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HB 603, Engrossed 1

2008 Legislature

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; providing an  
 10          effective date.

11  
 12           WHEREAS, textbooks are an essential part of a comprehensive  
 13          and high-quality postsecondary education, and

14           WHEREAS, the availability and affordability of textbooks  
 15          directly impact the quality and affordability of postsecondary  
 16          education, and

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

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

25           WHEREAS, the United States Government Accountability Office  
 26          reported that college textbook prices in the United States may  
 27          exceed prices in other countries because prices reflect market

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28 | conditions found in each country, such as the willingness and  
 29 | ability of students to purchase the textbook, and

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

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

37 |

38 | Be It Enacted by the Legislature of the State of Florida:

39 |

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

42 |       1004.09 Textbook affordability.--

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

48 |       (2) An employee may receive:

49 |       (a) Sample copies, instructor copies, or instructional  
 50 | materials. These materials may not be sold for any type of  
 51 | compensation if they are specifically marked as free samples not  
 52 | for resale.

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

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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 State Board of Education  
60 or the Board of Governors.

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

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

79 (4) By March 1, 2009, the State Board of Education and the  
80 Board of Governors each shall adopt policies, procedures, and  
81 guidelines for implementation by community colleges and state  
82 universities, respectively, that further efforts to minimize the  
83 cost of textbooks for students attending such institutions while

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84 maintaining the quality of education and academic freedom. The  
85 policies, procedures, and guidelines shall provide for the  
86 following:

87 (a) That textbook adoptions are made with sufficient lead  
88 time to bookstores so as to confirm availability of the  
89 requested materials and, where possible, ensure maximum  
90 availability of used books.

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

96 (c) That a course instructor or the academic department  
97 offering the course determines, before a textbook is adopted,  
98 the extent to which a new edition differs significantly and  
99 substantively from earlier versions and the value of changing to  
100 a new edition.

101 (d) That the establishment of policies shall address the  
102 availability of required textbooks to students otherwise unable  
103 to afford the cost.

104 Section 2. This act shall take effect July 1, 2008.