

By Senator Forman

32-1173A-98

See HB

1                                   A bill to be entitled  
2           An act relating to postsecondary education;  
3           amending s. 232.2466, F.S.; revising  
4           requirements for the college-ready diploma  
5           program; amending s. 239.117, F.S.; exempting  
6           specified students from postsecondary fees;  
7           amending s. 239.225, F.S.; revising provisions  
8           relating to the Vocational Improvement Program;  
9           amending s. 240.1163, F.S.; revising dual  
10          enrollment provisions; amending s. 240.235,  
11          F.S.; exempting specified university students  
12          from fees; amending s. 240.321, F.S., relating  
13          to duties of community college district boards  
14          of trustees; requiring notification of  
15          alternative remedial options; amending s.  
16          240.324, F.S., relating to the community  
17          college accountability process; providing for  
18          coinciding reporting deadlines; clarifying  
19          language; amending s. 240.35, F.S.; exempting  
20          specified community college students from fees;  
21          amending s. 240.36, F.S.; revising provisions  
22          relating to the uses of a trust fund for  
23          community colleges; amending s. 240.382, F.S.;  
24          correcting a cross-reference; amending s.  
25          240.4097, F.S., relating to the Florida  
26          Postsecondary Student Assistance Grant Program;  
27          requiring the establishment of application  
28          deadlines; requiring the State Board of  
29          Community Colleges to develop a methodology  
30          relating to offering baccalaureate programs at  
31          community colleges; requiring recommendations;

1 amending s. 246.201, F.S.; revising legislative  
2 intent; amending s. 246.203, F.S.; renaming the  
3 State Board of Independent Postsecondary  
4 Vocational, Technical, Trade, and Business  
5 Schools the State Board of Nonpublic Career  
6 Education; revising definition of schools  
7 regulated by the board; amending s. 246.205,  
8 F.S.; conforming language; amending s. 246.207,  
9 F.S.; revising powers and duties of the board;  
10 amending s. 246.213, F.S.; conforming language;  
11 amending s. 246.215, F.S.; requiring licensing  
12 of specified programs by the board; creating s.  
13 246.216, F.S.; providing for exemption from  
14 licensure for specified entities; providing for  
15 statements of exemption; providing for  
16 revocation of statements of exemption;  
17 providing for remedies; amending ss. 246.219,  
18 246.220, 246.2265, 246.227, and 246.31, F.S.;  
19 conforming language; amending ss. 20.15,  
20 240.40204, 246.011, 246.081, 246.085, 246.091,  
21 246.111, 246.50, 455.2125, 455.554, 467.009,  
22 476.178, 477.023, and 488.01, F.S.; conforming  
23 language; providing an effective date.

24  
25 Be It Enacted by the Legislature of the State of Florida:

26  
27 Section 1. Section 232.2466, Florida Statutes, is  
28 amended to read:

29 232.2466 College-ready diploma program.--  
30  
31

1           (1) Beginning with the 1998-1999 ~~1997-1998~~ school  
2 year, each school district shall award a differentiated  
3 college-ready diploma to each student who:

4           (a) Successfully completes the requirements for a  
5 standard high school diploma as proscribed by s. 232.246.  
6 Among courses taken to fulfill the 24-academic-credit  
7 requirement, a student must take high school courses that are  
8 adopted by the Board of Regents and recommended by the State  
9 Board of Community Colleges as college-preparatory academic  
10 courses.+

11           ~~1. Two credits in algebra and one credit in geometry,~~  
12 ~~or their equivalents, as determined by the state board.~~

13           ~~2. One credit in biology, one credit in chemistry, and~~  
14 ~~one credit in physics, or their equivalents, as determined by~~  
15 ~~the state board.~~

16           ~~3. Two credits in the same foreign language, taken for~~  
17 ~~elective credit. A student whose native language is not~~  
18 ~~English is exempt from this requirement if the student~~  
19 ~~demonstrates proficiency in the native language. American sign~~  
20 ~~language constitutes a foreign language.~~

21           (b) Takes the postsecondary education common placement  
22 test prescribed in s. 240.117, or an equivalent test  
23 identified by the State Board of Education, before graduation  
24 and scores at or above the established statewide passing score  
25 in each test area.

26           (2) A college-ready diploma entitles a student to  
27 admission without additional placement testing to a public  
28 postsecondary education program that terminates in a technical  
29 certificate, an applied technology diploma, an associate in  
30 applied science degree, an associate in science degree, or an  
31 associate in arts degree, if the student enters postsecondary

1 education within 2 years after earning the college-ready  
2 diploma.

3 (3) The Department of Education shall periodically  
4 convene a task force of educators and employers to recommend  
5 additional incentives for students to pursue a college-ready  
6 diploma. The incentives may include awards and recognition,  
7 preference for positions in firms, and early registration  
8 privileges in postsecondary education institutions.

9 Section 2. Paragraph (f) is added to subsection (4) of  
10 section 239.117, Florida Statutes, to read:

11 239.117 Postsecondary student fees.--

12 (4) The following students are exempt from the payment  
13 of registration, matriculation, and laboratory fees:

14 (f) A student who is a proprietor, owner, or worker of  
15 a company whose business has been at least 50 percent  
16 negatively financially impacted by the buy-out of property  
17 around Lake Apopka by the State of Florida. Such a student  
18 may receive a fee exemption only if the student has not  
19 received compensation because of the buy-out, the student is  
20 designated a Florida resident for tuition purposes pursuant to  
21 s. 240.1201, and the student has applied for and been denied  
22 financial aid, pursuant to s. 240.404, which would have  
23 provided, at a minimum, payment of all student fees. The  
24 student is responsible for providing evidence to the  
25 postsecondary education institution verifying that the  
26 conditions of this paragraph have been met, including support  
27 documentation provided by the Department of Revenue. The  
28 student must be currently enrolled in, or begin coursework  
29 within, a program area by fall semester 2000. The exemption  
30 is valid for a period of 4 years from the date that the

31

1 postsecondary education institution confirms that the  
2 conditions of this paragraph have been met.

3 Section 3. Subsection (1) and paragraph (c) of  
4 subsection (3) of section 239.225, Florida Statutes, are  
5 amended, and subsection (5) is added to said section, to read:

6 239.225 Vocational Improvement Program.--

7 (1) There is established the Vocational Improvement  
8 Program to be administered by the Department of Education  
9 pursuant to this section ~~and rules of the State Board for~~  
10 ~~Career Education. Such rules must provide for the submission~~  
11 ~~of applications and distribution of funds pursuant to this~~  
12 ~~section.~~ The priorities for allocation of funds for the  
13 program are the development of vocational programs for  
14 disadvantaged persons; recruitment, preservice and inservice  
15 activities for vocational counselors and teachers; the  
16 development of information systems that are compatible between  
17 school districts and community colleges; job placement  
18 services for vocational completers; the development of  
19 exploratory vocational courses; activities that provide  
20 faculty articulation for the purpose of integrating vocational  
21 and academic instruction; and activities that ensure greater  
22 community involvement in career education.

23 (3)

24 ~~(c) The State Board for Career Education may adopt~~  
25 ~~rules necessary to implement the provisions of this~~  
26 ~~subsection.~~

27 (5) The State Board for Career Education may adopt  
28 rules to implement this program.

29 Section 4. Subsections (4) and (5) are added to  
30 section 240.1163, Florida Statutes, to read:

31

1           240.1163 Joint dual enrollment and advanced placement  
2 instruction.--

3           (4) School districts and community colleges must weigh  
4 dual enrollment courses the same as honors courses and  
5 advanced placement courses when grade point averages are  
6 calculated. Alternative grade calculation or weighting systems  
7 that discriminate against dual enrollment courses are  
8 prohibited.

9           (5) The Commissioner of Education may approve dual  
10 enrollment agreements for limited course offerings that have  
11 statewide appeal. Such programs shall be limited to a single  
12 site with multiple county participation.

13           Section 5. Subsections (6), (7), (8), and (9) of  
14 section 240.235, Florida Statutes, are renumbered as  
15 subsections (7), (8), (9), and (10), respectively, and a new  
16 subsection (6) is added to said section to read:

17           240.235 Fees.--

18           (6) Any proprietor, owner, or worker of a company  
19 whose business has been at least 50 percent negatively  
20 financially impacted by the buy-out of property around Lake  
21 Apopka by the State of Florida is exempt from the payment of  
22 registration, matriculation, and laboratory fees. A student  
23 receiving a fee exemption in accordance with this subsection  
24 must not have received compensation because of the buy-out,  
25 must be designated a Florida resident for tuition purposes  
26 pursuant to s. 240.1201, and must first have applied for and  
27 been denied financial aid, pursuant to s. 240.404, which would  
28 have provided, at a minimum, payment of all student fees. The  
29 student is responsible for providing evidence to the  
30 postsecondary education institution verifying that the  
31 conditions of this subsection have been met, including support

1 documentation provided by the Department of Revenue. The  
2 student must be currently enrolled in, or begin coursework  
3 within, a program area by fall semester 2000. The exemption  
4 is valid for a period of 4 years from the date that the  
5 postsecondary education institution confirms that the  
6 conditions of this subsection have been met.

7 Section 6. Section 240.321, Florida Statutes, is  
8 amended to read:

9 240.321 Community college district board of trustees;  
10 rules for admissions of students.--The board of trustees shall  
11 make rules governing admissions of students. These rules  
12 shall include the following:

13 (1) Admissions counseling shall be provided to all  
14 students entering college credit programs, which counseling  
15 shall utilize tests to measure achievement of college-level  
16 communication and computation competencies by all students  
17 entering college credit programs.

18 (2) Admission to associate in arts and associate in  
19 science degree programs is subject to minimum standards  
20 adopted by the State Board of Education and shall require:

21 (a) A standard high school diploma, a high school  
22 equivalency diploma as prescribed in s. 229.814, previously  
23 demonstrated competency in college credit postsecondary  
24 coursework, or, in the case of a student who is home educated,  
25 a signed affidavit submitted by the student's parent or legal  
26 guardian attesting that the student has completed a home  
27 education program pursuant to the requirements of s.  
28 232.02(4). Students who are enrolled in a dual enrollment or  
29 early admission program pursuant to s. 240.116 and secondary  
30 students enrolled in college-level instruction creditable

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1 toward the associate degree, but not toward the high school  
2 diploma, shall be exempt from this requirement.

3 (b) A demonstrated level of achievement of  
4 college-level communication and computation skills. Students  
5 entering a postsecondary education program within 2 years of  
6 graduation from high school with an earned college-ready  
7 diploma issued pursuant to s. 232.2466 shall be exempt from  
8 this testing requirement.

9 (c) Any other requirements established by the board of  
10 trustees.

11 (3) Admission to other programs within the community  
12 college shall include education requirements as established by  
13 the board of trustees.

14  
15 Each board of trustees shall establish policies that notify  
16 students about, and place students into, adult basic  
17 education, adult secondary education, or other instructional  
18 programs that provide students with alternatives to  
19 traditional college-preparatory instruction, including private  
20 provider instruction. Such notification shall include a  
21 written listing of alternative remedial options that must be  
22 provided to each student who scores below college level in any  
23 area on the college placement test. The list shall include,  
24 but is not limited to, options provided by the community  
25 college, adult education programs, and programs provided by  
26 private-sector providers. The list shall not endorse,  
27 recommend, evaluate, or rank any of the entries. The list of  
28 providers shall be developed from all those providers that  
29 request to be included. The list must provide students with  
30 specific contact information and disclose the full costs of  
31 the course tuition, laboratory fees, and instructional



1 materials of each option listed. Regardless of the option  
2 selected by a student for required remediation, the student  
3 may concurrently enroll in up to 12 credits of college-level  
4 courses other than those courses taken to obtain the skills in  
5 which the student is being remediated.

6 Section 7. Section 240.324, Florida Statutes, is  
7 amended to read:

8 240.324 Community college accountability process.--

9 (1) It is the intent of the Legislature that a  
10 management and accountability process be implemented which  
11 provides for the systematic, ongoing improvement and  
12 assessment of the improvement of the quality and efficiency of  
13 the State Community College System. Accordingly, the State  
14 Board of Community Colleges and the community college boards  
15 of trustees shall develop and implement an accountability a  
16 plan to improve and evaluate the instructional and  
17 administrative efficiency and effectiveness of the State  
18 Community College System. This plan shall be designed in  
19 consultation with staff of the Governor and the Legislature  
20 and must address the following issues:

21 (a) Graduation rates of A.A. and A.S. degree-seeking  
22 students compared to first-time-enrolled students seeking the  
23 associate degree.

24 (b) Minority student enrollment and retention rates.

25 (c) Student performance, including student performance  
26 in college-level academic skills, mean grade point averages  
27 for community college A.A. transfer students, and community  
28 college student performance on state licensure examinations.

29 (d) Job placement rates of community college  
30 vocational students.

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1           (e) Student progression by admission status and  
2 program.

3           (f) Vocational accountability standards identified in  
4 s. 239.229.

5           (g) Other measures as identified by the Postsecondary  
6 Education Planning Commission and approved by the State Board  
7 of Community Colleges.

8           (2) ~~By January 1, 1992, the State Board of Community~~  
9 ~~Colleges shall submit to the Governor, the President of the~~  
10 ~~Senate, and the Speaker of the House of Representatives a plan~~  
11 ~~for addressing these issues. The plan must provide a specific~~  
12 ~~timetable that identifies specific issues to be addressed each~~  
13 ~~year and must provide for full implementation by December 31,~~  
14 ~~1994.~~ Beginning September 1, 1998 ~~December 31, 1992,~~ the State  
15 Board of Community Colleges shall submit an annual interim  
16 report, to coincide with the submission of the agency  
17 strategic plan required by law, providing the results of  
18 initiatives taken during the prior year and the initiatives  
19 and related objective performance measures proposed for the  
20 next year. The initial plan and each interim plan shall be  
21 designed in consultation with staff of the Governor and the  
22 Legislature.

23           (3) ~~Beginning January 1, 1993,~~The State Board of  
24 Community Colleges shall address within the annual evaluation  
25 of the performance of the executive director, and the boards  
26 of trustees shall address within the annual evaluation of the  
27 presidents, the achievement of the performance goals  
28 established by the accountability process in the community  
29 college accountability plan.

30           Section 8. Subsections (4) through (14) of section  
31 240.35, Florida Statutes, as amended by chapter 97-383, Laws

1 of Florida, are renumbered as subsections (5) through (15),  
2 respectively, paragraph (c) of present subsection (10) is  
3 amended, and a new subsection (4) is added to said section, to  
4 read:

5           240.35 Student fees.--Unless otherwise provided, the  
6 provisions of this section apply only to fees charged for  
7 college credit instruction leading to an associate degree,  
8 including college-preparatory courses defined in s. 239.105.

9           (4) Any proprietor, owner, or worker of a company  
10 whose business has been at least 50 percent negatively  
11 financially impacted by the buy-out of property around Lake  
12 Apopka by the State of Florida is exempt from the payment of  
13 registration, matriculation, and laboratory fees. A student  
14 receiving a fee exemption in accordance with this subsection  
15 must not have received compensation because of the buy-out,  
16 must be designated a Florida resident for tuition purposes  
17 pursuant to s. 240.1201, and must first have applied for and  
18 been denied financial aid, pursuant to s. 240.404, which would  
19 have provided, at a minimum, payment of all student fees. The  
20 student is responsible for providing evidence to the  
21 postsecondary education institution verifying that the  
22 conditions of this subsection have been met, including support  
23 documentation provided by the Department of Revenue. The  
24 student must be currently enrolled in, or begin coursework  
25 within, a program area by fall semester 2000. The exemption  
26 is valid for a period of 4 years from the date that the  
27 postsecondary education institution confirms that the  
28 conditions of this subsection have been met.

29           ~~(11)(10)~~

30           (c) Up to 25 percent or \$250,000, whichever is  
31 greater, of the fees collected may be used to assist students

1 who demonstrate academic merit, who participate in athletics,  
2 public service, cultural arts, and other extracurricular  
3 programs as determined by the institution, or who are  
4 identified as members of a targeted gender or ethnic minority  
5 population. The financial aid fee revenues allocated for  
6 athletic scholarships and fee exemptions provided pursuant to  
7 subsection (15)~~(14)~~ for athletes shall be distributed  
8 equitably as required by s. 228.2001(3)(d). A minimum of 50  
9 percent of the balance of these funds shall be used to provide  
10 financial aid based on absolute need, and the remainder of the  
11 funds shall be used for academic merit purposes and other  
12 purposes approved by the district boards of trustees. Such  
13 other purposes shall include the payment of child care fees  
14 for students with financial need. The State Board of  
15 Community Colleges shall develop criteria for making financial  
16 aid awards. Each college shall report annually to the  
17 Department of Education on the criteria used to make awards,  
18 the amount and number of awards for each criterion, and a  
19 delineation of the distribution of such awards. Awards which  
20 are based on financial need shall be distributed in accordance  
21 with a nationally recognized system of need analysis approved  
22 by the State Board of Community Colleges. An award for  
23 academic merit shall require a minimum overall grade point  
24 average of 3.0 on a 4.0 scale or the equivalent for both  
25 initial receipt of the award and renewal of the award.

26 Section 9. Subsections (4) and (7) of section 240.36,  
27 Florida Statutes, are amended to read:

28 240.36 Dr. Philip Benjamin Academic Improvement Trust  
29 Fund for Community Colleges.--

30 (4) Challenge grants shall be proportionately  
31 allocated from the trust fund on the basis of matching each \$4

1 of state funds with \$6 of local or private funds. The matching  
2 funds shall come from contributions made after July 1, 1983,  
3 for the purposes of matching this grant. To be eligible, a  
4 minimum of \$4,500 must be raised from private sources, and  
5 ~~such contributions must be in excess of the total average~~  
6 ~~annual cash contributions made to the foundation at each~~  
7 ~~community college in the 3 fiscal years before July 1, 1983.~~

8 (7)(a) The board of trustees of the community college  
9 and the State Board of Community Colleges are responsible for  
10 determining the uses for the proceeds of their respective  
11 trust funds. Such uses of the proceeds shall be limited to  
12 expenditure of the funds for:

13 1. Scientific and technical equipment.

14 2. Other activities that will benefit future students  
15 as well as students currently enrolled at the community  
16 college and that will improve the quality of education at the  
17 community college or in the community college system.

18 3. Scholarships, ~~which are the lowest priority for use~~  
19 ~~of these funds.~~

20 ~~(b) If a community college includes scholarships in~~  
21 ~~its proposal, it shall create an endowment in its academic~~  
22 ~~improvement trust fund and use the earnings of the endowment~~  
23 ~~to provide scholarships. Such scholarships must be program~~  
24 ~~specific and require high academic achievement for students to~~  
25 ~~qualify for or retain the scholarship. A scholarship program~~  
26 ~~may be used for minority recruitment but may not be used for~~  
27 ~~athletic participants. The board of trustees may award~~  
28 ~~scholarships to students in associate in arts programs and~~  
29 ~~vocational programs. However, for vocational programs, the~~  
30 ~~board of trustees must have designated the program as a~~  
31 ~~program of emphasis for quality improvement, a designation~~

1 ~~that should be restricted to a limited number of programs at~~  
2 ~~the community college. In addition, the board of trustees~~  
3 ~~must have adopted a specific plan that details how the~~  
4 ~~community college will improve the quality of the program~~  
5 ~~designated for emphasis and that includes quality measures and~~  
6 ~~outcome measures. Over a period of time, the community~~  
7 ~~college operating budget should show additional financial~~  
8 ~~commitment to the program of emphasis above and beyond the~~  
9 ~~average increases to other programs offered by the community~~  
10 ~~college. Fundraising activities must be specifically~~  
11 ~~identified as being for the program of emphasis or scholarship~~  
12 ~~money. The community college must fully levy the amount for~~  
13 ~~financial aid purposes provided by s. 240.35(10) in addition~~  
14 ~~to the tuition and matriculation fee before any scholarship~~  
15 ~~funds are awarded to the community college as part of its~~  
16 ~~approved request.~~

17 (b)~~(c)~~ Proposals for use of the trust fund shall be  
18 submitted to the State Board of Community Colleges for  
19 approval. Any proposal not acted upon in 60 days shall be  
20 considered not approved.

21 Section 10. Subsection (5) of section 240.382, Florida  
22 Statutes, is amended to read:

23 240.382 Establishment of child development training  
24 centers at community colleges.--

25 (5) In addition to revenues derived from child care  
26 fees charged to parents and other external resources, each  
27 child development training center may be funded by a portion  
28 of funds from the student activity and service fee authorized  
29 by s. 240.35~~(10)~~(9) and the capital improvement fee authorized  
30 by s. 240.35~~(14)~~(13). Community colleges are authorized to  
31 transfer funds as necessary from the college's general fund to

1 support the operation of the child development training  
2 center.

3 Section 11. Subsection (2) of section 240.4097,  
4 Florida Statutes, is amended to read:

5 240.4097 Florida Postsecondary Student Assistance  
6 Grant Program; eligibility for grants.--

7 (2)(a) Florida postsecondary student assistance grants  
8 through the State Student Financial Assistance Trust Fund may  
9 be made only to full-time degree-seeking students who meet the  
10 general requirements for student eligibility as provided in s.  
11 240.404, except as otherwise provided in this section. Such  
12 grants shall be awarded for the amount of demonstrated unmet  
13 need for tuition and fees and may not exceed a total of \$1,500  
14 per academic year, or as specified in the General  
15 Appropriations Act, to any applicant. A demonstrated unmet  
16 need of less than \$200 shall render the applicant ineligible  
17 for a Florida postsecondary student assistance grant.  
18 Recipients of such grants must have been accepted at a  
19 postsecondary institution that is located in ~~and chartered as~~  
20 ~~a domestic corporation by~~ the state and that is:

21 1. A private nursing diploma school approved by the  
22 Florida Board of Nursing; or

23 2. An institution either licensed by the State Board  
24 of Independent Colleges and Universities or exempt from  
25 licensure pursuant to s. 246.085(1)(a), excluding those  
26 institutions the students of which are eligible to receive a  
27 Florida private student assistance grant pursuant to s.  
28 240.4095.

29  
30 No student may receive an award for more than the equivalent  
31 of 9 semesters or 14 quarters in a period of not more than 6

1 consecutive years, except as otherwise provided in s.  
2 240.404(3).

3 (b) A student applying for a Florida postsecondary  
4 student assistance grant shall be required to apply for the  
5 Pell Grant. The Pell Grant entitlement shall be considered by  
6 the department when conducting an assessment of the financial  
7 resources available to each student.

8 (c) The criteria and procedure for establishing  
9 standards of eligibility shall be determined by the  
10 department. The department is directed to establish a rating  
11 system upon which to base the approval of grants, including  
12 the use of a nationally recognized system of need analysis.  
13 The system shall include a certification of acceptability by  
14 the school of the applicant's choice. Priority in the  
15 distribution of grant moneys shall be given to students with  
16 the lowest total family resources, as determined pursuant to  
17 this subsection, taking into consideration the receipt of Pell  
18 Grants and student contributions to educational costs.

19 (d) The department is directed to establish, for fall  
20 enrollment, an initial application deadline for students  
21 attending all eligible institutions and an additional  
22 application deadline for students who apply to all eligible  
23 institutions after the initial application deadline. The  
24 second deadline shall be October 1 following the initial  
25 application deadline. The department shall reserve an amount  
26 to be designated annually in the General Appropriations Act  
27 for the purpose of providing awards to postsecondary students  
28 who apply for a student assistance grant after the initial  
29 application deadline. Applicants who apply during the initial  
30 application period and are eligible to receive an award, but  
31 do not receive an award because of insufficient funds, shall



1 have their applications reconsidered with those applicants who  
2 apply after the initial application deadline. The provisions  
3 of this paragraph shall take effect with the 1999-2000  
4 academic year.

5           Section 12. The State Board of Community Colleges  
6 shall develop a methodology for determining the need for and  
7 costs of offering limited baccalaureate programs at selected  
8 community colleges. Recommendations shall be completed by  
9 December 31, 1998, for review by the Postsecondary Education  
10 Planning Commission and submission to the Legislature on  
11 February 1, 1999.

12           Section 13. Section 246.201, Florida Statutes, is  
13 amended to read:

14           246.201 Legislative intent.--

15           (1) Sections 246.201-246.231 shall provide for the  
16 protection of the health, education, and welfare of the  
17 citizens of Florida and shall facilitate and promote the  
18 acquisition of a minimum satisfactory career, ~~technical,~~  
19 ~~trade, and business~~ education by all the citizens of this  
20 state. ~~There are presently many fine nonpublic schools~~  
21 ~~existing in this state, but there are some nonpublic schools~~  
22 ~~which do not generally offer those educational opportunities~~  
23 ~~which the citizens of Florida deem essential. The latter type~~  
24 ~~of school also fails to contribute to the ultimate health,~~  
25 ~~education, and welfare of the citizens of Florida. It shall~~  
26 be in the interest of, and essential to, the public health and  
27 welfare that the state create the means whereby all nonpublic  
28 postsecondary career independent degree career education,  
29 ~~technical, trade, and business~~ schools as defined in s.  
30 246.203(1) shall satisfactorily meet minimum educational  
31 standards and fair consumer practices.

1           (2) A common practice in our society is to use  
2 diplomas and degrees for many purposes. Some of these  
3 purposes are: for employers to judge the qualifications of  
4 prospective employees; for public and nonpublic professional  
5 groups, vocational groups, educational agencies, governmental  
6 agencies, and educational institutions to determine the  
7 qualifications for admission to, and continuation of,  
8 educational goals, occupational goals, professional  
9 affiliations, or occupational affiliations; and for public and  
10 professional assessment of the extent of competency of  
11 individuals engaged in a wide range of activities within our  
12 society.

13           (3) Because of the common use of diplomas and degrees,  
14 the minimum legal requirements provided by ss. 246.201-246.231  
15 for the establishment and operation of nonpublic postsecondary  
16 career independent degree career education, technical, trade,  
17 and business schools shall protect the individual student from  
18 deceptive, fraudulent, or substandard education; protect such  
19 independent degree career education, technical, trade, and  
20 business schools; and protect the citizens of Florida holding  
21 diplomas or degrees.

22           ~~(4) Nothing contained herein is intended in any way,~~  
23 ~~nor shall be construed, to regulate the stated purpose of an~~  
24 ~~independent degree career education, technical, trade, and~~  
25 ~~business school or to restrict any religious instruction or~~  
26 ~~training in a nonpublic school. Any school or business~~  
27 ~~regulated by the state or approved, certified, or regulated by~~  
28 ~~the Federal Aviation Administration is hereby expressly exempt~~  
29 ~~from ss. 246.201-246.231. Nonprofit schools, owned,~~  
30 ~~controlled, operated, and conducted by religious,~~  
31 ~~denominational, eleemosynary, or similar public institutions~~

1 ~~exempt from property taxation under the laws of this state~~  
2 ~~shall be exempt from the provisions of ss. 246.201-246.231.~~  
3 ~~However, such schools may choose to apply for a license~~  
4 ~~hereunder, and, upon approval and issuance thereof, such~~  
5 ~~schools shall be subject to ss. 246.201-246.231.~~

6 Section 14. Subsections (1) and (7) of section  
7 246.203, Florida Statutes, are amended to read:

8 246.203 Definitions.--As used in ss. 246.201-246.231,  
9 unless the context otherwise requires:

10 (1) "School" means any nonpublic postsecondary  
11 noncollegiate career educational institution, association,  
12 corporation, person, partnership, or organization of any type  
13 that:

14 (a) Offers to provide or provides any postsecondary  
15 program of instruction, course, or class through the student's  
16 personal attendance, in the presence of an instructor, in a  
17 classroom, clinical, or other practicum setting or through  
18 correspondence or other distance learning; and

19 (b) Represents, directly or by implication, that the  
20 instruction will qualify the student for employment in any  
21 occupation whose practice in this state does not require a  
22 degree, as defined in s. 246.021(5); and

23 (c) Receives remuneration from the student or any  
24 other source on the enrollment of a student or on the number  
25 of students enrolled; or

26 (d) Offers to award or awards a diploma, as defined in  
27 subsection (6), regardless of whether or not it engages in the  
28 activities described in paragraph (a), paragraph (b), or  
29 paragraph (c).nongovernmental, postsecondary, vocational,  
30 technical, trade, or business noncollegiate educational  
31 institution, organization program, home study course, or class

1 ~~maintained or conducted in residence or through correspondence~~  
2 ~~by any person, partnership, association, organization, or~~  
3 ~~corporation for the purpose of offering instruction of any~~  
4 ~~kind leading to occupational objectives or of furnishing a~~  
5 ~~diploma, as defined in subsection (6), in business,~~  
6 ~~management, trade, technical, or other career education and~~  
7 ~~professional schools not otherwise regulated. Nonpublic~~  
8 ~~colleges and universities which award a baccalaureate or~~  
9 ~~higher degree, and nonpublic junior colleges which award an~~  
10 ~~associate degree in liberal arts do not fall under the~~  
11 ~~authority granted in ss. 246.201-246.231 unless the college,~~  
12 ~~university, or junior college conducts, or seeks to conduct, a~~  
13 ~~program for which a diploma, as defined in subsection (6), is~~  
14 ~~to be awarded. Any nonpublic college, university, or junior~~  
15 ~~college which conducts or seeks to conduct a diploma program~~  
16 ~~shall, for the purposes of ss. 246.201-246.231, be included in~~  
17 ~~the definition of "school." Schools offering only examination~~  
18 ~~preparation courses for which they do not award a diploma as~~  
19 ~~defined in subsection (6) do not fall under the authority~~  
20 ~~granted in ss. 246.201-246.231; nor does a nonprofit class~~  
21 ~~provided and operated entirely by an employer, a group of~~  
22 ~~employers in related business or industry, or a labor union~~  
23 ~~solely for its employees or prospective employees or members.~~

24 (7) "Board" means the State Board of Nonpublic Career  
25 Education Independent Postsecondary Vocational, Technical,  
26 Trade, and Business Schools.

27 Section 15. Subsections (1) and (2) of section  
28 246.205, Florida Statutes, are amended to read:

29 246.205 State Board of Nonpublic Career Education  
30 Independent Postsecondary Vocational, Technical, Trade, and  
31 Business Schools.--

1           (1) There shall be established in the Department of  
2 Education a State Board of Nonpublic Career Education  
3 ~~Independent Postsecondary Vocational, Technical, Trade, and~~  
4 ~~Business Schools~~. The board shall be assigned to the  
5 Department of Education only for the purpose of payroll,  
6 procurement, and related administrative functions which shall  
7 be exercised by the head of the department. The board shall  
8 independently exercise the other powers, duties, and functions  
9 prescribed by law. The board shall include nine members,  
10 appointed by the Governor as follows:

- 11           (a) One from a business school;
- 12           (b) One from a technical school;
- 13           (c) One from a home study school;
- 14           (d) One from a nonpublic school;
- 15           (e) Four from business and industry; and
- 16           (f) An administrator of vocational-technical education  
17 from a public school district or community college.

18           (2) Each of the members shall be appointed by the  
19 Governor, subject to confirmation by the Senate, for a term of  
20 3 years. Of the original members appointed by the Governor,  
21 three shall serve for terms of 1 year, three shall serve for  
22 terms of 2 years, and three shall serve for terms of 3 years.  
23 Of the appointive members from the nonpublic postsecondary  
24 career independent schools, each shall have occupied executive  
25 or managerial positions in a nonpublic postsecondary career an  
26 ~~independent~~ school in this state for at least 5 years. All  
27 members shall be residents of this state. In the event of a  
28 vacancy on the board caused other than by the expiration of a  
29 term, the Governor shall appoint a successor to serve the  
30 unexpired term.

31

1           Section 16. Subsection (1) and paragraph (e) of  
2 subsection (2) of section 246.207, Florida Statutes, are  
3 amended to read:

4           246.207 Powers and duties of board.--

5           (1) The board shall:

6           (a) Hold such meetings as are necessary to administer  
7 efficiently the provisions of ss. 246.201-246.231.

8           (b) Select annually a chairperson and a vice  
9 chairperson.

10          ~~(c) Adopt and use an official seal in the~~  
11 ~~authentication of its acts.~~

12          (c)~~(d)~~ Make rules for its own government.

13          (d)~~(e)~~ Prescribe and recommend to the State Board of  
14 Education rules as are required by ss. 246.201-246.231 or as  
15 it may find necessary to aid in carrying out the objectives  
16 and purposes of ss. 246.201-246.231.

17          (e)~~(f)~~ Administer ss. 246.201-246.231 and execute such  
18 rules adopted pursuant thereto by the State Board of Education  
19 for the establishment and operation of nonpublic postsecondary  
20 career independent schools as defined in s. 246.203(1).

21          (f)~~(g)~~ Appoint, on the recommendation of its  
22 chairperson, executives, deputies, clerks, and employees of  
23 the board.

24          (g)~~(h)~~ Maintain a record of its proceedings.

25          (h)~~(i)~~ Cooperate with other state and federal agencies  
26 in administering ss. 246.201-246.231.

27          (i)~~(j)~~ Prepare an annual budget.

28          (j)~~(k)~~ Transmit all fees, donations, and other  
29 receipts of money to the Institutional Assessment Trust Fund  
30 ~~State Treasurer to be deposited in the General Revenue Fund.~~

31

1           (k)~~(l)~~ Transmit to the Governor, the Speaker of the  
2 House of Representatives, the President of the Senate, the  
3 minority leader of the Senate, and the minority leader of the  
4 House of Representatives on July 1, 1987, and each succeeding  
5 year an annual report which shall include, but not be limited  
6 to:

7           1. A detailed accounting of all funds received and  
8 expended.

9           2. The number of complaints received and investigated,  
10 by type.

11           3. The number of findings of probable cause.

12           4. A description of disciplinary actions taken, by  
13 statutory classification.

14           5. A description of all administrative hearings and  
15 court actions.

16           6. A description of the board's major activities  
17 during the previous year.

18           (l)~~(m)~~ Assure that no school that has met board  
19 requirements established by law or rule be made to operate  
20 without a current license due to scheduling of board meetings  
21 or application procedures for license renewal.

22           (m)~~(n)~~ Cause to be investigated criminal justice  
23 information, as defined in s. 943.045, for each owner,  
24 administrator, and agent employed by a school applying for  
25 licensure or renewal of licensure.

26           (n)~~(o)~~ Serve as a central agency for collection and  
27 distribution of current information regarding institutions  
28 licensed by the board.

29           1. The data collected by the board shall include  
30 information relating to the school administration, calendar  
31 system, admissions requirements, student costs and financial

1 obligations, financial aid information, refund policy,  
2 placement services, number of full-time and part-time faculty,  
3 student enrollment and demographic figures, programs, and  
4 off-campus programs. Other information shall be collected in  
5 response to specific needs or inquiries. Financial  
6 information of a strictly proprietary, commercial nature is  
7 excluded from this requirement.

8         2. The data collected by the board must also include  
9 the data for the career education program evaluation reports  
10 required by s. 239.233 for each school that chooses to provide  
11 public information under s. 239.245.

12         3. The board shall provide to each participating  
13 institution annually the format, definitions, and instructions  
14 for submitting the required information.

15         4. The data submitted by each institution shall be  
16 accompanied by a letter of certification signed by the chief  
17 administrative officer of the institution, affirming that the  
18 information submitted is accurate.

19         5. A summary of the data collected by the board shall  
20 be included in the annual report to the Governor, the Speaker  
21 of the House of Representatives and the President of the  
22 Senate, the minority leader of the Senate, and the minority  
23 leader of the House of Representatives. The information  
24 collected by the board may also be used by the Department of  
25 Education for such purposes as statewide master planning,  
26 state financial aid programs, and publishing directories, by  
27 the Legislature, and to respond to consumer inquiries received  
28 by the board.

29         ~~(p) Publish and index all policies and agency~~  
30 ~~statements. If a policy or agency statement meets the criteria~~  
31



1 ~~of a rule, as defined in s. 120.52, the board shall adopt it~~  
2 ~~as a rule.~~

3       (o)(q) Establish and publicize the procedures for  
4 receiving and responding to complaints from students, faculty,  
5 and others about schools or programs licensed by the board and  
6 shall keep records of such complaints in order to determine  
7 their frequency and nature for specific institutions of higher  
8 education. With regard to any written complaint alleging a  
9 violation of any provision of ss. 246.201-246.231 or any rule  
10 promulgated pursuant thereto, the board shall periodically  
11 notify, in writing, the person who filed the complaint of the  
12 status of the investigation, whether probable cause has been  
13 found, and the status of any administrative action, civil  
14 action, or appellate action, and if the board has found that  
15 probable cause exists, it shall notify, in writing, the party  
16 complained against of the results of the investigation and  
17 disposition of the complaint. The findings of the probable  
18 cause panel, if a panel is established, shall not be disclosed  
19 until the information is no longer confidential.

20       (2) The board may:

21       (e) Issue a license to any school subject to ss.  
22 246.201-246.231 which is exempted ~~excluded~~ from the licensing  
23 and regulatory requirements of ss. 246.201-246.231, upon  
24 voluntary application for such license and upon payment of the  
25 appropriate fee as set forth in s. 246.219.

26       Section 17. Section 246.213, Florida Statutes, is  
27 amended to read:

28       246.213 Power of State Board of Education.--

29       (1) The State Board of Education, acting on the  
30 recommendation of the State Board of Nonpublic Career  
31 Education ~~Independent Postsecondary Vocational, Technical,~~

1 ~~Trade, and Business Schools~~, shall adopt such minimum  
2 standards and rules as are required for the administration of  
3 ss. 246.201-246.231.

4 (2)(a) The minimum educational standards for the  
5 licensing of schools shall include, but not be limited to:  
6 name of school, purpose, administrative organization,  
7 educational program and curricula, finances, financial  
8 stability, faculty, library, student personnel services,  
9 physical plant and facilities, publications, and disclosure  
10 statements about the status of the institution in relation to  
11 professional certification and licensure.

12 (b) Rules of the State Board of Education shall  
13 require that nonpublic schools administer an entry-level test  
14 of basic skills to each student who enrolls in a nondegree  
15 program of at least 450 clock hours, or the credit hour  
16 equivalent, which purports to prepare such student for  
17 employment. The State Board of Nonpublic Career Education  
18 ~~Independent Postsecondary Vocational, Technical, Trade, and~~  
19 ~~Business Schools~~ shall designate examinations authorized for  
20 use for entry-level testing purposes. State Board of Education  
21 rules shall require that applicable schools provide students  
22 who are deemed to lack a minimal level of basic skills with a  
23 structured program of basic skills instruction. No student  
24 shall be granted a diploma, as defined in s. 246.203, until he  
25 or she has demonstrated mastery of basic skills. Exceptional  
26 students, as defined in s. 228.041, may be exempted from the  
27 provisions of this paragraph. The State Board of Education  
28 shall identify means through which students who are capable of  
29 demonstrating mastery of basic skills may be exempted from the  
30 provisions of this paragraph.

31

1           (c) The State Board of Nonpublic Career Education  
2 ~~Independent Postsecondary Vocational, Technical, Trade, and~~  
3 ~~Business Schools~~ may request that schools within its  
4 jurisdiction provide the board all documents associated with  
5 institutional accreditation. The board shall solicit from  
6 schools which provide such documents only such additional  
7 information undisclosed in the accreditation documents  
8 provided. The board may conduct a comprehensive study of a  
9 school that fails to provide all documents associated with its  
10 institutional accreditation. The cost of such study shall be  
11 borne by the institution. Standards imposed by the board shall  
12 not be constrained in quality or quantity to those imposed by  
13 the respective accrediting body.

14           (d) The State Board of Nonpublic Career Education  
15 ~~Independent Postsecondary Vocational, Technical, Trade, and~~  
16 ~~Business Schools~~ shall recommend to the State Board of  
17 Education minimum placement standards for institutions that  
18 conduct programs that prepare students for employment.

19           (3) The minimum requirements for the licensing of  
20 agents shall include: name, residential and business  
21 addresses, background training, institution or institutions to  
22 be represented, and demonstrated knowledge of statutes and  
23 rules related to the authority granted to agents and the  
24 limitations imposed upon such authority. No employee of a  
25 nonpublic school shall solicit prospective students for  
26 enrollment in such school until that employee is licensed by  
27 the State Board of Nonpublic Career Education ~~Independent~~  
28 ~~Postsecondary Vocational, Technical, Trade, and Business~~  
29 ~~Schools~~ as an agent.

30           (4) The State Board of Nonpublic Career Education  
31 ~~Independent Postsecondary Vocational, Technical, Trade, and~~

1 ~~Business Schools~~ shall adopt criteria for specialized  
2 associate degrees, diplomas, certificates, or other  
3 educational credentials that will be recognized in licensed  
4 schools. The State Board of Nonpublic Career Education  
5 ~~Independent Postsecondary Vocational, Technical, Trade, and~~  
6 ~~Business Schools~~ shall adopt a common definition for each  
7 credential. To determine the level of a nonpublic an  
8 ~~independent~~ institution's vocational program or to establish  
9 criteria for a specialized degree, the board shall use  
10 procedures developed pursuant to s. 239.205, which requires  
11 the Department of Education to determine the level of each  
12 public degree career education program.

13 Section 18. Section 246.215, Florida Statutes, is  
14 amended to read:

15 246.215 License required.--

16 (1) No nonpublic postsecondary career independent  
17 school required to be licensed pursuant to ss. 246.201-246.231  
18 shall be operated or established within the state until such  
19 school makes application and obtains a license or  
20 authorization from the board. Each nonpublic school that  
21 seeks licensure shall first submit articles of incorporation  
22 to the Department of State. After the Department of State  
23 approves such articles and verifies that the articles indicate  
24 the corporation is a postsecondary school within the meaning  
25 and intent of s. 246.203, the corporation shall apply for  
26 licensure by the board within 60 days of approval of the  
27 articles. Department of State approval of the articles of  
28 incorporation shall not constitute authorization to operate  
29 the nonpublic school. The Department of State shall  
30 immediately transmit approved articles of incorporation for  
31 nonpublic schools to the board.

1           (2) No agent shall solicit any prospective student for  
2 enrollment in a nonpublic school until both the agent and the  
3 school are appropriately licensed or otherwise authorized by  
4 the board.

5           (3) No nonpublic postsecondary career independent  
6 school required to be licensed pursuant to ss. 246.201-246.231  
7 shall advertise in any manner until such school is granted an  
8 appropriate license by the board, nor shall any licensed  
9 school advertise in any manner while such school is under an  
10 injunction against operating, soliciting students, or offering  
11 diplomas.

12           (4) No license granted by the board shall be  
13 transferable to another nonpublic postsecondary career  
14 ~~independent~~ school or to another agent, nor shall school  
15 licensure transfer upon a change in ownership of the  
16 institution.

17           (5) Each license granted by the board shall delineate  
18 the specific nondegree programs that the nonpublic school is  
19 authorized to offer. No such school shall conduct a program  
20 unless express authority is granted in its license.

21           (6) A diploma program offered by a nonpublic junior  
22 college, college, or university must be licensed by the board,  
23 notwithstanding the fact that such institution is concurrently  
24 subject to the jurisdiction of the State Board of Independent  
25 Colleges and Universities, if such program does the following:

26           (a) The program qualifies a student for employment or  
27 engagement in an occupation whose practice in this state does  
28 not require a degree.

29           (b) The program awards a diploma, as defined in s.  
30 246.203(6), for successful completion, including any program  
31 that is organized to give students an option of exiting at a

1 specified point and receiving a diploma, or continuing and  
2 receiving a degree, as defined in s. 246.021(5).

3 Section 19. Section 246.216, Florida Statutes, is  
4 created to read:

5 246.216 Exemption from licensure.--

6 (1) A person or entity which otherwise fits the  
7 definition of school in s. 246.203(1) shall be exempt from  
8 licensure if it meets the criteria specified in this section  
9 and applies to the board for a statement of exemption. The  
10 board shall issue a statement of exemption if it determines,  
11 based on all available information, that the applicant meets  
12 the following criteria:

13 (a) The entity is a church or religious organization  
14 whose programs of instruction include:

15 1. A religious modifier in the title of the program,  
16 immediately preceding the name of the occupation to which the  
17 instruction relates, and in the title of the diploma.

18 2. No representation, directly or by implication, that  
19 individuals who successfully complete the program will be  
20 qualified to be employed in the field to which the training  
21 relates by an employer other than a church or religious  
22 organization.

23 3. No students who receive state or federal financial  
24 aid to pursue the program;

25 (b) The person or entity is regulated by the Federal  
26 Aviation Administration, another agency of the Federal  
27 Government, or an agency of the state whose regulatory laws  
28 are similar in nature and purpose to those of the board and  
29 require minimum educational standards, for at least  
30 curriculum, instructors, and academic progress and provide

31

1 protection against fraudulent, deceptive, and substandard  
2 education practices;

3 (c) The person or entity offers only examination  
4 preparation courses provided that:

5 1. A diploma as defined in s. 246.203(6) is not  
6 awarded.

7 2. The courses do not include state licensing  
8 examinations in occupations for which state laws do not  
9 require a licensee to have a bachelor's degree or higher  
10 academic or professional degree;

11 (d) The person or entity is:

12 1. An employer who offers training and trains only its  
13 own bona fide employees;

14 2. A trade or professional association or a group of  
15 employers in the same or related business who in writing agree  
16 to offer training and to train only individuals who are bona  
17 fide employees of an employer who is a member of the  
18 association or a party to the written agreement; or

19 3. An independent contractor engaged by any of the  
20 foregoing by written contract to provide the training on its  
21 behalf exclusively to individuals who are selected by the  
22 employer, association, or group which engaged the contractor  
23 and who are bona fide employees thereof.

24  
25 For purposes of this paragraph, a bona fide employee is an  
26 individual who works for salary or wages paid by the employer  
27 in at least the minimum amount required by law;

28 (e) The entity is a labor union or group of labor  
29 unions which offers training to, and trains only, individuals  
30 who are dues paying members of a participating labor union; or  
31 the person or entity is an independent contractor engaged by

1 the labor union or group of labor unions, by written contract,  
2 to provide the training on its behalf exclusively to  
3 individuals who are selected by the labor union or group of  
4 labor unions which engaged the contractor and who are dues  
5 paying members thereof;

6 (f) The person or entity offers only continuing  
7 education programs to individuals who engage in an occupation  
8 or profession whose practitioners are subject to licensure,  
9 certification, or registration by a state agency which  
10 recognizes the programs for continuing education purposes and  
11 provides a written statement of such recognition; or

12 (g) The person or entity offers a program of  
13 instruction whose objective is not occupational, but is  
14 avocational and only for personal enrichment and which:

15 1. Prior to enrollment, gives to each enrollee, and  
16 maintains a record copy of, a written statement which states  
17 substantially the following: "This program is not designed or  
18 intended to qualify its participants and graduates for  
19 employment in (the field to which the training pertains). It  
20 is intended solely for the avocation, personal enrichment, and  
21 enjoyment of its participants."

22 2. Makes no other verbal or written statements which  
23 negate the written statement required in subparagraph 1. by  
24 stating or implying that persons who enroll in or complete the  
25 program have any more substantial likelihood of getting  
26 employment in the field to which the training pertains than  
27 persons who do not.

28 3. Maintains and makes available to the board, upon  
29 request, records which demonstrate that each enrollee received  
30 the statement required by subparagraph 1. prior to  
31 enrollment.



1  
2 To be eligible for the statement of exemption, the applicant  
3 must maintain records documenting its qualification for  
4 exemption. A person or entity which is exempt pursuant to this  
5 subsection and which is also a licensee for programs which do  
6 not qualify for exemption may not include in the catalog,  
7 contract, or advertising relating to its licensed program any  
8 reference to its unlicensed programs. This restriction does  
9 not apply to a licensee which voluntarily becomes licensed to  
10 offer programs which would otherwise qualify for exemption.

11 (2) The board shall revoke a statement of exemption if  
12 it determines, based on all available information, that the  
13 entity does not meet the criteria required in subsection (1)  
14 because of the following:

15 (a) There has been a material change in circumstances  
16 or in the law;

17 (b) The statement was erroneously issued as a result  
18 of false or misleading information provided by the applicant  
19 or other source;

20 (c) There was a misunderstanding by the board of the  
21 information which it had considered; or

22 (d) New information has been received.

23  
24 Probable cause proceedings do not apply to the foregoing board  
25 decisions.

26 (3) The board may invoke the remedies provided in s.  
27 246.227 when no application for a statement of exemption is  
28 pending; in conjunction with, or subsequent to, its notice of  
29 denial of an application; or in conjunction with, or  
30 subsequent to, its notice of revocation. The filing of a civil  
31 action pursuant to s. 246.227 shall have the effect of

1 suspending administrative proceedings under this section  
2 unless the board takes a voluntary dismissal without prejudice  
3 in a judicial case. An order of the court which determines or  
4 renders moot an issue presented in suspended administrative  
5 proceedings shall be grounds for dismissal of the  
6 administrative proceeding as to that issue.

7 Section 20. Subsection (1) of section 246.219, Florida  
8 Statutes, is amended to read:

9 246.219 License fees.--

10 (1) Each initial application for a license to operate  
11 a nonpublic postsecondary career school shall be accompanied  
12 by a license fee of not less than \$500, and each application  
13 for the renewal of such license shall be accompanied by an  
14 annual license fee of at least \$300, provided that the fee for  
15 a biennial license shall be at least \$600. A fee shall be  
16 charged for a supplementary application for the approval of  
17 any additional field or course of instruction. Such fees  
18 shall be delineated, by rule, by the board.

19 Section 21. Section 246.220, Florida Statutes, is  
20 amended to read:

21 246.220 Surety bonds or insurance.--Surety bonds or  
22 insurance shall not be required of any school licensed by the  
23 State Board of Nonpublic Career Education ~~Independent~~  
24 ~~Postsecondary Vocational, Technical, Trade, and Business~~  
25 ~~Schools~~, except as may be required by the board to insure the  
26 train-out of projected or currently enrolled students,  
27 issuance of refunds to projected or currently enrolled  
28 students, payment of liabilities to the Student Protection  
29 Fund, or for the retrieval or safekeeping of student records.

30 Section 22. Subsections (1) and (4) of section  
31 246.2265, Florida Statutes, are amended to read:

1           246.2265 Additional regulatory powers while  
2 disciplinary proceedings are pending; cease and desist  
3 orders.--

4           (1) The board may, in conjunction with an  
5 administrative complaint or notice of denial of licensure,  
6 issue cease and desist orders for the purpose of protecting  
7 the health, safety, and welfare of students, prospective  
8 students, and the general public. Such orders may be  
9 mandatory or prohibitory in form and may order a nonpublic an  
10 ~~independent~~ postsecondary career institution, officer,  
11 employee, or agent to:

12           (a) Cease and desist from specified conduct which  
13 relates to acts or omissions stated in the administrative  
14 complaint or notice of denial of licensure; or

15           (b) Cease and desist from failing to engage in  
16 specified conduct which is necessary to achieve or preserve  
17 the regulatory purposes of ss. 246.201-246.231.

18           (4) The executive director of the board, with the  
19 approval of the chair of the board, may issue and deliver a  
20 cease and desist order to a nonpublic an-independent  
21 postsecondary career institution.

22           Section 23. Subsections (2) and (3) of section  
23 246.227, Florida Statutes, are amended to read:

24           246.227 Injunctive relief; unlicensed operation of a  
25 school; cease and desist notice; civil penalty.--

26           (2) An unlicensed nonpublic independent postsecondary  
27 career institution required to be licensed pursuant to ss.  
28 246.201-246.231 that advertises or causes advertisements to be  
29 made public through which students are solicited for  
30 enrollment or are offered diplomas shall be in violation of  
31 the provisions of ss. 246.201-246.231. A licensed nonpublic

1 ~~independent~~ postsecondary career institution that is under  
2 temporary or permanent injunction against operating or  
3 offering diplomas that advertises or causes advertisements to  
4 be made public through which students are solicited for  
5 enrollment or are offered diplomas shall be in violation of  
6 such injunctive order upon presentation to the court of the  
7 advertisement.

8 (3) The executive director of the board, with the  
9 approval of the chair of the board, may issue and deliver a  
10 cease and desist order to any nonpublic ~~independent~~  
11 postsecondary career institution or agent required to be  
12 licensed pursuant to ss. 246.201-246.231 that is not so  
13 licensed. The board may file, in the name of the state, a  
14 proceeding which seeks issuance of an injunction against any  
15 person in violation of any provision of such order.

16 Section 24. Subsection (1) of section 246.31, Florida  
17 Statutes, is amended to read:

18 246.31 Institutional Assessment Trust Fund.--

19 (1) There is created an Institutional Assessment Trust  
20 Fund to be administered by the Department of Education  
21 pursuant to this section and rules of the State Board of  
22 Education. The trust fund shall consist of all fees and fines  
23 imposed upon nonpublic colleges and schools pursuant to this  
24 chapter, including all fees collected from nonpublic colleges  
25 for participation in the common course designation and  
26 numbering system. The department shall maintain separate  
27 revenue accounts for the State Board of Independent Colleges  
28 and Universities; the State Board of Nonpublic Career  
29 Education ~~Independent Postsecondary Vocational, Technical,~~  
30 ~~Trade, and Business Schools~~; and the Department of Education.

31

1           Section 25. Subsection (6) of section 20.15, Florida  
2 Statutes, is amended to read:

3           20.15 Department of Education.--There is created a  
4 Department of Education.

5           (6) COUNCILS AND COMMITTEES.--Notwithstanding anything  
6 contained in law to the contrary, the Commissioner of  
7 Education shall appoint all members of all councils and  
8 committees of the Department of Education, except the Board of  
9 Regents, the State Board of Community Colleges, the community  
10 college district boards of trustees, the Postsecondary  
11 Education Planning Commission, the Education Practices  
12 Commission, the Education Standards Commission, the State  
13 Board of Independent Colleges and Universities, the Florida  
14 Commission on Education Reform and Accountability, and the  
15 State Board of Nonpublic Career Education ~~Independent~~  
16 ~~Postsecondary Vocational, Technical, Trade, and Business~~  
17 ~~Schools~~.

18           Section 26. Subsection (5) of section 240.40204,  
19 Florida Statutes, is amended to read:

20           240.40204 Florida Bright Futures Scholarship Program;  
21 eligible postsecondary education institutions.--A student is  
22 eligible for an award or the renewal of an award from the  
23 Florida Bright Futures Scholarship Program if the student  
24 meets the requirements for the program as described in this  
25 act and is enrolled in a postsecondary education institution  
26 that meets the description in any one of the following  
27 subsections:

28           (5) A Florida independent postsecondary education  
29 institution that is licensed by the State Board of Nonpublic  
30 Career Education ~~Independent Postsecondary Vocational,~~  
31 ~~Technical, Trade, or Business Schools~~ and which:

1 (a) Has a program completion and placement rate of at  
2 least the rate required by the current Florida Statutes, the  
3 Florida Administrative Code, or the Department of Education  
4 for an institution at its level; and

5 (b) Shows evidence of sound financial condition; and  
6 either:

7 1. Is accredited at the institutional level by an  
8 accrediting agency recognized by the United States Department  
9 of Education and has operated in the state for at least 3  
10 years during which there has been no complaint for which  
11 probable cause has been found; or

12 2. Has operated in Florida for 5 years during which  
13 there has been no complaint for which probable cause has been  
14 found.

15 Section 27. Subsection (3) of section 246.011, Florida  
16 Statutes, is amended to read:

17 246.011 Purpose.--

18 (3) It is the intent of the Legislature that a  
19 nonpublic college which offers both degrees and vocational  
20 certificates or diplomas shall be subject to the rules of the  
21 State Board of Independent Colleges and Universities as  
22 provided by ss. 246.011-246.151 and the State Board of  
23 Nonpublic Career Education ~~Independent Postsecondary~~  
24 ~~Vocational, Technical, Trade, and Business Schools~~ as provided  
25 by ss. 246.201-246.231.

26 Section 28. Subsection (3) of section 246.081, Florida  
27 Statutes, is amended to read:

28 246.081 License, certificate of exemption, or  
29 authorization required; exceptions.--

30 (3) No nonpublic college shall continue to conduct or  
31 begin to conduct any diploma program, as defined in s.

1 246.203, unless the college applies for and obtains from the  
2 State Board of Nonpublic Career Education Independent  
3 ~~Postsecondary Vocational, Technical, Trade, and Business~~  
4 ~~Schools~~ a license or authorization for such diploma program in  
5 the manner and form prescribed by the State Board of Nonpublic  
6 Career Education Independent ~~Postsecondary Vocational,~~  
7 ~~Technical, Trade, and Business Schools~~.

8 Section 29. Subsection (3) of section 246.085, Florida  
9 Statutes, is amended to read:

10 246.085 Certificate of exemption.--

11 (3) Any college which holds a certificate of exemption  
12 and which conducts any diploma program, as defined in s.  
13 246.203, shall be subject to licensure of such diploma program  
14 by the State Board of Nonpublic Career Education Independent  
15 ~~Postsecondary Vocational, Technical, Trade, and Business~~  
16 ~~Schools~~.

17 Section 30. Subsection (3) of section 246.091, Florida  
18 Statutes, is amended to read:

19 246.091 License period and renewal.--

20 (3) A licensed college which seeks to conduct any  
21 diploma program, as defined in s. 246.203, shall apply to the  
22 State Board of Nonpublic Career Education Independent  
23 ~~Postsecondary Vocational, Technical, Trade, and Business~~  
24 ~~Schools~~ for licensure for such program.

25 Section 31. Subsection (1) of section 246.111, Florida  
26 Statutes, is amended to read:

27 246.111 Denial, probation, or revocation of license or  
28 certificate of exemption.--

29 (1) Any temporary license, provisional license, or  
30 regular license, agent's license, certificate of exemption, or  
31 other authorization required under the provisions of ss.

1 246.011-246.151 may be denied, placed on probation, or revoked  
2 by the board. A college which has its certificate of  
3 exemption revoked shall become subject to the licensing  
4 provisions of the board. The board shall promulgate rules for  
5 these actions. Placement of a college on probation for a  
6 period of time and subject to such conditions as the board may  
7 specify may also carry the imposition of an administrative  
8 fine not to exceed \$5,000. Such fine shall be deposited into  
9 the Institutional Assessment Trust Fund. Disciplinary action  
10 undertaken pursuant to this section against a college that is  
11 also licensed by the State Board of Nonpublic Career Education  
12 ~~Independent Postsecondary Vocational, Technical, Trade, and~~  
13 ~~Business Schools~~ shall prompt disciplinary proceedings  
14 pursuant to s. 246.226.

15 Section 32. Subsection (1) of section 246.50, Florida  
16 Statutes, is amended to read:

17 246.50 Certified Teacher-Aide Welfare Transition  
18 Program; participation by independent postsecondary  
19 schools.--An independent postsecondary school may participate  
20 in the Certified Teacher-Aide Welfare Transition Program and  
21 may receive incentives for successful performance from the  
22 Performance Based Incentive Funding Program if:

23 (1) The school is accredited by the Southern  
24 Association of Colleges and Schools and licensed by the State  
25 Board of Nonpublic Career Education ~~Independent Postsecondary~~  
26 ~~Vocational, Technical, Trade, and Business Schools;~~

27 Section 33. Section 455.2125, Florida Statutes, is  
28 amended to read:

29 455.2125 Consultation with postsecondary education  
30 boards prior to adoption of changes to training  
31 requirements.--Any state agency or board that has jurisdiction



1 over the regulation of a profession or occupation shall  
2 consult with the State Board of Independent Colleges and  
3 Universities; the State Board of Nonpublic Career Education  
4 ~~Independent Postsecondary Vocational, Technical, Trade, and~~  
5 ~~Business Schools~~; the Board of Regents; and the State Board of  
6 Community Colleges prior to adopting any changes to training  
7 requirements relating to entry into the profession or  
8 occupation. This consultation must allow the educational board  
9 to provide advice regarding the impact of the proposed changes  
10 in terms of the length of time necessary to complete the  
11 training program and the fiscal impact of the changes. The  
12 educational board must be consulted only when an institution  
13 offering the training program falls under its jurisdiction.

14 Section 34. Section 455.554, Florida Statutes, is  
15 amended to read:

16 455.554 Consultation with postsecondary education  
17 boards prior to adoption of changes to training  
18 requirements.--Any state agency or board that has jurisdiction  
19 over the regulation of a profession or occupation shall  
20 consult with the State Board of Independent Colleges and  
21 Universities; the State Board of Nonpublic Career Education  
22 ~~Independent Postsecondary Vocational, Technical, Trade, and~~  
23 ~~Business Schools~~; the Board of Regents; and the State Board of  
24 Community Colleges prior to adopting any changes to training  
25 requirements relating to entry into the profession or  
26 occupation. This consultation must allow the educational board  
27 to provide advice regarding the impact of the proposed changes  
28 in terms of the length of time necessary to complete the  
29 training program and the fiscal impact of the changes. The  
30 educational board must be consulted only when an institution  
31 offering the training program falls under its jurisdiction.

1           Section 35. Subsection (8) of section 467.009, Florida  
2 Statutes, is amended to read:

3           467.009 Midwifery programs; education and training  
4 requirements.--

5           (8) Nonpublic educational institutions that conduct  
6 approved midwifery programs shall be accredited by a member of  
7 the Commission on Recognition of Postsecondary Accreditation  
8 and shall be licensed by the State Board of Nonpublic Career  
9 Education ~~Independent Postsecondary Vocational, Technical,~~  
10 ~~Trade, and Business Schools.~~

11           Section 36. Section 476.178, Florida Statutes, is  
12 amended to read:

13           476.178 Schools of barbering; licensure.--No private  
14 school of barbering shall be permitted to operate without a  
15 license issued by the State Board of Nonpublic Career  
16 Education ~~Independent Postsecondary Vocational, Technical,~~  
17 ~~Trade, and Business Schools~~ pursuant to chapter 246. However,  
18 this section shall not be construed to prevent certification  
19 by the Department of Education of barber training programs  
20 within the public school system or to prevent government  
21 operation of any other program of barbering in this state.

22           Section 37. Section 477.023, Florida Statutes, is  
23 amended to read:

24           477.023 Schools of cosmetology; licensure.--No private  
25 school of cosmetology shall be permitted to operate without a  
26 license issued by the State Board of Nonpublic Career  
27 Education ~~Independent Postsecondary Vocational, Technical,~~  
28 ~~Trade, and Business Schools~~ pursuant to chapter 246. However,  
29 nothing herein shall be construed to prevent certification by  
30 the Department of Education of cosmetology training programs  
31

1 within the public school system or to prevent government  
2 operation of any other program of cosmetology in this state.

3 Section 38. Section 488.01, Florida Statutes, is  
4 amended to read:

5 488.01 License to engage in business of operating a  
6 driver's school required.--The Department of Highway Safety  
7 and Motor Vehicles shall oversee and license all commercial  
8 driver's schools except truck driving schools. All commercial  
9 truck driving schools shall be required to be licensed  
10 pursuant to chapter 246, and additionally shall be subject to  
11 the provisions of ss. 488.04 and 488.05. No person, group,  
12 organization, institution, business entity, or corporate  
13 entity may engage in the business of operating a driver's  
14 school without first obtaining a license therefor from the  
15 Department of Highway Safety and Motor Vehicles pursuant to  
16 this chapter or from the State Board of Nonpublic Career  
17 Education Independent Postsecondary Vocational, Technical,  
18 Trade, and Business Schools pursuant to chapter 246.

19 Section 39. This act shall take effect July 1 of the  
20 year in which enacted.

21 \*\*\*\*\*  
22 \*\*\*\*\*

23 LEGISLATIVE SUMMARY

24 Revises and adds provisions relating to postsecondary  
25 education, including college-ready diploma requirements,  
26 dual enrollment provisions, exemption from student fees,  
27 and accountability procedures. Renames the State Board of  
28 Independent Postsecondary Vocational, Technical, Trade,  
29 and Business Schools and revises provisions relating  
30 thereto. (See bill for details.)  
31