

By Senator Sullivan

22-778B-98

1                                   A bill to be entitled  
2           An act relating to nonpublic postsecondary  
3           education institutions; amending s. 246.021,  
4           F.S.; clarifying the definition of the term  
5           "college"; amending s. 246.031, F.S.; revising  
6           requirements relating to members of the State  
7           Board of Independent Colleges and Universities;  
8           amending s. 246.041, F.S.; deleting or  
9           correcting obsolete references; amending s.  
10          246.084, F.S., relating to colleges receiving  
11          an authorization; revising certain  
12          requirements; providing for exemption from  
13          certain requirements; revising provisions  
14          relating to oversight of the review and  
15          collection of data for purposes of determining  
16          compliance; amending ss. 246.085, 246.121,  
17          F.S.; prescribing agencies whose accreditation  
18          will be recognized by the state; correcting  
19          obsolete references; amending s. 246.31, F.S.,  
20          relating to the Institutional Assessment Trust  
21          Fund; conforming provisions; providing an  
22          effective date.

23

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

25

26           Section 1. Subsection (4) of section 246.021, Florida  
27 Statutes, is amended to read:28           246.021 Definitions.--As used in ss. 246.011-246.151,  
29 unless the context otherwise requires:30           (4) "College" means any educational entity which  
31 confers or offers to confer a degree or which furnishes or

1 offers to furnish instruction leading toward, or prerequisite  
2 to, college credit or a degree beyond the secondary level.  
3 The term includes any nonpublic college chartered in this  
4 state and any Florida center or branch campus of an  
5 out-of-state college.

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

8 246.031 State Board of Independent Colleges and  
9 Universities.--

10 (2) The State Board of Independent Colleges and  
11 Universities shall consist of nine citizens who are residents  
12 of this state, a majority of whom represent nonpublic  
13 ~~independent~~ colleges and universities within the state. ~~For~~  
14 ~~terms beginning after October 1, 1992,~~ Members shall be  
15 ~~residents of the state,~~ selected from the state at large and.  
16 ~~Members~~ shall be appointed by the Governor and confirmed by  
17 the Senate. To be consistent with an independent rulemaking  
18 board, members, except members appointed pursuant to paragraph  
19 (e), must be employees, consultants, board members, or  
20 trustees of a nonpublic college or university that is under  
21 the State Board of Independent Colleges and Universities. At  
22 least one member must be appointed from each of the following  
23 categories:

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

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

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

1           (d) A college or university holding a certificate of  
2 exemption from licensure pursuant to s. 246.085(1)(b) or a  
3 college or university issued an authorization pursuant to s.  
4 246.084.

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

7  
8 Accreditation of an institution pursuant to the requirements  
9 of this subsection must be by a regional or national  
10 accrediting agency recognized by the United States Department  
11 of Education.

12           Section 3. Paragraph (q) of subsection (1) and  
13 paragraph (g) of subsection (2) of section 246.041, Florida  
14 Statutes, are amended to read:

15           246.041 Powers and duties of board.--

16           (1) The board shall:

17           (q) Annually review the accreditation standards of the  
18 Commission on Colleges of the Southern Association of Colleges  
19 and Schools, the Accrediting Council for Independent Colleges  
20 and Schools at the junior or senior college of business level,  
21 and the Accrediting American Association of Bible Colleges,  
22 the Transnational Association of Christian Colleges and  
23 Schools, and, upon request, other ~~Commission on Recognition of~~  
24 ~~Postsecondary Accreditation and~~ United States Department of  
25 Education recognized accrediting associations, to determine  
26 for each of these accrediting bodies the comparability of the  
27 accreditation standards with the minimum licensing  
28 requirements of the board.

29           (2) The board may:

30           (g) Following evaluation by the board, recommend to  
31 the Legislature any changes to the accrediting associations

1 included in s. 246.085(1)(a). Accrediting associations  
2 included in s. 246.085(1)(a) shall be ~~Commission on~~  
3 ~~Recognition of Postsecondary Accreditation or United States~~  
4 Department of Education recognized accrediting associations  
5 whose standards are comparable with state licensing standards.

6 Section 4. Subsections (1), (2), and (3) of section  
7 246.084, Florida Statutes, are amended to read:

8 246.084 Authorization.--

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

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

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

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

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

5 1. Associate degree, with no fewer than 60 semester  
6 hours or the equivalent.

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

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

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

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

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

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

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

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

31

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

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

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

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

27           (h) The board shall set an annual review date for  
28 receiving data and assuring compliance with this section. The  
29 board shall give a college 60 days' notification of the annual  
30 review date. After providing 30 days' notification, the board  
31 may impose a fine for every month the college receiving

1 authorization under this section fails to provide the data  
2 required by paragraphs (e) and (f). The postmark on the  
3 envelope or package containing the notification serves as the  
4 date of notification.

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

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

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

30 (a) By submission to the board of a finding of  
31 compliance by a group of citizens who are residents of this

1 state which is authorized by the board pursuant to s.  
2 246.041(1)(f) and which has experience using standards similar  
3 to the board's licensing standards or has received training  
4 from the board;

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

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

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

17 ~~(3) The burden of determining compliance with this~~  
18 ~~section shall rest with the board. Pursuant to s.~~

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



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

6 Section 5. Subsection (1) of section 246.085, Florida  
7 Statutes, is amended to read:

8 246.085 Certificate of exemption.--

9 (1) As an alternative to applying for a license from  
10 the board, the following nonpublic colleges may apply for a  
11 certificate of exemption from the board:

12 (a) Colleges chartered in Florida and accredited by:

- 13 1. The Commission on Colleges of the Southern  
14 Association of Colleges and Schools;
- 15 2. The Accrediting Council for Independent Colleges  
16 and Schools at the junior or senior college of business level;
- 17 3. The Accrediting ~~American~~ Association of Bible  
18 Colleges;
- 19 4. The Transnational Association of Christian Colleges  
20 and Schools; or
- 21 5. An agency recognized by the United States  
22 Department of Education ~~Commission on Recognition of~~  
23 ~~Postsecondary Accreditation~~ to accredit professional degree  
24 programs above the baccalaureate level.

25  
26 Each nonpublic college seeking exemption pursuant to this  
27 paragraph shall submit to the board a current catalog and a  
28 letter from the recognized accrediting agency by whom the  
29 college is accredited, confirming the current accredited  
30 status of the college.

31

1 (b) Colleges chartered in this state, the credits or  
2 degrees of which are accepted for credit by at least three  
3 colleges that are fully accredited by an agency recognized by  
4 the United States Department of Education ~~a member of the~~  
5 ~~Commission on Recognition of Postsecondary Accreditation,~~  
6 which were exempt through this category of exemption prior to  
7 July 1, 1982, and which enroll no students who receive any  
8 state or federal financial aid for education. Each college  
9 seeking exemption pursuant to this paragraph shall submit to  
10 the board a current catalog and letters from the three  
11 colleges confirming acceptance of the credits.

12 Section 6. Subsection (1) of section 246.121, Florida  
13 Statutes, is amended to read:

14 246.121 Designation "college" or "university".--

15 (1) The use of the title "college" or "university" in  
16 combination with any series of letters, numbers, or words is  
17 restricted in this state to colleges as defined in s. 246.021  
18 which offer degrees as defined in s. 246.021 and fall into at  
19 least one of the following categories:

20 (a) A Florida college, public or nonpublic, accredited  
21 by:

22 1. The Commission on Colleges of the Southern  
23 Association of Colleges and Schools;

24 2. The Accrediting Commission for Independent Colleges  
25 and Schools of the Career College Association at the junior or  
26 senior college of business level;

27 3. The Accrediting ~~American~~ Association of Bible  
28 Colleges; or

29 4. An agency recognized by the United States  
30 Department of Education to accredit professional degree  
31 programs above the baccalaureate level.

1 (b) A Florida or out-of-state college which has been  
2 in active operation and using the name since April 1, 1970.

3 (c) Colleges chartered in this state the credits or  
4 degrees of which are accepted for credit by at least three  
5 colleges that are fully accredited by an agency recognized by  
6 the United States Department of Education ~~a member of the~~  
7 ~~Commission on Recognition of Postsecondary Accreditation,~~  
8 which were exempt prior to July 1, 1982, and which enroll no  
9 students who receive any state or federal financial aid for  
10 education.

11 Section 7. Paragraph (c) of subsection (2) of section  
12 246.31, Florida Statutes, is amended to read:

13 246.31 Institutional Assessment Trust Fund.--

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

16 (c) Educational programs for the benefit of current  
17 and prospective owners, administrators, agents, authorized  
18 groups of individuals, and faculty of institutions receiving a  
19 license, a certificate of exemption, or an authorization  
20 ~~licensed~~ by the board.

21 Section 8. This act shall take effect July 1 of the  
22 year in which enacted.

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25 LEGISLATIVE SUMMARY

26 Revises provisions relating to membership of the State  
27 Board of Independent Colleges and Universities. Revises  
28 certain requirements, and exemptions from certain  
29 requirements, with respect to nonpublic colleges issued  
30 an authorization. Substitutes references to the  
31 "Accrediting Association of Bible Colleges" for  
references to the American Association of Bible Colleges.  
Deletes references to the defunct Commission on  
Recognition of Postsecondary Accreditation and provides  
for recognition of accreditation by any agency recognized  
by the U.S. Department of Education.