

By the Committee on Higher Education; and Senator Haridopolos

589-2566-07

1                                   A bill to be entitled  
2           An act relating to the affordability of  
3           textbooks; creating s. 1004.09, F.S.;  
4           prohibiting certain actions by employees of a  
5           state university or community college relating  
6           to the purchase of required textbooks by  
7           students; requiring that community colleges and  
8           state universities notify students of the  
9           textbooks required for each course by listing  
10          such textbooks on the community college or  
11          university website; requiring the adoption of  
12          certain policies and practices designed to  
13          minimize the cost of textbooks; requiring such  
14          policies and procedures to include limited  
15          exceptions for notification requirements;  
16          requiring that the Office of Program Policy  
17          Analysis and Government Accountability conduct  
18          a study of the costs of college textbooks and  
19          the practices of public postsecondary  
20          institutions regarding the purchase of  
21          textbooks; requiring the office to conduct a  
22          survey of students enrolled in such  
23          institutions; requiring that the office review  
24          certain information when conducting the study;  
25          requiring the office to submit a final report  
26          on the results of the study, including  
27          recommendations, to the President of the Senate  
28          and the Speaker of the House of Representatives  
29          on or before December 1, 2007; providing an  
30          effective date.  
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1           WHEREAS, textbooks are an essential part of a  
2 comprehensive and high-quality postsecondary education, and

3           WHEREAS, the availability and affordability of  
4 textbooks directly affect the quality and affordability of  
5 postsecondary education, and

6           WHEREAS, the United States Government Accountability  
7 Office recently reported that in the last two decades, college  
8 textbook prices have increased at twice the rate of inflation,  
9 and

10          WHEREAS, the United States Government Accountability  
11 Office reported that, while many factors affect textbook  
12 pricing, the increasing costs associated with developing  
13 instructional supplements that accompany textbooks best  
14 explain price increases in recent years, and

15          WHEREAS, the United States Government Accountability  
16 Office reported that prices of college textbooks in the United  
17 States may exceed prices in other countries because prices  
18 reflect market conditions found in each country, such as the  
19 willingness and ability of students to purchase the textbooks,  
20 and

21          WHEREAS, the cost of textbooks is one component  
22 considered in making federal and state-funded financial aid  
23 awards, and as such, escalating textbook prices can affect  
24 federal and state spending, and

25          WHEREAS, state universities and community colleges  
26 should consider the least costly practices in assigning  
27 textbooks when such practices are educationally sound, NOW,  
28 THEREFORE,

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30 Be It Enacted by the Legislature of the State of Florida:  
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1           Section 1. Section 1004.09, Florida Statutes, is  
2 created to read:

3           1004.09 Affordability of textbooks.--

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

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

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

14           (2) Community colleges and state universities shall  
15 post on their website, as early as is feasible but not less  
16 than 30 days prior to the first day of class for each term, a  
17 list of each textbook assigned for each course offered at the  
18 institution during the upcoming term. The posted list shall  
19 include the International Standard Book Number (ISBN) for each  
20 textbook along with other relevant information necessary to  
21 identify the specific textbook or textbooks required for each  
22 course. The State Board of Education and the Board of  
23 Governors shall include in the policies, procedures, and  
24 guidelines adopted under subsection (3) certain limited  
25 exceptions to this notification requirement for classes added  
26 after the notification deadline.

27           (3) On or before March 1, 2008, the State Board of  
28 Education and the Board of Governors each shall adopt  
29 policies, procedures, and guidelines for implementation by  
30 community colleges and state universities, respectively, to  
31 minimize the cost of textbooks for students attending such

1 institutions while maintaining the quality of education and  
2 academic freedom of each student and institution. The  
3 policies, procedures, and guidelines shall provide for the  
4 following:

5 (a) That textbook adoptions be made with sufficient  
6 lead time to bookstores to allow information of the  
7 availability of requested materials and, where possible,  
8 ensure maximum availability of used books.

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

14 (c) That a course instructor or the academic  
15 department offering the course confirms, before a textbook is  
16 adopted, that the selection of a new edition of a textbook is  
17 based on a determination by the academic department offering  
18 the course that the new edition differs significantly and  
19 substantively from earlier versions.

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

22 Section 2. (1) The Office of Program Policy Analysis  
23 and Government Accountability shall conduct a study of the  
24 rising costs of college textbooks and textbook-purchasing  
25 practices of public postsecondary educational institutions in  
26 the state. When conducting the study, the Office of Program  
27 Policy Analysis and Government Accountability shall:

28 (a) Conduct a sample survey of students in community  
29 colleges and state universities regarding the costs of  
30 textbooks each semester.

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1           (b) Review and analyze the purchasing policies  
2 regarding textbooks by community colleges and state  
3 universities to develop the best possible practices for future  
4 purchases of textbooks.

5           (c) Review policies and practices being considered  
6 previously implemented by institutions of higher education in  
7 this state and other states to reduce the financial burden of  
8 the cost of textbooks to students and their families,  
9 including, but not limited to, use of used textbooks, rental  
10 textbook systems, digital textbook subscriptions,  
11 textbook-financing programs, faculty education, and standard  
12 procedures for institutions and college bookstores.

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

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

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18                           STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
19                                           COMMITTEE SUBSTITUTE FOR  
20                                           Senate Bill 2492

21           This committee substitute removes the sales tax exemption from  
22           textbooks required for postsecondary courses; and increases  
23           the number of days of internet notice required, from 15 to 30  
24           days before the first day of class, for textbooks assigned to  
25           specific courses.  
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