

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

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Prepared By: The Professional Staff of the Higher Education Committee

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BILL: SM 1654

INTRODUCER: Senator Wise

SUBJECT: Educational Programs/Secondary Level

DATE: March 31, 2011

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Harkey</u>	<u>Matthews</u>	<u>HE</u>	<u>Pre-meeting</u>
2.	_____	_____	_____	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

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**I. Summary:**

This Senate Memorial would inform the U.S. Department of Education of certain institutions that are authorized to operate postsecondary education programs in Florida. This notice is required under newly adopted federal regulations governing postsecondary institutions' participation in federal financial aid programs.

This Senate Memorial does not amend, create, or repeal any provisions of the Florida Statutes.

**II. Present Situation:**

On October 29, 2010, the United States Department of Education (USDOE) adopted a new regulation<sup>1</sup> requiring institutions participating in federally supported financial aid to be authorized by the state to provide educational programs beyond the secondary level. While most postsecondary institutions in Florida meet the requirement because they are public institutions authorized in statute or they are private institutions licensed by the state, 31 private not-for-profit postsecondary institutions are exempt from licensure and would have to meet the requirement for state authorization by another means. The federal regulation provides for authorization of an institution "established by name as an educational institution by a State through a charter, statute, constitutional provision, or other action issued by an appropriate State agency or State entity."<sup>2</sup>

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<sup>1</sup> 34 CFR s. 600.9, readable at: <http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?c=ecfr;sid=48bd780171a188c6ec0cd0e22746a7ac;rgn=div2;view=text;node=20101029%3A1.25;idno=34;cc=ecfr;start=1;size=25>

<sup>2</sup> *Id.*

### III. Effect of Proposed Changes:

Private postsecondary institutions are required to be licensed in Florida unless they are exempt from licensure under s. 1005.06, F.S. A non-profit independent college or university that is eligible to participate in the William L. Boyd, IV, Florida Resident Access Grant (FRAG) Program,<sup>3</sup> is chartered in Florida and is accredited by the Commission on Colleges of the Southern Association of Colleges and Schools is exempt from licensure under s. 1005.06(10)(c), F.S. The following institutions are exempt from licensure under that provision: Ave Maria University, Barry University, Beacon College, Bethune-Cookman University, Clearwater Christian College, Eckerd College, Edward Waters College, Embry-Riddle Aeronautical University, Everglades University, Flagler College, Florida College, Florida Hospital College of Health Sciences, Florida Institute of Technology, Florida Memorial University, Florida Southern College, Hodges University, Jacksonville University, Keiser University, Lynn University, Nova Southeastern University, Palm Beach Atlantic University, Ringling College of Art and Design, Rollins College, Saint Leo University, Southeastern University, St. Thomas University, Stetson University, University of Miami, University of Tampa, Warner University, and Webber International University.

This Senate Memorial provides the USDOE with a list of institutions necessary to comply with 34 CFR s. 600.9, by providing documentation necessary for the listed institutions and their students to remain eligible for federal student financial aid programs. The effective date of the new regulations is July 1, 2011, and state affirmation of these institutions must be completed by then in order to remain eligible for federal financial aid programs. However, two institutions that meet the requirements of s. 1005.06(10)(c), F.S., Everglades University and Keiser University, appear to be inadvertently omitted.

Copies of the memorial are to be sent to each college and university named in this memorial, the United States Secretary of Education, the President of the United States, the President of the United States Senate, the Speaker of the House of Representatives, and to each member of the Florida delegation to the United States Congress.

### IV. Constitutional Issues:

#### A. Municipality/County Mandates Restrictions:

None.

#### B. Public Records/Open Meetings Issues:

None.

#### C. Trust Funds Restrictions:

None.

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<sup>3</sup> FRAG is a tuition assistance program established in s. 1009.89, F.S.

**V. Fiscal Impact Statement:****A. Tax/Fee Issues:**

None.

**B. Private Sector Impact:**

By providing notice to the USDOE of the private postsecondary institutions that are authorized to operate the state, this bill meets a requirement that must be met before those institutions can continue to participate in federal financial aid programs.

**C. Government Sector Impact:**

None.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Additional Information:****A. Committee Substitute – Statement of Substantial Changes:**  
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

**B. Amendments:**

None.