

1                   A bill to be entitled  
2           An act relating to textbook affordability; creating s.  
3           1004.09, F.S.; prohibiting certain actions of community  
4           college or state university employees that relate to  
5           student purchase of required textbooks; authorizing  
6           receipt of certain instructional materials, compensation,  
7           and training; requiring student notification of required  
8           textbooks; requiring adoption of specified policies and  
9           practices to minimize the cost of textbooks; requiring a  
10          study and report by the Office of Program Policy Analysis  
11          and Government Accountability; providing an effective  
12          date.

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14           WHEREAS, textbooks are an essential part of a comprehensive  
15          and high-quality postsecondary education, and

16           WHEREAS, the availability and affordability of textbooks  
17          directly impact the quality and affordability of postsecondary  
18          education, and

19           WHEREAS, the United States Government Accountability Office  
20          recently reported that in the last two decades college textbook  
21          prices have increased at twice the rate of inflation, and

22           WHEREAS, the United States Government Accountability Office  
23          reported that, while many factors affect textbook pricing, the  
24          increasing costs associated with developing instructional  
25          supplements to accompany textbooks best explain price increases  
26          in recent years, and

27           WHEREAS, the United States Government Accountability Office  
28          reported that college textbook prices in the United States may

29 exceed prices in other countries because prices reflect market  
 30 conditions found in each country, such as the willingness and  
 31 ability of students to purchase the textbook, and

32 WHEREAS, the cost of textbooks is one component considered  
 33 in making federal and state-funded financial aid awards, and as  
 34 such, escalating textbook prices can impact federal and state  
 35 spending, and

36 WHEREAS, state universities and community colleges should  
 37 consider the least costly practices in assigning textbooks when  
 38 such practices are educationally sound, NOW, THEREFORE,

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

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

44 1004.09 Textbook affordability.--

45 (1) No employee of a community college or state university  
 46 may demand or receive any payment, loan, subscription, advance,  
 47 deposit of money, service, or anything of value, present or  
 48 promised, in exchange for requiring students to purchase a  
 49 specific textbook for coursework or instruction.

50 (2) An employee may receive:

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

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

55 (c) Honoraria for academic peer review of course  
 56 materials.

57 (d) Fees associated with activities such as reviewing,  
58 critiquing, or preparing support materials for textbooks  
59 pursuant to guidelines adopted by the Board of Governors.

60 (e) Training in the use of course materials and learning  
61 technologies.

62 (3) Community colleges and state universities shall post  
63 on their websites, as early as is feasible, but not less than 30  
64 days prior to the first day of class for each term, a list of  
65 each textbook required for each course offered at the  
66 institution during the upcoming term. The posted list shall  
67 include the International Standard Book Number (ISBN) for each  
68 textbook along with other relevant information necessary to  
69 identify the specific textbook or textbooks required for each  
70 course. The State Board of Education and the Board of Governors  
71 shall include in the policies, procedures, and guidelines  
72 adopted under subsection (4) certain limited exceptions to this  
73 notification requirement for classes added after the  
74 notification deadline.

75 (4) By March 1, 2008, the State Board of Education and the  
76 Board of Governors each shall adopt policies, procedures, and  
77 guidelines for implementation by community colleges and state  
78 universities, respectively, that further efforts to minimize the  
79 cost of textbooks for students attending such institutions while  
80 maintaining the quality of education and academic freedom. The  
81 policies, procedures, and guidelines shall provide for the  
82 following:

83 (a) That textbook adoptions are made with sufficient lead  
84 time to bookstores so as to confirm availability of the

85 requested materials and, where possible, ensure maximum  
86 availability of used books.

87 (b) That, in the textbook adoption process, the intent to  
88 use all items ordered, particularly each individual item sold as  
89 part of a bundled package, is confirmed by the course instructor  
90 or the academic department offering the course before the  
91 adoption is finalized.

92 (c) That a course instructor or the academic department  
93 offering the course determines, before a textbook is adopted,  
94 the extent to which a new edition differs significantly and  
95 substantively from earlier versions.

96 (d) That the establishment of policies shall address the  
97 availability of required textbooks to students otherwise unable  
98 to afford the cost.

99 Section 2. (1) The Office of Program Policy Analysis and  
100 Government Accountability shall conduct a study of the rising  
101 costs of college textbooks and textbook purchasing practices of  
102 public postsecondary educational institutions in the state. When  
103 conducting the study, the Office of Program Policy Analysis and  
104 Government Accountability shall:

105 (a) Conduct a sample survey of students in community  
106 colleges and state universities regarding the costs of textbooks  
107 each semester.

108 (b) Review and analyze the textbook purchasing policies of  
109 community colleges and state universities to develop and  
110 disseminate best practices for textbook purchasing.

111 (c) Review policies and practices that are being  
112 considered or have been implemented by institutions of higher

113 education in this state and other states to reduce the financial  
114 burden of textbook costs to students and their families,  
115 including, but not limited to, use of used textbooks, rental  
116 textbook systems, digital textbook subscriptions, textbook  
117 financing programs, faculty education, and standard procedures  
118 for institutions and college bookstores.

119 (2) A final report, including recommendations, shall be  
120 submitted to the President of the Senate and the Speaker of the  
121 House of Representatives by December 1, 2007.

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