining the term "instructional
materials"; requiring the State Board of Education and
the Board of Governors to adopt textbook and
instructional materials affordability policies,
procedures, and guidelines; providing requirements for
the use of adopted undergraduate textbooks and
instructional materials and authorizing exceptions;
requiring a public postsecondary institution to post
in its course registration system and on its website,
within a specified timeframe, information relating to
required and recommended textbooks and instructional
materials and prices thereof; requiring annual
reporting of textbook and instructional materials cost
information and affordability policies and procedures
to certain entities; requiring the Governor to appoint
a task force to research options to reduce the cost of
textbooks and instructional materials; providing task
force membership and duties; amending s. 1001.7065,
F.S.; conforming provisions; providing an effective
date.