

House Bill No. 603

An act relating to textbook affordability; creating s. 1004.09, F.S.; prohibiting certain actions of community college or state university employees that relate to student purchase of required textbooks; authorizing receipt of certain instructional materials, compensation, and training; requiring student notification of required textbooks; requiring adoption of specified policies and practices to minimize the cost of textbooks; providing an effective date.

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

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

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

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

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

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

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

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

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

1004.09 Textbook affordability.—

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

(2) An employee may receive:

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

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

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

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

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

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

(4) By March 1, 2009, the State Board of Education and the Board of Governors each shall adopt policies, procedures, and guidelines for implementation by community colleges and state universities, respectively, that further efforts to minimize the cost of textbooks for students attending such institutions while maintaining the quality of education and academic freedom. The policies, procedures, and guidelines shall provide for the following:

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

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

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

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

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

Approved by the Governor May 28, 2008.

Filed in Office Secretary of State May 28, 2008.