

1                                   A bill to be entitled  
2           An act relating to independent postsecondary  
3           education; reenacting and amending s. 246.011,  
4           F.S.; eliminating references to nonpublic  
5           colleges in provisions stating legislative  
6           findings and intent; conforming provisions to  
7           changes made by the act; eliminating  
8           legislative intent with respect to a  
9           requirement for dual licensure; reenacting and  
10          amending s. 246.013, F.S.; restricting  
11          participation in the statewide course numbering  
12          system to institutions that provide resident  
13          instruction; conforming provisions to changes  
14          made by the act; reenacting and amending s.  
15          246.021, F.S.; providing definitions;  
16          reenacting and amending s. 246.031, F.S.;  
17          creating the Commission for Independent  
18          Education within the Department of Education;  
19          providing for administration of the commission;  
20          providing for members to be appointed by the  
21          Governor; providing for terms of office,  
22          meetings, and accountability; reenacting and  
23          amending s. 246.041, F.S.; providing for powers  
24          and duties of the commission; providing  
25          rulemaking authority; authorizing the  
26          commission to expend funds; requiring certain  
27          reports and recordkeeping; authorizing the  
28          appointment of committees; providing additional  
29          duties of the commission with respect to  
30          administration and offices; repealing ss.  
31          246.051, 246.061, 246.071, F.S., relating to

1 expenditures and rulemaking authority;  
2 reenacting and amending s. 246.081, F.S.;  
3 providing for licensure of institutions;  
4 establishing standards; requiring licensure to  
5 be based on the institution's highest  
6 educational offering; creating stages of  
7 licensure as approved-applicant status,  
8 provisional license, and annual license;  
9 restricting programs to those authorized in an  
10 institution's license; prohibiting the transfer  
11 of a license; prohibiting certain activities by  
12 nonlicensed institutions; requiring standards  
13 for the approval of agents; providing  
14 requirements for students of foreign medical  
15 schools; specifying that a license is not an  
16 accreditation; requiring antihazing policies;  
17 reenacting and amending s. 246.084, F.S.;  
18 providing for licensure by means of  
19 accreditation; establishing requirements;  
20 authorizing continuation of an exemption until  
21 a license is issued; providing for validity of  
22 a license; requiring compliance with certain  
23 rules governing consumer practices; providing  
24 rulemaking authority; requiring approval for  
25 certain diploma programs; providing a procedure  
26 for a review of certain programs; reenacting  
27 and amending s. 246.085, F.S.; authorizing  
28 certain institutions to be excluded from the  
29 jurisdiction of the commission; providing for  
30 verification of such an institution's status;  
31 authorizing certain statements to verify

1 status; repealing s. 246.087, F.S., relating to  
2 licensing requirements; reenacting and amending  
3 s. 246.091, F.S.; establishing license periods  
4 and renewal requirements; repealing s. 246.093,  
5 F.S., relating to permission to operate an  
6 institution; reenacting and amending s.  
7 246.095, F.S.; requiring that the commission  
8 adopt rules governing fair consumer practices  
9 by institutions; authorizing penalties;  
10 reenacting and amending s. 246.101, F.S.;  
11 conforming provisions relating to fees to  
12 changes made by the act; providing for proper  
13 accounting of fee revenues; creating s.  
14 246.103, F.S.; requiring certain procedural  
15 activities related to institutions that cease  
16 operations; authorizing certain civil penalties  
17 and criminal investigations; requiring student  
18 records to become state property under certain  
19 conditions; reenacting and amending s. 246.111,  
20 F.S.; providing for actions against licensees  
21 and other penalties; authorizing the commission  
22 to conduct certain investigations; providing  
23 for injunctive relief; authorizing cease and  
24 desist orders under certain circumstances;  
25 authorizing investigations to determine  
26 probable cause; requiring the commission to  
27 adopt rules for granting review of certain  
28 orders; providing for appeals; reenacting and  
29 amending s. 246.121, F.S.; restricting the use  
30 of the terms "college" and "university" to  
31 certain entities; creating s. 246.147, F.S.;

1 authorizing the commission to require certain  
2 continuing education and training programs;  
3 authorizing a demonstration program to be  
4 called Learning Gateway; creating a steering  
5 committee; providing for membership and  
6 appointment of steering committee members;  
7 establishing duties of the steering committee;  
8 authorizing demonstration projects in specified  
9 counties; authorizing designated agencies to  
10 provide confidential information to such  
11 program; providing for funding; repealing ss.  
12 246.131, 246.141, 246.151, 246.201, 246.203,  
13 246.205, 246.207, 246.211, 246.213, 246.215,  
14 246.216, 246.217, 246.219, 246.220, 246.222,  
15 246.2235, 246.225, 246.226, 246.2265, 246.227,  
16 246.228, 246.229, 246.231, 246.232, 246.31,  
17 246.50, F.S.; relating to injunctive relief and  
18 penalties, provisions establishing and  
19 governing the State Board of Nonpublic Career  
20 Education, the Institutional Assessment Trust  
21 Fund, and the Certified Teacher-Aide Welfare  
22 Transition Program; providing an effective  
23 date.

24

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

26

27 Section 1. Notwithstanding subsection (7) of section 3  
28 of chapter 2000-321, Laws of Florida, section 246.011, Florida  
29 Statutes, shall not stand repealed on January 7, 2003, but  
30 that section is reenacted and amended to read:

31

246.011 Purpose.--

1           (1) The Legislature encourages privately supported  
2 higher education and intends to aid in protecting the  
3 ~~integrity of degrees conferred by privately supported~~  
4 ~~colleges. Sections 246.011-246.151 are intended to aid in~~  
5 ~~protecting~~ the health, education, and welfare of persons who  
6 receive educational services from independent postsecondary  
7 educational institutions ~~and degrees from nonpublic colleges~~  
8 in this state; to aid in protecting employers and others who  
9 depend upon people whose educational credentials are from  
10 independent postsecondary educational institutions ~~nonpublic~~  
11 ~~colleges~~ in this state; and to aid in protecting independent  
12 postsecondary educational institutions ~~nonpublic colleges~~ that  
13 currently operate or intend to begin operating in this state.  
14 The Legislature finds that both individuals and independent  
15 postsecondary educational institutions ~~colleges~~ benefit from a  
16 state system that assures that all institutions ~~nonpublic~~  
17 ~~colleges~~ satisfactorily meet minimum educational standards.  
18 The Legislature further recognizes the role of federally  
19 recognized regional ~~regional~~ accrediting associations in setting  
20 standards for independent postsecondary educational  
21 institutions ~~colleges and universities~~ and encourages the use  
22 of recognized accreditation ~~the standards of regional~~  
23 ~~accrediting associations~~ as general guidelines for the  
24 licensure ~~licensing~~ of independent postsecondary educational  
25 institutions ~~nonpublic colleges~~.

26           (2) The Legislature recognizes that a degree, diploma,  
27 or other educational credential serves several purposes.  
28 Employers rely upon a person's educational credentials ~~degree~~  
29 in judging that person's ~~individual's~~ qualifications for  
30 employment. Educators rely upon a person's educational  
31 credentials ~~degree~~ to assess the adequacy of that person's

1 ~~individual's~~ preparation for the pursuit of further education.  
2 Therefore, the Legislature intends that the provisions of this  
3 chapter ss. 246.011-246.151 aid in protecting the integrity of  
4 degrees, diplomas, and other educational credentials ~~degrees~~  
5 offered by independent postsecondary educational institutions  
6 ~~nonpublic colleges~~ by providing for the evaluation of minimum  
7 educational requirements.

8 ~~(3) It is the intent of the Legislature that a~~  
9 ~~nonpublic college which offers both degrees and vocational~~  
10 ~~certificates or diplomas shall be subject to the rules of the~~  
11 ~~State Board of Independent Colleges and Universities as~~  
12 ~~provided by ss. 246.011-246.151 and the State Board of~~  
13 ~~Nonpublic Career Education as provided by ss. 246.201-246.231.~~

14 (3)(4) ~~It is the intent of~~ The Legislature intends to  
15 prohibit the granting of false or misleading educational  
16 credentials and to prohibit misleading literature,  
17 advertising, solicitation, or representations by independent  
18 postsecondary educational institutions ~~nonpublic colleges~~ or  
19 their agents.

20 Section 2. Notwithstanding subsection (7) of section 3  
21 of chapter 2000-321, Laws of Florida, section 246.013, Florida  
22 Statutes, shall not stand repealed on January 7, 2003, but  
23 that section is reenacted and amended to read:

24 246.013 Participation in the statewide ~~common~~ course  
25 ~~designation and numbering system.--~~

26 (1) Licensed independent postsecondary educational  
27 institutions that are institutionally ~~Nonpublic colleges and~~  
28 ~~schools that have been issued a regular license pursuant to s.~~  
29 ~~246.081(2), or nonpublic postsecondary colleges that are~~  
30 ~~exempt from state licensure pursuant to s. 246.085(1)(a) and~~  
31 ~~that are fully accredited by an a regional or national~~

1 accrediting agency recognized by the United States Department  
2 of Education to provide resident instruction, may participate  
3 in the statewide common ~~course designation~~ and numbering  
4 system pursuant to s. 229.551. Participating colleges and  
5 schools shall bear the costs associated with inclusion in the  
6 system and shall meet the terms and conditions for  
7 institutional participation in the system. The department  
8 shall adopt a fee schedule that includes the expenses incurred  
9 through data processing, faculty task force travel and per  
10 diem, and staff and clerical support time. The ~~Such~~ fee  
11 schedule may differentiate between the costs associated with  
12 initial course inclusion in the system and costs associated  
13 with subsequent course maintenance in the system. A nonprofit  
14 institution that is eligible to participate in the statewide  
15 course numbering system is not required to pay the costs  
16 associated with participation. Fees collected for  
17 participation in the common course designation and numbering  
18 system shall be deposited in the Institutional Assessment  
19 Trust Fund. Decisions regarding initial course inclusion and  
20 subsequent course maintenance must be made within 360 days  
21 after submission of the required materials and fees by the  
22 institution. The Department of Education may select a date by  
23 which institutions ~~colleges~~ must submit requests for new  
24 courses to be included, and may delay review of courses  
25 submitted after that date until the next year's cycle. ~~Any~~  
26 ~~college that currently participates in the system, and that~~  
27 ~~participated in the system prior to July 1, 1986, shall not be~~  
28 ~~required to pay the costs associated with initial course~~  
29 ~~inclusion in the system. Fees collected for participation in~~  
30 ~~the common course designation and numbering system pursuant to~~  
31 ~~the provisions of this section shall be deposited in the~~

1 ~~Institutional Assessment Trust Fund created by s. 246.31. Any~~  
2 ~~nonpublic, nonprofit college or university that is eligible to~~  
3 ~~participate in the common course designation and numbering~~  
4 ~~system shall not be required to pay the costs associated with~~  
5 ~~participation in the system.~~

6 (2) An independent postsecondary educational  
7 institution may not ~~No college or school shall~~ record student  
8 transcripts or document courses offered by the college or  
9 school in accordance with this section unless the college or  
10 school is actually participating in the system pursuant to  
11 rules of the State Board of Education. Any independent  
12 postsecondary educational institution that violates college or  
13 school deemed to be in violation of this section is subject to  
14 actions against its license as authorized by law shall be  
15 subject to the provisions of s. 246.111 or s. 246.228.

16 Section 3. Notwithstanding subsection (7) of section 3  
17 of chapter 2000-321, Laws of Florida, section 246.021, Florida  
18 Statutes, shall not stand repealed on January 7, 2003, but  
19 that section is reenacted and amended to read:

20 (Substantial rewording of section. See  
21 s. 246.021, F.S., for present text.)

22 246.021 Definitions.--As used in this chapter, the  
23 term:

24 (1) "Accreditation" means accredited status awarded to  
25 an institution by an accrediting agency or association that is  
26 recognized by the United States Department of Education and  
27 that has standards comparable to the minimum standards  
28 required to operate an educational institution at that level  
29 in this state.

30 (2) "Agent" means a person who is employed by an  
31 independent postsecondary educational institution under the



1 jurisdiction of the Commission for Independent Education, or  
2 by an out-of-state independent postsecondary educational  
3 institution, and who secures an application or accepts payment  
4 of fees from prospective students for the institution at any  
5 place other than the legal place of business of the  
6 institution.

7 (3) "Avocational" means a course or program the  
8 objective of which is not occupational but is only for  
9 personal enrichment or enjoyment. To be classified as  
10 avocational, a program must:

11 (a) Prior to enrollment, provide to each enrollee, and  
12 maintain a record copy of, a written statement that includes  
13 the following or substantially similar language: "This program  
14 is not designed or intended to qualify its participants and  
15 graduates for employment. It is intended solely for the  
16 avocation, personal enrichment, and enjoyment of its  
17 participants."

18 (b) Not make any other verbal or written statement  
19 that negates the required written statement by stating or  
20 implying that people who enroll in or complete the program  
21 have a more substantial likelihood of obtaining employment in  
22 the field to which the training pertains than people who do  
23 not.

24 (4) "College" or "university" means any incorporated  
25 postsecondary educational entity, and its additional  
26 locations, offering a substantially complete program that  
27 confers or offers to confer at least an associate degree  
28 requiring at least 15 semester hours or the equivalent of  
29 general education, or that furnishes or offers to furnish  
30 instruction leading toward, or prerequisite to, college  
31 credit. The terms include any college-credit-granting

1 independent educational institution that is chartered in this  
2 state and any center or branch campus within this state of an  
3 out-of-state institution at the college-credit level.

4 (5) "Commission" or "board" means the Commission for  
5 Independent Education.

6 (6) "Contract training" means instruction or training  
7 provided through a written contract with an independent  
8 contractor whose fees and any other charges are entirely paid  
9 by a company, trade or professional association, or group of  
10 employers to provide the instruction exclusively to bona fide  
11 employees of the entity that engaged the contractor. The term  
12 applies only when those receiving training are selected by  
13 their employer and are not recruited by the contractor.

14 (7) "Degree" means any educational credential that is  
15 generally taken to signify satisfactory completion of the  
16 requirements of an undergraduate, graduate, academic,  
17 educational, or professional program of study or any honorary  
18 credential conferred for meritorious recognition. At the  
19 undergraduate level, an institution may not award a degree for  
20 a program unless it includes a general education component as  
21 established by rule and at least 60 semester hours or 90  
22 quarter hours of study or the equivalent.

23 (8) "Diploma" means a credential that is not a degree  
24 but is any of the following: a certificate, transcript,  
25 report, document, or title; a designation, mark, or  
26 appellation; or a series of letters, numbers, or words that  
27 generally are taken to signify satisfactory completion of the  
28 requirements of an educational, technical, or vocational  
29 program of study or training or course of study.

30 (9) "Examination preparation course" means a course or  
31 program that does not offer to confer a diploma, that is

1 offered by a person or entity that discloses in all  
2 advertising that the course or program is for test  
3 preparation, and that does not include any expression or  
4 implication in writing or orally regarding salaries, job  
5 placement, or career advancement.

6 (10) "Governmental" means an institution provided,  
7 operated, and supported by a federal, state, or county  
8 government or any of its political subdivisions.

9 (11) "Independent postsecondary educational  
10 institution" means any postsecondary educational institution  
11 that operates in this state or makes application to operate in  
12 this state, and is not provided, operated, and supported by  
13 the State of Florida, its political subdivisions, or the  
14 Federal Government.

15 (12) "In-service, continuing education, or  
16 professional development" means training provided by:

17 (a) A trade or professional association or a group of  
18 employers in the same or related business who offer training  
19 and provide only professional-development programs to bona  
20 fide employees or contractors of an employer who is a member  
21 of the association or employers who qualify for membership;

22 (b) A labor union or group of labor unions that offer  
23 training to and trains only those persons who are dues-paying  
24 members of the participating labor union;

25 (c) An independent contractor engaged by the labor  
26 union or group of labor unions, by written contract, to  
27 provide the training on its behalf exclusively to those who  
28 are selected by the labor union or group of labor unions that  
29 engaged the contractor and who are dues-paying members of that  
30 union; or

31

1           (d) A person or entity offering only  
2 continuing-education programs to persons who engage in an  
3 occupation or profession whose practitioners are subject to  
4 licensure, certification, or registration by a state agency  
5 that recognizes the programs for continuing-education purposes  
6 and provides a written statement of the recognition.

7           (13) "License" means a certificate signifying that an  
8 independent postsecondary educational institution meets  
9 standards prescribed in statute or rule and is permitted to  
10 operate in this state.

11           (14) "Operating in this state" means any of the  
12 following:

13           (a) Maintaining for any purpose related to offering a  
14 degree, diploma, or credit a physical location in this state,  
15 a mailing address in this state, a telephone or facsimile  
16 number in this state, or a mail forwarding service or  
17 telephone answering or relay service in this state or  
18 advertising any such presence; or

19           (b) By any means or device, facilitating in this state  
20 any part of a scheme to offer a degree, diploma, or credit, or  
21 any activity connected with the administration, promotion,  
22 recruitment, placement, instruction, fee collection or  
23 receipt, or any other function of a purported independent  
24 postsecondary educational institution, other than periodic and  
25 customary contact with the institution's own alumni.

26           (15) "Out-of-state college" or "out-of-state school"  
27 means any independent postsecondary educational institution  
28 where the place of instruction, the legal place of residence,  
29 or the place of evaluation of instruction or work by  
30 correspondence or distance education is not within the legal  
31 boundaries of this state.

1           (16) "School" means any nonpublic postsecondary  
2 noncollegiate educational institution, association,  
3 corporation, person, partnership, or organization of any type  
4 which:

5           (a) Offers to provide or provides any complete, or  
6 substantially complete, postsecondary program of instruction  
7 through the student's personal attendance; in the presence of  
8 an instructor; in a classroom, clinical, or other practicum  
9 setting; or through correspondence or other distance  
10 education;

11           (b) Represents, directly or by implication, that the  
12 instruction will qualify the student for employment in an  
13 occupation for which a degree is not required in order to  
14 practice in this state;

15           (c) Receives remuneration from the student or any  
16 other source based on the enrollment of a student or the  
17 number of students enrolled; or

18           (d) Offers to award or awards a diploma, regardless of  
19 whether it conducts instruction or receives remuneration.

20           Section 4. Notwithstanding subsection (7) of section 3  
21 of chapter 2000-321, Laws of Florida, section 246.031, Florida  
22 Statutes, shall not stand repealed on January 7, 2003, but  
23 that section is reenacted and amended to read:

24           (Substantial rewording of section. See  
25 s. 246.031, F.S., for present text.)

26           246.031 Commission for Independent Education.--

27           (1) There is established in the Department of  
28 Education the Commission for Independent Education. The  
29 department shall serve as the administrative agent of the  
30 commission by providing services, including payroll,  
31 procurement, and legal counsel. The commission shall exercise

1 independently all powers, duties, and functions prescribed by  
2 law. The commission shall authorize the granting of diplomas  
3 and degrees by any independent postsecondary educational  
4 institution under its jurisdiction.

5 (2) The Commission for Independent Education shall  
6 consist of seven members who are residents of this state. The  
7 commission shall function in matters concerning independent  
8 postsecondary education institutions in consumer protection,  
9 program improvement, and licensure for institutions under its  
10 purview. The Governor shall appoint the members of the  
11 commission who are subject to confirmation by the Senate. The  
12 membership of the commission shall consist of:

13 (a) Two representatives of independent colleges or  
14 universities licensed by the commission.

15 (b) Two representatives of independent,  
16 nondegree-granting schools licensed by the commission.

17 (c) One member from a public school district or  
18 community college who is an administrator of  
19 vocational-technical education.

20 (d) Two lay members who are not affiliated with an  
21 independent postsecondary educational institution.

22 (3) The members of the commission shall be appointed  
23 to 3-year terms and until their successors are appointed and  
24 qualified. If a vacancy on the commission occurs before the  
25 expiration of a term, the Governor shall appoint a successor  
26 to serve the unexpired portion of the term.

27 (4) The commission shall meet at least four times each  
28 fiscal year.

29 (5) Members of the commission are entitled to  
30 reimbursement for travel and per diem expenses, as provided in  
31 s. 112.061, Florida Statutes, while performing their duties.

1           (6) Each member is accountable to the Governor for the  
2 proper performance of the duties of his or her office. The  
3 Governor may remove from office any member for cause.

4           Section 5. Notwithstanding subsection (7) of section 3  
5 of chapter 2000-321, Laws of Florida, section 246.041, Florida  
6 Statutes, shall not stand repealed on January 7, 2003, but  
7 that section is reenacted and amended to read:

8           246.041 Powers and duties of commission board.--

9           (1) The commission board shall:

10           (a) Hold meetings as necessary to administer its  
11 duties ~~the provisions of ss. 246.011-246.151.~~

12           (b) Annually select ~~annually~~ a chairperson and a vice  
13 chairperson, appoint and review an executive director, and  
14 authorize the executive director to appoint employees of the  
15 commission.

16           (c) Adopt and use an official seal in the  
17 authentication of its acts.

18           (d) Make rules for its own governance.

19           ~~(e) Adopt rules pursuant to ss. 120.536(1) and 120.54~~  
20 ~~to implement provisions of law conferring duties upon it.~~

21           ~~(f) Authorize an individual, or a designated group of~~  
22 ~~individuals, to represent one or more nonpublic colleges in~~  
23 ~~appearances before the board on official matters if each~~  
24 ~~college agrees formally to designate the individual or group~~  
25 ~~of individuals to represent it.~~

26           ~~(e)(g)~~ Administer the provisions of this chapter ss.  
27 246.011-246.151. To this end, the commission has the following  
28 administrative powers and responsibilities:

29           1. The commission shall adopt rules pursuant to ss.  
30 120.536(1) and 120.54 for the operation and establishment of  
31 independent postsecondary educational institutions. The

1 commission shall submit the rules to the State Board of  
2 Education for approval or disapproval. If the state board does  
3 not act on a rule within 60 days after receiving it, the rule  
4 shall be filed immediately with the Department of State.

5 2. The commission shall expend funds as necessary to  
6 assist in the application and enforcement of its powers and  
7 duties. The Chief Financial Officer shall pay out all moneys  
8 and funds as directed under this chapter upon vouchers  
9 approved by the Department of Education for all lawful  
10 purposes necessary to administering this chapter. The  
11 commission shall make annual reports to the Governor showing  
12 in detail amounts received and all expenditures. All fees,  
13 donations, or other receipts of money shall be paid into the  
14 Institutional Assessment Trust Fund, and the funds  
15 appropriated for the purposes of this chapter shall be from  
16 the Institutional Assessment Trust Fund and other state fund  
17 sources as appropriate, based on an appropriate budget  
18 approved by the commission and submitted to the Legislature  
19 through the Governor in accordance with chapter 216. The  
20 commission shall include in its annual report to the Governor  
21 a statement of its major activities during the period covered  
22 by the report.

23 ~~(h) Appoint, on the recommendation of its chairperson,~~  
24 ~~executives, deputies, clerks, and employees of the board.~~

25 ~~(f)(i)~~ Maintain a record of its proceedings.

26 ~~(g)(j)~~ Cooperate with other state and federal agencies  
27 and other nongovernmental agencies in administering its duties  
28 ~~the provisions of ss. 246.011-246.151.~~

29 ~~(k) Prepare an annual budget.~~

30 ~~(h)(l)~~ Cause to be investigated criminal justice  
31 information, as defined in s. 943.045, for each owner,



1 administrator, and agent employed by an institution applying  
2 for licensure from the commission.~~Transmit all fees,~~  
3 ~~donations, or other receipts of money through the Department~~  
4 ~~of Education to be deposited in the Institutional Assessment~~  
5 ~~Trust Fund created by s. 246.31.~~

6 (i)(m) Transmit to the Governor, the Commissioner of  
7 Education, the Speaker of the House of Representatives, and  
8 the President of the Senate an annual report which shall  
9 ~~include, but not be limited to:~~

10 1. ~~An accounting of all funds received and expended.~~

11 2. ~~The number of complaints received, the number of~~  
12 ~~complaints investigated by the board, and the number of~~  
13 ~~complaints forwarded to the appropriate accrediting agency for~~  
14 ~~action, by college and type of complaint. The report shall~~  
15 ~~include a summary of the actions taken by the accrediting~~  
16 ~~agency following receipt of the complaint.~~

17 3. ~~The number of findings of probable cause.~~

18 4. ~~A description of disciplinary actions taken, by~~  
19 ~~statutory classification.~~

20 5. ~~A description of all administrative hearings and~~  
21 ~~court actions.~~

22 6. ~~A description of the board's major activities~~  
23 ~~during the previous year.~~

24 (j)(n) Serve as a central agency for collecting and  
25 distributing current information regarding institutions  
26 colleges licensed by the commission board and colleges granted  
27 a certificate of exemption by the board.

28 1. ~~The board shall annually collect information~~  
29 ~~relating to the college administration, calendar system,~~  
30 ~~admissions requirements, student costs and financial~~  
31 ~~obligations, financial aid information, refund policy,~~

1 ~~placement services, degree programs, and off-campus academic~~  
2 ~~programs. To the extent that such information is available in~~  
3 ~~the institution's current catalog, a copy of the catalog~~  
4 ~~accompanied by an index indicating where the information may~~  
5 ~~be found shall be sufficient to demonstrate compliance with~~  
6 ~~this provision. Financial information of a strictly~~  
7 ~~proprietary, commercial nature is excluded from this~~  
8 ~~requirement.~~

9       2. ~~The board shall annually collect information on~~  
10 ~~students, faculty, and degrees awarded. To the extent that~~  
11 ~~data submitted to the Federal Government for compilation into~~  
12 ~~the Integrated Postsecondary Education Data System (IPEDS)~~  
13 ~~provide the information required pursuant to this paragraph,~~  
14 ~~submission to the board of copies of such reports shall be~~  
15 ~~sufficient to demonstrate compliance with this provision.~~

16       3. ~~The board shall collect annually from each college~~  
17 ~~a descriptive inventory of consumer practices including:~~

18           a. ~~A description of the college's policies and~~  
19 ~~procedures regarding the recruitment and admission of~~  
20 ~~students.~~

21           b. ~~The sources and kinds of student financial~~  
22 ~~assistance available, and the specific manner by which~~  
23 ~~students are informed of their responsibilities with respect~~  
24 ~~to receiving assistance and repaying loans.~~

25           c. ~~The placement assistance provided by the college,~~  
26 ~~including any claims concerning job placement rates.~~

27           d. ~~All advertising issued on behalf of the college,~~  
28 ~~including copies of all published items.~~

29           e. ~~A copy of the college's refund policy. Such refund~~  
30 ~~policy shall provide students with a minimum of 3 working days~~  
31 ~~from the date a student signs an enrollment contract or~~

1 ~~financial agreement with a college for the student to cancel~~  
2 ~~the contract and receive a full refund of any tuition or~~  
3 ~~registration fees paid. This provision of the refund policy~~  
4 ~~shall be prominently displayed on the contract form. The~~  
5 ~~refund policy shall also provide for a full refund of tuition~~  
6 ~~and registration fees paid by the student prior to the~~  
7 ~~commencement of instruction if the student submits a written~~  
8 ~~request to the institution within 3 working days of the~~  
9 ~~payment.~~

10 ~~f. Evidence that the college has provided students~~  
11 ~~with a clear and specific statement regarding the~~  
12 ~~transferability of credits to and from other colleges.~~

13  
14 ~~To the extent that such information is available in the~~  
15 ~~institution's current catalog, a copy of the catalog~~  
16 ~~accompanied by an index indicating where the information may~~  
17 ~~be found shall be sufficient to demonstrate compliance with~~  
18 ~~this provision.~~

19 ~~4. The board shall annually provide to each college~~  
20 ~~the format, definitions, and instructions for submitting the~~  
21 ~~required information.~~

22 ~~5. Each college shall include with the information~~  
23 ~~submitted a letter of certification, signed by its chief~~  
24 ~~administrative officer, affirming that the information~~  
25 ~~submitted is accurate, that the policies reported are provided~~  
26 ~~in writing to all prospective students at least 1 week prior~~  
27 ~~to enrollment or collection of tuition fees, and that the~~  
28 ~~college observes the policies and practices as reported to the~~  
29 ~~board.~~

30 ~~6. The board shall include a summary of the~~  
31 ~~information collected in the annual report to the Governor,~~

1 ~~the Speaker of the House of Representatives, and the President~~  
2 ~~of the Senate. This information may also be used by the~~  
3 ~~Department of Education for such purposes as statewide master~~  
4 ~~planning, state financial aid programs, and publishing~~  
5 ~~directories; by the Legislature; and to respond to consumer~~  
6 ~~inquiries received by the board.~~

7 7. ~~If a college fails to provide the information~~  
8 ~~required by the board under this paragraph, the board may~~  
9 ~~impose a fine for every month the information is not made~~  
10 ~~available. Repeated failure to supply the information required~~  
11 ~~by this paragraph or to pay the fines imposed by the board may~~  
12 ~~result in the revocation of the license or certificate of~~  
13 ~~exemption. The board shall adopt rules for these actions.~~

14 (k)(o) Inform independent postsecondary educational  
15 institutions of laws ~~Advise nonpublic colleges of policies~~  
16 adopted by the Legislature and rules adopted by the commission  
17 and of their responsibility to follow those laws and rules  
18 ~~such policies.~~

19 (l)(p) Establish and publicize the procedures for  
20 receiving and responding to complaints from students, faculty,  
21 and others concerning institutions or programs under the  
22 purview of the commission, and keep records of such complaints  
23 in order to determine the frequency and nature of complaints  
24 with respect to specific institutions of higher education.  
25 ~~Forward complaints against colleges which hold a certificate~~  
26 ~~of exemption by virtue of accreditation to the college and~~  
27 ~~appropriate accrediting agency for action. The board shall~~  
28 ~~request that the college and accrediting agency inform the~~  
29 ~~board of any and all actions taken in response to the~~  
30 ~~complaint.~~

31

1           ~~(q) To ensure comparability with licensure standards,~~  
2 ~~review at least biennially the accreditation standards of~~  
3 ~~agencies listed in s. 246.085(1)(a), and upon request and~~  
4 ~~payment of an initial review fee, other accrediting agencies~~  
5 ~~recognized by the United States Department of Education.~~

6           ~~(r) Provide information and documentation on an annual~~  
7 ~~basis to the Office of Student Financial Assistance of the~~  
8 ~~Department of Education regarding the requirements set forth~~  
9 ~~for nonpublic colleges in s. 240.605, relating to William L.~~  
10 ~~Boyd, IV, Florida resident access grants, and s. 240.609,~~  
11 ~~relating to Florida postsecondary endowment grants.~~

12           ~~(s) Cooperate with the Board of Regents and the~~  
13 ~~Department of Education, pursuant to s. 240.53, in~~  
14 ~~establishing one or more approved postdoctoral training~~  
15 ~~programs to train currently employed college or university~~  
16 ~~faculty to deliver postsecondary courses, inservice training~~  
17 ~~programs, and technical assistance related to middle childhood~~  
18 ~~education programs.~~

19           ~~(m)(t)~~ Provide annually to the Office of State-Funded  
20 Student Financial Assistance of the Department of Education  
21 information and documentation that which can be used to  
22 determine an institution's in determining a college's  
23 eligibility to participate in state-funded state student  
24 financial assistance programs.

25           ~~(n)(u)~~ Coordinate and convey annual reports to the  
26 Commissioner of Education relating to campus crime statistics,  
27 for nonpublic colleges, pursuant to s. 240.2683, and on the  
28 assessment of physical plant safety, and the antihazing  
29 policies of nonpublic postsecondary educational institutions  
30 eligible to receive state-funded student assistance, as  
31 required by law pursuant to s. 240.2684.

1           ~~(o)(v)~~ Appoint a member ~~two representatives~~ to the  
2 board of directors of the Florida Education Fund, as required  
3 by law pursuant to s. 240.498.

4           ~~(p)(w)~~ Identify and report to the Office of  
5 State-Funded Student Assistance the accrediting associations  
6 recognized by the United States Department of Education which  
7 have standards that are comparable to the minimum standards  
8 required to operate an institution at that level in this  
9 state. ~~Affirm, on an annual basis, that all nonpublic colleges~~  
10 ~~whose students are eligible to receive state student financial~~  
11 ~~assistance have adopted and implemented a written antihazing~~  
12 ~~policy, pursuant to s. 240.1325.~~

13           ~~(q)~~ Assure that an institution is not required to  
14 operate without a current license because of the schedule of  
15 commission meetings or application procedures, if the  
16 institution has met the commission's requirements for  
17 licensure or license renewal.

18           (2) The commission ~~board~~ may:

19           (a) Sue or be sued.

20           (b) Enter into contracts with the Federal Government,  
21 with other departments of the state, or with individuals.

22           (c) Receive bequests and gifts, subject to any  
23 restrictions upon which the commission ~~board~~ and the donor  
24 agree.

25           (d) Appoint standing or special committees to assist  
26 it in carrying out its responsibilities. Committees may  
27 include members who are not commission members or  
28 representatives of licensed postsecondary institutions.  
29 ~~developing rules; in determining the qualifications required~~  
30 ~~of a college endeavor; in evaluating applications for~~  
31 ~~temporary, provisional, or regular licensure, certificates of~~

1 ~~exemption, or requests for authorization; in evaluating~~  
2 ~~reports submitted by colleges; or in legislative or other~~  
3 ~~matters. Special committees may be appointed to advise the~~  
4 ~~board or to conduct onsite evaluation visits at colleges.~~

5 (e) Advise the Governor, the Legislature, the State  
6 Board of Education, the Council for Education Policy Research  
7 and Improvement ~~Postsecondary Education Planning Commission,~~  
8 and the Commissioner of Education on issues relating to  
9 private postsecondary education.

10 (f) Delegate to the chairperson of the board the  
11 responsibility for signing final orders.

12 ~~(g) Following evaluation by the board, recommend to~~  
13 ~~the Legislature any changes to the accrediting associations~~  
14 ~~included in s. 246.085(1)(a). Accrediting associations~~  
15 ~~included in s. 246.085(1)(a) shall be United States Department~~  
16 ~~of Education recognized accrediting associations whose~~  
17 ~~standards are comparable with state licensing standards.~~

18 ~~(g)(h)~~ Assist independent postsecondary educational  
19 institutions ~~nonpublic colleges~~ in formulating articulation  
20 agreements with public and other independent institutions  
21 ~~colleges and universities.~~

22 (h) Establish and operate additional offices in the  
23 central and southern part of the state if the concentration of  
24 licensed institutions renders such an office economically  
25 feasible.

26 (i) Establish and administer the Student Protection  
27 Fund as provided by law.

28 Section 6. Sections 246.051, 246.061, 246.071, Florida  
29 Statutes, are repealed.

30 Section 7. Notwithstanding subsection (7) of section 3  
31 of chapter 2000-321, Laws of Florida, section 246.081, Florida

1 Statutes, shall not stand repealed on January 7, 2003, but  
2 that section is reenacted and amended to read:

3 (Substantial rewording of section. See  
4 s. 246.081, F.S., for present text.)  
5 246.081 Licensure of institutions.--

6 (1) Each college or school operating within this state  
7 must obtain licensure from the commission unless the  
8 institution is not under the commission's purview or  
9 jurisdiction as provided in s. 246.085.

10 (2) The commission shall develop minimum standards by  
11 which to evaluate institutions for licensure. These standards  
12 must include at least the institution's name, financial  
13 stability, purpose, administrative organization, admissions  
14 and recruitment, educational programs and curricula,  
15 retention, completion, career placement, faculty, learning  
16 resources, student personnel services, physical plant and  
17 facilities, publications, and disclosure statements about the  
18 status of the institution with respect to professional  
19 certification and licensure. The commission may adopt rules to  
20 ensure that institutions licensed under this section meet  
21 these standards in ways that are appropriate to achieve the  
22 stated intent of this chapter, including provisions for  
23 nontraditional or distance education programs and delivery.

24 (3) The commission shall recognize an institution  
25 based on the institution's highest educational offering and  
26 shall adopt rules for licensure that include reporting  
27 requirements for each level of licensure.

28 (4) Approved-applicant status shall be extended to all  
29 institutions that have submitted a complete application, as  
30 defined in rule, for provisional licensure and paid all  
31 attendant fees. In granting approved-applicant status, the



1 commission shall provide to commission staff and the  
2 institution a list of specific omissions or deficiencies.  
3 Institutions granted approved-applicant status may not  
4 advertise, offer programs of study, collect tuition or fees,  
5 or engage in any other activities not specifically approved by  
6 the commission. If the commission, or the commission staff if  
7 specifically directed by the commission, determines that the  
8 omissions or deficiencies have been provided for or corrected,  
9 the institution may be awarded a provisional license.

10 (5) Provisional licensure shall be granted to an  
11 applicant for initial licensure for a period not to exceed 1  
12 year when the commission determines that the applicant is in  
13 substantial compliance with the standards for licensure. A  
14 provisional license granted for initial licensure may be  
15 extended for up to 1 additional year. A licensed institution  
16 that has undergone a substantive change, as defined by rule,  
17 must be granted a provisional license for a period of time  
18 determined by the commission, after which period the  
19 institution may apply for a different status. A provisional  
20 license may include conditions required by the commission, and  
21 all conditions must be met before the institution may receive  
22 a different licensure status.

23 (6) An annual license shall be granted to an  
24 institution holding a provisional license, or seeking a  
25 renewal of an annual license, upon demonstrating full  
26 compliance with licensure standards. An annual license may be  
27 extended for up to 1 year if the institution meets the  
28 requirements set by rule for such an extension.

29 (7) An institution may not conduct a program unless  
30 specific authority is granted in its license.

31

1           (8) A license granted by the commission is not  
2 transferable to another institution or to another agent, and  
3 an institution's license does not transfer when the  
4 institution's ownership changes.

5           (a) A licensed institution must notify the commission  
6 prior to a change of ownership or control. The commission  
7 shall adopt procedures for interim executive approval of a  
8 change of ownership or control if the next scheduled meeting  
9 of the commission occurs after the scheduled date of the  
10 change of ownership or control.

11           (b) The commission may adopt rules governing changes  
12 of ownership or control.

13           (9) An independent postsecondary educational  
14 institution or any person acting on behalf of such an  
15 institution may not publish any advertisement soliciting  
16 students or offering a credential before the institution is  
17 duly licensed by the commission or while the institution is  
18 under an injunction against operating, soliciting students, or  
19 offering an educational credential.

20           (10) The commission shall establish minimum standards  
21 for the approval of agents. The commission may adopt rules to  
22 ensure that licensed agents meet these standards and uphold  
23 the intent of this chapter. An agent may not solicit  
24 prospective students in this state for enrollment in any  
25 independent postsecondary educational institution under the  
26 commission's purview or in any out-of-state independent  
27 postsecondary educational institution unless the agent has  
28 received a license as prescribed by the commission.

29           (11) A student of a foreign medical school may not  
30 engage in a clinical clerkship in this state unless the  
31 foreign medical school has received a license, in the case of

1 a core clerkship or an ongoing regular program of clerkships,  
2 or has received individual approval, in the case of an  
3 occasional elective clerkship. The commission may adopt rules  
4 to administer this subsection.

5 (12) The granting of a license is not an  
6 accreditation.

7 (13) As a condition of licensure, an independent  
8 college or university must provide the commission with a copy  
9 of its antihazing policy.

10 (14) A nonpublic college shall apply for and obtain  
11 approval to conduct any diploma program as defined in s.  
12 246.021. Colleges under the jurisdiction of the Commission for  
13 Independent Education shall apply to the commission. Colleges  
14 that are not under the jurisdiction of the commission shall  
15 apply to the Department of Education.

16 Section 8. Notwithstanding subsection (7) of section 3  
17 of chapter 2000-321, Laws of Florida, section 246.084, Florida  
18 Statutes, shall not stand repealed on January 7, 2003, but  
19 that section is reenacted and amended to read:

20 (Substantial rewording of section. See  
21 s. 246.084, F.S., for present text.)

22 246.084 Licensure by means of accreditation.--

23 (1) An independent postsecondary educational  
24 institution that meets the following criteria may apply for a  
25 license by means of accreditation from the commission:

26 (a) The institution has operated legally in this state  
27 for at least 5 consecutive years.

28 (b) The institution holds institutional accreditation  
29 by an accrediting agency evaluated and approved by the  
30 commission as having standards substantially equivalent to the  
31 commission's licensure standards.

1           (c) The institution has no unresolved complaints or  
2 actions in the past 12 months.

3           (d) The institution meets minimum requirements for  
4 financial responsibility as determined by the commission.

5           (e) The institution is a Florida corporation.

6           (2) An institution that was exempt from licensure in  
7 2001 under s. 246.085(1)(a) may retain an exemption until the  
8 commission issues it a license by means of accreditation as  
9 provided in this section.

10           (3) The commission may not require an institution  
11 granted a license by means of accreditation to submit reports  
12 that differ from the reports required by its accrediting  
13 association, except that each institution must file with the  
14 commission an annual audit and follow the commission's  
15 requirements for orderly closing, including provisions for  
16 trainout or refunds and arranging for the proper disposition  
17 of student and institutional records.

18           (4) An institution granted a license by means of  
19 accreditation must apply for and receive another level of  
20 licensure before the institution may offer courses or programs  
21 that exceed the scope or level of its accreditation.

22           (5) Institutions granted a license by means of  
23 accreditation must comply with the standards of fair consumer  
24 practices as established in rule by the commission.

25           (6) A license by means of accreditation is valid for  
26 the same period as the qualifying grant of accreditation.

27           (7) A license by means of accreditation may be denied,  
28 placed on probation, or revoked for repeated failure to comply  
29 with the requirements of this section. The commission shall  
30 adopt rules for these actions. Revocation or denial of a  
31

1 license by means of accreditation requires that the  
2 institution immediately obtain an annual license.

3           Section 9. Notwithstanding subsection (7) of section 3  
4 of chapter 2000-321, Laws of Florida, section 246.085, Florida  
5 Statutes, shall not stand repealed on January 7, 2003, but  
6 that section is reenacted and amended to read:

7           (Substantial rewording of section. See  
8           s. 246.085, F.S., for present text.)

9           246.085 Institutions not under the jurisdiction or  
10 purview of the commission.--The following institutions are not  
11 under the jurisdiction or purview of the commission and are  
12 not required to obtain licensure:

13           (1) Any postsecondary educational institution  
14 provided, operated, or supported by this state, its political  
15 subdivisions, or the Federal Government.

16           (2) Any college, school, or course licensed or  
17 approved for establishment and operation under part I of  
18 chapter 464, chapter 466, or chapter 475, or any other chapter  
19 of the Florida Statutes requiring licensing or approval as  
20 defined in this chapter.

21           (3) Any institution that is under the jurisdiction of  
22 the Division of Colleges and Universities of the Department of  
23 Education, whose students are eligible for the William L.  
24 Boyd, IV, Florida Resident Access Grant, and that is a  
25 nonprofit independent college or university located and  
26 chartered in this state and accredited by the Commission on  
27 Colleges of the Southern Association of Colleges and Schools  
28 to grant baccalaureate degrees.

29           (4) Any institution that offers only avocational  
30 programs or courses, examination-preparation programs or  
31

1 courses, contract training programs or courses, continuing  
2 education, or professional-development programs or courses.

3 (5) Any institution that was exempt from licensure in  
4 2001 under s. 246.085(1)(b) as long as it maintains these  
5 qualifying criteria: the institution is incorporated in this  
6 state, the institution's credits or degrees are accepted for  
7 credit by at least three colleges that are fully accredited by  
8 an agency recognized by the United States Department of  
9 Education, the institution was exempt under that category  
10 prior to July 1, 1982, and the institution does not enroll any  
11 students who receive state or federal financial aid for  
12 education. Such an institution shall notify the commission and  
13 apply for licensure if it no longer meets these criteria.

14 (6) A religious college may operate without  
15 governmental oversight if the college annually verifies by  
16 sworn affidavit to the commission that:

17 (a) The name of the institution includes a religious  
18 modifier or the name of a religious patriarch, saint, person,  
19 or symbol of the church.

20 (b) The institution offers only educational programs  
21 that prepare students for religious vocations as ministers,  
22 professionals, or laypersons in the categories of ministry,  
23 counseling, theology, education, administration, music, fine  
24 arts, media communications, or social work.

25 (c) The titles of degrees issued by the institution  
26 cannot be confused with secular degree titles. For this  
27 purpose, each degree title must include a religious modifier  
28 that immediately precedes, or is included within, any of the  
29 following degrees: Associate of Arts, Associate of Science,  
30 Bachelor of Arts, Bachelor of Science, Master of Arts, Master  
31 of Science, Doctor of Philosophy, and Doctor of Education. The

1 religious modifier must be placed on the title line of the  
2 degree and on the transcript.

3 (d) The duration of all degree programs offered by the  
4 institution is consistent with the standards of the  
5 commission.

6 (e) The institution meets the following requirements  
7 for consumer protection:

8 1. The policies and practices regarding recruitment  
9 and admissions of students are available to students and  
10 factual.

11 2. Information provided to students about the  
12 availability of financial assistance is factual and  
13 accompanied by equally factual information about student  
14 responsibility for receiving assistance and repayment of  
15 loans.

16 3. Claims concerning job-placement rates are accurate  
17 and capable of documentation.

18 4. The refund policy provides at least for a full  
19 refund of all tuition and fees paid if a student does not  
20 attend an official class session.

21 5. Any advertisement or publication that refers to  
22 accreditation includes a statement of whether or not that  
23 accreditation is recognized by the United States Department of  
24 Education.

25 6. The students are provided a clear and specific  
26 statement regarding the transferability of credits to and from  
27 other institutions, colleges, seminaries, and universities,  
28 and the students are informed that credits earned at the  
29 institution will not meet the educational requirements  
30 necessary for state-licensed professions.

31

1 The commission may provide such a religious institution a  
2 letter stating that the institution has met the requirements  
3 of state law and is not subject to governmental oversight.

4 (7) If an independent college or university that is  
5 under the jurisdiction of the Department of Education wishes  
6 to offer a postsecondary technical certificate or diploma  
7 program, or wishes to offer a program that is beyond the scope  
8 of its accreditation, the Department of Education may  
9 contract with the Commission for Independent Education to  
10 review the program. The commission shall forward its  
11 recommendation to the department for final action. The  
12 department shall assess the institution seeking such services  
13 the cost of providing the review and shall deposit the revenue  
14 collected for the review in the Institutional Assessment Trust  
15 Fund.

16 Section 10. Section 246.087, Florida Statutes, is  
17 repealed.

18 Section 11. Notwithstanding subsection (7) of section  
19 3 of chapter 2000-321, Laws of Florida, section 246.091,  
20 Florida Statutes, shall not stand repealed on January 7, 2003,  
21 but that section is reenacted and amended to read:

22 (Substantial rewording of section. See  
23 s. 246.091, F.S., for present text.)

24 246.091 License period and renewal.--

25 (1) As required by rule, the commission shall  
26 periodically review each license to determine if the  
27 institution is in compliance with this chapter and should have  
28 its license renewed. The commission may extend an annual or  
29 provisional license if a good-faith effort has been made by  
30 the institution and agent. The commission shall determine what  
31



1 constitutes compliance or a good-faith effort and may adopt  
2 rules to administer this section.

3 (2) A licensed independent postsecondary educational  
4 institution that seeks to expand or modify its programs or  
5 degrees to be conferred or to add new locations must seek  
6 prior approval from the commission. The commission shall adopt  
7 rules for the approval of modified or additional programs,  
8 degrees, and locations.

9 (3) On the effective date of this act, an institution  
10 that, in 2002, held the status of "Permission to Operate"  
11 under s. 246.093, has 90 days to seek and obtain licensure  
12 from the commission. Ninety days after this act takes effect,  
13 that status no longer authorizes an institution to operate in  
14 Florida.

15 Section 12. Section 246.093, Florida Statutes, is  
16 repealed.

17 Section 13. Notwithstanding subsection (7) of section  
18 3 of chapter 2000-321, Laws of Florida, section 246.095,  
19 Florida Statutes, shall not stand repealed on January 7, 2003,  
20 but that section is reenacted and amended to read:

21 (Substantial rewording of section. See  
22 s. 246.095, F.S., for present text.)

23 246.095 Fair consumer practices; condition of  
24 operation.--The commission shall adopt rules to ensure the  
25 protection of students, including rules establishing fair  
26 consumer practices.

27 (1) The commission may not grant or renew a license  
28 unless the institution seeking the action provides the  
29 commission with a sworn statement of compliance with rules  
30 regarding fair consumer practices.

31

1           (2) The commission may examine any complaint against  
2 an institution under its jurisdiction and, if the institution  
3 is found to be routinely handling these matters correctly, the  
4 complaint shall be considered closed. Complaints under this  
5 section against accredited institutions, if not resolved,  
6 shall be forwarded to the accrediting agency for any  
7 appropriate action. The institution shall notify the  
8 commission of any and all actions taken by the accrediting  
9 agency in response to the complaint.

10           (3) Failure to comply with this section is cause for  
11 denial or revocation of a license.

12           Section 14. Notwithstanding subsection (7) of section  
13 3 of chapter 2000-321, Laws of Florida, section 246.101,  
14 Florida Statutes, shall not stand repealed on January 7, 2003,  
15 but that section is reenacted and amended to read:

16           246.101 Fees.--

17           (1) The Commission for Independent Education State  
18 ~~Board of Independent Colleges and Universities~~ shall annually  
19 establish a fee schedule to generate, from fees, the amount of  
20 revenue appropriated for its ~~the~~ operation of ~~the~~ board.

21           (2) The commission ~~Beginning with the 1993-1994 fiscal~~  
22 ~~year, the board~~ shall include, as a part of its legislative  
23 budget request, a proposed fee schedule to generate the  
24 appropriated fee revenue required in the appropriations act.  
25 The commission ~~board~~ may adjust the fee amounts ~~amount of a~~  
26 ~~college's fee as necessary~~ to generate the fee revenue  
27 required in the appropriations act but. ~~However, the board may~~  
28 not add fee categories without the Legislature's approval. ~~any~~  
29 ~~category of fee that was not included in the legislative~~  
30 ~~budget request. In the absence of legislative action to the~~  
31 ~~contrary, The proposed fee schedule shall go into effect as~~

1 proposed in the ~~board's~~ legislative budget request takes  
2 effect unless the Legislature requires changes.

3 (3) The commission shall charge each licensed  
4 institution a base fee to cover the cost of routine services  
5 ~~of the board, such as data collection and dissemination, shall~~  
6 ~~be supported through a base fee. Nonpublic colleges operating~~  
7 ~~pursuant to s. 246.084 are not required to pay the base fee.~~  
8 ~~The base fee applies to all other nonpublic colleges.~~ The base  
9 fee may be higher for institutions with a large enrollment but  
10 ~~board may adjust the fee based on the enrollment of the~~  
11 ~~college. However, the fee assessed to the largest college may~~  
12 ~~not exceed one-half of 1 percent of the amount appropriated~~  
13 ~~for the commission board or \$1,500, whichever is less. The~~  
14 ~~fee assessed to the largest college may not exceed three times~~  
15 ~~the amount of the fee assessed to the smallest college.~~

16 (4) The commission board shall assess workload fees to  
17 institutions for specific services that ~~defray the cost of~~  
18 ~~workload for board activities that are specific to certain~~  
19 ~~colleges. Such workload activities must relate to:~~

20 (a) Licensure.

21 (b) Annual reviews.

22 (c) Special reviews.

23 (d) Site visits.

24 (e) Resolution of complaints ~~for violation of fair~~  
25 ~~consumer practices.~~

26 ~~(f) Approval to operate in Florida without offering~~  
27 ~~educational programs.~~

28 ~~(f)(g)~~ (f) Approval to use the term "college" or  
29 "university."  
30  
31

1 ~~(h) Review and collection of data submitted pursuant~~  
2 ~~to s. 246.084 when the review and collection is performed by~~  
3 ~~the board.~~

4 ~~(g)(i) Other workload activities as allowed by law~~  
5 ~~approved by the Legislature.~~

6 (5) The commission board may assess ~~any college~~ late  
7 fees for an institution's failure to timely submit required  
8 materials.

9 ~~(6) If the board collects fee revenues of more than~~  
10 ~~120 percent of the appropriated fee revenue requirements for~~  
11 ~~the fiscal year, the board shall use the collections in excess~~  
12 ~~of 120 percent to provide a credit against the base fee~~  
13 ~~assessed to all renewing institutions for the following year.~~  
14 ~~The credit shall be prorated on the base fee payments by~~  
15 ~~colleges for the prior year, exclusive of any related fee.~~

16 ~~(6)(7) All fees shall be submitted through the~~  
17 Department of Education to the Chief Financial Officer  
18 ~~Treasurer~~, to be deposited in the Institutional Assessment  
19 Trust Fund ~~created by s. 246.31.~~

20 ~~(7)(8) All fees authorized in this section are to be~~  
21 ~~collected are considered to be administrative fees and are not~~  
22 ~~shall not be refundable unless paid in error. The commission~~  
23 may deduct from an institution's future fee collection any  
24 unintentional overpayment.

25 Section 15. Section 246.103, Florida Statutes, is  
26 created to read:

27 246.103 Institutional closings.--

28 (1) The Legislature intends to protect students and  
29 the independent sector of postsecondary education from the  
30 detriment caused by licensed institutions that cease operation  
31 without providing for the proper completion of student

1 training or for the appropriate refund of student fees. To  
2 serve this intention, the Commission for Independent Education  
3 may prevent the operation in this state of a licensed  
4 independent postsecondary educational institution by an owner  
5 who has unlawfully closed another institution and the  
6 commission may exercise control over student records upon  
7 closure of a licensed institution if the institution does not  
8 provide an orderly closure.

9 (2) At least 30 days prior to closing an institution,  
10 its owners, directors, or administrators shall notify the  
11 commission in writing of the closure of the institution. The  
12 owners, directors, and administrators must organize an orderly  
13 closure of the institution, which means at least providing for  
14 the completion of training of its students. The commission  
15 must approve any such plan. An owner, director, or  
16 administrator who fails to notify the commission at least 30  
17 days prior to the institution's closure, or who fails to  
18 organize the orderly closure of the institution and the  
19 trainout of the students, commits a felony of the third  
20 degree, punishable as provided in s. 775.082 or s. 775.083.

21 (3) If the commission finds that an institution has  
22 ceased operating without providing for the proper access to  
23 student records, the commission may require the institution to  
24 convey all student records to the commission office or to  
25 another location designated by the commission or its staff.  
26 The commission shall make copies of records available to  
27 bankruptcy trustees upon request and to the student or those  
28 designated by the student. Confidentiality of the records  
29 shall be maintained to the extent required by law. The  
30 commission may seek civil penalties not to exceed \$10,000 from  
31 any owner, director, or administrator of an institution who

1 knowingly destroys, abandons, or fails to convey or provide  
2 for the safekeeping of institutional and student records. The  
3 commission may use moneys in the Student Protection Fund to  
4 facilitate the retrieval or safekeeping of records from an  
5 institution that has closed.

6 (4) The commission may refer matters it deems  
7 appropriate to the Department of Legal Affairs or the state  
8 attorney for investigation and prosecution.

9 Section 16. Notwithstanding subsection (7) of section  
10 3 of chapter 2000-321, Laws of Florida, section 246.111,  
11 Florida Statutes, shall not stand repealed on January 7, 2003,  
12 but that section is reenacted and amended to read:

13 (Substantial rewording of section. See  
14 s. 246.111, F.S., for present text.)

15 246.111 Actions against a licensee and other  
16 penalties.--

17 (1) The commission may deny, place on probation, or  
18 revoke any provisional license, annual license, licence by  
19 means of accreditation, agent's license, or other  
20 authorization required by this chapter. The commission shall  
21 adopt rules for taking these actions. The commission may  
22 impose an administrative fine of not more than \$5,000 if an  
23 institution is on probation for a period under conditions that  
24 require oversight by the commission or its staff. The fine  
25 shall be deposited into the Institutional Assessment Trust  
26 Fund.

27 (2) The commission may conduct an investigation to  
28 determine if an applicant for a new institutional license, or  
29 the owners, directors, or administrators of the institution,  
30 previously closed an institution, failed to arrange for  
31 completion of student training or issue appropriate refunds,

1 or had its license to operate an institution revoked or denied  
2 in this state or in another state or jurisdiction.

3 (3) Any person who has been convicted of, or entered a  
4 plea of guilty or nolo contendere to, a crime that relates to  
5 the unlawful operation or management of an institution is  
6 ineligible to own, operate, manage, or be a registered agent  
7 for a licensed institution in this state, and may not be a  
8 director or an officer in a corporation that owns or operates  
9 a licensed institution. Such a person may not operate or serve  
10 in a management or supervisory position in a licensed  
11 institution.

12 (4) The commission may deny an application for any  
13 operating status if the commission determines that the  
14 applicant or its owners, officers, directors, or  
15 administrators were previously operating an institution in  
16 this state or in another state or jurisdiction in a manner  
17 contrary to the health, education, or welfare of the public.  
18 The commission may consider factors such as the previous  
19 denial or revocation of an institutional license; prior  
20 criminal or civil administrative proceedings regarding the  
21 operation and management of an institution; other types of  
22 criminal proceedings involving fraud, deceit, dishonesty, or  
23 moral turpitude; failure of the institution to be properly  
24 closed, including completing the training or providing for the  
25 trainout of its students; and failure to issue appropriate  
26 refunds. The commission may require an applicant or its  
27 owners, officers, directors, or administrators to provide the  
28 commission with information under oath regarding the prior  
29 operation of an institution and to provide criminal justice  
30 information, the cost of which must be borne by the applicant  
31 in addition to license fees.

1           (5) The commission may obtain an injunction or take  
2 any action it deems necessary against any institution or agent  
3 in violation of this chapter, but such proceedings and orders  
4 do not bar the imposition of any other penalties that may be  
5 imposed for the violation.

6           (6) The commission may conduct disciplinary  
7 proceedings through an investigation of any suspected  
8 violation of this chapter, including a finding of probable  
9 cause and making reports to any law enforcement agency or  
10 regulatory agency.

11           (a) The commission shall notify an institution or  
12 individual of the substance of any complaint that is under  
13 investigation unless the executive director and chairperson of  
14 the board concur that notification would impede the  
15 investigation. The board may also withhold notification to a  
16 person under investigation for an act that constitutes a  
17 criminal offense.

18           (b) The determination of probable cause shall be made  
19 by a majority vote of the probable-cause panel, the membership  
20 of which shall be provided by rule. The proceedings of the  
21 panel are exempt from s. 120.525. After the panel declares a  
22 finding of probable cause, the commission may issue an  
23 administrative complaint and prosecute such complaint under  
24 chapter 120.

25           (c) A privilege against civil liability is granted to  
26 any informant or any witness who provides information in good  
27 faith for an investigation or proceeding conducted under this  
28 section.

29           (7) The commission may issue a cease and desist order  
30 in conjunction with an administrative complaint or notice of  
31 denial of licensure, if necessary to protect the health,



1 safety, or welfare of students, prospective students, or the  
2 public. An unlicensed institution that advertises or causes  
3 advertisements to be made public through which students are  
4 solicited for enrollment or are offered diplomas or degrees is  
5 in violation of this chapter. The commission shall adopt rules  
6 that direct the issuance of an injunction against operating,  
7 advertising, or offering diplomas or degrees without a  
8 license. Each day of operation after a cease and desist letter  
9 is delivered constitutes a separate violation for purposes of  
10 assessing fines or seeking civil penalties.

11 (a) A cease and desist order may be mandatory or  
12 prohibitory in form and may order a postsecondary institution  
13 to cease and desist from specified conduct or from failing to  
14 engage in specified conduct necessary to achieve the  
15 regulatory purposes of this chapter.

16 (b) A cease and desist order may include an order to  
17 cease enrollment of students whom the institution cannot  
18 adequately serve, to modify curricula or methods of  
19 instruction to ensure the education or training of the type  
20 and quality represented in the institutional catalog, or to  
21 cease from advertising or to publish or broadcast corrective  
22 or clarifying advertising to overcome the effects of previous  
23 allegedly deceptive or misleading advertising.

24 (c) A cease and desist order takes effect immediately  
25 upon issuance and remains in effect until the commission takes  
26 final agency action.

27 (d) The commission shall adopt rules to direct  
28 procedures by which an affected party is entitled to a formal  
29 or informal review of a cease and desist order and may request  
30 the commission or the Division of Administrative Hearings to  
31 modify or abate a cease and desist order. If a party is

1 aggrieved by a cease and desist order after seeking to have  
2 the order abated or modified, the party may seek interlocutory  
3 judicial review by the appropriate district court of appeal  
4 pursuant to the applicable rules of appellate procedure.

5 (e) In addition to or in lieu of any remedy provided  
6 in this section, the commission may seek the imposition of a  
7 civil penalty through the circuit court for any violation for  
8 which the commission may issue a notice to cease and desist  
9 under this section.

10 (8) The commission shall adopt rules to identify  
11 grounds for imposing disciplinary actions, which must include  
12 at least the following grounds:

13 (a) Attempting to obtain action from the commission by  
14 fraudulent misrepresentation, bribery, or through an error of  
15 the commission.

16 (b) Action against a license imposed under the  
17 authority of another state, territory, or country.

18 (c) Delegating professional responsibilities to a  
19 person who is not qualified by training, experience, or  
20 licensure to perform the responsibilities.

21 (d) False, deceptive, or misleading advertising.

22 (e) Conspiring to coerce, intimidate, or preclude  
23 another licensee from lawfully advertising his or her  
24 services.

25 Section 17. Notwithstanding subsection (7) of section  
26 3 of chapter 2000-321, Laws of Florida, section 246.121,  
27 Florida Statutes, shall not stand repealed on January 7, 2003,  
28 but that section is reenacted and amended to read:

29 246.121 Designation "college" or "university".--

30 (1) Except as authorized in this section, an entity  
31 may not use the word "college" or "university" in its name in

1 this state without the commission's approval, unless the  
2 commission determines that its name is clearly and accurately  
3 descriptive of the services provided by the entity and is not  
4 one that may mislead the public.

5 (2) The following colleges are not required to seek  
6 approval to use the title "college" or "university":~~The use~~  
7 ~~of the title "college" or "university" in combination with any~~  
8 ~~series of letters, numbers, or words is restricted in this~~  
9 ~~state to colleges as defined in s. 246.021 which offer degrees~~  
10 ~~as defined in s. 246.021 and fall into at least one of the~~  
11 ~~following categories:~~

12 (a) Any Florida college legally authorized to grant  
13 degrees, such as a Florida public college, a licensed college,  
14 a college that has verified its compliance with Florida law  
15 and is not under the jurisdiction of the commission, or an  
16 independent college that is under the jurisdiction of the  
17 Division of Colleges and Universities.~~A Florida public~~  
18 ~~college.~~

19 (b) A Florida or out-of-state college which has been  
20 in active operation and using the name since April 1, 1970.

21 ~~(c) A college for which the board has issued a~~  
22 ~~license, a certificate of exemption, or an authorization~~  
23 ~~pursuant to the provisions of this chapter.~~

24 (3)~~(2)~~ If a college is legally authorized ~~approved~~  
25 ~~under subsection (1)~~to use the designation "college" or  
26 "university," a branch or extension of that college must ~~may~~  
27 use the name of the parent college, ~~but shall include an~~  
28 ~~indication of the location of the branch or extension.~~

29 (4)~~(3)~~ Any entity offering postsecondary educational  
30 courses or programs of study in Florida, whether or not  
31

1 college credit is awarded, shall be subject to the provisions  
2 of this section.

3 ~~(4) An entity shall not use the term "college" or~~  
4 ~~"university" in its name in Florida without approval by the~~  
5 ~~board, unless the board determines that its name is clearly~~  
6 ~~and accurately descriptive of the services provided by the~~  
7 ~~entity and is not one that may mislead the public.~~

8 Section 18. Section 246.147, Florida Statutes, is  
9 created to read:

10 246.147 Continuing education and training for school  
11 administrators and faculty.--

12 (1) In order to ensure that the administrators and  
13 faculty of institutions licensed under this chapter are  
14 qualified to conduct the operations of their respective  
15 positions, the commission may require the administrators and  
16 faculty to receive continuing education and training as  
17 adopted by rule of the commission. The training of each  
18 administrator and faculty must be the type of training  
19 necessary to assure compliance with statutes and rules of the  
20 commission and other state or federal agencies related to the  
21 responsibilities of the respective positions.

22 (2) Each institution shall include in the materials  
23 for initial and renewal application evidence of the compliance  
24 of administrators and faculty with the continuing education  
25 and training requirements established by the commission. Each  
26 institution must maintain actual records of the continuing  
27 education and training received by administrators and faculty  
28 and make the records available for inspection by  
29 representatives of the commission at all times.

30 (3) The commission may establish, as a condition of  
31 application for an initial license or renewal of a license,

1 qualifications of administrators and faculty in their  
2 respective fields and requirements for continuing education  
3 and training.

4 Section 19. Learning Gateway.--

5 (1) PROGRAM GOALS.--The Legislature authorizes a  
6 3-year demonstration program, to be called the Learning  
7 Gateway, the purpose of which is to provide parents access to  
8 information, referral, and services to lessen the effects of  
9 learning disabilities in children from birth to age 9.  
10 Parental consent shall be required for initial contact and  
11 referral for evaluation and services provided through the  
12 Learning Gateway. Each pilot program must design and test an  
13 integrated, community-based system to help parents identify  
14 learning problems and access early-education and intervention  
15 services in order to minimize or prevent learning  
16 disabilities. The Learning Gateway must be available to  
17 parents in the settings where they and their children live,  
18 work, seek care, or study. The goals of the Learning Gateway  
19 are to:

20 (a) Improve community awareness and education of  
21 parents and practitioners about the warning signs or  
22 precursors of learning problems and learning disabilities,  
23 including disorders or delayed development in language,  
24 attention, behavior, and social-emotional functioning,  
25 including dyslexia and attention deficit hyperactivity  
26 disorder, in children from birth through age 9.

27 (b) Improve access for children who are experiencing  
28 early learning problems and their families to appropriate  
29 programs, services, and supports through improved outreach and  
30 referral processes among providers.

31

1           (c) Improve developmental monitoring and the  
2 availability to parents of appropriate screening resources,  
3 with emphasis on children from birth through age 9 who are at  
4 high risk of having learning problems.

5           (d) Improve the availability to parents of appropriate  
6 education and intervention programs, services, and supports to  
7 address learning problems and learning disabilities.

8           (e) Identify gaps in the array of services and  
9 supports so that an appropriate child-centered and  
10 family-centered continuum of education and support would be  
11 readily available in each community.

12           (f) Improve accountability of the system through  
13 improved planning, integration, and collaboration among  
14 providers and through outcome measurement in collaboration  
15 with parents.

16           (2) LEARNING GATEWAY STEERING COMMITTEE.--

17           (a) To ensure that parents of children with potential  
18 learning problems and learning disabilities have access to the  
19 appropriate necessary services and supports, an 18-member  
20 steering committee is created. The steering committee is  
21 assigned to the Department of Education for administrative  
22 purposes.

23           (b) The duties of the Learning Gateway Steering  
24 Committee are to provide policy development, consultation,  
25 oversight, and support for the implementation of three  
26 demonstration programs and to advise the agencies, the  
27 Legislature, and the Governor on statewide implementation of  
28 system components and issues and on strategies for continuing  
29 improvement to the system.

30           (c) The steering committee shall direct the  
31 administering agency of the Learning Gateway program to expend

1 the funds appropriated for the steering committee's use to  
2 procure the products delineated in section 20 of this act  
3 through contracts or other means. The steering committee and  
4 the Learning Gateway pilot programs will provide information  
5 and referral for services but will not provide direct services  
6 to parents or children.

7 (d) The steering committee must include parents,  
8 service providers, and representatives of the disciplines  
9 relevant to diagnosis of and intervention in early learning  
10 problems. The Governor shall appoint one member from the  
11 private sector who has expertise in communications, management  
12 or service provision, one member who has expertise in  
13 children's vision, one member who has expertise in learning  
14 disabilities, one member who has expertise in audiology, one  
15 member who is a parent of a child eligible for services by the  
16 Learning Gateway, and one provider of related diagnostic and  
17 intervention services. The President of the Senate shall  
18 appoint one member from the private sector who has expertise  
19 in communications, management or service provision, one member  
20 who has expertise in emergent literacy, one member who has  
21 expertise in pediatrics, one member who has expertise in brain  
22 development, one member who is a parent of a child eligible  
23 for services by the Learning Gateway, and one member who is a  
24 provider of related diagnostic and intervention services. The  
25 Speaker of the House of Representatives shall appoint one  
26 member from the private sector who has expertise in  
27 communications, management or service provision, one member  
28 who has expertise in environmental health and allergies, one  
29 member who has expertise in children's nutrition, one member  
30 who has expertise in family medicine, one parent of a child  
31 eligible for services by the Learning Gateway, and one member

1 who is a school psychologist providing diagnostic and  
2 intervention services.

3 (e) To support and facilitate system improvements, the  
4 steering committee must consult with representatives from the  
5 Department of Education, the Department of Health, the Florida  
6 Partnership for School Readiness, the Department of Children  
7 and Family Services, the Agency for Health Care  
8 Administration, the Department of Juvenile Justice, and the  
9 Department of Corrections and the director of the Learning  
10 Development and Evaluation Center of Florida Agricultural and  
11 Mechanical University.

12 (f) Steering committee appointments must be made, and  
13 the committee must hold its first meeting, within 90 days  
14 after this act takes effect. Steering committee members shall  
15 be appointed to serve a term of 3 years. The Governor shall  
16 designate the chairman of the steering committee.

17 (g) Steering committee members shall not receive  
18 compensation for their services, but may receive reimbursement  
19 for travel expenses incurred under section 112.061, Florida  
20 Statutes.

21 (3) LEARNING GATEWAY DEMONSTRATION PROJECTS.--

22 (a) Within 90 days after its initial meeting, the  
23 Learning Gateway Steering Committee shall accept proposals  
24 from interagency consortia in Orange, Manatee, and St. Lucie  
25 counties which comprise public and private providers,  
26 community agencies, business representatives, and the local  
27 school board in each county to serve as demonstration sites  
28 for design and development of a system that addresses the  
29 requirements in section 20 of this act. If there is no  
30 proposal from one of the designated counties, the steering

31



1 committee may select another county to serve as a  
2 demonstration site by majority vote.

3 (b) The proposals for demonstration projects must  
4 provide a comprehensive and detailed description of the system  
5 of care. The description of the proposed system of care must  
6 clearly indicate the point of access for parents, integration  
7 of services, linkages of providers, and additional array of  
8 services required to address the needs of children and  
9 families.

10 (c) The demonstration projects should ensure that the  
11 system of care appropriately includes existing services to the  
12 fullest extent possible and should determine additional  
13 programs, services, and supports that would be necessary to  
14 implement the requirements of this act.

15 (d) The projects, in conjunction with the steering  
16 committee, shall determine what portion of the system can be  
17 funded using existing funds, demonstration funds provided by  
18 this act, and other available private and community funds.

19 (e) The demonstration projects shall recommend to the  
20 steering committee the linking or combining of some or all of  
21 the local planning bodies, including school readiness  
22 coalitions, Healthy Start coalitions, Part C advisory  
23 councils, Department of Children and Family Services community  
24 alliances, and other boards or councils that have a primary  
25 focus on services for children from birth to age 9, to the  
26 extent allowed by federal regulations, if such changes would  
27 improve coordination and reduce unnecessary duplication of  
28 effort.

29 (f) Demonstration projects shall use public and  
30 private partnerships, partnerships with faith-based  
31

1 organizations, and volunteers, as appropriate, to enhance  
2 accomplishment of the goals of the system.

3 (g) Addressing system components delineated in section  
4 20 of this act, each demonstration project proposal must  
5 include, at a minimum:

6 1. Protocols for requiring and receiving parental  
7 consent for Learning Gateway services.

8 2. A method for establishing communication with  
9 parents and coordination and planning processes within the  
10 community.

11 3. Action steps for making appropriate linkages to  
12 existing services within the community.

13 4. Procedures to determine gaps in services and  
14 identify appropriate providers.

15 5. A lead agency to serve as the system access point,  
16 or gateway.

17 (h) As authorized under the budget authority of the  
18 Department of Education, demonstration projects,  
19 representative of the diversity of the communities in this  
20 state, shall be established in Manatee, Orange, and St. Lucie  
21 counties as local Learning Gateway sites and shall be  
22 authorized to hire staff, establish office space, and contract  
23 for administrative services as needed to implement the project  
24 within the budget designated by the Legislature.

25 (i) The steering committee must approve, deny, or  
26 conditionally approve a Learning Gateway proposal within 60  
27 days after receipt of the proposal. If a proposal is  
28 conditionally approved, the steering committee must assist the  
29 Learning Gateway applicant to correct deficiencies in the  
30 proposal by December 1, 2002. Funds must be available to a  
31 pilot program 15 days after final approval of its proposal by

1 the steering committee. Funds must be available to all pilot  
2 programs by January 1, 2003.

3 Section 20. Components of the Learning Gateway.--

4 (1) The Learning Gateway system consists of the  
5 following components:

6 (a) Community education strategies and family-oriented  
7 access.--

8 1. Each local demonstration project shall establish  
9 the system access point, or gateway, by which parents can  
10 receive information about available appropriate services. An  
11 existing public or private agency or provider or new provider  
12 may serve as the system gateway. The local Learning Gateway  
13 should provide parents and caretakers with a single point of  
14 access for screening, assessment, and referral for services  
15 for children from birth through age 9. The demonstration  
16 projects have the budgetary authority to hire appropriate  
17 personnel to perform administrative functions. These staff  
18 members must be knowledgeable about child development, early  
19 identification of learning problems and learning disabilities,  
20 family service planning, and services in the local area. Each  
21 demonstration project must arrange for the following services  
22 to be provided by existing service systems:

23 a. Conducting intake with families.

24 b. Conducting appropriate screening or referral for  
25 such services.

26 c. Conducting needs/strengths-based family assessment.

27 d. Developing family resource plans.

28 e. Making referrals for needed services and assisting  
29 families in the application process.

30 f. Providing service coordination as needed by  
31 families.

1 g. Assisting families in establishing a medical home.

2 h. Conducting case management and transition planning  
3 as necessary.

4 i. Monitoring performance of service providers against  
5 appropriate standards.

6 2. The Learning Gateway Steering Committee and  
7 demonstration projects shall designate a central information  
8 and referral access phone number for parents in each pilot  
9 community. This centralized phone number should be used to  
10 increase public awareness and to improve access to local  
11 supports and services for children from birth through age 9  
12 and their families. The number should be highly publicized as  
13 the primary source of information on services for young  
14 children. The telephone staff should be trained and supported  
15 to offer accurate and complete information and to make  
16 appropriate referrals to existing public and private community  
17 agencies.

18 3. In collaboration with local resources such as  
19 Healthy Start, the demonstration projects shall develop  
20 strategies for offering hospital visits or home visits by  
21 trained staff to new mothers. The Learning Gateway Steering  
22 Committee shall provide technical assistance to local  
23 demonstration projects in developing brochures and other  
24 materials to be distributed to parents of newborns.

25 4. In collaboration with other local resources, the  
26 demonstration projects shall develop public awareness  
27 strategies to disseminate information about developmental  
28 milestones, precursors of learning problems and other  
29 developmental delays, and the service system that is  
30 available. The information should target parents of children  
31 from birth through age 9 and should be distributed to parents,

1 health care providers, and caregivers of children from birth  
2 through age 9. A variety of media should be used as  
3 appropriate, such as print, television, radio, and a  
4 community-based internet web site, as well as opportunities  
5 such as those presented by parent visits to physicians for  
6 well-child check-ups. The Learning Gateway Steering Committee  
7 shall provide technical assistance to the local demonstration  
8 projects in developing and distributing educational materials  
9 and information.

10 a. Public awareness strategies targeting parents of  
11 children from birth through age 5 shall be designed to provide  
12 information to public and private preschool programs,  
13 childcare providers, pediatricians, parents, and local  
14 businesses and organizations. These strategies should include  
15 information on the school readiness performance standards for  
16 kindergarten adopted by the School Readiness Partnership  
17 Board.

18 b. Public awareness strategies targeting parents of  
19 children from ages 6 through 9 must be designed to disseminate  
20 training materials and brochures to parents and public and  
21 private school personnel, and must be coordinated with the  
22 local school board and the appropriate school advisory  
23 committees in the demonstration projects. The materials should  
24 contain information on state and district proficiency levels  
25 for grades K-3.

26 (b) Screening and developmental monitoring.--

27 1. In coordination with the Partnership for School  
28 Readiness, the Department of Education, and the Florida  
29 Pediatric Society, and using information learned from the  
30 local demonstration projects, the Learning Gateway Steering  
31 Committee shall establish guidelines for screening children

1 from birth through age 9. The guidelines should incorporate  
2 recent research on the indicators most likely to predict early  
3 learning problems, mild developmental delays, child-specific  
4 precursors of school failure, and other related developmental  
5 indicators in the domains of cognition; communication;  
6 attention; perception; behavior; and social, emotional,  
7 sensory, and motor functioning.

8 2. Based on the guidelines established by the steering  
9 committee and in cooperation with the Florida Pediatric  
10 Society, the steering committee shall adopt a comprehensive  
11 checklist for child healthcare checkups and a corresponding  
12 training package for physicians and other medical personnel in  
13 implementing more effective screening for precursors of  
14 learning problems, learning disabilities, and mild  
15 developmental delays.

16 3. Using the screening guidelines developed by the  
17 steering committee, local demonstration projects should engage  
18 local physicians and other medical professionals in enhancing  
19 the screening opportunities presented by immunization visits  
20 and other well-child appointments, in accordance with the  
21 American Academy of Pediatrics Periodicity Schedule.

22 4. Using the screening guidelines developed by the  
23 steering committee, the demonstration projects shall develop  
24 strategies to increase early identification of precursors to  
25 learning problems and learning disabilities through providing  
26 parents the option of improved screening and referral  
27 practices within public and private early care and education  
28 programs and K-3 public and private school settings.  
29 Strategies may include training and technical assistance teams  
30 to assist program providers and teachers. The program shall  
31 collaborate appropriately with the school readiness

1 coalitions, local school boards, and other community resources  
2 in arranging training and technical assistance for early  
3 identification and screening with parental consent.

4 5. The demonstration project shall work with  
5 appropriate local entities to reduce the duplication of  
6 cross-agency screening in each demonstration project area.  
7 Demonstration projects shall provide opportunities for public  
8 and private providers of screening and assessment at each age  
9 level to meet periodically to identify gaps or duplication of  
10 efforts in screening practices.

11 6. Based on technical assistance and support provided  
12 by the steering committee and in conjunction with the school  
13 readiness coalitions and other appropriate entities,  
14 demonstration projects shall develop a system to log the  
15 number of children screened, assessed, and referred for  
16 services. After development and testing, tracking should be  
17 supported by a standard electronic data system for screening  
18 and assessment information.

19 7. In conjunction with the technical assistance of the  
20 steering committee, demonstration projects shall develop a  
21 system for targeted screening. The projects should conduct a  
22 needs assessment of existing services and programs where  
23 targeted screening programs should be offered. Based on the  
24 results of the needs assessment, the project shall develop  
25 procedures within the demonstration community whereby periodic  
26 developmental screening could be offered to parents of  
27 children from birth through age 9 who are served by state  
28 intervention programs or whose parents or caregivers are in  
29 state intervention programs. Intervention programs for  
30 children, parents, and caregivers include those administered  
31 or funded by the:

1           a. Agency for Health Care Administration;  
2           b. Department of Children and Family Services;  
3           c. Department of Corrections and other criminal  
4 justice programs;

5           d. Department of Education;

6           e. Department of Health; and

7           f. Department of Juvenile Justice.

8           8. When results of screening suggest developmental  
9 problems, potential learning problems, or learning  
10 disabilities, the intervention program shall inform the  
11 child's parent of the results of the screening and shall offer  
12 to refer the child to the Learning Gateway for coordination of  
13 further assessment. If the parent chooses to have further  
14 assessment, the Learning Gateway shall make referrals to the  
15 appropriate entities within the service system.

16           9. The local Learning Gateway shall provide for  
17 followup contact to all families whose children have been  
18 found ineligible for services under Part B or Part C of the  
19 IDEA to inform them of other services available in the county.

20           10. Notwithstanding any law to the contrary, each  
21 agency participating in the Learning Gateway is authorized to  
22 provide to a Learning Gateway program confidential information  
23 exempt from disclosure under chapter 119, Florida Statutes,  
24 regarding a developmental screening on any child participating  
25 in the Learning Gateway who is or has been the subject of a  
26 developmental screening within the jurisdiction of each  
27 agency.

28           (c) Early education, services and supports.--

29           1. The demonstration projects shall develop a  
30 conceptual model system of care that builds upon, integrates,  
31 and fills the gaps in existing services. The model shall



1 indicate how qualified providers of family-based or  
2 center-based interventions or public and private school  
3 personnel may offer services in a manner consistent with the  
4 standards established by their profession and by the standards  
5 and criteria adopted by the steering committee and consistent  
6 with effective and proven strategies. The specific services  
7 and supports may include:

8 a. High-quality early education and care programs.

9 b. Assistance to parents and other caregivers, such as  
10 home-based modeling programs for parents and play programs to  
11 provide peer interactions.

12 c. Speech and language therapy that is  
13 age-appropriate.

14 d. Parent education and training.

15 e. Comprehensive medical screening and referral with  
16 biomedical interventions as necessary.

17 f. Referral as needed for family therapy, other mental  
18 health services, and treatment programs.

19 g. Family support services as necessary.

20 h. Therapy for learning differences in reading and  
21 math, and attention to subject material for children in grades  
22 K-3.

23 i. Referral for Part B or Part C services as required.

24 j. Expanded access to community-based services for  
25 parents.

26 k. Parental choice in the provision of services by  
27 public and private providers.

28  
29 The model shall include a statement of the cost of  
30 implementing the model.  
31

1           2. Demonstration projects shall develop strategies to  
2 increase the use of appropriate intervention practices with  
3 children who have learning problems and learning disabilities  
4 within public and private early care and education programs  
5 and K-3 public and private school settings. Strategies may  
6 include training and technical assistance teams. Intervention  
7 must be coordinated and must focus on providing effective  
8 supports to children and their families within their regular  
9 education and community environment. These strategies must  
10 incorporate, as appropriate, school and district activities  
11 related to the student's academic improvement plan and must  
12 provide parents with greater access to community-based  
13 services that should be available beyond the traditional  
14 school day. Academic expectations for public school students  
15 in grades K-3 must be based upon the local school board's  
16 adopted proficiency levels. When appropriate, school personnel  
17 shall consult with the local Learning Gateway to identify  
18 other community resources for supporting the child and the  
19 family.

20           3. The steering committee, in cooperation with the  
21 Department of Children and Family Services, the Department of  
22 Education, and the Florida Partnership for School Readiness,  
23 shall identify the elements of an effective research-based  
24 curriculum for early care and education programs.

25           4. The steering committee, in conjunction with the  
26 demonstration projects, shall develop processes for  
27 identifying and sharing promising practices and shall showcase  
28 these programs and practices at a dissemination conference.

29           5. The steering committee shall establish processes  
30 for facilitating state and local providers' ready access to  
31 information and training concerning effective instructional

1 and behavioral practices and interventions based on advances  
2 in the field and for encouraging researchers to regularly  
3 guide practitioners in designing and implementing  
4 research-based practices. The steering committee shall assist  
5 the demonstration projects in conducting a conference for  
6 participants in the three demonstration projects for the  
7 dissemination of information on best practices and new  
8 insights about early identification, education, and  
9 intervention for children from birth through age 9. The  
10 conference should be established so that continuing education  
11 credits may be awarded to medical professionals, teachers, and  
12 others for whom this is an incentive.

13 6. Demonstration projects shall investigate and may  
14 recommend to the steering committee more effective resource  
15 allocation and flexible funding strategies if such strategies  
16 are in the best interest of the children and families in the  
17 community. The Department of Education and other relevant  
18 agencies shall assist the demonstration projects in securing  
19 state and federal waivers as appropriate.

20 Section 21. Accountability.--

21 (1) The steering committee shall provide information  
22 to the School Readiness Estimating Conference and the  
23 Enrollment Conference for Public Schools regarding estimates  
24 of the population of children from birth through age 9 who are  
25 at risk of learning problems and learning disabilities.

26 (2) The steering committee, in conjunction with the  
27 demonstration projects, shall develop accountability  
28 mechanisms to ensure that the demonstration programs are  
29 effective and that resources are used as efficiently as  
30 possible. Accountability should be addressed through a  
31 multilevel evaluation system, including measurement of

1 outcomes and operational indicators. Measurable outcomes must  
2 be developed to address improved child development, improved  
3 child health, and success in school. Indicators of system  
4 improvements must be developed to address quality of programs  
5 and integration of services. Agency monitoring of programs  
6 shall include a review of child and family outcomes and system  
7 effectiveness indicators with a specific focus on elimination  
8 of unnecessary duplication of planning, screening, and  
9 services.

10 (3) The steering committee shall oversee a formative  
11 evaluation of the project during implementation, including  
12 reporting short-term outcomes and system improvements. By  
13 January 2005, the steering committee shall make  
14 recommendations to the Governor, the President of the Senate,  
15 the Speaker of the House of Representatives, and the  
16 Commissioner of Education related to the merits of expansion  
17 of the demonstration projects.

18 (4) By January 1, 2005, the steering committee, in  
19 conjunction with the demonstration projects, shall develop a  
20 model county-level strategic plan to formalize the goals,  
21 objectives, strategies, and intended outcomes of the  
22 comprehensive system, and to support the integration and  
23 efficient delivery of all services and supports for parents of  
24 children from birth through age 9 who have learning problems  
25 or learning disabilities. The model county-level strategic  
26 plan must include, but need not be limited to, strategies to:

27 (a) Establish a system whereby parents can access  
28 information about learning problems in young children and  
29 receive services at their discretion;

30 (b) Improve early identification of those who are at  
31 risk for learning problems and learning disabilities;

1           (c) Provide access to an appropriate array of services  
2 within the child's natural environment or regular classroom  
3 setting or specialized training in other settings;

4           (d) Improve and coordinate screening for children from  
5 birth through age 9;

6           (e) Improve and coordinate services for children from  
7 birth through age 9;

8           (f) Address training of professionals in effectively  
9 identifying factors, across all domains, which place children  
10 from birth through age 9 at risk of school failure and in  
11 appropriate interventions for the learning differences;

12           (g) Provide appropriate support to families;

13           (h) Share best practices with caregivers and referral  
14 sources;

15           (i) Address resource needs of the assessment and  
16 intervention system; and

17           (j) Address development of implementation plans to  
18 establish protocols for requiring and receiving parental  
19 consent for services; to identify action steps, responsible  
20 parties, and implementation schedules; and to ensure  
21 appropriate alignment with agency strategic plans.

22           Section 22. The Legislature shall appropriate a sum of  
23 money to fund the demonstration programs and shall authorize  
24 selected communities to blend funding from existing programs  
25 to the extent that this is advantageous to the community and  
26 is consistent with federal requirements.

27           Section 23. Sections 246.131, 246.141, 246.151,  
28 246.201, 246.203, 246.205, 246.207, 246.211, 246.213, 246.215,  
29 246.216, 246.217, 246.219, 246.220, 246.222, 246.2235,  
30 246.225, 246.226, 246.2265, 246.227, 246.228, 246.229,

31

1 246.231, 246.232, 246.31, and 246.50, Florida Statutes, are  
2 repealed.

3           Section 24. This act shall take effect January 7,  
4 2003.

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