



476460

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/04/2011	.	
	.	
	.	
	.	

---

---

The Committee on Higher Education (Siplin) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause and insert:

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

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

(1) "Academic degree" means a degree titled as an associate, bachelor's, master's, or doctoral degree. The term does not include an occupational associate degree.



476460

13           Section 2. Section 1005.04, Florida Statutes, is amended to  
14 read:

15           1005.04 Fair consumer practices.—

16           (1) Every institution that is under the jurisdiction of the  
17 commission or is exempt from the jurisdiction or purview of the  
18 commission pursuant to s. 1005.06(1)(c) or (f) and that either  
19 directly or indirectly solicits for enrollment any student  
20 shall:

21           (a) Disclose to each prospective student a statement of the  
22 purpose of such institution, its educational programs and  
23 curricula, a description of its physical facilities, its status  
24 regarding licensure and accreditation, its fee schedule and  
25 policies regarding retaining student fees if a student  
26 withdraws, and a statement regarding the transferability of  
27 credits to and from other institutions. The institution shall  
28 make the required disclosures in writing at least 1 week prior  
29 to enrollment or collection of any tuition from the prospective  
30 student. The required disclosures may be made in the  
31 institution's current catalog;

32           (b) Use a reliable method to assess, before accepting a  
33 student into a program, the student's ability to complete  
34 successfully the course of study for which he or she has  
35 applied;

36           (c) Inform each student accurately about financial  
37 assistance and obligations for repayment of loans; describe any  
38 employment placement services provided and the limitations  
39 thereof; and refrain from promising or implying guaranteed  
40 placement, market availability, or salary amounts;

41           (d) Provide to prospective and enrolled students accurate



476460

42 information regarding the relationship of its programs to state  
43 licensure requirements for practicing related occupations and  
44 professions in Florida;

45 (e) Ensure that all advertisements are accurate and not  
46 misleading;

47 (f) Publish and follow an equitable prorated refund policy  
48 for all students, and follow both the federal refund guidelines  
49 for students receiving federal financial assistance and the  
50 minimum refund guidelines set by commission rule;

51 (g) Follow the requirements of state and federal laws that  
52 require annual reporting with respect to crime statistics and  
53 physical plant safety and make those reports available to the  
54 public; and

55 (h) Publish and follow procedures for handling student  
56 complaints, disciplinary actions, and appeals.

57 (2) ~~In addition,~~ Institutions that are required to be  
58 licensed by the commission shall disclose to prospective  
59 students that additional information regarding the institution  
60 may be obtained by contacting the Commission for Independent  
61 Education, Department of Education, Tallahassee.

62 (3) A licensed institution offering academic degrees,  
63 degrees, or diplomas may not advertise or represent that it is  
64 accredited or include the words "accredited" or "accreditation"  
65 in its catalogs, brochures, website, advertisements,  
66 publications, or other promotional materials that are provided  
67 to, or accessible by, prospective students unless the  
68 accrediting agency referenced is an accrediting agency  
69 recognized by the United States Department of Education.

70 (4) A licensed institution that offers academic degrees and



476460

71 is not accredited by an accrediting agency recognized by the  
72 United States Department of Education shall provide a written  
73 disclosure to prospective students, before enrollment, in  
74 substantially the following form. The form of the written  
75 disclosure shall be submitted to the commission for approval  
76 before initial, provisional, or annual licensure and shall be  
77 made in large bold type, all capital letters, and maintained  
78 separate from other required disclosures. Prospective students  
79 shall be required to sign a copy of the form, acknowledging  
80 receipt of the written disclosure. The disclosure shall state:

81  
82 (NAME OF INSTITUTION) IS NOT ACCREDITED BY AN  
83 ACCREDITING AGENCY RECOGNIZED BY THE UNITED STATES  
84 DEPARTMENT OF EDUCATION. AS A PROSPECTIVE STUDENT, YOU  
85 ARE ENTITLED TO RECEIVE A CATALOG AND PROGRAM  
86 DESCRIPTIONS FOR EACH PROGRAM OFFERED BY THIS  
87 INSTITUTION. IT IS YOUR OBLIGATION TO CAREFULLY REVIEW  
88 THE INSTITUTIONAL CATALOG AND ALL OTHER MATERIALS  
89 REGARDING A PROGRAM BEING OFFERED, INCLUDING THE  
90 OCCUPATIONAL OBJECTIVES OF THE PROGRAM, PRIOR TO  
91 ENROLLING IN THE INSTITUTION.

92 Section 3. Paragraph (b) of subsection (1) and subsection  
93 (2) of section 1005.31, Florida Statutes, are amended, and  
94 subsection (16) is added to that section, to read:

95 1005.31 Licensure of institutions.—

96 (1)

97 (b) After licensure, each licensee shall notify ~~is solely~~  
98 ~~responsible for notifying~~ the commission in writing of:

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



476460

100           2. The licensee's current mailing address and the location  
101 of the institution. ~~A licensee's failure to notify the~~  
102 ~~commission of a change of address constitutes a violation of~~  
103 ~~this paragraph, and the licensee may be disciplined by the~~  
104 ~~commission.~~ Notwithstanding any other ~~provision of law,~~ service  
105 by regular mail to a licensee's last known address of record  
106 with the commission is ~~constitutes~~ adequate and sufficient  
107 notice to the licensee for any official communication to the  
108 licensee by the commission.

109           (2) The commission shall develop minimum standards by which  
110 to evaluate institutions for licensure. These standards must  
111 address ~~include at least~~ the institution's name, financial  
112 stability, purpose, administrative organization, admissions and  
113 recruitment, educational programs and curricula, retention,  
114 completion, career placement, faculty, learning resources,  
115 student personnel services, physical plant and facilities,  
116 publications, and disclosure statements about the status of the  
117 institution with respect to professional certification,  
118 accreditation, and licensure. The commission may adopt rules to  
119 ensure that institutions licensed under this section meet these  
120 standards in ways that are appropriate to achieve the stated  
121 intent of this chapter, including provisions for nontraditional  
122 or distance education programs and delivery. An institution  
123 offering postsecondary education through correspondence or  
124 distance learning courses to students in the state must be  
125 licensed by the commission whether or not the institution is  
126 physically located in the state, unless the institution is not  
127 under the commission's jurisdiction or purview pursuant to s.  
128 1005.06.



476460

129       (16) The commission shall maintain on its website a current  
130 list of the institutions that are licensed under this section  
131 and hold accreditation. The list must specify the accrediting  
132 entity and whether the entity is recognized by the United States  
133 Department of Education as a reliable authority as to the  
134 quality of postsecondary education within the meaning of the  
135 Higher Education Act of 1965, as amended. The commission shall  
136 also maintain on its website a list of the institutions located  
137 in the state which maintain or advertise themselves as being  
138 accredited by an agency that is not recognized by the United  
139 States Department of Education.

140       Section 4. Subsection (10) of section 744.1083, Florida  
141 Statutes, is amended to read:

142       744.1083 Professional guardian registration.—

143       (10) A state college or university or an independent  
144 college or university that is located and chartered in Florida,  
145 that is accredited by the Commission on Colleges of the Southern  
146 Association of Colleges and Schools or the Accrediting Council  
147 for Independent Colleges and Schools, and that confers degrees  
148 as defined in s. 1005.02 ~~1005.02(7)~~ may, but is not required to,  
149 register as a professional guardian under this section. If a  
150 state college or university or independent college or university  
151 elects to register as a professional guardian under this  
152 subsection, the requirements of subsections (3) and (4) do not  
153 apply and the registration must include only the name, address,  
154 and employer identification number of the registrant.

155       Section 5. This act shall take effect July 1, 2011.

156  
157 ===== T I T L E A M E N D M E N T =====



476460

158 And the title is amended as follows:

159 Delete everything before the enacting clause  
160 and insert:

161 A bill to be entitled

162 An act relating to nonpublic postsecondary educational  
163 institutions; amending s. 1005.02, F.S.; defining the  
164 term "academic degree"; amending s. 1005.04, F.S.;  
165 requiring disclosure of institution accreditation  
166 status to prospective students; providing restrictions  
167 relating to advertising by licensed institutions;  
168 requiring that institutions that do not have certain  
169 accreditation provide written disclosure; providing a  
170 form for such disclosure; amending s. 1005.31, F.S.;  
171 requiring that a licensed independent postsecondary  
172 educational institution notify the Commission for  
173 Independent Education of changes in its accreditation  
174 status; revising criteria concerning the standards by  
175 which the commission evaluates institutions for  
176 licensure; requiring the licensure of certain  
177 institutions offering postsecondary education through  
178 correspondence or distance learning courses; requiring  
179 that the commission maintain lists on its website  
180 concerning the accreditation of institutions licensed  
181 by the commission; amending s. 744.1083, F.S.;  
182 conforming a cross-reference; providing an effective  
183 date.