

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

HB 925

2012

29 institution include a disclaimer on its publications
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
56 to read:

57 1002.47 Faith-based postsecondary education institutions.—

58 (1) A faith-based postsecondary education institution may
 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 is a Florida resident who
 65 receives state or federal financial aid for education, excluding
 66 students who receive compensation or pension benefits from the
 67 Veterans Administration. A new institution may submit its
 68 initial affidavit any time during the year, except that
 69 subsequent affidavits must be submitted by April 1 of each
 70 calendar year.

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

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

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

78
 79 LETTER OF ACKNOWLEDGEMENT

80 The Office of Independent Education and Parental
 81 Choice within the Department of Education has received
 82 your sworn or affirmed affidavit of statutory
 83 compliance oversight which indicates your commitment
 84 to the minimum standards set forth in s. 1002.47,

85 Florida Statutes. Your institution's name will be
 86 published on the office's Internet website.

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

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

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

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

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

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

112 3. For a bachelor's degree, 120 semester hours or 180

HB 925

2012

113 quarter hours.

114 4. For a master's degree, 30 semester hours or 45 quarter
115 hours above the minimum credit hours required for a bachelor's
116 degree, including a research thesis or project of 6 additional
117 semester hours or 9 quarter hours.

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

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

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

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

140 1. For a seminary master's degree, 60 to 90 or more

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

144 2. For a seminary doctorate degree, 60 to 90 or more
 145 semester hours or 90 to 120 or more quarter hours, including a
 146 stringent research dissertation or project, above the minimum
 147 credit hours for a seminary master's degree.

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

- 150 1. Master of Divinity;
- 151 2. Master of Religious Education;
- 152 3. Master of Arts in Counseling, Pastoral Studies,
 153 Religion, Religious Education;
- 154 4. Master of Sacred Music;
- 155 5. Master of Church Music;
- 156 6. Master of Theological Studies;
- 157 7. Master of Theology;
- 158 8. Master of Sacred Theology;
- 159 9. Doctor of Ministry;
- 160 10. Doctor of Missiology;
- 161 11. Doctor of Education;
- 162 12. Doctor of Musical Arts;
- 163 13. Doctor of Philosophy; and
- 164 14. Doctor of Theology.

165 (8) If a faith-based postsecondary education institution
 166 offers a distance learning program, it must make the program
 167 available to students who require a nontraditional classroom-
 168 based education, including digital learning or any type of

169 learning that is facilitated by technology. The institution
170 shall evaluate and approve all instructional materials provided
171 to the students through various modalities, along with
172 structured units of information, assigned exercises for
173 practice, and examinations to measure achievement. The academic
174 year for distance learning may be continuous throughout the
175 calendar year.

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

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

185 (11) Each institution shall have a:

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

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

HB 925

2012

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

223 (a) Disclose to each prospective student a statement of
 224 the purpose of the ~~such~~ institution, its educational programs

HB 925

2012

225 and curricula, a description of its physical facilities, its
226 status regarding licensure, its fee schedule and policies
227 regarding retaining student fees if a student withdraws, and a
228 statement regarding the transferability of credits to and from
229 other 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
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
 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
 270 for establishment and operation under part I of chapter 464,
 271 chapter 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
 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~~
 320 ~~with 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

HB 925

2012

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
 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.

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