

## CHAPTER 97-218

### Committee Substitute for House Bill No. 851

An act relating to nonpublic postsecondary institutions; amending s. 246.081, F.S.; conforming provisions; creating s. 246.084, F.S.; establishing requirements for authorization; providing duties of the State Board of Independent Colleges and Universities; providing procedures for noncompliance; amending s. 246.101, F.S.; providing for an exemption from fees; creating a new workload fee; repealing s. 246.021(2), (7), and (10), F.S., relating to definitions; repealing s. 246.083, F.S., relating to authorization to operate; authorizing continuance of certain programs; amending ss. 320.38 and 322.031, F.S.; correcting cross references; providing an effective date.

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

Section 1. Subsections (1) and (2) of section 246.081, Florida Statutes, are amended to read:

246.081 License, certificate of exemption, or authorization required; exceptions.—

(1) The following colleges are not under the jurisdiction of the board and are not required to obtain ~~do not need~~ a license, a certificate of exemption, or an authorization from the board ~~to operate~~:

(a) Any college provided, operated, and supported by the State of Florida or its political subdivisions or the Federal Government.

(b) Any college, school, or course licensed or approved for establishment and operation under chapter 464, chapter 466, or chapter 475, or any other chapter of the Florida Statutes, requiring licensing or approval as defined in ss. 246.011-246.151.

(2) No nonpublic college shall continue operation or be established within the state unless such college shall apply for, and obtain from the board, a license, a certificate of exemption, or authorization in the manner and form prescribed by the board. Upon receipt of approved articles of incorporation from the Department of State that purport to be for a college as defined in s. 246.021, the newly formed corporation shall, within 60 days after such approval, make an application to the board for a license, a certificate of exemption, or other authorization as required by law. The approval of articles of incorporation by the Department of State shall not be deemed to be an approval to engage in the operation of an institution of higher learning. Such institution shall not advertise or operate until a license, certificate of exemption, or authorization ~~to operate~~ has been obtained from the board. When articles of incorporation are issued to an institution of higher learning, the Department of State shall immediately furnish a copy of the articles of incorporation to the board.

Section 2. Section 246.084, Florida Statutes, is created to read:

246.084 Authorization.—

(1) A nonpublic college which enrolls students, none of whom receive state or federal financial aid for education, shall not be required to apply for a license upon compliance with this section and submission of data required by this section.

(a) Colleges receiving authorization under this section may only offer educational programs that prepare students for religious vocations as ministers, professionals, or laypersons in the following categories: ministry, counseling, theology, education, administration, music, fine arts, media communications, and social work.

(b) The religious vocation must predominantly appear on the face of the degree and on the college's transcript.

(c) The titles of degrees issued by the college must include a religious modifier which must immediately precede, or be included within, any of the following titles: Associate in Arts, Associate in Science, Bachelor of Arts, Bachelor of Science, Master of Arts, Master of Science, and Doctor of Philosophy.

(d) For purposes of this section, one semester credit hour of study is 15 academic hours or its equivalent. The following minimum credit hours are required for awarding the following degrees:

1. Associate degree, with no fewer than 60 semester hours or the equivalent.

2. Bachelor's degree, with no fewer than 120 semester hours or the equivalent.

3. Master's degree, with no fewer than 24 semester hours, or the equivalent, beyond the bachelor's degree.

4. Doctoral degree, with no fewer than 60 semester hours, or the equivalent, beyond the bachelor's degree.

(e) The following data must be submitted annually to the board: college name, address, telephone number, and accreditation, if any; denomination, church, or religious affiliation; list of all degree titles with their religious vocation major; and a current copy of the college's catalog and consumer practice information listed in paragraph (f).

(f) The board shall collect annually from each college authorized pursuant to this section the following descriptive inventory of consumer practices:

1. A description of the college's policies and procedures regarding the recruitment and admission of students.

2. The sources and kinds of financial assistance available and the specific manner by which students are informed of their responsibilities with respect to receiving assistance and repaying loans.

3. The placement assistance provided by the college, including any claims concerning job placement rates.

4. Copies of all advertising published on behalf of the college during the previous year. If the college claims accreditation, it shall indicate whether or not that accreditation is approved by the United States Department of Education and if such accreditation is disclosed in all advertisements.

5. A copy of the college's refund policy. The refund policy must provide students with a minimum of 3 working days from the date a student signs an enrollment contract or financial agreement with a college for the student to cancel the contract and receive a full refund of any tuition or registration fees paid. The refund policy must be prominently displayed on the contract form.

6. Evidence that the college has provided its students with a clear and specific statement regarding the transferability of credits to and from other colleges, institutes, seminaries, and universities.

(g) The college shall include with the data required by paragraphs (e) and (f), a sworn affidavit, signed by its chief administrative officer, affirming that the information submitted is accurate and no false data has knowingly and willingly been submitted, that the policies reported are provided in writing to all prospective students at least 1 week before enrollment or collection of tuition fees, that the college observes the policies and practices as reported to the board, and that it complies with this section.

(h) The board shall set an annual review date for receiving data and assuring compliance with this section. The board shall give a college 60 days' notification of the annual review date. After providing 30 days' notification, the board may impose a fine for every month the college receiving authorization under this section fails to provide the data required by paragraphs (e) and (f). The postmark on the envelope or package containing the notification serves as the date of notification.

(i) The following information must appear in the college's catalog or administrative bulletin: denomination, church, or religious affiliation; purpose or mission of the college; a list and description of all courses of study; a list of course descriptions; a list of all faculty members with their degrees; administrative officers and staff; all fees, charges, nonrefundable fees, and tuition; refund policies; transferability of credits to and from other colleges; accreditation, if any; whether or not the accrediting agency is recognized by the United States Department of Education; and the college's authorization status. A college receiving authorization under this section shall include the following statement in the purpose, mission, accreditation, or recognition statement in the catalog to clarify its statutory existence: "The degree programs of this college are designed solely for religious vocations."

(j) The name of the college shall include a religious modifier or the name of a religious patriarch, saint, person, or symbol of the church.

(2) Notwithstanding the provisions of paragraph (1)(c), a college which complies with the provisions of this section and submits to the board a sworn

affidavit from a group formed pursuant to s. 246.041(1)(f), certifying that the college complies with the minimum standards for licensure as provided for in rule, is not required to include a religious modifier in the title of degrees issued by the college.

(3) The burden of determining compliance with this section shall rest with the board. Pursuant to s. 246.041(1)(f), the board may enter into an agreement with an individual or group of individuals to oversee the review and collection of the data submitted pursuant to this section. The board may require further evidence and make such further investigation, in addition to the information submitted, as may be reasonably necessary in the board's judgment.

(4) If the board determines that a college meets the requirements of this section, the board shall issue the college an authorization.

(5) If at any time a college receiving authorization under this section fails to comply with this section, it shall be required to apply for a license pursuant to s. 246.081 within 30 days of the board's final action finding that the college is not authorized under this section. Final actions by the board may be taken only after two consecutive quarterly meetings. A notice of noncompliance with the specific requirements of this section shall precede the two quarterly meetings. A final noncompliance notification shall be sent by certified mail 30 days prior to the final action.

Section 3. Subsections (4) and (5) of section 246.101, Florida Statutes, are amended to read:

246.101 Fees.—

(4) The cost of routine services of the board, such as data collection and dissemination, shall be supported through a base fee. Nonpublic colleges operating pursuant to s. 246.084 are not required to pay the base fee. The base fee applies to all other nonpublic colleges, whether granted licensure, a certificate of exemption, or an authorization to operate.

~~(a) If the total appropriation for the board requires that one-half or more of the cost of operating the board be supported through fees, the board shall charge a base fee to all colleges under its jurisdiction. The board may adjust the fee based on the enrollment of the college. However, the fee assessed to the largest college may not exceed one-half of 1 percent of the amount appropriated for the board or \$1,500, whichever is less. The fee assessed to the largest college may not exceed three times the amount of the fee assessed to the smallest college.~~

~~(b) If the total appropriation for the board requires that less than one-half of the total amount be supported through fees, the board shall waive the fees for colleges that have been granted an authorization to operate or shall provide for lower base fees for smaller colleges. However, the fee assessed to the largest college may not exceed one-half of 1 percent of the amount appropriated for the board or \$1,500, whichever is less. The fee assessed to the largest college may not exceed three times the amount of the fee assessed to the smallest college.~~

(5) The board shall assess fees to defray the cost of workload for board activities that are specific to certain colleges. Such workload activities must relate to:

- (a) Licensure.
- (b) Annual reviews.
- (c) Special reviews.
- (d) Site visits.
- (e) Resolution of complaints for violation of fair consumer practices.
- (f) Approval ~~Authorization~~ to operate in Florida without offering educational programs.
- (g) Approval to use the term “college” or “university.”

(h) Review and collection of data submitted pursuant to s. 246.084 when the review and collection is performed by the board rather than an individual or group pursuant to s. 246.084(3).

(i)(h) Other workload activities as approved by the Legislature.

Section 4. Subsections (2), (7), and (10) of section 246.021 and section 246.083, Florida Statutes, are repealed.

Section 5. Institutions operating pursuant to the provisions of s. 246.083, Florida Statutes, may continue to offer programs and award degrees, in accordance with the provisions of s. 246.083, Florida Statutes, to students enrolled in such programs on or before June 30, 1997. However, no new student may be enrolled pursuant to the provisions of s. 246.083, Florida Statutes, after June 30, 1997.

Section 6. Section 320.38, Florida Statutes, is amended to read:

320.38 When nonresident exemption not allowed.—The provisions of s. 320.37 authorizing the operation of motor vehicles over the roads of this state by nonresidents of this state when such vehicles are duly registered or licensed under the laws of some other state or foreign country do not apply to any nonresident who accepts employment or engages in any trade, profession, or occupation in this state, except a nonresident migrant farm worker as defined in s. 316.003(61). In every case in which a nonresident, except a nonresident migrant farm worker as defined in s. 316.003(61), accepts employment or engages in any trade, profession, or occupation in this state or enters his or her children to be educated in the public schools of this state, such nonresident shall, within 10 days after the commencement of such employment or education, register his or her motor vehicles in this state if such motor vehicles are proposed to be operated on the roads of this state. Any person who is enrolled as a student in a college or university and who is a nonresident but who is in this state for a period of up to 6 months engaged in a work-study program for which academic credits are earned from a college whose credits or degrees are accepted for credit by at least

three accredited institutions of higher learning, as defined in s. 246.021(5), is not required to have a Florida registration for the duration of the work-study program if the person's vehicle is properly registered in another jurisdiction. Any nonresident who is enrolled as a full-time student in such institution of higher learning is also exempt for the duration of such enrollment.

Section 7. Subsection (3) of section 322.031, Florida Statutes, is amended to read:

322.031 Nonresident; when license required.—

(3) A nonresident who is domiciled in another state and who commutes into this state in order to work shall not be required to obtain a Florida driver's license under this section solely because he or she has accepted employment or engages in any trade, profession, or occupation in this state if he or she has a valid driver's license issued by another state. Further, any person who is enrolled as a student in a college or university and who is a nonresident but is in this state for a period of up to 6 months engaged in a work-study program for which academic credits are earned from a college whose credits or degrees are accepted for credit by at least three accredited institutions of higher learning, as defined in s. 246.021(5), shall not be required to obtain a Florida driver's license for the duration of the work-study program if such person has a valid driver's license issued by another state. Any nonresident who is enrolled as a full-time student in any such institution of higher learning is also exempt from the requirement of obtaining a Florida driver's license for the duration of such enrollment.

Section 8. This act shall take effect July 1, 1997.

Became a law without the Governor's approval May 30, 1997.

Filed in Office Secretary of State May 29, 1997.