

Bill No. SB 2492

Barcode 772736

CHAMBER ACTION

Senate

House

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The Committee on Higher Education (Bennett) recommended the following amendment:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause

and insert:

Section 1. Section 1004.09, Florida Statutes, is created to read:

1004.09 Affordability of textbooks.--

(1) An employee of a community college or state university may not demand or receive any payment, loan, subscription, advance, deposit of money, service, or anything of value, present or promised, as an inducement for requiring students to purchase a specific textbook for coursework or instruction. However, an employee may receive:

(a) Sample copies, instructor copies, or instructional materials. These materials may not be sold.

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

(2) Community colleges and state universities shall

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1 post on their website, as early as is feasible but not less  
2 than 30 days prior to the first day of class for each term, a  
3 list of each textbook assigned for each course offered at the  
4 institution during the upcoming term. The posted list shall  
5 include the International Standard Book Number (ISBN) for each  
6 textbook along with other relevant information necessary to  
7 identify the specific textbook or textbooks required for each  
8 course. The State Board of Education and the Board of  
9 Governors shall include in the policies, procedures, and  
10 guidelines adopted under subsection (3) certain limited  
11 exceptions to this notification requirement for classes added  
12 after the notification deadline.

13 (3) On or before March 1, 2008, the State Board of  
14 Education and the Board of Governors each shall adopt  
15 policies, procedures, and guidelines for implementation by  
16 community colleges and state universities, respectively, to  
17 minimize the cost of textbooks for students attending such  
18 institutions while maintaining the quality of education and  
19 academic freedom of each student and institution. The  
20 policies, procedures, and guidelines shall provide for the  
21 following:

22 (a) That textbook adoptions be made with sufficient  
23 lead time to bookstores to allow information of the  
24 availability of requested materials and, where possible,  
25 ensure maximum availability of used books.

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

31 (c) That a course instructor or the academic

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1 department offering the course confirms, before a textbook is  
 2 adopted, that the selection of a new edition of a textbook is  
 3 based on a determination by the academic department offering  
 4 the course that the new edition differs significantly and  
 5 substantively from earlier versions.

6 (d) That required textbooks be made available to  
 7 students unable to afford the cost.

8 Section 2. (1) The Office of Program Policy Analysis  
 9 and Government Accountability shall conduct a study of the  
 10 rising costs of college textbooks and textbook-purchasing  
 11 practices of public postsecondary educational institutions in  
 12 the state. When conducting the study, the Office of Program  
 13 Policy Analysis and Government Accountability shall:

14 (a) Conduct a sample survey of students in community  
 15 colleges and state universities regarding the costs of  
 16 textbooks each semester.

17 (b) Review and analyze the purchasing policies  
 18 regarding textbooks by community colleges and state  
 19 universities to develop the best possible practices for future  
 20 purchases of textbooks.

21 (c) Review policies and practices being considered  
 22 previously implemented by institutions of higher education in  
 23 this state and other states to reduce the financial burden of  
 24 the cost of textbooks to students and their families,  
 25 including, but not limited to, use of used textbooks, rental  
 26 textbook systems, digital textbook subscriptions,  
 27 textbook-financing programs, faculty education, and standard  
 28 procedures for institutions and college bookstores.

29 (2) A final report, including recommendations, shall  
 30 be submitted to the President of the Senate and the Speaker of  
 31 the House of Representatives on or before December 1, 2007.

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1 Section 3. This act shall take effect July 1, 2007.

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4 ===== T I T L E A M E N D M E N T =====

5 And the title is amended as follows:

6 Delete everything before the enacting clause

7

8 and insert:

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A bill to be entitled

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An act relating to the affordability of

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textbooks; creating s. 1004.09, F.S.;

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prohibiting certain actions by employees of a

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state university or community college relating

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to the purchase of required textbooks by

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students; requiring that community colleges and

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state universities notify students of the

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textbooks required for each course by listing

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such textbooks on the community college or

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university website; requiring the adoption of

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certain policies and practices designed to

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minimize the cost of textbooks; requiring such

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policies and procedures to include limited

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exceptions for notification requirements;

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requiring that the Office of Program Policy

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Analysis and Government Accountability conduct

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a study of the costs of college textbooks and

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the practices of public postsecondary

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institutions regarding the purchase of

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textbooks; requiring the office to conduct a

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survey of students enrolled in such

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institutions; requiring that the office review

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1 certain information when conducting the study;  
 2 requiring the office to submit a final report  
 3 on the results of the study, including  
 4 recommendations, to the President of the Senate  
 5 and the Speaker of the House of Representatives  
 6 on or before December 1, 2007; providing an  
 7 effective date.

8  
 9 WHEREAS, textbooks are an essential part of a  
 10 comprehensive and high-quality postsecondary education, and

11 WHEREAS, the availability and affordability of  
 12 textbooks directly affect the quality and affordability of  
 13 postsecondary education, and

14 WHEREAS, the United States Government Accountability  
 15 Office recently reported that in the last two decades, college  
 16 textbook prices have increased at twice the rate of inflation,  
 17 and

18 WHEREAS, the United States Government Accountability  
 19 Office reported that, while many factors affect textbook  
 20 pricing, the increasing costs associated with developing  
 21 instructional supplements that accompany textbooks best  
 22 explain price increases in recent years, and

23 WHEREAS, the United States Government Accountability  
 24 Office reported that prices of college textbooks in the United  
 25 States may exceed prices in other countries because prices  
 26 reflect market conditions found in each country, such as the  
 27 willingness and ability of students to purchase the textbooks,  
 28 and

29 WHEREAS, the cost of textbooks is one component  
 30 considered in making federal and state-funded financial aid  
 31 awards, and as such, escalating textbook prices can affect

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1 federal and state spending, and

2           WHEREAS, state universities and community colleges  
3 should consider the least costly practices in assigning  
4 textbooks when such practices are educationally sound, NOW,  
5 THEREFORE,

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