

## CHAPTER 2016-236

### Committee Substitute for House Bill No. 7019

An act relating to education access and affordability; amending s. 1001.7065, F.S.; specifying that the costs of instructional materials are not included in tuition for certain online degree programs; creating s. 1004.084, F.S.; requiring the Board of Governors and the State Board of Education to annually identify strategies to promote college affordability; requiring the Board of Governors of the State University System and the State Board of Education to submit annual reports to the Governor and Legislature relating to college affordability; amending s. 1004.085, F.S.; revising provisions relating to textbook affordability to include instructional materials; defining the term “instructional materials”; specifying that Florida College System or state university employees may not receive anything of value in exchange for instructional materials; requiring Florida College System institution and state university boards of trustees to identify wide variances in the costs of, and frequency of changes in the selection of, textbooks and instructional materials for certain courses; requiring the boards of trustees to send a list of identified courses to the academic department chairs for review; providing for legislative review and repeal of specified provisions; authorizing the Florida College System institution and state university boards of trustees to adopt policies in consultation with providers to allow for the use of innovative pricing techniques and payment options for certain textbooks and instructional materials; requiring the innovative techniques and options to include certain provisions; requiring Florida College System institutions and state universities to post certain information on their websites; requiring the State Board of Education and Board of Governors to receive input from specified individuals and entities before adopting textbook and instructional materials affordability policies; requiring postsecondary institutions to consult with certain school districts to identify certain practices; requiring cost-benefit analyses relating to textbooks and instructional materials; providing reporting requirements; amending s. 1009.23, F.S.; requiring Florida College System institutions to provide a public notice relating to increases in tuition and fees; amending s. 1009.24, F.S.; requiring state universities to provide a public notice relating to increases in tuition and fees; providing an effective date.

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

Section 1. 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 2. Section 1004.084, Florida Statutes, is created to read:

1004.084 College affordability.—

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

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

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

(c) The costs of textbooks and instructional materials.

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

Section 3. 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 No 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) Each Florida College System institution and state university board of trustees shall, each semester, examine the cost of textbooks and instructional materials by course and course section for all general education courses offered at the institution to identify any variance in the cost of textbooks and instructional materials among different sections of the same course and the percentage of textbooks and instructional materials that remain in use for more than one term. Courses that have a wide variance in costs among sections or that have frequent changes in textbook and instructional materials selections shall be identified and a list of such courses sent to the appropriate academic department chair for review. This subsection is repealed July 1, 2018, unless reviewed and saved from repeal through reenactment by the Legislature.

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

(6)(3) Each Florida College System institution institutions and state university universities shall post prominently in the course registration system and on its website on their websites, as early as is feasible, but at least 45 not less than 30 days before prior to the first day of class for each term, a hyperlink to lists list of each textbook required and recommended textbooks and instructional materials for at least 95 percent of all courses and each course sections offered at the institution during the upcoming term. The lists posted list must include the International Standard Book Number (ISBN) for each required and recommended textbook and instructional material 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 textbooks or instructional materials required and recommended for each course. The State Board of Education and the Board of Governors shall include in the policies, procedures, and guidelines adopted under subsection (7) (4) certain limited exceptions to this notification requirement for classes added after the notification deadline.

(7)(4) After receiving input from students, faculty, bookstores, and publishers, 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 address ~~provide for the following:~~

(a) The establishment of deadlines for an instructor or department to notify the bookstore of required and recommended textbooks and instructional materials so that the bookstore may verify availability, source lower cost options when practicable, explore alternatives with faculty when academically appropriate, and maximize the availability of used textbooks and instructional materials ~~That textbook 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 books.~~

(b) Confirmation by the course instructor or academic department offering the course, before the textbook or instructional materials adoption is finalized ~~That, in the textbook adoption process, of 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) Determination by ~~That~~ a course instructor or the academic department offering the course determines, before a textbook or instructional material is adopted, of 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 is available ~~may exist and be used.~~

(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.

(e) Participation by ~~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.

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

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

1. Purchasing digital textbooks in bulk.
2. Expanding the use of open-access textbooks and instructional materials.
3. Providing rental options for textbooks and instructional materials.
4. Increasing the availability and use of affordable digital textbooks and learning objects.
5. Developing mechanisms to assist in buying, renting, selling, and sharing textbooks and instructional materials.
6. The length of time that textbooks and instructional materials remain in use.
7. An evaluation of cost savings for textbooks and instructional materials which a student may realize if individual students are able to exercise opt-in provisions for the purchase of the materials.

(8) The board of trustees of each Florida College System institution and state university shall report, by September 30 of each year, beginning in 2016, to the Chancellor of the Florida College System or the Chancellor of the State University System, as applicable, the textbook and instructional materials selection process for general education courses with a wide cost variance identified pursuant to subsection (4) and high-enrollment courses; specific initiatives of the institution designed to reduce the costs of textbooks and instructional materials; policies implemented in accordance with subsection (6); the number of courses and course sections that were not able to meet the textbook and instructional materials posting deadline for the previous academic year; and any additional information determined by the chancellors. By November 1 of each year, beginning in 2016, each chancellor shall provide a summary of the information provided by institutions to the State Board of Education and the Board of Governors, as applicable.

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

1009.23 Florida College System institution student fees.—

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

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

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

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

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

1009.24 State university student fees.—

(4)

(b) The Board of Governors, ~~or the board’s designee,~~ may establish tuition for graduate and professional programs, and out-of-state fees for all programs. Except as otherwise provided in this section, the sum of tuition and out-of-state fees assessed to nonresident students must be sufficient to offset the full instructional cost of serving such students. However, adjustments to out-of-state fees or tuition for graduate programs and professional programs may not exceed 15 percent in any year.

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

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

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

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

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

Approved by the Governor April 14, 2016.

Filed in Office Secretary of State April 14, 2016.