

By the Committee on Higher Education; and Senator Ring

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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. 1005.04, F.S.;
5 requiring disclosure of institution accreditation
6 status to prospective students; providing restrictions
7 relating to advertising by licensed institutions;
8 requiring that institutions that do not have certain
9 accreditation provide written disclosure; providing a
10 form for such disclosure; amending s. 1005.31, F.S.;
11 requiring that a licensed independent postsecondary
12 educational institution notify the Commission for
13 Independent Education of changes in its accreditation
14 status; revising criteria concerning the standards by
15 which the commission evaluates institutions for
16 licensure; requiring the licensure of certain
17 institutions offering postsecondary education through
18 correspondence or distance learning courses; requiring
19 that the commission maintain lists on its website
20 concerning the accreditation of institutions licensed
21 by the commission; amending s. 744.1083, F.S.;
22 conforming a cross-reference; providing an effective
23 date.

24
25 Be It Enacted by the Legislature of the State of Florida:

26
27 Section 1. Present subsections (1) through (16) of section
28 1005.02, Florida Statutes, are redesignated as subsections (2)
29 through (17), respectively, and a new subsection (1) is added to

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30 that section, to read:

31 1005.02 Definitions.—As used in this chapter, the term:

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

35 Section 2. Section 1005.04, Florida Statutes, is amended to
36 read:

37 1005.04 Fair consumer practices.—

38 (1) Every institution that is under the jurisdiction of the
39 commission or is exempt from the jurisdiction or purview of the
40 commission pursuant to s. 1005.06(1)(c) or (f) and that either
41 directly or indirectly solicits for enrollment any student
42 shall:

43 (a) Disclose to each prospective student a statement of the
44 purpose of such institution, its educational programs and
45 curricula, a description of its physical facilities, its status
46 regarding licensure and accreditation, its fee schedule and
47 policies regarding retaining student fees if a student
48 withdraws, and a statement regarding the transferability of
49 credits to and from other institutions. The institution shall
50 make the required disclosures in writing at least 1 week prior
51 to enrollment or collection of any tuition from the prospective
52 student. The required disclosures may be made in the
53 institution's current catalog;

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

58 (c) Inform each student accurately about financial

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59 assistance and obligations for repayment of loans; describe any
60 employment placement services provided and the limitations
61 thereof; and refrain from promising or implying guaranteed
62 placement, market availability, or salary amounts;

63 (d) Provide to prospective and enrolled students accurate
64 information regarding the relationship of its programs to state
65 licensure requirements for practicing related occupations and
66 professions in Florida;

67 (e) Ensure that all advertisements are accurate and not
68 misleading;

69 (f) Publish and follow an equitable prorated refund policy
70 for all students, and follow both the federal refund guidelines
71 for students receiving federal financial assistance and the
72 minimum refund guidelines set by commission rule;

73 (g) Follow the requirements of state and federal laws that
74 require annual reporting with respect to crime statistics and
75 physical plant safety and make those reports available to the
76 public; and

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

79 (2) ~~In addition,~~ Institutions that are required to be
80 licensed by the commission shall disclose to prospective
81 students that additional information regarding the institution
82 may be obtained by contacting the Commission for Independent
83 Education, Department of Education, Tallahassee.

84 (3) A licensed institution offering academic degrees,
85 degrees, or diplomas may not advertise or represent that it is
86 accredited or include the words "accredited" or "accreditation"
87 in its catalogs, brochures, website, advertisements,

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88 publications, or other promotional materials that are provided
89 to, or accessible by, prospective students unless the
90 accrediting agency referenced is an accrediting agency
91 recognized by the United States Department of Education.

92 (4) A licensed institution that offers academic degrees and
93 is not accredited by an accrediting agency recognized by the
94 United States Department of Education shall provide a written
95 disclosure to prospective students, before enrollment, in
96 substantially the following form. The form of the written
97 disclosure shall be submitted to the commission for approval
98 before initial, provisional, or annual licensure and shall be
99 made in large bold type, all capital letters, and maintained
100 separate from other required disclosures. Prospective students
101 shall be required to sign a copy of the form, acknowledging
102 receipt of the written disclosure. The disclosure shall state:

103
104 (NAME OF INSTITUTION) IS NOT ACCREDITED BY AN
105 ACCREDITING AGENCY RECOGNIZED BY THE UNITED STATES
106 DEPARTMENT OF EDUCATION. AS A PROSPECTIVE STUDENT, YOU
107 ARE ENTITLED TO RECEIVE A CATALOG AND PROGRAM
108 DESCRIPTIONS FOR EACH PROGRAM OFFERED BY THIS
109 INSTITUTION. IT IS YOUR OBLIGATION TO CAREFULLY REVIEW
110 THE INSTITUTIONAL CATALOG AND ALL OTHER MATERIALS
111 REGARDING A PROGRAM BEING OFFERED, INCLUDING THE
112 OCCUPATIONAL OBJECTIVES OF THE PROGRAM, PRIOR TO
113 ENROLLING IN THE INSTITUTION.

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

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117 1005.31 Licensure of institutions.—

118 (1)

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

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

122 2. The licensee's current mailing address and the location
123 of the institution. ~~A licensee's failure to notify the~~
124 ~~commission of a change of address constitutes a violation of~~
125 ~~this paragraph, and the licensee may be disciplined by the~~
126 ~~commission.~~ Notwithstanding any other ~~provision of~~ law, service
127 by regular mail to a licensee's last known address of record
128 with the commission is ~~constitutes~~ adequate and sufficient
129 notice to the licensee for any official communication to the
130 licensee by the commission.

131 (2) The commission shall develop minimum standards by which
132 to evaluate institutions for licensure. These standards must
133 address ~~include at least~~ the institution's name, financial
134 stability, purpose, administrative organization, admissions and
135 recruitment, educational programs and curricula, retention,
136 completion, career placement, faculty, learning resources,
137 student personnel services, physical plant and facilities,
138 publications, and disclosure statements about the status of the
139 institution with respect to professional certification,
140 accreditation, and licensure. The commission may adopt rules to
141 ensure that institutions licensed under this section meet these
142 standards in ways that are appropriate to achieve the stated
143 intent of this chapter, including provisions for nontraditional
144 or distance education programs and delivery. An institution
145 offering postsecondary education through correspondence or

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146 distance learning courses to students in the state must be
147 licensed by the commission whether or not the institution is
148 physically located in the state, unless the institution is not
149 under the commission's jurisdiction or purview pursuant to s.
150 1005.06.

151 (16) The commission shall maintain on its website a current
152 list of the institutions that are licensed under this section
153 and hold accreditation. The list must specify the accrediting
154 entity and whether the entity is recognized by the United States
155 Department of Education as a reliable authority as to the
156 quality of postsecondary education within the meaning of the
157 Higher Education Act of 1965, as amended. The commission shall
158 also maintain on its website a list of the institutions located
159 in the state which maintain or advertise themselves as being
160 accredited by an agency that is not recognized by the United
161 States Department of Education.

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

164 744.1083 Professional guardian registration.—

165 (10) A state college or university or an independent
166 college or university that is located and chartered in Florida,
167 that is accredited by the Commission on Colleges of the Southern
168 Association of Colleges and Schools or the Accrediting Council
169 for Independent Colleges and Schools, and that confers degrees
170 as defined in s. 1005.02 ~~1005.02(7)~~ may, but is not required to,
171 register as a professional guardian under this section. If a
172 state college or university or independent college or university
173 elects to register as a professional guardian under this
174 subsection, the requirements of subsections (3) and (4) do not

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175 apply and the registration must include only the name, address,
176 and employer identification number of the registrant.

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