



732322

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/26/2012	.	
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	.	
	.	

The Committee on Higher Education (Siplin) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause and insert:

Section 1. Section 1002.47, Florida Statutes, is created to read:

1002.47 Faith-based postsecondary education institutions.-

(1) A faith-based postsecondary education institution may operate without obtaining a license if the institution submits a sworn or affirmed affidavit of statutory compliance oversight to the Office of Independent Education and Parental Choice within the Department of Education by April 1 of each calendar year.



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13 However, the institution must apply for a license to operate if
14 any student attending the institution is a Florida resident who
15 receives state or federal financial aid for education, excluding
16 students who receive compensation or pension benefits from the
17 Veterans Administration. A new institution may submit its
18 initial affidavit any time during the year, except that
19 subsequent affidavits must be submitted by April 1 of each
20 calendar year.

21 (2) The Office of Independent Education and Parental Choice
22 or its contracted agent shall:

23 (a) Publish on its Internet website the affidavit form and
24 a list of all faith-based postsecondary education institutions
25 that have submitted affidavits as required by this section.

26 (b) Issue a letter of acknowledgement to an institution
27 that has submitted an affidavit which states the following:

28
29 LETTER OF ACKNOWLEDGEMENT

30 The Office of Independent Education and Parental Choice
31 within the Department of Education has received your sworn or
32 affirmed affidavit of statutory compliance oversight which
33 indicates your commitment to the minimum standards set forth in
34 s. 1002.47, Florida Statutes. Your institution's name will be
35 published on the office's Internet website.

36 (3) A faith-based postsecondary education institution may
37 enter into a contract with and may designate an education
38 association located in the state or a certification agency that
39 verifies compliance with statutory oversight statutes, or an
40 individual agent may submit an affidavit of statutory compliance
41 oversight.



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42 (4) As a prerequisite for entering an associate of arts,
43 associate of science, bachelor of arts, or bachelor of science
44 degree program at a faith-based postsecondary education
45 institution, a student must hold a high school diploma or high
46 school equivalency diploma, unless the institution has a written
47 ability-to-benefit admissions policy exempting the student from
48 the prerequisite.

49 (5) One contact hour equals 50 minutes of scheduled
50 instruction by a professor during an institution-approved class
51 session or live streaming via Skype or a similar mode of
52 instruction. One semester credit hour of study equals 15
53 academic hours or its equivalent and one-quarter credit hour of
54 study equals 10 academic hours or its equivalent.

55 (6) (a) The minimum credit hours for college or university
56 degrees are as follows:

57 1. For an associate degree, 60 semester hours or 90 quarter
58 hours.

59 2. For a graduate of theology degree, 90 semester hours or
60 135 quarter hours.

61 3. For a bachelor's degree, 120 semester hours or 180
62 quarter hours.

63 4. For a master's degree, 30 semester hours or 45 quarter
64 hours above the minimum credit hours required for a bachelor's
65 degree, including a research thesis or project of 6 additional
66 semester hours or 9 quarter hours.

67 5. For a doctorate degree, 30 semester hours or 45 quarter
68 hours above the credit hours required for a master's degree,
69 including a stringent research dissertation of 6 or more
70 additional semester hours or 9 or more quarter hours.



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71 (b) The degree programs offered by a faith-based
72 postsecondary education institution under subparagraphs (a)1.,
73 2., and 3. must include liberal arts and general education
74 courses that include humanities or fine arts, social and
75 behavioral sciences, English or communications, history,
76 philosophy, science or mathematics, and computer literacy when a
77 student lacks computer proficiency.

78 (c) An institution offering college and university degree
79 titles under subparagraphs (a)1.-5. which use the word "in"
80 instead of "of," such as "Associate in Bible," "Bachelor's in
81 Theology," or "Master's in Pastoral Studies," without the terms
82 "Arts," "Science," or "Doctor in Biblical Studies," and degrees
83 without the terms "Philosophy," "Theology," or "Education," are
84 not required to include the liberal arts or general education
85 course requirements under paragraph (b) and may not use the
86 seminary degree titles listed under paragraph (7) (b).

87 (7) (a) The minimum credit hours for seminary graduate
88 degrees are as follows:

89 1. For a seminary master's degree, 60 to 90 or more
90 semester hours or 90 to 120 or more quarter hours, including a
91 research thesis or project, above the minimum credit hours for a
92 prerequisite bachelor's degree.

93 2. For a seminary doctorate degree, 60 to 90 or more
94 semester hours or 90 to 120 or more quarter hours, including a
95 stringent research dissertation or project, above the minimum
96 credit hours for a seminary master's degree.

97 (b) The titles of traditional seminary graduate degrees
98 are:

99 1. Master of Divinity;



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100 2. Master of Religious Education;

101 3. Master of Arts in Counseling, Pastoral Studies,
102 Religion, Religious Education;

103 4. Master of Sacred Music;

104 5. Master of Church Music;

105 6. Master of Theological Studies;

106 7. Master of Theology;

107 8. Master of Sacred Theology;

108 9. Doctor of Ministry;

109 10. Doctor of Missiology;

110 11. Doctor of Education;

111 12. Doctor of Musical Arts;

112 13. Doctor of Philosophy; and

113 14. Doctor of Theology.

114 (8) If a faith-based postsecondary education institution
115 offers a distance learning program, it must make the program
116 available to students who require a nontraditional classroom-
117 based education, including digital learning or any type of
118 learning that is facilitated by technology. The institution
119 shall evaluate and approve all instructional materials provided
120 to students through various modalities, along with structured
121 units of information, assigned exercises for practice, and
122 examinations to measure achievement. The academic year for
123 distance learning may be continuous throughout the calendar
124 year.

125 (9) A faith-based postsecondary education institution shall
126 include a disclaimer on its publications and Internet website if
127 the institution is accredited by an agency that is not
128 recognized by the United States Department of Education.



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129 (10) Any license issued by an institution under this
130 section for the purpose of counseling, preaching, or teaching
131 must include a disclaimer stating that the license is an
132 ecclesiastical license and not a state-issued or government-
133 issued license.

134 (11) Each institution shall have a:

135 (a) Nondiscrimination policy stating that it accepts single
136 male and female students or married male and female students
137 without respect to age, color, race, or national origin.

138 (b) Clear and specific policy regarding the transferability
139 of credits to and from other postsecondary education
140 institutions.

141 (c) Written refund policy stating that an enrolled student
142 may receive a full refund of paid tuition only if the student
143 notifies the institution within 5 business days after the date
144 upon which the first payment receipt is issued by the
145 institution. All other fees and charges must be listed as
146 nonrefundable.

147 (12) If documentation is filed which states that a faith-
148 based postsecondary education institution operating in the state
149 has not complied with this section, the Office of Independent
150 Education and Parental Choice shall issue a notice sent via
151 certified mail which requires the institution to provide proof
152 of compliance with the affidavit of statutory compliance
153 oversight within 45 days after the date upon which the notice is
154 sent. If the institution does not provide proof of compliance
155 within the required period, it must cease operating in the
156 state. The Office of Independent Education and Parental Choice
157 shall publish on its Internet website a list of faith-based



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158 postsecondary education institutions that fail to provide the
159 proof of compliance as required in this subsection.

160 Section 2. Paragraph (e) of subsection (1) of section
161 1005.03, Florida Statutes, is amended to read:

162 1005.03 Designation "college" or "university".-

163 (1) The use of the designation "college" or "university" in
164 combination with any series of letters, numbers, or words is
165 restricted in this state to colleges or universities as defined
166 in s. 1005.02 that offer degrees as defined in s. 1005.02 and
167 fall into at least one of the following categories:

168 (e) A college that meets the description of ~~either~~ s.
169 1005.06(1) (e) ~~or (f)~~.

170 Section 3. Subsection (1) of section 1005.04, Florida
171 Statutes, is amended to read:

172 1005.04 Fair consumer practices.-

173 (1) Every institution that is under the jurisdiction of the
174 commission or is exempt from the jurisdiction or purview of the
175 commission pursuant to s. 1005.06(1) (c) ~~or (f)~~ and that ~~either~~
176 directly or indirectly solicits for enrollment any student
177 shall:

178 (a) Disclose to each prospective student a statement of the
179 purpose of the ~~such~~ institution, its educational programs and
180 curricula, a description of its physical facilities, its status
181 regarding licensure, its fee schedule and policies regarding
182 retaining student fees if a student withdraws, and a statement
183 regarding the transferability of credits to and from other
184 institutions. The institution shall make the required
185 disclosures in writing at least 1 week prior to enrollment or
186 collection of any tuition from the prospective student. The



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187 required disclosures may be made in the institution's current
188 catalog;

189 (b) Use a reliable method to assess, before accepting a
190 student into a program, the student's ability to complete
191 successfully the course of study for which he or she has
192 applied;

193 (c) Inform each student accurately about financial
194 assistance and obligations for repayment of loans; describe any
195 employment placement services provided and the limitations
196 thereof; and refrain from promising or implying guaranteed
197 placement, market availability, or salary amounts;

198 (d) Provide to prospective and enrolled students accurate
199 information regarding the relationship of its programs to state
200 licensure requirements for practicing related occupations and
201 professions in Florida;

202 (e) Ensure that all advertisements are accurate and not
203 misleading;

204 (f) Publish and follow an equitable prorated refund policy
205 for all students, and follow both the federal refund guidelines
206 for students receiving federal financial assistance and the
207 minimum refund guidelines set by commission rule;

208 (g) Follow the requirements of state and federal laws that
209 require annual reporting with respect to crime statistics and
210 physical plant safety and make those reports available to the
211 public; and

212 (h) Publish and follow procedures for handling student
213 complaints, disciplinary actions, and appeals.

214 Section 4. Subsection (1) of section 1005.06, Florida
215 Statutes, is amended to read:



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216 1005.06 Institutions not under the jurisdiction or purview
217 of the commission.—

218 (1) Except as otherwise provided in law, the following
219 institutions are not under the jurisdiction or purview of the
220 commission and are not required to obtain licensure:

221 (a) Any postsecondary educational institution provided,
222 operated, or supported by this state, its political
223 subdivisions, or the Federal Government.

224 (b) Any college, school, or course licensed or approved for
225 establishment and operation under part I of chapter 464, chapter
226 466, or chapter 475, or any other chapter of the Florida
227 Statutes requiring licensing or approval as defined in this
228 chapter.

229 (c) Any institution that is under the jurisdiction of the
230 Department of Education, eligible to participate in the William
231 L. Boyd, IV, Florida Resident Access Grant Program and that is a
232 nonprofit independent college or university located and
233 chartered in this state and accredited by the Commission on
234 Colleges of the Southern Association of Colleges and Schools to
235 grant baccalaureate degrees.

236 (d) Any institution that offers only avocational programs
237 or courses, examination preparation programs or courses,
238 contract training programs or courses, continuing education, or
239 professional development programs or courses.

240 (e) Any institution that was exempt from licensure in 2001
241 under s. 246.085(1)(b), Florida Statutes 2001, as long as it
242 maintains these qualifying criteria: the institution is
243 incorporated in this state, the institution's credits or degrees
244 are accepted for credit by at least three colleges that are



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245 fully accredited by an agency recognized by the United States
246 Department of Education, the institution was exempt under that
247 category prior to July 1, 1982, and the institution does not
248 enroll any students who receive state or federal financial aid
249 for education. Such an institution shall notify the commission
250 and apply for licensure if it no longer meets these criteria.

251 ~~(f) A religious college may operate without governmental~~
252 ~~oversight if the college annually verifies by sworn affidavit to~~
253 ~~the commission that:~~

254 ~~1. The name of the institution includes a religious~~
255 ~~modifier or the name of a religious patriarch, saint, person, or~~
256 ~~symbol of the church.~~

257 ~~2. The institution offers only educational programs that~~
258 ~~prepare students for religious vocations as ministers,~~
259 ~~professionals, or laypersons in the categories of ministry,~~
260 ~~counseling, theology, education, administration, music, fine~~
261 ~~arts, media communications, or social work.~~

262 ~~3. The titles of degrees issued by the institution cannot~~
263 ~~be confused with secular degree titles. For this purpose, each~~
264 ~~degree title must include a religious modifier that immediately~~
265 ~~precedes, or is included within, any of the following degrees:~~
266 ~~Associate of Arts, Associate of Science, Bachelor of Arts,~~
267 ~~Bachelor of Science, Master of Arts, Master of Science, Doctor~~
268 ~~of Philosophy, and Doctor of Education. The religious modifier~~
269 ~~must be placed on the title line of the degree, on the~~
270 ~~transcript, and whenever the title of the degree appears in~~
271 ~~official school documents or publications.~~

272 ~~4. The duration of all degree programs offered by the~~
273 ~~institution is consistent with the standards of the commission.~~



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274 ~~5. The institution's consumer practices are consistent with~~
275 ~~those required by s. 1005.04.~~

276
277 ~~The commission may provide such a religious institution a letter~~
278 ~~stating that the institution has met the requirements of state~~
279 ~~law and is not subject to governmental oversight.~~

280 (f)~~(g)~~ Any institution that is regulated by the Federal
281 Aviation Administration, another agency of the Federal
282 Government, or an agency of the state whose regulatory laws are
283 similar in nature and purpose to those of the commission and
284 require minimum educational standards, for at least curriculum,
285 instructors, and academic progress and provide protection
286 against fraudulent, deceptive, and substandard education
287 practices.

288 Section 5. Subsection (2) of section 1005.21, Florida
289 Statutes, is amended to read:

290 1005.21 Commission for Independent Education.—

291 (2) The Commission for Independent Education shall consist
292 of seven members who are residents of this state. The commission
293 shall function in matters concerning independent postsecondary
294 educational institutions in consumer protection, program
295 improvement, and licensure for institutions under its purview.
296 The Governor shall appoint the members of the commission who are
297 subject to confirmation by the Senate. The membership of the
298 commission shall consist of:

299 (a) Two representatives of independent colleges or
300 universities licensed by the commission.

301 (b) Two representatives of independent, nondegree-granting
302 schools licensed by the commission.



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303 (c) One member from a public school district or Florida
304 College System institution who is an administrator of career
305 education.

306 (d) One representative of a faith-based postsecondary
307 institution ~~college~~ that meets the criteria under ~~of~~ s.
308 1005.21(2)(a) ~~1005.06(1)(f)~~.

309 (e) One lay member who is not affiliated with an
310 independent postsecondary educational institution.

311 Section 6. This act shall take effect July 1, 2012.

312
313 ===== T I T L E A M E N D M E N T =====

314 And the title is amended as follows:

315 Delete everything before the enacting clause
316 and insert:

317 A bill to be entitled
318 An act relating to faith-based postsecondary
319 institutions; creating s. 1002.47, F.S.; authorizing a
320 faith-based postsecondary education institution to
321 operate without obtaining a license if it submits an
322 affidavit of statutory compliance oversight to the
323 Office of Independent Education and Parental Choice
324 within the Department of Education by a specified date
325 each year; providing an exception; authorizing a new
326 institution to submit its initial affidavit any time
327 during the year; requiring that the Office of
328 Independent Education and Parental Choice or its
329 contracted agent publish the affidavit form and a list
330 of all faith-based postsecondary education
331 institutions that have submitted the affidavit on its



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332 Internet website; requiring that the office issue a
333 letter of acknowledgement; authorizing an institution
334 to enter into a contract with or designate an
335 education association, certification agency, or an
336 individual agent to submit the affidavit; providing
337 prerequisites for entering a degree program at a
338 faith-based postsecondary education institution;
339 providing an exception if the institution has a
340 written ability-to-benefit admissions policy;
341 providing minimum credit hour requirements for certain
342 degrees; providing that if an institution offers a
343 distance learning program, it must make the program
344 available to certain students; requiring that each
345 institution include a disclaimer on its publications
346 and Internet website if the institution is accredited
347 by an agency that is not recognized by the United
348 States Department of Education; requiring that any
349 license issued by a faith-based postsecondary
350 education institution for the purpose of counseling,
351 preaching, or teaching include a disclaimer stating
352 that the license is ecclesiastical and not state-
353 issued or government-issued; requiring that each
354 institution adopt certain policies regarding
355 nondiscrimination, transferability of credits, and
356 refunds; requiring that the Office of Independent
357 Education and Parental Choice issue a notice requiring
358 that an institution provide proof of compliance with
359 the affidavit of statutory compliance oversight within
360 a specified period if documentation is filed which



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361 states that the institution has not complied;
362 requiring that an institution cease operating in the
363 state if it does not provide proof of compliance
364 within the required period; requiring that the Office
365 of Independent Education and Parental Choice post on
366 its Internet website a list of faith-based
367 postsecondary education institutions that fail to
368 provide proof of compliance; amending ss. 1005.03 and
369 1005.04, F.S.; conforming cross-references to changes
370 made by the act; amending s. 1005.06, F.S.; deleting
371 provisions that authorize a religious college to
372 operate without governmental oversight under certain
373 circumstances; amending s. 1005.21, F.S., relating to
374 the Commission for Independent Education; conforming
375 terminology and a cross-reference; providing an
376 effective date.