

SHEEO State Authorization Inventory

Florida

Last Updated: May 2013

Please note: For purposes of this survey, the terms “authorize” and “authorization” are used generically to include approve, certify, license, regulate, recognize, empower, or similar actions relative to the operation, provision, or availability of postsecondary education in your state.

1. Agency and Contact Information

- a. Agency Name: **Commission for Independent Education
Florida Department of Education**
- o Description:
The Commission for Independent Education has approval and licensing authority over all independent postsecondary institutions. Any out-of-state institution that has a physical presence in Florida (even a public institution of higher education) is considered “independent” for the purposes of the Commission.
 - o Contacts:
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Florida Department of Education
850-245-3200
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Commission for Independent Education
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Commission for Independent Education
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max.ketterman@fldoe.org

- o Please state who institutions should contact if they have questions about your agency's authority, policies, or application process?

Handled by staff members on a rotating basis – call 850-245-3200

b. Links:

<http://www.fldoe.org/cie/>

c. According to our records, the following agencies also have responsibility for authorization in the state.

None.

d. If the division of responsibility among these agencies is not clear, please explain.

2. Types of Educational Providers Authorized

a. Please indicate the types of institutions that your agency authorizes, using the list below. Please answer “yes” or “no” to each item. Feel free to provide a short explanation of any ambiguity, including any necessary clarification of “in-state,” “out of state,” or other terminology.

No Public, in-state degree granting institutions

Yes Public, out-of-state degree granting institutions

Some Private, in-state, not-for-profit degree granting institutions

Yes Private, out-of-state, not-for-profit degree granting institutions

Yes Private, in-state, for-profit degree granting institutions

Yes Private, out-of-state, for-profit degree granting institutions

No Public, in-state, non-degree granting institutions

Yes Public, out-of-state, non-degree granting institutions

Yes Non degree, not-for profit institutions

Yes Non degree, for-profit institutions

No Religious institutions (*see comments below*)

No Tribally-controlled institutions

Clarifying comments:

Religious institutions must submit an annual affidavit stating that their purpose/programs are non-secular. Any secular programs offered at these institutions must be licensed by the Commission.

b. Is an institution required to obtain approval from more than one agency to be authorized in your state (excluding purely programmatic approvals)? If so, please explain.

No.

c. Is accreditation required for an institution to be authorized in your state?

No.

- If yes, please explain:
- If yes, what type of accreditation is required? Please, check all that apply as appropriate.

Regional
 National
 Programmatic/specialized

Clarifying comments:

d. Does your agency authorize specific academic programs offered by institutions or only institutions themselves?

The Commission licenses both institutions and programs (see Comments about Religious Institutions).

e. Programs in certain subject areas that may require separate approval.

Nursing

Board of Nursing (850) 245-4444

Allied Health Professions and related programs

See below.

Others [please list]

Board of Massage 850-245-4161

Barbers Board 850-487-1395

Board of Cosmetology 850-487-1395

3. Exemptions

a. Are certain institutions or programs exempt by law or policy from your state authorization requirements?

Yes (Not exempt - known as "not under the jurisdiction")

- If yes, please describe which institutions or programs the exemption applies to and how it works? If available, please provide any pertinent web links.

http://www.leg.state.fl.us/statutes/index.cfm?App_mode=Display_Statute&URL=1000-1099/1005/1005.html

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

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

(a) Any postsecondary educational institution provided, operated, or supported by this state, its political subdivisions, or the Federal Government.

(b) Any college, school, or course licensed or approved for establishment and operation under part I of chapter 464, chapter 466, or chapter 475, or any other chapter of the Florida Statutes requiring licensing or approval as defined in this chapter.

(c) Any institution that is under the jurisdiction of the Department of Education, eligible to participate in the William L. Boyd, IV, Florida Resident Access Grant Program and that is a nonprofit independent college or university located and chartered in this state and accredited by the Commission on Colleges of the Southern Association of Colleges and Schools to grant baccalaureate degrees.

(d) Any institution that offers only avocational programs or courses, examination preparation programs or courses, contract training programs or courses, continuing education, or professional development programs or courses.

(e) Any institution that was exempt from licensure in 2001 under s. 246.085(1)(b), Florida Statutes 2001, as long as it maintains these qualifying criteria: the institution is incorporated in this state, the institution's credits or degrees are accepted for credit by at least three colleges that are fully accredited by an agency recognized by the United States Department of Education, the institution was exempt under that category prior to July 1, 1982, and the institution does not enroll any students who receive state or federal financial aid for education. Such an institution shall notify the commission and apply for licensure if it no longer meets these criteria.

(f) A religious college may operate without governmental oversight if the college annually verifies by sworn affidavit to the commission that:

1. The name of the institution includes a religious modifier or the name of a religious patriarch, saint, person, or symbol of the church.

2. The institution offers only educational programs that prepare students for religious vocations as ministers, professionals, or laypersons in the categories of ministry, counseling, theology, education, administration, music, fine arts, media communications, or social work.

3. The titles of degrees issued by the institution cannot be confused with secular degree titles. For this purpose, each degree title must include a religious modifier that immediately precedes, or is included within, any of the following degrees: Associate of Arts, Associate of Science, Bachelor of Arts, Bachelor of Science, Master of Arts, Master of Science, Doctor of Philosophy, and Doctor of Education. The religious modifier must be placed on the title line of the degree, on the transcript, and whenever the title of the degree appears in official school documents or publications.

4. The duration of all degree programs offered by the institution is consistent with the standards of the commission.

5. The institution's consumer practices are consistent with those required by s. 1005.04.

- If yes, how does the institution or program claim an exemption? For example, is the exemption automatic as long as it meets specified criteria, does the institution or program notify the agency and the exemption is granted, is there an application process, etc.?

The "exemption" is automatically granted to qualifying institutions.

- b. If an institution or program is exempt from state authorization, are there any other state requirements that an institution would need to fulfill in order to operate in your state (e.g., providing contact information, list of programs, etc.)?
These requirements are not under our jurisdiction.

- c. Does your state constitution or do your state laws provide any exemptions for religious institutions?

Yes.

- Are all religious institutions exempt (please describe)?

Non-secular programs are exempt from licensure.

- Are religious institutions that award only religious degrees or certificates exempt (please describe)?

Yes.

- Are certain religious institutions exempt that meet other criteria (please describe)?

N/A.

4. Authorization of Distance Education

- a. Does your agency require purely (100%) distance education programs, including online or correspondence study programs that enroll residents of your state, to be authorized without regard to physical presence?

No.

- b. If not, does your agency determine whether an institution must be authorized based on a physical presence or “operating” standard?

Yes.

5. Physical Presence Policy – Common “Triggers”

- a. If your agency uses a physical presence standard, how does your agency define physical presence? If available, please provide a link to that policy or a citation to the relevant regulation giving that standard.

http://www.leg.state.fl.us/statutes/index.cfm?App_mode=Display_Statute&URL=1000-1099/1005/1005.html

(15) “Out-of-state college” or “out-of-state school” means any independent postsecondary educational institution where the place of instruction, the legal place of residence, or the place of evaluation of instruction or work by correspondence or distance education is not within the legal boundaries of this state

- b. Please specify whether any of the following activities would constitute a physical presence or signify “operating” in your state, assuming that the named activity is the institution’s sole activity in your state. **Please answer “yes” or “no” to each question. In addition you may provide a short explanation of any ambiguity.**

- Permitting a student to complete an internship, externship, field experience, or clinical practicum organized by the institution?
Yes, an institution offering medical clerkships in Florida must be licensed by the Commission.
 - Does this apply only to distance education students or more generally?
More generally.
- Permitting a student to complete an internship, externship, field experience, or clinical practicum found by the student acting independently?
No.
 - Does this apply only to distance education students or more generally?
N/A.
- Employing full-time faculty in the state to provide instruction via distance education programs to students in the state?
No.
 - What about adjunct faculty?
No.
- Employing full-time faculty in the state to provide instruction via distance education programs solely to students outside of the state?
No.
 - What about adjunct faculty?
No.
- Having a contract/agreement between the institution and in-state institutions or in-state entities to provide services for students (i.e. library, gym, computer centers, etc.)?
No.
- Organized, consistent, on-the-ground recruiting of students in the state by employees or agents of the institution?
These agents must be licensed by the Commission.
 - What if the agent is only recruiting students in the state on an occasional basis (i.e. at job fairs)?
Yes.

- Advertising in local media sources that are largely viewed by residents of the state?
No.
 - Advertising in national media sources that can be accessed by residents of the state?
No.
 - Having computer servers or other equipment located in the state?
No.
 - Hosting short term, face-to-face, seminars or conferences in the state where students meet in person?
Yes.
 - Employing mentors, tutors, or preceptors in the state to aid students, who are residents of the state, on an individual basis?
No.
 - Requiring a student to take a proctored exam at a location or with an entity in the state prescribed by the institution?
No.
 - Requiring a student to take a proctored exam with an entity in the state chosen by the student but approved by the institution?
No.
- c. Of the activities or conditions listed above that alone would not constitute a physical presence, are there any that if combined would create a physical presence?

6. Application Process

- a. Please provide a short description of the application process to obtain state authorization. If available, please provide web links to the specific references to all applicable state laws, regulations, manuals, forms, or other pertinent documents.
(see text below in 6d)

http://www.fldoe.org/cie/nsa_app1.asp

- b. Generally, how long does it take to approve applications (assuming that the agency has received all required information from the institution)? Please provide a typical range if appropriate.
At least 3 months after submission of an application.
- c. What is the authorization duration?
One year (Annual Renewal required).
- d. What does an institution need to do to maintain authorization?
Please see Attachment 1.
- e. What kinds of information or data must an institution report to your agency as a condition for continued authorization? How frequently is this reported or updated? Is this information published or shared publicly?
Please see Attachment 1.

Institutions must renew licenses annually and inform the Commission of any changes as they occur.

Reported information is public record (with some exceptions for certain financial information)

- f. Can an institution lose its authorized status? If so, how?
Violation of Section 1005, Florida Statutes or Chapter 6E, Florida Administrative Code

<http://www.fldoe.org/cie/rulesandlaw.asp>

Please see Attachment 2.

- g. Can a multi-institutional system or college corporation apply to your agency for authorization on behalf of all of its component institutions? If so, please describe the process.
Each location of an institution is licensed separately.
- h. Would multi-institution public systems be treated the same as multi-location for-profit institutions?
Yes.
- i. What distinctive features in your authorization process would be useful for applicants to know (e.g., certain times during the year that you process applications for authorization, sharing of applications or information about proposed programs with institutions or other stakeholders in your state for comment)?

Please see Attachment 1.

- j. Is your agency currently planning to amend its application process by the end of 2011?
- No.
- o If yes, please provide a brief description of the anticipated change.
 - o If yes, when does the agency expect the change to be fully implemented?

7. Fees Associated with Authorization

- a. Is there an application fee to initiate the authorization process? If so, what is the fee or fee schedule? Please provide a web link if available.

Yes.

http://www.fldoe.org/cie/pdf/chapter6E_rules.pdf

Please see Attachment 3.

- b. Are there any other costs associated with the state authorization process (e.g. site visits, hiring a reviewer, surety bond, tuition recovery fund, agent licensing, etc.)?

Student Protection Fund (for student train-out) for non-degree institutions only (see Attachment 3).

- c. What are the costs, if any, to renew authorization?

See Attachment 3.

- d. What costs are associated with receiving a waiver or exemption to authorization?

No.

8. Interstate Reciprocity

- a. Do your state regulations explicitly allow or prohibit interstate reciprocal agreements about authorization? If so, please describe.

N/A.

- b. What is the process, if any, to obtain a reciprocal agreement with your state?

N/A.

- c. Are there any reciprocal agreements currently in place or under consideration? If so, please list those agreements.
N/A.
- d. If interstate reciprocal agreements are not addressed in your regulations, would your agency consider establishing such agreements? Please elaborate.
N/A.

9. Consumer Protection and Student Complaints

- a. Does your agency have a process for handling complaints about postsecondary institutions or programs?
Yes.

<http://www.fldoe.org/cie/complaint.asp>

- o If yes, please describe the process or provide a web link to the material that describes the complaint process.

To file a complaint against an independent postsecondary institution in Florida, please write a letter or send an e-mail containing the following information:

1. Name of Student (or Complaint)
2. Complainant Address
3. Phone Number
4. Name of Institution
5. Location of the Institution (City)
6. Dates of Attendance
7. A full description of the problem and any other documentation that will support your claim such as enrollment agreements, correspondence, etc.

Send Letter To:

*Commission for Independent Education
325 W. Gaines Street, Suite 1414
Tallahassee, FL. 32399-0400*

Or E-mail: amy.lefstead@fldoe.org

Or Fax: (850) 245-3238

Note: Documents received in this office are considered public record. Confidentiality cannot be guaranteed. This office cannot give legal advice to any individual or take any legal action on behalf of any individual. We will

investigate your complaint to see what assistance, if any, we may be able to offer.

- If yes, does this complaint process extend to institutions not authorized by the agency that may enroll residents of the state (such as explicitly distance education programs with no physical presence or exempt institutions)?
No.
 - If available, please provide a web link to the complaint form.
<http://www.fldoe.org/cie/complaint.asp>
 - Who is the contact person for receiving complaints? Please include name, title, address, phone, and email if available.
See previous section.
- b. If your agency has no formal process for handling complaints related to postsecondary institutions, what state agency would handle a complaint?
N/A.

10. Enforcement

- a. If your agency finds that an institution or program is operating in your state without authorization, what is the resulting warning or enforcement action?
See attachment 4.
- b. Can an institution or program appeal a warning or enforcement action? If yes, please describe the process or provide web links to the regulations/policies.
Yes, by appealing through Florida Division of Administrative Hearings. See attachment 4.

11. Legislative or Regulatory Changes

- a. Is your agency or state legislature planning to amend its regulations or alter its physical presence policy by the end of 2011?
No.
- If yes, please provide a brief description of the anticipated change.
 - If yes, when does the agency expect the change to be fully implemented?

- b. Is your agency or state legislature making changes in your state regulations or statutes so that institutions with locations in your state would be considered legally authorized in accordance with the federal institutional eligibility regulations?

No.

- If yes, please provide a brief description of the anticipated change.
- If yes, when does the agency expect the change to be fully implemented?

- c. Is your agency or state legislature making any other changes in your state regulations or statutes with regard to state authorization?

No.

- If yes, please provide a brief description of the anticipated change.
- If yes, when does the agency expect the change to be fully implemented?

12. Is there anything else about the authorization process in your state that we and others ought to know about?

Attachment 1 – Question 6 d - What does an institution need to do to maintain authorization?

6E-2.004 Standards and Procedures for Licensure. Institutions applying for a license or moving to a new level of licensure or any other Commission action shall provide all required information to the Commission in English. Institutions providing information to students in a language other than English must retain a translation certifying the accuracy of the language of the documents in English. All information and documentation submitted pursuant to the provisions of these rules shall be accompanied by certification signed by the chief administrative officer of the institution, affirming that the information and documentation submitted is accurate. Any application or review which is not substantially complete shall be returned to the institution with a request to complete and resubmit the material.

(1) Standard 1: Name.

(a) An institution's name must clearly indicate that the primary purpose of the institution is education, and must not be misleading to the public. Noncollegiate schools shall not use the words "college" or "university" in their names. No institution shall use a name that may lead the student to believe that the institution is a public institution, unless it is an institution provided, operated, or supported by the State of Florida or its political subdivisions, another state, or the federal government. The license will be issued in the official corporate name, or an official fictitious name if the institution provides documentation that such name is registered with the Florida Secretary of State, or comparable official in the appropriate jurisdiction. If using a fictitious name, the institution must disclose its official corporate name in its catalog.

(b) Use of the Term "College":

1. An institution may use the term "college" in its name if it offers, or if a new applicant for licensure proposes to offer, as the majority of its total offerings and student enrollments, an academic associate degree, a baccalaureate degree, or a graduate or professional degree.
2. If an out-of-state institution whose official name includes the term "college" seeks to operate in Florida and use the term "college" in its name in this state, it must minimally offer in its home state, as the majority of its total offerings and student enrollments, an academic associate degree, a baccalaureate degree, or a graduate or professional degree. If the institution does not meet these criteria in its home state, the Commission shall require the institution to use an appropriate modifying phrase in conjunction with its name in Florida.
3. The institution must lease, contract for, or own facilities in Florida which meet or exceed the minimum standards specified in subsection 6E-2.004(9), F.A.C.
4. The institution must show evidence of continued operations as an educational institution at the college level.

(c) Use of the Term "University":

1. An institution may use the term "university" in its name if it offers, or if a new applicant for licensure proposes to offer, as the majority of its total offerings and student enrollments, a range of undergraduate degree programs and multiple

- graduate degree programs; or if only graduate degrees are offered, a minimum of three graduate degree programs.
2. If an out-of-state institution whose official name includes the term “university” seeks to operate in Florida and use the term “university” in its name in this state, it must minimally offer in its home state, as the majority of its total offerings and student enrollments, a range of undergraduate degree programs and multiple graduate degree programs; or if only graduate degrees are offered, a minimum of three graduate degree programs. If the institution does not meet these criteria in its home state, the Commission shall require the institution to use an appropriate modifying phrase in conjunction with its name in Florida.
 3. The institution must lease, contract for, or own facilities in Florida which meet or exceed the minimum standards specified in subsection 6E-2.004(9), F.A.C.
 4. The institution must show evidence of continued operations as an educational institution at the university level.

(d) Change of Name: All institutions must notify the Commission at least 30 days prior to the institution’s change of name. All institutions must demonstrate to the Commission that the new name will meet the standards given in this rule prior to using the new name, including advertisements or promotions. Accredited institutions must document to the Commission that the accrediting agency has been notified of the change of name.

(2) Standard 2: Purpose.

(a) An institution must adopt a clearly defined purpose or mission statement appropriate to the offerings of the institution, as well as to its specific educational objectives. This statement must describe clearly the characteristics and components of the institution and its operations. The statement of purpose must be accurately stated in the institution’s current catalog.

(b) The statement of purpose serves as a foundation for the institution’s programs and activities. The practice and scope of the institution must be consistent with its statement of purpose. The statement of purpose must be approved by the governing body of the institution and reviewed periodically.

(3) Standard 3: Administrative Organization.

(a) Each institution shall provide a qualified administrative staff and such policies and procedures as are necessary to ensure the accomplishment of its purpose.

(b) Each institution and additional location shall have as its designated administrator a person who has at least two years of supervisory experience in an executive or managerial position in a similar institution or related business.

(c) Each owner (in a privately held corporation or limited liability partnership), director, and administrator of the institution in a management or supervisory position is subject to a criminal justice information investigation pursuant to Section 1005.38, F.S.

(d) Each institution shall have as its chief education/academic officer a person who has attained a minimum of an academic credential or recognition equivalent to the institution’s highest offering, or, in a school, who has a minimum of two years of practical experience in a supervisory, administrative, or teaching position related to the programs offered by the institution.

(e) Pursuant to Section 1005.39, F.S., individuals holding the following or similar positions in licensed institutions shall complete at least eight continuing education contact hours of training related to their positions each year: school director, Florida director, or chief executive officer; chief education/academic officer or director of education or training; placement director; admissions director; and financial aid director. If an individual holds more than one of these positions, the documentation shall indicate for which position the training was appropriate. Records of actual training shall be available for inspection at the institution. Compliance with this requirement is a condition of licensure or renewal of licensure.

(f) Each institution shall be a Florida corporation or limited liability partnership, or be registered as a foreign corporation, pursuant to the requirements of the Florida Secretary of State, or be a public institution in another state. Upon initial licensure and subsequent renewal, the institution must provide proof of active corporate status.

(g) The organizational structure shall reflect the provisions contained in the articles of incorporation, bylaws, and other governing documents, and shall provide a clearly delineated chain of authority and responsibility.

(h) Administrative and academic policies shall be officially adopted and communicated to all appropriate personnel. These policies shall include such matters as responsibilities of administrative officers, faculty qualifications and responsibilities, evaluation and improvement of institutional effectiveness, and other such policies and regulations affecting the members of the institution's faculty, staff, and students.

(4) Standard 4: Educational programs and curricula. The following standards shall apply to all institutions licensed by the Commission for Independent Education, except as expressly stated otherwise.

(a) Programs shall be related to the institution's purpose and organized to provide a sequence which leads to the attaining of competence in the respective area or field of study. Each program name shall not be misleading and shall accurately depict the primary purpose of the program.

(b) Programs preparing the student for an occupation or professional certification shall conform to the standards and training practices generally acceptable by the occupational or professional fields for which students are being prepared. If the practice of the occupation or profession is regulated, licensed, or certified by a state or national agency, the institution must document to the Commission that successful completion of the program will qualify the graduate to take the licensing examination or to receive the appropriate certification.

(c) The amount of time scheduled for a program shall be appropriate to enable the student to acquire marketable and other skills to the extent claimed in the institution's published documents, including the defined objectives and performance outcomes.

(d) Among the policies to be officially adopted by the administration and governing board of an institution offering programs 600 clock hours in length or longer shall be a policy giving faculty a role in the development and continual reassessment of all curricula. The policy shall be published in a faculty handbook, and shall be implemented as published.

(e) For each course to be offered, a syllabus or course outline, required equipment and supplies, and a list of competencies required for successful completion of the course shall be developed by qualified faculty and be provided in writing for all students no later than the first

meeting of each class. A copy of these documents shall be kept in the institution's files and be made available for inspection by representatives of the Commission.

(f) Qualified faculty shall evaluate the competencies of students in each subject or course included in each curriculum, including independent study courses.

(g) It is the responsibility of the institution to demonstrate, upon request of the Commission, that the scope and sequence of a proposed or operating curriculum are consistent with appropriate criteria or standards in the subject matter involved, and of an appropriate level of difficulty for the program to be offered. The Commission shall request assistance from other appropriate regulatory agencies as provided in Section 1005.22(2)(d), F.S., or appoint committees to review curricula, when necessary to ensure that specialized programs contain the appropriate material to prepare students to enter those fields.

(h) Faculty, advisory committees, or other qualified individuals must be involved in the development and ongoing review of curricula.

(i) Educational programs of 600 clock hours in length or longer shall be periodically reviewed by a committee of faculty, administrators, employers, and advisors drawn from relevant community and alumni groups, in an ongoing formalized process of evaluation and revision.

(j) Transferability of credits. At least 25 percent of the credits or hours required for completion of a program must be earned through instruction taken at the institution awarding the credential, unless a different standard has been adopted by the recognized accrediting body accrediting the institution, or by a governmental agency whose policies apply to the institution. This standard shall not apply if any of the training was taken at accredited institutions as defined in Section 1005.02(1), F.S., while the student was a member of the U.S. armed services. Units or credits applied toward the award of a credential may be derived from a combination of any or all of the following:

1. Units or credits earned at and transferred from other postsecondary institutions, when congruent and applicable to the receiving institution's program and when validated and confirmed by the receiving institution.
2. Successful completion of challenge examinations or standardized tests demonstrating learning at the credential level in specific subject matter areas.
3. Prior learning, as validated, evaluated, and confirmed by qualified instructors at the receiving institution.

(k) Any clinical experience, internship, externship, practicum, and other such formal arrangement for which an institution offers credit toward completion of a program, shall be under the supervision of the institution. Written agreements shall be executed between the institution and the entity providing the experience prior to obtaining program approval, delineating each party's responsibilities, the number of hours to be worked by the student, the types of work to be done by the student, the supervision to be given the student, and the method of evaluating the student's work and certifying it to the institution as satisfactory. If such experiences are required for the completion of a program, it is the responsibility of the institution to make prior arrangements for each student enrolled in the program to participate in the necessary experience within the agreed and documented length of time required for completion of and graduation from the program; and the institution's enrollments shall be based upon the availability of qualified clinical experiences, internships, externships, or practicums to serve all students.

(l) Policies regarding course or program cancellations shall be adopted, published, and followed by the institution.

(m) The following instructional program standards apply to nondegree diplomas:

1. Program specifications: The credential offered shall be a diploma or certificate. The duration of the program shall be appropriate for mastery of the subject matter or skills needed to pursue the occupation for which the student is being trained. There are no general education requirements.
2. Each program must have clearly defined and published objectives and occupational performance outcomes, which shall conform with accepted standards set by the Florida Department of Education or other appropriate recognized governmental or professional agencies. Institutions using occupational outcomes different from those set by recognized agencies shall document their justification for using the outcomes selected. For institutions participating in the Statewide Course Numbering System, these objectives and outcomes must conform to the requirements of that system.
3. Basic Skills. An institution offering a program of four hundred fifty (450) or more clock hours or the credit hour equivalent shall administer a basic skills examination to each student who enrolls, unless the student has provided evidence of a high school graduation diploma, general equivalency diploma, or its equivalent. Institutions must maintain copies of students' high school graduation diplomas, general equivalency diplomas, official high school transcripts, or equivalent documentation or procedures, to qualify for this exception. Institutions must utilize a test approved by the United States Department of Education to determine if a student has the ability to benefit from a program of instruction, or obtain written approval from the Commission for a different basic skills test. If the test is not approved by the United States Department of Education and is submitted to the Commission for approval, the submission must include documentation that the test is nationally normed and validated and assesses a student's mastery of basic skills. The test must be administered by an independent tester. Students deemed to lack the required minimal level of basic skills as measured by an approved examination shall, if admitted, be provided with instruction specifically designed to correct the deficiencies. Upon completion of the instruction, these students shall be retested by using an alternative form of the same examination that was used for initial testing, or another approved examination. Work intended to bring students' basic skills up to a postsecondary level of proficiency shall not be counted toward the completion of a course or program.
4. Acceptable admission scores must be in accordance with the standards of the individual examination as it relates to the student program. These minimum test scores must be published in the current school catalog.

(n) The following instructional program standards apply to occupational associate degrees:

1. Program specifications: The credential offered shall be the Associate of Applied Science, Occupational Associate, Associate of Specialized Business, or similar title considered by the Commission to be appropriate and not misleading. The duration of the program shall be a minimum of 1,200 clock hours of instruction, 60 semester credit hours, or 90 quarter credit hours pursuant to subsections 6E-1.003(47) and (49), F.A.C. The required general education component shall be at least 9 semester credit hours or 14 quarter credit hours, or the

recognized clock hour equivalent. General education courses shall meet either of the definitions given in subsection 6E-1.003(6) or (33), F.A.C.

2. Programs must have clearly defined and published objectives and occupational performance outcomes, which shall conform with accepted standards set by the Florida Department of Education or other appropriate recognized governmental or professional agencies. Institutions using occupational outcomes different from those set by recognized agencies shall document their justification for using the outcomes selected. For institutions participating in the Statewide Course Numbering System these objectives and outcomes must conform to the requirements of that system.
3. Basic Skills. An institution offering a program of four hundred fifty (450) or more clock hours or the credit hour equivalent shall administer a basic skills examination to each student who enrolls, unless the student has provided evidence of a high school graduation diploma, general equivalency diploma, or its equivalent. Institutions must maintain copies of students' high school graduation diplomas, general equivalency diplomas, official high school transcripts, or equivalent documentation or procedures, to qualify for this exception. Institutions must utilize a test approved by the United States Department of Education to determine if a student has the ability to benefit from a program of instruction, or obtain written approval from the Commission for a different basic skills test. If the test is not approved by the United States Department of Education and is submitted to the Commission for approval, the submission must include documentation that the test is nationally normed and validated and assesses a student's mastery of basic skills. The test must be administered by an independent tester. Students deemed to lack the required minimal level of basic skills as measured by an approved examination shall, if admitted, be provided with instruction specifically designed to correct the deficiencies. Upon completion of the instruction, these students shall be retested by using an alternative form of the same examination that was used for initial testing, or another approved examination. Work intended to bring students' basic skills up to a postsecondary level of proficiency shall not be counted toward the completion of a course or program.

4. Acceptable admission scores must be in accordance with the standards of the individual examination as it relates to the student program. These minimum test scores must be published in the current school catalog.

(o) The following instructional program standards apply to academic associate degrees:

1. Program specifications: The credential offered shall be the Associate in Science Degree, Associate of Arts Degree, or an associate degree of a different name that is considered by the Commission to be appropriate for an academic associate degree. The duration of the program shall be a minimum of 60 semester credit hours, 90 quarter credit hours, or the recognized clock hour equivalent. The required general education component for the Associate in Science degree shall be a minimum of 15 semester credit hours, 22.5 quarter credit hours, or the recognized clock hour equivalent. The required general education component for the Associate of Arts degree shall be a minimum of 36 semester credit hours, 54 quarter credit hours, or the recognized clock hour equivalent. General education requirements for other academic associate degrees shall be individually reviewed by the Commission to determine whether they are appropriate to the specific degree. Applied general education shall not be utilized to fulfill

this requirement. All general education courses must meet the definition given in subsection 6E-1.003(33), F.A.C.

2. Each program must have clearly defined and published objectives and performance outcomes.

3. Basic Skills. An institution offering academic associate degrees shall administer a basic skills examination to each student who enrolls, unless the student has provided evidence of a high school graduation diploma, general equivalency diploma, or its equivalent. Institutions must maintain copies of students' high school graduation diplomas, general equivalency diplomas, official high school transcripts, or equivalent documentation or procedures, to qualify for this exception. Institutions must utilize a test approved by the United States Department of Education to determine if a student has the ability to benefit from a program of instruction, or obtain written approval from the Commission for a different basic skills test. If the test is not approved by the United States Department of Education and is submitted to the Commission for approval, the submission must include documentation that the test is nationally normed and validated and assesses a student's mastery of basic skills. The test must be administered by an independent tester. Students deemed to lack the required minimal level of basic skills as measured by an approved examination shall, if admitted, be provided with instruction specifically designed to correct the deficiencies. Upon completion of the basic skills instruction, these students shall be retested by using an alternative form of the same examination that was used for initial testing or another approved examination. Work intended to bring students' basic skills up to a postsecondary level of proficiency shall not be counted toward the completion of a course or program.

4. Acceptable admission scores must be in accordance with the standards of the individual examination as it relates to the student program. These minimum test scores must be published in the current school catalog.

(p) The following instructional program standards apply to bachelor's degrees:

1. Program specifications: The credential offered shall be the Bachelor of Science Degree, Bachelor of Arts Degree, or other baccalaureate degree title considered by the Commission to be appropriate and not misleading. The duration of the program shall be a minimum of 120 semester credit hours, 180 quarter credit hours, or the recognized clock hour equivalent. The required general education component for a Bachelor of Science degree shall be a minimum of 30 semester credit hours, 45 quarter credit hours, or the recognized clock hour equivalent. The required general education component for the Bachelor of Arts degree shall be a minimum of 45 semester credit hours, 67.5 quarter credit hours, or the recognized clock hour equivalent. The general education requirements for other bachelor's degrees shall be appropriate to the specific degree. Applied general education shall not be utilized to fulfill this requirement. All general education courses must meet the definition given in subsection 6E-1.003(36), F.A.C. Unless otherwise required by the accrediting agency, a minimum of 15 of the required general education credit hours or the recognized clock hour equivalents must be obtained at the bachelor's level.

1. Each program must have clearly defined and published objectives and performance outcomes.

2. Basic Skills. An institution offering bachelor's degrees shall administer a basic skills examination to each student who enrolls, unless the student has provided evidence of a

high school graduation diploma, general equivalency diploma, or its equivalent. Institutions must maintain copies of students' high school graduation diplomas, general equivalency diplomas, official high school transcripts, or equivalent documentation or procedures, to qualify for this exception. Institutions must utilize a test approved by the United States Department of Education to determine if a student has the ability to benefit from a program of instruction, or obtain written approval from the Commission for a different basic skills test. If the test is not approved by the United States Department of Education and is submitted to the Commission for approval, the submission must include documentation that the test is nationally normed and validated and assesses a student's mastery of basic skills. The test must be administered by an independent tester. Students deemed to lack the required minimal level of basic skills as measured by an approved examination shall, if admitted, be provided with instruction specifically designed to correct the deficiencies. Upon completion of the instruction, these students shall be retested by using an alternative form of the same examination that was used for initial testing, or another approved examination. Work intended to bring students' basic skills up to a postsecondary level of proficiency shall not be counted toward the completion of a course or program.

4. Acceptable admission scores must be in accordance with the standards of the individual examination as it relates to the student program. These minimum test scores must be published in the current school catalog.

(q) The following instructional program standards apply to master's degrees:

1. Program specifications: The credential offered shall be the Master of Arts degree, Master of Science degree, or other master's degree title considered by the Commission to be appropriate and not misleading. The duration of the program shall be a minimum of 24 semester credit hours or 36 quarter credit hours, or recognized clock hour equivalent, beyond the bachelor's degree.
2. A bachelor's degree will normally be a prerequisite to formal entrance to a master's degree program, unless the master's degree is a first professional degree as defined in subsection 6E-1.003(30), F.A.C.
3. Programs must have clearly defined and published objectives and performance outcomes.

(r) The following instructional program standards apply to doctoral degrees:

1. Program specifications: The credential offered shall be the Doctor of Philosophy, Doctor of Medicine, Doctor of Osteopathy, or other doctoral degree term considered by the Commission to be appropriate and not misleading. The duration of the program shall be a minimum of 60 semester credit hours, 90 quarter credit hours, or the recognized clock hour equivalent beyond the bachelor's degree. The degree Doctor of Philosophy shall require a stringent research component and a dissertation for completion, and shall require appropriate accreditation by a recognized accrediting agency within three years of initiating the program, to retain licensure of the program.
2. A master's degree will normally be a prerequisite to formal entrance to a doctoral degree program, unless the doctoral degree is a first professional degree as defined in subsection 6E-1.003(30), F.A.C.
3. Programs must have clearly defined and published objectives and performance outcomes.

(5) Standard 5: Recruitment and Admissions. In all admissions and recruitment-related activities, the institution shall comply with the fair consumer practices provisions of Sections 1005.04 and 1005.34, F.S., and Rule 6E-1.0032, F.A.C., and the rule regarding Agents, Rule 6E-2.010, F.A.C.

(a) An institution's recruitment efforts shall be designed to target students who are qualified and likely to complete and benefit from the training provided by the institution.

(b) Recruiting Practices. Each institution must observe ethical practices and procedures in the recruitment of its students. Ethical practices and procedures include, at a minimum, the following:

1. An institution shall use only individuals, whether its own employees or agents, who are trained and licensed as agents pursuant to Rule 6E-2.010, F.A.C., to enroll students off-campus. Outside the United States, its territories, or its possessions, the institution may use third-party agents for recruiting; however, the institution remains responsible for the accuracy of advertising and of representations made to prospective students regarding the institution, its programs and policies, financial aid eligibility, availability and procedures, and other pertinent information. Other institutional officials who are not licensed agents may participate in occasional College Week or Career Week programs at area high schools or community centers, or give speeches regarding the institution to groups when invited; but no misleading information shall be communicated, no students shall be enrolled, and no tuition or fees shall be collected.
2. An institution shall not use employment agencies to recruit prospective students, or place advertisements in help-wanted sections of classified advertisements, or otherwise lead prospective students to believe they are responding to a job opportunity.
3. An institution shall ensure that its recruiting agents and other personnel do not make false or misleading statements about the institution, its personnel, its programs, its services, its licensure status, its accreditation, or any other pertinent information.
4. An institution shall not permit its recruiting agents or other personnel to recruit prospective students in or near welfare offices, unemployment lines, food stamp centers, homeless shelters, nursing homes, or other circumstances or settings where such persons cannot reasonably be expected to make informed and considered enrollment decisions. Institutions may, however, recruit and enroll prospective students at one-stop centers operated under government auspices, provided that all other recruitment and admissions requirements are met.
 - An institution shall inform each student accurately about financial assistance and obligations for repayment of loans.
 - An institution shall not make explicit or implicit promises of employment or salary expectations to prospective students.
 - 7. An institution shall not permit the payment of cash or other nonmonetary incentives, such as but not limited to travel or gift certificates, to any student or prospective student as an inducement to enroll. An institution shall not use the word "free" or its synonyms in reference to any equipment, tuition, books, or other items in conjunction with recruiting or advertising. Tuition or fee discounts are not permissible; any reductions of tuition or fees must comply with subsection 6E-1.0032(7), F.A.C.

8. An institution must provide the applicant with a copy of the completed enrollment agreement, signed by both parties.

9. Ethical practices shall be followed in all aspects of the recruiting process. An institution shall ensure that its personnel do not discredit other institutions by falsely imputing to them dishonorable conduct, inability to perform contracts, questionable credit standing, or similar negative characteristics; making other false representations; disparaging the character, nature, quality, value or scope of their program of instruction or services; or demeaning their students. An institution shall also ensure that its personnel do not knowingly influence any student to leave another institution or encourage a student to change plans after signing an enrollment application and paying a registration fee to another institution.

(c) Admissions Acceptance Policies. The purpose of this section is to ensure that institutions admit only those students who are capable of successfully completing the training offered. Admission decisions shall be based on fair, effective, and consistently applied criteria that enable the institution to make an informed judgment as to an applicant's ability to achieve the program's objectives.

1. An institution shall determine with reasonable certainty that each applicant for enrollment is fully informed as to the nature of the training provided. The institution shall advise each applicant prior to admission to ensure that the applicant understands the program's responsibilities and demands.
2. An institution shall consistently and fairly apply its admission standards as published. It shall determine that applicants admitted meet such standards and are capable of benefitting from the training offered, and that applicants rejected did not meet such standards. The institution shall ensure that each applicant admitted has the proper qualifications, abilities, and skills necessary to complete the training, and shall secure and maintain documentation to demonstrate that each applicant meets all admissions requirements.
3. If an institution enrolls a person who does not have a high school diploma or recognized equivalency certificate, the determination of the applicant's ability to benefit from the training offered must be confirmed as provided in subparagraph (4)(o)3. of this rule.
4. An institution shall not deny admission or discriminate against students enrolled at the institution on the basis of race, creed, color, sex, age, disability or national origin. Institutions must reasonably accommodate applicants and students with disabilities to the extent required by applicable law.
5. An institution shall not accept enrollment from a person of compulsory school age, or one attending a school at the secondary level, unless the institution has established through contact with properly responsible parties that pursuit of the training will not be detrimental to the student's regular schoolwork.
6. The institution shall document its reasons for denying admission to any prospective student. Records of denied applicants must be kept on file for at least one year.

(6) Standard 6: Finances. All institutions must demonstrate that the financial structure of the institution is sound, with resources sufficient for the proposed operations of the institution and the discharge of its obligations to the students. To demonstrate this, the school shall provide the following:

(a) Provisional License:

1. A plan setting forth the sources, kinds and amounts of both current and anticipated financial resources. The plan shall include a budget for the institution's first year of operation, clearly identifying sources of revenue to ensure effective operations.

2. A pro forma balance sheet prepared in accordance with Generally Accepted Accounting Principles for the type of institution making application.

1. If the corporation that controls the institution is ongoing, the institution shall provide a financial statement of the parent corporation compiled, reviewed or audited in accordance with Generally Accepted Accounting Principles, prepared by an independent certified public accountant.
2. Institutions that are new and do not have a history of educational operations shall provide financial statements of the controlling principals, compiled, reviewed, or audited by an independent certified public accountant. These statements must demonstrate sufficient resources to ensure appropriate institutional development.

(b) Annual License, Extended Annual License, or Annual Review:

1. Licensed nondegree schools shall provide annually a review or audit, prepared in accordance with Generally Accepted Accounting Principles by an independent certified public accountant. Licensed colleges and universities shall provide annually an audit, prepared in accordance with Generally Accepted Accounting Principles by an independent certified public accountant. This annual financial statement shall demonstrate that the current assets of the institution exceed the current liabilities, and that there was a positive net working capital and a profit or surplus for the prior year. If an institution does not meet the above requirements, the Commission shall require an explanation of the financial condition of the institution including a financial improvement plan or teach-out plan or form of surety guaranteeing that the resources are sufficient to protect the current students. If the Commission determines that the institution does not have sufficient resources, it shall take actions up to and including revocation of licensure.
2. If an independent postsecondary educational institution earns less than \$100,000 gross tuition revenue per the institution's fiscal year, the institution shall provide both a financial statement of the institution and of the controlling principles. The financial statement shall be compiled, reviewed, or audited by an independent certified public accountant. These statements must demonstrate sufficient resources to ensure appropriate institutional development.
3. Non-Florida corporations having one or more Florida location shall provide a profit and loss statement for each location in order to assess the financial stability of each individual location.

(c) License by Means of Accreditation: All institutions shall submit an annual audit prepared in accordance with Generally Accepted Accounting Principles by an independent certified public accountant. This audit shall demonstrate that the current assets of the institution exceed the current liabilities, and that there was a positive net working capital and a profit or surplus for the prior year. If an institution does not meet the above requirements, the Commission shall require an explanation of the financial condition of the institution including a financial improvement plan or teach-out plan or form of surety guaranteeing that the resources are sufficient to protect the current students. If the Commission determines that the institution

does not have sufficient resources, it shall take actions up to and including revocation of licensure.

(7) Standard 7: Faculty.

(a) Nondegree Diploma Programs:

1. Verification of Credentials. Institutions shall maintain evidence of the credentials that qualify faculty members to teach their assigned courses. All faculty files shall include a resume or detailed application clearly reflecting the instructor's educational and work experience. In addition, official transcripts for all degrees held by all faculty members shall be on file and available to the Commission upon request at each location and translated into English. Institutions shall also maintain copies of other documents which reflect the instructor's qualifications to teach, such as copies of licenses and certifications.

2. Faculty Qualifications. These standards shall apply to all full-time, part-time and adjunct faculty.

a. Institutions whose graduates must pass state, federal or other licensing examinations before being licensed to practice their vocation, technology, trade or business must provide evidence that each instructor teaching in that field holds a current and valid Florida occupational license in the occupation being taught.

b. For all non-degreed faculty, the burden of proof is on the institution to demonstrate instructor competence in the subjects taught. Instructors shall have completed postsecondary training in either a state licensed school or a college accredited by an accrediting agency recognized by the USDOE plus one year of job experience related to the subjects taught; or have completed a minimum of three years of successful job experience directly related to the subjects taught.

3. Pursuant to Section 1005.39, F.S., faculty in licensed institutions shall complete eight continuing hours of training related to their positions each year. Records of actual training shall be available for inspection at the institution. Compliance with this requirement is a condition for renewal of licensure.

4. Faculty Staffing. The number of faculty shall be sufficient to serve properly the number of students enrolled.

(b) Occupational Associate Degrees:

1. Verification of Credentials. Institutions must maintain evidence of the credentials that qualify faculty members to teach their assigned courses. All faculty files must maintain a resume or detailed application clearly reflecting the instructor's educational and work experience. In addition, official transcripts for all degrees held by all faculty members shall be on file and shall be available to the Commission upon request at each location and translated into English. Institutions shall also maintain copies of other documents which reflect the instructor's qualifications to teach, such as copies of licenses and certifications.

2. Faculty Qualifications. These standards shall apply to all full-time, part-time and adjunct faculty:

a. All general education and academic courses shall be taught by instructors who possess, at a minimum, a bachelor's degree and appropriate coursework in the assigned subject from an accredited college or university.

b. All other courses shall be taught by instructors who possess a bachelor's degree and appropriate coursework in the assigned subject from an accredited college or university; or who have completed postsecondary training in either an accredited college or a state licensed school with training in the subject to be taught, plus two years of job experience related to the subjects to be taught; or who have completed a minimum of three years of successful job experience directly related to the subjects being taught. For all nondegreed faculty, the burden of proof is on the institution to demonstrate instructor competence in the subjects taught.

c. Institutions whose graduates must pass state, federal or other licensing examinations before being licensed to practice their vocation, technology, trade or business must provide evidence that each instructor teaching in that field holds a current and valid Florida occupational license in the occupation being taught.

3. Pursuant to Section 1005.39, F.S., faculty in licensed institutions shall complete eight continuing hours of training related to their positions each year. Records of actual training shall be available for inspection at the institution. Compliance with this requirement is a condition for renewal of licensure.

4. Faculty Staffing. The number of faculty shall be sufficient to serve properly the number of students enrolled.

(c) Academic Associate Degrees:

1. Verification of Credentials. Institutions must maintain evidence of the credentials that qualify faculty members to teach their assigned courses. All faculty files must maintain a resume or detailed application clearly reflecting the instructor's educational and work experience. In addition, official transcripts for all degrees held by all faculty members shall be on file and shall be available to the Commission upon request at each location and translated into English. Institutions shall also maintain copies of other documents which reflect the instructor's qualifications to teach, such as copies of licenses and certifications.

2. Faculty Qualifications. These standards shall apply to all full-time, part-time and adjunct faculty:

a. All instructors shall hold bachelor's degrees, at a minimum.

b. Instructors teaching general education and other academic courses shall be assigned based on their major and minor academic preparation and related experience.

c. Institutions shall justify to the Commission exceptions to the bachelor's degree requirement for instructors teaching technical or vocational subjects in fields in which bachelor's degrees are not generally available, if the institution demonstrates that the instructors have documented alternative expertise in the field or subject area to be taught, such as educational preparation at other than the bachelor's degree level, professional certification, or significant related work experience. For all faculty not holding a bachelor's degree, the burden of proof is on the institution to demonstrate instructor competence in the subjects taught.

d. Institutions whose graduates must pass state, federal or other licensing examinations before being licensed to practice their vocation, technology, trade or business must provide evidence that each instructor teaching in that field holds a current and valid Florida occupational license in the occupation taught.

3. Pursuant to Section 1005.39, F.S., faculty in licensed institutions shall complete eight continuing hours of training related to their positions each year. Records of actual training shall be available for inspection at the institution. Compliance with this requirement is a condition for renewal of licensure.

4. Faculty Staffing. The number of faculty shall be sufficient to serve properly the number of students enrolled.

(d) Bachelor's Degrees:

1. Verification of Credentials. Institutions shall follow the provisions of subparagraph (7)(c)1. of this rule.

2. Faculty Qualifications. These standards shall apply to all full-time, part-time and adjunct faculty:

a. All instructors shall hold master's degrees, at a minimum, except as provided in subparagraph c. below.

b. Instructors teaching general education and other academic courses shall be assigned based on their major and minor academic preparation and related experience.

c. Institutions shall justify to the Commission exceptions to the master's degree requirement for instructors teaching technical or specialized subjects in fields in which master's degrees are not generally available, if the institution demonstrates that those instructors have documented alternative expertise in the field or subject area to be taught, such as educational preparation at other than the master's degree level, professional certification, or significant related work experience. For all faculty not holding a master's degree, the burden of proof is on the institution to demonstrate instructor competence in the subjects taught.

d. At least one-half of the lower division courses and all upper division courses, including any courses common to nonacademic degree or nondegree programs, shall be taught by faculty members holding graduate degrees, professional degrees such as Juris Doctor (J.D.) or Doctor of Medicine (M.D.), or bachelor's degrees plus professional certification.

3. Pursuant to Section 1005.39, F.S., faculty in licensed institutions shall complete eight continuing hours of training related to their positions each year. Records of actual training shall be available for inspection at the institution. Compliance with this requirement is a condition for renewal of licensure.

4. Faculty Staffing. The number of faculty shall be sufficient to serve properly the number of students enrolled.

(e) Master's Degrees:

1. Verification of Credentials. Institutions shall comply with the provisions of subparagraph (7)(c)1. of this rule.

2. Faculty Qualifications. These standards shall apply to all full-time, part-time and adjunct faculty:

a. All instructors shall hold graduate degrees, at a minimum.

b. All instructors shall be assigned based on their major and minor areas of academic preparation and related experience.

c. Institutions shall justify to the Commission exceptions to the graduate degree requirement for instructors if the institution demonstrates that the instructors have documented exceptional practical or professional experience in the assigned field or if the assigned field is one in which graduate degrees are not widely available. For all faculty not holding graduate

degrees, the burden of proof is on the institution to demonstrate instructor competence in the subjects taught.

d. At least one-half of all graduate-level courses shall be taught by faculty possessing terminal degrees. A J.D. degree shall be considered a terminal degree for all law-related courses. Professional certification is not an acceptable substitute for the terminal degree requirement.

3. Pursuant to Section 1005.39, F.S., faculty in licensed institutions shall complete eight continuing hours of training related to their positions each year. Records of actual training shall be available for inspection at the institution. Compliance with this requirement is a condition for renewal of licensure.

4. Faculty Staffing. The number of faculty shall be sufficient to serve properly the number of students enrolled.

(f) Doctoral Degrees:

1. Verification of Credentials. Institutions shall comply with the provisions of subparagraph (7)(c)1. of this rule.

2. Faculty Qualifications. These standards shall apply to all full-time, part-time and adjunct faculty:

a. All instructors shall hold terminal degrees, at a minimum. A J.D. degree shall be considered a terminal degree for all law-related courses. Professional certification is not a substitute for a terminal degree.

b. All instructors shall be assigned based on their major and minor areas of academic preparation and related experience.

c. Institutions shall justify to the Commission occasional exceptions to the terminal degree requirement for instructors, if the institution demonstrates that the instructors have documented exceptional practical or professional experience in the assigned field, or that the assigned field is one in which terminal degrees are not widely available.

3. Pursuant to Section 1005.39, F.S., faculty in licensed institutions shall complete eight continuing hours of training related to their positions each year. Records of actual training shall be available for inspection at the institution. Compliance with this requirement is a condition for renewal of licensure.

4. Faculty Staffing. The number of faculty shall be sufficient to serve properly the number of students enrolled.

(8) Standard 8: Library, Learning Resources and Information Services.

(a) Nondegree Diplomas:

1. General standard. Learning resources and information services shall be appropriate to the level and scope of program offerings. In providing learning resources, at a minimum, an institution shall:

a. Develop an appropriate base of learning resources and information services;

b. Ensure access to resources and services for all students;

c. Develop a continuous assessment and improvement strategy for learning resources and information services;

d. Provide adequate staff to support the learning resources and information services function; and

e. Ensure that students and instructors utilize the learning resources and information services as an integral part of the learning process.

2. Required learning resources. Learning resources, including on-line resources, shall include current titles, periodicals, and professional journals appropriate for the educational programs. At a minimum, noncollegiate institutions shall have available and easily accessible standard reference works such as a current unabridged dictionary, a thesaurus, and recent editions of handbooks appropriate to the curriculum.

3. Inventory. A current inventory of learning resources shall be maintained.

(b) Occupational Associate Degrees:

1. General standard. Learning resources and information services shall be appropriate to the level and scope of program offerings. In providing learning resources, at a minimum, an institution must comply with the provisions of subparagraph (8)(a)1. of this rule.

2. Required learning resources. The institution shall provide access to learning resources supervised by a staff member who demonstrates competence to provide oversight. Learning resources shall include holdings appropriate to the educational programs, including current titles, relevant current periodicals, relevant reference materials and professional journals, and electronic resources in sufficient titles and numbers to adequately serve the students. At a minimum, institutions shall have available and easily accessible standard reference works such as a current unabridged dictionary, a thesaurus, and recent editions of handbooks appropriate to the curriculum.

3. Inventory. A current inventory of learning resources shall be maintained.

(c) Academic Associate Degrees:

1. General standard. Learning resources and information services shall be appropriate to the level and scope of program offerings. In providing learning resources, at a minimum, an institution must comply with the provisions of subparagraph (8)(a)1. of this rule.

2. Staff. The institution shall provide access to learning resources. A professionally trained librarian shall supervise and manage the learning resources and information services, facilitate their integration into all phases of the institution's curricular and educational offerings, and assist students in their use. A professionally trained librarian is one who holds a bachelor's or master's degree in library or information sciences/studies or a comparable program accredited by the American Library Association, state certification, or other equivalent qualification to work as a librarian, where applicable. During scheduled library hours, there shall be a trained individual on duty to supervise the learning resource center/library and to assist students with library functions. This person shall be competent both to use and to aid in the use of the technologies and resources available in the library.

3. Budget. An annual library budget shall be developed by the institution with allocations expended appropriate to the size and scope of the institution and its program offerings.

4. Holdings. A collegiate library shall provide access to holdings appropriate to the size of the institution and the breadth of its educational programs, including current titles, relevant current periodicals, relevant reference materials and professional journals, and electronic resources in sufficient titles and numbers to adequately serve the students. On-site resources shall be classified using a recognized classification system such as the Dewey Decimal System or Library of Congress system. Records of circulation and inventory shall be

current and accurate and must be maintained to assist in evaluating the adequacy and utilization of the holdings.

5. Use and accessibility. Learning resources and information services must be available at times consistent with the typical student's schedule. In the case of electronic resources, a sufficient number of terminals shall be provided for student use. If interlibrary agreements are utilized, provisions for such use must be practical and accessible and use must be documented.

6. Inventory. A current inventory of learning resources shall be maintained.

(d) Bachelor's Degrees:

1. General standard. Learning resources and information services shall be appropriate to the level and scope of program offerings. In providing learning resources, at a minimum, an institution must comply with the provisions of subparagraph (8)(a)1. of this rule.
 2. Staff. The institution shall provide access to learning resources. A full-time professionally trained librarian shall supervise and manage the learning resources and information services, facilitate their integration into all phases of the institution's curricular and educational offerings, and assist students in their use. A professionally trained librarian is one who holds a master's degree in library or information sciences/studies or comparable program accredited by the American Library Association, state certification, or other equivalent qualification to work as a librarian. During scheduled library hours, there shall be a trained individual on duty to supervise the learning resource center/library and to assist students with library functions. This person shall be competent both to use and to aid in the use of the technologies and resources available in the library.
 3. Budget. An annual library budget shall be developed by the institution with allocations expended appropriate to the size and scope of the institution and its program offerings.
 4. Holdings. A collegiate library shall provide access to holdings appropriate to the size of the institution and the breadth of its educational programs, including current titles, relevant current periodicals, relevant reference materials and professional journals, and electronic resources in sufficient titles and numbers to adequately serve the students. On-site resources shall be classified using a recognized classification system such as the Dewey Decimal System or Library of Congress. Records of circulation and inventory shall be current and accurate and must be maintained to assist in evaluating the adequacy and utilization of the holdings.
- Use and accessibility. Institutions shall comply with the provisions of subparagraph (8)(c)5. of this rule.
- Inventory. A current inventory of learning resources shall be maintained.

(e) Master's and Doctoral Degrees:

1. General standard. Learning resources and information services shall be appropriate to the level and scope of program offerings. In providing learning resources, at a minimum, an institution must comply with the provisions of subparagraph (8)(a)1. of this rule.
2. Staff. The institution shall provide access to learning resources. A full-time professionally trained librarian shall supervise and manage the learning resources and information services, facilitate their integration into all phases of the institution's curricular and educational offerings, and assist students in their use. A professionally trained librarian is one who holds a master's degree in library or information sciences/studies or comparable

program accredited by the American Library Association or state certification or other equivalent qualification to work as a librarian, where applicable. A librarian with special qualifications to aid in research shall be available. During scheduled library hours, there shall be a trained individual on duty to supervise the learning resource center/library and to assist students with library functions. This person shall be competent both to use and to aid in the use of the technologies and resources available in the library.

3. Budget. An annual library budget shall be developed by the institution with allocations expended appropriate to the size and scope of the institution and its program offerings.
4. Holdings. Institutions offering master's or doctoral degree programs shall provide access to substantially different library resources in terms of their depth and breadth from those required for baccalaureate degree programs. These resources shall include bibliographic and monographic references, major professional journals and reference services, research and methodology materials and, as appropriate, information technologies. The depth and breadth of the accessible library holdings shall be such as to exceed the requirements of the average student in order to encourage the intellectual development of superior students and to enrich the professional development of the faculty. On-site resources shall be classified using a recognized classification system such as the Dewey Decimal System or Library of Congress system. Records of circulation and inventory shall be current and accurate and must be maintained to assist in evaluating the adequacy and utilization of the holdings.
5. Use and accessibility. Learning resources and information services must be available at times consistent with the typical student's schedule. In the case of electronic resources, a sufficient number of terminals shall be provided for student use. If interlibrary agreements are utilized, provisions for such use must be practical and accessible and use must be documented.
6. Inventory. Access to a current inventory of learning resources shall be maintained.

(9) Standard 9: Physical Facilities. All institutions and physical facilities, regardless of the level of credentials offered, shall comply with the following standards:

- (a) Each institution shall provide an environment that is conducive to good instruction and learning and that supports the educational programs offered by the institution. The adequacy of the environment is assessed against the demands made upon it by the curricula, faculty and students.
- (b) Each institution shall provide and maintain a physical plant with academic classrooms, laboratories, administrative offices, and service areas adequate for the educational programs and the anticipated number of faculty and students. Documentation for this shall include a site plan, annotated floor plan and a narrative description which describes completely the institution's physical plant.
- (c) Each institution, including all physical facilities, shall meet the general tests of safety, usefulness, cleanliness, maintenance, health, lighting, ventilation and any other requirements conducive to health, safety and comfort. Each institution shall provide evidence of compliance with zoning, fire, safety and sanitation standards issued by all applicable regulatory authorities for all instructional and student housing facilities.

(d) Each institution shall maintain the necessary supplies and equipment for the students enrolled and programs conducted.

(10) Standard 10: Student Services. All institutions, regardless of the level of credentials offered, shall comply with the following standards:

(a) Each institution shall designate a properly trained individual to provide each of the following student services: academic advisement, financial aid advisement, personal advisement, and placement services. The extent of these services and the personnel assigned to them shall be determined by the size of the institution and the type of program offerings.

(b) Placement services. Placement services shall be provided to all graduates without additional charge. No guarantee of placement shall be directly or indirectly implied. Records of initial employment of all graduates shall be maintained. Exceptions to this requirement shall be made for those graduates who attended the institution on a student visa or other temporary immigration status, and who do not seek employment in this country.

(c) Placement Improvement Plans. A nonaccredited institution holding provisional or annual licensure shall report its placement rate as defined by the Commission with each license review. If the placement rate falls below 60%, the Commission shall place the institution on a placement improvement plan. This plan shall include actions to be taken to improve the placement rate and shall be submitted to the Commission. A progress report shall be filed with the Commission after a period designated by the Commission, and shall include information on placement personnel, placement activities, job development activities, and additional data as requested by the Commission to show the effectiveness of the plan in improving the placement rate. If the progress report does not show an improvement as accepted by the Commission, the Commission shall take actions up to and including revocation of license. An institution accredited by an agency recognized by the USDOE shall report its placement rate, as required by its respective accrediting agency, with each annual review. If the placement rate does not meet the accrediting agency's requirements, the Commission shall place the institution on a placement improvement plan. This plan shall be developed by the institution and include actions to be taken to improve the placement rate, and shall be submitted to the Commission. A progress report shall be filed with the Commission after a period designated by the Commission and shall include information documenting the activities taken by the institution to improve the placement rate. If the progress report does not show improvement as accepted by the Commission, the Commission shall take actions up to and including revocation of license.

(d) Retention Improvement Plans. A nonaccredited institution holding provisional or annual licensure shall report its retention rate as defined by the Commission with each license review. If the rate falls below 50%, the Commission shall place the institution on a retention improvement plan. This plan shall include actions to be taken to improve other retention rate, and shall be submitted to the Commission. A progress report shall be filed with the Commission after a period designated by the Commission, and shall include information documenting the activities taken by the institution to improve the retention rate. If the progress report is not accepted by the Commission, the Commission shall take actions up to and including revocation of license. An institution accredited by an agency recognized by USDOE shall report its retention rate, as required by its respective accrediting agency, with each annual review. If the retention rate does not meet the accrediting agency's requirements the Commission shall place the

institution on a retention improvement plan. This plan shall be developed by the institution and include actions to be taken to improve the retention rate, and shall be submitted to the Commission. A progress report shall be filed with the Commission after a period designated by the Commission and shall include information documenting the activities taken by the institution to improve the retention rate. If the progress report does not show an improvement as accepted by the Commission, the Commission shall take actions up to and including revocation of license.

(11) Standard 11: Publications and Advertising.

(a) General Standard. Each institution shall comply with these provisions, regardless of the level of credentials offered. Publications must be presented in a professional manner. Information published must be accurate and factual and reflect the current status of the institution.

(b) Catalog.

1. Pursuant to Section 1005.04(1)(a), F.S., certain disclosures are required to be made in writing to prospective students one week prior to enrollment or collection of tuition. If the institution uses its catalog as the sole source of those required disclosures, the institution shall ensure that each prospective student is provided a written copy, or has access to an electronic copy, of the catalog one week prior to enrollment or collection of tuition.
2. Each institution shall publish and provide to each enrolled student a catalog in written or electronic form. Written catalogs shall be professionally printed and bound. If electronic catalogs are also used, the two versions shall contain the same information, except for updates that may be provided more quickly in electronic versions. The catalog shall constitute a contractual obligation of the school to the student and shall be the official statement of the school's policies, programs, services, and charges and fees. The catalog shall include, at a minimum, the following information:
 - a. Name, address and telephone number of the institution;
 - b. Identifying data such as volume number and effective dates of the catalog;
 - c. Table of contents or index. Pages of the catalog shall be numbered and included in the table of contents or index;
 - d. A statement of legal control which includes the names of the trustees, directors, and officers of the corporation;
 - e. If the institution is accredited as defined in Section 1005.02(1), F.S., a statement of accreditation. If an institution claims accreditation by an accrediting agency that is not recognized by the U. S. Department of Education, the disclosure required in paragraph 6E-1.0032(6)(d), F.A.C., is to be inserted in the catalog and in all publications or advertising, as defined in subsection 6E1.003(5), F.A.C., wherever the unrecognized accrediting association or agency is mentioned;
 - f. The following statement: "Licensed by the Commission for Independent Education, Florida Department of Education. Additional information regarding this institution may be obtained by contacting the Commission at 325 West Gaines Street, Suite 1414, Tallahassee, FL 323099-0400, toll-free telephone number (888)224-6684;"
 - g. The names and titles of all full-time and part-time administrators;
 - h. A listing of all faculty indicating degrees held and institutions or agencies awarding the credentials;

- i. A statement of the purpose of the institution;
- j. An academic calendar showing beginning and ending dates of enrollment periods, programs, terms, quarters, or semesters; holidays; registration dates; and other significant dates and deadlines;
- k. The institution's admission requirements, policies, and procedures, including the basis for admissions, and test requirements, if applicable, for each program offered. Admissions requirements shall be in compliance with the provisions of paragraph 6E1.0032(6)(g), F.A.C.;
- l. Specific procedures for the granting of credit for prior learning or by examination, if offered, including the maximum amount of credit which can be obtained in this manner, pursuant to Rule 6E-2.0041, F.A.C.;
- m. A statement regarding the transfer of credit both to and from the institution, in compliance with the provisions of paragraph 6E-1.0032(6)(f), F.A.C.;
- n. A description of the curricula for all programs offered, including for each: a statement of the objective or purpose of the program; an accurate and complete listing of the courses included in each program, each with a unique identifying number and title; identification of courses that are general education courses, if applicable; the credit or clock hours awarded for each course; the total credits or clock hours and grades required for satisfactory completion of the program; requirements for certification, licensing or registration in the program career field, as applicable; and any additional or special requirements for completion;
- o. A description of each course offered, including identifying number, title, credit or clock hours awarded, a description of the contents of the course including language of instruction if other than English, and prerequisites, if any;
- p. A description of the course numbering system, in compliance with Section 1007.24(7), F.S., and applicable State Board of Education rule(s).
- q. An explanation of the grading or marking system, which is consistent with that appearing on the transcript;
- r. A definition of the unit of credit. If credit hours, the institution shall clearly specify whether quarter or semester credit hours, as defined in Rule 6E-1.003, F.A.C.;
- s. A complete explanation of the standards of satisfactory academic progress. This policy shall include, at a minimum: Minimum grades and/or standards considered satisfactory; conditions for interruption due to unsatisfactory grades or progress; a description of the probationary period, if applicable; and conditions of re-entrance for those students suspended for unsatisfactory progress;
- t. A description of all diplomas or degrees awarded, together with a statement of the requirements to be met for satisfactory completion of each;
- u. A detailed description of the charges for tuition, fees, books, supplies, tools, equipment, student activities, service charges, rentals, deposits and any other applicable charges. All nonrefundable charges shall be clearly indicated as such;
- v. A detailed description of all financial aid offered by the institution. This shall include, but is not limited to, scholarships, inhouse loan and grant programs, third-party loan and grant programs, and federal or state financial aid. Any student eligibility standards and conditions shall be stated for each type of financial aid offered. Tuition or fee discounts are not permissible; any reductions of tuition or fees must comply with subsection 6E-1.0032(7), F.A.C. Obligations to repay loans shall be clearly disclosed and explained to students, along with

anticipated repayment terms, dates and amounts; w. A statement of the refund policy and procedures for the refund of the unused portion of tuition, fees and other charges in the event the student does not enter the program, withdraws from the program, or is discharged from the program. The refund policy shall comply with the provisions of paragraph 6E-1.0032(6)(i), F.A.C., and other applicable federal and state requirements;

x. A complete description of the institution's physical facilities and equipment;

y. A description of the nature and extent of student services offered;

z. The institution's policy on student conduct and conditions of dismissal for unsatisfactory conduct; aa. The institution's procedures for students to appeal academic or disciplinary actions; bb. If required by law, the institution's anti-hazing policy;

cc. The procedures by which complaints will be considered and addressed by the institution; dd. If the institution offers courses through distance education or other alternative means, the catalog shall include the information specified in subsection 6E-2.0041(11), F.A.C.; ee. If the institution offers courses taught in any language other than English, then the catalog must contain the following disclosure:

COMPLETING A COURSE OR PROGRAM IN A LANGUAGE OTHER THAN ENGLISH MAY REDUCE
EMPLOYABILITY WHERE ENGLISH IS REQUIRED.

3. Catalogs for Multiple Institutions. All institutions utilizing a common catalog must be of common ownership. Photographs of the physical facilities of any of the institutions must be captioned to identify the particular institution or campus depicted. The faculty and staff of each institution and the members of the administration for the group of institutions shall be clearly identified with respect to each institution and to the overall administration. Any information contained in the catalog that is not common to all institutions in the group shall be presented in such a manner that no confusion, misunderstanding or misrepresentation is possible.

(c) Advertising.

1. An institution shall not advertise until a license has been issued.
 2. For initial applicants and renewal of licensure, the institution shall submit a copy of all proposed or actual advertising publications, together with any and all materials used for the purpose of recruiting students.
 3. All advertising by an institution, including all written and verbal communications, illustrations, and express or implied representations, shall be factual and not misleading to the public. All illustrations in published materials must specifically and accurately represent the institution. If any other illustrations are used, they must be clearly and accurately captioned.
 4. An institution shall use its correct name as approved by the Commission in all advertising; no blind advertisements are permitted.
 5. An institution shall not offer monetary incentives as an inducement to visit the campus or to enroll in a course or program.
1. All advertising shall clearly state that training and education, not employment, are being offered. All print advertising in classified sections, such as newspapers, telephone directories, periodicals, etc. must appear under a heading that identifies its category as education and training, not employment opportunities.
 2. No institution, in its advertising or through activities of its owners, officers, or representatives shall guarantee or imply the guarantee of employment or of any certain

wage or salary either before enrollment, during the program(s), or after the completion thereof. Guarantee of acceptance into any union, organization, or achievement of a recognition, certification, or qualification for licensure examination is not permitted. The term “lifetime placement” shall not be used.

3. Any placement claims, employment predictions, or salary projections used by the institution in its recruiting efforts shall be accurate, and based upon reliable statistical data which shall be provided to all prospective students and to the Commission upon request. It is the responsibility of the institution to ensure that all such claims are kept up to date and reflect actual current conditions and job market projections, taking into account the anticipated needs in the local community. Advertisements shall contain citations of the source of such claims. The institution shall maintain backup documentation to support the citations.
4. The level of educational programs provided shall be clearly defined if used for advertising. No institution shall refer to itself as a “college” or “university” unless authorized to do so by the Commission.
5. No institution shall use the term “accredited” unless fully authorized to do so by an accrediting agency recognized by the United States Department of Education.
6. References to financial assistance availability shall include the phrase, “for those who qualify,” or similar disclaimer. Scholarships, if offered, must be fully disclosed and clearly explained if used in advertising.

12. Overstatements, superlatives, and exclusives shall not be used in any advertising. The word “free” shall only be used when there is unconditional access to the item or service for all students, without cost or obligation of any type, and if refunds or loan repayments do not include consideration of the item or service.

13. A new or modified program shall not be advertised until the Commission approves the program.

1. If endorsements are used, they must be factual and reflect present conditions, and must be uncompensated; and the institution must maintain documentation of prior consent by the participant. If an employee of the institution or a person otherwise affiliated with the institution, other than a student or graduate, makes an endorsement, the relationship or affiliation shall be fully disclosed in the advertising.
2. Institutions shall comply with advertising regulations pertaining to the training of individuals who are sponsored by a state or federal agency.
3. A licensed institution shall use only the following phrase to identify its licensure status in any advertising: “Licensed by the Florida Commission for Independent Education, License No. _____.” The use of any other phrase or form shall be considered a violation of this rule.

(12) Standard 12: Disclosures. Each institution, regardless of the level of credentials offered, shall comply with the applicable provisions of Rule 6E-1.0032, F.A.C. Any additional disclosures required by the Commission or by other governmental agencies or accrediting agencies shall be made using the form and text required by the agency. *Specific Authority 1005.22(1)(e), 1005.31(2), (3), 1005.34, 1005.39 FS. Law Implemented 1005.04, 1005.31, 1005.33(1), 1005.34, 1005.39 FS. History—Repromulgated 12-5-74, Formerly 6E-3.01(1), Readopted 11-11-75,*

Amended 3-7-77, 5-7-79, 10-13-83, Formerly 6E-2.04, Amended 1127-88, 11-29-89, 12-10-90, 10-19-93, 4-2-96, 4-11-00, 1-7-03, 4-5-04, 5-24-04, 7-20-04, 5-18-05, 7-10-06, 7-23-

Attachment 2 – Question 6 f - Can an institution lose its authorized status? If so, how?

1005.38 Actions against a licensee and other penalties.—

(1) The commission may deny, place on probation, or revoke any provisional license, annual license, license by means of accreditation, agent's license, or other authorization required by this chapter. The commission shall adopt rules for taking these actions. The commission may impose an administrative fine of not more than \$5,000 if an institution is on probation for a period under conditions that require oversight by the commission or its staff. The fine shall be deposited into the Institutional Assessment Trust Fund.

(2) The commission may conduct an investigation to determine if an applicant for a new institutional license, or the owners, directors, or administrators of the institution, previously closed an institution, failed to arrange for completion of student training or issue appropriate refunds, or had its license to operate an institution revoked or denied in this state or in another state or jurisdiction.

(3) Any person who has been convicted of, or entered a plea of guilty or nolo contendere to, a crime that relates to the unlawful operation or management of an institution is ineligible to own, operate, manage, or be a registered agent for a licensed institution in this state, and may not be a director or an officer in a corporation that owns or operates a licensed institution. Such a person may not operate or serve in a management or supervisory position in a licensed institution.

(4) The commission may deny an application for any operating status if the commission determines that the applicant or its owners, officers, directors, or administrators were previously operating an institution in this state or in another state or jurisdiction in a manner contrary to the health, education, or welfare of the public. The commission may consider factors such as the previous denial or revocation of an institutional license; prior criminal or civil administrative proceedings regarding the operation and management of an institution; other types of criminal proceedings involving fraud, deceit, dishonesty, or moral turpitude; failure of the institution to be properly closed, including completing the training or providing for the trainout of its students; and failure to issue appropriate refunds. The commission may require an applicant or its owners, officers, directors, or administrators to provide the commission with information under oath regarding the prior operation of an institution and to provide criminal justice information, the cost of which must be borne by the applicant in addition to license fees.

(5) The commission may obtain an injunction or take any action it deems necessary against any institution or agent in violation of this chapter, but such proceedings and orders do not bar the imposition of any other penalties that may be imposed for the violation.

(6) The commission may conduct disciplinary proceedings through an investigation of any suspected violation of this chapter or any rule of the commission, including a finding of probable cause and making reports to any law enforcement agency or regulatory agency.

(a) The commission shall cause to be investigated a suspected violation of any provision of this chapter or any rule of the commission. Regardless of the source of information regarding the suspected violation, an investigation may be continued until it is completed and an investigative report is presented to a probable cause panel of the commission.

(b)1.All investigatory records held by the commission in conjunction with an investigation conducted pursuant to this subsection are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution for a period not to exceed 10 days after the panel makes a determination regarding probable cause.

2.a.Those portions of meetings of the probable cause panel at which records made exempt pursuant to subparagraph 1. are discussed are exempt from s. 286.011 and s. 24(b), Art. I of the State Constitution. The closed portion of a meeting must be recorded and no portion of the closed meeting may be off the record. The recording shall be maintained by the commission.

b.The recording of a closed portion of a meeting and the minutes and findings of such meeting are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution for a period not to exceed 10 days after the panel makes a determination regarding probable cause.

3.This paragraph is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2015, unless reviewed and saved from repeal through reenactment by the Legislature.

(c)The commission shall notify an institution or individual of the substance of any complaint that is under investigation unless the executive director and chairperson of the commission concur that notification would impede the investigation. The commission may also withhold notification to a person under investigation for an act that constitutes a criminal offense.

(d)The determination of probable cause shall be made by a majority vote of the probable cause panel, the membership of which shall be provided by rule. After the panel declares a finding of probable cause, the commission may issue an administrative complaint and prosecute such complaint under chapter 120.

(e)A privilege against civil liability is granted to any informant or any witness who provides information in good faith for an investigation or proceeding conducted under this section.

(f)Upon written request by an informant, the commission shall notify the informant of the status of an investigation, civil action, or administrative proceeding.

(7)The commission may issue a cease and desist order in conjunction with an administrative complaint or notice of denial of licensure, if necessary to protect the health, safety, or welfare of students, prospective students, or the public. An unlicensed institution that advertises or causes advertisements to be made public through which students are solicited for enrollment or are offered diplomas or degrees is in violation of this chapter. The commission shall adopt rules that direct the issuance of an injunction against operating, advertising, or offering diplomas or degrees without a license. Each day of operation after a cease and desist letter is delivered constitutes a separate violation for purposes of assessing fines or seeking civil penalties.

(a)A cease and desist order may be mandatory or prohibitory in form and may order a postsecondary institution to cease and desist from specified conduct or from failing to engage in specified conduct necessary to achieve the regulatory purposes of this chapter.

(b)A cease and desist order may include an order to cease enrollment of students whom the institution cannot adequately serve, to modify curricula or methods of instruction to ensure the education or training of the type and quality represented in the institutional catalog, or to cease from advertising or to publish or broadcast corrective or clarifying advertising to overcome the effects of previous allegedly deceptive or misleading advertising.

(c) A cease and desist order takes effect immediately upon issuance and remains in effect until the commission takes final agency action.

(d) The commission shall adopt rules to direct procedures by which an affected party is entitled to a formal or informal review of a cease and desist order and may request the commission or the Division of Administrative Hearings to modify or abate a cease and desist order. If a party is aggrieved by a cease and desist order after seeking to have the order abated or modified, the party may seek interlocutory judicial review by the appropriate district court of appeal pursuant to the applicable rules of appellate procedure.

(e) In addition to or in lieu of any remedy provided in this section, the commission may seek the imposition of a civil penalty through the circuit court for any violation for which the commission may issue a notice to cease and desist under this section.

(8) The commission shall adopt rules to identify grounds for imposing disciplinary actions for violations of this chapter or rules of the commission or for denial of a license, which must include at least the following grounds:

(a) Attempting to obtain action from the commission by fraudulent misrepresentation, bribery, or through an error of the commission.

(b) Action against a license or operation imposed under the authority of another state, territory, or country.

(c) Delegating professional responsibilities to a person who is not qualified by training, experience, or licensure to perform the responsibilities.

(d) False, deceptive, or misleading advertising.

(e) Conspiring to coerce, intimidate, or preclude another licensee from lawfully advertising his or her services.

(f) Violating or repeatedly violating any provision of this chapter or any rule adopted pursuant thereto.

(g) Operating with a revoked, suspended, or inactive license.

(h) Violating any lawful order of the commission previously entered in a disciplinary hearing or failing to comply with a lawfully issued subpoena.

(9) The commission shall enter a final order either dismissing a complaint or imposing one or more of the following penalties for any violation of this chapter or any rule of the commission:

(a) Denial of an application for licensure.

(b) Revocation or suspension of a license.

(c) Imposition of an administrative fine of no less than \$100 and no more than \$5,000 for each count or separate violation. Such fine shall be deposited in the Institutional Assessment Trust Fund pursuant to s. 1010.83.

(d) Placement of a licensee on probation for a period of time and subject to such conditions as the commission may specify.

(e) Issuance of a written reprimand to an institution. Such reprimand shall be posted in a prominent place at the institution for such period of time as the commission may specify.

(10) In any case in which the commission imposes a fine or an assessment of costs and the fine or assessment is not paid within a reasonable time, such reasonable time to be prescribed in commission rule or in the order assessing such fine or assessment, the commission or the Department of Legal Affairs may contract for the collection of, or bring a civil action to recover, the fine or assessment.

(11)The commission shall not reinstate the license of an institution, or cause a license to be issued to an institution it has deemed unqualified, until such time as it is satisfied that the institution has complied with all the terms and conditions set forth in the final order.

(12)The commission shall issue an emergency order suspending or limiting the license of an institution if there is a finding that an immediate danger to the public health, safety, or welfare requires emergency action. The executive director of the commission shall review the matter to determine if the emergency suspension or restriction order is warranted. Nothing in this subsection shall be construed to limit the authority of the executive director to issue an emergency order.

History.—s. 261, ch. 2002-387; s. 3, ch. 2005-202; s. 1, ch. 2005-203; s. 185, ch. 2008-4; s. 1, ch. 2010-77.

1005.385Authority to issue citations.—

(1)The commission shall adopt rules to permit the issuance of citations. A citation shall be issued to an independent postsecondary educational institution and shall contain the institution's name and address, the institution's license number if applicable, a brief factual statement, the sections of law allegedly violated, and the penalty imposed. A citation must clearly state that the subject may choose, in lieu of accepting the citation, to dispute the matter in the citation and must provide the subject all rights for either an informal hearing to dispute the facts before the commission or a formal hearing to dispute the facts before an administrative law judge from the Division of Administrative Hearings pursuant to chapter 120. However, if the subject does not dispute the matter in the citation within 30 days after the citation is served, the citation becomes a final order and constitutes discipline. The penalty shall be a fine or other conditions as established by rule.

(2)The commission shall adopt rules designating violations for which a citation may be issued. A violation so designated shall be a violation for which there is no substantial threat to the public health, safety, or welfare.

(3)The commission shall be entitled to recover the costs of investigation, in addition to any penalty provided according to rule, as part of the penalty levied pursuant to a citation.

(4)A citation must be issued within 6 months after the filing of a complaint that is the basis for the citation.

(5)Service of a citation may be made by personal service or certified mail, restricted delivery, to the subject at the subject's last known address of record.

History.—s. 4, ch. 2005-202.

Attachment 3 – Question 7 a - Is there an application fee to initiate the authorization process? If so, what is the fee or fee schedule?

6E-4.001 Fees and Expenses.

(1) The Base Fee and the Workload Fee shall be assessed at one of six levels based upon the Florida student enrollment (per license issued) for the last reported fiscal year. For each licensed institution, Florida student enrollment consists of all students enrolled at a Florida campus of an institution plus all Florida residents enrolled in any CIE licensed distance education program. If an institution that holds a license has not submitted enrollment data to the Commission (using the CIE Annual Data Collection) they shall be assessed at the highest level.

- (a) Level 1 = 0 to 100 students
- (b) Level 2 = 101-500 students
- (c) Level 3 = 501-1,000 students
- (d) Level 4 = 1,001 to 5,000 students
- (e) Level 5 = 5,001 to 10,000 students

(f) Level 6 = over 10,000 students If the total revenue collected by the Commission during a fiscal year is greater than 12% of the Commission’s budgeted expenditures for the same fiscal year, the Commission is authorized to reduce the Base Fee and Workload Fee up to 3%. If the total revenue collected by the Commission during a fiscal year is less than the Commission’s budgeted expenditures for the same fiscal year, the Commission is authorized to increase the Base Fee and Workload Fee up to 3%.

(2) Base Fee. All nonpublic institutions and centers of out-of-state institutions under the jurisdiction of the Commission derive benefit from the services performed by the Commission. Such services include but are not limited to administration of the fair consumer practices program and the data collection and dissemination program. To defray the cost of such general services, each institution holding a provisional or annual license, or a license by means of accreditation, with an enrollment at Level 1 shall pay \$500, enrollment at Level 2 shall pay \$1,000, enrollment at Level 3 shall pay \$2,000, enrollment at Level 4 shall pay \$3,000, enrollment at Level 5 shall pay \$4,000 and enrollment at Level 6 shall pay \$5,000. Enrollment shall be determined by the institution’s data submission to the CIE Annual Data Collection during the previous fiscal year or for a new institution, by its anticipated enrollment in Florida during its first year of operation. The Base Fee shall be due and collected at the time of application for provisional licensure, annual review of licensure, or the annual Licensure by Means of Accreditation review.

(3) Workload Fees. Each licensed institution receives technical assistance from the Commission, along with help in developing and implementing institutional articulation agreements and achieving candidacy status with accrediting agencies; and significant amounts of staff and administrative time are spent on evaluating applications, traveling to institutions for onsite visits, assisting institutions which are experiencing problems with financial aid or financial stability, and other duties assigned by the Commission. The following workload fees are assessed in addition to the Base Fee, and must be received prior to Commission consideration of each action. Initial Application for License, or Moving from Nondegree to Degree: New Nondegree Institutions \$2,000 + \$200 per

program New Degree-Granting Institutions..... \$3,000 + \$200 per program Annual Review of Licensure and License by Means of Accreditation Review: Level 1 = \$1,500 Level 2 = \$2,000 Level 3 = \$5,000 Level 4 = \$7,000 Level 5 = \$8,500 Level 6 = \$10,000 Institutions not Licensed by Means of Accreditation shall pay \$50 per licensed program (not to exceed \$500) as part of the Annual Review of License. Substantive Change Review \$1,000 Provisional or Annual Licensure Extension (first) \$500 Provisional or Annual Licensure Extension (second)..... \$750 Provisional or Annual Licensure Extension (third) \$1,500 New Program or Program Modifications, Less than Substantive Change or More than One Minor Modification per Year: Nondegree Programs \$500 Degree Programs \$1,000 Site Visits: One Visit per Year..... Included in licensure fee Subsequent Visits directed by Commission \$300 per day Approval to Use “College” or “University”, First Time or Special Review \$500 Annual Licensure of Recruiting Agents (nontransferable).....\$200 Criminal Justice Information Investigation \$50 Copy of Student Academic Transcript on File \$10

(4) Fines and disciplinary oversight: Fine for Probation Requiring Oversight Up to \$5,000 depending on level and

length of oversight required

Continuing Activity after Cease and Desist Letter, Per Day \$1,000
 Monitoring Institution under Probable Cause, Per Calendar Quarter.....\$1,000

(5) Licensure application fees, base fees and program fees shall be paid annually.

(6) Student Protection Fund: Nondegree institutions will be charged a fee for the Student Protection Fund. The fees are specified in Rule 6E-4.005, F.A.C.

(7) Investigations and Resolution of Complaints. In cases where the Commission must investigate complaints pertaining to fair consumer practices, initiate Probable Cause proceedings, render findings of fact, and issue decisions, the institution shall be assessed a fee of no less than \$500 and no more than \$2,000, according to the administrative time required for the specific case, which is payable within 14 days of the official action being taken by the Commission.

(8) Failure to Submit Materials in a Timely Manner. In cases where the Commission has set a specific date for the filing of materials regarding licensure or other matters under its purview, and the institution has not filed said materials within 14 calendar days of the specified date, the Commission shall assess the institution \$100 per working day until the materials are received by the Commission. The postal date on the envelope or package containing the materials shall serve as the date of receipt.

(9) All fees, and any fines imposed for probation or other violations shall be paid to the Chief Financial Officer of the Department of Education for deposit into the Institutional Assessment Trust Fund as established in Section 1010.83, F.S., and identified as a separate

revenue account for the authorized expenses of the Commission under the provisions of Section 1010.83, F.S.

Specific Authority 1005.22(1)(e), 1005.35, 1005.37, 1005.38 FS. Law Implemented 1005.22, 1005.35, 1005.37, 1005.38 FS. History—New 1-7-03, Amended 7-27-04, 1-30-08, 7-21-08.

Attachment 4 – Question 10 a - If your agency finds that an institution or program is operating in your state without authorization, what is the resulting warning or enforcement action?

1005.375 Violations; penalties.—

(1) Each of the following acts constitutes a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084:

(a) Operating an independent postsecondary educational institution without a valid, active license issued pursuant to this chapter.

(b) Obtaining or attempting to obtain a license to operate an institution by fraudulent misrepresentation.

(c) Using or attempting to use a license that has been suspended or revoked.

(2) Each of the following acts constitutes a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083:

(a) Knowingly concealing information relating to violations of this chapter.

(b) Willfully making any false oath or affirmation when required to make an oath or affirmation pursuant to this chapter.

History.—s. 2, ch. 2005-202.

1005.38 Actions against a licensee and other penalties.—

(1) The commission may deny, place on probation, or revoke any provisional license, annual license, license by means of accreditation, agent's license, or other authorization required by this chapter. The commission shall adopt rules for taking these actions. The commission may impose an administrative fine of not more than \$5,000 if an institution is on probation for a period under conditions that require oversight by the commission or its staff. The fine shall be deposited into the Institutional Assessment Trust Fund.

(2) The commission may conduct an investigation to determine if an applicant for a new institutional license, or the owners, directors, or administrators of the institution, previously closed an institution, failed to arrange for completion of student training or issue appropriate refunds, or had its license to operate an institution revoked or denied in this state or in another state or jurisdiction.

(3) Any person who has been convicted of, or entered a plea of guilty or nolo contendere to, a crime that relates to the unlawful operation or management of an institution is ineligible to own, operate, manage, or be a registered agent for a licensed institution in this state, and may not be a director or an officer in a corporation that owns or operates a licensed institution. Such a person may not operate or serve in a management or supervisory position in a licensed institution.

(4) The commission may deny an application for any operating status if the commission determines that the applicant or its owners, officers, directors, or administrators were

previously operating an institution in this state or in another state or jurisdiction in a manner contrary to the health, education, or welfare of the public. The commission may consider factors such as the previous denial or revocation of an institutional license; prior criminal or civil administrative proceedings regarding the operation and management of an institution; other types of criminal proceedings involving fraud, deceit, dishonesty, or moral turpitude; failure of the institution to be properly closed, including completing the training or providing for the trainout of its students; and failure to issue appropriate refunds. The commission may require an applicant or its owners, officers, directors, or administrators to provide the commission with information under oath regarding the prior operation of an institution and to provide criminal justice information, the cost of which must be borne by the applicant in addition to license fees.

(5)The commission may obtain an injunction or take any action it deems necessary against any institution or agent in violation of this chapter, but such proceedings and orders do not bar the imposition of any other penalties that may be imposed for the violation.

(6)The commission may conduct disciplinary proceedings through an investigation of any suspected violation of this chapter or any rule of the commission, including a finding of probable cause and making reports to any law enforcement agency or regulatory agency.

(a)The commission shall cause to be investigated a suspected violation of any provision of this chapter or any rule of the commission. Regardless of the source of information regarding the suspected violation, an investigation may be continued until it is completed and an investigative report is presented to a probable cause panel of the commission.

(b)1.All investigatory records held by the commission in conjunction with an investigation conducted pursuant to this subsection are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution for a period not to exceed 10 days after the panel makes a determination regarding probable cause.

2.a.Those portions of meetings of the probable cause panel at which records made exempt pursuant to subparagraph 1. are discussed are exempt from s. 286.011 and s. 24(b), Art. I of the State Constitution. The closed portion of a meeting must be recorded and no portion of the closed meeting may be off the record. The recording shall be maintained by the commission.

b.The recording of a closed portion of a meeting and the minutes and findings of such meeting are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution for a period not to exceed 10 days after the panel makes a determination regarding probable cause.

3.This paragraph is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2015, unless reviewed and saved from repeal through reenactment by the Legislature.

(c)The commission shall notify an institution or individual of the substance of any complaint that is under investigation unless the executive director and chairperson of the commission concur that notification would impede the investigation. The commission may also withhold notification to a person under investigation for an act that constitutes a criminal offense.

(d)The determination of probable cause shall be made by a majority vote of the probable cause panel, the membership of which shall be provided by rule. After the panel declares a finding of probable cause, the commission may issue an administrative complaint and prosecute such complaint under chapter 120.

(e)A privilege against civil liability is granted to any informant or any witness who provides information in good faith for an investigation or proceeding conducted under this section.

(f) Upon written request by an informant, the commission shall notify the informant of the status of an investigation, civil action, or administrative proceeding.

(7) The commission may issue a cease and desist order in conjunction with an administrative complaint or notice of denial of licensure, if necessary to protect the health, safety, or welfare of students, prospective students, or the public. An unlicensed institution that advertises or causes advertisements to be made public through which students are solicited for enrollment or are offered diplomas or degrees is in violation of this chapter. The commission shall adopt rules that direct the issuance of an injunction against operating, advertising, or offering diplomas or degrees without a license. Each day of operation after a cease and desist letter is delivered constitutes a separate violation for purposes of assessing fines or seeking civil penalties.

(a) A cease and desist order may be mandatory or prohibitory in form and may order a postsecondary institution to cease and desist from specified conduct or from failing to engage in specified conduct necessary to achieve the regulatory purposes of this chapter.

(b) A cease and desist order may include an order to cease enrollment of students whom the institution cannot adequately serve, to modify curricula or methods of instruction to ensure the education or training of the type and quality represented in the institutional catalog, or to cease from advertising or to publish or broadcast corrective or clarifying advertising to overcome the effects of previous allegedly deceptive or misleading advertising.

(c) A cease and desist order takes effect immediately upon issuance and remains in effect until the commission takes final agency action.

(d) The commission shall adopt rules to direct procedures by which an affected party is entitled to a formal or informal review of a cease and desist order and may request the commission or the Division of Administrative Hearings to modify or abate a cease and desist order. If a party is aggrieved by a cease and desist order after seeking to have the order abated or modified, the party may seek interlocutory judicial review by the appropriate district court of appeal pursuant to the applicable rules of appellate procedure.

(e) In addition to or in lieu of any remedy provided in this section, the commission may seek the imposition of a civil penalty through the circuit court for any violation for which the commission may issue a notice to cease and desist under this section.

(8) The commission shall adopt rules to identify grounds for imposing disciplinary actions for violations of this chapter or rules of the commission or for denial of a license, which must include at least the following grounds:

(a) Attempting to obtain action from the commission by fraudulent misrepresentation, bribery, or through an error of the commission.

(b) Action against a license or operation imposed under the authority of another state, territory, or country.

(c) Delegating professional responsibilities to a person who is not qualified by training, experience, or licensure to perform the responsibilities.

(d) False, deceptive, or misleading advertising.

(e) Conspiring to coerce, intimidate, or preclude another licensee from lawfully advertising his or her services.

(f) Violating or repeatedly violating any provision of this chapter or any rule adopted pursuant thereto.

(g) Operating with a revoked, suspended, or inactive license.

(h) Violating any lawful order of the commission previously entered in a disciplinary hearing or failing to comply with a lawfully issued subpoena.

(9) The commission shall enter a final order either dismissing a complaint or imposing one or more of the following penalties for any violation of this chapter or any rule of the commission:

(a) Denial of an application for licensure.

(b) Revocation or suspension of a license.

(c) Imposition of an administrative fine of no less than \$100 and no more than \$5,000 for each count or separate violation. Such fine shall be deposited in the Institutional Assessment Trust Fund pursuant to s. 1010.83.

(d) Placement of a licensee on probation for a period of time and subject to such conditions as the commission may specify.

(e) Issuance of a written reprimand to an institution. Such reprimand shall be posted in a prominent place at the institution for such period of time as the commission may specify.

(10) In any case in which the commission imposes a fine or an assessment of costs and the fine or assessment is not paid within a reasonable time, such reasonable time to be prescribed in commission rule or in the order assessing such fine or assessment, the commission or the Department of Legal Affairs may contract for the collection of, or bring a civil action to recover, the fine or assessment.

(11) The commission shall not reinstate the license of an institution, or cause a license to be issued to an institution it has deemed unqualified, until such time as it is satisfied that the institution has complied with all the terms and conditions set forth in the final order.

(12) The commission shall issue an emergency order suspending or limiting the license of an institution if there is a finding that an immediate danger to the public health, safety, or welfare requires emergency action. The executive director of the commission shall review the matter to determine if the emergency suspension or restriction order is warranted. Nothing in this subsection shall be construed to limit the authority of the executive director to issue an emergency order.

History.—s. 261, ch. 2002-387; s. 3, ch. 2005-202; s. 1, ch. 2005-203; s. 185, ch. 2008-4; s. 1, ch. 2010-77.

1005.385 Authority to issue citations.—

(1) The commission shall adopt rules to permit the issuance of citations. A citation shall be issued to an independent postsecondary educational institution and shall contain the institution's name and address, the institution's license number if applicable, a brief factual statement, the sections of law allegedly violated, and the penalty imposed. A citation must clearly state that the subject may choose, in lieu of accepting the citation, to dispute the matter in the citation and must provide the subject all rights for either an informal hearing to dispute the facts before the commission or a formal hearing to dispute the facts before an administrative law judge from the Division of Administrative Hearings pursuant to chapter 120. However, if the subject does not dispute the matter in the citation within 30 days after the citation is served, the citation becomes a final order and constitutes discipline. The penalty shall be a fine or other conditions as established by rule.

(2)The commission shall adopt rules designating violations for which a citation may be issued. A violation so designated shall be a violation for which there is no substantial threat to the public health, safety, or welfare.

(3)The commission shall be entitled to recover the costs of investigation, in addition to any penalty provided according to rule, as part of the penalty levied pursuant to a citation.

(4)A citation must be issued within 6 months after the filing of a complaint that is the basis for the citation.

(5)Service of a citation may be made by personal service or certified mail, restricted delivery, to the subject at the subject's last known address of record.

History.—s. 4, ch. 2005-202.