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LEGISLATIVE ACTION

Senate

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House

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Floor: 1/RE/2R

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05/01/2017 04:05 PM

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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



968838

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.



968838

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 Chancellor of the State University System,
54 the Chancellor of the Florida College System, the Commissioner
55 of Education, the Executive Director of the commission, and the
56 president of the Independent Colleges and Universities of
57 Florida. The commission shall provide administrative support for
58 the council. The council shall:

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

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

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

68 (d) Ensure compliance by Florida institutions with the
69 terms and provisions of a reciprocity agreement, including, but



968838

70 not limited to, accreditation and institutional quality,
71 consumer information and protection, disclosure and reporting
72 requirements, complaint mechanisms, and financial
73 responsibility;

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

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

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

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

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

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

98 (5) The council shall collect an annual fee from each



968838

99 Florida institution participating in a reciprocity agreement.
100 The fee shall be based on the Florida institution's total full-
101 time equivalent (FTE) enrollment as shown in the Integrated
102 Postsecondary Education Data System and shall be assessed as
103 follows:
104 (a) Not to exceed \$1,500 per year for a Florida institution
105 participating in a reciprocity agreement with fewer than 2,500
106 total FTE enrollment.
107 (b) Not to exceed \$3,000 per year for a Florida institution
108 participating in a reciprocity agreement with at least 2,500 but
109 not more than 9,999 total FTE enrollment.
110 (c) Not to exceed \$4,500 per year for a Florida institution
111 participating in a reciprocity agreement with 10,000 or more
112 total FTE enrollment.
113
114 Within the limitations imposed under this subsection, the fee
115 shall be set at an amount that will generate no more than the
116 total revenue necessary for the council's operation. The council
117 shall lower the fee if the total revenue generated is higher
118 than the total revenue necessary for the council's operation. By
119 February 15, 2018, and each February 15 thereafter, the council
120 shall submit a report to the Governor, the President of the
121 Senate, and the Speaker of the House of Representatives. The
122 report must show that the total revenue generated is not higher
123 than the total revenue necessary for the council's operation,
124 must include a justification of staff needed for the council,
125 and must include the number of Florida institutions
126 participating in a reciprocity agreement. All fees collected
127 pursuant to this subsection shall be submitted by the department



968838

128 to the Chief Financial Officer for deposit into a separate
129 account within the Institutional Assessment Trust Fund. Any fee
130 collected by the council pursuant to this subsection is
131 nonrefundable unless paid in error.

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

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

141 (8) Decisions of the council are not subject to chapter
142 120.

143 (9) This section does not supersede the requirements in
144 chapter 1005 relating to postsecondary educational institutions
145 under the jurisdiction of the commission.

146 (10) The state board shall adopt rules to implement this
147 section.

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

150 1005.06 Institutions not under the jurisdiction or purview
151 of the commission.—

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

155 (h) Any non-Florida institution that has been approved by a
156 member state to participate in a reciprocity agreement, as those



968838

157 terms are defined in s. 1000.35(2), if the degree programs that
158 may be offered and the activities that may be conducted by such
159 institution in this state are limited to the distance education
160 degree programs and activities provided in and consistent with
161 the terms and provisions of the reciprocity agreement.

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

164 1005.31 Licensure of institutions.—

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

176 Section 4. Subsection (1) of section 1010.83, Florida
177 Statutes, is amended, and paragraph (d) is added to subsection
178 (2) of that section, to read:

179 1010.83 Institutional Assessment Trust Fund.—

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

184 (a) All fees and fines imposed upon nonpublic colleges and
185 schools pursuant to chapter 1005 and this chapter, including all



968838

186 fees collected from nonpublic colleges and schools for
187 participation in the Student Protection Fund pursuant to s.
188 1005.37.

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

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

194
195 The department shall maintain separate accounts for the
196 operation of the Commission for Independent Education, the
197 Student Protection Fund, a reciprocity agreement pursuant to s.
198 1000.35, and the Department of Education all fees and fines
199 imposed upon nonpublic colleges and schools pursuant to this
200 chapter and chapter 1005, including all fees collected from
201 nonpublic colleges and schools for participation in the Student
202 Protection Fund and the statewide course numbering system. The
203 department shall maintain separate accounts for the operation of
204 the Commission for Independent Education; the Student Protection
205 Fund; and the Department of Education.

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

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

210 Section 5. For the 2017-2018 fiscal year, the sum of
211 \$225,534 in recurring funds is appropriated from the
212 Institutional Assessment Trust Fund to the Department of
213 Education and two full-time equivalent positions with associated
214 salary rate of 110,000 are authorized for the purpose of



968838

215 implementing the requirements of this act.

216 Section 6. The Division of Law Revision and Information is
217 directed to replace the phrase "the effective date of this act"
218 wherever it occurs in this act with the date this act becomes a
219 law.

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

221
222 ===== T I T L E A M E N D M E N T =====

223 And the title is amended as follows:

224 Delete everything before the enacting clause
225 and insert:

226 A bill to be entitled
227 An act relating to postsecondary distance education;
228 creating s. 1000.35, F.S.; providing a purpose;
229 defining terms; establishing the Postsecondary
230 Reciprocal Distance Education Coordinating Council
231 within the Department of Education; requiring the
232 Commission for Independent Education to provide
233 administrative support for the council; providing
234 membership and duties of the council; authorizing the
235 Governor to request the council to convene for the
236 purpose of reconsidering participation in a
237 reciprocity agreement; requiring the council to
238 provide recommendations to the Governor within a
239 specified period after such request; authorizing the
240 Governor to withdraw the state from participation in a
241 reciprocity agreement; requiring the council to
242 collect annual fees from Florida institutions
243 participating in a reciprocity agreement based on



244 total full-time equivalent enrollment; requiring the
245 council to submit an annual report to the Governor and
246 the Legislature by a specified date; providing for
247 deposit of such fees into a specified trust fund;
248 specifying that such fees are nonrefundable unless
249 paid in error; authorizing the council to revoke a
250 Florida institution's participation in a reciprocity
251 agreement for noncompliance; authorizing a Florida
252 institution to withdraw from participation in a
253 reciprocity agreement after providing notice;
254 exempting council decisions from the Administrative
255 Procedure Act; providing that provisions relating to
256 the jurisdiction of the commission are not superseded;
257 requiring the State Board of Education to adopt rules;
258 amending s. 1005.06, F.S.; providing that the
259 commission does not have jurisdiction over certain
260 non-Florida institutions participating in a
261 reciprocity agreement; amending s. 1005.31, F.S.;
262 authorizing an agent to solicit prospective students
263 for enrollment in certain postsecondary educational
264 institutions; amending s. 1010.83, F.S.; requiring
265 that the Institutional Assessment Trust Fund
266 administered by the department consist of certain fees
267 and fines; requiring the department to maintain a
268 separate account within such trust fund for the
269 operation of a reciprocity agreement; authorizing the
270 use of funds from such trust fund for certain expenses
271 related to administration of a reciprocity agreement;
272 providing an appropriation; providing a directive to



968838

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