

By the Committee on Colleges & Universities and  
Representatives Trovillion and Feeney

1                                   A bill to be entitled  
2           An act relating to nonpublic postsecondary  
3           institutions; amending s. 246.081, F.S.;  
4           conforming provisions; creating s. 246.084,  
5           F.S.; establishing requirements for  
6           authorization; providing duties of the State  
7           Board of Independent Colleges and Universities;  
8           providing procedures for noncompliance;  
9           amending s. 246.101, F.S.; providing for an  
10          exemption from fees; creating a new workload  
11          fee; repealing s. 246.021(2), (7), and (10),  
12          F.S., relating to definitions; repealing s.  
13          246.083, F.S., relating to authorization to  
14          operate; authorizing continuance of certain  
15          programs; amending ss. 320.38 and 322.031,  
16          F.S.; correcting cross references; providing an  
17          effective date.

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

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

23           246.081 License, certificate of exemption, or  
24 authorization required; exceptions.--

25           (1) The following colleges are not under the  
26 jurisdiction of the board and are not required to obtain ~~to~~  
27 ~~not need~~ a license, a certificate of exemption, or an  
28 authorization from the board ~~to operate~~:

29           (a) Any college provided, operated, and supported by  
30 the State of Florida or its political subdivisions or the  
31 Federal Government.

1 (b) Any college, school, or course licensed or  
2 approved for establishment and operation under chapter 464,  
3 chapter 466, or chapter 475, or any other chapter of the  
4 Florida Statutes, requiring licensing or approval as defined  
5 in ss. 246.011-246.151.

6 (2) No nonpublic college shall continue operation or  
7 be established within the state unless such college shall  
8 apply for, and obtain from the board, a license, a certificate  
9 of exemption, or authorization in the manner and form  
10 prescribed by the board. Upon receipt of approved articles of  
11 incorporation from the Department of State that purport to be  
12 for a college as defined in s. 246.021, the newly formed  
13 corporation shall, within 60 days after such approval, make an  
14 application to the board for a license, a certificate of  
15 exemption, or other authorization as required by law. The  
16 approval of articles of incorporation by the Department of  
17 State shall not be deemed to be an approval to engage in the  
18 operation of an institution of higher learning. Such  
19 institution shall not advertise or operate until a license,  
20 certificate of exemption, or authorization ~~to operate~~ has been  
21 obtained from the board. When articles of incorporation are  
22 issued to an institution of higher learning, the Department of  
23 State shall immediately furnish a copy of the articles of  
24 incorporation to the board.

25 Section 2. Section 246.084, Florida Statutes, is  
26 created to read:

27 246.084 Authorization.--

28 (1) A nonpublic college which enrolls students, none  
29 of whom receive state or federal financial aid for education,  
30 shall not be required to apply for a license upon compliance  
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1 with this section and submission of data required by this  
2 section.

3 (a) Colleges receiving authorization under this  
4 section may only offer educational programs that prepare  
5 students for religious vocations as ministers, professionals,  
6 or laypersons in the following categories: ministry,  
7 counseling, theology, education, administration, music, fine  
8 arts, media communications, and social work.

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

11 (c) The titles of degrees issued by the college must  
12 include a religious modifier which must immediately precede,  
13 or be included within, any of the following titles: Associate  
14 in Arts, Associate in Science, Bachelor of Arts, Bachelor of  
15 Science, Master of Arts, Master of Science, and Doctor of  
16 Philosophy.

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

21 1. Associate degree, with no fewer than 60 semester  
22 hours or the equivalent.

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

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

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

29 (e) The following data must be submitted annually to  
30 the board: college name, address, telephone number, and  
31 accreditation, if any; denomination, church, or religious

1 affiliation; list of all degree titles with their religious  
2 vocation major; and a current copy of the college's catalog  
3 and consumer practice information listed in paragraph (f).

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

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

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

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

16 4. Copies of all advertising published on behalf of  
17 the college during the previous year. If the college claims  
18 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 college's refund policy. The refund  
23 policy must provide students with a minimum of 3 working days  
24 from the date a student signs an enrollment contract or  
25 financial agreement with a college for the student to cancel  
26 the contract and receive a full refund of any tuition or  
27 registration fees paid. The refund policy must be prominently  
28 displayed on the contract form.

29 6. Evidence that the college has provided its students  
30 with a clear and specific statement regarding the  
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1 transferability of credits to and from other colleges,  
2 institutes, seminaries, and universities.

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

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

21 (i) The following information must appear in the  
22 college's catalog or administrative bulletin: denomination,  
23 church, or religious affiliation; purpose or mission of the  
24 college; a list and description of all courses of study; a  
25 list of course descriptions; a list of all faculty members  
26 with their degrees; administrative officers and staff; all  
27 fees, charges, nonrefundable fees, and tuition; refund  
28 policies; transferability of credits to and from other  
29 colleges; accreditation, if any; whether or not the  
30 accrediting agency is recognized by the United States  
31 Department of Education; and the college's authorization

1 status. A college receiving authorization under this section  
2 shall include the following statement in the purpose, mission,  
3 accreditation, or recognition statement in the catalog to  
4 clarify its statutory existence: "The degree programs of this  
5 college are designed solely for religious vocations."

6 (j) The name of the college shall include a religious  
7 modifier or the name of a religious patriarch, saint, person,  
8 or symbol of the church.

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

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 the board determines that a college meets the  
25 requirements of this section, the board shall issue the  
26 college an authorization.

27 (5) If at any time a college receiving authorization  
28 under this section fails to comply with this section, it shall  
29 be required to apply for a license pursuant to s. 246.081  
30 within 30 days of the board's final action finding that the  
31 college is not authorized under this section. Final actions

1 by the board may be taken only after two consecutive quarterly  
2 meetings. A notice of noncompliance with the specific  
3 requirements of this section shall precede the two quarterly  
4 meetings. A final noncompliance notification shall be sent by  
5 certified mail 30 days prior to the final action.

6 Section 3. Subsections (4) and (5) of section 246.101,  
7 Florida Statutes, are amended to read:

8 246.101 Fees.--

9 (4) The cost of routine services of the board, such as  
10 data collection and dissemination, shall be supported through  
11 a base fee. Nonpublic colleges operating pursuant to s.  
12 246.084 are not required to pay the base fee. The base fee  
13 applies to all other nonpublic colleges, ~~whether granted~~  
14 ~~licensure, a certificate of exemption, or an authorization to~~  
15 ~~operate.~~

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 an authorization to operate or shall provide~~  
30 ~~for lower base fees for smaller colleges. However, the fee~~  
31 ~~assessed to the largest college may not exceed one-half of 1~~

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

5 (5) The board shall assess fees to defray the cost of  
6 workload for board activities that are specific to certain  
7 colleges. Such workload activities must relate to:

8 (a) Licensure.

9 (b) Annual reviews.

10 (c) Special reviews.

11 (d) Site visits.

12 (e) Resolution of complaints for violation of fair  
13 consumer practices.

14 (f) Approval ~~Authorization~~ to operate in Florida  
15 without offering educational programs.

16 (g) Approval to use the term "college" or  
17 "university."

18 (h) Review and collection of data submitted pursuant  
19 to s. 246.084 when the review and collection is performed by  
20 the board rather than an individual or group pursuant to s.  
21 246.084(3).

22 ~~(i)(h)~~ Other workload activities as approved by the  
23 Legislature.

24 Section 4. Subsections (2), (7), and (10) of section  
25 246.021 and section 246.083, Florida Statutes, are repealed.

26 Section 5. Institutions operating pursuant to the  
27 provisions of s. 246.083, Florida Statutes, may continue to  
28 offer programs and award degrees, in accordance with the  
29 provisions of s. 246.083, Florida Statutes, to students  
30 enrolled in such programs on or before June 30, 1997. However,  
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1 no new student may be enrolled pursuant to the provisions of  
2 s. 246.083, Florida Statutes, after June 30, 1997.

3 Section 6. Section 320.38, Florida Statutes, is  
4 amended to read:

5 320.38 When nonresident exemption not allowed.--The  
6 provisions of s. 320.37 authorizing the operation of motor  
7 vehicles over the roads of this state by nonresidents of this  
8 state when such vehicles are duly registered or licensed under  
9 the laws of some other state or foreign country do not apply  
10 to any nonresident who accepts employment or engages in any  
11 trade, profession, or occupation in this state, except a  
12 nonresident migrant farm worker as defined in s. 316.003(61).  
13 In every case in which a nonresident, except a nonresident  
14 migrant farm worker as defined in s. 316.003(61), accepts  
15 employment or engages in any trade, profession, or occupation  
16 in this state or enters his or her children to be educated in  
17 the public schools of this state, such nonresident shall,  
18 within 10 days after the commencement of such employment or  
19 education, register his or her motor vehicles in this state if  
20 such motor vehicles are proposed to be operated on the roads  
21 of this state. Any person who is enrolled as a student in a  
22 college or university and who is a nonresident but who is in  
23 this state for a period of up to 6 months engaged in a  
24 work-study program for which academic credits are earned from  
25 a college whose credits or degrees are accepted for credit by  
26 at least three accredited institutions of higher learning, as  
27 defined in s. 246.021~~(5)~~, is not required to have a Florida  
28 registration for the duration of the work-study program if the  
29 person's vehicle is properly registered in another  
30 jurisdiction. Any nonresident who is enrolled as a full-time  
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1 student in such institution of higher learning is also exempt  
2 for the duration of such enrollment.

3 Section 7. Subsection (3) of section 322.031, Florida  
4 Statutes, is amended to read:

5 322.031 Nonresident; when license required.--

6 (3) A nonresident who is domiciled in another state  
7 and who commutes into this state in order to work shall not be  
8 required to obtain a Florida driver's license under this  
9 section solely because he or she has accepted employment or  
10 engages in any trade, profession, or occupation in this state  
11 if he or she has a valid driver's license issued by another  
12 state. Further, any person who is enrolled as a student in a  
13 college or university and who is a nonresident but is in this  
14 state for a period of up to 6 months engaged in a work-study  
15 program for which academic credits are earned from a college  
16 whose credits or degrees are accepted for credit by at least  
17 three accredited institutions of higher learning, as defined  
18 in s. 246.021~~(5)~~, shall not be required to obtain a Florida  
19 driver's license for the duration of the work-study program if  
20 such person has a valid driver's license issued by another  
21 state. Any nonresident who is enrolled as a full-time student  
22 in any such institution of higher learning is also exempt from  
23 the requirement of obtaining a Florida driver's license for  
24 the duration of such enrollment.

25 Section 8. This act shall take effect July 1, 1997.

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