

By the Committee on Higher Education; and 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 Office of Independent
41 Education and Parental Choice issue a notice requiring
42 that an institution provide proof of compliance with
43 the affidavit of statutory compliance oversight within
44 a specified period if documentation is filed which
45 states that the institution has not complied;
46 requiring that an institution cease operating in the
47 state if it does not provide proof of compliance
48 within the required period; requiring that the Office
49 of Independent Education and Parental Choice post on
50 its Internet website a list of faith-based
51 postsecondary education institutions that fail to
52 provide proof of compliance; amending ss. 1005.03 and
53 1005.04, F.S.; conforming cross-references to changes
54 made by the act; amending s. 1005.06, F.S.; deleting
55 provisions that authorize a religious college to
56 operate without governmental oversight under certain
57 circumstances; amending s. 1005.21, F.S., relating to
58 the Commission for Independent Education; conforming

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59 terminology and a cross-reference; providing an
60 effective date.

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62 Be It Enacted by the Legislature of the State of Florida:

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

66 1002.47 Faith-based postsecondary education institutions.-

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

72 However, the institution must apply for a license to operate if
73 any student attending the institution is a Florida resident who
74 receives state or federal financial aid for education, excluding
75 students who receive compensation or pension benefits from the
76 Veterans Administration. A new institution may submit its
77 initial affidavit any time during the year, except that
78 subsequent affidavits must be submitted by April 1 of each
79 calendar year.

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

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

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

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LETTER OF ACKNOWLEDGEMENT

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

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

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

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

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

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117 1. For an associate degree, 60 semester hours or 90 quarter
118 hours.

119 2. For a graduate of theology degree, 90 semester hours or
120 135 quarter hours.

121 3. For a bachelor's degree, 120 semester hours or 180
122 quarter hours.

123 4. For a master's degree, 30 semester hours or 45 quarter
124 hours above the minimum credit hours required for a bachelor's
125 degree, including a research thesis or project of 6 additional
126 semester hours or 9 quarter hours.

127 5. For a doctorate degree, 30 semester hours or 45 quarter
128 hours above the credit hours required for a master's degree,
129 including a stringent research dissertation of 6 or more
130 additional semester hours or 9 or more quarter hours.

131 (b) The degree programs offered by a faith-based
132 postsecondary education institution under subparagraphs (a)1.,
133 2., and 3. must include liberal arts and general education
134 courses that include humanities or fine arts, social and
135 behavioral sciences, English or communications, history,
136 philosophy, science or mathematics, and computer literacy when a
137 student lacks computer proficiency.

138 (c) An institution offering college and university degree
139 titles under subparagraphs (a)1.-5. which use the word "in"
140 instead of "of," such as "Associate in Bible," "Bachelor's in
141 Theology," or "Master's in Pastoral Studies," without the terms
142 "Arts," "Science," or "Doctor in Biblical Studies," and degrees
143 without the terms "Philosophy," "Theology," or "Education," are
144 not required to include the liberal arts or general education
145 course requirements under paragraph (b) and may not use the

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146 seminary degree titles listed under paragraph (7)(b).

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

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

153 2. For a seminary doctorate degree, 60 to 90 or more
154 semester hours or 90 to 120 or more quarter hours, including a
155 stringent research dissertation or project, above the minimum
156 credit hours for a seminary master's degree.

157 (b) The titles of traditional seminary graduate degrees
158 are:

- 159 1. Master of Divinity;
160 2. Master of Religious Education;
161 3. Master of Arts in Counseling, Pastoral Studies,
162 Religion, Religious Education;
163 4. Master of Sacred Music;
164 5. Master of Church Music;
165 6. Master of Theological Studies;
166 7. Master of Theology;
167 8. Master of Sacred Theology;
168 9. Doctor of Ministry;
169 10. Doctor of Missiology;
170 11. Doctor of Education;
171 12. Doctor of Musical Arts;
172 13. Doctor of Philosophy; and
173 14. Doctor of Theology.

174 (8) If a faith-based postsecondary education institution

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175 offers a distance learning program, it must make the program
176 available to students who require a nontraditional classroom-
177 based education, including digital learning or any type of
178 learning that is facilitated by technology. The institution
179 shall evaluate and approve all instructional materials provided
180 to students through various modalities, along with structured
181 units of information, assigned exercises for practice, and
182 examinations to measure achievement. The academic year for
183 distance learning may be continuous throughout the calendar
184 year.

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

189 (10) Any license issued by an institution under this
190 section for the purpose of counseling, preaching, or teaching
191 must include a disclaimer stating that the license is an
192 ecclesiastical license and not a state-issued or government-
193 issued license.

194 (11) Each institution shall have a:

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

198 (b) Clear and specific policy regarding the transferability
199 of credits to and from other postsecondary education
200 institutions.

201 (c) Written refund policy stating that an enrolled student
202 may receive a full refund of paid tuition only if the student
203 notifies the institution within 5 business days after the date

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204 upon which the first payment receipt is issued by the
205 institution. All other fees and charges must be listed as
206 nonrefundable.

207 (12) If documentation is filed which states that a faith-
208 based postsecondary education institution operating in the state
209 has not complied with this section, the Office of Independent
210 Education and Parental Choice shall issue a notice sent via
211 certified mail which requires the institution to provide proof
212 of compliance with the affidavit of statutory compliance
213 oversight within 45 days after the date upon which the notice is
214 sent. If the institution does not provide proof of compliance
215 within the required period, it must cease operating in the
216 state. The Office of Independent Education and Parental Choice
217 shall publish on its Internet website a list of faith-based
218 postsecondary education institutions that fail to provide the
219 proof of compliance as required in this subsection.

220 Section 2. Paragraph (e) of subsection (1) of section
221 1005.03, Florida Statutes, is amended to read:

222 1005.03 Designation "college" or "university".-

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

228 (e) A college that meets the description of ~~either~~ s.
229 1005.06(1) (e) ~~or (f)~~.

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

232 1005.04 Fair consumer practices.-

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233 (1) Every institution that is under the jurisdiction of the
234 commission or is exempt from the jurisdiction or purview of the
235 commission pursuant to s. 1005.06(1)(c) ~~or (f)~~ and that ~~either~~
236 directly or indirectly solicits for enrollment any student
237 shall:

238 (a) Disclose to each prospective student a statement of the
239 purpose of the ~~such~~ institution, its educational programs and
240 curricula, a description of its physical facilities, its status
241 regarding licensure, its fee schedule and policies regarding
242 retaining student fees if a student withdraws, and a statement
243 regarding the transferability of credits to and from other
244 institutions. The institution shall make the required
245 disclosures in writing at least 1 week prior to enrollment or
246 collection of any tuition from the prospective student. The
247 required disclosures may be made in the institution's current
248 catalog;

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

253 (c) Inform each student accurately about financial
254 assistance and obligations for repayment of loans; describe any
255 employment placement services provided and the limitations
256 thereof; and refrain from promising or implying guaranteed
257 placement, market availability, or salary amounts;

258 (d) Provide to prospective and enrolled students accurate
259 information regarding the relationship of its programs to state
260 licensure requirements for practicing related occupations and
261 professions in Florida;

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262 (e) Ensure that all advertisements are accurate and not
263 misleading;

264 (f) Publish and follow an equitable prorated refund policy
265 for all students, and follow both the federal refund guidelines
266 for students receiving federal financial assistance and the
267 minimum refund guidelines set by commission rule;

268 (g) Follow the requirements of state and federal laws that
269 require annual reporting with respect to crime statistics and
270 physical plant safety and make those reports available to the
271 public; and

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

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

276 1005.06 Institutions not under the jurisdiction or purview
277 of the commission.—

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

281 (a) Any postsecondary educational institution provided,
282 operated, or supported by this state, its political
283 subdivisions, or the Federal Government.

284 (b) Any college, school, or course licensed or approved for
285 establishment and operation under part I of chapter 464, chapter
286 466, or chapter 475, or any other chapter of the Florida
287 Statutes requiring licensing or approval as defined in this
288 chapter.

289 (c) Any institution that is under the jurisdiction of the
290 Department of Education, eligible to participate in the William

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291 L. Boyd, IV, Florida Resident Access Grant Program and that is a
292 nonprofit independent college or university located and
293 chartered in this state and accredited by the Commission on
294 Colleges of the Southern Association of Colleges and Schools to
295 grant baccalaureate degrees.

296 (d) Any institution that offers only avocational programs
297 or courses, examination preparation programs or courses,
298 contract training programs or courses, continuing education, or
299 professional development programs or courses.

300 (e) Any institution that was exempt from licensure in 2001
301 under s. 246.085(1)(b), Florida Statutes 2001, as long as it
302 maintains these qualifying criteria: the institution is
303 incorporated in this state, the institution's credits or degrees
304 are accepted for credit by at least three colleges that are
305 fully accredited by an agency recognized by the United States
306 Department of Education, the institution was exempt under that
307 category prior to July 1, 1982, and the institution does not
308 enroll any students who receive state or federal financial aid
309 for education. Such an institution shall notify the commission
310 and apply for licensure if it no longer meets these criteria.

311 ~~(f) A religious college may operate without governmental~~
312 ~~oversight if the college annually verifies by sworn affidavit to~~
313 ~~the commission that:~~

314 ~~1. The name of the institution includes a religious~~
315 ~~modifier or the name of a religious patriarch, saint, person, or~~
316 ~~symbol of the church.~~

317 ~~2. The institution offers only educational programs that~~
318 ~~prepare students for religious vocations as ministers,~~
319 ~~professionals, or laypersons in the categories of ministry,~~

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320 ~~counseling, theology, education, administration, music, fine~~
321 ~~arts, media communications, or social work.~~

322 ~~3. The titles of degrees issued by the institution cannot~~
323 ~~be confused with secular degree titles. For this purpose, each~~
324 ~~degree title must include a religious modifier that immediately~~
325 ~~precedes, or is included within, any of the following degrees:~~
326 ~~Associate of Arts, Associate of Science, Bachelor of Arts,~~
327 ~~Bachelor of Science, Master of Arts, Master of Science, Doctor~~
328 ~~of Philosophy, and Doctor of Education. The religious modifier~~
329 ~~must be placed on the title line of the degree, on the~~
330 ~~transcript, and whenever the title of the degree appears in~~
331 ~~official school documents or publications.~~

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

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

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337 ~~The commission may provide such a religious institution a letter~~
338 ~~stating that the institution has met the requirements of state~~
339 ~~law and is not subject to governmental oversight.~~

340 ~~(f)(g)~~ Any institution that is regulated by the Federal
341 Aviation Administration, another agency of the Federal
342 Government, or an agency of the state whose regulatory laws are
343 similar in nature and purpose to those of the commission and
344 require minimum educational standards, for at least curriculum,
345 instructors, and academic progress and provide protection
346 against fraudulent, deceptive, and substandard education
347 practices.

348 Section 5. Subsection (2) of section 1005.21, Florida

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349 Statutes, is amended to read:

350 1005.21 Commission for Independent Education.—

351 (2) The Commission for Independent Education shall consist
352 of seven members who are residents of this state. The commission
353 shall function in matters concerning independent postsecondary
354 educational institutions in consumer protection, program
355 improvement, and licensure for institutions under its purview.
356 The Governor shall appoint the members of the commission who are
357 subject to confirmation by the Senate. The membership of the
358 commission shall consist of:

359 (a) Two representatives of independent colleges or
360 universities licensed by the commission.

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

363 (c) One member from a public school district or Florida
364 College System institution who is an administrator of career
365 education.

366 (d) One representative of a faith-based postsecondary
367 institution ~~college~~ that meets the criteria under ~~of~~ s.
368 1005.21(2)(a) ~~1005.06(1)(f)~~.

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

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