

1                                   A bill to be entitled  
 2           An act relating to the Commission for Independent  
 3           Education; amending s. 1005.21, F.S.; revising provisions  
 4           relating to the powers and duties of the commission;  
 5           revising and increasing commission membership; revising  
 6           provisions relating to the administration of the  
 7           commission; requiring the Department of Education to  
 8           provide the commission certain support services; requiring  
 9           the department to provide the commission certain salary  
 10          rate and positions; amending s. 1005.22, F.S.; revising  
 11          powers and duties of the commission relating to  
 12          rulemaking, budget requests, expenditure of funds, and  
 13          reporting; providing an effective date.

14  
 15 Be It Enacted by the Legislature of the State of Florida:

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 17           Section 1.   Section 1005.21, Florida Statutes, is amended  
 18 to read:

19           (Substantial rewording of section. See s.  
 20           1005.21, F.S., for present text.)

21           1005.21 Commission for Independent Education.--

22           (1) The Commission for Independent Education shall  
 23 function in matters concerning independent postsecondary  
 24 educational institutions in consumer protection, program  
 25 improvement, and licensure for institutions under its purview.  
 26 The commission shall authorize the granting of diplomas and  
 27 degrees by any independent postsecondary educational institution  
 28 under its jurisdiction.

29        (2) The commission shall consist of nine members who are  
30 residents of this state. The Governor shall appoint the members  
31 of the commission subject to confirmation by the Senate. The  
32 membership of the commission shall consist of:

33        (a) Two members who are either owners or employees of  
34 independent colleges or universities licensed by the commission.

35        (b) Two members who are either owners or employees of  
36 independent, nondegree-granting schools licensed by the  
37 commission.

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

40        (d) One member who is either an owner or employee of an  
41 independent college or school licensed by the commission.

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

44        (f) One representative of a college that meets the  
45 criteria of s. 1005.06(1)(f).

46        (g) One lay member who is not affiliated with an  
47 independent postsecondary educational institution.

48        (3) The members of the commission shall be appointed to 3-  
49 year terms and serve until their successors are appointed and  
50 qualified. If a vacancy on the commission occurs before the  
51 expiration of a term, the Governor shall appoint a successor to  
52 serve the unexpired portion of the term.

53        (4) The commission shall meet at least four times each  
54 fiscal year.

55        (5) Members of the commission are entitled to  
56 reimbursement for travel and per diem expenses, as provided in

57 s. 112.061, while performing their duties.

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

61 (7) The commission shall be housed within the Department  
62 of Education for administrative purposes only.

63 (a) The department shall provide support services for the  
64 commission. At a minimum, the support services provided to the  
65 commission shall include accounting, procurement, legal counsel,  
66 printing, computer and Internet support, personnel and human  
67 resources support, support for accountability initiatives,  
68 support for agency inspector general activities, and  
69 administrative support as needed for trust funds utilized for  
70 commission activities.

71 (b) The commission shall not be subject to control,  
72 supervision, or direction by the Department of Education in any  
73 manner, including, but not limited to, personnel, procurement,  
74 transactions involving real or personal property, and budgetary  
75 matters, thereby exercising independently all powers, duties,  
76 and functions prescribed by law.

77 (8) The commission shall appoint, review, and fix the  
78 salary of a person to serve as the executive director and have  
79 sole authority to remove such person at its pleasure. The  
80 executive director shall supervise, direct, coordinate, and  
81 administer all activities necessary to fulfill the commission's  
82 statutory responsibilities and have the authority to hire staff  
83 necessary to assist in fulfilling these responsibilities. The  
84 department shall allocate sufficient salary rate and authorized

85 positions to the commission to enable the commission to  
 86 administer this chapter.

87 Section 2. Paragraphs (b) and (e) of subsection (1) and  
 88 paragraph (e) of subsection (2) of section 1005.22, Florida  
 89 Statutes, are amended to read:

90 1005.22 Powers and duties of commission.--

91 (1) The commission shall:

92 (b) Annually select a chairperson and a vice chairperson,  
 93 ~~appoint and review an executive director, and authorize the~~  
 94 ~~executive director to appoint employees of the commission.~~

95 (e) Administer the provisions of this chapter. To this  
 96 end, the commission has the following administrative powers and  
 97 responsibilities:

98 1. The commission is authorized to ~~shall~~ adopt rules  
 99 pursuant to ss. 120.536(1) and 120.54 to administer the  
 100 provisions of this chapter ~~for the operation and establishment~~  
 101 ~~of independent postsecondary educational institutions. The~~  
 102 ~~commission shall submit the rules to the State Board of~~  
 103 ~~Education for approval or disapproval. If the state board does~~  
 104 ~~not act on a rule within 60 days after receiving it, the rule~~  
 105 ~~shall be filed immediately with the Department of State.~~

106 2. The commission shall prepare a legislative budget  
 107 request and submit it through the State Board of Education for  
 108 inclusion in the K-20 legislative budget request ~~submit an~~  
 109 ~~annual budget to the State Board of Education.~~

110 3. The commission shall transmit all fees, donations, and  
 111 other receipts of money to the Institutional Assessment Trust  
 112 Fund.

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113           4. The commission shall expend funds as necessary to  
114 assist in the application and enforcement of its powers and  
115 duties. The Chief Financial Officer shall pay out all moneys and  
116 funds as directed under this chapter upon vouchers approved by  
117 the executive director of the commission ~~Department of Education~~  
118 for all lawful purposes necessary to administering this chapter.  
119 The commission shall make annual reports to the Executive Office  
120 of the Governor, the President of the Senate, and the Speaker of  
121 the House of Representatives ~~State Board of Education~~ showing in  
122 detail amounts received and all expenditures. The commission  
123 shall include in its annual report ~~to the State Board of~~  
124 ~~Education~~ a statement of its major activities during the period  
125 covered by the report.

126           (2) The commission may:

127           (e) Advise the Governor, the Legislature, the State Board  
128 of Education, ~~the Council for Education Policy Research and~~  
129 ~~Improvement~~, and the Commissioner of Education on issues  
130 relating to private postsecondary education.

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