

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

The bill does not appear to implicate any of the house principles.

B. EFFECT OF PROPOSED CHANGES:

Present Situation

Chapter 1005, F.S., provides for the licensure of nonpublic postsecondary educational institutions and establishes the Commission for Independent Education to function in matters concerning independent postsecondary educational institutions in consumer protection, program improvement, and licensure for institutions under its purview (s. 1005.21, F.S.)

The purpose of the chapter, pursuant to s.1005.01, F.S., includes encouraging privately supported higher education, aiding in protecting the health, education and welfare of persons who receive educational services from independent postsecondary educational institutions in this state, and aiding in protecting independent postsecondary educational institutions that currently operate or intend to begin operating in Florida. Both individuals and independent postsecondary educational institutions benefit from a state system that assures that all institutions satisfactorily meet minimum educational standards.

Section 1005.02(11), F.S., defines "independent postsecondary educational institution" as any postsecondary educational institution that operates in this state or makes application to operate in this state, and is not provided, operated, and supported by the State of Florida, its political subdivisions, or the Federal Government.

The definition of "school" in s. 1005.02(16), F.S., includes any nonpublic postsecondary noncollegiate educational institution, association, corporation, person partnership, or organization of any type which provides an complete postsecondary program of instruction through the students' attendance in the presence of an instructor; in a classroom or other practicum setting, or receives remuneration from the student.

Section 1005.06, F.S., references the institutions that are not required to obtain licensure and therefore are not under the jurisdiction or purview of the commission. That would include institutions that offer only avocational programs, contract training programs, religious colleges with a sworn affidavit, institutions regulated by the Federal Aviation Administration, another agency of the Federal Government or an agency of the state whose regulatory laws are similar in nature to those of the commission.

Commission of Independent Education

Though administratively served by the Department of Education, the Commission exercises independently all powers, duties and functions as prescribed by law. The revenue for the operation of the Commission is generated from the fees established annually by the Commission.

Scuba Diving Instructional Facility

Currently, scuba diving instructional facilities request licensure through the Commission of Independent Education. Applicants are required to achieve 12 standards before the application is presented to the Commission of Independent Education Board for approval. The applications are reviewed by staff who responds to the applicant within 30 days from the date the application is received. The Commission holds board meetings every 2 months where applications are reviewed by the commissioners on the board. The Commission has currently 19 scuba diving instructional facilities licensed by them.

The Commission's sub-committee that examines dive schools has identified four reputable dive organizations listed below.¹ These dive organizations currently do not have to receive any type of licensure from the Commission of Independent Education.

National Association of Underwater Instructors (NAUI)
P.O. Box 89789
Tampa, FL 33689-0413
800-553-6284
www.nauai.org

Professional Association of Diving Instructors (PADI)
30151 Tomas Street
Rancho Santa Margarita, CA 92688-2125
800-729-7234
www.padi.com

Scuba Schools International (SSI)
2619 Canton Court
Fort Collins, CO 80525
970-482-0883
www.ssiusa.com

Scuba Diving International (SDI)
18 Elm Street
Topsham, Maine 04086
888-778-9073
worldhq@tdisdi.com

Effect of Proposed Changes

The bill provides that scuba diving instructional facilities may be exempt for licensure requirements by the Commission of Independent Education if they are approved or certified by a dive training organization whose standards have been evaluated and approved by the Commission of Independent Education.

The Commission must find that the dive training organization's standards are substantially equivalent to their licensure standards.

The bill defines a dive training organization as an organization that publishes definitive courses of recreational diver instruction, courses for the training of recreational diver instructors, and instructor standards of conduct and training procedures.

C. SECTION DIRECTORY:

Section 1. Amends s. 1005.05, F.S., providing that certain scuba diving instructional facilities are not under the jurisdiction or purview of the Commission for Independent Education.

Section 2. Provides and effective date of July 1, 2006

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

See fiscal comments.

2. Expenditures:

See fiscal comments.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None

2. Expenditures:

None

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

The scuba diving facilities would no longer be required to pay costs associated with being licensed by the Commission. The average cost of the scuba diving instructional facility license is approximately \$3,000 dollars per year. Actual costs vary per license as outlined below:

- New scuba diving instructional facilities have an initial annual license cost of \$2,000 and \$200 per program.
- Existing scuba diving facilities have a renewal fee of \$1,500 per year and \$50 per program.
 - Facilities that have been licensed by the Commission for one year and have less than 100 students have a base fee of \$300
 - Facilities that have been licensed by the Commission for one year and have more than 100 students have a base fee of \$900.

D. FISCAL COMMENTS:

Section 1005.35(1), F.S., states that the Commission shall annually establish a fee schedule to generate, from fees, the amount of revenue appropriated for its operation. Though the bill requires the Commission to evaluate and approve the standards of the dive training organization to determine if the standards are substantially equivalent to the licensure of the Commission, no fees would be collected.

The revenue loss to the Commission will be approximately \$57,000 (19 dive schools @ \$3,000 annual license fee.) The approximately 800 schools the Commission currently licenses could have fees increased to compensate for the revenue loss.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

The bill does not require counties or municipalities to spend funds or to take an action requiring the expenditures of funds. The bill does not reduce the percentage of a state tax shared with counties or municipalities. The bill does not reduce the authority that counties and municipalities have to raise revenue.

2. Other:

None

B. RULE-MAKING AUTHORITY:

None

C. DRAFTING ISSUES OR OTHER COMMENTS:

IV. AMENDMENTS/COMMITTEE SUBSTITUTE & COMBINED BILL CHANGES