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1 A bill to be entitled
2 An act relating to independent postsecondary educational
3 institutions; amending s. 1005.02, F.S.; defining the term
4 "admissions staff"; amending s. 1005.22, F.S.; requiring
5 the Commission for Independent Education to cause to be
6 investigated criminal justice information for admissions
7 staff; requiring investigation for licensure renewal;
8 amending s. 1005.31, F.S.; requiring the commission to
9 establish standards for admissions staff; providing a
10 restriction on the solicitation of prospective students
11 for enrollment; amending s. 1005.38, F.S.; requiring the
12 commission to refuse to grant or renew or to revoke an
13 institutional license for crimes relating to fraudulent
14 practices or unfair consumer practices; providing for
15 application; amending s. 744.1083, F.S.; conforming a
16 cross-reference; providing an effective date.

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18 Be It Enacted by the Legislature of the State of Florida:

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20 Section 1. Subsections (2) through (16) of section
21 1005.02, Florida Statutes, are renumbered as subsections (3)
22 through (17), respectively, and a new subsection (2) is added to
23 that section to read:

24 1005.02 Definitions.—As used in this chapter, the term:
25 (2) "Admissions staff" means any person, including the
26 admissions director, who is employed by an independent
27 postsecondary educational institution under the jurisdiction of
28 the commission or by an out-of-state independent postsecondary

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29 educational institution under the jurisdiction of the commission
30 and who provides information to prospective students, advises
31 prospective students in order to secure an application, or
32 accepts payment of fees from prospective students for the
33 institution.

34 Section 2. Paragraph (h) of subsection (1) of section
35 1005.22, Florida Statutes, is amended to read:

36 1005.22 Powers and duties of commission.—

37 (1) The commission shall:

38 (h) Cause to be investigated criminal justice information,
39 as defined in s. 943.045, for each owner, administrator,
40 admissions staff, and agent employed by an institution applying
41 for licensure or licensure renewal from the commission.

42 Section 3. Subsections (11) through (15) of section
43 1005.31, Florida Statutes, are renumbered as subsections (12)
44 through (16), respectively, and a new subsection (11) is added
45 to that section to read:

46 1005.31 Licensure of institutions.—

47 (11) The commission shall establish minimum standards
48 required of admissions staff employed by institutions under its
49 jurisdiction. The commission may adopt rules to ensure that
50 admissions staff meet these standards and uphold the intent of
51 this chapter. The admissions staff of an institution under the
52 jurisdiction of the commission may not solicit prospective
53 students in this state for enrollment in the institution unless
54 the institution has been licensed by the commission.

55 Section 4. Subsections (3) and (4) of section 1005.38,
56 Florida Statutes, are amended to read:

57 | 1005.38 Actions against a licensee and other penalties.—

58 | (3) (a) Any person who has been convicted of, or entered a
 59 | plea of guilty or nolo contendere to, a crime that relates to
 60 | the unlawful operation or management of an institution is
 61 | ineligible to own, operate, manage, or be a registered agent for
 62 | a licensed institution in this state, and may not be a director
 63 | or an officer in a corporation that owns or operates a licensed
 64 | institution. Such a person may not operate or serve in a
 65 | management or supervisory position in a licensed institution.

66 | (b)1. The commission shall refuse to grant an
 67 | institutional license, refuse to renew an existing institutional
 68 | license, or revoke an existing institutional license if any of
 69 | the applicants, owners, directors, administrators, admissions
 70 | staff, or registered agents has been found liable in a civil
 71 | action or has been convicted of, or entered a plea of guilty or
 72 | nolo contendere to, a crime under chapter 817 or under s.

73 | 1005.04. Any civil or criminal act committed in another state or
 74 | under federal law which, if committed in this state, would
 75 | constitute an offense under this paragraph is grounds for
 76 | refusal to grant or renew or to revoke a license.

77 | 2. The commission shall review each applicant individually
 78 | and may grant or renew a license if good cause is shown.

79 | 3. The grounds for refusal to grant or renew or to revoke
 80 | a license shall be applied to any disqualifying civil or
 81 | criminal history regardless of the date of the commission of the
 82 | underlying event. This paragraph shall be applied retroactively
 83 | and prospectively.

84 | (4) The commission may deny an application for any

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85 | operating status if the commission determines that the applicant
86 | or its owners, officers, directors, admissions staff, or
87 | administrators were previously operating an institution in this
88 | state or in another state or jurisdiction in a manner contrary
89 | to the health, education, or welfare of the public. The
90 | commission may consider factors such as the previous denial or
91 | revocation of an institutional license; prior criminal or civil
92 | administrative proceedings regarding the operation and
93 | management of an institution; other types of criminal
94 | proceedings involving fraud, deceit, dishonesty, or moral
95 | turpitude; failure of the institution to be properly closed,
96 | including completing the training or providing for the trainout
97 | of its students; and failure to issue appropriate refunds. The
98 | commission may require an applicant or its owners, officers,
99 | directors, admissions staff, or administrators to provide the
100 | commission with information under oath regarding the prior
101 | operation of an institution and to provide criminal justice
102 | information, the cost of which must be borne by the applicant in
103 | addition to license fees.

104 | Section 5. Subsection (10) of section 744.1083, Florida
105 | Statutes, is amended to read:

106 | 744.1083 Professional guardian registration.—

107 | (10) A state college or university or an independent
108 | college or university that is located and chartered in Florida,
109 | that is accredited by the Commission on Colleges of the Southern
110 | Association of Colleges and Schools or the Accrediting Council
111 | for Independent Colleges and Schools, and that confers degrees
112 | as defined in s. 1005.02 (8) ~~(7)~~ may, but is not required to,

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113 register as a professional guardian under this section. If a
114 state college or university or independent college or university
115 elects to register as a professional guardian under this
116 subsection, the requirements of subsections (3) and (4) do not
117 apply and the registration must include only the name, address,
118 and employer identification number of the registrant.

119 Section 6. This act shall take effect July 1, 2011.