

By the Committee on Education and Senator Forman

304-2134-98

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. 240.311, F.S., relating
13 to powers and duties of the State Board of
14 Community Colleges; amending s. 240.321, F.S.,
15 relating to duties of community college
16 district boards of trustees; requiring
17 notification of alternative remedial options;
18 amending s. 240.324, F.S., relating to the
19 community college accountability process;
20 providing for coinciding reporting deadlines;
21 clarifying language; amending s. 240.35, F.S.;
22 exempting specified community college students
23 from fees; amending s. 240.36, F.S.; revising
24 provisions relating to the uses of a trust fund
25 for community colleges; amending s. 240.382,
26 F.S.; correcting a cross-reference; amending s.
27 240.4097, F.S., relating to the Florida
28 Postsecondary Student Assistance Grant Program;
29 requiring the establishment of application
30 deadlines; amending s. 246.201, F.S.; revising
31 legislative intent; amending s. 246.203, F.S.;

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

23

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

25

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

28 232.2466 College-ready diploma program.--

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

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

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

10 ~~2. One credit in biology, one credit in chemistry, and~~
11 ~~one credit in physics, or their equivalents, as determined by~~
12 ~~the state board.~~

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

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

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

31

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

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

9 239.117 Postsecondary student fees.--

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

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

31

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

4 239.225 Vocational Improvement Program.--

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

21 (3)

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

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

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

29 240.1163 Joint dual enrollment and advanced placement
30 instruction.--

31

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

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

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

15 240.235 Fees.--

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

1 within, a program area by fall semester 2000. The exemption is
2 valid for a period of 4 years from the date that the
3 postsecondary education institution confirms that the
4 conditions of this subsection have been met.

5 Section 6. Subsection (3) of section 240.311, Florida
6 Statutes, is amended to read:

7 240.311 State Board of Community Colleges; powers and
8 duties.--

9 (3) The State Board of Community Colleges shall:

10 (a) Provide for each community college to offer
11 educational training and service programs designed to meet the
12 needs of both students and the communities served.

13 (b) Provide, through rule, for the coordination of the
14 state community college system.

15 (c) Review new associate degree or certificate
16 programs for relationship to student demand; conduct periodic
17 reviews of existing programs; and provide rules for
18 termination of associate degree or certificate programs when
19 excessive duplication exists.

20 (d) Ensure that the rules and procedures of community
21 college district boards relating to admission to, enrollment
22 in, employment in, and programs, services, functions, and
23 activities of each college provide equal access and equal
24 opportunity for all persons.

25 (e) Advise presidents of community colleges of the
26 fiscal policies adopted by the Legislature and of their
27 responsibilities to follow such policies.

28 (f) Specify, by rule, procedures to be used by the
29 boards of trustees in the periodic evaluations of presidents
30 and formally review the evaluations of presidents by the
31 boards of trustees.

1 (g) Recommend to the State Board of Education minimum
2 standards for the operation of each community college as
3 required in s. 240.325, which standards may include, but are
4 not limited to, general qualifications of personnel,
5 budgeting, accounting and financial procedures, educational
6 programs, student admissions and services, and community
7 services.

8 (h) Establish an effective information system which
9 will provide composite data about the community colleges and
10 assure that special analyses and studies about the colleges
11 are conducted, as necessary, for provision of accurate and
12 cost-effective information about the colleges and about the
13 community college system as a whole.

14 (i) Encourage the colleges and the system as a whole
15 to cooperate with other educational institutions and agencies
16 and with all levels and agencies of government in the interest
17 of effective utilization of all resources, programs, and
18 services.

19 (j) Establish criteria for making recommendations
20 relative to modifying district boundary lines and for making
21 recommendations upon all proposals for the establishment of
22 additional centers or campuses for community colleges.

23 (k) Develop a plan in cooperation with the local
24 school district and the Department of Education to include any
25 and all counties in a community college service district.

26 (l) Assess the need to consolidate any community
27 colleges.

28 (m) Develop and adopt guidelines relating to salary
29 and fringe benefit policies for community college
30 administrators, including community college presidents.

31

1 (n) Develop and adopt guidelines relating to official
2 travel by community college employees.

3 (o) Receive an annual administrative review of each
4 community college.

5 1. Such review shall include, but is not limited to,
6 the administrator-to-faculty ratio, the percent of funds for
7 administrative costs in the total budget, and the percent of
8 funds in support programs compared to the percent of funds in
9 instructional programs and may include such other indicators
10 of quality as are necessary.

11 2. The review shall also include all courses offered
12 by a community college outside its district. Courses offered
13 outside the home district which are not approved by the State
14 Board of Community Colleges shall not be counted for funding
15 purposes or to meet enrollment assignments. For purposes of
16 this subparagraph, electronically originated instruction, to
17 include satellite, broadcast, and internet delivered
18 instruction, shall be exempt. Exemption is only permitted when
19 the community college's intent is to offer the instruction for
20 students residing within the community college's home district
21 and only markets the instruction to students residing within
22 the community college's home district. If a community
23 college's intent is to market the electronically originated
24 instruction outside its home district and thus recruit
25 students outside its home district, the community college must
26 receive the approval of the State Board of Community Colleges.
27 The State Board of Community Colleges shall have authority to
28 review any electronically originated instruction for
29 compliance with this section.

30 (p) Encourage and support activities which promote and
31 advance college and statewide direct-support organizations.

1 (q) Specify, by rule, the degree program courses that
2 may be taken by students concurrently enrolled in
3 college-preparatory instruction.

4 Section 7. Section 240.321, Florida Statutes, is
5 amended to read:

6 240.321 Community college district board of trustees;
7 rules for admissions of students.--The board of trustees shall
8 make rules governing admissions of students. These rules
9 shall include the following:

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

15 (2) Admission to associate degree programs is subject
16 to minimum standards adopted by the State Board of Education
17 and shall require:

18 (a) A standard high school diploma, a high school
19 equivalency diploma as prescribed in s. 229.814, previously
20 demonstrated competency in college credit postsecondary
21 coursework, or, in the case of a student who is home educated,
22 a signed affidavit submitted by the student's parent or legal
23 guardian attesting that the student has completed a home
24 education program pursuant to the requirements of s.
25 232.02(4). Students who are enrolled in a dual enrollment or
26 early admission program pursuant to s. 240.116 and secondary
27 students enrolled in college-level instruction creditable
28 toward the associate degree, but not toward the high school
29 diploma, shall be exempt from this requirement.

30 (b) A demonstrated level of achievement of
31 college-level communication and computation skills. Students

1 entering a postsecondary education program within 2 years of
2 graduation from high school with an earned college-ready
3 diploma issued pursuant to s. 232.2466 shall be exempt from
4 this testing requirement.

5 (c) Any other requirements established by the board of
6 trustees.

7 (3) Admission to other programs within the community
8 college shall include education requirements as established by
9 the board of trustees.

10

11 Each board of trustees shall establish policies that notify
12 students about, and place students into, adult basic
13 education, adult secondary education, or other instructional
14 programs that provide students with alternatives to
15 traditional college-preparatory instruction, including private
16 provider instruction. Such notification shall include a
17 written listing or a prominent display of information on
18 alternative remedial options that must be available to each
19 student who scores below college level in any area on the
20 common placement test. The list or display shall include, but
21 is not limited to, options provided by the community college,
22 adult education programs, and programs provided by
23 private-sector providers. The college shall not endorse,
24 recommend, evaluate, or rank any of the providers. The list of
25 providers or the display materials shall include all those
26 providers that request to be included. The written list must
27 provide students with specific contact information and
28 disclose the full costs of the course tuition, laboratory
29 fees, and instructional materials of each option listed. A
30 student who elects a private provider for remedial instruction
31 is entitled to enroll in up to 12 credits of college-level

1 courses in skill areas other than those for which the student
2 is being remediated. A student is prohibited from enrolling in
3 additional college-level courses until the student scores
4 above the cut-score on all sections of the common placement
5 test.

6 Section 8. 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.

31

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 9. 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 10. 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, loans, or need-based grants, ~~which~~
19 ~~are the lowest priority for use of these funds.~~

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

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

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

24 Section 11. Subsection (5) of section 240.382, Florida
25 Statutes, is amended to read:

26 240.382 Establishment of child development training
27 centers at community colleges.--

28 (5) In addition to revenues derived from child care
29 fees charged to parents and other external resources, each
30 child development training center may be funded by a portion
31 of funds from the student activity and service fee authorized

1 by s. 240.35(10)~~(9)~~ and the capital improvement fee authorized
2 by s. 240.35(14)~~(13)~~. Community colleges are authorized to
3 transfer funds as necessary from the college's general fund to
4 support the operation of the child development training
5 center.

6 Section 12. Subsection (2) of section 240.4097,
7 Florida Statutes, is amended to read:

8 240.4097 Florida Postsecondary Student Assistance
9 Grant Program; eligibility for grants.--

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

- 24 1. A private nursing diploma school approved by the
25 Florida Board of Nursing; or
- 26 2. An institution either licensed by the State Board
27 of Independent Colleges and Universities or exempt from
28 licensure pursuant to s. 246.085(1)(a), excluding those
29 institutions the students of which are eligible to receive a
30 Florida private student assistance grant pursuant to s.
31 240.4095.

1
2 No student may receive an award for more than the equivalent
3 of 9 semesters or 14 quarters in a period of not more than 6
4 consecutive years, except as otherwise provided in s.
5 240.404(3).

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

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

22 (d) The department is directed to establish, for fall
23 enrollment, an initial application deadline for students
24 attending all eligible institutions and an additional
25 application deadline for students who apply to all eligible
26 institutions after the initial application deadline. The
27 second deadline shall be October 1 following the initial
28 application deadline. The department shall reserve an amount
29 to be designated annually in the General Appropriations Act
30 for the purpose of providing awards to postsecondary students
31 who apply for a student assistance grant after the initial

1 application deadline. Applicants who apply during the initial
2 application period and are eligible to receive an award, but
3 do not receive an award because of insufficient funds, shall
4 have their applications reconsidered with those applicants who
5 apply after the initial application deadline. The provisions
6 of this paragraph shall take effect with the 1999-2000
7 academic year.

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

10 246.201 Legislative intent.--

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

28 (2) A common practice in our society is to use
29 diplomas and degrees for many purposes. Some of these
30 purposes are: for employers to judge the qualifications of
31 prospective employees; for public and nonpublic professional

1 groups, vocational groups, educational agencies, governmental
2 agencies, and educational institutions to determine the
3 qualifications for admission to, and continuation of,
4 educational goals, occupational goals, professional
5 affiliations, or occupational affiliations; and for public and
6 professional assessment of the extent of competency of
7 individuals engaged in a wide range of activities within our
8 society.

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

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

31

1 ~~hereunder, and, upon approval and issuance thereof, such~~
2 ~~schools shall be subject to ss. 246.201-246.231.~~

3 Section 14. Subsections (1) and (7) of section
4 246.203, Florida Statutes, are amended to read:

5 246.203 Definitions.--As used in ss. 246.201-246.231,
6 unless the context otherwise requires:

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

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

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

20 (c) Receives remuneration from the student or any
21 other source on the enrollment of a student or on the number
22 of students enrolled; or

23 (d) Offers to award or awards a diploma, as defined in
24 subsection (6), regardless of whether or not it engages in the
25 activities described in paragraph (a), paragraph (b), or
26 paragraph (c).~~nongovernmental, postsecondary, vocational,~~
27 ~~technical, trade, or business noncollegiate educational~~
28 ~~institution, organization program, home study course, or class~~
29 ~~maintained or conducted in residence or through correspondence~~
30 ~~by any person, partnership, association, organization, or~~
31 ~~corporation for the purpose of offering instruction of any~~

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

21 (7) "Board" means the State Board of Nonpublic Career
22 Education Independent Postsecondary Vocational, Technical,
23 Trade, and Business Schools.

24 Section 15. Subsections (1) and (2) of section
25 246.205, Florida Statutes, are amended to read:

26 246.205 State Board of Nonpublic Career Education
27 Independent Postsecondary Vocational, Technical, Trade, and
28 Business Schools.--

29 (1) There shall be established in the Department of
30 Education a State Board of Nonpublic Career Education
31 Independent Postsecondary Vocational, Technical, Trade, and

1 ~~Business Schools~~. The board shall be assigned to the
2 Department of Education only for the purpose of payroll,
3 procurement, and related administrative functions which shall
4 be exercised by the head of the department. The board shall
5 independently exercise the other powers, duties, and functions
6 prescribed by law. The board shall include nine members,
7 appointed by the Governor as follows:

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

15 (2) Each of the members shall be appointed by the
16 Governor, subject to confirmation by the Senate, for a term of
17 3 years. Of the original members appointed by the Governor,
18 three shall serve for terms of 1 year, three shall serve for
19 terms of 2 years, and three shall serve for terms of 3 years.
20 Of the appointive members from the nonpublic postsecondary
21 career independent schools, each shall have occupied executive
22 or managerial positions in a nonpublic postsecondary career an
23 independent school in this state for at least 5 years. All
24 members shall be residents of this state. In the event of a
25 vacancy on the board caused other than by the expiration of a
26 term, the Governor shall appoint a successor to serve the
27 unexpired term.

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

31 246.207 Powers and duties of board.--

1 (1) The board shall:

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

4 (b) Select annually a chairperson and a vice
5 chairperson.

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

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

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

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

17 (f)~~(g)~~ Appoint, on the recommendation of its
18 chairperson, executives, deputies, clerks, and employees of
19 the board.

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

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

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

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

27 (k)~~(l)~~ Transmit to the Governor, the Speaker of the
28 House of Representatives, the President of the Senate, the
29 minority leader of the Senate, and the minority leader of the
30 House of Representatives on July 1, 1987, and each succeeding
31

1 year an annual report which shall include, but not be limited
2 to:
3 1. A detailed accounting of all funds received and
4 expended.
5 2. The number of complaints received and investigated,
6 by type.
7 3. The number of findings of probable cause.
8 4. A description of disciplinary actions taken, by
9 statutory classification.
10 5. A description of all administrative hearings and
11 court actions.
12 6. A description of the board's major activities
13 during the previous year.
14 (l)~~(m)~~ Assure that no school that has met board
15 requirements established by law or rule be made to operate
16 without a current license due to scheduling of board meetings
17 or application procedures for license renewal.
18 (m)~~(n)~~ Cause to be investigated criminal justice
19 information, as defined in s. 943.045, for each owner,
20 administrator, and agent employed by a school applying for
21 licensure or renewal of licensure.
22 (n)~~(o)~~ Serve as a central agency for collection and
23 distribution of current information regarding institutions
24 licensed by the board.
25 1. The data collected by the board shall include
26 information relating to the school administration, calendar
27 system, admissions requirements, student costs and financial
28 obligations, financial aid information, refund policy,
29 placement services, number of full-time and part-time faculty,
30 student enrollment and demographic figures, programs, and
31 off-campus programs. Other information shall be collected in

1 response to specific needs or inquiries. Financial
2 information of a strictly proprietary, commercial nature is
3 excluded from this requirement.

4 2. The data collected by the board must also include
5 the data for the career education program evaluation reports
6 required by s. 239.233 for each school that chooses to provide
7 public information under s. 239.245.

8 3. The board shall provide to each participating
9 institution annually the format, definitions, and instructions
10 for submitting the required information.

11 4. The data submitted by each institution shall be
12 accompanied by a letter of certification signed by the chief
13 administrative officer of the institution, affirming that the
14 information submitted is accurate.

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

25 ~~(p) Publish and index all policies and agency~~
26 ~~statements. If a policy or agency statement meets the criteria~~
27 ~~of a rule, as defined in s. 120.52, the board shall adopt it~~
28 ~~as a rule.~~

29 (o)~~(q)~~ Establish and publicize the procedures for
30 receiving and responding to complaints from students, faculty,
31 and others about schools or programs licensed by the board and

1 shall keep records of such complaints in order to determine
2 their frequency and nature for specific institutions of higher
3 education. With regard to any written complaint alleging a
4 violation of any provision of ss. 246.201-246.231 or any rule
5 promulgated pursuant thereto, the board shall periodically
6 notify, in writing, the person who filed the complaint of the
7 status of the investigation, whether probable cause has been
8 found, and the status of any administrative action, civil
9 action, or appellate action, and if the board has found that
10 probable cause exists, it shall notify, in writing, the party
11 complained against of the results of the investigation and
12 disposition of the complaint. The findings of the probable
13 cause panel, if a panel is established, shall not be disclosed
14 until the information is no longer confidential.

15 (2) The board may:

16 (e) Issue a license to any school subject to ss.
17 246.201-246.231 which is exempted ~~excluded~~ from the licensing
18 and regulatory requirements of ss. 246.201-246.231, upon
19 voluntary application for such license and upon payment of the
20 appropriate fee as set forth in s. 246.219.

21 Section 17. Section 246.213, Florida Statutes, is
22 amended to read:

23 246.213 Power of State Board of Education.--

24 (1) The State Board of Education, acting on the
25 recommendation of the State Board of Nonpublic Career
26 Education ~~Independent Postsecondary Vocational, Technical,~~
27 ~~Trade, and Business Schools~~, shall adopt such minimum
28 standards and rules as are required for the administration of
29 ss. 246.201-246.231.

30 (2)(a) The minimum educational standards for the
31 licensing of schools shall include, but not be limited to:

1 name of school, purpose, administrative organization,
2 educational program and curricula, finances, financial
3 stability, faculty, library, student personnel services,
4 physical plant and facilities, publications, and disclosure
5 statements about the status of the institution in relation to
6 professional certification and licensure.

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

26 (c) The State Board of Nonpublic Career Education
27 ~~Independent Postsecondary Vocational, Technical, Trade, and~~
28 ~~Business Schools~~ may request that schools within its
29 jurisdiction provide the board all documents associated with
30 institutional accreditation. The board shall solicit from
31 schools which provide such documents only such additional

1 information undisclosed in the accreditation documents
2 provided. The board may conduct a comprehensive study of a
3 school that fails to provide all documents associated with its
4 institutional accreditation. The cost of such study shall be
5 borne by the institution. Standards imposed by the board shall
6 not be constrained in quality or quantity to those imposed by
7 the respective accrediting body.

8 (d) The State Board of Nonpublic Career Education
9 ~~Independent Postsecondary Vocational, Technical, Trade, and~~
10 ~~Business Schools~~ shall recommend to the State Board of
11 Education minimum placement standards for institutions that
12 conduct programs that prepare students for employment.

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

24 (4) The State Board of Nonpublic Career Education
25 ~~Independent Postsecondary Vocational, Technical, Trade, and~~
26 ~~Business Schools~~ shall adopt criteria for specialized
27 associate degrees, diplomas, certificates, or other
28 educational credentials that will be recognized in licensed
29 schools. The State Board of Nonpublic Career Education
30 ~~Independent Postsecondary Vocational, Technical, Trade, and~~
31 ~~Business Schools~~ shall adopt a common definition for each

1 credential. To determine the level of a nonpublic an
2 ~~independent~~ institution's vocational program or to establish
3 criteria for a specialized degree, the board shall use
4 procedures developed pursuant to s. 239.205, which requires
5 the Department of Education to determine the level of each
6 public degree career education program.

7 Section 18. Section 246.215, Florida Statutes, is
8 amended to read:

9 246.215 License required.--

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

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

30 (3) No nonpublic postsecondary career independent
31 school required to be licensed pursuant to ss. 246.201-246.231

1 shall advertise in any manner until such school is granted an
2 appropriate license by the board, nor shall any licensed
3 school advertise in any manner while such school is under an
4 injunction against operating, soliciting students, or offering
5 diplomas.

6 (4) No license granted by the board shall be
7 transferable to another nonpublic postsecondary career
8 ~~independent~~ school or to another agent, nor shall school
9 licensure transfer upon a change in ownership of the
10 institution.

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

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

20 (a) The program qualifies a student for employment or
21 engagement in an occupation whose practice in this state does
22 not require a degree.

23 (b) The program awards a diploma, as defined in s.
24 246.203(6), for successful completion, including any program
25 that is organized to give students an option of exiting at a
26 specified point and receiving a diploma, or continuing and
27 receiving a degree, as defined in s. 246.021(5).

28 Section 19. Section 246.216, Florida Statutes, is
29 created to read:

30 246.216 Exemption from licensure.--
31

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

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

10 1. A religious modifier in the title of the program,
11 immediately preceding the name of the occupation to which the
12 instruction relates, and in the title of the diploma.

13 2. No representation, directly or by implication, that
14 individuals who successfully complete the program will be
15 qualified to be employed in the field to which the training
16 relates by an employer other than a church or religious
17 organization.

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

20 (b) The person or entity is regulated by the Federal
21 Aviation Administration, another agency of the Federal
22 Government, or an agency of the state whose regulatory laws
23 are similar in nature and purpose to those of the board and
24 require minimum educational standards, for at least
25 curriculum, instructors, and academic progress and provide
26 protection against fraudulent, deceptive, and substandard
27 education practices;

28 (c) The person or entity offers only examination
29 preparation courses provided that:

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

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

5 (d) The person or entity is:

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

8 2. A trade or professional association or a group of
9 employers in the same or related business who in writing agree
10 to offer training and to train only individuals who are bona
11 fide employees of an employer who is a member of the
12 association or a party to the written agreement; or

13 3. An independent contractor engaged by any of the
14 foregoing by written contract to provide the training on its
15 behalf exclusively to individuals who are selected by the
16 employer, association, or group which engaged the contractor
17 and who are bona fide employees thereof.

18
19 For purposes of this paragraph, a bona fide employee is an
20 individual who works for salary or wages paid by the employer
21 in at least the minimum amount required by law;

22 (e) The entity is a labor union or group of labor
23 unions which offers training to, and trains only, individuals
24 who are dues paying members of a participating labor union; or
25 the person or entity is an independent contractor engaged by
26 the labor union or group of labor unions, by written contract,
27 to provide the training on its behalf exclusively to
28 individuals who are selected by the labor union or group of
29 labor unions which engaged the contractor and who are dues
30 paying members thereof;

31

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

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

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

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

23 3. Maintains and makes available to the board, upon
24 request, records which demonstrate that each enrollee received
25 the statement required by subparagraph 1. prior to
26 enrollment.

27
28 To be eligible for the statement of exemption, the applicant
29 must maintain records documenting its qualification for
30 exemption. A person or entity which is exempt pursuant to this
31 subsection and which is also a licensee for programs which do

1 not qualify for exemption may not include in the catalog,
2 contract, or advertising relating to its licensed program any
3 reference to its unlicensed programs. This restriction does
4 not apply to a licensee which voluntarily becomes licensed to
5 offer programs which would otherwise qualify for exemption.

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

10 (a) There has been a material change in circumstances
11 or in the law;

12 (b) The statement was erroneously issued as a result
13 of false or misleading information provided by the applicant
14 or other source;

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

17 (d) New information has been received.

18
19 Probable cause proceedings do not apply to the foregoing board
20 decisions.

21 (3) The board may invoke the remedies provided in s.
22 246.227 when no application for a statement of exemption is
23 pending; in conjunction with, or subsequent to, its notice of
24 denial of an application; or in conjunction with, or
25 subsequent to, its notice of revocation. The filing of a civil
26 action pursuant to s. 246.227 shall have the effect of
27 suspending administrative proceedings under this section
28 unless the board takes a voluntary dismissal without prejudice
29 in a judicial case. An order of the court which determines or
30 renders moot an issue presented in suspended administrative

31

1 proceedings shall be grounds for dismissal of the
2 administrative proceeding as to that issue.

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

5 246.219 License fees.--

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

15 Section 21. Section 246.220, Florida Statutes, is
16 amended to read:

17 246.220 Surety bonds or insurance.--Surety bonds or
18 insurance shall not be required of any school licensed by the
19 State Board of Nonpublic Career Education ~~Independent~~
20 ~~Postsecondary Vocational, Technical, Trade, and Business~~
21 ~~Schools~~, except as may be required by the board to insure the
22 train-out of projected or currently enrolled students,
23 issuance of refunds to projected or currently enrolled
24 students, payment of liabilities to the Student Protection
25 Fund, or for the retrieval or safekeeping of student records.

26 Section 22. Subsections (1) and (4) of section
27 246.2265, Florida Statutes, are amended to read:

28 246.2265 Additional regulatory powers while
29 disciplinary proceedings are pending; cease and desist
30 orders.--

31

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

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

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

15 (4) The executive director of the board, with the
16 approval of the chair of the board, may issue and deliver a
17 cease and desist order to a nonpublic ~~an independent~~
18 postsecondary career institution.

19 Section 23. Subsections (2) and (3) of section
20 246.227, Florida Statutes, are amended to read:

21 246.227 Injunctive relief; unlicensed operation of a
22 school; cease and desist notice; civil penalty.--

23 (2) An unlicensed nonpublic ~~independent~~ postsecondary
24 career institution required to be licensed pursuant to ss.
25 246.201-246.231 that advertises or causes advertisements to be
26 made public through which students are solicited for
27 enrollment or are offered diplomas shall be in violation of
28 the provisions of ss. 246.201-246.231. A licensed nonpublic
29 ~~independent~~ postsecondary career institution that is under
30 temporary or permanent injunction against operating or
31 offering diplomas that advertises or causes advertisements to

1 be made public through which students are solicited for
2 enrollment or are offered diplomas shall be in violation of
3 such injunctive order upon presentation to the court of the
4 advertisement.

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

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

15 246.31 Institutional Assessment Trust Fund.--

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

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

30 20.15 Department of Education.--There is created a
31 Department of Education.

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

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

16 240.40204 Florida Bright Futures Scholarship Program;
17 eligible postsecondary education institutions.--A student is
18 eligible for an award or the renewal of an award from the
19 Florida Bright Futures Scholarship Program if the student
20 meets the requirements for the program as described in this
21 act and is enrolled in a postsecondary education institution
22 that meets the description in any one of the following
23 subsections:

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

28 (a) Has a program completion and placement rate of at
29 least the rate required by the current Florida Statutes, the
30 Florida Administrative Code, or the Department of Education
31 for an institution at its level; and

1 (b) Shows evidence of sound financial condition; and
2 either:

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

8 2. Has operated in Florida for 5 years during which
9 there has been no complaint for which probable cause has been
10 found.

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

13 246.011 Purpose.--

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

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

24 246.081 License, certificate of exemption, or
25 authorization required; exceptions.--

26 (3) No nonpublic college shall continue to conduct or
27 begin to conduct any diploma program, as defined in s.
28 246.203, unless the college applies for and obtains from the
29 State Board of Nonpublic Career Education ~~Independent~~
30 ~~Postsecondary Vocational, Technical, Trade, and Business~~
31 ~~Schools~~ a license or authorization for such diploma program in

1 the manner and form prescribed by the State Board of Nonpublic
2 Career Education Independent Postsecondary Vocational,
3 ~~Technical, Trade, and Business Schools.~~

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

6 246.085 Certificate of exemption.--

7 (3) Any college which holds a certificate of exemption
8 and which conducts any diploma program, as defined in s.
9 246.203, shall be subject to licensure of such diploma program
10 by the State Board of Nonpublic Career Education Independent
11 ~~Postsecondary Vocational, Technical, Trade, and Business~~
12 ~~Schools.~~

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

15 246.091 License period and renewal.--

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

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

23 246.111 Denial, probation, or revocation of license or
24 certificate of exemption.--

25 (1) Any temporary license, provisional license, or
26 regular license, agent's license, certificate of exemption, or
27 other authorization required under the provisions of ss.
28 246.011-246.151 may be denied, placed on probation, or revoked
29 by the board. A college which has its certificate of
30 exemption revoked shall become subject to the licensing
31 provisions of the board. The board shall promulgate rules for

1 | these actions. Placement of a college on probation for a
2 | period of time and subject to such conditions as the board may
3 | specify may also carry the imposition of an administrative
4 | fine not to exceed \$5,000. Such fine shall be deposited into
5 | the Institutional Assessment Trust Fund. Disciplinary action
6 | undertaken pursuant to this section against a college that is
7 | also licensed by the State Board of Nonpublic Career Education
8 | ~~Independent Postsecondary Vocational, Technical, Trade, and~~
9 | ~~Business Schools~~ shall prompt disciplinary proceedings
10 | pursuant to s. 246.226.

11 | Section 32. Subsection (1) of section 246.50, Florida
12 | Statutes, is amended to read:

13 | 246.50 Certified Teacher-Aide Welfare Transition
14 | Program; participation by independent postsecondary
15 | schools.--An independent postsecondary school may participate
16 | in the Certified Teacher-Aide Welfare Transition Program and
17 | may receive incentives for successful performance from the
18 | Performance Based Incentive Funding Program if:

19 | (1) The school is accredited by the Southern
20 | Association of Colleges and Schools and licensed by the State
21 | Board of Nonpublic Career Education ~~Independent Postsecondary~~
22 | ~~Vocational, Technical, Trade, and Business Schools;~~

23 | Section 33. Section 455.2125, Florida Statutes, is
24 | amended to read:

25 | 455.2125 Consultation with postsecondary education
26 | boards prior to adoption of changes to training
27 | requirements.--Any state agency or board that has jurisdiction
28 | over the regulation of a profession or occupation shall
29 | consult with the State Board of Independent Colleges and
30 | Universities; the State Board of Nonpublic Career Education
31 | ~~Independent Postsecondary Vocational, Technical, Trade, and~~

1 ~~Business Schools~~; the Board of Regents; and the State Board of
2 Community Colleges prior to adopting any changes to training
3 requirements relating to entry into the profession or
4 occupation. This consultation must allow the educational board
5 to provide advice regarding the impact of the proposed changes
6 in terms of the length of time necessary to complete the
7 training program and the fiscal impact of the changes. The
8 educational board must be consulted only when an institution
9 offering the training program falls under its jurisdiction.

10 Section 34. Section 455.554, Florida Statutes, is
11 amended to read:

12 455.554 Consultation with postsecondary education
13 boards prior to adoption of changes to training
14 requirements.--Any state agency or board that has jurisdiction
15 over the regulation of a profession or occupation shall
16 consult with the State Board of Independent Colleges and
17 Universities; the State Board of Nonpublic Career Education
18 ~~Independent Postsecondary Vocational, Technical, Trade, and~~
19 ~~Business Schools~~; the Board of Regents; and the State Board of
20 Community Colleges prior to adopting any changes to training
21 requirements relating to entry into the profession or
22 occupation. This consultation must allow the educational board
23 to provide advice regarding the impact of the proposed changes
24 in terms of the length of time necessary to complete the
25 training program and the fiscal impact of the changes. The
26 educational board must be consulted only when an institution
27 offering the training program falls under its jurisdiction.

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

30 467.009 Midwifery programs; education and training
31 requirements.--

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

7 Section 36. Section 476.178, Florida Statutes, is
8 amended to read:

9 476.178 Schools of barbering; licensure.--No private
10 school of barbering shall be permitted to operate without a
11 license issued by the State Board of Nonpublic Career
12 Education ~~Independent Postsecondary Vocational, Technical,~~
13 ~~Trade, and Business Schools~~ pursuant to chapter 246. However,
14 this section shall not be construed to prevent certification
15 by the Department of Education of barber training programs
16 within the public school system or to prevent government
17 operation of any other program of barbering in this state.

18 Section 37. Section 477.023, Florida Statutes, is
19 amended to read:

20 477.023 Schools of cosmetology; licensure.--No private
21 school of cosmetology shall be permitted to operate without a
22 license issued by the State Board of Nonpublic Career
23 Education ~~Independent Postsecondary Vocational, Technical,~~
24 ~~Trade, and Business Schools~~ pursuant to chapter 246. However,
25 nothing herein shall be construed to prevent certification by
26 the Department of Education of cosmetology training programs
27 within the public school system or to prevent government
28 operation of any other program of cosmetology in this state.

29 Section 38. Section 488.01, Florida Statutes, is
30 amended to read:

31

1 488.01 License to engage in business of operating a
2 driver's school required.--The Department of Highway Safety
3 and Motor Vehicles shall oversee and license all commercial
4 driver's schools except truck driving schools. All commercial
5 truck driving schools shall be required to be licensed
6 pursuant to chapter 246, and additionally shall be subject to
7 the provisions of ss. 488.04 and 488.05. No person, group,
8 organization, institution, business entity, or corporate
9 entity may engage in the business of operating a driver's
10 school without first obtaining a license therefor from the
11 Department of Highway Safety and Motor Vehicles pursuant to
12 this chapter or from the State Board of Nonpublic Career
13 Education Independent Postsecondary Vocational, Technical,
14 ~~Trade, and Business Schools~~ pursuant to chapter 246.

15 Section 39. This act shall take effect July 1, 1998.
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STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
COMMITTEE SUBSTITUTE FOR
SB 2100

The committee substitute differs from SB 2100 as follows:

Dual enrollment courses weighted the same as honors or advanced placement courses must be at the college level.

Electronic instruction provided by community colleges need not be administratively reviewed by the State Board of Community Colleges, provided that the instruction is intended for students in the home district and is not marketed outside that district.

The Dr. Philip Benjamin Academic Improvement Trust Fund for Community Colleges may be used for loans and need-based grants in addition to scholarships.

Notification of remediation options to community college students may be posted, in addition to being provided in the form of a written list. Students are prohibited from enrolling in more than 12 credits until they score above the cut-score on all sections of the common placement test.

The requirement that the State Board of Community Colleges conduct a feasibility study regarding limited offering of baccalaureate degrees at selected community colleges is deleted.