

By the Committee on Community Colleges & Career Prep and
Representatives Sindler, Fasano, Wise, Diaz de la Portilla, D.
Prewitt, Futch, Gay and Harrington

1 A bill to be entitled
2 An act relating to postsecondary education;
3 amending s. 232.2466, F.S.; revising
4 requirements for the college-ready diploma
5 program; amending s. 239.117, F.S.; exempting
6 specified students from postsecondary fees;
7 amending s. 239.225, F.S.; revising provisions
8 relating to the Vocational Improvement Program;
9 amending s. 240.1163, F.S.; revising dual
10 enrollment provisions; amending s. 240.235,
11 F.S.; exempting specified university students
12 from fees; amending s. 240.321, F.S., relating
13 to duties of community college district boards
14 of trustees; requiring notification of
15 alternative remedial options; providing student
16 requirements relating to enrollment in courses;
17 amending s. 240.324, F.S., relating to the
18 community college accountability process;
19 providing for coinciding reporting deadlines;
20 clarifying language; amending s. 240.35, F.S.;
21 exempting specified community college students
22 from fees; amending s. 240.36, F.S.; revising
23 provisions relating to the matching of funds
24 and the uses of proceeds of a trust fund for
25 community colleges; amending s. 240.382, F.S.;
26 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; requiring the State Board of
31 Community Colleges to develop a methodology

1 relating to offering baccalaureate programs at
2 community colleges; requiring recommendations;
3 amending s. 246.201, F.S.; revising legislative
4 intent; amending s. 246.203, F.S.; renaming the
5 State Board of Independent Postsecondary
6 Vocational, Technical, Trade, and Business
7 Schools the State Board of Nonpublic Career
8 Education; revising definition of schools
9 regulated by the board; amending s. 246.205,
10 F.S.; conforming language; amending s. 246.207,
11 F.S.; revising powers and duties of the board;
12 amending s. 246.213, F.S.; conforming language;
13 amending s. 246.215, F.S.; requiring licensing
14 of specified programs by the board; creating s.
15 246.216, F.S.; providing for exemption from
16 licensure for specified entities; providing for
17 statements of exemption; providing for
18 revocation of statements of exemption;
19 providing for remedies; amending ss. 246.219,
20 246.220, 246.2265, 246.227, and 246.31, F.S.;
21 conforming language; amending ss. 20.15,
22 240.40204, 246.011, 246.081, 246.085, 246.091,
23 246.111, 246.50, 455.2125, 455.554, 467.009,
24 476.178, 477.023, and 488.01, F.S.; conforming
25 language; providing an effective date.

26
27 Be It Enacted by the Legislature of the State of Florida:

28
29 Section 1. Section 232.2466, Florida Statutes, is
30 amended to read:

31 232.2466 College-ready diploma program.--

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

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

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

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

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

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

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

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

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

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

11 239.117 Postsecondary student fees.--

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

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

31

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

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

6 239.225 Vocational Improvement Program.--

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

23 (3)

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

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

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

31

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

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

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

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

17 240.235 Fees.--

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

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

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

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

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

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

21 (a) A standard high school diploma, a high school
22 equivalency diploma as prescribed in s. 229.814, previously
23 demonstrated competency in college credit postsecondary
24 coursework, or, in the case of a student who is home educated,
25 a signed affidavit submitted by the student's parent or legal
26 guardian attesting that the student has completed a home
27 education program pursuant to the requirements of s.
28 232.02(4). Students who are enrolled in a dual enrollment or
29 early admission program pursuant to s. 240.116 and secondary
30 students enrolled in college-level instruction creditable
31

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

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

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

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

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

1 disclose the full costs of the course tuition, laboratory
2 fees, and instructional materials of each option listed. A
3 student who elects a private provider for remedial instruction
4 is entitled to enroll in up to 12 credits of college-level
5 courses in skill areas other than those for which the student
6 is being remediated. A student is prohibited from enrolling
7 in additional college-level courses until the student scores
8 above the cut-score on all sections of the common placement
9 test.

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

12 240.324 Community college accountability process.--

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

25 (a) Graduation rates of A.A. and A.S. degree-seeking
26 students compared to first-time-enrolled students seeking the
27 associate degree.

28 (b) Minority student and disabled student enrollment
29 and retention rates.

30 (c) Student performance, including student performance
31 in college-level academic skills, mean grade point averages

1 for community college A.A. transfer students, and community
2 college student performance on state licensure examinations.

3 (d) Job placement rates of community college
4 vocational students.

5 (e) Student progression by admission status and
6 program.

7 (f) Vocational accountability standards identified in
8 s. 239.229.

9 (g) Other measures as identified by the Postsecondary
10 Education Planning Commission and approved by the State Board
11 of Community Colleges.

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

27 (3) ~~Beginning January 1, 1993,~~ The State Board of
28 Community Colleges shall address within the annual evaluation
29 of the performance of the executive director, and the boards
30 of trustees shall address within the annual evaluation of the
31 presidents, the achievement of the performance goals

1 ~~established by the accountability process in the community~~
2 ~~college accountability plan.~~

3 Section 8. Subsections (4) through (14) of section
4 240.35, Florida Statutes, as amended by chapter 97-383, Laws
5 of Florida, are renumbered as subsections (5) through (15),
6 respectively, paragraph (c) of present subsection (10) is
7 amended, and a new subsection (4) is added to said section, to
8 read:

9 240.35 Student fees.--Unless otherwise provided, the
10 provisions of this section apply only to fees charged for
11 college credit instruction leading to an associate degree,
12 including college-preparatory courses defined in s. 239.105.

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

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

3 (11)~~(10)~~

4 (c) Up to 25 percent or \$250,000, whichever is
5 greater, of the fees collected may be used to assist students
6 who demonstrate academic merit, who participate in athletics,
7 public service, cultural arts, and other extracurricular
8 programs as determined by the institution, or who are
9 identified as members of a targeted gender or ethnic minority
10 population. The financial aid fee revenues allocated for
11 athletic scholarships and fee exemptions provided pursuant to
12 subsection~~(14)~~(15)for athletes shall be distributed
13 equitably as required by s. 228.2001(3)(d). A minimum of 50
14 percent of the balance of these funds shall be used to provide
15 financial aid based on absolute need, and the remainder of the
16 funds shall be used for academic merit purposes and other
17 purposes approved by the district boards of trustees. Such
18 other purposes shall include the payment of child care fees
19 for students with financial need. The State Board of
20 Community Colleges shall develop criteria for making financial
21 aid awards. Each college shall report annually to the
22 Department of Education on the criteria used to make awards,
23 the amount and number of awards for each criterion, and a
24 delineation of the distribution of such awards. Awards which
25 are based on financial need shall be distributed in accordance
26 with a nationally recognized system of need analysis approved
27 by the State Board of Community Colleges. An award for
28 academic merit shall require a minimum overall grade point
29 average of 3.0 on a 4.0 scale or the equivalent for both
30 initial receipt of the award and renewal of the award.

31

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

3 240.36 Dr. Philip Benjamin Academic Improvement Trust
4 Fund for Community Colleges.--

5 (4) Challenge grants shall be proportionately
6 allocated from the trust fund on the basis of matching each \$4
7 of state funds with \$6 of local or private funds. ~~The matching~~
8 ~~funds shall come from contributions made after July 1, 1983,~~
9 ~~for the purposes of matching this grant.~~ To be eligible, a
10 minimum of ~~\$12,000~~\$4,500 must be raised from private sources,
11 ~~and such contributions must be in excess of the total average~~
12 ~~annual cash contributions made to the foundation at each~~
13 ~~community college in the 3 fiscal years before July 1, 1983.~~

14 (7)(a) The board of trustees of the community college
15 and the State Board of Community Colleges are responsible for
16 determining the uses for the proceeds of their respective
17 trust funds. Such uses of the proceeds shall be limited to
18 expenditure of the funds for:

- 19 1. Scientific and technical equipment.
- 20 2. Other activities that will benefit future students
21 as well as students currently enrolled at the community
22 college and that will improve the quality of education at the
23 community college or in the community college system.
- 24 3. Need-based grants, loans, or scholarships,
25 ~~are the lowest priority for use of these funds.~~

26 (b) If a community college includes need-based grants,
27 loans, or scholarships in its proposal, it shall create an
28 endowment in its academic improvement trust fund and use the
29 earnings of the endowment to provide need-based grants, loans,
30 or scholarships. ~~Such scholarships must be program specific~~
31 ~~and require high academic achievement for students to qualify~~

1 ~~for or retain the scholarship. A scholarship program may be~~
2 ~~used for minority recruitment but may not be used for athletic~~
3 ~~participants. The board of trustees may award scholarships to~~
4 ~~students in associate in arts programs and vocational~~
5 ~~programs. However, for vocational programs, the board of~~
6 ~~trustees must have designated the program as a program of~~
7 ~~emphasis for quality improvement, a designation that should be~~
8 ~~restricted to a limited number of programs at the community~~
9 ~~college. In addition, the board of trustees must have adopted~~
10 ~~a specific plan that details how the community college will~~
11 ~~improve the quality of the program designated for emphasis and~~
12 ~~that includes quality measures and outcome measures. Over a~~
13 ~~period of time, the community college operating budget should~~
14 ~~show additional financial commitment to the program of~~
15 ~~emphasis above and beyond the average increases to other~~
16 ~~programs offered by the community college. Fundraising~~
17 ~~activities must be specifically identified as being for the~~
18 ~~program of emphasis or scholarship money. The community~~
19 ~~college must fully levy the amount for financial aid purposes~~
20 ~~provided by s. 240.35(10) in addition to the tuition and~~
21 ~~matriculation fee before any scholarship funds are awarded to~~
22 ~~the community college as part of its approved request.~~

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

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

29 240.382 Establishment of child development training
30 centers at community colleges.--

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1 (5) In addition to revenues derived from child care
2 fees charged to parents and other external resources, each
3 child development training center may be funded by a portion
4 of funds from the student activity and service fee authorized
5 by s. 240.35(10)(~~9~~) and the capital improvement fee authorized
6 by s. 240.35(14)(~~13~~). Community colleges are authorized to
7 transfer funds as necessary from the college's general fund to
8 support the operation of the child development training
9 center.

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

12 240.4097 Florida Postsecondary Student Assistance
13 Grant Program; eligibility for grants.--

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

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

30 2. An institution either licensed by the State Board
31 of Independent Colleges and Universities or exempt from

1 licensure pursuant to s. 246.085(1)(a), excluding those
2 institutions the students of which are eligible to receive a
3 Florida private student assistance grant pursuant to s.
4 240.4095.

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

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

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

26 (d) The department is directed to establish, for fall
27 enrollment, an initial application deadline for students
28 attending all eligible institutions and an additional
29 application deadline for students who apply to all eligible
30 institutions after the initial application deadline. The
31 second deadline shall be October 1 following the initial

1 application deadline. The department shall reserve an amount
2 to be designated annually in the General Appropriations Act
3 for the purpose of providing awards to postsecondary students
4 who apply for a student assistance grant after the initial
5 application deadline. Applicants who apply during the initial
6 application period and are eligible to receive an award, but
7 do not receive an award because of insufficient funds, shall
8 have their applications reconsidered with those applicants who
9 apply after the initial application deadline. The provisions
10 of this paragraph shall take effect with the 1999-2000
11 academic year.

12 Section 12. The State Board of Community Colleges
13 shall develop a methodology for determining the need for and
14 costs of offering limited baccalaureate programs at selected
15 community colleges. Recommendations shall be completed by
16 December 31, 1998, for review by the Postsecondary Education
17 Planning Commission and submission to the Legislature on
18 February 1, 1999.

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

21 246.201 Legislative intent.--

22 (1) Sections 246.201-246.231 shall provide for the
23 protection of the health, education, and welfare of the
24 citizens of Florida and shall facilitate and promote the
25 acquisition of a minimum satisfactory career, ~~technical,~~
26 ~~trade, and business~~ education by all the citizens of this
27 state. ~~There are presently many fine nonpublic schools~~
28 ~~existing in this state, but there are some nonpublic schools~~
29 ~~which do not generally offer those educational opportunities~~
30 ~~which the citizens of Florida deem essential. The latter type~~
31 ~~of school also fails to contribute to the ultimate health,~~

1 ~~education, and welfare of the citizens of Florida.~~ It shall
2 be in the interest of, and essential to, the public health and
3 welfare that the state create the means whereby all nonpublic
4 postsecondary career independent degree career education,
5 ~~technical, trade, and business~~ schools as defined in s.
6 246.203(1) shall satisfactorily meet minimum educational
7 standards and fair consumer practices.

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

20 (3) Because of the common use of diplomas and degrees,
21 the minimum legal requirements provided by ss. 246.201-246.231
22 for the establishment and operation of nonpublic postsecondary
23 career independent degree career education, ~~technical, trade,~~
24 ~~and business~~ schools shall protect the individual student from
25 deceptive, fraudulent, or substandard education; protect such
26 ~~independent degree career education, technical, trade, and~~
27 ~~business~~ schools; and protect the citizens of Florida holding
28 diplomas or degrees.

29 ~~(4) Nothing contained herein is intended in any way,~~
30 ~~nor shall be construed, to regulate the stated purpose of an~~
31 ~~independent degree career education, technical, trade, and~~

1 ~~business school or to restrict any religious instruction or~~
2 ~~training in a nonpublic school. Any school or business~~
3 ~~regulated by the state or approved, certified, or regulated by~~
4 ~~the Federal Aviation Administration is hereby expressly exempt~~
5 ~~from ss. 246.201-246.231. Nonprofit schools, owned,~~
6 ~~controlled, operated, and conducted by religious,~~
7 ~~denominational, eleemosynary, or similar public institutions~~
8 ~~exempt from property taxation under the laws of this state~~
9 ~~shall be exempt from the provisions of ss. 246.201-246.231.~~
10 ~~However, such schools may choose to apply for a license~~
11 ~~hereunder, and, upon approval and issuance thereof, such~~
12 ~~schools shall be subject to ss. 246.201-246.231.~~

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

15 246.203 Definitions.--As used in ss. 246.201-246.231,
16 unless the context otherwise requires:

17 (1) "School" means any nonpublic postsecondary
18 noncollegiate career educational institution, association,
19 corporation, person, partnership, or organization of any type
20 that:

21 (a) Offers to provide or provides any postsecondary
22 program of instruction, course, or class through the student's
23 personal attendance, in the presence of an instructor, in a
24 classroom, clinical, or other practicum setting or through
25 correspondence or other distance learning; and

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

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31

1 (c) Receives remuneration from the student or any
2 other source on the enrollment of a student or on the number
3 of students enrolled; or
4 (d) Offers to award or awards a diploma, as defined in
5 subsection (6), regardless of whether or not it engages in the
6 activities described in paragraph (a), paragraph (b), or
7 paragraph (c).nongovernmental, postsecondary, vocational,
8 technical, trade, or business noncollegiate educational
9 institution, organization program, home study course, or class
10 maintained or conducted in residence or through correspondence
11 by any person, partnership, association, organization, or
12 corporation for the purpose of offering instruction of any
13 kind leading to occupational objectives or of furnishing a
14 diploma, as defined in subsection (6), in business,
15 management, trade, technical, or other career education and
16 professional schools not otherwise regulated. Nonpublic
17 colleges and universities which award a baccalaureate or
18 higher degree, and nonpublic junior colleges which award an
19 associate degree in liberal arts do not fall under the
20 authority granted in ss. 246.201-246.231 unless the college,
21 university, or junior college conducts, or seeks to conduct, a
22 program for which a diploma, as defined in subsection (6), is
23 to be awarded. Any nonpublic college, university, or junior
24 college which conducts or seeks to conduct a diploma program
25 shall, for the purposes of ss. 246.201-246.231, be included in
26 the definition of "school." Schools offering only examination
27 preparation courses for which they do not award a diploma as
28 defined in subsection (6) do not fall under the authority
29 granted in ss. 246.201-246.231; nor does a nonprofit class
30 provided and operated entirely by an employer, a group of
31

1 ~~employers in related business or industry, or a labor union~~
2 ~~solely for its employees or prospective employees or members.~~

3 (7) "Board" means the State Board of Nonpublic Career
4 Education Independent Postsecondary Vocational, Technical,
5 Trade, and Business Schools.

6 Section 15. Subsections (1) and (2) of section
7 246.205, Florida Statutes, are amended to read:

8 246.205 State Board of Nonpublic Career Education
9 ~~Independent Postsecondary Vocational, Technical, Trade, and~~
10 ~~Business Schools.--~~

11 (1) There shall be established in the Department of
12 Education a State Board of Nonpublic Career Education
13 ~~Independent Postsecondary Vocational, Technical, Trade, and~~
14 ~~Business Schools.~~ The board shall be assigned to the
15 Department of Education only for the purpose of payroll,
16 procurement, and related administrative functions which shall
17 be exercised by the head of the department. The board shall
18 independently exercise the other powers, duties, and functions
19 prescribed by law. The board shall include nine members,
20 appointed by the Governor as follows:

- 21 (a) One from a business school;
22 (b) One from a technical school;
23 (c) One from a home study school;
24 (d) One from a nonpublic school;
25 (e) Four from business and industry; and
26 (f) An administrator of vocational-technical education
27 from a public school district or community college.

28 (2) Each of the members shall be appointed by the
29 Governor, subject to confirmation by the Senate, for a term of
30 3 years. Of the original members appointed by the Governor,
31 three shall serve for terms of 1 year, three shall serve for

1 terms of 2 years, and three shall serve for terms of 3 years.
2 Of the appointive members from the nonpublic postsecondary
3 career independent schools, each shall have occupied executive
4 or managerial positions in a nonpublic postsecondary career an
5 independent school in this state for at least 5 years. All
6 members shall be residents of this state. In the event of a
7 vacancy on the board caused other than by the expiration of a
8 term, the Governor shall appoint a successor to serve the
9 unexpired term.

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

13 246.207 Powers and duties of board.--

14 (1) The board shall:

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

17 (b) Select annually a chairperson and a vice
18 chairperson.

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

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

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

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

30
31

1 (f)~~(g)~~ Appoint, on the recommendation of its
2 chairperson, executives, deputies, clerks, and employees of
3 the board.
4 (g)~~(h)~~ Maintain a record of its proceedings.
5 (h)~~(i)~~ Cooperate with other state and federal agencies
6 in administering ss. 246.201-246.231.
7 (i)~~(j)~~ Prepare an annual budget.
8 (j)~~(k)~~ Transmit all fees, donations, and other
9 receipts of money to the Institutional Assessment Trust Fund
10 ~~State Treasurer to be deposited in the General Revenue Fund.~~
11 (k)~~(l)~~ Transmit to the Governor, the Speaker of the
12 House of Representatives, the President of the Senate, the
13 minority leader of the Senate, and the minority leader of the
14 House of Representatives on July 1, 1987, and each succeeding
15 year an annual report which shall include, but not be limited
16 to:
17 1. A detailed accounting of all funds received and
18 expended.
19 2. The number of complaints received and investigated,
20 by type.
21 3. The number of findings of probable cause.
22 4. A description of disciplinary actions taken, by
23 statutory classification.
24 5. A description of all administrative hearings and
25 court actions.
26 6. A description of the board's major activities
27 during the previous year.
28 (l)~~(m)~~ Assure that no school that has met board
29 requirements established by law or rule be made to operate
30 without a current license due to scheduling of board meetings
31 or application procedures for license renewal.

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

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

8 1. The data collected by the board shall include
9 information relating to the school administration, calendar
10 system, admissions requirements, student costs and financial
11 obligations, financial aid information, refund policy,
12 placement services, number of full-time and part-time faculty,
13 student enrollment and demographic figures, programs, and
14 off-campus programs. Other information shall be collected in
15 response to specific needs or inquiries. Financial
16 information of a strictly proprietary, commercial nature is
17 excluded from this requirement.

18 2. The data collected by the board must also include
19 the data for the career education program evaluation reports
20 required by s. 239.233 for each school that chooses to provide
21 public information under s. 239.245.

22 3. The board shall provide to each participating
23 institution annually the format, definitions, and instructions
24 for submitting the required information.

25 4. The data submitted by each institution shall be
26 accompanied by a letter of certification signed by the chief
27 administrative officer of the institution, affirming that the
28 information submitted is accurate.

29 5. A summary of the data collected by the board shall
30 be included in the annual report to the Governor, the Speaker
31 of the House of Representatives and the President of the

1 Senate, the minority leader of the Senate, and the minority
2 leader of the House of Representatives. The information
3 collected by the board may also be used by the Department of
4 Education for such purposes as statewide master planning,
5 state financial aid programs, and publishing directories, by
6 the Legislature, and to respond to consumer inquiries received
7 by the board.

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

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

29 (2) The board may:

30 (e) Issue a license to any school subject to ss.
31 246.201-246.231 which is exempted ~~excluded~~ from the licensing

1 and regulatory requirements of ss. 246.201-246.231, upon
2 voluntary application for such license and upon payment of the
3 appropriate fee as set forth in s. 246.219.

4 Section 17. Section 246.213, Florida Statutes, is
5 amended to read:

6 246.213 Power of State Board of Education.--

7 (1) The State Board of Education, acting on the
8 recommendation of the State Board of Nonpublic Career
9 Education ~~Independent Postsecondary Vocational, Technical,~~
10 ~~Trade, and Business Schools~~, shall adopt such minimum
11 standards and rules as are required for the administration of
12 ss. 246.201-246.231.

13 (2)(a) The minimum educational standards for the
14 licensing of schools shall include, but not be limited to:
15 name of school, purpose, administrative organization,
16 educational program and curricula, finances, financial
17 stability, faculty, library, student personnel services,
18 physical plant and facilities, publications, and disclosure
19 statements about the status of the institution in relation to
20 professional certification and licensure.

21 (b) Rules of the State Board of Education shall
22 require that nonpublic schools administer an entry-level test
23 of basic skills to each student who enrolls in a nondegree
24 program of at least 450 clock hours, or the credit hour
25 equivalent, which purports to prepare such student for
26 employment. The State Board of Nonpublic Career Education
27 ~~Independent Postsecondary Vocational, Technical, Trade, and~~
28 ~~Business Schools~~ shall designate examinations authorized for
29 use for entry-level testing purposes. State Board of Education
30 rules shall require that applicable schools provide students
31 who are deemed to lack a minimal level of basic skills with a

1 structured program of basic skills instruction. No student
2 shall be granted a diploma, as defined in s. 246.203, until he
3 or she has demonstrated mastery of basic skills. Exceptional
4 students, as defined in s. 228.041, may be exempted from the
5 provisions of this paragraph. The State Board of Education
6 shall identify means through which students who are capable of
7 demonstrating mastery of basic skills may be exempted from the
8 provisions of this paragraph.

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

22 (d) The State Board of Nonpublic Career Education
23 ~~Independent Postsecondary Vocational, Technical, Trade, and~~
24 ~~Business Schools~~ shall recommend to the State Board of
25 Education minimum placement standards for institutions that
26 conduct programs that prepare students for employment.

27 (3) The minimum requirements for the licensing of
28 agents shall include: name, residential and business
29 addresses, background training, institution or institutions to
30 be represented, and demonstrated knowledge of statutes and
31 rules related to the authority granted to agents and the

1 limitations imposed upon such authority. No employee of a
2 nonpublic school shall solicit prospective students for
3 enrollment in such school until that employee is licensed by
4 the State Board of Nonpublic Career Education ~~Independent~~
5 ~~Postsecondary Vocational, Technical, Trade, and Business~~
6 ~~Schools~~ as an agent.

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

21 Section 18. Section 246.215, Florida Statutes, is
22 amended to read:

23 246.215 License required.--

24 (1) No nonpublic postsecondary career ~~independent~~
25 school required to be licensed pursuant to ss. 246.201-246.231
26 shall be operated or established within the state until such
27 school makes application and obtains a license or
28 authorization from the board. Each nonpublic school that
29 seeks licensure shall first submit articles of incorporation
30 to the Department of State. After the Department of State
31 approves such articles and verifies that the articles indicate

1 the corporation is a postsecondary school within the meaning
2 and intent of s. 246.203, the corporation shall apply for
3 licensure by the board within 60 days of approval of the
4 articles. Department of State approval of the articles of
5 incorporation shall not constitute authorization to operate
6 the nonpublic school. The Department of State shall
7 immediately transmit approved articles of incorporation for
8 nonpublic schools to the board.

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

13 (3) No nonpublic postsecondary career ~~independent~~
14 school required to be licensed pursuant to ss. 246.201-246.231
15 shall advertise in any manner until such school is granted an
16 appropriate license by the board, nor shall any licensed
17 school advertise in any manner while such school is under an
18 injunction against operating, soliciting students, or offering
19 diplomas.

20 (4) No license granted by the board shall be
21 transferable to another nonpublic postsecondary career
22 ~~independent~~ school or to another agent, nor shall school
23 licensure transfer upon a change in ownership of the
24 institution.

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

29 (6) A diploma program offered by a nonpublic junior
30 college, college, or university must be licensed by the board,
31 notwithstanding the fact that such institution is concurrently

1 subject to the jurisdiction of the State Board of Independent
2 Colleges and Universities, if such program does the following:

3 (a) The program qualifies a student for employment or
4 engagement in an occupation whose practice in this state does
5 not require a degree.

6 (b) The program awards a diploma, as defined in s.
7 246.203(6), for successful completion, including any program
8 that is organized to give students an option of exiting at a
9 specified point and receiving a diploma, or continuing and
10 receiving a degree, as defined in s. 246.021(5).

11 Section 19. Section 246.216, Florida Statutes, is
12 created to read:

13 246.216 Exemption from licensure.--

14 (1) A person or entity which otherwise fits the
15 definition of school in s. 246.203(1) shall be exempt from
16 licensure if it meets the criteria specified in this section
17 and applies to the board for a statement of exemption. The
18 board shall issue a statement of exemption if it determines,
19 based on all available information, that the applicant meets
20 the following criteria:

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

23 1. A religious modifier in the title of the program,
24 immediately preceding the name of the occupation to which the
25 instruction relates, and in the title of the diploma.

26 2. No representation, directly or by implication, that
27 individuals who successfully complete the program will be
28 qualified to be employed in the field to which the training
29 relates by an employer other than a church or religious
30 organization.

31

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

3 (b) The person or entity is regulated by the Federal
4 Aviation Administration, another agency of the Federal
5 Government, or an agency of the state whose regulatory laws
6 are similar in nature and purpose to those of the board and
7 require minimum educational standards, for at least
8 curriculum, instructors, and academic progress and provide
9 protection against fraudulent, deceptive, and substandard
10 education practices;

11 (c) The person or entity offers only examination
12 preparation courses provided that:

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

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

19 (d) The person or entity is:

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

22 2. A trade or professional association or a group of
23 employers in the same or related business who in writing agree
24 to offer training and to train only individuals who are bona
25 fide employees of an employer who is a member of the
26 association or a party to the written agreement; or

27 3. An independent contractor engaged by any of the
28 foregoing by written contract to provide the training on its
29 behalf exclusively to individuals who are selected by the
30 employer, association, or group which engaged the contractor
31 and who are bona fide employees thereof.

1
2 For purposes of this paragraph, a bona fide employee is an
3 individual who works for salary or wages paid by the employer
4 in at least the minimum amount required by law;

5 (e) The entity is a labor union or group of labor
6 unions which offers training to, and trains only, individuals
7 who are dues paying members of a participating labor union; or
8 the person or entity is an independent contractor engaged by
9 the labor union or group of labor unions, by written contract,
10 to provide the training on its behalf exclusively to
11 individuals who are selected by the labor union or group of
12 labor unions which engaged the contractor and who are dues
13 paying members thereof;

14 (f) The person or entity offers only continuing
15 education programs to individuals who engage in an occupation
16 or profession whose practitioners are subject to licensure,
17 certification, or registration by a state agency which
18 recognizes the programs for continuing education purposes and
19 provides a written statement of such recognition; or

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

23 1. Prior to enrollment, gives to each enrollee, and
24 maintains a record copy of, a written statement which states
25 substantially the following: "This program is not designed or
26 intended to qualify its participants and graduates for
27 employment in (the field to which the training pertains). It
28 is intended solely for the avocation, personal enrichment, and
29 enjoyment of its participants."

30 2. Makes no other verbal or written statements which
31 negate the written statement required in subparagraph 1. by

1 stating or implying that persons who enroll in or complete the
2 program have any more substantial likelihood of getting
3 employment in the field to which the training pertains than
4 persons who do not.

5 3. Maintains and makes available to the board, upon
6 request, records which demonstrate that each enrollee received
7 the statement required by subparagraph 1. prior to
8 enrollment.

9
10 To be eligible for the statement of exemption, the applicant
11 must maintain records documenting its qualification for
12 exemption. A person or entity which is exempt pursuant to this
13 subsection and which is also a licensee for programs which do
14 not qualify for exemption may not include in the catalog,
15 contract, or advertising relating to its licensed program any
16 reference to its unlicensed programs. This restriction does
17 not apply to a licensee which voluntarily becomes licensed to
18 offer programs which would otherwise qualify for exemption.

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

23 (a) There has been a material change in circumstances
24 or in the law;

25 (b) The statement was erroneously issued as a result
26 of false or misleading information provided by the applicant
27 or other source;

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

30 (d) New information has been received.

31

1 Probable cause proceedings do not apply to the foregoing board
2 decisions.

3 (3) The board may invoke the remedies provided in s.
4 246.227 when no application for a statement of exemption is
5 pending; in conjunction with, or subsequent to, its notice of
6 denial of an application; or in conjunction with, or
7 subsequent to, its notice of revocation. The filing of a civil
8 action pursuant to s. 246.227 shall have the effect of
9 suspending administrative proceedings under this section
10 unless the board takes a voluntary dismissal without prejudice
11 in a judicial case. An order of the court which determines or
12 renders moot an issue presented in suspended administrative
13 proceedings shall be grounds for dismissal of the
14 administrative proceeding as to that issue.

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

17 246.219 License fees.--

18 (1) Each initial application for a license to operate
19 a nonpublic postsecondary career school shall be accompanied
20 by a license fee of not less than \$500, and each application
21 for the renewal of such license shall be accompanied by an
22 annual license fee of at least \$300, provided that the fee for
23 a biennial license shall be at least \$600. A fee shall be
24 charged for a supplementary application for the approval of
25 any additional field or course of instruction. Such fees
26 shall be delineated, by rule, by the board.

27 Section 21. Section 246.220, Florida Statutes, is
28 amended to read:

29 246.220 Surety bonds or insurance.--Surety bonds or
30 insurance shall not be required of any school licensed by the
31 State Board of Nonpublic Career Education ~~Independent~~

1 ~~Postsecondary Vocational, Technical, Trade, and Business~~
2 ~~Schools~~, except as may be required by the board to insure the
3 train-out of projected or currently enrolled students,
4 issuance of refunds to projected or currently enrolled
5 students, payment of liabilities to the Student Protection
6 Fund, or for the retrieval or safekeeping of student records.

7 Section 22. Subsections (1) and (4) of section
8 246.2265, Florida Statutes, are amended to read:

9 246.2265 Additional regulatory powers while
10 disciplinary proceedings are pending; cease and desist
11 orders.--

12 (1) The board may, in conjunction with an
13 administrative complaint or notice of denial of licensure,
14 issue cease and desist orders for the purpose of protecting
15 the health, safety, and welfare of students, prospective
16 students, and the general public. Such orders may be
17 mandatory or prohibitory in form and may order a nonpublic ~~an~~
18 ~~independent~~ postsecondary career institution, officer,
19 employee, or agent to:

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

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

26 (4) The executive director of the board, with the
27 approval of the chair of the board, may issue and deliver a
28 cease and desist order to a nonpublic ~~an independent~~
29 postsecondary career institution.

30 Section 23. Subsections (2) and (3) of section
31 246.227, Florida Statutes, are amended to read:

1 246.227 Injunctive relief; unlicensed operation of a
2 school; cease and desist notice; civil penalty.--

3 (2) An unlicensed nonpublic ~~independent~~ postsecondary
4 career institution required to be licensed pursuant to ss.
5 246.201-246.231 that advertises or causes advertisements to be
6 made public through which students are solicited for
7 enrollment or are offered diplomas shall be in violation of
8 the provisions of ss. 246.201-246.231. A licensed nonpublic
9 ~~independent~~ postsecondary career institution that is under
10 temporary or permanent injunction against operating or
11 offering diplomas that advertises or causes advertisements to
12 be made public through which students are solicited for
13 enrollment or are offered diplomas shall be in violation of
14 such injunctive order upon presentation to the court of the
15 advertisement.

16 (3) The executive director of the board, with the
17 approval of the chair of the board, may issue and deliver a
18 cease and desist order to any nonpublic ~~independent~~
19 postsecondary career institution or agent required to be
20 licensed pursuant to ss. 246.201-246.231 that is not so
21 licensed. The board may file, in the name of the state, a
22 proceeding which seeks issuance of an injunction against any
23 person in violation of any provision of such order.

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

26 246.31 Institutional Assessment Trust Fund.--

27 (1) There is created an Institutional Assessment Trust
28 Fund to be administered by the Department of Education
29 pursuant to this section and rules of the State Board of
30 Education. The trust fund shall consist of all fees and fines
31 imposed upon nonpublic colleges and schools pursuant to this

1 chapter, including all fees collected from nonpublic colleges
2 for participation in the common course designation and
3 numbering system. The department shall maintain separate
4 revenue accounts for the State Board of Independent Colleges
5 and Universities; the State Board of Nonpublic Career
6 Education Independent Postsecondary Vocational, Technical,
7 ~~Trade, and Business Schools~~; and the Department of Education.

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

10 20.15 Department of Education.--There is created a
11 Department of Education.

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

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

27 240.40204 Florida Bright Futures Scholarship Program;
28 eligible postsecondary education institutions.--A student is
29 eligible for an award or the renewal of an award from the
30 Florida Bright Futures Scholarship Program if the student
31 meets the requirements for the program as described in this

1 act and is enrolled in a postsecondary education institution
2 that meets the description in any one of the following
3 subsections:

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

8 (a) Has a program completion and placement rate of at
9 least the rate required by the current Florida Statutes, the
10 Florida Administrative Code, or the Department of Education
11 for an institution at its level; and

12 (b) Shows evidence of sound financial condition; and
13 either:

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

19 2. Has operated in Florida for 5 years during which
20 there has been no complaint for which probable cause has been
21 found.

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

24 246.011 Purpose.--

25 (3) It is the intent of the Legislature that a
26 nonpublic college which offers both degrees and vocational
27 certificates or diplomas shall be subject to the rules of the
28 State Board of Independent Colleges and Universities as
29 provided by ss. 246.011-246.151 and the State Board of
30 Nonpublic Career Education ~~Independent Postsecondary~~

31

1 ~~Vocational, Technical, Trade, and Business Schools~~ as provided
2 by ss. 246.201-246.231.

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

5 246.081 License, certificate of exemption, or
6 authorization required; exceptions.--

7 (3) No nonpublic college shall continue to conduct or
8 begin to conduct any diploma program, as defined in s.
9 246.203, unless the college applies for and obtains from the
10 State Board of Nonpublic Career Education Independent
11 ~~Postsecondary Vocational, Technical, Trade, and Business~~
12 ~~Schools~~ a license or authorization for such diploma program in
13 the manner and form prescribed by the State Board of Nonpublic
14 Career Education Independent ~~Postsecondary Vocational,~~
15 ~~Technical, Trade, and Business Schools.~~

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

18 246.085 Certificate of exemption.--

19 (3) Any college which holds a certificate of exemption
20 and which conducts any diploma program, as defined in s.
21 246.203, shall be subject to licensure of such diploma program
22 by the State Board of Nonpublic Career Education Independent
23 ~~Postsecondary Vocational, Technical, Trade, and Business~~
24 ~~Schools.~~

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

27 246.091 License period and renewal.--

28 (3) A licensed college which seeks to conduct any
29 diploma program, as defined in s. 246.203, shall apply to the
30 State Board of Nonpublic Career Education Independent
31

1 ~~Postsecondary Vocational, Technical, Trade, and Business~~
2 ~~Schools~~ for licensure for such program.

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

5 246.111 Denial, probation, or revocation of license or
6 certificate of exemption.--

7 (1) Any temporary license, provisional license, or
8 regular license, agent's license, certificate of exemption, or
9 other authorization required under the provisions of ss.
10 246.011-246.151 may be denied, placed on probation, or revoked
11 by the board. A college which has its certificate of
12 exemption revoked shall become subject to the licensing
13 provisions of the board. The board shall promulgate rules for
14 these actions. Placement of a college on probation for a
15 period of time and subject to such conditions as the board may
16 specify may also carry the imposition of an administrative
17 fine not to exceed \$5,000. Such fine shall be deposited into
18 the Institutional Assessment Trust Fund. Disciplinary action
19 undertaken pursuant to this section against a college that is
20 also licensed by the State Board of Nonpublic Career Education
21 ~~Independent Postsecondary Vocational, Technical, Trade, and~~
22 ~~Business Schools~~ shall prompt disciplinary proceedings
23 pursuant to s. 246.226.

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

26 246.50 Certified Teacher-Aide Welfare Transition
27 Program; participation by independent postsecondary
28 schools.--An independent postsecondary school may participate
29 in the Certified Teacher-Aide Welfare Transition Program and
30 may receive incentives for successful performance from the
31 Performance Based Incentive Funding Program if:

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

5 Section 33. Section 455.2125, Florida Statutes, is
6 amended to read:

7 455.2125 Consultation with postsecondary education
8 boards prior to adoption of changes to training
9 requirements.--Any state agency or board that has jurisdiction
10 over the regulation of a profession or occupation shall
11 consult with the State Board of Independent Colleges and
12 Universities; the State Board of Nonpublic Career Education
13 ~~Independent Postsecondary Vocational, Technical, Trade, and~~
14 ~~Business Schools~~; the Board of Regents; and the State Board of
15 Community Colleges prior to adopting any changes to training
16 requirements relating to entry into the profession or
17 occupation. This consultation must allow the educational board
18 to provide advice regarding the impact of the proposed changes
19 in terms of the length of time necessary to complete the
20 training program and the fiscal impact of the changes. The
21 educational board must be consulted only when an institution
22 offering the training program falls under its jurisdiction.

23 Section 34. Section 455.554, Florida Statutes, is
24 amended to read:

25 455.554 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 35. Subsection (8) of section 467.009, Florida
11 Statutes, is amended to read:

12 467.009 Midwifery programs; education and training
13 requirements.--

14 (8) Nonpublic educational institutions that conduct
15 approved midwifery programs shall be accredited by a member of
16 the Commission on Recognition of Postsecondary Accreditation
17 and shall be licensed by the State Board of Nonpublic Career
18 Education ~~Independent Postsecondary Vocational, Technical,~~
19 ~~Trade, and Business Schools.~~

20 Section 36. Section 476.178, Florida Statutes, is
21 amended to read:

22 476.178 Schools of barbering; licensure.--No private
23 school of barbering shall be permitted to operate without a
24 license issued by the State Board of Nonpublic Career
25 Education ~~Independent Postsecondary Vocational, Technical,~~
26 ~~Trade, and Business Schools~~ pursuant to chapter 246. However,
27 this section shall not be construed to prevent certification
28 by the Department of Education of barber training programs
29 within the public school system or to prevent government
30 operation of any other program of barbering in this state.

31

1 Section 37. Section 477.023, Florida Statutes, is
2 amended to read:

3 477.023 Schools of cosmetology; licensure.--No private
4 school of cosmetology shall be permitted to operate without a
5 license issued by the State Board of Nonpublic Career
6 Education Independent Postsecondary Vocational, Technical,
7 ~~Trade, and Business Schools~~ pursuant to chapter 246. However,
8 nothing herein shall be construed to prevent certification by
9 the Department of Education of cosmetology training programs
10 within the public school system or to prevent government
11 operation of any other program of cosmetology in this state.

12 Section 38. Section 488.01, Florida Statutes, is
13 amended to read:

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

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

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HOUSE SUMMARY

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