

1 within the Department of Education for administrative purposes
2 only. ~~The department shall serve as the administrative agent~~
3 ~~of the commission by providing services, including payroll,~~
4 ~~procurement, and legal counsel.~~ The commission shall be a
5 separate budget entity not subject to control, supervision, or
6 direction by the Department of Education in any manner,
7 including, but not limited to, personnel, purchasing,
8 transactions involving real or personal property and budgetary
9 matters thereby exercising ~~exercise~~ independently all powers,
10 duties, and functions prescribed by law. The commission shall
11 authorize the granting of diplomas and degrees by any
12 independent postsecondary educational institution under its
13 jurisdiction.

14 (2) The Commission for Independent Education shall
15 consist of nine ~~seven~~ members who are residents of this state.
16 The commission shall function in matters concerning
17 independent postsecondary educational institutions in consumer
18 protection, program improvement, and licensure for
19 institutions under its purview. The Governor shall appoint the
20 members of the commission who are subject to confirmation by
21 the Senate. The membership of the commission shall consist of:

22 (a) Two representatives who are owners or employees of
23 independent colleges or universities licensed by the
24 commission.

25 (b) Two representatives who are owners or employees of
26 independent, nondegree-granting schools licensed by the
27 commission.

28 (c) One representative who is an owner or employee of
29 an independent, nonaccredited school licensed by the
30 commission.

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1 (d) Two members who are owners or employees of an
2 independent college or school licensed by the Commission for
3 Independent Education.

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

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

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

10 (3) The members of the commission shall be appointed
11 to 3-year terms and shall serve until their successors are
12 appointed and qualified. If a vacancy on the commission occurs
13 before the expiration of a term, the Governor shall appoint a
14 successor to serve the unexpired portion of the term.

15 (4) The commission shall meet at least four times each
16 fiscal year.

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

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

23 (7) The commission shall appoint, review, and fix the
24 salary of a person to serve as the executive director and have
25 sole authority to remove such person at its pleasure. The
26 executive director shall supervise, direct, coordinate, and
27 administer all activities necessary to fulfill the
28 commission's statutory responsibilities and have the authority
29 to hire staff necessary to assist in fulfilling these
30 responsibilities.

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1 Section 2. Section 1005.22, Florida Statutes, is
2 amended to read:

3 1005.22 Powers and duties of commission.--

4 (1) The commission shall:

5 (a) Hold meetings as necessary to administer its
6 duties.

7 (b) Annually select a chairperson and a vice
8 chairperson, ~~appoint and review an executive director, and~~
9 ~~authorize the executive director to appoint employees of the~~
10 ~~commission.~~

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

13 (d) Make rules for its own governance.

14 (e) Administer the provisions of this chapter. To this
15 end, the commission has the following administrative powers
16 and responsibilities:

17 1. The commission ~~may shall~~ adopt rules pursuant to
18 ss. 120.536(1) and 120.54 to administer the provisions of this
19 chapter for the operation and establishment of independent
20 ~~postsecondary educational institutions. The commission shall~~
21 ~~submit the rules to the State Board of Education for approval~~
22 ~~or disapproval. If the state board does not act on a rule~~
23 ~~within 60 days after receiving it, the rule shall be filed~~
24 ~~immediately with the Department of State.~~

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

27 3. The commission shall transmit all fees, donations,
28 and other receipts of money to the Institutional Assessment
29 Trust Fund.

30 4. The commission shall expend funds as necessary to
31 assist in the application and enforcement of its powers and

1 duties. The chief financial officer of the Department of
2 Education shall pay out all moneys and funds as directed under
3 this chapter upon vouchers approved by the Executive Director
4 of the Commission for Independent ~~Department of~~ Education for
5 all lawful purposes necessary to administering this chapter.
6 The commission shall make annual reports to the Legislature
7 ~~State Board of Education~~ showing in detail amounts received
8 and all expenditures. The commission shall include in its
9 annual report to the Legislature ~~State Board of Education~~ a
10 statement of its major activities during the period covered by
11 the report.

12 (f) Maintain a record of its proceedings.

13 (g) Cooperate with other state and federal agencies
14 and other nongovernmental agencies in administering its
15 duties.

16 (h) Cause to be investigated criminal justice
17 information, as defined in s. 943.045, for each owner,
18 administrator, and agent employed by an institution applying
19 for licensure from the commission.

20 (i) Serve as a central agency for collecting and
21 distributing current information regarding institutions
22 licensed by the commission.

23 (j) Inform independent postsecondary educational
24 institutions of laws adopted by the Legislature and rules
25 adopted by the State Board of Education and the commission and
26 of their responsibility to follow those laws and rules.

27 (k) Establish and publicize the procedures for
28 receiving and responding to complaints from students, faculty,
29 and others concerning institutions or programs under the
30 purview of the commission, and keep records of such complaints
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1 in order to determine the frequency and nature of complaints
2 with respect to specific institutions of higher education.

3 (l) Provide annually to the Office of Student
4 Financial Assistance of the Department of Education
5 information and documentation that can be used to determine an
6 institution's eligibility to participate in state student
7 financial assistance programs.

8 (m) Coordinate and convey annual reports to the
9 Commissioner of Education relating to campus crime statistics,
10 the assessment of physical plant safety, and the antihazing
11 policies of nonpublic postsecondary educational institutions
12 eligible to receive state-funded student assistance, as
13 required by law.

14 (n) Identify and report to the Office of Student
15 Financial Assistance the accrediting associations recognized
16 by the United States Department of Education which have
17 standards that are comparable to the minimum standards
18 required to operate an institution at that level in this
19 state.

20 (o) Assure that an institution is not required to
21 operate without a current license because of the schedule of
22 commission meetings or application procedures, if the
23 institution has met the commission's requirements for
24 licensure or license renewal.

25 (2) The commission may:

26 (a) Sue or be sued.

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

29 (c) Receive bequests and gifts, subject to any
30 restrictions upon which the commission and the donor agree.

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1 (d) Appoint standing or special committees to assist
2 it in carrying out its responsibilities. Committees may
3 include members who are not commission members or
4 representatives of licensed postsecondary institutions.

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

9 (f) Delegate to the chairperson of the commission the
10 responsibility for signing final orders.

11 (g) Assist independent postsecondary educational
12 institutions in formulating articulation agreements with
13 public and other independent institutions.

14 (h) Establish and operate additional offices in the
15 central and southern part of the state if the concentration of
16 licensed institutions renders such an office economically
17 feasible.

18 (i) Establish and administer the Student Protection
19 Fund pursuant to s. 1005.37.

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

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23 SENATE SUMMARY

24 Provides that the Commission for Independent Education be
25 a separate entity not subject to the control of the
26 Department of Education. Provides for nine members of the
27 commission. Provides for an executive director of the
28 commission. Removes certain powers from the executive
29 director. Removes a requirement that the commission
30 submit rules to the State Board of Education. Requires
31 the commission to submit its budget to the Governor.
Requires the chief financial officer of the Department of
Education to pay out moneys as directed by the executive
director. Provides the commission make annual reports to
the Legislature. Removes a provision allowing the
commission to advise the Council for Education Policy
Research and Improvement.