

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 State Board of Education
15 to approve the fee schedule; providing for deposit of
16 such fees into a specified trust fund; authorizing the
17 council to revoke a Florida SARA institution's
18 participation for noncompliance; authorizing such
19 institution to withdraw from participation in the SARA
20 after providing notice; exempting council decisions
21 from the Administrative Procedure Act; providing that
22 provisions relating to the jurisdiction of the
23 commission are not superseded; requiring the state
24 board to adopt rules; amending s. 1005.06, F.S.;
25 providing that the commission does not have

26 | jurisdiction over certain non-Florida institutions
 27 | participating in the SARA; amending s. 1005.31, F.S.;
 28 | authorizing the solicitation of prospective students
 29 | for enrollment in certain postsecondary educational
 30 | institutions; providing a directive to the Division of
 31 | Law Revision and Information; providing an effective
 32 | date.

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

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

38 | 1000.35 State Authorization Reciprocity Agreement.-

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

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

50 | (a) "Commission" means the Commission for Independent

51 Education.

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

56 (c) "Council" means the Postsecondary Reciprocal Distance
57 Education Coordinating Council, which serves as the single
58 portal entity designated by the state to administer the SARA and
59 serves as the interstate point of contact for SARA-related
60 questions, complaints, and other matters related to the SARA.

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

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

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

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

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

76 | (i) "SREB" means the Southern Regional Education Board.
 77 | (j) "State Authorization Reciprocity Agreement" or "SARA"
 78 | means the agreement that establishes reciprocity between member
 79 | states that accept other member states' authorization of
 80 | accredited institutions to operate in their states to offer
 81 | distance educational services beyond state boundaries pursuant
 82 | to the terms and conditions set forth in the agreement.
 83 | (k) "State board" means the State Board of Education.
 84 | (3) The council is created within the department for the
 85 | purpose of administering the SARA. The council shall consist of
 86 | the Chancellor of the State University System, the Chancellor of
 87 | the Florida College System, the Chancellor of the Division of
 88 | Career and Adult Education, the executive director of the
 89 | commission, and the president of the Independent Colleges and
 90 | Universities of Florida. The commission shall provide
 91 | administrative support for the council. The council shall:
 92 | (a) Within 60 days after the effective date of this act,
 93 | apply for this state to participate as a member of the SARA
 94 | pursuant to the procedures established by the SREB;
 95 | (b) Serve as the single portal entity for administration
 96 | of the SARA;
 97 | (c) Review and approve applications from institutions in
 98 | this state to participate in the SARA and establish an appeals
 99 | process for institutions that are not approved to participate in
 100 | the SARA;

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

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.

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
161 a 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
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.