



744338

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/27/2017	.	
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The Committee on Education (Bean) recommended 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 State Authorization Reciprocity Agreement.—

(1) The purpose of this section is to authorize this
state's participation in the State Authorization Reciprocity
Agreement (SARA) as established by the Southern Regional
Education Board (SREB) and the National Council for State



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12 Authorization Reciprocity Agreements (NC-SARA) relative to
13 postsecondary distance education as defined in the SARA. All
14 parties to the SARA must be willing to accept each other's
15 authorization of accredited institutions to operate in their
16 state to offer distance educational services beyond state
17 boundaries.

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

19 (a) "Commission" means the Commission for Independent
20 Education.

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

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

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

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

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

39 (g) "Member state" means a state, territory, or district
40 within the United States that has been approved to participate



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41 in the SARA.

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

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

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

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

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

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

64 (b) Serve as the single portal entity for administration of
65 the SARA;

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



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

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

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

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

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

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

90 (4) The council shall propose an annual fee schedule and
91 collect fees from each Florida SARA institution. The fees shall
92 be commensurate with the costs incurred by the council and
93 commission to administer the SARA and shall be based on a
94 graduated scale of institutional enrollment. The council shall
95 propose an annual fee schedule to generate the amount of revenue
96 necessary for its operations. The proposed fee schedule shall be
97 submitted to the state board for approval. The department shall
98 include the approved fee schedule in its legislative budget



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99 request which takes effect unless revised by the Legislature in
100 the General Appropriations Act. All fees collected pursuant to
101 this subsection shall be submitted through the department to the
102 Chief Financial Officer for deposit into a separate account
103 within the Institutional Assessment Trust Fund. Any fee
104 authorized by the council is nonrefundable unless paid in error.

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

109 (6) A Florida SARA institution may withdraw from
110 participation as a Florida SARA institution by submitting notice
111 of its intent to withdraw to the council, which shall become
112 effective at the beginning of the next academic term after
113 receipt of such notice.

114 (7) Decisions of the council are not subject to chapter
115 120.

116 (8) This section does not supersede the requirements in
117 chapter 1005 relating to postsecondary educational institutions
118 under the jurisdiction of the commission.

119 (9) The state board shall adopt rules to implement this
120 section.

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

123 1005.06 Institutions not under the jurisdiction or purview
124 of the commission.—

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



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

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

138 1005.31 Licensure of institutions.—

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

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

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

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



157 And the title is amended as follows:

158 Delete everything before the enacting clause
159 and insert:

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



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186 jurisdiction over certain non-Florida institutions
187 participating in the SARA; amending s. 1005.31, F.S.;
188 authorizing the solicitation of prospective students
189 for enrollment in certain postsecondary educational
190 institutions; providing a directive to the Division of
191 Law Revision and Information; providing an effective
192 date.