

1 A bill to be entitled
2 An act relating to postsecondary access and
3 affordability; amending s. 1001.7065, F.S.; specifying
4 that the costs of instructional materials are not
5 included in tuition for certain online degree
6 programs; creating s. 1004.084, F.S.; requiring the
7 Board of Governors of the State University System and
8 the State Board of Education to submit annual reports
9 to the Governor and Legislature relating to college
10 affordability; amending s. 1004.085, F.S.; revising
11 provisions relating to textbook affordability to
12 include instructional materials; defining the term
13 "instructional materials"; requiring Florida College
14 System institution and state university boards of
15 trustees to identify wide variances in the costs of,
16 and frequency of changes in the selection of,
17 textbooks and instructional materials for certain
18 courses; requiring the boards of trustees to send a
19 list of identified courses to the academic department
20 chairs for review; requiring Florida College System
21 institutions and state universities to post certain
22 information on their websites; requiring the State
23 Board of Education and Board of Governors to receive
24 input from specified individuals and entities before
25 adopting textbook and instructional materials
26 affordability policies; providing for legislative

27 review and repeal of specified provisions; requiring
 28 postsecondary institutions to consult with certain
 29 school districts to identify certain practices;
 30 requiring cost-benefit analyses relating to textbooks
 31 and instructional materials; providing reporting
 32 requirements; amending s. 1009.23, F.S.; requiring
 33 Florida College System institutions to provide a
 34 public notice relating to increases in tuition and
 35 fees; amending s. 1009.24, F.S.; revising provisions
 36 relating to the assessment of a tuition differential
 37 by a state university board of trustees; revising
 38 requirements for the use of tuition differential
 39 revenues; deleting a requirement that a certain
 40 percentage of tuition differential revenues be used
 41 for the purpose of improvements in the quality of
 42 undergraduate education; requiring state universities
 43 to provide a public notice relating to increases in
 44 tuition and fees; providing an effective date.

45

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

47

48 Section 1. Paragraph (k) of subsection (4) of section
 49 1001.7065, Florida Statutes, is amended to read:

50 1001.7065 Preeminent state research universities program.—

51 (4) PREEMINENT STATE RESEARCH UNIVERSITY INSTITUTE FOR
 52 ONLINE LEARNING.—A state research university that, as of July 1,

53 2013, meets all 12 of the academic and research excellence
 54 standards identified in subsection (2), as verified by the Board
 55 of Governors, shall establish an institute for online learning.
 56 The institute shall establish a robust offering of high-quality,
 57 fully online baccalaureate degree programs at an affordable cost
 58 in accordance with this subsection.

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

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

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

77 3. Tuition for an online degree program shall include all
 78 costs associated with instruction, materials, and enrollment,

79 | excluding costs associated with the provision of textbooks and
 80 | instructional materials pursuant to s. 1004.085 and physical
 81 | laboratory supplies.

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

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

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

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

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

104 | Section 2. Section 1004.084, Florida Statutes, is created

105 to read:

106 1004.084 College affordability.-

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

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

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

117 (c) The costs of textbooks and instructional materials.

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

123 Section 3. Section 1004.085, Florida Statutes, is amended
 124 to read:

125 1004.085 Textbook and instructional materials
 126 affordability.-

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

130 (2) ~~(1)~~ An ~~Ne~~ employee of a Florida College System

131 institution or state university may not demand or receive any
 132 payment, loan, subscription, advance, deposit of money, service,
 133 or anything of value, present or promised, in exchange for
 134 requiring students to purchase a specific textbook or
 135 instructional material for coursework or instruction.

136 (3)~~(2)~~ An employee may receive:

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

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

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

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

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

152 (4) Each Florida College System institution and state
 153 university board of trustees shall, each semester, examine the
 154 cost of textbooks and instructional materials by course and
 155 course section for all general education courses offered at the
 156 institution to identify any variance in the cost of textbooks

157 and instructional materials among different sections of the same
 158 course and the percentage of textbooks and instructional
 159 materials that remain in use for more than one term. Courses
 160 that have a wide variance in costs among sections or that have
 161 frequent changes in textbook and instructional materials
 162 selections shall be identified and a list of such courses sent
 163 to the appropriate academic department chair for review. This
 164 subsection is repealed July 1, 2018, unless reviewed and saved
 165 from repeal through reenactment by the Legislature.

166 (5)(3) Each Florida College System institution
 167 institutions and state university universities shall post
 168 prominently in the course registration system and on its website
 169 on their websites, as early as is feasible, but at least 45 not
 170 less than 30 days before prior to the first day of class for
 171 each term, a hyperlink to lists list of each textbook required
 172 and recommended textbooks and instructional materials for at
 173 least 95 percent of all courses and each course sections offered
 174 at the institution during the upcoming term. The lists posted
 175 list must include the International Standard Book Number (ISBN)
 176 for each required and recommended textbook and instructional
 177 material or other identifying information, which must include,
 178 at a minimum, all of the following: the title, all authors
 179 listed, publishers, edition number, copyright date, published
 180 date, and other relevant information necessary to identify the
 181 specific ~~textbook or~~ textbooks or instructional materials
 182 required and recommended for each course. The State Board of

183 Education and the Board of Governors shall include in the
184 policies, procedures, and guidelines adopted under subsection
185 (6) ~~(4)~~ certain limited exceptions to this notification
186 requirement for classes added after the notification deadline.

187 (6) ~~(4)~~ After receiving input from students, faculty,
188 bookstores, and publishers, the State Board of Education and the
189 Board of Governors each shall adopt textbook and instructional
190 materials affordability policies, procedures, and guidelines for
191 implementation by Florida College System institutions and state
192 universities, respectively, that further efforts to minimize the
193 cost of textbooks and instructional materials for students
194 attending such institutions while maintaining the quality of
195 education and academic freedom. The policies, procedures, and
196 guidelines shall address ~~provide for the following:~~

197 (a) The establishment of deadlines for an instructor or
198 department to notify the bookstore of required and recommended
199 textbooks and instructional materials so that the bookstore may
200 verify availability, source lower cost options when practicable,
201 explore alternatives with faculty when academically appropriate,
202 and maximize the availability of used textbooks and
203 instructional materials ~~That textbook adoptions are made with~~
204 ~~sufficient lead time to bookstores so as to confirm availability~~
205 ~~of the requested materials and, where possible, ensure maximum~~
206 ~~availability of used books.~~

207 (b) Confirmation by the course instructor or academic
208 department offering the course, before the textbook or

209 instructional materials adoption is finalized ~~That, in the~~
210 ~~textbook adoption process,~~ of the intent to use all items
211 ordered, particularly each individual item sold as part of a
212 bundled package, ~~is confirmed by the course instructor or the~~
213 ~~academic department offering the course before the adoption is~~
214 ~~finalized.~~

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

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

227 (e) Participation by ~~That~~ course instructors and academic
228 departments ~~are encouraged to participate~~ in the development,
229 adaptation, and review of open-access textbooks and
230 instructional materials and, in particular, open-access
231 textbooks and instructional materials for high-demand general
232 education courses.

233 (f) Consultation with school districts to identify
234 practices that impact the cost of dual enrollment textbooks and

235 instructional materials to school districts, including, but not
236 limited to, the length of time that textbooks and instructional
237 materials remain in use.

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

242 1. Purchasing digital textbooks in bulk.

243 2. Expanding the use of open-access textbooks and
244 instructional materials.

245 3. Providing rental options for textbooks and
246 instructional materials.

247 4. Increasing the availability and use of affordable
248 digital textbooks and learning objects.

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

251 6. The length of time that textbooks and instructional
252 materials remain in use.

253 (7) The board of trustees of each Florida College System
254 institution and state university shall report, by September 30
255 of each year, beginning in 2016, to the Chancellor of the
256 Florida College System or the Chancellor of the State University
257 System, as applicable, the textbook and instructional materials
258 selection process for general education courses with a wide cost
259 variance identified pursuant to subsection (4) and high-
260 enrollment courses; specific initiatives of the institution

261 designed to reduce the costs of textbooks and instructional
262 materials; policies implemented in accordance with subsection
263 (6); the number of courses and course sections that were not
264 able to meet the textbook and instructional materials posting
265 deadline for the previous academic year; and any additional
266 information determined by the chancellors. By November 1 of each
267 year, beginning in 2016, each chancellor shall provide a summary
268 of the information provided by institutions to the State Board
269 of Education and the Board of Governors, as applicable.

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

272 1009.23 Florida College System institution student fees.-

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

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

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

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

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

287 1009.24 State university student fees.—

288 (4)

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

298 (16) Each university board of trustees may assess
 299 ~~establish~~ a tuition differential for undergraduate courses if
 300 such fee was approved by the Board of Governors before July 1,
 301 2015 upon receipt of approval from the Board of Governors.
 302 ~~However, beginning July 1, 2014, the Board of Governors may only~~
 303 ~~approve the establishment of or an increase in tuition~~
 304 ~~differential for a state research university designated as a~~
 305 ~~preeminent state research university pursuant to s.~~
 306 ~~1001.7065(3).~~ The tuition differential shall promote
 307 improvements in the quality of ~~undergraduate~~ education and shall
 308 provide financial aid to undergraduate students who exhibit
 309 financial need.

310 (a) ~~Thirty Seventy percent of the revenues from the~~
 311 ~~tuition differential shall be expended for purposes of~~
 312 ~~undergraduate education. Such expenditures may include, but are~~

PCB HEWS 16-01

ORIGINAL

2016

313 ~~not limited to, increasing course offerings, improving~~
314 ~~graduation rates, increasing the percentage of undergraduate~~
315 ~~students who are taught by faculty, decreasing student faculty~~
316 ~~ratios, providing salary increases for faculty who have a~~
317 ~~history of excellent teaching in undergraduate courses,~~
318 ~~improving the efficiency of the delivery of undergraduate~~
319 ~~education through academic advisement and counseling, and~~
320 ~~reducing the percentage of students who graduate with excess~~
321 ~~hours. This expenditure for undergraduate education may not be~~
322 ~~used to pay the salaries of graduate teaching assistants. Except~~
323 ~~as otherwise provided in this subsection, the remaining 30~~
324 percent of the revenues from the tuition differential, or the
325 equivalent amount of revenue from private sources, shall be
326 expended to provide financial aid to undergraduate students who
327 exhibit financial need, including students who are scholarship
328 recipients under s. 1009.984, to meet the cost of university
329 attendance. This expenditure for need-based financial aid shall
330 not supplant the amount of need-based aid provided to
331 undergraduate students in the preceding fiscal year from
332 financial aid fee revenues, the direct appropriation for
333 financial assistance provided to state universities in the
334 General Appropriations Act, or from private sources. The total
335 amount of tuition differential waived under subparagraph (b) 7.
336 ~~(b) 8.~~ may be included in calculating the expenditures for need-
337 based financial aid to undergraduate students required by this
338 subsection. This expenditure for need-based financial aid is not

PCB HEWS 16-01

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

PCB HEWS 16-01

ORIGINAL

2016

339 required if the entire tuition and fee costs of resident
340 students who have applied for and received Pell Grant funds have
341 been met and the university has excess funds remaining from the
342 30 percent of the revenues from the tuition differential
343 required to be used to assist students who exhibit financial
344 need, ~~the university may expend the excess portion in the same~~
345 ~~manner as required for the other 70 percent of the tuition~~
346 ~~differential revenues.~~

347 (b) Each tuition differential is subject to the following
348 conditions:

349 1. The tuition differential may be assessed on one or more
350 undergraduate courses or on all undergraduate courses at a state
351 university.

352 2. The tuition differential may vary by course or courses,
353 by campus or center location, and by institution. Each
354 university board of trustees shall strive to maintain and
355 increase enrollment in degree programs related to math, science,
356 high technology, and other state or regional high-need fields
357 when establishing tuition differentials by course.

358 ~~3. For each state university that is designated as a~~
359 ~~preeminent state research university by the Board of Governors,~~
360 ~~pursuant to s. 1001.7065, the aggregate sum of tuition and the~~
361 ~~tuition differential may be increased by no more than 6 percent~~
362 ~~of the total charged for the aggregate sum of these fees in the~~
363 ~~preceding fiscal year. The tuition differential may be increased~~
364 ~~if the university meets or exceeds performance standard targets~~

PCB HEWS 16-01

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

365 ~~for that university established annually by the Board of~~
366 ~~Governors for the following performance standards, amounting to~~
367 ~~no more than a 2 percent increase in the tuition differential~~
368 ~~for each performance standard:~~

369 ~~a. An increase in the 6 year graduation rate for full-~~
370 ~~time, first time in college students, as reported annually to~~
371 ~~the Integrated Postsecondary Education Data System.~~

372 ~~b. An increase in the total annual research expenditures.~~

373 ~~c. An increase in the total patents awarded by the United~~
374 ~~States Patent and Trademark Office for the most recent years.~~

375 3.4. The aggregate sum of undergraduate tuition and fees
376 per credit hour, including the tuition differential, may not
377 exceed the national average of undergraduate tuition and fees at
378 4-year degree-granting public postsecondary educational
379 institutions.

380 4.5. The tuition differential shall not be included in any
381 award under the Florida Bright Futures Scholarship Program
382 established pursuant to ss. 1009.53-1009.538.

383 5.6. Beneficiaries having prepaid tuition contracts
384 pursuant to s. 1009.98(2)(b) which were in effect on July 1,
385 2007, and which remain in effect, are exempt from the payment of
386 the tuition differential.

387 6.7. The tuition differential may not be charged to any
388 student who was in attendance at the university before July 1,
389 2007, and who maintains continuous enrollment.

390 7.8. The tuition differential may be waived by the

391 university for students who meet the eligibility requirements
392 for the Florida public student assistance grant established in
393 s. 1009.50.

394 ~~9. Subject to approval by the Board of Governors, the~~
395 ~~tuition differential authorized pursuant to this subsection may~~
396 ~~take effect with the 2009 fall term.~~

397 (c) Each state university that is designated as a
398 preeminent state research university by the Board of Governors
399 pursuant to s. 1001.7065 may increase the tuition differential
400 annually in accordance with this subsection. However, the
401 aggregate sum of tuition and the tuition differential may be
402 increased by no more than 6 percent of the total charged for the
403 aggregate sum of these fees in the preceding fiscal year. The
404 tuition differential may be increased only if the university
405 meets or exceeds performance standard targets for that
406 university established annually by the Board of Governors for
407 the following performance standards, amounting to no more than a
408 2-percent increase in the tuition differential for each
409 performance standard:

410 1. An increase in the 6-year graduation rate for full-
411 time, first-time-in-college students, as reported annually to
412 the Integrated Postsecondary Education Data System.

413 2. An increase in total annual research expenditures.

414 3. An increase in total patents awarded by the United
415 States Patent and Trademark Office for the most recent years.

416 ~~(c) A university board of trustees may submit a proposal~~

417 ~~to the Board of Governors to implement a tuition differential~~
 418 ~~for one or more undergraduate courses. At a minimum, the~~
 419 ~~proposal shall:~~

420 1. ~~Identify the course or courses for which the tuition~~
 421 ~~differential will be assessed.~~

422 2. ~~Indicate the amount that will be assessed for each~~
 423 ~~tuition differential proposed.~~

424 3. ~~Indicate the purpose of the tuition differential.~~

425 4. ~~Indicate how the revenues from the tuition differential~~
 426 ~~will be used.~~

427 5. ~~Indicate how the university will monitor the success of~~
 428 ~~the tuition differential in achieving the purpose for which the~~
 429 ~~tuition differential is being assessed.~~

430 ~~(d) The Board of Governors shall review each proposal and~~
 431 ~~advise the university board of trustees of approval of the~~
 432 ~~proposal, the need for additional information or revision to the~~
 433 ~~proposal, or denial of the proposal. The Board of Governors~~
 434 ~~shall establish a process for any university to revise a~~
 435 ~~proposal or appeal a decision of the board.~~

436 (d) ~~(e)~~ The Board of Governors shall submit a report to the
 437 President of the Senate, the Speaker of the House of
 438 Representatives, and the Governor describing the implementation
 439 of ~~the provisions of~~ this subsection no later than February 1 of
 440 each year. The report shall ~~summarize proposals received by the~~
 441 ~~board during the preceding fiscal year and actions taken by the~~
 442 ~~board in response to such proposals. In addition, the report~~

443 ~~shall~~ provide the following information for each university that
 444 assesses ~~has been approved by the board to assess~~ a tuition
 445 differential:

446 1. The course or courses for which the tuition
 447 differential was assessed and the amount assessed.

448 2. The total revenues generated by the tuition
 449 differential.

450 3. With respect to waivers authorized under subparagraph
 451 (b)7. ~~(b)8.~~, the number of students eligible for a waiver, the
 452 number of students receiving a waiver, and the value of waivers
 453 provided.

454 4. Detailed expenditures of the revenues generated by the
 455 tuition differential.

456 5. Changes in retention rates, graduation rates, the
 457 percentage of students graduating with more than 110 percent of
 458 the hours required for graduation, pass rates on licensure
 459 examinations, the number of undergraduate course offerings, the
 460 percentage of undergraduate students who are taught by faculty,
 461 student-faculty ratios, and the average salaries of faculty who
 462 teach undergraduate courses.

463 (e)(f) ~~A No~~ state university is not ~~shall be~~ required to
 464 lower a ~~any~~ tuition differential that was approved by the Board
 465 of Governors and in effect before July 1, 2015 ~~prior to January~~
 466 ~~1, 2009~~, in order to comply with ~~the provisions of~~ this
 467 subsection.

468 (20) Each state university shall publicly notice and

PCB HEWS 16-01

ORIGINAL

2016

469 notify all enrolled students of any proposal to increase tuition
470 or fees at least 28 days before its consideration at a board of
471 trustees meeting. The notice must:

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

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

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

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