

1 A bill to be entitled
 2 An act relating to the Commission for Independent
 3 Education; amending ss. 1005.21 and 1005.22, F.S.;
 4 revising provisions relating to the administration of the
 5 Commission for Independent Education; revising and
 6 increasing the commission membership; revising duties of
 7 the commission; deleting the requirement for submission of
 8 commission rules to the State Board of Education;
 9 providing an effective date.

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

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13 Section 1. Subsections (1), (2), and (3) of section
 14 1005.21, Florida Statutes, are amended, and subsection (7) is
 15 added to that section, to read:

16 1005.21 Commission for Independent Education.--

17 (1) There is created ~~established in the Department of~~
 18 ~~Education~~ the Commission for Independent Education, housed
 19 within the Department of Education for administrative purposes
 20 only. ~~The department shall serve as the administrative agent of~~
 21 ~~the commission by providing services, including payroll,~~
 22 ~~procurement, and legal counsel.~~ The commission shall be a
 23 separate budget entity not subject to control, supervision, or
 24 direction by the department in any manner, including, but not
 25 limited to, personnel, purchasing, transactions involving real
 26 or personal property, and budgetary matters, thereby exercising
 27 ~~exercise~~ independently all powers, duties, and functions
 28 prescribed by law. The commission shall authorize the granting

29 of diplomas and degrees by any independent postsecondary
 30 educational institution under its jurisdiction.

31 (2) The Commission for Independent Education shall consist
 32 of nine ~~seven~~ members who are residents of this state. The
 33 commission shall function in matters concerning independent
 34 postsecondary educational institutions in consumer protection,
 35 program improvement, and licensure for institutions under its
 36 purview. The Governor shall appoint the members of the
 37 commission who are subject to confirmation by the Senate. The
 38 membership of the commission shall consist of:

39 (a) Two members who are either owners or employees
 40 ~~representatives~~ of independent colleges or universities licensed
 41 by the commission.

42 (b) Two members who are either owners or employees
 43 ~~representatives~~ of independent, nondegree-granting schools
 44 licensed by the commission.

45 (c) One member who is either an owner or employee of an
 46 independent, nonaccredited school licensed by the commission.

47 (d) Two members who are either owners or employees of
 48 independent colleges or schools licensed by the commission.

49 (e) ~~(e)~~ One member from a public school district or
 50 community college who is an administrator of career education.

51 ~~(d) One representative of a college that meets the~~
 52 ~~criteria of s. 1005.06(1)(f).~~

53 (f) ~~(e)~~ One lay member who is not affiliated with an
 54 independent postsecondary educational institution.

55 (3) The members of the commission shall be appointed to 3-
 56 year terms and serve until their successors are appointed and

57 | qualified. If a vacancy on the commission occurs before the
 58 | expiration of a term, the Governor shall appoint a successor to
 59 | serve the unexpired portion of the term.

60 | (7) The commission shall appoint, review, and fix the
 61 | salary of a person to serve as the executive director and have
 62 | sole authority to remove such person at its pleasure. The
 63 | executive director shall supervise, direct, coordinate, and
 64 | administer all activities necessary to fulfill the commission's
 65 | statutory responsibilities and have the authority to hire staff
 66 | necessary to assist in fulfilling these responsibilities.

67 | Section 2. Paragraphs (b) and (e) of subsection (1) and
 68 | paragraph (e) of subsection (2) of section 1005.22, Florida
 69 | Statutes, are amended to read:

70 | 1005.22 Powers and duties of commission.--

71 | (1) The commission shall:

72 | (b) Annually select a chairperson and a vice chairperson,
 73 | ~~appoint and review an executive director, and authorize the~~
 74 | ~~executive director to appoint employees of the commission.~~

75 | (e) Administer the provisions of this chapter. To this
 76 | end, the commission has the following administrative powers and
 77 | responsibilities:

78 | 1. The commission shall have the authority to adopt rules
 79 | pursuant to ss. 120.536(1) and 120.54 to administer the
 80 | provisions of this chapter ~~for the operation and establishment~~
 81 | ~~of independent postsecondary educational institutions. The~~
 82 | ~~commission shall submit the rules to the State Board of~~
 83 | ~~Education for approval or disapproval. If the state board does~~

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84 ~~not act on a rule within 60 days after receiving it, the rule~~
85 ~~shall be filed immediately with the Department of State.~~

86 2. The commission shall submit an annual budget to the
87 Governor ~~State Board of Education.~~

88 3. The commission shall transmit all fees, donations, and
89 other receipts of money to the Institutional Assessment Trust
90 Fund.

91 4. The commission shall expend funds as necessary to
92 assist in the application and enforcement of its powers and
93 duties. The chief financial officer of the Department of
94 Education ~~Chief Financial Officer~~ shall pay out all moneys and
95 funds as directed under this chapter upon vouchers approved by
96 the executive director of the commission ~~Department of Education~~
97 for all lawful purposes necessary to administering this chapter.
98 The commission shall make annual reports to the President of the
99 Senate and the Speaker of the House of Representatives ~~State~~
100 ~~Board of Education~~ showing in detail amounts received and all
101 expenditures. The commission shall include in its annual report
102 to the President of the Senate and the Speaker of the House of
103 Representatives ~~State Board of Education~~ a statement of its
104 major activities during the period covered by the report.

105 (2) The commission may:

106 (e) Advise the Governor, the Legislature, the State Board
107 of Education, ~~the Council for Education Policy Research and~~
108 ~~Improvement~~, and the Commissioner of Education on issues
109 relating to private postsecondary education.

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