

By Representative Trovillion

1 A bill to be entitled
 2 An act relating to religious nonpublic
 3 postsecondary institutions; amending s.
 4 246.011, F.S.; declaring the intent of the
 5 Legislature to establish a religious
 6 authorization for certain religious nonpublic
 7 colleges; amending s. 246.081, F.S.; conforming
 8 provisions; amending s. 246.083, F.S.;
 9 establishing requirements for religious
 10 authorization; providing exemption from
 11 licensure; providing duties of the State Board
 12 of Independent Colleges and Universities;
 13 providing procedures for noncompliance;
 14 amending s. 246.101, F.S.; providing for an
 15 exemption from fees under certain
 16 circumstances; repealing s. 246.021(7) and
 17 (10), F.S., relating to definitions; providing
 18 an effective date.

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

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 22 Section 1. Subsection (5) is added to section 246.011,
 23 Florida Statutes, to read:

24 246.011 Purpose.--

25 (5) It is the intent of the Legislature to avoid any
 26 violation of the establishment clause of the First Amendment
 27 to the Constitution of the United States. In order to avoid
 28 excessive entanglement, s. 246.083 is enacted for the purpose
 29 of defining the relationship between the State Board of
 30 Independent Colleges and Universities and nonpublic colleges
 31 which only offer educational programs leading to religious

1 vocations and which enroll no students who receive state or
2 federal financial aid for education in the form of student
3 loans or grants.

4 Section 2. Subsections (1) and (2) of section 246.081,
5 Florida Statutes, are amended to read:

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

8 (1) The following colleges are not under the
9 jurisdiction of the board and do not need a license, a
10 certificate of exemption, or religious ~~an~~ authorization to
11 operate:

12 (a) Any college provided, operated, and supported by
13 the State of Florida or its political subdivisions or the
14 Federal Government.

15 (b) Any college, school, or course licensed or
16 approved for establishment and operation under chapter 464,
17 chapter 466, or chapter 475, or any other chapter of the
18 Florida Statutes, requiring licensing or approval as defined
19 in ss. 246.011-246.151.

20 (2) No nonpublic college shall continue operation or
21 be established within the state unless such college shall
22 apply for, and obtain from the board, a license, a certificate
23 of exemption, or religious authorization in the manner and
24 form prescribed by the board. Upon receipt of approved
25 articles of incorporation from the Department of State that
26 purport to be for a college as defined in s. 246.021, the
27 newly formed corporation shall, within 60 days after such
28 approval, make an application to the board for a license, a
29 certificate of exemption, or religious ~~other~~ authorization as
30 required by law. The approval of articles of incorporation by
31 the Department of State shall not be deemed to be an approval

1 to engage in the operation of an institution of higher
2 learning. Such institution shall not advertise or operate
3 until a license, certificate of exemption, or religious
4 authorization ~~to operate~~ has been obtained from the board.
5 When articles of incorporation are issued to an institution of
6 higher learning, the Department of State shall immediately
7 furnish a copy of the articles of incorporation to the board.

8 Section 3. Section 246.083, Florida Statutes, is
9 amended to read:

10 (Substantial rewording of section. See
11 s. 246.083, F.S., for present text.)

12 246.083 Religious authorization.--

13 (1) As used in this section, the term:

14 (a) "College" means any educational entity which
15 confers or offers to confer a degree, certificate, or diploma
16 or which furnishes or offers to furnish instruction leading
17 toward, or prerequisite to, college credit or a degree beyond
18 the secondary level. The term includes any nonpublic college
19 chartered in this state and any Florida center of an
20 out-of-state college.

21 (b) "Degree" means any credential awarded which is
22 generally taken to signify satisfactory completion of the
23 requirements of an academic, educational, or professional
24 program of study beyond the level of a specialized associate
25 degree or any honorary credential conferred for meritorious
26 recognition.

27 (2) Religious nonpublic colleges which enroll no
28 students who receive state or federal financial aid for
29 education in the form of student loans or grants shall not be
30 required to obtain a license upon compliance with this section
31 and submission of data required by this section.

1 (a) Religious nonpublic colleges receiving
2 authorization under this section may only offer educational
3 programs that prepare students for religious vocations as
4 ministers, professionals, or laypersons in the following
5 religious categories: ministerial, counseling, theological,
6 educational, administration, music, fine arts, media
7 communications, social work, and the liberal arts, as they
8 relate to religious postsecondary education.

9 (b) The religious vocation must predominantly appear
10 on the face of the degree and on the religious nonpublic
11 college's transcripts.

12 (c) For purposes of this section:

13 1. Religious nonpublic colleges using the degree
14 titles Bachelor of Arts or Bachelor of Science must require 25
15 percent of the required courses to be in general education as
16 a part of the minimum 120 semester credit hours required for
17 awarding such a degree. General education courses are those
18 courses designed to place emphasis on cognitive development
19 rather than on a vocational objective and may include courses
20 such as English, history, philosophy, literature, religion,
21 art, music, sociology, foreign languages, humanities,
22 mathematics, chemistry, biology, and psychology, when such
23 courses are not specifically designed to contribute toward a
24 nonacademic program. For example, English Composition is
25 considered a general education or liberal arts course, but
26 Business English is not. Graduation from high school or
27 attainment of the general education development diploma should
28 normally be a prerequisite to formal entrance to a bachelor's
29 degree program, and any deviation from that requirement must
30 be justified by the college.

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1 2. Religious nonpublic colleges may grant a
2 bachelor's, master's, or doctoral degree other than the
3 Bachelor of Arts or Bachelor of Science without the general
4 education element.

5 3. One semester credit hour of study is 15 academic
6 hours or its equivalent.

7 4. The following minimum credit hours are required for
8 awarding the following degrees:

9 a. Associate degree, with no fewer than 60 semester
10 credit hours or 90 quarter hours.

11 b. Bachelor's degree, with no fewer than 120 semester
12 credit hours or 180 quarter hours.

13 c. Master's degree, with no fewer than 24 semester
14 credit hours or 36 quarter hours beyond the bachelor's degree.
15 A research thesis or project may be required. A bachelor's
16 degree should normally be a prerequisite to formal entrance to
17 a master's degree program.

18 d. Doctoral degree or doctorate, with no fewer than 60
19 semester hours or 90 quarter hours beyond the bachelor's
20 degree, and which requires completion of a master's degree
21 before admission to, or before completion of, the doctoral
22 degree. The degree Doctor of Philosophy, usually abbreviated
23 Ph.D., requires a stringent research component and a
24 dissertation for completion.

25
26 Nondegree ecclesiastical diplomas and certificates are not
27 required to meet the criteria listed in this paragraph.

28 (d) The following data must be submitted annually to
29 the board: college name, address, telephone number, and
30 accreditation, if any; denomination, church, or religious
31 affiliation; list of all degree titles with their religious

1 vocation major; and current copy of the college's catalog and
2 consumer protection information listed in paragraph (e).

3 (e) The board shall collect annually from each
4 religious nonpublic college the following descriptive
5 inventory of consumer practices:

6 1. A description of the religious nonpublic college's
7 policies and procedures regarding the recruitment and
8 admission of students.

9 2. The sources and kinds of student financial
10 assistance available and the specific manner by which students
11 are informed of their responsibilities with respect to
12 receiving assistance and repaying loans.

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

15 4. All advertising issued on behalf of the religious
16 nonpublic college during the previous year, including copies
17 of all published items. If the religious nonpublic college
18 claims accreditation, it shall indicate whether or not that
19 accreditation is approved by the United States Department of
20 Education and if such accreditation is disclosed in all
21 advertisements.

22 5. A copy of the religious nonpublic college's refund
23 policy. The refund policy must provide students with a
24 minimum of 3 working days from the date a student signs an
25 enrollment contract or financial agreement with a religious
26 nonpublic college for the student to cancel the contract and
27 receive a full refund of any tuition or registration fees
28 paid. The refund policy must be prominently displayed on the
29 contract form.

30 6. Evidence that the religious nonpublic college has
31 provided its students with a clear and specific statement

1 regarding the transferability of credits to and from other
2 colleges, institutes, seminaries, and universities.

3 (f) The religious nonpublic college shall include with
4 the data required by paragraph (e) a sworn affidavit, signed
5 by its chief administrative officer, affirming that the
6 information submitted is accurate and no false data has
7 knowingly and willingly been submitted, that the policies
8 reported are provided in writing to all prospective students
9 at least 1 week before enrollment or collection of tuition
10 fees, that the religious nonpublic college observes the
11 policies and practices as reported to the board, and that it
12 complies with this section.

13 (g) The board shall set an annual review date for
14 receiving data and assuring compliance with this section. The
15 board shall give a religious nonpublic college 60 days'
16 notification of the annual review date. After providing 30
17 days' notification, the board may impose a fine for every
18 month the religious nonpublic college receiving authorization
19 under this section fails to provide the data required by
20 paragraph (e). The postal date on the envelope or package
21 containing the notification serves as the date of
22 notification.

23 (h) The following data must appear in the religious
24 nonpublic college's catalog or administrative bulletin:
25 denomination, church, or religious affiliation; purpose or
26 mission of the religious nonpublic college; a list and
27 description of all courses of study; a list of course
28 descriptions; a list of all faculty members with their
29 degrees; administrative officers and staff; all fees, charges,
30 nonrefundable fees, and tuition; refund policies;
31 transferability of credits to and from other colleges;

1 accreditation, if any; whether or not the accrediting agency
2 is recognized by the United States Department of Education;
3 and the college's authorization status. A religious nonpublic
4 college receiving authorization under this section shall
5 include the following statement in the purpose, mission,
6 accreditation, or recognition statement in the catalog to
7 clarify its statutory existence: "The degree programs of this
8 college are designed solely for ecclesiastical vocations."

9 (i) A religious nonpublic college receiving
10 authorization under this section shall comply with one of the
11 following:

12 1. The religious nonpublic college shall have a
13 religious modifier in its name; or

14 2. The religious nonpublic college shall be named
15 after a religious patriarch of the church.

16 (3) The burden of determining compliance with this
17 section shall rest with the board. Pursuant to s.
18 246.041(1)(f), the board may enter into an agreement with an
19 individual or group of individuals to oversee the review and
20 collection of the data submitted pursuant to this section.
21 The board may require further evidence and make such further
22 investigation, in addition to the information submitted, as
23 may be reasonably necessary in the board's judgment.

24 (4) If at any time a religious nonpublic college
25 receiving authorization under this section fails to comply
26 with this section, it shall be required to obtain a temporary
27 license pursuant to s. 246.081 within 30 days of the board's
28 final action finding that the religious nonpublic college is
29 not authorized under this section. Final actions by the board
30 may be taken only after two consecutive quarterly meetings. A
31 notice of noncompliance with the specific requirements of this

1 section shall precede the two quarterly meetings. A final
2 noncompliance notification shall be sent by certified mail 30
3 days prior to the final action.

4 Section 4. Subsection (4) of section 246.101, Florida
5 Statutes, is amended to read:

6 246.101 Fees.--

7 (4) The cost of routine services of the board, such as
8 data collection and dissemination, shall be supported through
9 a base fee. The base fee applies to all nonpublic colleges,
10 whether granted licensure, a certificate of exemption, or
11 religious an authorization to operate. A religious nonpublic
12 college that is reviewed by an individual or group of
13 individuals authorized by the board pursuant to s.
14 246.041(1)(f), rather than by the board, is exempt from the
15 base fee.

16 (a) If the total appropriation for the board requires
17 that one-half or more of the cost of operating the board be
18 supported through fees, the board shall charge a base fee to
19 all colleges under its jurisdiction. The board may adjust the
20 fee based on the enrollment of the college. However, the fee
21 assessed to the largest college may not exceed one-half of 1
22 percent of the amount appropriated for the board or \$1,500,
23 whichever is less. The fee assessed to the largest college
24 may not exceed three times the amount of the fee assessed to
25 the smallest college.

26 (b) If the total appropriation for the board requires
27 that less than one-half of the total amount be supported
28 through fees, the board shall waive the fees for colleges that
29 have been granted religious an authorization to operate or
30 shall provide for lower base fees for smaller colleges.
31 However, the fee assessed to the largest college may not

1 exceed one-half of 1 percent of the amount appropriated for
2 the board or \$1,500, whichever is less. The fee assessed to
3 the largest college may not exceed three times the amount of
4 the fee assessed to the smallest college.

5 Section 5. Subsections (7) and (10) of section
6 246.021, Florida Statutes, are hereby repealed.

7 Section 6. This act shall take effect July 1, 1997.

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10 HOUSE SUMMARY

11 Establishes new requirements that a religious nonpublic
12 college must meet to be granted an authorization by the
13 State Board of Independent Colleges and Universities and
14 an exemption from licensure.

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