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CS/HB 7019, Engrossed 1

2016 Legislature

1
2 An act relating to education access and affordability;
3 amending s. 1001.7065, F.S.; specifying that the costs
4 of instructional materials are not included in tuition
5 for certain online degree programs; creating s.
6 1004.084, F.S.; requiring the Board of Governors and
7 the State Board of Education to annually identify
8 strategies to promote college affordability; requiring
9 the Board of Governors of the State University System
10 and the State Board of Education to submit annual
11 reports to the Governor and Legislature relating to
12 college affordability; amending s. 1004.085, F.S.;
13 revising provisions relating to textbook affordability
14 to include instructional materials; defining the term
15 "instructional materials"; specifying that Florida
16 College System or state university employees may not
17 receive anything of value in exchange for
18 instructional materials; requiring Florida College
19 System institution and state university boards of
20 trustees to identify wide variances in the costs of,
21 and frequency of changes in the selection of,
22 textbooks and instructional materials for certain
23 courses; requiring the boards of trustees to send a
24 list of identified courses to the academic department
25 chairs for review; providing for legislative review
26 and repeal of specified provisions; authorizing the



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27 Florida College System institution and state
28 university boards of trustees to adopt policies in
29 consultation with providers to allow for the use of
30 innovative pricing techniques and payment options for
31 certain textbooks and instructional materials;
32 requiring the innovative techniques and options to
33 include certain provisions; requiring Florida College
34 System institutions and state universities to post
35 certain information on their websites; requiring the
36 State Board of Education and Board of Governors to
37 receive input from specified individuals and entities
38 before adopting textbook and instructional materials
39 affordability policies; requiring postsecondary
40 institutions to consult with certain school districts
41 to identify certain practices; requiring cost-benefit
42 analyses relating to textbooks and instructional
43 materials; providing reporting requirements; amending
44 s. 1009.23, F.S.; requiring Florida College System
45 institutions to provide a public notice relating to
46 increases in tuition and fees; amending s. 1009.24,
47 F.S.; requiring state universities to provide a public
48 notice relating to increases in tuition and fees;
49 providing an effective date.

50
51 Be It Enacted by the Legislature of the State of Florida:
52 Section 1. Paragraph (k) of subsection (4) of section



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53 | 1001.7065, Florida Statutes, is amended to read:

54 | 1001.7065 Preeminent state research universities program.—

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

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

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

78 | 2. For students classified as nonresidents for tuition



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79 | purposes, tuition may be set at market rates in accordance with
80 | the business plan.

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

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

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

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

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

104 | 8. The institute shall submit a proposal to the president



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105 | of the university authorizing additional user fees for the
 106 | provision of voluntary student participation in activities and
 107 | additional student services.

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

110 | 1004.084 College affordability.—

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

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

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

121 | (c) The costs of textbooks and instructional materials.

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

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

129 | 1004.085 Textbook and instructional materials
 130 | affordability.—



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

134 (2)~~(1)~~ An ~~No~~ employee of a Florida College System
135 institution or state university may not demand or receive any
136 payment, loan, subscription, advance, deposit of money, service,
137 or anything of value, present or promised, in exchange for
138 requiring students to purchase a specific textbook or
139 instructional material for coursework or instruction.

140 (3)~~(2)~~ An employee may receive:

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

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

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

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

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

156 (4) Each Florida College System institution and state



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

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



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183 students taking a course.

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

205 (7)(4) After receiving input from students, faculty,
206 bookstores, and publishers, the State Board of Education and the
207 Board of Governors each shall adopt textbook and instructional
208 materials affordability policies, procedures, and guidelines for



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

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

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

233 (c) Determination by ~~That~~ a course instructor or the
234 academic department offering the course ~~determines~~, before a



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235 | textbook or instructional material is adopted, of the extent to
236 | which a new edition differs significantly and substantively from
237 | earlier versions and the value to the student of changing to a
238 | new edition or the extent to which an open-access textbook or
239 | instructional material is available ~~may exist and be used.~~

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

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

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

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

260 | 1. Purchasing digital textbooks in bulk.



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261 2. Expanding the use of open-access textbooks and
262 instructional materials.

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

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

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

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

271 7. An evaluation of cost savings for textbooks and
272 instructional materials which a student may realize if
273 individual students are able to exercise opt-in provisions for
274 the purchase of the materials.

275 (8) The board of trustees of each Florida College System
276 institution and state university shall report, by September 30
277 of each year, beginning in 2016, to the Chancellor of the
278 Florida College System or the Chancellor of the State University
279 System, as applicable, the textbook and instructional materials
280 selection process for general education courses with a wide cost
281 variance identified pursuant to subsection (4) and high-
282 enrollment courses; specific initiatives of the institution
283 designed to reduce the costs of textbooks and instructional
284 materials; policies implemented in accordance with subsection
285 (6); the number of courses and course sections that were not
286 able to meet the textbook and instructional materials posting



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287 deadline for the previous academic year; and any additional
 288 information determined by the chancellors. By November 1 of each
 289 year, beginning in 2016, each chancellor shall provide a summary
 290 of the information provided by institutions to the State Board
 291 of Education and the Board of Governors, as applicable.

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

294 1009.23 Florida College System institution student fees.—

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

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

301 (b) Specifically outline the details of existing tuition
 302 and fees, the rationale 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.

306 Section 5. Paragraph (b) of subsection (4) of section
 307 1009.24, Florida Statutes, is amended, and subsection (20) is
 308 added to that section, to read:

309 1009.24 State university student fees.—

310 (4)

311 (b) The Board of Governors, ~~or the board's designee,~~ may
 312 establish tuition for graduate and professional programs, ~~and~~



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313 out-of-state fees for all programs. Except as otherwise provided
314 in this section, the sum of tuition and out-of-state fees
315 assessed to nonresident students must be sufficient to offset
316 the full instructional cost of serving such students. However,
317 adjustments to out-of-state fees or tuition for graduate
318 programs and professional programs may not exceed 15 percent in
319 any year.

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

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

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

329 (c) Be posted on the university's website and issued in a
330 press release.

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