

By Senator Braynon

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1 A bill to be entitled
2 An act relating to private postsecondary education;
3 amending s. 1004.015, F.S.; requiring the Higher
4 Education Coordinating Council to review certain
5 complaints; requiring the council to make a final
6 determination and notify all parties to the complaint
7 of the determination; amending s. 1005.04, F.S.;
8 requiring certain institutions to provide a student
9 solicited for enrollment with certain information
10 regarding the institution and its programs; amending
11 s. 1005.34, F.S.; requiring certain individuals to
12 make a reasonable effort to satisfy a complaint or
13 grievance against an institution directly through an
14 institution's established procedures; authorizing such
15 individuals to file a written complaint containing
16 specified information with the Commission for
17 Independent Education if a resolution cannot be
18 reached; requiring, rather than authorizing, the
19 commission to examine such complaints; authorizing an
20 individual to appeal the decision of the commission to
21 the Higher Education Coordinating Council; requiring
22 the commission to forward the complaint to the council
23 under certain circumstances; requiring the council to
24 make a final determination and send a copy to the
25 commission; requiring an institution to forward the
26 final decision of the council to its accrediting
27 agency and to report to the commission any action
28 taken by the accrediting agency; amending s. 1005.36,
29 F.S.; requiring an institution to submit an
30 institutional closing plan to the Commission for
31 Independent Education within a specified period;
32 specifying contents of the plan; prohibiting an

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33 institution from admitting students after submitting
34 an institutional closing plan; requiring the
35 commission to provide a report to the Legislature
36 within a specified period; specifying contents of the
37 report; amending s. 1005.37, F.S.; prohibiting a
38 licensed institution from enrolling students until any
39 unpaid Student Protection Fund assessment fees are
40 paid; requiring the commission to charge a late fee
41 for any unpaid assessment; providing an effective
42 date.

43
44 Be It Enacted by the Legislature of the State of Florida:

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46 Section 1. Present subsection (6) of section 1004.015,
47 Florida Statutes, is redesignated as subsection (7), and a new
48 subsection (6) is added to that section, to read:

49 1004.015 Higher Education Coordinating Council.—

50 (6) The council shall review unresolved complaints relating
51 to nonpublic postsecondary educational institutions which are
52 forwarded to the council from the Commission for Independent
53 Education. The council shall make a final determination
54 regarding each unresolved complaint and shall notify all parties
55 to the complaint of the determination.

56 Section 2. Section 1005.04, Florida Statutes, is amended to
57 read:

58 1005.04 Fair consumer practices.—

59 (1) Every institution that is under the jurisdiction of the
60 commission or is exempt from the jurisdiction or purview of the
61 commission pursuant to s. 1005.06(1)(c) or (f) and that either

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62 directly or indirectly solicits a student for enrollment ~~any~~
63 ~~student~~ shall do all of the following:

64 (a) Disclose to each prospective student a statement of the
65 purpose of the ~~such~~ institution, its educational programs and
66 curricula, a description of its physical facilities, its status
67 regarding licensure, its fee schedule and policies regarding
68 retaining student fees if a student withdraws, and a statement
69 regarding the transferability of credits to and from other
70 institutions. The institution shall make the required
71 disclosures in writing at least 1 week before ~~prior to~~
72 enrollment or collection of any tuition from the prospective
73 student. The required disclosures may be made in the
74 institution's current catalog.;

75 (b) Provide to each prospective student and enrolled
76 student, in a document separate from the institution's current
77 catalog, a written statement that the institution makes no claim
78 or guarantee that any credits earned will transfer to another
79 institution unless a transfer agreement has been made with the
80 other institution.

81 (c) Provide to each prospective student and enrolled
82 student, in a document separate from the institution's current
83 catalog, an estimated salary the student can expect after
84 completing a program; the percentage of students working in
85 their field of study after graduation; any licensing
86 requirements for each program, including the passage rate of the
87 licensing exam; the average debt a student may incur for each
88 program; the number of students who enter each program; and the
89 number of students who successfully complete each program.

90 (d) ~~(b)~~ Use a reliable method to assess, before accepting a

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91 student into a program, the student's ability to complete
92 successfully the course of study for which he or she has
93 applied.~~†~~

94 (e)~~(e)~~ Inform each student accurately about financial
95 assistance and obligations for repayment of loans; describe any
96 employment placement services provided and the limitations
97 thereof; and refrain from promising or implying guaranteed
98 placement, market availability, or salary amounts.~~†~~

99 (f)~~(d)~~ Provide to prospective and enrolled students
100 accurate information regarding the relationship of its programs
101 to state licensure requirements for practicing related
102 occupations and professions in Florida.~~†~~

103 (g)~~(e)~~ Ensure that all advertisements are accurate and not
104 misleading.~~†~~

105 (h)~~(f)~~ Publish and follow an equitable prorated refund
106 policy for all students, and follow both the federal refund
107 guidelines for students receiving federal financial assistance
108 and the minimum refund guidelines set by commission rule.~~†~~

109 (i)~~(g)~~ Follow the requirements of state and federal laws
110 that require annual reporting with respect to crime statistics
111 and physical plant safety and make those reports available to
112 the public.~~†~~~~and~~

113 (j)~~(h)~~ Publish and follow procedures for handling student
114 complaints, disciplinary actions, and appeals.

115 (2) In addition, institutions that are required to be
116 licensed by the commission shall disclose to prospective
117 students that additional information regarding the institution
118 may be obtained by contacting the Commission for Independent
119 Education, Department of Education, Tallahassee.

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120 Section 3. Subsection (2) of section 1005.34, Florida
121 Statutes, is amended to read:

122 1005.34 Fair consumer practices; condition of operation.—
123 The commission shall adopt rules to ensure the protection of
124 students, including rules establishing fair consumer practices
125 pursuant to s. 1005.04.

126 (2) An individual who has a complaint or grievance against
127 an institution that is under the jurisdiction or purview of the
128 commission must make a reasonable effort to obtain satisfaction
129 directly from the institution through the institution's
130 established procedures. If a solution cannot be reached, the
131 individual may file a written complaint with the commission. The
132 complaint must include any relevant evidence and documentation
133 that a reasonable effort was made to resolve the complaint
134 directly with the institution. The commission shall may examine
135 any complaint against an institution under its jurisdiction and,
136 if the institution is found to be routinely handling these
137 matters correctly, the complaint shall be considered closed. An
138 individual may appeal the decision of the commission with the
139 Higher Education Coordinating Council. The commission must
140 forward all related information to the council. The council
141 shall review all material related to the complaint and make a
142 final determination regarding the complaint and provide the
143 commission with a written copy of the determination. Final
144 determinations made by the council shall be forwarded by the
145 institution to its accrediting agency. If the accrediting agency
146 takes any action against the institution due to the final
147 determination of the council, the institution must notify the
148 commission of the action ~~Complaints under this subsection~~

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149 ~~against accredited institutions, if not resolved, shall be~~
150 ~~forwarded to the accrediting agency for any appropriate action.~~
151 ~~The institution shall notify the commission of any and all~~
152 ~~actions taken by the accrediting agency in response to the~~
153 ~~complaint.~~

154 Section 4. Subsection (2) of section 1005.36, Florida
155 Statutes, is amended to read:

156 1005.36 Institutional closings.—

157 (2) At least 30 days before ~~prior to~~ closing, an
158 institution's institution, its owners, directors, or
159 administrators shall submit an institutional closing plan to
160 notify the commission in writing of the closure of the
161 institution.

162 (a) An institutional closing plan must include, but is not
163 limited to, the following:

164 1. Information regarding the educational programs offered
165 by the institution, including the number of students enrolled in
166 each program, the level of student program completion, and any
167 financial obligations of the program.

168 2. Plans for notifying the students and faculty of the
169 institution's closure.

170 3. Plans for completing the training of its current
171 students.

172 4. Similar educational programs that are available in the
173 area, including those schools' completion rates, passage rates
174 of licensing exams for each educational program, and the cost of
175 attendance ~~The owners, directors, and administrators must~~
176 ~~organize an orderly closure of the institution, which means at~~
177 ~~least providing for the completion of training of its students.~~

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178 (b) An institutional closing plan must be approved by the
179 commission, and an institution may not admit new students after
180 submitting the plan to the commission ~~must approve any such~~
181 ~~plan.~~

182 (c) An owner, director, or administrator who fails to
183 notify the commission at least 30 days before ~~prior to~~ the
184 institution's closure, or who fails to organize the orderly
185 closure of the institution and the trainout of the students,
186 commits a misdemeanor of the second degree, punishable as
187 provided in s. 775.082 or s. 775.083.

188 (d) Within 6 months after the closing of an institution,
189 the commission shall provide the President of the Senate and the
190 Speaker of the House of Representatives a detailed report that
191 describes why the institution closed; the outcomes of the
192 institution's students, including, but not limited to, the
193 percentage of students who enrolled in a similar educational
194 program elsewhere and the percentage of credits that were
195 transferable to the other institution; and the amount of funds
196 in the Student Protection Fund which was provided to the
197 institution or any payments made to students.

198 Section 5. Present subsections (6) and (7) of section
199 1005.37, Florida Statutes, are redesignated as subsections (7)
200 and (8), respectively, and a new subsection (6) is added to that
201 section, to read:

202 1005.37 Student Protection Fund.—

203 (6) A licensed institution that has an unpaid assessment
204 fee may not enroll additional students until the assessment fee
205 is paid. The commission must charge a late fee for any unpaid
206 assessment.

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Section 6. This act shall take effect July 1, 2016.