

By Senator Wise

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1                                   A bill to be entitled  
2       An act relating to faith-based postsecondary  
3       institutions; creating s. 1002.47, F.S.; authorizing a  
4       faith-based postsecondary education institution to  
5       operate without obtaining a license if it submits an  
6       affidavit of statutory compliance oversight to the  
7       Office of Independent Education and Parental Choice  
8       within the Department of Education by a specified date  
9       each year; providing an exception; authorizing a new  
10      institution to submit its initial affidavit any time  
11      during the year; requiring that the Office of  
12      Independent Education and Parental Choice or its  
13      contracted agent publish the affidavit form and a list  
14      of all faith-based postsecondary education  
15      institutions that have submitted the affidavit on its  
16      Internet website; requiring that the office issue a  
17      letter of acknowledgement; authorizing an institution  
18      to enter into a contract with or designate an  
19      education association, certification agency, or an  
20      individual agent to submit the affidavit; providing  
21      prerequisites for entering a degree program at a  
22      faith-based postsecondary education institution;  
23      providing an exception if the institution has a  
24      written ability-to-benefit admissions policy;  
25      providing minimum credit hour requirements for certain  
26      degrees; providing that if an institution offers a  
27      distance learning program, it must make the program  
28      available to certain students; requiring that each  
29      institution include a disclaimer on its publications

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30 and Internet website if the institution is accredited  
31 by an agency that is not recognized by the United  
32 States Department of Education; requiring that any  
33 license issued by a faith-based postsecondary  
34 education institution for the purpose of counseling,  
35 preaching, or teaching include a disclaimer stating  
36 that the license is ecclesiastical and not state-  
37 issued or government-issued; requiring that each  
38 institution adopt certain policies regarding  
39 nondiscrimination, transferability of credits, and  
40 refunds; requiring that the Attorney General  
41 investigate any complaint filed against an institution  
42 and require the institution to comply with the law or  
43 prohibit the institution from operating in the state;  
44 amending ss. 1005.03 and 1005.04, F.S.; conforming  
45 cross-references to changes made by the act; amending  
46 s. 1005.06, F.S.; deleting provisions that authorize a  
47 religious college to operate without governmental  
48 oversight under certain circumstances; amending s.  
49 1005.21, F.S., relating to the Commission for  
50 Independent Education; conforming terminology and a  
51 cross-reference; providing an effective date.

52  
53 Be It Enacted by the Legislature of the State of Florida:

54  
55 Section 1. Section 1002.47, Florida Statutes, is created to  
56 read:

57 1002.47 Faith-based postsecondary education institutions.-  
58 (1) A faith-based postsecondary education institution may

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59 operate without obtaining a license if the institution submits a  
60 sworn or affirmed affidavit of statutory compliance oversight to  
61 the Office of Independent Education and Parental Choice within  
62 the Department of Education by April 1 of each calendar year.  
63 However, the institution must apply for a license to operate if  
64 any student attending the institution receives state or federal  
65 financial aid for education, excluding students who receive  
66 compensation or pension benefits from the Veterans  
67 Administration and institutions that are accredited by an  
68 accrediting agency recognized by the United States Department of  
69 Education. A new institution may submit its initial affidavit  
70 any time during the year, except that subsequent affidavits must  
71 be submitted by April 1 of each calendar year.

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

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

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

79  
80 LETTER OF ACKNOWLEDGEMENT

81 The Office of Independent Education and Parental  
82 Choice within the Department of Education has received  
83 your sworn or affirmed affidavit of statutory  
84 compliance oversight which indicates your commitment  
85 to the minimum standards set forth in s. 1002.47,  
86 Florida Statutes. Your institution's name will be  
87 published on the office's Internet website.

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88       (3) A faith-based postsecondary education institution may  
89 enter into a contract with and may designate an education  
90 association located in the state or a certification agency that  
91 verifies compliance with statutory oversight statutes, or an  
92 individual agent may submit an affidavit of statutory compliance  
93 oversight.

94       (4) As a prerequisite for entering an associate of arts,  
95 associate of science, bachelor of arts, or bachelor of science  
96 degree program at a faith-based postsecondary education  
97 institution, a student must hold a high school diploma or high  
98 school equivalency diploma, unless the institution has a written  
99 ability-to-benefit admissions policy exempting the student from  
100 the prerequisite.

101       (5) One contact hour equals 50 minutes of scheduled  
102 instruction by a professor during an institution-approved class  
103 session or live streaming via Skype or a similar mode of  
104 instruction. One semester credit hour of study equals 15  
105 academic hours or its equivalent and one-quarter credit hour of  
106 study equals 10 academic hours or its equivalent.

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

109       1. For an associate degree, 60 semester hours or 90 quarter  
110 hours.

111       2. For a graduate of theology degree, 90 semester hours or  
112 135 quarter hours.

113       3. For a bachelor's degree, 120 semester hours or 180  
114 quarter hours.

115       4. For a master's degree, 30 semester hours or 45 quarter  
116 hours above the minimum credit hours required for a bachelor's

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117 degree, including a research thesis or project of 6 additional  
118 semester hours or 9 quarter hours.

119 5. For a doctorate degree, 30 semester hours or 45 quarter  
120 hours above the credit hours required for a master's degree,  
121 including a stringent research dissertation of 6 or more  
122 additional semester hours or 9 or more quarter hours.

123 (b) The degree programs offered by a faith-based  
124 postsecondary education institution under subparagraphs (a)1.,  
125 2., and 3. must include liberal arts and general education  
126 courses that include humanities or fine arts, social and  
127 behavioral sciences, English or communications, history,  
128 philosophy, science or mathematics, and computer literacy when a  
129 student lacks computer proficiency.

130 (c) An institution offering college and university degree  
131 titles under subparagraphs (a)1.-5. which use the word "in"  
132 instead of "of," such as "Associate in Bible," "Bachelor's in  
133 Theology," or "Master's in Pastoral Studies," without the terms  
134 "Arts," "Science," or "Doctor in Biblical Studies," and degrees  
135 without the terms "Philosophy," "Theology," or "Education," are  
136 not required to include the liberal arts or general education  
137 course requirements under paragraph (b) and may not use the  
138 seminary degree titles listed under paragraph (7) (b).

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

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

145 2. For a seminary doctorate degree, 60 to 90 or more

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146 semester hours or 90 to 120 or more quarter hours, including a  
147 stringent research dissertation or project, above the minimum  
148 credit hours for a seminary master's degree.

149 (b) The titles of traditional seminary graduate degrees  
150 are:

151 1. Master of Divinity;

152 2. Master of Religious Education;

153 3. Master of Arts in Counseling, Pastoral Studies,  
154 Religion, Religious Education;

155 4. Master of Sacred Music;

156 5. Master of Church Music;

157 6. Master of Theological Studies;

158 7. Master of Theology;

159 8. Master of Sacred Theology;

160 9. Doctor of Ministry;

161 10. Doctor of Missiology;

162 11. Doctor of Education;

163 12. Doctor of Musical Arts;

164 13. Doctor of Philosophy; and

165 14. Doctor of Theology.

166 (8) If a faith-based postsecondary education institution  
167 offers a distance learning program, it must make the program  
168 available to students who require a nontraditional classroom-  
169 based education, including digital learning or any type of  
170 learning that is facilitated by technology. The institution  
171 shall evaluate and approve all instructional materials provided  
172 to the students through various modalities, along with  
173 structured units of information, assigned exercises for  
174 practice, and examinations to measure achievement. The academic

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175 year for distance learning may be continuous throughout the  
176 calendar year.

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

181 (10) Any license issued by an institution under this  
182 section for the purpose of counseling, preaching, or teaching  
183 must include a disclaimer stating that the license is an  
184 ecclesiastical license and not a state-issued or government-  
185 issued license.

186 (11) Each institution shall have a:

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

190 (b) Clear and specific policy regarding the transferability  
191 of credits to and from other postsecondary education  
192 institutions.

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

199 (12) If a complaint is filed against any faith-based  
200 postsecondary education institution for failure to comply with  
201 this section, the Attorney General shall investigate the  
202 complaint and require that the institution comply with the  
203 affidavit of statutory compliance oversight or prohibit the

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204 institution from operating in the state.

205 Section 2. Paragraph (e) of subsection (1) of section  
206 1005.03, Florida Statutes, is amended to read:

207 1005.03 Designation "college" or "university".-

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

213 (e) A college that meets the description of ~~either~~ s.  
214 1005.06(1)(e) ~~or (f)~~.

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

217 1005.04 Fair consumer practices.-

218 (1) Every institution that is under the jurisdiction of the  
219 commission or is exempt from the jurisdiction or purview of the  
220 commission pursuant to s. 1005.06(1)(c) ~~or (f)~~ and that ~~either~~  
221 directly or indirectly solicits for enrollment any student  
222 shall:

223 (a) Disclose to each prospective student a statement of the  
224 purpose of the ~~such~~ institution, its educational programs and  
225 curricula, a description of its physical facilities, its status  
226 regarding licensure, its fee schedule and policies regarding  
227 retaining student fees if a student withdraws, and a statement  
228 regarding the transferability of credits to and from other  
229 institutions. The institution shall make the required  
230 disclosures in writing at least 1 week prior to enrollment or  
231 collection of any tuition from the prospective student. The  
232 required disclosures may be made in the institution's current



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233 catalog;

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

238 (c) Inform each student accurately about financial  
239 assistance and obligations for repayment of loans; describe any  
240 employment placement services provided and the limitations  
241 thereof; and refrain from promising or implying guaranteed  
242 placement, market availability, or salary amounts;

243 (d) Provide to prospective and enrolled students accurate  
244 information regarding the relationship of its programs to state  
245 licensure requirements for practicing related occupations and  
246 professions in Florida;

247 (e) Ensure that all advertisements are accurate and not  
248 misleading;

249 (f) Publish and follow an equitable prorated refund policy  
250 for all students, and follow both the federal refund guidelines  
251 for students receiving federal financial assistance and the  
252 minimum refund guidelines set by commission rule;

253 (g) Follow the requirements of state and federal laws that  
254 require annual reporting with respect to crime statistics and  
255 physical plant safety and make those reports available to the  
256 public; and

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

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

261 1005.06 Institutions not under the jurisdiction or purview

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262 of the commission.—

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

266 (a) Any postsecondary educational institution provided,  
267 operated, or supported by this state, its political  
268 subdivisions, or the Federal Government.

269 (b) Any college, school, or course licensed or approved for  
270 establishment and operation under part I of chapter 464, chapter  
271 466, or chapter 475, or any other chapter of the Florida  
272 Statutes requiring licensing or approval as defined in this  
273 chapter.

274 (c) Any institution that is under the jurisdiction of the  
275 Department of Education, eligible to participate in the William  
276 L. Boyd, IV, Florida Resident Access Grant Program and that is a  
277 nonprofit independent college or university located and  
278 chartered in this state and accredited by the Commission on  
279 Colleges of the Southern Association of Colleges and Schools to  
280 grant baccalaureate degrees.

281 (d) Any institution that offers only avocational programs  
282 or courses, examination preparation programs or courses,  
283 contract training programs or courses, continuing education, or  
284 professional development programs or courses.

285 (e) Any institution that was exempt from licensure in 2001  
286 under s. 246.085(1)(b), Florida Statutes 2001, as long as it  
287 maintains these qualifying criteria: the institution is  
288 incorporated in this state, the institution's credits or degrees  
289 are accepted for credit by at least three colleges that are  
290 fully accredited by an agency recognized by the United States

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291 Department of Education, the institution was exempt under that  
292 category prior to July 1, 1982, and the institution does not  
293 enroll any students who receive state or federal financial aid  
294 for education. Such an institution shall notify the commission  
295 and apply for licensure if it no longer meets these criteria.

296 ~~(f) A religious college may operate without governmental~~  
297 ~~oversight if the college annually verifies by sworn affidavit to~~  
298 ~~the commission that:~~

299 ~~1. The name of the institution includes a religious~~  
300 ~~modifier or the name of a religious patriarch, saint, person, or~~  
301 ~~symbol of the church.~~

302 ~~2. The institution offers only educational programs that~~  
303 ~~prepare students for religious vocations as ministers,~~  
304 ~~professionals, or laypersons in the categories of ministry,~~  
305 ~~counseling, theology, education, administration, music, fine~~  
306 ~~arts, media communications, or social work.~~

307 ~~3. The titles of degrees issued by the institution cannot~~  
308 ~~be confused with secular degree titles. For this purpose, each~~  
309 ~~degree title must include a religious modifier that immediately~~  
310 ~~precedes, or is included within, any of the following degrees:~~  
311 ~~Associate of Arts, Associate of Science, Bachelor of Arts,~~  
312 ~~Bachelor of Science, Master of Arts, Master of Science, Doctor~~  
313 ~~of Philosophy, and Doctor of Education. The religious modifier~~  
314 ~~must be placed on the title line of the degree, on the~~  
315 ~~transcript, and whenever the title of the degree appears in~~  
316 ~~official school documents or publications.~~

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

319 ~~5. The institution's consumer practices are consistent with~~

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320 ~~those required by s. 1005.04.~~

321  
322 ~~The commission may provide such a religious institution a letter~~  
323 ~~stating that the institution has met the requirements of state~~  
324 ~~law and is not subject to governmental oversight.~~

325 (f) ~~(g)~~ Any institution that is regulated by the Federal  
326 Aviation Administration, another agency of the Federal  
327 Government, or an agency of the state whose regulatory laws are  
328 similar in nature and purpose to those of the commission and  
329 require minimum educational standards, for at least curriculum,  
330 instructors, and academic progress and provide protection  
331 against fraudulent, deceptive, and substandard education  
332 practices.

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

335 1005.21 Commission for Independent Education.—

336 (2) The Commission for Independent Education shall consist  
337 of seven members who are residents of this state. The commission  
338 shall function in matters concerning independent postsecondary  
339 educational institutions in consumer protection, program  
340 improvement, and licensure for institutions under its purview.  
341 The Governor shall appoint the members of the commission who are  
342 subject to confirmation by the Senate. The membership of the  
343 commission shall consist of:

344 (a) Two representatives of independent colleges or  
345 universities licensed by the commission.

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

348 (c) One member from a public school district or Florida

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349 College System institution who is an administrator of career  
350 education.

351 (d) One representative of a faith-based postsecondary  
352 institution ~~college~~ that meets the criteria under ~~of~~ s.  
353 1005.21(2)(a) ~~1005.06(1)(f)~~.

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

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