

By the Committees on Finance and Tax; Higher Education; and
Senator Wise

593-2440-07

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 Planning and Policy Analysis 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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1 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
2 COMMITTEE SUBSTITUTE FOR
3 CS/SB 254
4 The Committee Substitute made the following changes to CS/SB
5 254:
6 1) Removed the sales tax exemption for the purchase of
7 college textbooks;
8 2) Prohibits all employees of community colleges or state
9 universities from receiving any form of compensation for
10 requiring a certain textbook;
11 3) Requires community colleges and state universities to
12 notify students of the required textbooks 30 days prior
13 to the first day of class and requires the State Board of
14 Education and Board of Governors to include in their
15 policies, procedures and guidelines, certain limited
16 exceptions to this notification requirement;
17 4) Requires the State Board of Education and the Board of
18 Governors to adopt policies, procedures and guidelines by
19 March 1, 2008, to further efforts to minimize the cost of
20 textbooks;
21 5) Requires OPPAGA to conduct a study of the rising costs of
22 college textbooks and textbook purchasing practices of
23 public postsecondary educational institutions in the
24 state.
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