

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24          the jurisdiction of the commission are not superseded;  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; providing an effective date.

31 |  
 32 | Be It Enacted by the Legislature of the State of Florida:

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

36 | 1000.35 Reciprocity agreement.-

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

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

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

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

51 incorporated therein.

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

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

59 (e) "Florida institution" means a postsecondary  
60 educational institution approved by the council to participate  
61 in the reciprocity agreement.

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

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

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

73 (i) "Reciprocity agreement" means an agreement that  
74 establishes reciprocity between member states to authorize  
75 institutions to offer postsecondary distance education in such

76 states pursuant to the terms and conditions in the agreement.

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

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

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

89 (b) The council shall:

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

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

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

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

100 5. Comply with the terms and provisions of the reciprocity

101 agreement relating to any member state, Florida institution, or  
102 non-Florida institution.

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

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

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

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

116 (c) The council shall propose an annual fee schedule and  
117 collect fees from each Florida institution participating in the  
118 reciprocity agreement. The fees shall be commensurate with the  
119 costs incurred by the council and the commission for  
120 administering the reciprocity agreement. The council shall  
121 submit the proposed fee schedule to the state board for  
122 approval. The department shall include the approved fee schedule  
123 in its legislative budget request which takes effect unless  
124 revised in the General Appropriations Act. All fees collected  
125 pursuant to this paragraph shall be submitted through the

126 department to the Chief Financial Officer for deposit into a  
127 separate account within the Institutional Assessment Trust Fund.  
128 Any fee authorized by the council is nonrefundable unless paid  
129 in error.

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

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

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

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

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

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

148 1005.06 Institutions not under the jurisdiction or purview  
149 of the commission.—

150 (1) Except as otherwise provided in law, the following

151 institutions are not under the jurisdiction or purview of the  
152 commission and are not required to obtain licensure:

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

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

163 1005.31 Licensure of institutions.—

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

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