

By the Committee on Education and Senator Sullivan

304-1895-98

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.; revising powers and
 9 duties of the board; deleting or correcting
 10 obsolete references; amending s. 246.084, F.S.,
 11 relating to colleges receiving an
 12 authorization; revising certain requirements;
 13 providing for exemption from certain
 14 requirements; revising provisions relating to
 15 oversight of the review and collection of data
 16 for purposes of determining compliance;
 17 amending s. 246.085, F.S.; revising provisions
 18 relating to issuance of a certificate of
 19 exemption; amending s. 246.101, F.S., to
 20 conform; amending 246.121, F.S.; correcting
 21 obsolete references; amending s. 246.31, F.S.,
 22 relating to the Institutional Assessment Trust
 23 Fund; conforming provisions; providing an
 24 effective date.

25
 26 Be It Enacted by the Legislature of the State of Florida:

27
 28 Section 1. Subsection (4) of section 246.021, Florida
 29 Statutes, is amended to read:
 30 246.021 Definitions.--As used in ss. 246.011-246.151,
 31 unless the context otherwise requires:

1 (4) "College" means any educational entity which
2 confers or offers to confer a degree or which furnishes or
3 offers to furnish instruction leading toward, or prerequisite
4 to, college credit or a degree beyond the secondary level. The
5 term includes any nonpublic college chartered in this state
6 and any Florida center or branch campus of an out-of-state
7 college.

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

10 246.031 State Board of Independent Colleges and
11 Universities.--

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

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

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

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

3 (d) A college or university holding a certificate of
4 exemption from licensure pursuant to s. 246.085(1)(b) or a
5 college or university issued an authorization pursuant to s.
6 246.084.

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

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

14 Section 3. Paragraphs (q) and (r) of subsection (1)
15 and paragraph (g) of subsection (2) of section 246.041,
16 Florida Statutes, are amended to read:

17 246.041 Powers and duties of board.--

18 (1) The board shall:

19 (q) To ensure comparability with licensure standards,
20 review at least biennially the accreditation standards of
21 agencies listed in s. 246.085(1)(a), and upon request and
22 payment of an initial review fee, other accrediting agencies
23 recognized by the United States Department of Education.

24 ~~Annually review the accreditation standards of the Commission~~
25 ~~on Colleges of the Southern Association of Colleges and~~
26 ~~Schools, the Accrediting Council for Independent Colleges and~~
27 ~~Schools at the junior or senior college of business level, and~~
28 ~~the American Association of Bible Colleges, the Transnational~~
29 ~~Association of Christian Colleges and Schools, and, upon~~
30 ~~request, other Commission on Recognition of Postsecondary~~
31 ~~Accreditation and United States Department of Education~~

1 ~~recognized accrediting associations, to determine for each of~~
2 ~~these accrediting bodies the comparability of the~~
3 ~~accreditation standards with the minimum licensing~~
4 ~~requirements of the board.~~

5 (r) Provide information and documentation on an annual
6 basis to the Office of Student Financial Assistance of the
7 Department of Education regarding the requirements set forth
8 for nonpublic colleges in s. 240.605, relating to Florida
9 resident access grants, s. 240.6055 ~~240.607~~, relating to
10 access grants for community college graduates, and s. 240.609,
11 relating to Florida postsecondary endowment grants.

12 (2) The board may:

13 (g) Following evaluation by the board, recommend to
14 the Legislature any changes to the accrediting associations
15 included in s. 246.085(1)(a). Accrediting associations
16 included in s. 246.085(1)(a) shall be ~~Commission on~~
17 ~~Recognition of Postsecondary Accreditation or~~ United States
18 Department of Education recognized accrediting associations
19 whose standards are comparable with state licensing standards.

20 Section 4. Section 246.084, Florida Statutes, is
21 amended to read:

22 246.084 Authorization.--

23 (1) A nonpublic college ~~which enrolls students, none~~
24 ~~of whom receive state or federal financial aid for education,~~
25 shall not be required to apply for a license upon compliance
26 with this section and submission of data required by this
27 section provided that none of the students of such college who
28 are enrolled in Florida receive state or federal financial aid
29 for education.

30 (a) Colleges receiving authorization under this
31 section may only offer educational programs that prepare

1 students for religious vocations as ministers, professionals,
2 or laypersons in the following categories: ministry,
3 counseling, theology, education, administration, music, fine
4 arts, media communications, and social work.

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

7 (c) The titles of degrees issued by the college must
8 include a religious modifier which must immediately precede,
9 or be included within, any of the following titles: Associate
10 in Arts, Associate in Science, Bachelor of Arts, Bachelor of
11 Science, Master of Arts, Master of Science, and Doctor of
12 Philosophy. The religious modifier must be placed on the title
13 line of the degree.

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

18 1. Associate degree, with no fewer than 60 semester
19 hours or the equivalent.

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

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

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

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

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

4 1. A description of the college's policies and
5 procedures regarding the recruitment and admission of
6 students.

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

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

13 4. Copies of all advertising published on behalf of
14 the college during the previous year. If the college claims
15 accreditation, it shall indicate whether or not that
16 accreditation is approved by the United States Department of
17 Education and if such accreditation is disclosed in all
18 advertisements.

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

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

30 (g) The college shall include with the data required
31 by paragraphs (e) and (f), a sworn affidavit, signed by its

1 chief administrative officer, affirming that the information
2 submitted is accurate and no false data has knowingly and
3 willingly been submitted, that the policies reported are
4 provided in writing to all prospective students at least 1
5 week before enrollment or collection of tuition fees, that the
6 college observes the policies and practices as reported to the
7 board, and that it complies with this section.

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

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

1 clarify its statutory existence: "The degree programs of this
2 college are designed solely for religious vocations."

3 (j) The name of the college shall include a religious
4 modifier or the name of a religious patriarch, saint, person,
5 or symbol of the church.

6 (2) A nonpublic college shall be exempt from the
7 requirements of paragraphs (1)(b) and (c) if it complies with
8 all other provisions of this section and with the minimum
9 standards for licensure as provided for in rule. Verification
10 of compliance with this section shall be accomplished by one
11 of the following methods:

12 (a) By submission to the board of a finding of
13 compliance by a group of individuals forming an education
14 association pursuant to the following requirements:

15 1. Members of the association are citizens of the
16 State of Florida.

17 2. The association is based in, and operates in, the
18 State of Florida.

19 3. Members designated by the association shall receive
20 training from the board staff, including participating in the
21 evaluation of a minimum of two licensure cycles from initial
22 application through regular licensure, complete with site
23 visits and related board meetings. The association shall pay
24 its members' expenses for training. Association members shall
25 be exempt from these training requirements if the board
26 determines that they have experience reviewing institutions
27 with standards as rigorous as the board's minimum standards
28 for licensure.

29 4. No more than two members of the review team shall
30 derive income from the same nonpublic postsecondary collegiate
31 institution or nonpublic postsecondary education association.

1 5. No member of the review team shall derive income
2 from the institution being reviewed.

3 6. At least three members of the review team must have
4 a minimum of 3 years' experience in postsecondary collegiate
5 administration and have experience implementing standards as
6 rigorous as the board's minimum standards for licensure.

7
8 For each nonpublic college reviewed by the association, the
9 association shall submit to the board a copy of all data
10 required by statute and rule related to minimum standards for
11 licensure. Such data shall be submitted at least 30 days
12 prior to the college's annual review date assigned by the
13 board.

14 (b) By submission to the board of evidence of
15 accreditation by a regional or national accrediting agency
16 that is recognized by the United States Department of
17 Education.

18 (c) By a finding of compliance by the board.
19 ~~Notwithstanding the provisions of paragraph (1)(c), a college~~
20 ~~which complies with the provisions of this section and submits~~
21 ~~to the board a sworn affidavit from a group formed pursuant to~~
22 ~~s. 246.041(1)(f), certifying that the college complies with~~
23 ~~the minimum standards for licensure as provided for in rule,~~
24 ~~is not required to include a religious modifier in the title~~
25 ~~of degrees issued by the college.~~

26 (3) The board shall enter into an agreement with a
27 group of individuals forming an education association to
28 oversee the review and collection of the data submitted
29 pursuant to this section. However, nonpublic colleges and
30 universities subject to this section may choose at any time to
31 be under the State Board of Independent Colleges and

1 Universities for review and collection of data. The
2 association authorized by the board shall meet the following
3 qualifications:

4 (a) Members of the association must be citizens of the
5 State of Florida.

6 (b) The association shall be based in, and operate in,
7 the State of Florida.

8 (c) Members designated by the association shall
9 receive training from the board staff, including participating
10 in the evaluation of a minimum of two authorization
11 applications, complete with site visits and related board
12 meetings. The association shall pay its members' expenses for
13 training. Association members shall be exempt from these
14 training requirements if the board determines that they have
15 experience reviewing institutions with standards as rigorous
16 as the board's minimum standards for authorization.

17 (d) No more than two members of the review team shall
18 derive income from the same nonpublic postsecondary collegiate
19 institution or nonpublic postsecondary education association.

20 (e) No member of the review team shall derive income
21 from the institution being reviewed.

22 (f) At least three members of the review team must
23 have a minimum of 3 years' experience in postsecondary
24 collegiate administration and have experience implementing
25 standards as rigorous as the board's minimum standards for
26 authorization.

27
28 For each nonpublic college reviewed by the association, the
29 association shall submit to the board a copy of all data
30 required by statute related to standards for authorization.
31

1 Such data shall be submitted at least 30 days prior to the
2 college's annual review date assigned by the board.

3 (4)~~(3)~~ The burden of determining compliance with this
4 section shall rest with the board. ~~Pursuant to s.~~
5 ~~246.041(1)(f), the board may enter into an agreement with an~~
6 ~~individual or group of individuals to oversee the review and~~
7 ~~collection of the data submitted pursuant to this section.~~The
8 board may require further evidence and make such further
9 investigation, in addition to the information submitted, as
10 may be reasonably necessary in the board's judgment.

11 (5)~~(4)~~ If the board determines that a college meets
12 the requirements of this section, the board shall issue the
13 college an authorization.

14 (6)~~(5)~~ If at any time a college receiving
15 authorization under this section fails to comply with this
16 section, it shall be required to apply for a license pursuant
17 to s. 246.081 within 30 days of the board's final action
18 finding that the college is not authorized under this section.
19 Final actions by the board may be taken only after two
20 consecutive quarterly meetings. A notice of noncompliance
21 with the specific requirements of this section shall precede
22 the two quarterly meetings. A final noncompliance
23 notification shall be sent by certified mail 30 days prior to
24 the final action.

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

27 246.085 Certificate of exemption.--

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

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

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

3 2. The Accrediting Council for Independent Colleges
4 and Schools ~~at the junior or senior college of business level;~~

5 3. The Accrediting ~~American~~ Association of Bible
6 Colleges;

7 4. The Transnational Association of Christian Colleges
8 and Schools; or

9 5. An agency recognized by the United States
10 Department of Education ~~Commission on Recognition of~~
11 ~~Postsecondary Accreditation~~ to accredit professional degree
12 programs above the baccalaureate level when such agency has
13 been evaluated pursuant to s. 246.041(1)(q) and determined by
14 the board to have standards at least comparable to the board's
15 licensure standards. A nonpublic college holding a
16 certificate of exemption under this subparagraph shall only
17 offer the degree program which is specifically covered in the
18 grant of accreditation.

19
20 Each nonpublic college seeking exemption pursuant to this
21 paragraph shall submit to the board a current catalog and a
22 letter from the recognized accrediting agency by whom the
23 college is accredited, confirming the current accredited
24 status of the college.

25 (b) Colleges chartered in this state, the credits or
26 degrees of which are accepted for credit by at least three
27 colleges that are fully accredited by an agency recognized by
28 the United States Department of Education ~~a member of the~~
29 ~~Commission on Recognition of Postsecondary Accreditation,~~
30 which were exempt through this category of exemption prior to
31 July 1, 1982, and which enroll no students who receive any

1 state or federal financial aid for education. Each college
2 seeking exemption pursuant to this paragraph shall submit to
3 the board a current catalog and letters from the three
4 colleges confirming acceptance of the credits.

5 Section 6. Paragraph (h) of subsection (5) of section
6 246.101, Florida Statutes, is amended to read:

7 246.101 Fees.--

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

11 (h) Review and collection of data submitted pursuant
12 to s. 246.084 when the review and collection is performed by
13 the board ~~rather than an individual or group pursuant to s.~~
14 ~~246.084(3).~~

15 Section 7. Section 246.121, Florida Statutes, is
16 amended to read:

17 246.121 Designation "college" or "university".--

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

23 (a) A Florida public college, ~~public or nonpublic,~~
24 ~~accredited by:~~

25 1. ~~The Commission on Colleges of the Southern~~
26 ~~Association of Colleges and Schools;~~

27 2. ~~The Accrediting Commission for Independent Colleges~~
28 ~~and Schools of the Career College Association at the junior or~~
29 ~~senior college of business level;~~

30 3. ~~The American Association of Bible Colleges; or~~

31

1 ~~4. An agency recognized by the United States~~
2 ~~Department of Education to accredit professional degree~~
3 ~~programs above the baccalaureate level.~~

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

6 (c) A college that holds a valid license, certificate
7 of exemption, or authorization pursuant to the provisions of
8 this chapter ~~Colleges chartered in this state the credits or~~
9 ~~degrees of which are accepted for credit by at least three~~
10 ~~colleges that are fully accredited by a member of the~~
11 ~~Commission on Recognition of Postsecondary Accreditation,~~
12 ~~which were exempt prior to July 1, 1982, and which enroll no~~
13 ~~students who receive any state or federal financial aid for~~
14 ~~education.~~

15 ~~(2) A college for which the board has issued a license~~
16 ~~or a certificate of exemption may use the title "college" or~~
17 ~~"university" in combination with any series of letters,~~
18 ~~numbers, or words if the college meets the standards set by~~
19 ~~rule for use of the title "college" or "university," and if~~
20 ~~the college has received approval by the board to use such~~
21 ~~title.~~

22 (2)~~(3)~~ If ~~such~~ a college is approved under subsection
23 ~~(1)~~(2) to use the designation "college" or "university," a
24 branch or extension of that college may use the name of the
25 parent college, but shall include an indication of the
26 location of the branch or extension.

27 (3)~~(4)~~ Any entity offering postsecondary educational
28 courses or programs of study ~~beyond the elementary school~~
29 ~~level~~ in Florida, whether or not college credit is awarded,
30 shall be subject to the provisions of this section.

31

