

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	_____	(Y/N)
ADOPTED AS AMENDED	_____	(Y/N)
ADOPTED W/O OBJECTION	_____	(Y/N)
FAILED TO ADOPT	_____	(Y/N)
WITHDRAWN	_____	(Y/N)
OTHER		

1 Committee/Subcommittee hearing bill: Post-Secondary Education
 2 Subcommittee

3 Representative Mariano offered the following:

4
 5 **Amendment (with title amendment)**
 6 Remove everything after the enacting clause and insert:
 7 Section 1. Section 1000.35, Florida Statutes, is created
 8 to read:

9 1000.35 State Authorization Reciprocity Agreement.-
 10 (1) The purpose of this section is to authorize this
 11 state's participation in the State Authorization Reciprocity
 12 Agreement (SARA) as established by the Southern Regional
 13 Education Board (SREB) and the National Council for State
 14 Authorization Reciprocity Agreements (NC-SARA) relative to
 15 postsecondary distance education as defined in the SARA. All
 16 parties to the SARA must be willing to accept each other's

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17 authorization of accredited institutions to operate in their
18 state to offer distance educational services beyond state
19 boundaries.

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

21 (a) "Commission" means the Commission for Independent
22 Education.

23 (b) "Complaint" means a formal assertion in writing that a
24 person, institution, state, agency, or other entity operating
25 under the SARA has violated the terms of the SARA or the laws,
26 standards, or regulations incorporated therein.

27 (c) "Council" means the Postsecondary Reciprocal Distance
28 Education Coordinating Council, which serves as the single
29 portal entity designated by the state to administer the SARA and
30 serves as the interstate point of contact for SARA-related
31 questions, complaints, and other matters related to the SARA.

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

33 (e) "Florida SARA institution" means a postsecondary
34 institution in this state approved by the council to participate
35 in the SARA.

36 (f) "Institution" means a public or private postsecondary
37 degree-granting college or university that is accredited by a
38 federally recognized accrediting body and that awards, at a
39 minimum, associate-level degrees requiring at least 2 years of
40 full-time equivalent college work.

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41 (g) "Member state" means a state, territory, or district
42 within the United States that has been approved to participate
43 in the SARA.

44 (h) "Non-Florida SARA institution" means an institution
45 approved by a member state other than this state to participate
46 in the SARA.

47 (i) "SREB" means the Southern Regional Education Board.

48 (j) "State Authorization Reciprocity Agreement" or "SARA"
49 means the agreement that establishes reciprocity between member
50 states that accept other member states' authorization of
51 accredited institutions to operate in their states to offer
52 distance educational services beyond state boundaries pursuant
53 to the terms and conditions set forth in the agreement.

54 (k) "State board" means the State Board of Education.

55 (3) The council is created within the department for the
56 purpose of administering the SARA. The council shall consist of
57 the Chancellor of the State University System, the Chancellor of
58 the Florida College System, the Chancellor of the Division of
59 Career and Adult Education, the executive director of the
60 commission, and the president of the Independent Colleges and
61 Universities of Florida. The commission shall provide
62 administrative support for the council. The council shall:

63 (a) Within 60 days after the effective date of this act,
64 apply for this state to participate as a member of the SARA
65 pursuant to the procedures established by the SREB;

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66 (b) Serve as the single portal entity for administration
67 of the SARA;

68 (c) Review and approve applications from institutions in
69 this state to participate in the SARA and establish an appeals
70 process for institutions that are not approved to participate in
71 the SARA;

72 (d) Ensure compliance by Florida SARA institutions with
73 the terms and provisions of the SARA, including, but not limited
74 to, accreditation and institutional quality, consumer
75 information and protection, disclosure and reporting
76 requirements, complaint mechanisms, and financial
77 responsibility;

78 (e) Comply with the terms and provisions of the SARA
79 relating to any member state, Florida SARA institution, or non-
80 Florida SARA institution;

81 (f) Comply with the reporting requirements in the SARA and
82 post all such reports on the council's website;

83 (g) Consistent with the complaint resolution processes in
84 the SARA, develop and administer a complaint resolution process
85 to resolve SARA-related complaints after all complaint processes
86 in place at a Florida SARA institution have been exhausted by
87 the complainant;

88 (h) Delegate any responsibilities, obligations, or
89 authorities necessary for the administration of this state's
90 participation in the SARA to the commission's staff; and

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91 (i) Recommend rules necessary to administer this section
92 for adoption by the state board.

93 (4) The council shall propose an annual fee schedule and
94 collect fees from each Florida SARA institution. The fees shall
95 be commensurate with the costs incurred by the council and
96 commission to administer the SARA and shall be based on a
97 graduated scale of institutional enrollment. The council shall
98 propose an annual fee schedule to generate the amount of revenue
99 necessary for its operations. The proposed fee schedule shall be
100 submitted to the state board for approval. The department shall
101 include the approved fee schedule in its legislative budget
102 request which takes effect unless revised by the Legislature in
103 the General Appropriations Act. All fees collected pursuant to
104 this subsection shall be submitted through the department to the
105 Chief Financial Officer for deposit into a separate account
106 within the Institutional Assessment Trust Fund. Any fee
107 authorized by the council is nonrefundable unless paid in error.

108 (5) The council may revoke a Florida SARA institution's
109 approval to participate in the SARA if the council determines
110 such institution is not in compliance with the terms and
111 provisions of the SARA.

112 (6) A Florida SARA institution may withdraw from
113 participation as a Florida SARA institution by submitting notice
114 of its intent to withdraw to the council, which shall become

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115 | effective at the beginning of the next academic term after
116 | receipt of such notice.

117 | (7) Decisions of the council are not subject to chapter
118 | 120.

119 | (8) This section does not supersede the requirements in
120 | chapter 1005 relating to postsecondary educational institutions
121 | under the jurisdiction of the commission.

122 | (9) The state board shall adopt rules to implement this
123 | section.

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

126 | 1005.06 Institutions not under the jurisdiction or purview
127 | of the commission.—

128 | (1) Except as otherwise provided in law, the following
129 | institutions are not under the jurisdiction or purview of the
130 | commission and are not required to obtain licensure:

131 | (h) Any non-Florida institution that has been approved by
132 | a member state to participate in the State Authorization
133 | Reciprocity Agreement (SARA), as those terms are defined in s.
134 | 1000.35(2), if the degree programs that may be offered and the
135 | activities that may be conducted by such institution in this
136 | state are limited to the distance education degree programs and
137 | activities provided in and consistent with the terms and
138 | provisions of the SARA.

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

141 1005.31 Licensure of institutions.—

142 (11) The commission shall establish minimum standards for
143 the approval of agents. The commission may adopt rules to ensure
144 that licensed agents meet these standards and uphold the intent
145 of this chapter. An agent may not solicit prospective students
146 in this state for enrollment in any independent postsecondary
147 educational institution under the commission's purview or in any
148 out-of-state independent postsecondary educational institution
149 unless the agent has received a license as prescribed by the
150 commission or solicits for a postsecondary educational
151 institution that is not under the jurisdiction of the commission
152 pursuant to s. 1005.06(1)(h).

153 Section 4. The Division of Law Revision and Information is
154 directed to replace the phrase "the effective date of this act"
155 wherever it occurs in this act with the date this act becomes a
156 law.

157 Section 5. This act shall take effect upon becoming a law.

158
159 -----

160 **T I T L E A M E N D M E N T**

161 Remove everything before the enacting clause and insert:

162 A bill to be entitled

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163 An act relating to postsecondary distance education; creating s.
164 1000.35, F.S.; authorizing this state to participate in the
165 State Authorization Reciprocity Agreement (SARA) for delivery of
166 postsecondary distance education; providing definitions;
167 establishing the Postsecondary Reciprocal Distance Education
168 Coordinating Council within the Department of Education;
169 requiring the Commission for Independent Education to provide
170 administrative support for the council; providing membership and
171 duties of the council; requiring the council to propose an
172 annual fee schedule and collect fees from Florida SARA
173 institutions; requiring the State Board of Education to approve
174 the fee schedule; providing for deposit of such fees into a
175 specified trust fund; authorizing the council to revoke a
176 Florida SARA institution's participation for noncompliance;
177 authorizing such institution to withdraw from participation in
178 the SARA after providing notice; exempting council decisions
179 from the Administrative Procedure Act; providing that provisions
180 relating to the jurisdiction of the commission are not
181 superseded; requiring the state board to adopt rules; amending
182 s. 1005.06, F.S.; providing that the commission does not have
183 jurisdiction over certain non-Florida institutions participating
184 in the SARA; amending s. 1005.31, F.S.; authorizing the
185 solicitation of prospective students for enrollment in certain
186 postsecondary educational institutions; providing a directive to

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187 | the Division of Law Revision and Information; providing an
188 | effective date.