

By Senator Rodriguez

40-00390A-24

2024282__

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

40-00390A-24

2024282__

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:

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38 Section 1. Paragraph (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~~

40-00390A-24

2024282__

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 with~~
69 ~~those required by s. 1005.04.~~

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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 to
75 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.

40-00390A-24

2024282__

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 by
107 the institution, which must include a religious modifier on the
108 title line of the degree, on the transcript, and whenever the
109 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.

40-00390A-24

2024282__

117 7. Doctor of Philosophy.

118 8. Doctor of Education.

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

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

123 (3) The commission shall annually provide the nonpublic
124 religious postsecondary educational institution with a written
125 notice stating that the institution is exempt from licensure and
126 has complied with the requirements of this section. The written
127 notice from the previous year remains effective until the
128 commission's workload permits its appropriate adjudication of a
129 subsequent year's sworn affidavit submitted by the institution.

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

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

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

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

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

40-00390A-24

2024282__

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

149 4. Prohibit a member of the review team from deriving
150 income from the institution being reviewed.

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

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

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

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

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

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

40-00390A-24

2024282__

175 religious postsecondary educational institutions under this
176 section that the institution in question has failed to meet the
177 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" in
198 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
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)~~.

40-00390A-24

2024282__

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

212 (a) Disclose to each prospective student a statement of the
213 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

40-00390A-24

2024282__

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
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

40-00390A-24

2024282__

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 criteria
270 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
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.