

By the Committee on Higher Education; and Senator Ring

589-03424-09

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1 A bill to be entitled
2 An act relating to nonpublic postsecondary educational
3 institutions; amending s. 1005.02, F.S.; defining the
4 term "academic degree"; amending s. 1005.31, F.S.;
5 requiring that a licensed independent postsecondary
6 educational institution notify the Commission for
7 Independent Education of changes in its accreditation
8 status; providing penalties for failure to provide the
9 notice; revising criteria concerning the standards by
10 which the commission evaluates institutions for
11 licensure; requiring that institutions become
12 accredited within a specified period after licensure;
13 requiring a licensed institution that is not
14 accredited to include certain information on the
15 institution's website; restricting the recognition of
16 academic degrees conferred by that institution;
17 requiring that the institution notify the Department
18 of Education and the Office of the Attorney General of
19 its progress in obtaining accreditation; requiring
20 that institutions maintain records and provide the
21 commission with information concerning nationally
22 recognized standards used to grant credit for a
23 student's prior work or life experience; requiring
24 compliance with laws concerning the reporting of crime
25 statistics; requiring that such reports be made
26 available to the public; requiring that the commission
27 maintain a list on its website concerning the
28 accreditation of institutions licensed by the
29 commission; requiring the Department of Education and

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30 the Office of the Attorney General to maintain a link
31 to the commission's list on their respective websites;
32 amending s. 1005.38, F.S.; requiring that the
33 commission revoke the license or authorization of an
34 institution that does not meet requirements concerning
35 accreditation; providing an effective date.

36
37 Be It Enacted by the Legislature of the State of Florida:

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39 Section 1. Present subsections (1) through (16) of section
40 1005.02, Florida Statutes, are redesignated as subsections (2)
41 through (17), respectively, and a new subsection (1) is added to
42 that section, to read:

43 1005.02 Definitions.—As used in this chapter, the term:

44 (1) "Academic degree" means a degree titled as an
45 associate, bachelor's, master's, or doctoral degree.

46 Section 2. Subsections (1) and (2) of section 1005.31,
47 Florida Statutes, are amended, and subsection (16) is added to
48 that section, to read:

49 1005.31 Licensure of institutions.—

50 (1) (a) Each college or school operating within this state
51 must obtain licensure from the commission unless the institution
52 is not under the commission's purview or jurisdiction as
53 provided in s. 1005.06.

54 (b) After licensure, each licensee is solely responsible
55 for notifying the commission in writing of:

56 1. Any change in the licensee's accreditation status.

57 2. The licensee's current mailing address and the location
58 of the institution. A licensee's failure to notify the

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59 ~~commission of a change of address constitutes a violation of~~
60 ~~this paragraph, and the licensee may be disciplined by the~~
61 ~~commission.~~ Notwithstanding any other ~~provision of law,~~ service
62 by regular mail to a licensee's last known address of record
63 with the commission is ~~constitutes~~ adequate and sufficient
64 notice to the licensee for any official communication to the
65 licensee by the commission.

66 (c) A licensee may be disciplined by the commission for
67 failing to provide the notice required in paragraph (b).

68 (2) The commission shall develop minimum standards by which
69 to evaluate institutions for licensure. These standards must:

70 (a) Address ~~include at least~~ the institution's name,
71 financial stability, purpose, administrative organization,
72 admissions and recruitment, educational programs and curricula,
73 retention, completion, career placement, faculty, learning
74 resources, student personnel services, physical plant and
75 facilities, publications, and disclosure statements about the
76 status of the institution with respect to professional
77 certification and licensure.

78 (b) Require that an institution offering an academic degree
79 secure accreditation within 5 years after the date it is first
80 licensed under this section, except that if an institution is
81 licensed on July 1, 2009, that institution must obtain
82 accreditation by July 2, 2014. An institution that is licensed
83 but not accredited shall promptly seek and actively pursue
84 accreditation.

85 1. During the period in which an institution is licensed
86 but not accredited, the institution shall disclose that
87 information on its website in a statement in a typeface that is

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88 large enough to be easily readable. The statement may include
89 additional information such as accreditation is being sought;
90 however, the institution may not include a statement on its
91 website that the institution is licensed unless the statement
92 also specifies that the institution is not accredited.

93 2. The academic degrees conferred by an institution before
94 it secures accreditation may be recognized by other
95 postsecondary educational institutions in this state only if the
96 institution secures accreditation within the required period.

97 3. The institution must notify the Department of Education
98 and the Office of the Attorney General in writing concerning the
99 status of its progress in the accreditation process. The notice
100 must be provided monthly until accreditation is secured.

101 (c) Require that an institution use nationally recognized
102 standards in determining whether to grant a student credit for
103 previous work or life experience. Each institution shall provide
104 to the commission an annual report that specifies the credits
105 granted for such experience and documents any nationally
106 recognized standards used in granting the credits.

107 (d) Require compliance with state and federal laws that
108 require annual reporting of crime statistics. Each institution
109 shall make such report available to the public.

110
111 The commission may adopt rules to ensure that institutions
112 licensed under this section meet these standards in ways that
113 are appropriate to achieve the stated intent of this chapter,
114 including provisions for nontraditional or distance education
115 programs and delivery.

116 (16) The commission shall maintain on its website a current

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117 list of the institutions that are licensed under this section
118 and that hold accreditation. The list must specify the
119 accrediting entity and whether such entity is recognized by the
120 United States Department of Education as a reliable authority as
121 to the quality of postsecondary education within the meaning of
122 the Higher Education Act of 1965, as amended. The Department of
123 Education and the Office of the Attorney General shall maintain
124 a link to the commission's list on their respective websites.

125 Section 3. Subsection (1) of section 1005.38, Florida
126 Statutes, is amended, to read:

127 1005.38 Actions against a licensee and other penalties.—

128 (1) The commission may deny, place on probation, or revoke
129 any provisional license, annual license, license ~~license~~ by
130 means of accreditation, agent's license, or other authorization
131 required by this chapter. The commission shall revoke the
132 license or other required authorization of an institution that
133 fails to become or remain accredited as required under s.
134 1005.31(2). The commission shall adopt rules for taking these
135 actions. The commission may impose an administrative fine of not
136 more than \$5,000 if an institution is on probation for a period
137 under conditions that require oversight by the commission or its
138 staff. The fine shall be deposited into the Institutional
139 Assessment Trust Fund.

140 Section 4. This act shall take effect July 1, 2009.