

By Senator Bean

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1 A bill to be entitled
2 An act relating to postsecondary distance education;
3 creating s. 1000.35, F.S.; authorizing this state to
4 participate in a reciprocity agreement for delivery of
5 postsecondary distance education; providing
6 definitions; establishing the Postsecondary Reciprocal
7 Distance Education Coordinating Council within the
8 Department of Education; providing a purpose;
9 requiring the Commission for Independent Education to
10 provide administrative support for the council;
11 providing membership and duties of the council;
12 requiring the council to propose an annual fee
13 schedule and collect fees from Florida institutions
14 participating in the reciprocity agreement; requiring
15 the State Board of Education to approve the fee
16 schedule; providing for deposit of such fees into a
17 specified trust fund; authorizing the council to
18 revoke a Florida institution's participation in the
19 reciprocity agreement for noncompliance; authorizing
20 such institution to withdraw from participation in the
21 reciprocity agreement after providing notice;
22 exempting council decisions from the Administrative
23 Procedure Act; providing that provisions relating to
24 the jurisdiction of the commission are not superseded;
25 requiring the state board to adopt rules; amending s.
26 1005.06, F.S.; providing that the commission does not
27 have jurisdiction over certain non-Florida
28 institutions participating in the reciprocity
29 agreement; amending s. 1005.31, F.S.; conforming a
30 provision to changes made by the act; providing an
31 effective date.
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33 Be It Enacted by the Legislature of the State of Florida:

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35 Section 1. Section 1000.35, Florida Statutes, is created to
36 read:

37 1000.35 Reciprocity agreement.—

38 (1) The purpose of this section is to authorize this state
39 to participate in a reciprocity agreement with other states for
40 the delivery of postsecondary distance education. Each member
41 state or institution participating in the reciprocity agreement
42 must accept the accreditation standards and criteria of each
43 other member state and institution participating in the
44 reciprocity agreement to offer postsecondary distance education.

45 (2) For purposes of this section, the term:

46 (a) "Commission" means the Commission for Independent
47 Education.

48 (b) "Complaint" means a formal assertion in writing that a
49 person, institution, state, agency, or other entity operating
50 under the reciprocity agreement has violated the terms of the
51 reciprocity agreement or the laws, standards, or regulations
52 incorporated therein.

53 (c) "Council" means the Postsecondary Reciprocal Distance
54 Education Coordinating Council, which serves as the single
55 portal agency designated by the state to administer the
56 reciprocity agreement and serves as the interstate point of
57 contact for questions, complaints, and other matters related to
58 the reciprocity agreement.

59 (d) "Department" means the Department of Education.

60 (e) "Florida institution" means a postsecondary educational
61 institution in this state approved by the council to participate

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62 in the reciprocity agreement.

63 (f) "Institution" means a public or private postsecondary
64 educational institution that is accredited by a federally
65 recognized accrediting body and that awards, at a minimum,
66 associate-level degrees requiring at least 2 years of full-time
67 equivalent college coursework.

68 (g) "Member state" means a state, territory, or district
69 within the United States that has been approved to participate
70 in the reciprocity agreement.

71 (h) "Non-Florida institution" means an institution approved
72 by a member state other than this state to participate in the
73 reciprocity agreement.

74 (i) "Reciprocity agreement" means an agreement that
75 establishes reciprocity between member states to authorize
76 institutions to offer postsecondary distance education in such
77 states pursuant to the terms and conditions in the agreement.

78 (j) "State board" means the State Board of Education.

79 (3) The council is established within the department for
80 the purpose of administering the reciprocity agreement, and
81 except as otherwise provided in this subsection, shall operate
82 consistent with s. 20.052.

83 (a) The council shall consist of the Chancellor of the
84 State University System, the Chancellor of the Florida College
85 System, the Chancellor of the Division of Career and Adult
86 Education, the Executive Director of the Commission for
87 Independent Education, and the President of the Independent
88 Colleges and Universities of Florida. The commission shall
89 provide administrative support for the council.

90 (b) The council shall:

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91 1. Apply for this state to participate as a member of the
92 reciprocity agreement;

93 2. Serve as the portal agency for the administration of the
94 reciprocity agreement;

95 3. Review and approve applications from institutions in
96 this state to participate in the reciprocity agreement and
97 establish an appeals process for institutions that are not
98 approved to participate in the reciprocity agreement;

99 4. Ensure compliance by Florida institutions with the terms
100 and provisions of the reciprocity agreement;

101 5. Comply with the terms and provisions of the reciprocity
102 agreement relating to any member state, Florida institution, or
103 non-Florida institution;

104 6. Comply with the reporting requirements in the
105 reciprocity agreement and post any required reports on the
106 council's website;

107 7. Develop and administer a complaint resolution process
108 for complaints related to the reciprocity agreement for which
109 all available remedies at a Florida institution have been
110 exhausted;

111 8. Delegate any responsibilities, obligations, or
112 authorities to the commission's staff necessary for the
113 administration of this state's participation in the reciprocity
114 agreement; and

115 9. Recommend rules necessary to administer this section for
116 adoption by the state board.

117 (c) The council shall propose an annual fee schedule and
118 collect fees from each Florida institution participating in the
119 reciprocity agreement. The fees shall be commensurate with the

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120 costs incurred by the council and the commission for
121 administering the reciprocity agreement. The council shall
122 submit the proposed fee schedule to the state board for
123 approval. The department shall include the approved fee schedule
124 in its legislative budget request which takes effect unless
125 revised in the General Appropriations Act. All fees collected
126 pursuant to this paragraph shall be submitted through the
127 department to the Chief Financial Officer for deposit into a
128 separate account within the Institutional Assessment Trust Fund.
129 Any fee authorized by the council is nonrefundable unless paid
130 in error.

131 (d) The council may revoke a Florida institution's
132 participation in the reciprocity agreement if the council
133 determines such institution is not in compliance with the terms
134 and provisions of the reciprocity agreement.

135 (e) A Florida institution may withdraw from participation
136 in the reciprocity agreement by submitting notice of its intent
137 to withdraw to the council which shall become effective at the
138 beginning of the next academic term after receipt of such
139 notice.

140 (f) Decisions by the council are not subject to chapter
141 120.

142 (4) This section does not supersede the requirements in
143 chapter 1005 relating to postsecondary educational institutions
144 under the jurisdiction of the commission.

145 (5) The state board shall adopt rules to implement this
146 section.

147 Section 2. Paragraph (h) is added to subsection (1) of
148 section 1005.06, Florida Statutes, to read:

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149 1005.06 Institutions not under the jurisdiction or purview
150 of the commission.—

151 (1) Except as otherwise provided in law, the following
152 institutions are not under the jurisdiction or purview of the
153 commission and are not required to obtain licensure:

154 (h) Any non-Florida institution that has been approved by a
155 member state to participate in a reciprocity agreement, as those
156 terms are defined in s. 1000.35(2), entered into by the
157 Postsecondary Reciprocal Distance Education Coordinating Council
158 under s. 1000.35, and offers degree programs and conducts
159 activities that are limited to distance education degree
160 programs and activities in accordance with the reciprocity
161 agreement.

162 Section 3. Subsection (11) of section 1005.31, Florida
163 Statutes, is amended to read:

164 1005.31 Licensure of institutions.—

165 (11) The commission shall establish minimum standards for
166 the approval of agents. The commission may adopt rules to ensure
167 that licensed agents meet these standards and uphold the intent
168 of this chapter. An agent may not solicit prospective students
169 in this state for enrollment in any independent postsecondary
170 educational institution under the commission's purview or in any
171 out-of-state independent postsecondary educational institution
172 unless the agent has received a license as prescribed by the
173 commission or solicits for a postsecondary educational
174 institution that is not under the jurisdiction of the commission
175 pursuant to s. 1005.06(1)(h).

176 Section 4. This act shall take effect upon becoming a law.