

By the Committee on Education; and Senator Bean

581-02932-17

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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 the State Authorization Reciprocity
5 Agreement (SARA) for delivery of postsecondary
6 distance education; providing definitions;
7 establishing the Postsecondary Reciprocal Distance
8 Education Coordinating Council within the Department
9 of Education; requiring the Commission for Independent
10 Education to provide administrative support for the
11 council; providing membership and duties of the
12 council; requiring the council to propose an annual
13 fee schedule and collect fees from Florida SARA
14 institutions; requiring the proposed fee schedule to
15 be submitted to the State Board of Education for
16 approval; providing for deposit of such fees into a
17 specified trust fund; authorizing the council to
18 revoke a Florida SARA institution's participation for
19 noncompliance; authorizing such institution to
20 withdraw from participation in the SARA after
21 providing notice; exempting council decisions from the
22 Administrative Procedure Act; providing that
23 provisions relating to the jurisdiction of the
24 commission are not superseded; requiring the state
25 board to adopt rules; amending s. 1005.06, F.S.;
26 providing that the commission does not have
27 jurisdiction over certain non-Florida institutions
28 participating in the SARA; amending s. 1005.31, F.S.;
29 authorizing the solicitation of prospective students

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30 for enrollment in certain postsecondary educational
31 institutions; providing a directive to the Division of
32 Law Revision and Information; providing an effective
33 date.

34
35 Be It Enacted by the Legislature of the State of Florida:

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

39 1000.35 State Authorization Reciprocity Agreement.—

40 (1) The purpose of this section is to authorize this
41 state's participation in the State Authorization Reciprocity
42 Agreement (SARA) as established by the Southern Regional
43 Education Board (SREB) and the National Council for State
44 Authorization Reciprocity Agreements (NC-SARA) relative to
45 postsecondary distance education as defined in the SARA. All
46 parties to the SARA must be willing to accept each other's
47 authorization of accredited institutions to operate in their
48 state to offer distance educational services beyond state
49 boundaries.

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

51 (a) "Commission" means the Commission for Independent
52 Education.

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

57 (c) "Council" means the Postsecondary Reciprocal Distance
58 Education Coordinating Council, which serves as the single

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59 portal entity designated by the state to administer the SARA and
60 serves as the interstate point of contact for SARA-related
61 questions, complaints, and other matters related to the SARA.

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

63 (e) "Florida SARA institution" means a postsecondary
64 institution in this state approved by the council to participate
65 in the SARA.

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

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

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

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

78 (j) "State Authorization Reciprocity Agreement" or "SARA"
79 means the agreement that establishes reciprocity between member
80 states that accept other member states' authorization of
81 accredited institutions to operate in their states to offer
82 distance educational services beyond state boundaries pursuant
83 to the terms and conditions set forth in the agreement.

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

85 (3) The council is created within the department for the
86 purpose of administering the SARA. The council shall consist of
87 the Chancellor of the State University System, the Chancellor of

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88 the Florida College System, the Chancellor of the Division of
89 Career and Adult Education, the executive director of the
90 commission, and the president of the Independent Colleges and
91 Universities of Florida. The commission shall provide
92 administrative support for the council. The council shall:

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

96 (b) Serve as the single portal entity for administration of
97 the SARA;

98 (c) Review and approve applications from institutions in
99 this state to participate in the SARA and establish an appeals
100 process for institutions that are not approved to participate in
101 the SARA;

102 (d) Ensure compliance by Florida SARA institutions with the
103 terms and provisions of the SARA, including, but not limited to,
104 accreditation and institutional quality, consumer information
105 and protection, disclosure and reporting requirements, complaint
106 mechanisms, and financial responsibility;

107 (e) Comply with the terms and provisions of the SARA
108 relating to any member state, Florida SARA institution, or non-
109 Florida SARA institution;

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

112 (g) Consistent with the complaint resolution processes in
113 the SARA, develop and administer a complaint resolution process
114 to resolve SARA-related complaints after all complaint processes
115 in place at a Florida SARA institution have been exhausted by
116 the complainant;

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

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

122 (4) The council shall propose an annual fee schedule and
123 collect fees from each Florida SARA institution. The fees shall
124 be commensurate with the costs incurred by the council and
125 commission to administer the SARA and shall be based on a
126 graduated scale of institutional enrollment. The council shall
127 propose an annual fee schedule to generate the amount of revenue
128 necessary for its operations. The proposed fee schedule shall be
129 submitted to the state board for approval. The department shall
130 include the approved fee schedule in its legislative budget
131 request which takes effect unless revised by the Legislature in
132 the General Appropriations Act. All fees collected pursuant to
133 this subsection shall be submitted through the department to the
134 Chief Financial Officer for deposit into a separate account
135 within the Institutional Assessment Trust Fund. Any fee
136 authorized by the council is nonrefundable unless paid in error.

137 (5) The council may revoke a Florida SARA institution's
138 approval to participate in the SARA if the council determines
139 such institution is not in compliance with the terms and
140 provisions of the SARA.

141 (6) A Florida SARA institution may withdraw from
142 participation as a Florida SARA institution by submitting notice
143 of its intent to withdraw to the council, which shall become
144 effective at the beginning of the next academic term after
145 receipt of such notice.

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146 (7) Decisions of the council are not subject to chapter
147 120.

148 (8) This section does not supersede the requirements in
149 chapter 1005 relating to postsecondary educational institutions
150 under the jurisdiction of the commission.

151 (9) The state board shall adopt rules to implement this
152 section.

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

155 1005.06 Institutions not under the jurisdiction or purview
156 of the commission.—

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

160 (h) Any non-Florida institution that has been approved by a
161 member state to participate in the State Authorization
162 Reciprocity Agreement (SARA), as those terms are defined in s.
163 1000.35(2), if the degree programs that may be offered and the
164 activities that may be conducted by such institution in this
165 state are limited to the distance education degree programs and
166 activities provided in and consistent with the terms and
167 provisions of the SARA.

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

170 1005.31 Licensure of institutions.—

171 (11) The commission shall establish minimum standards for
172 the approval of agents. The commission may adopt rules to ensure
173 that licensed agents meet these standards and uphold the intent
174 of this chapter. An agent may not solicit prospective students

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175 in this state for enrollment in any independent postsecondary
176 educational institution under the commission's purview or in any
177 out-of-state independent postsecondary educational institution
178 unless the agent has received a license as prescribed by the
179 commission or solicits for a postsecondary educational
180 institution that is not under the jurisdiction of the commission
181 pursuant to s. 1005.06(1) (h).

182 Section 4. The Division of Law Revision and Information is
183 directed to replace the phrase "the effective date of this act"
184 wherever it occurs in this act with the date this act becomes a
185 law.

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