

By Senator Ring

32-00246-11

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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 that the Department of Education

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30 and Office of the Attorney General maintain a link to  
31 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; amending s. 744.1083, F.S.; conforming  
36 a cross-reference; providing an effective date.

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

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

44 1005.02 Definitions.—As used in this chapter, the term:

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

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

50 1005.31 Licensure of institutions.—

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

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

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

58 2. The licensee's current mailing address and the location

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

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

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

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

79 (b) Require that an institution offering an academic degree  
80 secure accreditation within 5 years after the date it is first  
81 licensed under this section, except that if an institution is  
82 licensed on July 1, 2011, that institution must obtain  
83 accreditation by July 2, 2016. An institution that is licensed  
84 but not accredited shall promptly seek and actively pursue  
85 accreditation.

86 1. During the period in which an institution is licensed  
87 but not accredited, the institution shall disclose that

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

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

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

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

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

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

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

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

128       1005.38 Actions against a licensee and other penalties.—

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

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

143       744.1083 Professional guardian registration.—

144       (10) A state college or university or an independent  
145 college or university that is located and chartered in Florida,

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

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