

By Representative Trovillion

1                                   A bill to be entitled  
2           An act relating to nonpublic postsecondary  
3           education institutions; amending s. 246.021,  
4           F.S.; clarifying the definition of the term  
5           "college"; amending s. 246.031, F.S.; revising  
6           requirements relating to members of the State  
7           Board of Independent Colleges and Universities;  
8           amending s. 246.084, F.S., relating to colleges  
9           receiving an authorization; revising certain  
10          requirements; providing for exemption from  
11          certain requirements; revising provisions  
12          relating to oversight of the review and  
13          collection of data for purposes of determining  
14          compliance; amending s. 246.31, F.S., relating  
15          to the Institutional Assessment Trust Fund;  
16          conforming provisions; providing an effective  
17          date.

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

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21           Section 1. Subsection (4) of section 246.021, Florida  
22 Statutes, is amended to read:

23           246.021 Definitions.--As used in ss. 246.011-246.151,  
24 unless the context otherwise requires:

25           (4) "College" means any educational entity which  
26 confers or offers to confer a degree or which furnishes or  
27 offers to furnish instruction leading toward, or prerequisite  
28 to, college credit or a degree beyond the secondary level.  
29 The term includes any nonpublic college chartered in this  
30 state and any Florida center or branch campus of an  
31 out-of-state college.

1           Section 2. Subsection (2) of section 246.031, Florida  
2 Statutes, is amended to read:

3           246.031 State Board of Independent Colleges and  
4 Universities.--

5           (2) The State Board of Independent Colleges and  
6 Universities shall consist of nine citizens who are residents  
7 of this state, a majority of whom represent nonpublic  
8 ~~independent~~ colleges and universities within the state. ~~For~~  
9 ~~terms beginning after October 1, 1992,~~ Members shall be  
10 ~~residents of the state,~~ selected from the state at large and.  
11 ~~Members~~ shall be appointed by the Governor and confirmed by  
12 the Senate. To be consistent with an independent rulemaking  
13 board, members, except members appointed pursuant to paragraph  
14 (e), must be employees, consultants, board members, or  
15 trustees of a nonpublic college or university that is under  
16 the State Board of Independent Colleges and Universities. No  
17 more than two members shall be appointed to represent any one  
18 of the following categories:

19           (a) A college or university holding a certificate of  
20 exemption from licensure pursuant to s. 246.085(1)(a) and  
21 accredited by a regional accrediting agency.

22           (b) A college or university holding a certificate of  
23 exemption from licensure pursuant to s. 246.085(1)(a) and  
24 accredited by a national accrediting agency.

25           (c) A college or university licensed by the board  
26 pursuant to s. 246.087.

27           (d) A college or university holding a certificate of  
28 exemption from licensure pursuant to s. 246.085(1)(b) or a  
29 college or university issued an authorization pursuant to s.  
30 246.084.

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1           (e) Lay citizens of the state who derive no income  
2 from a nonpublic college or university or the state.

3  
4 Accreditation of an institution pursuant to the requirements  
5 of this subsection must be by a regional or national  
6 accrediting agency recognized by the United States Department  
7 of Education or the State of Florida.

8           Section 3. Subsections (1), (2), and (3) of section  
9 246.084, Florida Statutes, are amended to read:

10           246.084 Authorization.--

11           (1) A nonpublic college ~~which enrolls students, none~~  
12 ~~of whom receive state or federal financial aid for education,~~  
13 shall not be required to apply for a license upon compliance  
14 with this section and submission of data required by this  
15 section provided that none of the students of such college who  
16 are enrolled in Florida receive state or federal financial aid  
17 for education.

18           (a) Colleges receiving authorization under this  
19 section may only offer educational programs that prepare  
20 students for religious vocations as ministers, professionals,  
21 or laypersons in the following categories: ministry,  
22 counseling, theology, education, administration, music, fine  
23 arts, media communications, and social work.

24           (b) The religious vocation must predominantly appear  
25 on the face of the degree and on the college's transcript.

26           (c) The following titles of degrees issued by the  
27 college must include a religious modifier as a part of the  
28 title of the degree ~~which must immediately precede, or be~~  
29 ~~included within, any of the following titles:~~ Associate in  
30 Arts, Associate in Science, Bachelor of Arts, Bachelor of  
31 Science, Master of Arts, Master of Science, and Doctor of

1 Philosophy. The religious modifier must be placed on the title  
2 line of the degree.

3 (d) For purposes of this section, one semester credit  
4 hour of study is 15 academic hours or its equivalent. The  
5 following minimum credit hours are required for awarding the  
6 following degrees:

7 1. Associate degree, with no fewer than 60 semester  
8 hours or the equivalent.

9 2. Bachelor's degree, with no fewer than 120 semester  
10 hours or the equivalent.

11 3. Master's degree, with no fewer than 24 semester  
12 hours, or the equivalent, beyond the bachelor's degree.

13 4. Doctoral degree, with no fewer than 60 semester  
14 hours, or the equivalent, beyond the bachelor's degree.

15 (e) The following data must be submitted annually to  
16 the board: college name, address, telephone number, and  
17 accreditation, if any; denomination, church, or religious  
18 affiliation; list of all degree titles with their religious  
19 vocation major; and a current copy of the college's catalog  
20 and consumer practice information listed in paragraph (f).

21 (f) The board shall collect annually from each college  
22 authorized pursuant to this section the following descriptive  
23 inventory of consumer practices:

24 1. A description of the college's policies and  
25 procedures regarding the recruitment and admission of  
26 students.

27 2. The sources and kinds of financial assistance  
28 available and the specific manner by which students are  
29 informed of their responsibilities with respect to receiving  
30 assistance and repaying loans.

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1           3. The placement assistance provided by the college,  
2 including any claims concerning job placement rates.

3           4. Copies of all advertising published on behalf of  
4 the college during the previous year. If the college claims  
5 accreditation, it shall indicate whether or not that  
6 accreditation is approved by the United States Department of  
7 Education and if such accreditation is disclosed in all  
8 advertisements.

9           5. A copy of the college's refund policy. The refund  
10 policy must provide students with a minimum of 3 working days  
11 from the date a student signs an enrollment contract or  
12 financial agreement with a college for the student to cancel  
13 the contract and receive a full refund of any tuition or  
14 registration fees paid. The refund policy must be prominently  
15 displayed on the contract form.

16           6. Evidence that the college has provided its students  
17 with a clear and specific statement regarding the  
18 transferability of credits to and from other colleges,  
19 institutes, seminaries, and universities.

20           (g) The college shall include with the data required  
21 by paragraphs (e) and (f), a sworn affidavit, signed by its  
22 chief administrative officer, affirming that the information  
23 submitted is accurate and no false data has knowingly and  
24 willingly been submitted, that the policies reported are  
25 provided in writing to all prospective students at least 1  
26 week before enrollment or collection of tuition fees, that the  
27 college observes the policies and practices as reported to the  
28 board, and that it complies with this section.

29           (h) The board shall set an annual review date for  
30 receiving data and assuring compliance with this section. The  
31 board shall give a college 60 days' notification of the annual

1 review date. After providing 30 days' notification, the board  
2 may impose a fine for every month the college receiving  
3 authorization under this section fails to provide the data  
4 required by paragraphs (e) and (f). The postmark on the  
5 envelope or package containing the notification serves as the  
6 date of notification.

7 (i) The following information must appear in the  
8 college's catalog or administrative bulletin: denomination,  
9 church, or religious affiliation; purpose or mission of the  
10 college; a list and description of all courses of study; a  
11 list of course descriptions; a list of all faculty members  
12 with their degrees; administrative officers and staff; all  
13 fees, charges, nonrefundable fees, and tuition; refund  
14 policies; transferability of credits to and from other  
15 colleges; accreditation, if any; whether or not the  
16 accrediting agency is recognized by the United States  
17 Department of Education; and the college's authorization  
18 status. A college receiving authorization under this section  
19 shall include the following statement in the purpose, mission,  
20 accreditation, or recognition statement in the catalog to  
21 clarify its statutory existence: "The degree programs of this  
22 college are designed solely for religious vocations."

23 (j) The name of the college shall include a religious  
24 modifier or the name of a religious patriarch, saint, person,  
25 or symbol of the church.

26 (2) A nonpublic college shall be exempt from the  
27 requirements of paragraphs (1)(b) and (c) if it complies with  
28 all other provisions of this section and with the minimum  
29 standards for licensure as provided for in rule. Verification  
30 of compliance with this section shall be accomplished in the  
31 following manner:

1           (a) By submission to the board of a finding of  
2 compliance by a group authorized by the board pursuant to s.  
3 246.041(1)(f) that has experience using standards similar to  
4 the board's licensing standards or has received training from  
5 the board;

6           (b) By submission to the board of evidence of  
7 accreditation by a regional or national accrediting agency  
8 that is recognized by the United States Department of  
9 Education or the State of Florida; or

10           (c) By a finding of compliance by the board.

11 ~~Notwithstanding the provisions of paragraph (1)(c), a college~~  
12 ~~which complies with the provisions of this section and submits~~  
13 ~~to the board a sworn affidavit from a group formed pursuant to~~  
14 ~~s. 246.041(1)(f), certifying that the college complies with~~  
15 ~~the minimum standards for licensure as provided for in rule,~~  
16 ~~is not required to include a religious modifier in the title~~  
17 ~~of degrees issued by the college.~~

18           ~~(3) The burden of determining compliance with this~~  
19 ~~section shall rest with the board.~~ Pursuant to s.  
20 246.041(1)(f), the board shall ~~may~~ enter into an agreement  
21 with an authorized individual ~~or~~ group of individuals to  
22 oversee the review and collection of the data submitted  
23 pursuant to this section. However, nonpublic colleges and  
24 universities subject to this section may choose at any time to  
25 be under the State Board of Independent Colleges and  
26 Universities for review and collection of data. Except for an  
27 authorized group providing a finding of compliance pursuant to  
28 paragraph (2)(a), each group of individuals authorized by the  
29 board pursuant to s. 246.041(1)(f) that oversees institutions  
30 pursuant to this section must receive training from the board  
31 or have knowledge of, or experience with, the material

1 included in such training. The burden of determining  
2 compliance with this section shall rest with the board.The  
3 board may require further evidence and make such further  
4 investigation, in addition to the information submitted, as  
5 may be reasonably necessary in the board's judgment.

6 Section 4. Paragraph (c) of subsection (2) of section  
7 246.31, Florida Statutes, is amended to read:

8 246.31 Institutional Assessment Trust Fund.--

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

11 (c) Educational programs for the benefit of current  
12 and prospective owners, administrators, agents, authorized  
13 groups of individuals, and faculty of institutions receiving a  
14 license, a certificate of exemption, or an authorization  
15 ~~licensed~~ by the board.

16 Section 5. This act shall take effect July 1 of the  
17 year in which enacted.

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19 HOUSE SUMMARY

20  
21 Revises provisions relating to membership of the State  
22 Board of Independent Colleges and Universities. Revises  
23 certain requirements, and exemptions from certain  
24 requirements, with respect to nonpublic colleges issued  
25 an authorization.  
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