

By the Committee on Education

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1                                   A bill to be entitled  
2       An act relating to postsecondary education; amending  
3       s. 1004.085, F.S.; providing requirements for lists of  
4       required and recommended textbooks and instructional  
5       materials for Florida College System institution and  
6       state university courses; amending s. 1007.24, F.S.;  
7       revising the maintenance requirements of, and  
8       information that must be included in, the statewide  
9       course numbering system; requiring certain  
10      postsecondary educational institutions' registration  
11      processes to include specified information; requiring  
12      certain postsecondary educational institutions to  
13      accept and apply general education courses and credit  
14      in a specified manner; requiring the State Board of  
15      Education to adopt rules; providing requirements for  
16      such rules; creating s. 1008.47, F.S.; defining the  
17      term "postsecondary education institution";  
18      prohibiting public postsecondary education  
19      institutions from being accredited by the same agency  
20      or association for consecutive accreditation cycles;  
21      requiring public postsecondary education institutions  
22      to collaborate to identify additional accrediting  
23      agencies or associations that are recognized by the  
24      database created and maintained by the United States  
25      Department of Education, other than their current  
26      accrediting agencies or associations, from which they  
27      may seek and obtain accreditation; creating a cause of  
28      action for postsecondary education institutions;  
29      authorizing the award of specified damages, court

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30 costs, and attorney fees; providing for the future  
31 expiration of specified provisions; amending ss.  
32 1009.23 and 1009.24, F.S.; requiring Florida College  
33 System institutions and state universities,  
34 respectively, to post specified information relating  
35 to tuition and fee rates and proposed changes to such  
36 rates on their websites; revising the information that  
37 must be included in a required notice to students;  
38 requiring a specific press release to be e-mailed to  
39 enrolled students; providing requirements for a  
40 Florida College System institution or a state  
41 university, respectively, to raise, impose, or  
42 authorize certain fees; providing a directive to the  
43 Division of Law Revision; providing an effective date.  
44

45 Be It Enacted by the Legislature of the State of Florida:  
46

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

49 1004.085 Textbook and instructional materials affordability  
50 and transparency.—

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

54 (2) An employee of a Florida College System institution or  
55 state university may not demand or receive any payment, loan,  
56 subscription, advance, deposit of money, service, or anything of  
57 value, present or promised, in exchange for requiring students  
58 to purchase a specific textbook or instructional material for

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59 coursework or instruction.

60 (3) An employee may receive:

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

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

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

69 (d) Fees associated with activities such as reviewing,  
70 critiquing, or preparing support materials for textbooks or  
71 instructional materials pursuant to guidelines adopted by the  
72 State Board of Education or the Board of Governors.

73 (e) Training in the use of course materials and learning  
74 technologies.

75 (4) Each Florida College System institution and state  
76 university board of trustees is authorized to adopt policies in  
77 consultation with providers, including bookstores, which allow  
78 for the use of innovative pricing techniques and payment options  
79 for textbooks and instructional materials. Such policies may  
80 include bulk pricing arrangements that enable students to  
81 purchase course materials or texts that are delivered digitally;  
82 delivered through other technologies that are, or the licenses  
83 of which are, required for use within a course; or delivered in  
84 a print format. Innovative pricing techniques and payment  
85 options must include an opt-in or opt-out provision for students  
86 and may be approved only if there is documented evidence that  
87 the options reduce the cost of textbooks and instructional

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88 materials for students taking a course.

89 (5) (a) Each Florida College System institution and state  
90 university shall post prominently in the course registration  
91 system and on its website, ~~as early as is feasible, but at least~~  
92 ~~45 days before the first day of class for each term,~~ a hyperlink  
93 to lists of required and recommended textbooks and instructional  
94 materials for at least 95 percent of all courses and course  
95 sections offered at the institution during the upcoming term.  
96 The lists must include the International Standard Book Number  
97 (ISBN) for each required and recommended textbook and  
98 instructional material or other identifying information, which  
99 must include, at a minimum, all of the following: the title, all  
100 authors listed, publishers, edition number, copyright date,  
101 published date, and other relevant information necessary to  
102 identify the specific textbooks or instructional materials  
103 required and recommended for each course. The State Board of  
104 Education and the Board of Governors shall include in the  
105 policies, procedures, and guidelines adopted under subsection  
106 (6) certain limited exceptions to this notification requirement  
107 for classes added after the notification deadline.

108 (b) The lists of required and recommended textbooks and  
109 instructional materials required in paragraph (a) must:

110 1. Be posted as early as is feasible but at least 45 days  
111 before the first day of class for each term.

112 2. Remain posted for at least 5 academic years.

113 3. Be searchable by the course subject, the course number,  
114 the course title, the name of the instructor of the course, the  
115 title of each assigned textbook or instructional material, and  
116 each author of an assigned textbook or instructional material.

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117 4. Be easily downloadable by current and prospective  
118 students.

119 (c) If a course subject to paragraphs (a) and (b) is a  
120 general education core course option identified pursuant to s.  
121 1007.25, course syllabi information containing sufficient detail  
122 to inform students of all of the following must be included:

123 1. The course curriculum.

124 2. The goals, objectives, and student expectations of the  
125 course.

126 3. How student performance will be measured.

127 (6) After receiving input from students, faculty,  
128 bookstores, and publishers, the State Board of Education and the  
129 Board of Governors each shall adopt textbook and instructional  
130 materials affordability policies, procedures, and guidelines for  
131 implementation by Florida College System institutions and state  
132 universities, respectively, that further efforts to minimize the  
133 cost of textbooks and instructional materials for students  
134 attending such institutions while maintaining the quality of  
135 education and academic freedom. The policies, procedures, and  
136 guidelines shall address:

137 (a) The establishment of deadlines for an instructor or  
138 department to notify the bookstore of required and recommended  
139 textbooks and instructional materials so that the bookstore may  
140 verify availability, source lower cost options when practicable,  
141 explore alternatives with faculty when academically appropriate,  
142 and maximize the availability of used textbooks and  
143 instructional materials.

144 (b) Confirmation by the course instructor or academic  
145 department offering the course, before the textbook or

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146 instructional materials adoption is finalized, of the intent to  
147 use all items ordered, particularly each individual item sold as  
148 part of a bundled package.

149 (c) Determination by a course instructor or the academic  
150 department offering the course, before a textbook or  
151 instructional material is adopted, of the extent to which a new  
152 edition differs significantly and substantively from earlier  
153 versions and the value to the student of changing to a new  
154 edition or the extent to which an open-access textbook or  
155 instructional material is available.

156 (d) The availability of required and recommended textbooks  
157 and instructional materials to students otherwise unable to  
158 afford the cost, including consideration of the extent to which  
159 an open-access textbook or instructional material may be used.

160 (e) Participation by course instructors and academic  
161 departments in the development, adaptation, and review of open-  
162 access textbooks and instructional materials and, in particular,  
163 open-access textbooks and instructional materials for high-  
164 demand general education courses.

165 (f) Consultation with school districts to identify  
166 practices that impact the cost of dual enrollment textbooks and  
167 instructional materials to school districts, including, but not  
168 limited to, the length of time that textbooks and instructional  
169 materials remain in use.

170 (g) Selection of textbooks and instructional materials  
171 through cost-benefit analyses that enable students to obtain the  
172 highest-quality product at the lowest available price, by  
173 considering:

174 1. Purchasing digital textbooks in bulk.

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175           2. Expanding the use of open-access textbooks and  
176 instructional materials.

177           3. Providing rental options for textbooks and instructional  
178 materials.

179           4. Increasing the availability and use of affordable  
180 digital textbooks and learning objects.

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

183           6. The length of time that textbooks and instructional  
184 materials remain in use.

185           7. An evaluation of cost savings for textbooks and  
186 instructional materials which a student may realize if  
187 individual students are able to exercise opt-in provisions for  
188 the purchase of the materials.

189           (7) The board of trustees of each Florida College System  
190 institution and state university shall report, by September 30  
191 of each year, to the Chancellor of the Florida College System or  
192 the Chancellor of the State University System, as applicable,  
193 the textbook and instructional materials selection process for  
194 high-enrollment courses; specific initiatives of the institution  
195 designed to reduce the costs of textbooks and instructional  
196 materials; policies implemented in accordance with subsection  
197 (5); the number of courses and course sections that were not  
198 able to meet the textbook and instructional materials posting  
199 deadline for the previous academic year; and any additional  
200 information determined by the chancellors. By November 1 of each  
201 year, each chancellor shall provide a summary of the information  
202 provided by institutions to the State Board of Education and the  
203 Board of Governors, as applicable.

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204 Section 2. Present subsection (8) of section 1007.24,  
205 Florida Statutes, is redesignated as subsection (9) and amended,  
206 a new subsection (8) is added to that section, and subsections  
207 (4) and (5) of that section are amended, to read:

208 1007.24 Statewide course numbering system.—

209 (4) The statewide course numbering system must be ~~shall~~  
210 maintained electronically and regularly updated by the  
211 department and include the courses at the recommended levels,  
212 course numbers, course titles, credits awarded, and other  
213 identifiable information by institution and academic year, as  
214 required by state board rule.

215 (5) The registration process at each state university and  
216 Florida College System institution must ~~shall~~ include the  
217 courses at their designated levels, and statewide course  
218 numbers, course titles, credits awarded, and other identifiable  
219 information, as required by state board rule.

220 (8) Participating postsecondary institutions receiving  
221 transfer course credit must accept and apply general education  
222 courses and credit in accordance with this section, s. 1007.25,  
223 and other provisions of law, including credit earned through  
224 dual enrollment, course equivalencies, and other acceleration  
225 mechanisms, as first satisfying general education core course  
226 credit requirements and other general education subject area  
227 course credit requirements before applying the course credit as  
228 elective credit.

229 (9) ~~(8)~~—The State Board of Education shall adopt rules that  
230 provide for the collection of course information from  
231 participating institutions, identifiable information required  
232 for each course, and the conduct of regularly scheduled faculty



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233 committee reviews and recommendations. At a minimum, rules must  
234 address all of the following:

235 (a) Required institutional reporting formats, timelines,  
236 and procedures for the timely and uniform collection and  
237 publication of course data information.

238 (b) Regularly scheduled faculty committee reviews and  
239 recommendations to the commissioner for the alignment or  
240 realignment of courses, course numbers, course titles,  
241 designated levels, credits awarded, and other identifiable  
242 information for the purpose of facilitating credit transfer and  
243 acceptance for substantially similar courses at receiving  
244 institutions.

245 (c) Regularly scheduled faculty committee reviews and  
246 recommendations to the commissioner for the classification or  
247 reclassification of courses as satisfying general education,  
248 general education core, prerequisite, substitution, equivalency,  
249 civic literacy, or other course types, pursuant to s. 1007.25,  
250 consistent with subject area, course content, programmatic, and  
251 other requirements outlined in rule.

252 (d) Purges of courses that are listed in the statewide  
253 course numbering system but have not been taught at an  
254 institution for the preceding 5 years. These rules must include  
255 waiver provisions that allow course continuation if an  
256 institution has reasonable cause for having not offered a course  
257 within the 5-year limit and an expectation that the course will  
258 be offered again within the following 5 years.

259 Section 3. Section 1008.47, Florida Statutes, is created to  
260 read:

261 1008.47 Postsecondary education institution accreditation.-

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262       (1) DEFINITION.—As used in this section, the term  
263 “postsecondary education institution” means a Florida College  
264 System institution, state university, or nonpublic postsecondary  
265 education institution that receives state funds.

266       (2) ACCREDITATION.—A public postsecondary education  
267 institution may not be accredited by the same accrediting agency  
268 or association for consecutive accreditation cycles. In the year  
269 following reaffirmation or fifth-year review by their  
270 accrediting agencies or associations, public postsecondary  
271 education institutions shall collaborate to identify accrediting  
272 agencies or associations that are recognized by the database  
273 created and maintained by the United States Department of  
274 Education, other than their current accrediting agencies or  
275 associations, from which to seek accreditation and shall seek  
276 and obtain accreditation before their next reaffirmation date.

277       (3) CAUSE OF ACTION.—A postsecondary education institution  
278 negatively impacted by retaliatory action taken against the  
279 postsecondary education institution by an accrediting agency or  
280 association may bring an action against the accrediting agency  
281 or association in a court of competent jurisdiction and may  
282 obtain liquidated damages up to the amount of federal financial  
283 aid received by the postsecondary education institution, court  
284 costs, and reasonable attorney fees.

285       (4) EXPIRATION.—This section expires December 31, 2032.

286       Section 4. Subsection (20) of section 1009.23, Florida  
287 Statutes, is amended, and subsection (21) is added to that  
288 section, to read:

289       1009.23 Florida College System institution student fees.—

290       (20) All tuition and fees described in this section, and

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291 any proposed changes to such tuition and fees, must be  
292 prominently posted on the institution's website in an area that  
293 is transparent and easily accessible. Each Florida College  
294 System institution shall publicly notice and notify all enrolled  
295 students of any proposal to increase tuition or fees at least 28  
296 days before its consideration for a vote taken at a board of  
297 trustees meeting. The notice must:

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

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

304 (c) Be posted on the institution's website and issued in a  
305 press release, which must also be enclosed in an e-mail sent to  
306 all enrolled students.

307 (21) Any proposal or action of a Florida College System  
308 institution to raise, impose, or authorize any fee, as  
309 authorized by law, except for tuition, must be approved by a  
310 supermajority vote of the members of the board of trustees of  
311 the institution, if approval by the board of trustees is  
312 required by general law, and at least a supermajority vote of  
313 the members of the State Board of Education, if approval by the  
314 State Board of Education is required by general law, in order to  
315 take effect.

316 Section 5. Subsection (20) of section 1009.24, Florida  
317 Statutes, is amended, and subsection (21) is added to that  
318 section, to read:

319 1009.24 State university student fees.-

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320           (20) All tuition and fees described in this section, and  
321 any proposed changes to such tuition and fees, must be  
322 prominently posted on the state university's website in an area  
323 that is transparent and easily accessible. Each state university  
324 shall publicly notice and notify all enrolled students of any  
325 proposal to change tuition or fees at least 28 days before its  
326 consideration for a vote taken at a board of trustees meeting.  
327 The notice must:

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

330           (b) Specifically outline the details of existing tuition  
331 and fees, including how such tuition and fees are expended, the  
332 rationale and necessity for the proposed change, and how the  
333 funds from the proposed change will be used.

334           (c) Be posted on the university's website and issued in a  
335 press release, which must also be enclosed in an e-mail sent to  
336 all enrolled students.

337           (21) Pursuant to s. 7(e), Art. IX of the State  
338 Constitution, any proposal or action of a constituent university  
339 to raise, impose, or authorize any fee, as authorized by law,  
340 except for tuition, must be approved by at least 9 affirmative  
341 votes of the members of the board of trustees of the constituent  
342 university, if approval by the board of trustees is required by  
343 general law, and at least 12 affirmative votes of the members of  
344 the Board of Governors, if approval by the Board of Governors is  
345 required by general law, in order to take effect.

346           Section 6. The Division of Law Revision shall prepare a  
347 reviser's bill to replace references to the phrases "the  
348 Southern Association of Colleges and Schools," "the Commission

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349 on Colleges of the Southern Association of Colleges and  
350 Schools," and "the Southern Association of Colleges and Schools  
351 Commission on Colleges" wherever they occur in the Florida  
352 Statutes with the phrase "an accrediting agency or association  
353 recognized by the database created and maintained by the United  
354 States Department of Education."

355 Section 7. This act shall take effect July 1, 2022.