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LEGISLATIVE ACTION

Senate	.	House
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Floor: 1/AE/2R	.	Floor: SENA1/C
05/01/2017 04:07 PM	.	05/04/2017 02:39 PM
	.	

Senator Bean moved the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

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

1000.35 Reciprocity agreement.-

(1) The purpose of this section is to authorize this state
to participate in a reciprocity agreement with other states for
the delivery of postsecondary distance education. Each member
state or institution participating in a reciprocity agreement



12 must accept each other's authorization of accredited
13 institutions to operate in their state to offer distance
14 educational services beyond state boundaries.

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

16 (a) "Commission" means the Commission for Independent
17 Education.

18 (b) "Complaint" means a formal assertion in writing that a
19 person, institution, state, agency, or other entity operating
20 under a reciprocity agreement has violated the terms of a
21 reciprocity agreement or the laws, standards, or regulations
22 incorporated therein.

23 (c) "Council" means the Postsecondary Reciprocal Distance
24 Education Coordinating Council, which serves as the single
25 portal entity designated by the state to administer a
26 reciprocity agreement and serves as the interstate point of
27 contact for questions, complaints, and other matters related to
28 a reciprocity agreement.

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

30 (e) "Florida institution" means a postsecondary educational
31 institution approved by the council to participate in a
32 reciprocity agreement.

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

38 (g) "Member state" means a state, territory, or district of
39 the United States which has been approved to participate in a
40 reciprocity agreement.



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41 (h) "Non-Florida institution" means an institution approved
42 by a member state other than this state to participate in a
43 reciprocity agreement.

44 (i) "Reciprocity agreement" means an agreement that
45 establishes reciprocity between a member state that accepts
46 other member states' authorization of accredited institutions to
47 operate in their states to offer distance educational services
48 beyond state boundaries pursuant to the terms and conditions set
49 forth in the agreement.

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

51 (3) The council is created within the department for the
52 purpose of administering a reciprocity agreement. The council
53 shall consist of the following persons or their designees: the
54 Chancellor of the State University System, the Chancellor of the
55 Florida College System, the Commissioner of Education, the
56 executive director of the commission, and the president of the
57 Independent Colleges and Universities of Florida. The commission
58 shall provide administrative support for the council. The
59 council shall:

60 (a) Within 60 days after the effective date of this act,
61 apply for this state to participate as a member state of a
62 reciprocity agreement;

63 (b) Serve as the single portal entity for administration of
64 a reciprocity agreement;

65 (c) Review and approve applications from institutions in
66 this state to participate in a reciprocity agreement and
67 establish an appeals process for institutions that are not
68 approved to participate in a reciprocity agreement;

69 (d) Ensure compliance by Florida institutions with the



70 terms and provisions of a reciprocity agreement, including, but
71 not limited to, accreditation and institutional quality,
72 consumer information and protection, disclosure and reporting
73 requirements, complaint mechanisms, and financial
74 responsibility;

75 (e) Comply with the terms and provisions of a reciprocity
76 agreement relating to any member state, Florida institution, or
77 non-Florida institution;

78 (f) Comply with the reporting requirements in a reciprocity
79 agreement and post all such reports on the council's website;

80 (g) Consistent with the complaint resolution processes in a
81 reciprocity agreement, develop and administer a complaint
82 resolution process to resolve complaints related to a
83 reciprocity agreement after all complaint processes in place at
84 a Florida institution have been exhausted by the complainant;

85 (h) Delegate any responsibilities, obligations, or
86 authorities necessary for the administration of this state's
87 participation in a reciprocity agreement to the commission's
88 staff; and

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

91 (4) The Governor may request that the council convene for
92 the purpose of reconsidering this state's participation in a
93 reciprocity agreement. The council shall provide a
94 recommendation to the Governor within 14 days. Regardless of the
95 council's recommendation, or lack thereof, the Governor may
96 withdraw this state from participation in a reciprocity
97 agreement. Such withdrawal shall take effect 90 days after the
98 Governor's decision or by the end of the current academic term



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99 of each participating Florida institution, whichever occurs
100 later. For purposes of this subsection, the term "current
101 academic term" means the academic term in which a participating
102 Florida institution has enrolled students at the time of the
103 Governor's decision to withdraw. If the Governor decides to
104 withdraw this state from participation in a reciprocity
105 agreement, each participating Florida institution must provide
106 the end date of its current academic term to the council.

107 (5) The council shall collect an annual fee from each
108 Florida institution participating in a reciprocity agreement.
109 The fee shall be based on the Florida institution's total full-
110 time equivalent (FTE) enrollment as shown in the Integrated
111 Postsecondary Education Data System and shall be assessed as
112 follows:

113 (a) Not to exceed \$1,500 per year for a Florida institution
114 participating in a reciprocity agreement with fewer than 2,500
115 total FTE enrollment.

116 (b) Not to exceed \$3,000 per year for a Florida institution
117 participating in a reciprocity agreement with at least 2,500 but
118 not more than 9,999 total FTE enrollment.

119 (c) Not to exceed \$4,500 per year for a Florida institution
120 participating in a reciprocity agreement with 10,000 or more
121 total FTE enrollment.

122
123 Within the limitations imposed under this subsection, the fee
124 shall be set at an amount that will generate no more than the
125 total revenue necessary for the council's operation. The council
126 shall lower the fee if the total revenue generated is higher
127 than the total revenue necessary for the council's operation. By



128 February 15, 2018, and each February 15 thereafter, the council
129 shall submit a report to the Governor, the President of the
130 Senate, and the Speaker of the House of Representatives. The
131 report must show that the total revenue generated is not higher
132 than the total revenue necessary for the council's operation,
133 must include a justification of staff needed for the council,
134 and must include the number of Florida institutions
135 participating in a reciprocity agreement. All fees collected
136 pursuant to this subsection shall be submitted by the department
137 to the Chief Financial Officer for deposit into a separate
138 account within the Institutional Assessment Trust Fund. Any fee
139 collected by the council pursuant to this subsection is
140 nonrefundable unless paid in error.

141 (6) The council may revoke a Florida institution's approval
142 to participate in a reciprocity agreement if the council
143 determines that such institution is not in compliance with the
144 terms and provisions of the reciprocity agreement.

145 (7) A Florida institution participating in a reciprocity
146 agreement may withdraw from participation in the reciprocity
147 agreement by submitting notice of its intent to withdraw to the
148 council, which shall become effective at the beginning of the
149 next academic term after receipt of such notice.

150 (8) Decisions of the council are not subject to chapter
151 120.

152 (9) This section does not supersede the requirements in
153 chapter 1005 relating to postsecondary educational institutions
154 under the jurisdiction of the commission.

155 (10) The state board shall adopt rules to implement this
156 section.



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

159 1005.06 Institutions not under the jurisdiction or purview
160 of the commission.—

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

164 (h) Any non-Florida institution that has been approved by a
165 member state to participate in a reciprocity agreement, as those
166 terms are defined in s. 1000.35(2), if the degree programs that
167 may be offered and the activities that may be conducted by such
168 institution in this state are limited to the distance education
169 degree programs and activities provided in and consistent with
170 the terms and provisions of the reciprocity agreement.

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

173 1005.31 Licensure of institutions.—

174 (11) The commission shall establish minimum standards for
175 the approval of agents. The commission may adopt rules to ensure
176 that licensed agents meet these standards and uphold the intent
177 of this chapter. An agent may not solicit prospective students
178 in this state for enrollment in any independent postsecondary
179 educational institution under the commission's purview or in any
180 out-of-state independent postsecondary educational institution
181 unless the agent has received a license as prescribed by the
182 commission or solicits for a postsecondary educational
183 institution that is not under the jurisdiction of the commission
184 pursuant to s. 1005.06(1) (h).

185 Section 4. Subsection (1) of section 1010.83, Florida



186 Statutes, is amended, and paragraph (d) is added to subsection
187 (2) of that section, to read:

188 1010.83 Institutional Assessment Trust Fund.—

189 (1) Chapter 99-32, Laws of Florida, re-created the
190 Institutional Assessment Trust Fund to be administered by the
191 Department of Education pursuant to this section and rules of
192 the State Board of Education. The trust fund shall consist of:

193 (a) All fees and fines imposed upon nonpublic colleges and
194 schools pursuant to chapter 1005 and this chapter, including all
195 fees collected from nonpublic colleges and schools for
196 participation in the Student Protection Fund pursuant to s.
197 1005.37.

198 (b) All fees imposed upon nonpublic colleges and schools
199 for participation in the statewide course numbering system
200 pursuant to s. 1007.24.

201 (c) All fees collected from institutions for participation
202 in a reciprocity agreement pursuant to s. 1000.35.

203
204 The department shall maintain separate accounts for the
205 operation of the Commission for Independent Education, the
206 Student Protection Fund, a reciprocity agreement pursuant to s.
207 1000.35, and the Department of Education ~~all fees and fines~~
208 ~~imposed upon nonpublic colleges and schools pursuant to this~~
209 ~~chapter and chapter 1005, including all fees collected from~~
210 ~~nonpublic colleges and schools for participation in the Student~~
211 ~~Protection Fund and the statewide course numbering system. The~~
212 ~~department shall maintain separate accounts for the operation of~~
213 ~~the Commission for Independent Education; the Student Protection~~
214 ~~Fund; and the Department of Education.~~



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215 (2) Funds from the trust fund shall be used for purposes
216 including, but not limited to, the following:

217 (d) Expenses authorized by the Department of Education
218 related to a reciprocity agreement.

219 Section 5. For the 2017-2018 fiscal year, the sum of
220 \$225,534 in recurring funds is appropriated from the
221 Institutional Assessment Trust Fund to the Department of
222 Education and two full-time equivalent positions with associated
223 salary rate of 110,000 are authorized for the purpose of
224 implementing the requirements of this act.

225 Section 6. The Division of Law Revision and Information is
226 directed to replace the phrase "the effective date of this act"
227 wherever it occurs in this act with the date this act becomes a
228 law.

229 Section 7. This act shall take effect upon becoming a law.
230

231 ===== T I T L E A M E N D M E N T =====

232 And the title is amended as follows:

233 Delete everything before the enacting clause
234 and insert:

235 A bill to be entitled

236 An act relating to postsecondary distance education;
237 creating s. 1000.35, F.S.; providing a purpose;
238 defining terms; establishing the Postsecondary
239 Reciprocal Distance Education Coordinating Council
240 within the Department of Education; requiring the
241 Commission for Independent Education to provide
242 administrative support for the council; providing
243 membership and duties of the council; authorizing the



244 Governor to request the council to convene for the
245 purpose of reconsidering participation in a
246 reciprocity agreement; requiring the council to
247 provide recommendations to the Governor within a
248 specified period after such request; authorizing the
249 Governor to withdraw the state from participation in a
250 reciprocity agreement; defining the term "current
251 academic term"; requiring the council to collect
252 annual fees from Florida institutions participating in
253 a reciprocity agreement based on total full-time
254 equivalent enrollment; requiring the council to submit
255 an annual report to the Governor and the Legislature
256 by a specified date; providing for deposit of such
257 fees into a specified trust fund; specifying that such
258 fees are nonrefundable unless paid in error;
259 authorizing the council to revoke a Florida
260 institution's participation in a reciprocity agreement
261 for noncompliance; authorizing a Florida institution
262 to withdraw from participation in a reciprocity
263 agreement after providing notice; exempting council
264 decisions from the Administrative Procedure Act;
265 providing that provisions relating to the jurisdiction
266 of the commission are not superseded; requiring the
267 State Board of Education to adopt rules; amending s.
268 1005.06, F.S.; providing that the commission does not
269 have jurisdiction over certain non-Florida
270 institutions participating in a reciprocity agreement;
271 amending s. 1005.31, F.S.; authorizing an agent to
272 solicit prospective students for enrollment in certain



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273 postsecondary educational institutions; amending s.
274 1010.83, F.S.; requiring that the Institutional
275 Assessment Trust Fund administered by the department
276 consist of certain fees and fines; requiring the
277 department to maintain a separate account within such
278 trust fund for the operation of a reciprocity
279 agreement; authorizing the use of funds from such
280 trust fund for certain expenses related to
281 administration of a reciprocity agreement; providing
282 an appropriation; providing a directive to the
283 Division of Law Revision and Information; providing an
284 effective date.