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1
2 An act relating to postsecondary education; amending
3 s. 1001.706, F.S.; authorizing the Board of Governors
4 to adopt a regulation regarding post-tenure reviews
5 for state university faculty; specifying requirements
6 for the regulation; amending s. 1004.085, F.S.;
7 providing requirements for lists of required and
8 recommended textbooks and instructional materials for
9 Florida College System institution and state
10 university courses; amending s. 1007.24, F.S.;
11 revising the maintenance requirements of, and
12 information that must be included in, the statewide
13 course numbering system; requiring certain
14 postsecondary educational institutions' registration
15 processes to include specified information; requiring
16 certain postsecondary educational institutions to
17 accept and apply general education courses and credit
18 in a specified manner; requiring the State Board of
19 Education to adopt rules; providing requirements for
20 such rules; creating s. 1008.47, F.S.; defining the
21 term "postsecondary education institution"; requiring
22 the Board of Governors and State Board of Education to
23 identify and determine accrediting agencies or
24 associations best suited for public postsecondary
25 institutions by a specified date; providing
26 requirements for such accrediting agencies or
27 associations; prohibiting public postsecondary
28 institutions from being accredited by the same agency
29 or association for consecutive accreditation cycles;

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30 requiring public postsecondary institutions to obtain
31 accreditation from accrediting agencies or
32 associations identified by the Board of Governors or
33 State Board of Education, respectively; providing that
34 specified academic programs are exempt from such
35 requirements; requiring institutions to provide
36 specified reports to the Board of Governors or the
37 State Board of Education; requiring institutions to
38 seek specified accreditation; authorizing institutions
39 to remain with current accreditors under certain
40 circumstances; creating a cause of action for
41 postsecondary education institutions; authorizing the
42 award of specified damages, court costs, and attorney
43 fees; providing for the future expiration of specified
44 provisions; amending ss. 1009.23 and 1009.24, F.S.;
45 requiring Florida College System institutions and
46 state universities, respectively, to post specified
47 information relating to tuition and fee rates and
48 proposed changes to such rates on their websites;
49 revising the information that must be included in a
50 required notice to students; requiring a specific
51 press release to be e-mailed to enrolled students;
52 providing requirements for a Florida College System
53 institution or a state university, respectively, to
54 raise, impose, or authorize certain fees; providing a
55 directive to the Division of Law Revision; providing
56 effective dates.

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58 Be It Enacted by the Legislature of the State of Florida:

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Section 1. Present paragraphs (b), (c), and (d) of subsection (6) of section 1001.706, Florida Statutes, are redesignated as paragraphs (c), (d), and (e), respectively, and a new paragraph (b) is added to that subsection, to read:

1001.706 Powers and duties of the Board of Governors.—

(6) POWERS AND DUTIES RELATING TO PERSONNEL.—

(b) The Board of Governors may adopt a regulation requiring each tenured state university faculty member to undergo a comprehensive post-tenure review every 5 years. The board may include other considerations in the regulation, but the regulation must address:

1. Accomplishments and productivity;
2. Assigned duties in research, teaching, and service;
3. Performance metrics, evaluations, and ratings; and
4. Recognition and compensation considerations, as well as improvement plans and consequences for underperformance.

Section 2. Section 1004.085, Florida Statutes, is amended to read:

1004.085 Textbook and instructional materials affordability and transparency.—

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

(2) An 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

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88 coursework or instruction.

89 (3) An employee may receive:

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

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

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

98 (d) Fees associated with activities such as reviewing,
99 critiquing, or preparing support materials for textbooks or
100 instructional materials pursuant to guidelines adopted by the
101 State Board of Education or the Board of Governors.

102 (e) Training in the use of course materials and learning
103 technologies.

104 (4) Each Florida College System institution and state
105 university board of trustees is authorized to adopt policies in
106 consultation with providers, including bookstores, which allow
107 for the use of innovative pricing techniques and payment options
108 for textbooks and instructional materials. Such policies may
109 include bulk pricing arrangements that enable students to
110 purchase course materials or texts that are delivered digitally;
111 delivered through other technologies that are, or the licenses
112 of which are, required for use within a course; or delivered in
113 a print format. Innovative pricing techniques and payment
114 options must include an opt-in or opt-out provision for students
115 and may be approved only if there is documented evidence that
116 the options reduce the cost of textbooks and instructional

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117 materials for students taking a course.

118 (5) (a) Each Florida College System institution and state
119 university shall post prominently in the course registration
120 system and on its website, ~~as early as is feasible, but at least~~
121 ~~45 days before the first day of class for each term,~~ a hyperlink
122 to lists of required and recommended textbooks and instructional
123 materials for at least 95 percent of all courses and course
124 sections offered at the institution during the upcoming term.
125 The lists must include the International Standard Book Number
126 (ISBN) for each required and recommended textbook and
127 instructional material or other identifying information, which
128 must include, at a minimum, all of the following: the title, all
129 authors listed, publishers, edition number, copyright date,
130 published date, and other relevant information necessary to
131 identify the specific textbooks or instructional materials
132 required and recommended for each course. The State Board of
133 Education and the Board of Governors shall include in the
134 policies, procedures, and guidelines adopted under subsection
135 (6) certain limited exceptions to this notification requirement
136 for classes added after the notification deadline.

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

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

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

142 3. Be searchable by the course subject, the course number,
143 the course title, the name of the instructor of the course, the
144 title of each assigned textbook or instructional material, and
145 each author of an assigned textbook or instructional material.

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146 4. Be easily downloadable by current and prospective
147 students.

148 (c) If a course subject to paragraphs (a) and (b) is a
149 general education core course option identified pursuant to s.
150 1007.25, course syllabi information containing sufficient detail
151 to inform students of all of the following must be included:

152 1. The course curriculum.

153 2. The goals, objectives, and student expectations of the
154 course.

155 3. How student performance will be measured.

156 (6) After receiving input from students, faculty,
157 bookstores, and publishers, the State Board of Education and the
158 Board of Governors each shall adopt textbook and instructional
159 materials affordability policies, procedures, and guidelines for
160 implementation by Florida College System institutions and state
161 universities, respectively, that further efforts to minimize the
162 cost of textbooks and instructional materials for students
163 attending such institutions while maintaining the quality of
164 education and academic freedom. The policies, procedures, and
165 guidelines shall address:

166 (a) The establishment of deadlines for an instructor or
167 department to notify the bookstore of required and recommended
168 textbooks and instructional materials so that the bookstore may
169 verify availability, source lower cost options when practicable,
170 explore alternatives with faculty when academically appropriate,
171 and maximize the availability of used textbooks and
172 instructional materials.

173 (b) Confirmation by the course instructor or academic
174 department offering the course, before the textbook or

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

178 (c) Determination by a course instructor or the academic
179 department offering the course, before a textbook or
180 instructional material is adopted, of the extent to which a new
181 edition differs significantly and substantively from earlier
182 versions and the value to the student of changing to a new
183 edition or the extent to which an open-access textbook or
184 instructional material is available.

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

189 (e) Participation by course instructors and academic
190 departments in the development, adaptation, and review of open-
191 access textbooks and instructional materials and, in particular,
192 open-access textbooks and instructional materials for high-
193 demand general education courses.

194 (f) Consultation with school districts to identify
195 practices that impact the cost of dual enrollment textbooks and
196 instructional materials to school districts, including, but not
197 limited to, the length of time that textbooks and instructional
198 materials remain in use.

199 (g) Selection of textbooks and instructional materials
200 through cost-benefit analyses that enable students to obtain the
201 highest-quality product at the lowest available price, by
202 considering:

203 1. Purchasing digital textbooks in bulk.

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204 2. Expanding the use of open-access textbooks and
205 instructional materials.

206 3. Providing rental options for textbooks and instructional
207 materials.

208 4. Increasing the availability and use of affordable
209 digital textbooks and learning objects.

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

212 6. The length of time that textbooks and instructional
213 materials remain in use.

214 7. An evaluation of cost savings for textbooks and
215 instructional materials which a student may realize if
216 individual students are able to exercise opt-in provisions for
217 the purchase of the materials.

218 (7) The board of trustees of each Florida College System
219 institution and state university shall report, by September 30
220 of each year, to the Chancellor of the Florida College System or
221 the Chancellor of the State University System, as applicable,
222 the textbook and instructional materials selection process for
223 high-enrollment courses; specific initiatives of the institution
224 designed to reduce the costs of textbooks and instructional
225 materials; policies implemented in accordance with subsection
226 (5); the number of courses and course sections that were not
227 able to meet the textbook and instructional materials posting
228 deadline for the previous academic year; and any additional
229 information determined by the chancellors. By November 1 of each
230 year, each chancellor shall provide a summary of the information
231 provided by institutions to the State Board of Education and the
232 Board of Governors, as applicable.

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233 Section 3. Present subsection (8) of section 1007.24,
234 Florida Statutes, is redesignated as subsection (9) and amended,
235 a new subsection (8) is added to that section, and subsections
236 (4) and (5) of that section are amended, to read:

237 1007.24 Statewide course numbering system.—

238 (4) The statewide course numbering system must be ~~shall~~
239 maintained electronically and regularly updated by the
240 department and include the courses at the recommended levels,
241 course numbers, course titles, credits awarded, and other
242 identifiable information by institution and academic year, as
243 required by state board rule.

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

249 (8) Participating postsecondary institutions receiving
250 transfer course credit must accept and apply general education
251 courses and credit in accordance with this section, s. 1007.25,
252 and other provisions of law, including credit earned through
253 dual enrollment, course equivalencies, and other acceleration
254 mechanisms, as first satisfying general education core course
255 credit requirements and other general education subject area
256 course credit requirements before applying the course credit as
257 elective credit.

258 (9) ~~(8)~~—The State Board of Education shall adopt rules that
259 provide for the collection of course information from
260 participating institutions, identifiable information required
261 for each course, and the conduct of regularly scheduled faculty

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

264 (a) Required institutional reporting formats, timelines,
265 and procedures for the timely and uniform collection and
266 publication of course data information.

267 (b) Regularly scheduled faculty committee reviews and
268 recommendations to the commissioner for the alignment or
269 realignment of courses, course numbers, course titles,
270 designated levels, credits awarded, and other identifiable
271 information for the purpose of facilitating credit transfer and
272 acceptance for substantially similar courses at receiving
273 institutions.

274 (c) Regularly scheduled faculty committee reviews and
275 recommendations to the commissioner for the classification or
276 reclassification of courses as satisfying general education,
277 general education core, prerequisite, substitution, equivalency,
278 civic literacy, or other course types, pursuant to s. 1007.25,
279 consistent with subject area, course content, programmatic, and
280 other requirements outlined in rule.

281 (d) Purges of courses that are listed in the statewide
282 course numbering system but have not been taught at an
283 institution for the preceding 5 years. These rules must include
284 waiver provisions that allow course continuation if an
285 institution has reasonable cause for having not offered a course
286 within the 5-year limit and an expectation that the course will
287 be offered again within the following 5 years.

288 Section 4. Effective upon this act becoming a law, section
289 1008.47, Florida Statutes, is created to read:

290 1008.47 Postsecondary education institution accreditation.—

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291 (1) DEFINITION.—As used in this section, the term
292 “postsecondary education institution” means a Florida College
293 System institution, state university, or nonpublic postsecondary
294 education institution that receives state funds.

295 (2) ACCREDITATION.—

296 (a) By September 1, 2022, the Board of Governors or the
297 State Board of Education, as applicable, shall identify and
298 determine the accrediting agencies or associations best suited
299 to serve as an accreditor for public postsecondary institutions.
300 Such accrediting agencies or associations must be recognized by
301 the database created and maintained by the United States
302 Department of Education. A public postsecondary institution may
303 not be accredited by the same accrediting agency or association
304 for consecutive accreditation cycles. In the year following
305 reaffirmation or fifth-year review by its accrediting agencies
306 or associations, each public postsecondary institution must seek
307 and obtain accreditation from an accrediting agency or
308 association identified by the Board of Governors or State Board
309 of Education, respectively, before its next reaffirmation or
310 fifth-year review date. The requirements of this subsection are
311 not applicable to those professional, graduate, departmental, or
312 certificate programs at public postsecondary institutions that
313 have specific accreditation requirements or best practices,
314 including, but not limited to, law, pharmacy, engineering, or
315 other similarly situated educational programs.

316 (b) Once a public postsecondary institution is required to
317 seek and obtain accreditation from an agency or association
318 identified pursuant to paragraph (a), the institution shall seek
319 accreditation from a regional accrediting agency or association

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320 and provide quarterly reports of its progress to the Board of
321 Governors or State Board of Education, as applicable. If each
322 regional accreditation agency or association identified pursuant
323 to paragraph (a) has refused to grant candidacy status to an
324 institution, the institution shall seek and obtain accreditation
325 from any accrediting agency or association that is different
326 than its current accrediting agency or association and is
327 recognized by the database created and maintained by the United
328 States Department of Education. If a public postsecondary
329 institution is not granted candidacy status before its next
330 reaffirmation or fifth-year review date, the institution may
331 remain with its current accrediting agency or association.

332 (3) CAUSE OF ACTION.—A postsecondary education institution
333 negatively impacted by retaliatory action taken against the
334 postsecondary education institution by an accrediting agency or
335 association may bring an action against the accrediting agency
336 or association in a court of competent jurisdiction and may
337 obtain liquidated damages up to the amount of federal financial
338 aid received by the postsecondary education institution, court
339 costs, and reasonable attorney fees.

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

341 Section 5. Subsection (20) of section 1009.23, Florida
342 Statutes, is amended, and subsection (21) is added to that
343 section, to read:

344 1009.23 Florida College System institution student fees.—

345 (20) All tuition and fees described in this section, and
346 any proposed changes to such tuition and fees, must be
347 prominently posted on the institution's website in an area that
348 is transparent and easily accessible. Each Florida College

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349 System institution shall publicly notice and notify all enrolled
350 students of any proposal to increase tuition or fees at least 28
351 days before its consideration for a vote taken at a board of
352 trustees meeting. The notice must:

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

355 (b) Specifically outline the details of existing tuition
356 and fees, including how such tuition and fees are expended, the
357 rationale and necessity for the proposed increase, and how the
358 funds from the proposed increase will be used.

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

362 (21) Any proposal or action of a Florida College System
363 institution to raise, impose, or authorize any fee, as
364 authorized by law, except for tuition, must be approved by a
365 supermajority vote of the members of the board of trustees of
366 the institution, if approval by the board of trustees is
367 required by general law, and at least a supermajority vote of
368 the members of the State Board of Education, if approval by the
369 State Board of Education is required by general law, in order to
370 take effect.

371 Section 6. Subsection (20) of section 1009.24, Florida
372 Statutes, is amended, and subsection (21) is added to that
373 section, to read:

374 1009.24 State university student fees.—

375 (20) All tuition and fees described in this section, and
376 any proposed changes to such tuition and fees, must be
377 prominently posted on the state university's website in an area

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378 that is transparent and easily accessible. Each state university
379 shall publicly notice and notify all enrolled students of any
380 proposal to change tuition or fees at least 28 days before its
381 consideration for a vote taken at a board of trustees meeting.

382 The notice must:

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

385 (b) Specifically outline the details of existing tuition
386 and fees, including how such tuition and fees are expended, the
387 rationale and necessity for the proposed change, and how the
388 funds from the proposed change will be used.

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

392 (21) Pursuant to s. 7(e), Art. IX of the State
393 Constitution, any proposal or action of a constituent university
394 to raise, impose, or authorize any fee, as authorized by law,
395 except for tuition, must be approved by at least 9 affirmative
396 votes of the members of the board of trustees of the constituent
397 university, if approval by the board of trustees is required by
398 general law, and at least 12 affirmative votes of the members of
399 the Board of Governors, if approval by the Board of Governors is
400 required by general law, in order to take effect.

401 Section 7. The Division of Law Revision shall prepare a
402 reviser's bill to replace references to the phrases "the
403 Southern Association of Colleges and Schools," "the Commission
404 on Colleges of the Southern Association of Colleges and
405 Schools," and "the Southern Association of Colleges and Schools
406 Commission on Colleges" wherever they occur in the Florida

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407 Statutes with the phrase "an accrediting agency or association
408 recognized by the database created and maintained by the United
409 States Department of Education."

410 Section 8. Except as otherwise expressly provided in this
411 act and except for this section, which shall take effect upon
412 this act becoming a law, this act shall take effect July 1,
413 2022.