

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 collect annual fees  
13          from Florida SARA institutions based on total full-  
14          time equivalent enrollment; requiring the council to  
15          submit an annual report to the Governor and  
16          Legislature by a specified date; providing for deposit  
17          of such fees into a specified trust fund; specifying  
18          that such fees are nonrefundable unless paid in error;  
19          authorizing the council to revoke a Florida SARA  
20          institution's participation for noncompliance;  
21          authorizing such institution to withdraw from  
22          participation in the SARA after providing notice;  
23          exempting council decisions from the Administrative  
24          Procedure Act; providing that provisions relating to  
25          the jurisdiction of the commission are not superseded;

26 requiring the state board to adopt rules; amending s.  
 27 1005.06, F.S.; providing that the commission does not  
 28 have jurisdiction over certain non-Florida  
 29 institutions participating in the SARA; amending s.  
 30 1005.31, F.S.; authorizing the solicitation of  
 31 prospective students for enrollment in certain  
 32 postsecondary educational institutions; amending s.  
 33 1010.83, F.S.; requiring that the Institutional  
 34 Assessment Trust Fund administered by the department  
 35 consist of certain fees; requiring the department to  
 36 maintain separate accounts within such trust fund for  
 37 specified operations; authorizing the use of funds  
 38 from such trust fund for certain expenses related to  
 39 administration of the SARA; providing an  
 40 appropriation; providing a directive to the Division  
 41 of Law Revision and Information; providing an  
 42 effective date.

44 Be It Enacted by the Legislature of the State of Florida:

46 Section 1. Section 1000.35, Florida Statutes, is created  
 47 to read:

48 1000.35 State Authorization Reciprocity Agreement.—  
 49 (1) The purpose of this section is to authorize this  
 50 state's participation in the State Authorization Reciprocity

51 Agreement (SARA) as established by the Southern Regional  
52 Education Board (SREB) and the National Council for State  
53 Authorization Reciprocity Agreements (NC-SARA) relative to  
54 postsecondary distance education as defined in the SARA. All  
55 parties to the SARA must be willing to accept each other's  
56 authorization of accredited institutions to operate in their  
57 state to offer distance educational services beyond state  
58 boundaries.

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

60 (a) "Commission" means the Commission for Independent  
61 Education.

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

66 (c) "Council" means the Postsecondary Reciprocal Distance  
67 Education Coordinating Council, which serves as the single  
68 portal entity designated by the state to administer the SARA and  
69 serves as the interstate point of contact for SARA-related  
70 questions, complaints, and other matters related to the SARA.

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

72 (e) "Florida SARA institution" means a postsecondary  
73 institution in this state approved by the council to participate  
74 in the SARA.

75 (f) "Institution" means a public or private postsecondary

76 | degree-granting college or university that is accredited by a  
77 | federally recognized accrediting body and that awards, at a  
78 | minimum, associate-level degrees requiring at least 2 years of  
79 | full-time equivalent college work.

80 | (g) "Member state" means a state, territory, or district  
81 | within the United States that has been approved to participate  
82 | in the SARA.

83 | (h) "Non-Florida SARA institution" means an institution  
84 | approved by a member state other than this state to participate  
85 | in the SARA.

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

87 | (j) "State Authorization Reciprocity Agreement" or "SARA"  
88 | means the agreement that establishes reciprocity between member  
89 | states that accept other member states' authorization of  
90 | accredited institutions to operate in their states to offer  
91 | distance educational services beyond state boundaries pursuant  
92 | to the terms and conditions set forth in the agreement.

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

94 | (3) The council is created within the department for the  
95 | purpose of administering the SARA. The council shall consist of  
96 | the Chancellor of the State University System, the Chancellor of  
97 | the Florida College System, the Chancellor of the Division of  
98 | Career and Adult Education, the executive director of the  
99 | commission, and the president of the Independent Colleges and  
100 | Universities of Florida. The commission shall provide

101 administrative support for the council. The council shall:

102 (a) Within 60 days after the effective date of this act,

103 apply for this state to participate as a member of the SARA

104 pursuant to the procedures established by the SREB;

105 (b) Serve as the single portal entity for administration

106 of the SARA;

107 (c) Review and approve applications from institutions in

108 this state to participate in the SARA and establish an appeals

109 process for institutions that are not approved to participate in

110 the SARA;

111 (d) Ensure compliance by Florida SARA institutions with

112 the terms and provisions of the SARA, including, but not limited

113 to, accreditation and institutional quality, consumer

114 information and protection, disclosure and reporting

115 requirements, complaint mechanisms, and financial

116 responsibility;

117 (e) Comply with the terms and provisions of the SARA

118 relating to any member state, Florida SARA institution, or non-

119 Florida SARA institution;

120 (f) Comply with the reporting requirements in the SARA and

121 post all such reports on the council's website;

122 (g) Consistent with the complaint resolution processes in

123 the SARA, develop and administer a complaint resolution process

124 to resolve SARA-related complaints after all complaint processes

125 in place at a Florida SARA institution have been exhausted by

126 the complainant;

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

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

132 (4) The council shall collect an annual fee from each  
133 Florida SARA institution. The fee shall be based on the Florida  
134 SARA institution's total full-time equivalent (FTE) enrollment  
135 as shown in the Integrated Postsecondary Education Data System  
136 and shall be assessed as follows:

137 (a) Not to exceed \$1,500 per year for a Florida SARA  
138 institution with fewer than 2,500 total FTE enrollment;

139 (b) Not to exceed \$3,000 per year for a Florida SARA  
140 institution with at least 2,500 but not more than 9,999 total  
141 FTE enrollment;

142 (c) Not to exceed \$4,500 per year for a Florida SARA  
143 institution with 10,000 or more total FTE enrollment.

144  
145 Within the limitations imposed under this subsection, the fee  
146 shall be set at an amount that will generate no more than the  
147 total revenue necessary for the council's operation. The council  
148 shall lower the fee if the total revenue generated is higher  
149 than the total revenue necessary for the council's operation. By  
150 February 15, 2018, and each February 15 thereafter, the council

151 shall submit a report to the Governor, the President of the  
152 Senate, and the Speaker of the House of Representatives. The  
153 report must show that the total revenue generated is not higher  
154 than the total revenue necessary for the council's operation,  
155 must include a justification of staff needed for the council,  
156 and must include the number of Florida SARA institutions. All  
157 fees collected pursuant to this subsection shall be submitted by  
158 the department to the Chief Financial Officer for deposit into a  
159 separate account within the Institutional Assessment Trust Fund.  
160 Any fee collected by the council pursuant to this subsection is  
161 nonrefundable unless paid in error.

162 (5) The council may revoke a Florida SARA institution's  
163 approval to participate in the SARA if the council determines  
164 such institution is not in compliance with the terms and  
165 provisions of the SARA.

166 (6) A Florida SARA institution may withdraw from  
167 participation as a Florida SARA institution by submitting notice  
168 of its intent to withdraw to the council, which shall become  
169 effective at the beginning of the next academic term after  
170 receipt of such notice.

171 (7) Decisions of the council are not subject to chapter  
172 120.

173 (8) This section does not supersede the requirements in  
174 chapter 1005 relating to postsecondary educational institutions  
175 under the jurisdiction of the commission.

176       (9) The state board shall adopt rules to implement this  
 177 section.

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

180       1005.06 Institutions not under the jurisdiction or purview  
 181 of the commission.—

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

185       (h) Any non-Florida institution that has been approved by  
 186 a member state to participate in the State Authorization  
 187 Reciprocity Agreement (SARA), as those terms are defined in s.  
 188 1000.35(2), if the degree programs that may be offered and the  
 189 activities that may be conducted by such institution in this  
 190 state are limited to the distance education degree programs and  
 191 activities provided in and consistent with the terms and  
 192 provisions of the SARA.

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

195       1005.31 Licensure of institutions.—

196       (11) The commission shall establish minimum standards for  
 197 the approval of agents. The commission may adopt rules to ensure  
 198 that licensed agents meet these standards and uphold the intent  
 199 of this chapter. An agent may not solicit prospective students  
 200 in this state for enrollment in any independent postsecondary



201 educational institution under the commission's purview or in any  
202 out-of-state independent postsecondary educational institution  
203 unless the agent has received a license as prescribed by the  
204 commission or solicits for a postsecondary educational  
205 institution that is not under the jurisdiction of the commission  
206 pursuant to s. 1005.06(1)(h).

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

210 1010.83 Institutional Assessment Trust Fund.—

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

215 (a) All fees and fines imposed upon nonpublic colleges and  
216 schools pursuant to chapter 1005 and this chapter, including all  
217 fees collected from nonpublic colleges and schools for  
218 participation in the Student Protection Fund pursuant to s.  
219 1005.37.

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

223 (c) All fees collected from institutions for participation  
224 in the State Authorization Reciprocity Agreement (SARA) pursuant  
225 to s. 1000.35.

226  
227 The department shall maintain separate accounts for the  
228 operation of the Commission for Independent Education, the  
229 Student Protection Fund, the SARA, and the Department of  
230 Education ~~all fees and fines imposed upon nonpublic colleges and~~  
231 ~~schools pursuant to this chapter and chapter 1005, including all~~  
232 ~~fees collected from nonpublic colleges and schools for~~  
233 ~~participation in the Student Protection Fund and the statewide~~  
234 ~~course numbering system. The department shall maintain separate~~  
235 ~~accounts for the operation of the Commission for Independent~~  
236 ~~Education; the Student Protection Fund; and the Department of~~  
237 ~~Education.~~

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

240 (d) Expenses authorized by the Department of Education  
241 related to the administration of the SARA.

242 Section 5. For the 2017-2018 fiscal year, the sum of  
243 \$225,534 in recurring funds is appropriated from the  
244 Institutional Assessment Trust Fund to the Department of  
245 Education and two full-time equivalent positions with associated  
246 salary rate of 110,000 are authorized for the purpose of  
247 implementing the requirements of this act.

248 Section 6. The Division of Law Revision and Information is  
249 directed to replace the phrase "the effective date of this act"  
250 wherever it occurs in this act with the date this act becomes a

251 | law.

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