

Bill No. SB 2536

Barcode 095400

CHAMBER ACTION

Senate

House

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The Committee on Higher Education (Oelrich) recommended the following amendment:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause

and insert:

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

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

1005.21 Commission for Independent Education.--

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

(2) The Governor shall appoint the members of the commission who are subject to confirmation by the Senate. The

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1 commission shall consist of seven members who are residents of  
2 this state and include:

3 (a) Two members who are owners or employees of  
4 independent colleges or universities licensed by the  
5 commission.

6 (b) Two members who are owners or employees of  
7 independent, nondegree-granting schools licensed by the  
8 commission.

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

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

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

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

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

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

24 (4) The commission shall meet at least four times each  
25 fiscal year.

26 (5) Members of the commission are entitled to  
27 reimbursement for travel and per diem expenses, as provided in  
28 s. 112.061, while performing their duties.

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

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1       (7) The commission is housed in the Department of  
2 Education for administrative purposes only.

3       (a) The department shall provide support services for  
4 the commission which must include, at a minimum, computer and  
5 Internet support, personnel and human services support,  
6 support for accountability initiatives, support for the  
7 activities of the agency inspector general, and administrative  
8 support as needed for trust funds used for the commission's  
9 activities.

10       (b) The commission is not subject to control,  
11 supervision, or direction by the department in any manner,  
12 including, but not limited to, personnel, procurement,  
13 transactions involving real or personal property, and  
14 budgetary matters, and may independently exercise all powers,  
15 duties, and functions prescribed by law.

16       (8) The commission shall appoint, review, and fix the  
17 salary of its executive director and has the sole authority to  
18 remove the executive director at its pleasure. The executive  
19 director shall supervise, direct, coordinate, and administer  
20 all activities necessary to fulfill the commission's statutory  
21 responsibilities and may hire staff as necessary to assist in  
22 fulfilling its responsibilities. The department shall allocate  
23 to the commission moneys that are sufficient to fund positions  
24 that are authorized at salary rates that are sufficient to  
25 enable the commission to administer this chapter.

26       Section 2. Paragraphs (b) and (e) of subsection (1)  
27 and paragraph (e) of subsection (2) of section 1005.22,  
28 Florida Statutes, are amended to read:

29       1005.22 Powers and duties of commission.--

30       (1) The commission shall:

31       (b) Annually select a chairperson and a vice

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1 ~~chairperson, appoint and review an executive director, and~~  
2 ~~authorize the executive director to appoint employees of the~~  
3 ~~commission.~~

4 (e) Administer the provisions of this chapter. To this  
5 end, the commission has the following administrative powers  
6 and responsibilities:

7 1. The commission may ~~shall~~ adopt rules pursuant to  
8 ss. 120.536(1) and 120.54 to administer the provisions of this  
9 chapter for the operation and establishment of independent  
10 postsecondary educational institutions. The commission shall  
11 submit the rules to the State Board of Education for approval  
12 or disapproval. If the state board does not act on a rule  
13 within 60 days after receiving it, the rule shall be filed  
14 immediately with the Department of State.

15 2. The commission shall prepare a legislative budget  
16 request and submit it through ~~an annual budget to~~ the State  
17 Board of Education for inclusion in the K-20 legislative  
18 budget request.

19 3. The commission shall transmit all fees, donations,  
20 and other receipts of money to the Institutional Assessment  
21 Trust Fund.

22 4. The commission shall expend funds as necessary to  
23 assist in the application and enforcement of its powers and  
24 duties. The chief financial officer of the Department of  
25 Education shall pay out all moneys and funds as directed under  
26 this chapter upon vouchers approved by the executive director  
27 of the commission ~~Department of Education~~ for all lawful  
28 purposes necessary to administering this chapter. The  
29 commission shall make annual reports to the Executive Office  
30 of the Governor, the President of the Senate, and the Speaker  
31 of the House of Representatives ~~State Board of Education~~

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1 showing in detail amounts received and all expenditures. The  
 2 commission shall include in its annual report ~~to the State~~  
 3 ~~Board of Education~~ a statement of its major activities during  
 4 the period covered by the report.

5 (2) The commission may:

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

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

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

14 And the title is amended as follows:

15 Delete everything before the enacting clause

16  
17 and insert:

18 A bill to be entitled  
 19 An act relating to the Commission for  
 20 Independent Education; amending s. 1005.21,  
 21 F.S.; specifying the matters concerning which  
 22 the Commission for Independent Education  
 23 functions; requiring the commission to  
 24 authorize the granting of diplomas and degrees  
 25 by specified independent postsecondary  
 26 educational institutions; requiring that the  
 27 Governor appoint members of the commission;  
 28 providing criteria for membership; providing  
 29 for terms of office and the filling of  
 30 vacancies; requiring that the commission hold  
 31 certain meetings; providing for reimbursement

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1 of members' travel and per diem expenses;  
2 providing for removal of a member by the  
3 Governor; providing for the commission to be  
4 housed within the Department of Education for  
5 administrative purposes only; requiring that  
6 the department provide certain support services  
7 to the commission; specifying that the  
8 commission is not subject to the department's  
9 control, supervision, or direction; authorizing  
10 the commission to appoint, review, fix the  
11 salary of, and remove its executive director;  
12 specifying duties of the executive director;  
13 requiring the department to allocate certain  
14 moneys to the commission concerning funding of  
15 salary and positions authorized by the  
16 commission; amending s. 1005.22, F.S.; deleting  
17 provisions concerning the appointment and  
18 authority of the commission's executive  
19 director; deleting a requirement that the  
20 commission submit rules to the State Board of  
21 Education for approval or disapproval;  
22 requiring the commission to prepare a  
23 legislative budget request and submit it  
24 through the board for inclusion in the  
25 legislative budget request; requiring the chief  
26 financial officer of the Department of  
27 Education to pay out moneys as directed by the  
28 commission's executive director; requiring that  
29 the commission make annual reports to the  
30 Governor, the President of the Senate, and the  
31 Speaker of the House of Representatives;

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1 deleting a provision authorizing the commission  
2 to advise the Council for Education Policy  
3 Research and Improvement; providing an  
4 effective date.  
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