

1                   A bill to be entitled  
2           An act relating to postsecondary access and  
3           affordability; amending s. 1001.7065, F.S.; specifying  
4           that the costs of instructional materials are not  
5           included in tuition for certain online degree  
6           programs; creating s. 1004.084, F.S.; requiring the  
7           Board of Governors of the State University System and  
8           the State Board of Education to submit annual reports  
9           to the Governor and Legislature relating to college  
10          affordability; amending s. 1004.085, F.S.; revising  
11          provisions relating to textbook affordability to  
12          include instructional materials; defining the term  
13          "instructional materials"; requiring Florida College  
14          System institution and state university boards of  
15          trustees to identify wide variances in the costs of,  
16          and frequency of changes in the selection of,  
17          textbooks and instructional materials for certain  
18          courses; authorizing the Florida College System  
19          institution and state university boards of trustees  
20          to adopt policies to allow for the use of innovative  
21          pricing techniques and payment options for certain  
22          textbooks and instructional materials; requiring the  
23          boards of trustees to send a list of identified  
24          courses to the academic department chairs for review;  
25          requiring Florida College System institutions and  
26          state universities to post certain information on

27 | their websites; requiring the State Board of Education  
28 | and Board of Governors to receive input from specified  
29 | individuals and entities before adopting textbook and  
30 | instructional materials affordability policies;  
31 | providing for legislative review and repeal of  
32 | specified provisions; requiring postsecondary  
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.; revising provisions relating to the assessment  
41 | of a tuition differential by a state university board  
42 | of trustees; revising requirements for the use of  
43 | tuition differential revenues; deleting a requirement  
44 | that a certain percentage of tuition differential  
45 | revenues be used for the purpose of improvements in  
46 | the quality of undergraduate education; requiring  
47 | state universities to provide a public notice relating  
48 | to increases in tuition and fees; providing an  
49 | effective date.

50 |  
51 | Be It Enacted by the Legislature of the State of Florida:  
52 |

53 Section 1. Paragraph (k) of subsection (4) of section  
54 1001.7065, Florida Statutes, is amended to read:

55 1001.7065 Preeminent state research universities program.—

56 (4) PREEMINENT STATE RESEARCH UNIVERSITY INSTITUTE FOR  
57 ONLINE LEARNING.—A state research university that, as of July 1,  
58 2013, meets all 12 of the academic and research excellence  
59 standards identified in subsection (2), as verified by the Board  
60 of Governors, shall establish an institute for online learning.  
61 The institute shall establish a robust offering of high-quality,  
62 fully online baccalaureate degree programs at an affordable cost  
63 in accordance with this subsection.

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

67 1. For students classified as residents for tuition  
68 purposes, tuition for an online baccalaureate degree program  
69 shall be set at no more than 75 percent of the tuition rate as  
70 specified in the General Appropriations Act pursuant to s.  
71 1009.24(4) and 75 percent of the tuition differential pursuant  
72 to s. 1009.24(16). No distance learning fee, fee for campus  
73 facilities, or fee for on-campus services may be assessed,  
74 except that online students shall pay the university's  
75 technology fee, financial aid fee, and Capital Improvement Trust  
76 Fund fee. The revenues generated from the Capital Improvement  
77 Trust Fund fee shall be dedicated to the university's institute  
78 for online learning.

79 2. For students classified as nonresidents for tuition  
80 purposes, tuition may be set at market rates in accordance with  
81 the business plan.

82 3. Tuition for an online degree program shall include all  
83 costs associated with instruction, materials, and enrollment,  
84 excluding costs associated with the provision of textbooks and  
85 instructional materials pursuant to s. 1004.085 and physical  
86 laboratory supplies.

87 4. Subject to the limitations in subparagraph 1., tuition  
88 may be differentiated by degree program as appropriate to the  
89 instructional and other costs of the program in accordance with  
90 the business plan. Pricing must incorporate innovative  
91 approaches that incentivize persistence and completion,  
92 including, but not limited to, a fee for assessment, a bundled  
93 or all-inclusive rate, and sliding scale features.

94 5. The university must accept advance payment contracts  
95 and student financial aid.

96 6. Fifty percent of the net revenues generated from the  
97 online institute of the university shall be used to enhance and  
98 enrich the online institute offerings, and 50 percent of the net  
99 revenues generated from the online institute shall be used to  
100 enhance and enrich the university's campus state-of-the-art  
101 research programs and facilities.

102 7. The institute may charge additional local user fees  
103 pursuant to s. 1009.24(14) upon the approval of the Board of  
104 Governors.

105           8. The institute shall submit a proposal to the president  
 106 of the university authorizing additional user fees for the  
 107 provision of voluntary student participation in activities and  
 108 additional student services.

109           Section 2. Section 1004.084, Florida Statutes, is created  
 110 to read:

111           1004.084 College affordability.-

112           (1) The Board of Governors and the State Board of  
 113 Education shall annually identify strategies to promote college  
 114 affordability for all Floridians by evaluating, at a minimum,  
 115 the impact of:

116           (a) Tuition and fees on undergraduate, graduate, and  
 117 professional students at public colleges and universities and  
 118 graduate assistants employed by public universities.

119           (b) Federal, state, and institutional financial aid  
 120 policies on the actual cost of attendance for students and their  
 121 families.

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

123           (2) By December 31 of each year, beginning in 2016, the  
 124 Board of Governors and the State Board of Education shall submit  
 125 a report on their respective college affordability initiatives  
 126 to the Governor, the President of the Senate, and the Speaker of  
 127 the House of Representatives.

128           Section 3. Section 1004.085, Florida Statutes, is amended  
 129 to read:

130           1004.085 Textbook and instructional materials

131 affordability.—

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

135 (2)~~(1)~~ An ~~No~~ employee of a Florida College System  
136 institution or state university may not demand or receive any  
137 payment, loan, subscription, advance, deposit of money, service,  
138 or anything of value, present or promised, in exchange for  
139 requiring students to purchase a specific textbook or  
140 instructional material for coursework or instruction.

141 (3)~~(2)~~ An employee may receive:

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

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

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

151 (d) Fees associated with activities such as reviewing,  
152 critiquing, or preparing support materials for textbooks or  
153 instructional materials pursuant to guidelines adopted by the  
154 State Board of Education or the Board of Governors.

155 (e) Training in the use of course materials and learning  
156 technologies.

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

171       (5) Each Florida College System institution and state  
172 university board of trustees is authorized to adopt policies  
173 that allow for the use of innovative pricing techniques and  
174 payment options for digital textbooks and instructional  
175 materials. Such policies may include bulk pricing arrangements  
176 that enable students to purchase integrated course materials and  
177 texts delivered digitally or through other technologies that  
178 are, or the licenses of which are, required for use within a  
179 course. Innovative pricing techniques and payment options must  
180 include an opt-out provision for students and may be approved  
181 only if there is documented evidence that the options reduce the  
182 cost of textbooks and instructional materials for students.

183        (6)~~(3)~~ Each Florida College System institution  
 184 ~~institutions~~ and state university ~~universities~~ shall post  
 185 prominently in the course registration system and on its website  
 186 ~~on their websites~~, as early as is feasible, but at least 45 ~~not~~  
 187 ~~less than 30~~ days before ~~prior to~~ the first day of class for  
 188 each term, a hyperlink to lists ~~list~~ of ~~each textbook~~ required  
 189 and recommended textbooks and instructional materials for at  
 190 least 95 percent of all courses and each course sections offered  
 191 at the institution during the upcoming term. The lists ~~posted~~  
 192 ~~list~~ must include the International Standard Book Number (ISBN)  
 193 for each required and recommended textbook and instructional  
 194 material or other identifying information, which must include,  
 195 at a minimum, all of the following: the title, all authors  
 196 listed, publishers, edition number, copyright date, published  
 197 date, and other relevant information necessary to identify the  
 198 specific ~~textbook or~~ textbooks or instructional materials  
 199 required and recommended for each course. The State Board of  
 200 Education and the Board of Governors shall include in the  
 201 policies, procedures, and guidelines adopted under subsection  
 202 (7) ~~(4)~~ certain limited exceptions to this notification  
 203 requirement for classes added after the notification deadline.  
 204        (7)~~(4)~~ After receiving input from students, faculty,  
 205 bookstores, and publishers, the State Board of Education and the  
 206 Board of Governors each shall adopt textbook and instructional  
 207 materials affordability policies, procedures, and guidelines for  
 208 implementation by Florida College System institutions and state



209 universities, respectively, that further efforts to minimize the  
 210 cost of textbooks and instructional materials for students  
 211 attending such institutions while maintaining the quality of  
 212 education and academic freedom. The policies, procedures, and  
 213 guidelines shall address ~~provide for the following:~~

214 (a) The establishment of deadlines for an instructor or  
 215 department to notify the bookstore of required and recommended  
 216 textbooks and instructional materials so that the bookstore may  
 217 verify availability, source lower cost options when practicable,  
 218 explore alternatives with faculty when academically appropriate,  
 219 and maximize the availability of used textbooks and  
 220 instructional materials ~~That textbook adoptions are made with~~  
 221 ~~sufficient lead time to bookstores so as to confirm availability~~  
 222 ~~of the requested materials and, where possible, ensure maximum~~  
 223 ~~availability of used books.~~

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

232 (c) Determination by ~~That~~ a course instructor or the  
 233 academic department offering the course ~~determines,~~ before a  
 234 textbook or instructional material is adopted, of the extent to

235 which a new edition differs significantly and substantively from  
236 earlier versions and the value to the student of changing to a  
237 new edition or the extent to which an open-access textbook or  
238 instructional material is available ~~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 materials to students otherwise unable to afford  
242 the cost, including consideration of the extent to which an  
243 open-access textbook or instructional material may be used.

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

250 (f) Consultation with school districts to identify  
251 practices that impact the cost of dual enrollment textbooks and  
252 instructional materials to school districts, including, but not  
253 limited to, the length of time that textbooks and instructional  
254 materials remain in use.

255 (g) Selection of textbooks and instructional materials  
256 through cost-benefit analyses that enable students to obtain the  
257 highest-quality product at the lowest available price, by  
258 considering:

- 259 1. Purchasing digital textbooks in bulk.  
260 2. Expanding the use of open-access textbooks and

261 instructional materials.

262 3. Providing rental options for textbooks and  
263 instructional materials.

264 4. Increasing the availability and use of affordable  
265 digital textbooks and learning objects.

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

268 6. The length of time that textbooks and instructional  
269 materials remain in use.

270 (8) The board of trustees of each Florida College System  
271 institution and state university shall report, by September 30  
272 of each year, beginning in 2016, to the Chancellor of the  
273 Florida College System or the Chancellor of the State University  
274 System, as applicable, the textbook and instructional materials  
275 selection process for general education courses with a wide cost  
276 variance identified pursuant to subsection (4) and high-  
277 enrollment courses; specific initiatives of the institution  
278 designed to reduce the costs of textbooks and instructional  
279 materials; policies implemented in accordance with subsection  
280 (7); the number of courses and course sections that were not  
281 able to meet the textbook and instructional materials posting  
282 deadline for the previous academic year; and any additional  
283 information determined by the chancellors. By November 1 of each  
284 year, beginning in 2016, each chancellor shall provide a summary  
285 of the information provided by institutions to the State Board  
286 of Education and the Board of Governors, as applicable.

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

289 1009.23 Florida College System institution student fees.—

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

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

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

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

301 Section 5. Paragraph (b) of subsection (4) and subsection  
 302 (16) of section 1009.24, Florida Statutes, are amended, and  
 303 subsection (20) is added to that section, to read:

304 1009.24 State university student fees.—

305 (4)

306 (b) The Board of Governors, ~~or the board's designee,~~ may  
 307 establish tuition for graduate and professional programs, and  
 308 out-of-state fees for all programs. Except as otherwise provided  
 309 in this section, the sum of tuition and out-of-state fees  
 310 assessed to nonresident students must be sufficient to offset  
 311 the full instructional cost of serving such students. However,  
 312 adjustments to out-of-state fees or tuition for graduate

313 programs and professional programs may not exceed 15 percent in  
314 any year.

315       (16) Each university board of trustees may assess  
316 ~~establish~~ a tuition differential for undergraduate courses if  
317 such fee was approved by the Board of Governors before July 1,  
318 2015 upon receipt of approval from the Board of Governors.  
319 ~~However, beginning July 1, 2014, the Board of Governors may only~~  
320 ~~approve the establishment of or an increase in tuition~~  
321 ~~differential for a state research university designated as a~~  
322 ~~preeminent state research university pursuant to s.~~  
323 ~~1001.7065(3).~~ The tuition differential shall promote  
324 improvements in the quality of undergraduate education and shall  
325 provide financial aid to undergraduate students who exhibit  
326 financial need.

327       (a) ~~Thirty Seventy percent of the revenues from the~~  
328 ~~tuition differential shall be expended for purposes of~~  
329 ~~undergraduate education. Such expenditures may include, but are~~  
330 ~~not limited to, increasing course offerings, improving~~  
331 ~~graduation rates, increasing the percentage of undergraduate~~  
332 ~~students who are taught by faculty, decreasing student-faculty~~  
333 ~~ratios, providing salary increases for faculty who have a~~  
334 ~~history of excellent teaching in undergraduate courses,~~  
335 ~~improving the efficiency of the delivery of undergraduate~~  
336 ~~education through academic advisement and counseling, and~~  
337 ~~reducing the percentage of students who graduate with excess~~  
338 ~~hours. This expenditure for undergraduate education may not be~~

339 ~~used to pay the salaries of graduate teaching assistants. Except~~  
340 ~~as otherwise provided in this subsection, the remaining 30~~  
341 percent of the revenues from the tuition differential, or the  
342 equivalent amount of revenue from private sources, shall be  
343 expended to provide financial aid to undergraduate students who  
344 exhibit financial need, including students who are scholarship  
345 recipients under s. 1009.984, to meet the cost of university  
346 attendance. This expenditure for need-based financial aid shall  
347 not supplant the amount of need-based aid provided to  
348 undergraduate students in the preceding fiscal year from  
349 financial aid fee revenues, the direct appropriation for  
350 financial assistance provided to state universities in the  
351 General Appropriations Act, or from private sources. The total  
352 amount of tuition differential waived under subparagraph (b) 7.  
353 ~~(b) 8.~~ may be included in calculating the expenditures for need-  
354 based financial aid to undergraduate students required by this  
355 subsection. This expenditure for need-based financial aid is not  
356 required if the entire tuition and fee costs of resident  
357 students who have applied for and received Pell Grant funds have  
358 been met and the university has excess funds remaining from the  
359 30 percent of the revenues from the tuition differential  
360 required to be used to assist students who exhibit financial  
361 need, ~~the university may expend the excess portion in the same~~  
362 ~~manner as required for the other 70 percent of the tuition~~  
363 ~~differential revenues.~~

364 (b) Each tuition differential is subject to the following

365 conditions:

366 1. The tuition differential may be assessed on one or more  
367 undergraduate courses or on all undergraduate courses at a state  
368 university.

369 2. The tuition differential may vary by course or courses,  
370 by campus or center location, and by institution. Each  
371 university board of trustees shall strive to maintain and  
372 increase enrollment in degree programs related to math, science,  
373 high technology, and other state or regional high-need fields  
374 when establishing tuition differentials by course.

375 ~~3. For each state university that is designated as a~~  
376 ~~preeminent state research university by the Board of Governors,~~  
377 ~~pursuant to s. 1001.7065, the aggregate sum of tuition and the~~  
378 ~~tuition differential may be increased by no more than 6 percent~~  
379 ~~of the total charged for the aggregate sum of these fees in the~~  
380 ~~preceding fiscal year. The tuition differential may be increased~~  
381 ~~if the university meets or exceeds performance standard targets~~  
382 ~~for that university established annually by the Board of~~  
383 ~~Governors for the following performance standards, amounting to~~  
384 ~~no more than a 2-percent increase in the tuition differential~~  
385 ~~for each performance standard:~~

386 ~~a. An increase in the 6-year graduation rate for full-~~  
387 ~~time, first-time-in-college students, as reported annually to~~  
388 ~~the Integrated Postsecondary Education Data System.~~

389 ~~b. An increase in the total annual research expenditures.~~

390 ~~c. An increase in the total patents awarded by the United~~

391 ~~States Patent and Trademark Office for the most recent years.~~

392 ~~3.4.~~ The aggregate sum of undergraduate tuition and fees  
393 per credit hour, including the tuition differential, may not  
394 exceed the national average of undergraduate tuition and fees at  
395 4-year degree-granting public postsecondary educational  
396 institutions.

397 ~~4.5.~~ The tuition differential shall not be included in any  
398 award under the Florida Bright Futures Scholarship Program  
399 established pursuant to ss. 1009.53-1009.538.

400 ~~5.6.~~ Beneficiaries having prepaid tuition contracts  
401 pursuant to s. 1009.98(2)(b) which were in effect on July 1,  
402 2007, and which remain in effect, are exempt from the payment of  
403 the tuition differential.

404 ~~6.7.~~ The tuition differential may not be charged to any  
405 student who was in attendance at the university before July 1,  
406 2007, and who maintains continuous enrollment.

407 ~~7.8.~~ The tuition differential may be waived by the  
408 university for students who meet the eligibility requirements  
409 for the Florida public student assistance grant established in  
410 s. 1009.50.

411 ~~9. Subject to approval by the Board of Governors, the~~  
412 ~~tuition differential authorized pursuant to this subsection may~~  
413 ~~take effect with the 2009 fall term.~~

414 (c) Each state university that is designated as a  
415 preeminent state research university by the Board of Governors  
416 pursuant to s. 1001.7065 may increase the tuition differential



417 annually in accordance with this subsection. However, the  
418 aggregate sum of tuition and the tuition differential may be  
419 increased by no more than 6 percent of the total charged for the  
420 aggregate sum of these fees in the preceding fiscal year. The  
421 tuition differential may be increased only if the university  
422 meets or exceeds performance standard targets for that  
423 university established annually by the Board of Governors for  
424 the following performance standards, amounting to no more than a  
425 2-percent increase in the tuition differential for each  
426 performance standard:

427 1. An increase in the 6-year graduation rate for full-  
428 time, first-time-in-college students, as reported annually to  
429 the Integrated Postsecondary Education Data System.

430 2. An increase in total annual research expenditures.

431 3. An increase in total patents awarded by the United  
432 States Patent and Trademark Office for the most recent years.

433 ~~(c) A university board of trustees may submit a proposal~~  
434 ~~to the Board of Governors to implement a tuition differential~~  
435 ~~for one or more undergraduate courses. At a minimum, the~~  
436 ~~proposal shall:~~

437 ~~1. Identify the course or courses for which the tuition~~  
438 ~~differential will be assessed.~~

439 ~~2. Indicate the amount that will be assessed for each~~  
440 ~~tuition differential proposed.~~

441 ~~3. Indicate the purpose of the tuition differential.~~

442 ~~4. Indicate how the revenues from the tuition differential~~

443 ~~will be used.~~

444 ~~5. Indicate how the university will monitor the success of~~  
445 ~~the tuition differential in achieving the purpose for which the~~  
446 ~~tuition differential is being assessed.~~

447 ~~(d) The Board of Governors shall review each proposal and~~  
448 ~~advise the university board of trustees of approval of the~~  
449 ~~proposal, the need for additional information or revision to the~~  
450 ~~proposal, or denial of the proposal. The Board of Governors~~  
451 ~~shall establish a process for any university to revise a~~  
452 ~~proposal or appeal a decision of the board.~~

453 ~~(d)(e)~~ The Board of Governors shall submit a report to the  
454 President of the Senate, the Speaker of the House of  
455 Representatives, and the Governor describing the implementation  
456 of ~~the provisions of~~ this subsection no later than February 1 of  
457 each year. The report shall ~~summarize proposals received by the~~  
458 ~~board during the preceding fiscal year and actions taken by the~~  
459 ~~board in response to such proposals. In addition, the report~~  
460 ~~shall~~ provide the following information for each university that  
461 assesses ~~has been approved by the board to assess~~ a tuition  
462 differential:

463 1. The course or courses for which the tuition  
464 differential was assessed and the amount assessed.

465 2. The total revenues generated by the tuition  
466 differential.

467 3. With respect to waivers authorized under subparagraph  
468 (b)7. ~~(b)8.~~, the number of students eligible for a waiver, the

469 number of students receiving a waiver, and the value of waivers  
470 provided.

471 4. Detailed expenditures of the revenues generated by the  
472 tuition differential.

473 5. Changes in retention rates, graduation rates, the  
474 percentage of students graduating with more than 110 percent of  
475 the hours required for graduation, pass rates on licensure  
476 examinations, the number of undergraduate course offerings, the  
477 percentage of undergraduate students who are taught by faculty,  
478 student-faculty ratios, and the average salaries of faculty who  
479 teach undergraduate courses.

480 (e)-(f) ~~A No~~ state university is not ~~shall be~~ required to  
481 lower a ~~any~~ tuition differential that was approved by the Board  
482 of Governors and in effect before July 1, 2015 ~~prior to January~~  
483 ~~1, 2009~~, in order to comply with ~~the provisions of this~~  
484 subsection.

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

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

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

494 (c) Be posted on the university's website and issued in a

CS/HB 7019

2016

495 | press release.

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