

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	_____	(Y/N)
ADOPTED AS AMENDED	_____	(Y/N)
ADOPTED W/O OBJECTION	_____	(Y/N)
FAILED TO ADOPT	_____	(Y/N)
WITHDRAWN	_____	(Y/N)
OTHER		

1 Committee/Subcommittee hearing bill: Appropriations Committee
 2 Representative Rizo offered the following:

Amendment (with title amendment)

Remove lines 323-447 and insert:

Section 5. Section 1005.04, Florida Statutes, is amended to read:

1005.04 Fair consumer practices.-

(1) Every institution that is under the jurisdiction of the commission or is exempt from the jurisdiction or purview of the commission pursuant to s. 1005.06(1)(c) or (f) and that either directly or indirectly solicits for enrollment any student shall:

(a) Disclose to each prospective student a statement of the purpose of such institution, its educational programs and curricula, a description of its physical facilities, its status

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17 regarding licensure, its fee schedule, and policies regarding
18 retaining student fees if a student withdraws, and a statement
19 regarding the transferability of credits to and from other
20 institutions. The institution shall make the required
21 disclosures in writing at least 1 week prior to enrollment or
22 collection of any tuition from the prospective student. The
23 required disclosures may be made in the institution's current
24 catalog;

25 (b) Use a reliable method to assess, before accepting a
26 student into a program, the student's ability to complete
27 successfully the course of study for which he or she has
28 applied;

29 (c) Inform each student accurately about financial
30 assistance and obligations for repayment of loans; describe any
31 employment placement services provided and the limitations
32 thereof; and refrain from promising or implying guaranteed
33 placement, market availability, or salary amounts;

34 (d) Provide to prospective and enrolled students accurate
35 information regarding the relationship of its programs to state
36 licensure requirements for practicing related occupations and
37 professions in Florida;

38 (e) Ensure that all advertisements are accurate and not
39 misleading;

40 (f) Publish and follow an equitable prorated refund policy
41 for all students, and follow both the federal refund guidelines

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42 for students receiving federal financial assistance and the
43 minimum refund guidelines set by commission rule;

44 (g) Follow the requirements of state and federal laws that
45 require annual reporting with respect to crime statistics and
46 physical plant safety and make those reports available to the
47 public; and

48 (h) Publish and follow procedures for handling student
49 complaints, disciplinary actions, and appeals.

50 (i) Prior to enrollment, provide a written disclosure to a
51 student or prospective student, of all fees and costs that will
52 be incurred by a student, the institution's refund policy, any
53 exit examination requirements, and the grade point average
54 required for completion of the student's program or degree. The
55 disclosure shall include a statement regarding the scope of
56 accreditation, if applicable. Institutions licensed by the
57 Commission for Independent Education shall disclose the
58 information required pursuant to this paragraph in a format
59 prescribed by the commission.

60 (2) In addition, institutions that are required to be
61 licensed by the commission shall disclose to prospective
62 students that additional information regarding the institution
63 may be obtained by contacting the Commission for Independent
64 Education, Department of Education, Tallahassee.

65 (3) The burden of demonstrating compliance with fair
66 consumer practice is upon the person, entity, or institution

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67 asserting compliance. Determining compliance with this section
68 shall rest with the commission. The commission may require
69 further evidence and make such further investigation, in
70 addition to any information submitted, as may be reasonably
71 necessary in the commission's judgment.

72 Section 6. Section 1005.11 is created to read:

73 1005.11 Accountability for institutions licensed by the
74 Commission for Independent Education.-

75 (1) By June 30, 2024, and by March 15 of each year
76 thereafter, the commission shall prepare an annual
77 accountability report for licensed institutions. The report must
78 contain, at a minimum, the graduation rates, including the
79 number of graduates by program, retention rates, and placement
80 rates for all licensed institutions.

81 (2) By March 1, 2024, and by November 30 of each year
82 thereafter, each licensed institution shall provide data to the
83 commission in a format prescribed by the commission. Placement
84 rates shall be determined using Florida Education and Training
85 Placement Information Program methodology.

86 (3) The commission shall establish a common set of data
87 definitions consistent with those used by this state for
88 institutional reporting purposes.

89 (4) The commission shall impose an administrative fine of
90 not more than \$1,000 per incident when a licensed institution
91 fails to timely submit the required data to the commission

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92 pursuant to this section. Administrative fines collected under
93 this subsection shall be deposited into the Student Protection
94 Fund.

95 (5) The commission shall have the authority to require
96 licensed institutions to provide institutional, graduate, and
97 student data through reasonable data collection efforts as
98 required or necessitated by statute or rule or for the operation
99 of other executive agencies, the legislature, or judiciary.

100 (6) The commission may establish, by rule, performance
101 benchmarks to identify high-performing institutions licensed by
102 the commission.

103 Section 7. Paragraph (p) of subsection (1) of section
104 1005.22, Florida Statutes, is created, to read:

105 1005.22 Powers and duties of commission.-

106 (1) The commission shall:

107 (p) Have the power, within its respective regulatory
108 jurisdiction, to examine and investigate the affairs of every
109 person, entity, or independent postsecondary institution in
110 order to determine whether the person, entity, or independent
111 postsecondary institution is operating in accordance with the
112 provisions of this chapter or has been or is engaged in any
113 unfair or deceptive act or practice prohibited by s. 1005.04.

114 Section 8. Subsection(8) of section 1005.31, Florida
115 Statutes, is deleted and subsection (2) is amended, to read:

116 1005.31 Licensure of institutions.-

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117 (2) The commission shall develop minimum standards by
118 which to evaluate institutions for licensure. These standards
119 must include, at a minimum, at least the institution's: name,
120 financial stability, purpose, administrative organization,
121 admissions and recruitment, educational programs and curricula,
122 retention and, completion, including a retention and completion
123 management plan, career placement, faculty, learning resources,
124 student personnel services, physical plant and facilities,
125 publications, and disclosure statements about the status of the
126 institution with respect to professional certification and
127 licensure. The commission may adopt rules to ensure that
128 institutions licensed under this section meet these standards in
129 ways that are appropriate to achieve the stated intent of this
130 chapter, including provisions for nontraditional or distance
131 education programs and delivery.

132 (a) The standard relating to admissions and recruitment
133 shall include, but is not limited to, requirements for
134 verification of high school graduation, high school equivalency,
135 or qualifying scores on an ability-to-benefit test.

136 (b) The commission may require a licensed institution to
137 submit a management plan, prohibit a licensed institution from
138 enrolling new students in the institution or a program of the
139 institution, or limit the number of students in a program at a
140 licensed institution, based upon the institution's performance
141 on the licensure standards or criteria established pursuant to

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142 this chapter; the placement of the institution or a program of
143 the institution on probation or the imposition of other adverse
144 actions by the commission, an accrediting agency, or other
145 regulatory agency, including the United States Department of
146 Education; or similar circumstances that leave the institution
147 unable to meet the needs of students or prospective students.

148 ~~(8) An institution may not conduct a program unless~~
149 ~~specific authority is granted in its license.~~

150 Section 9. Section 1005.335 is created to read:

151 1005.335 Accreditation requirements and programmatic
152 licensure.-

153 (1) An institution may not conduct a program unless
154 specific authority is granted in its license.

155 (2) All programs offered by a licensed institution must be
156 recognized and licensed by the commission, including, but not
157 limited to avocational programs or courses, examination
158 preparation programs or courses, contract training programs or
159 courses, continuing education, or professional development
160 programs or courses. The commission shall adopt rules to
161 implement this subsection.

162 (3) An institution must obtain institutional accreditation
163 prior to obtaining approval from the commission to offer a
164 prelicensure professional nursing program.

165 (4) Every independent postsecondary institution that is
166 under the jurisdiction of the commission and which offers

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167 degree-granting programs at the Associate-level or above shall,
168 within seven years of initial licensure, obtain and maintain
169 institutional accreditation, as accreditation is defined in this
170 chapter. Institutions failing to comply shall be subject to
171 disciplinary action by the commission, up to and including
172 revocation of institutional licensure and preclusion of the
173 principals from operation of the subject institution or other
174 institutions in this state. Currently licensed institutions
175 shall have five years from the effective date of this act to
176 comply with this institutional accreditation requirement.

177 (5) The Commission shall adopt rules to implement this
178 section.

179 Section 10. Section 1005.345, Florida Statutes, is created
180 to read:

181 1005.345 Assurance of financial stability.-

182 (1) The commission may require an institution applying for
183 initial licensure to provide an assurance of financial stability
184 as outlined in this section. The assurance of financial
185 stability shall remain in effect until the institution applies
186 for and receives a first annual licensure renewal and
187 demonstrates financial stability as determined by the
188 commission.

189 (2) The commission may require a surety bond, cash
190 deposited into an escrow account, or an irrevocable letter of
191 credit as an assurance of financial stability. The form and

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192 content of the assurance of financial stability shall be
193 approved by the commission and all payments made thereunder
194 shall be deposited into a separate account within the
195 Institutional Assessment Trust Fund.

196 (3) An assurance of financial stability shall be payable
197 to the commission in an amount sufficient to pay for or
198 subsidize the following costs as determined by the commission:

199 (a) The costs of providing instructors and facilities to
200 complete the training of students enrolled at a licensed
201 institution at the time the institution ceases to operate. This
202 includes, but is not limited to, the costs to the institution
203 associated with reimbursing the Student Protection Fund for
204 expenditures made pursuant to s. 1005.37(3).

205 (b) The costs of evaluating, storing, and maintaining
206 student records.

207 (4) The commission shall adopt rules to implement this
208 section.

209 Section 11. Sections (1), (2), and (5) of section 1007.27,
210 Florida Statutes, are amended, and subsection (9) is added to
211 that section, to read:

212 (1)(a) It is the intent of the Legislature that a variety
213 of articulated acceleration mechanisms be available for
214 secondary and postsecondary students attending public
215 educational institutions. It is intended that articulated
216 acceleration serve to shorten the time necessary for a student

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217 to complete the requirements associated with the conference of a
218 high school diploma and a postsecondary degree, broaden the
219 scope of curricular options available to students, or increase
220 the depth of study available for a particular subject.
221 Articulated acceleration mechanisms shall include, but are not
222 limited to, dual enrollment and early admission as provided for
223 in s. 1007.271, ~~advanced placement~~, credit by examination, the
224 College Board Advanced Placement Program, the International
225 Baccalaureate Program, and the Advanced International
226 Certificate of Education Program. Credit earned through the
227 Florida Virtual School shall provide additional opportunities
228 for early graduation and acceleration. Students of Florida
229 public secondary schools enrolled pursuant to this subsection
230 shall be deemed authorized users of the state-funded electronic
231 library resources that are licensed for Florida College System
232 institutions and state universities by the Florida Postsecondary
233 Academic Library Network. Verification of eligibility shall be
234 in accordance with rules established by the State Board of
235 Education and regulations established by the Board of Governors
236 and processes implemented by Florida College System institutions
237 and state universities.

238 (b) The State Board of Education and the Board of
239 Governors shall identify Florida College System institutions and
240 state universities to develop courses that align with s. 1007.25

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241 for students in secondary education and provide the training
242 required under s. 1007.35(6).

243 (2)(a) The Department of Education shall annually identify
244 and publish the minimum scores, maximum credit, and course or
245 courses for which credit is to be awarded for each course
246 developed in paragraph (1)(b), College Level Examination Program
247 (CLEP) subject examination, College Board Advanced Placement
248 Program examination, Advanced International Certificate of
249 Education examination, International Baccalaureate examination,
250 Excelsior College subject examination, Defense Activity for Non-
251 Traditional Education Support (DANTES) subject standardized
252 test, and Defense Language Proficiency Test (DLPT).

253 (b) The department may partner with an independent third-
254 party testing or assessment organization to develop assessments
255 that measure competencies consistent with the course
256 competencies identified by the Articulation Coordinating
257 Committee for general education core courses pursuant to
258 paragraph (1)(b). Postsecondary credit shall be limited to
259 students who achieve a minimum score as established in this
260 subsection.

261 (c) The department shall use student performance data in
262 subsequent postsecondary courses to determine the appropriate
263 examination scores and courses for which credit is to be
264 granted. Minimum scores may vary by subject area based on
265 available performance data. In addition, the department shall

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266 identify such courses in the general education core curriculum
267 of each state university and Florida College System institution.

268 (5) Advanced courses include placement shall be the
269 enrollment of an eligible secondary student in a course offered
270 through the Advanced Placement Program administered by the
271 College Board or a course that prepares students for assessments
272 developed pursuant to paragraph (2) (b). Postsecondary credit for
273 an advanced course or advanced placement course shall be limited
274 to students who score a minimum of 3, on a 5-point scale, on the
275 corresponding Advanced Placement Examination or at least the
276 minimum score on an assessment identified in subsection (2). The
277 specific courses for which students receive such credit shall be
278 identified in the statewide articulation agreement required by
279 s. 1007.23(1). Students of Florida public secondary schools
280 enrolled pursuant to this subsection shall be exempt from the
281 payment of any fees for administration of the examination
282 regardless of whether or not the student achieves a passing
283 score on the examination.

284 (9) The department, in consultation with the Board of
285 Governors, shall issue a report to the Legislature by January 1,
286 2024, on the alignment between acceleration mechanism available
287 to secondary students and student success at the postsecondary
288 level. At a minimum, the report must explain how:

289 (a) Acceleration mechanisms align to secondary completion
290 and rates of success.

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291 (b) Bonuses provided to classroom teachers for the
292 completion or passage of acceleration courses by students impact
293 school quality and performance.

294 (c) Acceleration mechanisms align to postsecondary
295 completion rates.

296 (d) Acceleration course offerings align with general
297 education core course and reduce the amount of time needed for
298 students to complete a postsecondary degree.

299 (e) To improve acceptance of postsecondary credit earned
300 through acceleration courses through agreements with other
301 states.

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T I T L E A M E N D M E N T

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Remove lines 17-29 and insert:

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the Commissioner of Education; amending s. 1005.04,

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F.S.; requiring that certain institutions include

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specified information relating to student fees and

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costs in a disclosure to prospective students;

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requiring institutions to provide information

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affirmatively demonstrating compliance with fair

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consumer practice requirements; creating s. 1005.11,

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F.S.; requiring the Commission for Independent

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Education to annually prepare an accountability report

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by a specified date; requiring licensed institutions to

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316 annually provide certain data to the commission by a
317 specified date and authorizing administrative fines for
318 an institution that fails to timely submit the data;
319 requiring the commission to establish a common set of
320 data definitions; requiring the commission to establish
321 certain benchmarks by rule; providing for the
322 designation of certain licensed institutions as "high
323 performing"; providing authority for the commission to
324 require certain data reporting by certain institutions;
325 amending s. 1005.22, F.S.; providing investigatory
326 authority; amending s. 1005.31, F.S.; revising the
327 commission's evaluation standards for licensure of an
328 institution; authorizing the commission to prohibit the
329 enrollment of new students, or limit the number of
330 students in a program at, a licensed institution under
331 certain circumstances; moving language addressing
332 programmatic licensure; creating s. 1005.335, F.S.;
333 providing that all programs at licensed institutions
334 must be specifically licensed; authorizing the
335 commission to require institutional accreditation prior
336 to licensure of prelicensure professional nursing
337 programs; creating s. 1005.345, F.S.; providing for the
338 assurance of institution's financial stability;
339 providing recurring funding for additional staff
340 requirements resulting from statutory change; amending

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COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 1537 (2023)

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341 1007.27, F.S.; revising the articulation acceleration
342 mechanisms available to certain students; requiring the
343 state board and Board of Governors to identify Florida
344 College System institutions and state universities to
345 develop certain courses and provide specified training;
346 authorizing the department to partner with specified
347 organizations to develop certain assessments; providing
348 for the award of credit to certain students; requiring
349 the department to provide a report to the Legislature
350 by a specified date; providing requirements for such
351 reports; amending s. 1007.271, F.S.; requiring dual