By the Committee on Education; and Senator Flores

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; revising requirements for
those 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 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; 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.

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

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 which may be available in printed or digital format.

(2)(1) 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 coursework or instruction.

(3)(2) An employee may receive:

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

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

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

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

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

(4)(3) Each Florida College System institution and state university shall post prominently in the course registration system and on its website as early as is feasible, but at least 14 not less than 30 days...
before the first day of student registration class for each term, a hyperlink to lists of each textbook required and recommended textbooks and instructional materials for each course and course section offered at the institution during the upcoming term. The lists posted must include:

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

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

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

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

The State Board of Education and the Board of Governors each shall adopt textbook and instructional materials affordability policies, procedures, and guidelines for
implementation by Florida College System institutions and state universities, respectively, that further efforts to minimize the cost of textbooks and instructional materials for students attending such institutions while maintaining the quality of education and academic freedom. The policies, procedures, and guidelines shall, at a minimum, require provide for the following:

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

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

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

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

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

(f)(e) That course instructors and academic departments are encouraged to participate in the development, adaptation, and review of open-access textbooks and instructional materials and, in particular, open-access textbooks and instructional materials for high-demand general education courses. The cost benefits of such efforts should be taken into consideration, including comparison with the cost benefits of textbooks and instructional materials produced by publishers.

(g) That, for an undergraduate course in which a dual enrollment student may be enrolled, a textbook or instructional material remain in use for a minimum of 5 years.

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

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

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

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

(b) The task force shall research options to reduce the cost of print and digital textbooks and instructional materials for all students. The task force shall use the information provided pursuant to subsections (5) and (6) to determine the best methods to reduce costs and must, at a minimum, consider the following:
1. An existing Florida College System or State University System initiative to reduce the cost of textbooks and instructional materials.

2. Bulk purchasing of e-textbooks.

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

4. Textbook and instructional materials rental options.

5. The development of online portals at each institution which will assist students in buying, renting, selling, and sharing textbooks and instructional materials.

(c) By July 1, 2015, the task force shall submit recommendations to the Governor, the President of the Senate, and the Speaker of the House of Representatives.

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

1001.7065 Preeminent state research universities program.—

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

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

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

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

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

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

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

6. Fifty percent of the net revenues generated from the online institute of the university shall be used to enhance and
enrich the online institute offerings, and 50 percent of the net revenues generated from the online institute shall be used to enhance and enrich the university’s campus state-of-the-art research programs and facilities.

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

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

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