

HB 875

2011

1 A bill to be entitled  
2 An act relating to nonpublic postsecondary educational  
3 institutions; amending s. 1005.02, F.S.; defining the term  
4 "academic degree"; amending s. 1005.04, F.S.; requiring  
5 disclosure of institution accreditation status to  
6 prospective students; providing restrictions relating to  
7 advertising by licensed institutions; requiring a  
8 disclosure statement by institutions without certain  
9 accreditation; providing a form for disclosure; amending  
10 s. 1005.31, F.S.; requiring that a licensed independent  
11 postsecondary educational institution notify the  
12 Commission for Independent Education of changes in its  
13 accreditation status; revising criteria concerning the  
14 standards by which the commission evaluates institutions  
15 for licensure; requiring the licensure of certain  
16 institutions offering postsecondary education through  
17 distance or correspondence education; requiring that the  
18 commission maintain lists on its website concerning the  
19 accreditation of institutions licensed by the commission;  
20 amending s. 744.1083, F.S.; conforming a cross-reference;  
21 providing an effective date.

22  
23 Be It Enacted by the Legislature of the State of Florida:

24  
25 Section 1. Subsections (1) through (16) of section  
26 1005.02, Florida Statutes, are renumbered as subsections (2)  
27 through (17), respectively, and a new subsection (1) is added to  
28 that section to read:

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29 | 1005.02 Definitions.—As used in this chapter, the term:  
30 | (1) "Academic degree" means a degree titled as an  
31 | associate, bachelor's, master's, or doctoral degree. The term  
32 | does not include an occupational associate degree.

33 | Section 2. Section 1005.04, Florida Statutes, is amended  
34 | to read:

35 | 1005.04 Fair consumer practices.—

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

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

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

56 | (c) Inform each student accurately about financial

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

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

65 (e) Ensure that all advertisements are accurate and not  
66 misleading;

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

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

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

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

82 (3) A licensed institution offering academic degrees,  
83 degrees, or diplomas may not advertise or represent that it is  
84 accredited or include the words "accredited" or "accreditation"

85 in its catalogs, brochures, website, advertisements,  
 86 publications, or other promotional materials that are provided  
 87 to, or accessible by, prospective students unless the  
 88 accrediting agency referenced is an accrediting agency  
 89 recognized by the United States Department of Education.

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

101  
 102 (NAME OF INSTITUTION) IS NOT ACCREDITED BY AN  
 103 ACCREDITING AGENCY RECOGNIZED BY THE UNITED STATES  
 104 DEPARTMENT OF EDUCATION. AS A PROSPECTIVE STUDENT, YOU  
 105 ARE ENTITLED TO RECEIVE A CATALOG AND PROGRAM  
 106 DESCRIPTIONS FOR EACH PROGRAM OFFERED BY THIS  
 107 INSTITUTION. IT IS YOUR OBLIGATION TO CAREFULLY REVIEW  
 108 THE INSTITUTIONAL CATALOG AND ALL OTHER MATERIALS  
 109 REGARDING A PROGRAM BEING OFFERED, INCLUDING THE  
 110 OCCUPATIONAL OBJECTIVES OF THE PROGRAM, PRIOR TO  
 111 ENROLLING IN THE INSTITUTION.

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

116 1005.31 Licensure of institutions.—

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

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

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

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

133 (2) The commission shall develop minimum standards by  
 134 which to evaluate institutions for licensure. These standards  
 135 must address ~~include at least~~ the institution's name, financial  
 136 stability, purpose, administrative organization, admissions and  
 137 recruitment, educational programs and curricula, retention,  
 138 completion, career placement, faculty, learning resources,  
 139 student personnel services, physical plant and facilities,  
 140 publications, and disclosure statements about the status of the

141 institution with respect to professional certification,  
 142 accreditation, and licensure. The commission may adopt rules to  
 143 ensure that institutions licensed under this section meet these  
 144 standards in ways that are appropriate to achieve the stated  
 145 intent of this chapter, including provisions for nontraditional  
 146 or distance education programs and delivery. An institution  
 147 offering postsecondary education through distance or  
 148 correspondence education to students in the state must be  
 149 licensed by the commission whether or not the institution is  
 150 physically located in the state, unless the institution is not  
 151 under the commission's jurisdiction or purview pursuant to s.  
 152 1005.06.

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

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

166 744.1083 Professional guardian registration.—

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

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169 that is accredited by the Commission on Colleges of the Southern  
170 Association of Colleges and Schools or the Accrediting Council  
171 for Independent Colleges and Schools, and that confers degrees  
172 as defined in s. 1005.02~~(7)~~ may, but is not required to,  
173 register as a professional guardian under this section. If a  
174 state college or university or independent college or university  
175 elects to register as a professional guardian under this  
176 subsection, the requirements of subsections (3) and (4) do not  
177 apply and the registration must include only the name, address,  
178 and employer identification number of the registrant.

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