

1 A bill to be entitled
2 An act relating to nonpublic religious postsecondary
3 educational institutions; amending s. 1005.06, F.S.;
4 removing religious colleges from the list of
5 institutions specified as not being under the
6 jurisdiction or purview of the Commission for
7 Independent Education; creating s. 1005.12, F.S.;
8 providing requirements that must be met by nonpublic
9 religious postsecondary educational institutions that
10 operate without being licensed by the commission;
11 requiring such institutions to provide a sworn
12 affidavit with specified information to the
13 commission; requiring the commission to provide such
14 institutions annually with a written notice of
15 exemption from licensure and of compliance; providing
16 methods for verifying such compliance; authorizing a
17 religious nongovernmental education association to
18 cooperate with the commission to determine whether a
19 nonpublic religious postsecondary educational
20 institution is in compliance; providing requirements
21 for such associations; requiring the commission to
22 send a specified notice to nonpublic religious
23 postsecondary educational institutions under certain
24 circumstances; providing that noncompliant
25 institutions must apply for a license or cease

26 operations within a specified timeframe; requiring
 27 that the employee or agent of the noncompliant
 28 institution who produced the sworn affidavit be
 29 subject to criminal penalties under certain
 30 circumstances; authorizing the commission to take
 31 action for noncompliance if certain conditions are
 32 met; amending ss. 553.865, 1005.03, 1005.04, 1005.21,
 33 and 1005.31, F.S.; conforming cross-references;
 34 providing an effective date.

35

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

37

38 Section 1. Paragraphs (f) of subsection (1) of section
 39 1005.06, Florida Statutes, is amended to read:

40 1005.06 Institutions not under the jurisdiction or purview
 41 of the commission.—

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

45 ~~(f) A religious college may operate without governmental~~
 46 ~~oversight if the college annually verifies by sworn affidavit to~~
 47 ~~the commission that:~~

48 ~~1. The name of the institution includes a religious~~
 49 ~~modifier or the name of a religious patriarch, saint, person, or~~
 50 ~~symbol of the church.~~

51 ~~2. The institution offers only educational programs that~~
52 ~~prepare students for religious vocations as ministers,~~
53 ~~professionals, or laypersons in the categories of ministry,~~
54 ~~counseling, theology, education, administration, music, fine~~
55 ~~arts, media communications, or social work.~~

56 ~~3. The titles of degrees issued by the institution cannot~~
57 ~~be confused with secular degree titles. For this purpose, each~~
58 ~~degree title must include a religious modifier that immediately~~
59 ~~precedes, or is included within, any of the following degrees:~~
60 ~~Associate of Arts, Associate of Science, Bachelor of Arts,~~
61 ~~Bachelor of Science, Master of Arts, Master of Science, Doctor~~
62 ~~of Philosophy, and Doctor of Education. The religious modifier~~
63 ~~must be placed on the title line of the degree, on the~~
64 ~~transcript, and whenever the title of the degree appears in~~
65 ~~official school documents or publications.~~

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

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

70
71 ~~The commission may provide such a religious institution a letter~~
72 ~~stating that the institution has met the requirements of state~~
73 ~~law and is not subject to governmental oversight.~~

74 Section 2. Section 1005.12, Florida Statutes, is created
75 to read:

76 1005.12 Nonpublic religious postsecondary educational
 77 institutions.—

78 (1) Nonpublic religious postsecondary educational
 79 institutions, such as religious colleges, operating under this
 80 section without licensure are required to meet two or more of
 81 the following criteria:

82 (a) Be incorporated in this state.

83 (b) Be a limited liability company in this state.

84 (c) Be under a domestic or foreign corporation registered
 85 in this state.

86 (d) Be a ministry under an entity with an Internal Revenue
 87 Service taxpayer identification number.

88 (e) Be tax exempt under s. 501(c)(3) of the Internal
 89 Revenue Code.

90 (f) Be registered under a fictitious name in this state
 91 under one of the entities specified in paragraphs (a)-(e).

92 (2) A nonpublic religious postsecondary educational
 93 institution may operate exempt from licensure in this state if
 94 the institution annually provides to the commission by sworn
 95 affidavit, either electronically or in print, all of the
 96 following information or affirmations:

97 (a) The name of the institution, which must include a
 98 religious modifier or the name of a religious patriarch, saint,
 99 person, or symbol of the church.

100 (b) That the institution offers only educational programs

101 that prepare students for religious vocations as ministers,
 102 professionals, or laypersons in the categories of ministry,
 103 counseling, theology, education, administration, business,
 104 accounting, finance, music, fine arts, media, social work, or
 105 communications.

106 (c) The titles of any of the following degrees conferred
 107 by the institution, which must include a religious modifier on
 108 the title line of the degree, on the transcript, and whenever
 109 the title of the degree appears in the institution's official
 110 documents or publications:

- 111 1. Associate of Arts.
- 112 2. Associate of Science.
- 113 3. Bachelor of Arts.
- 114 4. Bachelor of Science.
- 115 5. Master of Arts.
- 116 6. Master of Science.
- 117 7. Doctor of Philosophy.
- 118 8. Doctor of Education.

119 (d) That the duration of all degree programs offered by
 120 the institution is consistent with the standards of the
 121 commission.

122 (e) That the institution's consumer practices are
 123 consistent with those required by s. 1005.04.

124 (3) The commission shall annually provide the nonpublic
 125 religious postsecondary educational institution with a written

126 notice stating that the institution is exempt from licensure and
 127 has complied with the requirements of this section. The written
 128 notice from the previous year remains effective until the
 129 commission's workload permits its appropriate adjudication of a
 130 subsequent year's affidavit submitted by the institution.

131 (4) Verification of the nonpublic religious postsecondary
 132 educational institution's compliance with this section may be
 133 accomplished by one of the following methods:

134 (a) A finding of compliance by the commission after the
 135 institution submits the required documentation in print or
 136 electronically.

137 (b) A finding of compliance by a religious nongovernmental
 138 education association based in this state which the commission
 139 may cooperate with pursuant to s. 1005.22(1)(g) to administer
 140 its duties under this section. In order to issue a finding of
 141 compliance, a religious nongovernmental education association
 142 approved by the commission must:

143 1. Operate in this state and require its members to reside
 144 in this state.

145 2. Ensure that its members are trained by the association
 146 to verify compliance under this section.

147 3. Have a review team composed of at least three members,
 148 of which no more than two members may derive income from the
 149 same institution as one another.

150 4. Prohibit a member of the review team from deriving

151 income from the institution being reviewed.

152 5. Annually submit to the commission, on behalf of the
153 institution being reviewed, an affidavit designating the
154 association as the institution's agent to represent it before
155 the commission and a written notice from the association's
156 review team affirming the institution's compliance with this
157 section.

158 (5) If a nonpublic religious postsecondary educational
159 institution has received from the commission a written notice of
160 compliance with this section and exemption from licensure, and
161 the institution subsequently fails to comply, the commission
162 must send the institution a notice of noncompliance, and the
163 institution must do one of the following:

164 (a) Apply for a license pursuant to s. 1005.31(1)(a)
165 within 45 days after issuance of the notice.

166 (b) Cease operating in this state within 45 days after
167 issuance of the notice.

168 (6) If the institution does not take the specified actions
169 pursuant to subsection (5), the employee or agent of the
170 institution who produced the sworn affidavit is subject to the
171 penalties provided in s. 837.012 for making a false statement on
172 a sworn affidavit.

173 (7) The commission may take action pursuant to subsection
174 (5) upon a finding of noncompliance by the institution, or upon
175 receiving written notices from two or more different

176 | institutions under this section that the institution in question
 177 | has failed to meet the requirements of this section.

178 | Section 3. Paragraph (i) of subsection (3) of section
 179 | 553.865, Florida Statutes, is amended to read:

180 | 553.865 Private spaces.—

181 | (3) As used in this section, the term:

182 | (i) "Postsecondary educational institution or facility"
 183 | means:

184 | 1. A state university as defined in s. 1000.21(8);

185 | 2. A Florida College System institution as defined in s.
 186 | 1000.21(5);

187 | 3. A school district career center as described in s.
 188 | 1001.44(3);

189 | 4. A college or university licensed by the Commission for
 190 | Independent Education pursuant to s. 1005.31(1)(a); or

191 | 5. An institution not under the jurisdiction or purview of
 192 | the commission as identified in s. 1005.06(1) or s. 1005.12 ~~s.~~
 193 | ~~1005.06(1)(b)–(f)~~.

194 | Section 4. Paragraph (e) of subsection (1) of section
 195 | 1005.03, Florida Statutes, is amended to read:

196 | 1005.03 Designation "college" or "university."—

197 | (1) The use of the designation "college" or "university"
 198 | in combination with any series of letters, numbers, or words is
 199 | restricted in this state to colleges or universities as defined
 200 | in s. 1005.02 that offer degrees as defined in s. 1005.02 and

HB 1019

2024

201 fall into at least one of the following categories:

202 (e) A college that meets the description of either s.
203 1005.06(1)(e) or s. 1005.12 ~~(f)~~.

204 Section 5. Subsection (1) of section 1005.04, Florida
205 Statutes, is amended to read:

206 1005.04 Fair consumer practices.—

207 (1) Every institution that is under the jurisdiction of
208 the commission or is exempt from the jurisdiction or purview of
209 the commission pursuant to s. 1005.06(1)(c) or s. 1005.12 ~~(f)~~
210 and that either directly or indirectly solicits for enrollment
211 any student shall:

212 (a) Disclose to each prospective student a statement of
213 the purpose of such institution, its educational programs and
214 curricula, a description of its physical facilities, its status
215 regarding licensure, its fee schedule and policies regarding
216 retaining student fees if a student withdraws, and a statement
217 regarding the transferability of credits to and from other
218 institutions. The institution shall make the required
219 disclosures in writing at least 1 week prior to enrollment or
220 collection of any tuition from the prospective student. The
221 required disclosures may be made in the institution's current
222 catalog;

223 (b) Use a reliable method to assess, before accepting a
224 student into a program, the student's ability to complete
225 successfully the course of study for which he or she has

226 applied;

227 (c) Inform each student accurately about financial
228 assistance and obligations for repayment of loans; describe any
229 employment placement services provided and the limitations
230 thereof; and refrain from promising or implying guaranteed
231 placement, market availability, or salary amounts;

232 (d) Provide to prospective and enrolled students accurate
233 information regarding the relationship of its programs to state
234 licensure requirements for practicing related occupations and
235 professions in Florida;

236 (e) Ensure that all advertisements are accurate and not
237 misleading;

238 (f) Publish and follow an equitable prorated refund policy
239 for all students, and follow both the federal refund guidelines
240 for students receiving federal financial assistance and the
241 minimum refund guidelines set by commission rule;

242 (g) Follow the requirements of state and federal laws that
243 require annual reporting with respect to crime statistics and
244 physical plant safety and make those reports available to the
245 public;

246 (h) Publish and follow procedures for handling student
247 complaints, disciplinary actions, and appeals; and

248 (i) Prior to enrollment, provide a written disclosure to a
249 student or prospective student of all fees and costs that will
250 be incurred by a student, the institution's refund policy, any

HB 1019

2024

251 exit examination requirements, and the grade point average
252 required for completion of the student's program or degree. The
253 disclosure shall include a statement regarding the scope of
254 accreditation, if applicable. Institutions licensed by the
255 Commission for Independent Education shall disclose the
256 information required pursuant to this paragraph in a format
257 prescribed by the commission.

258 Section 6. Paragraph (d) of subsection (2) of section
259 1005.21, Florida Statutes, is amended to read:

260 1005.21 Commission for Independent Education.—

261 (2) The Commission for Independent Education shall consist
262 of seven members who are residents of this state. The commission
263 shall function in matters concerning independent postsecondary
264 educational institutions in consumer protection, program
265 improvement, and licensure for institutions under its purview.
266 The Governor shall appoint the members of the commission who are
267 subject to confirmation by the Senate. The membership of the
268 commission shall consist of:

269 (d) One representative of a college that meets the
270 criteria of s. 1005.12 ~~s. 1005.06(1)(f)~~.

271 Section 7. Paragraph (a) of subsection (1) and subsection
272 (11) of section 1005.31, Florida Statutes, are amended to read:

273 1005.31 Licensure of institutions.—

274 (1)(a) Each college or school operating within this state
275 must obtain licensure from the commission unless the institution

HB 1019

2024

276 is not under the commission's purview or jurisdiction as
277 provided in s. 1005.06, or the institution meets the
278 requirements of s. 1005.12.

279 (11) The commission shall establish minimum standards for
280 the approval of agents. The commission may adopt rules to ensure
281 that licensed agents meet these standards and uphold the intent
282 of this chapter. An agent may not solicit prospective students
283 in this state for enrollment in any independent postsecondary
284 educational institution under the commission's purview or in any
285 out-of-state independent postsecondary educational institution
286 unless the agent has received a license as prescribed by the
287 commission or solicits for a postsecondary educational
288 institution that is not under the jurisdiction of the commission
289 pursuant to s. 1005.06(1)(g) ~~s. 1005.06(1)(h)~~.

290 Section 8. This act shall take effect July 1, 2024.