

The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA

HIGHER EDUCATION
Senator Oelrich, Chair
Senator Siplin, Vice Chair

MEETING DATE: Thursday, January 12, 2012**TIME:** 10:15 a.m.—12:15 p.m.**PLACE:** 301 Senate Office Building**MEMBERS:** Senator Oelrich, Chair; Senator Siplin, Vice Chair; Senators Altman, Lynn, Negron, and Ring

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	SB 532 Altman (Identical H 347)	College Credit for Military Training and Education Courses; Requiring the Board of Governors of the State University System and the State Board of Education to adopt regulations and rules, respectively, which enable United States Armed Forces servicemembers to earn college credit for college-level training and education acquired in the military, etc. MS 12/05/2011 Favorable HE 01/12/2012 Favorable BC	Favorable Yeas 6 Nays 0
2	SB 754 Wise (Identical H 705)	Educational Enhancement; Creating the Educational Excellence Endowment Fund within the Statewide Florida College System institution direct-support organization; requiring that the Statewide Florida College System institution direct-support organization administer the endowment fund; requiring that the direct-support organization deposit revenues from gaming taxes and fees and other grants, gifts, and bequests of money into the endowment fund; creating the Juvenile Justice Education and Training Endowment Fund within the direct-support organization for the Department of Juvenile Justice; requiring that the direct-support organization administer the endowment fund; requiring that the direct-support organization deposit revenues from gaming taxes and fees and other grants, gifts, and bequests of money into the endowment fund, etc. HE 01/12/2012 Fav/CS GO BC	Fav/CS Yeas 6 Nays 0

COMMITTEE MEETING EXPANDED AGENDA

Higher Education

Thursday, January 12, 2012, 10:15 a.m.—12:15 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
3	SB 828 Wise (Similar H 925)	Faith-based Postsecondary Institutions; Authorizing a faith-based postsecondary education institution to operate without obtaining a license if it submits an affidavit of statutory compliance oversight to the Office of Independent Education and Parental Choice within the Department of Education by a specified date each year; requiring that the Office of Independent Education and Parental Choice or its contracted agent publish the affidavit form and a list of all faith-based postsecondary education institutions that have submitted the affidavit on its Internet website; providing prerequisites for entering a degree program at a faith-based postsecondary education institution; deleting provisions that authorize a religious college to operate without governmental oversight under certain circumstances, etc. HE 01/12/2012 Temporarily Postponed BC	Temporarily Postponed
4	SB 832 Higher Education (Similar H 7017)	OGSR/Donor Information Direct-support Organization/University of Florida/Historic Preservation of the City of St. Augustine; Deleting the repeal of an exemption from public records requirements for information identifying a donor or prospective donor to the direct-support organization established to assist the University of Florida in the historic preservation of the City of St. Augustine; saving the exemption from repeal under the Open Government Sunset Review Act, etc. HE 01/12/2012 Favorable GO	Favorable Yeas 4 Nays 0
Presentation on University Athletics			Presented
Other Related Meeting Materials			

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Higher Education Committee

BILL: SB 532

INTRODUCER: Senators Altman, Gaetz, and Sachs

SUBJECT: College Credit for Military Training and Education Courses

DATE: January 10, 2012

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Fleming	Carter	MS	Favorable
2.	Harkey	deMarsh-Mathues	HE	Favorable
3.			BC	
4.				
5.				
6.				

I. Summary:

This bill directs the Board of Governors to adopt regulations and the State Board of Education to adopt rules that enable members of the U.S. Armed Forces to earn academic credit at public postsecondary educational institutions for college-level training and education acquired in the military.

This bill creates section 1004.096 of the Florida Statutes.

II. Present Situation:

Military servicemembers and veterans represent a growing proportion of the student population within postsecondary institutions. The Post-9/11 Veterans Educational Assistance Act, otherwise known as the Post-9/11 GI Bill, offers an unprecedented level of educational benefits to nearly 2 million individuals nationwide who have served in the U.S. Armed Forces since the attacks of September 11, 2001.¹ As a result of this benefit, the state of Florida and other states have experienced an influx of veterans on college campuses. Nationwide the number of veterans enrolling in college and using the GI Bill has increased to approximately 800,000 in 2010, which represents a 40 percent increase since 2009.²

¹ RAND Corporation. Research Brief. *How Military Veterans Are Using the Post-9/11 GI Bill and Adapting to Life in College* (2010). Available at: http://www.rand.org/pubs/research_briefs/RB9560.html.

² *Vets go from Combat to Campus* by Trevor Hughes, USA Today, April 12, 2011. Available at: http://www.usatoday.com/news/education/2011-04-11-college-vets_N.htm.

Currently, neither the Florida Board of Governors nor the State Board of Education have rules or regulations in place that require or prescribe a process for Florida public educational institutions to award college credit to members of the U.S. Armed Forces based on training and education acquired in the military. Despite the absence of the mandate to do so, evaluating military training and experience for college credit is a common practice among all Florida public higher education institutions. The processes and policies which individual postsecondary institutions have established for the evaluation of military training and experience vary among institutions.

The American Council on Education

Since 1945, the American Council on Education (ACE) has provided a collaborative link between the U. S. Department of Defense and higher education through the review of military training and experiences for the award of equivalent college credits for members of the U.S. Armed Forces.³ In doing so, the ACE maintains the ACE Guide to the Evaluation of Educational Experiences in the Armed Services (ACE Military Guide). The ACE has established a rigid process in evaluating military service school courses to determine the appropriate amount and level of academic credit that should be awarded by postsecondary institutions.⁴

More than 2,200 higher education institutions recognize ACE course credit recommendations for granting credit to their military students.⁵

According to the Board of Governors, state universities recognize ACE requirements when granting course credit as follows:⁶

Institutions consult with and follow the ACE Guide Online to determine how military training and experience might be awarded for equivalent course credit. Military courses that are recommended by the ACE Guide for college credit would be considered first to determine if they meet degree requirements, and second to determine if they can fulfill any electives. Some of the military training involved may be more vocational in nature, such as the Advanced Helicopter Pilot Training 1 course. This course would not be accepted at a state university because there is no equivalent course and it is more vocational in nature than academic credit.

Each branch of service provides transcripts for current and former service members as an official record of military education, training, and experience. Postsecondary institutions using the ACE Military Guide evaluate an individual's military transcript according to the ACE standards for recommended college credit. The following is a break-down of the service-specific transcripts available to current and former service members:

³ Available at: http://www.acenet.edu/AM/Template.cfm?Section=Military_Programs.

⁴ Military courses that are eligible for inclusion in the ACE Military Guide are courses that are conducted for a specified period of time with a prescribed course of instruction, in a structured learning situation, and with qualified instructors.

⁵ ACE College and University Services. Available at: www.acenet.edu and <http://www.acenet.edu/Content/NavigationMenu/ProgramsServices/CCRS/CollegeServices/index.htm>.

⁶ Board of Governor's Legislative Bill Analysis, November 23, 2011, on file with the Committee on Higher Education.

- **U.S. Army:** Army/American Council on Education Registry Transcript System (AARTS)
- **U.S. Navy/U.S. Marine Corps:** Sailor/Marine American Council on Education Registry Transcript (SMART)
- **U.S. Air Force:** Community College of the Air Force (CCAF)
- **U.S. Coast Guard:** U.S. Coast Guard Institute (CGI)⁷

Servicemembers Opportunity Colleges Consortium

The Servicemembers Opportunity Colleges (SOC)⁸ was created in 1972 to provide educational opportunities to servicemembers who, because they frequently moved from place to place, had trouble completing college degrees.⁹ The SOC supports a consortium of approximately 1,900 colleges and universities pledged to support the higher education needs of military personnel. SOC works with civilian and military educators to overcome obstacles associated with gaining a college education when pursued through traditional means.

Among the SOC Consortium key goals is the award of credit for military training and experience. All SOC Consortium institutions provide processes to determine credit awards and learning acquired for specialized military training and occupational experience when applicable to a servicemember's degree program. In doing so, SOC Consortium members recognize and use the ACE Military Guide in evaluating and awarding academic credit for military training and experience. Other key features of the SOC Consortium include:

- Reasonable Transfer of Credit;
- Reduced Academic Residency; and
- Credit for Nationally-Recognized Testing Programs.¹⁰

Florida has a high representation within the SOC Consortium in that 25 of the 28 Florida College System institutions and 9 of the 11 State University System institutions are members.¹¹

III. Effect of Proposed Changes:

This bill creates s. 1004.096, F.S., to require the Board of Governors to adopt regulations and the State Board of Education to adopt rules to provide guidance to their respective institutions regarding procedures for military credential evaluation and the award of college credit for military training and education.

⁷ ACE. *A Transfer Guide: Understanding Your Military Transcripts and ACE Credit Recommendations*. pp. 11-14. (August 2011). Available at:

http://www.acenet.edu/Content/NavigationMenu/ProgramsServices/MilitaryPrograms/TransferGuide_Updated2011.pdf.

⁸ SOC is funded by the Department of Defense (DoD) through a contract with the American Association of State Colleges and Universities (AASCU). The contract is managed for DoD by the Defense Activity for Non-Traditional Education Support (DANTES).

⁹ For more information, see SOC homepage at: <http://www.soc.aascu.org/>.

¹⁰ Information in this paragraph obtained from the *SOC Principles and Criteria* website, available at: <http://www.soc.aascu.org/socconsortium/socPrinCriteria.html>.

¹¹ For a comprehensive list of SOC consortium membership, see http://www.soc.aascu.org/pubfiles/socmisc/SOCConsort_Schools.pdf.

The procedures must include equivalency and alignment of military coursework with appropriate college courses, course descriptions, type and amount of college credit that may be awarded, and transfer of credit.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Students who are either members of the U.S. Armed Forces or who are veterans will have their college-level training evaluated and be provided equivalent college credit as appropriate. To the extent a student with military training earns college credit for such training, the cost to the student to complete a postsecondary degree may decrease.

C. Government Sector Impact:

The Board of Governors notes no fiscal impact to the state universities as a result of this bill.¹² Information is not available as to the expected fiscal impact this bill would have on the State Board of Education and their higher education institutions.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

¹² Board of Governors 2012 Legislative Bill Analysis, November 23, 2011, on file with the Committee on Higher Education.

VIII. Additional Information:

- A. **Committee Substitute – Statement of Substantial Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

- B. **Amendments:**

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

By Senator Altman

24-00560-12

2012532__

A bill to be entitled

An act relating to college credit for military training and education courses; creating s. 1004.096, F.S.; requiring the Board of Governors of the State University System and the State Board of Education to adopt regulations and rules, respectively, which enable United States Armed Forces servicemembers to earn college credit for college-level training and education acquired in the military; providing an effective date.

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

Section 1. Section 1004.096, Florida Statutes, is created to read:

1004.096 College credit for military training and education courses.—The Board of Governors shall adopt regulations and the State Board of Education shall adopt rules that enable eligible members of the United States Armed Forces to earn academic college credit at public postsecondary educational institutions for college-level training and education acquired in the military. The regulations and rules shall include procedures for credential evaluation and the award of academic college credit, including, but not limited to, equivalency and alignment of military coursework with appropriate college courses, course descriptions, type and amount of college credit that may be awarded, and transfer of credit.

Section 2. This act shall take effect July 1, 2012.

THE FLORIDA SENATE
APPEARANCE RECORD

spoke

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

Meeting Date _____

Topic Credit For Military Trans Bill Number 532
(if applicable)

Name Jim Brodie Amendment Barcode _____
(if applicable)

Job Title Director of Legislative Affairs

Address _____ Phone _____
Street

City _____ State _____ Zip _____

Speaking: ☒ For ☐ Against ☐ Information

Representing FL Dept of Veterans Affairs

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/20/11)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Higher Education Committee

BILL: CS/SB 754

INTRODUCER: Higher Education Committee and Senator Wise

SUBJECT: Educational Enhancement

DATE: January 13, 2012

REVISED: _____

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. Harkey	deMarsh-Mathues	HE	Fav/CS
2. _____	_____	GO	_____
3. _____	_____	BC	_____
4. _____	_____	_____	_____
5. _____	_____	_____	_____
6. _____	_____	_____	_____

Please see Section VIII. for Additional Information:

- | | | |
|------------------------------|--|---|
| A. COMMITTEE SUBSTITUTE..... | <input checked="checked" type="checkbox"/> | Statement of Substantial Changes |
| B. AMENDMENTS..... | <input type="checkbox"/> | Technical amendments were recommended |
| | <input type="checkbox"/> | Amendments were recommended |
| | <input type="checkbox"/> | Significant amendments were recommended |

I. Summary:

This bill creates two endowment funds to enhance education and training programs in public schools and juvenile justice programs. Both funds would be administered by direct support organizations (DSOs) for educational programs and activities related to employment. The bill requires 2 percent of certain gambling revenues—lottery revenues, proceeds from the Gaming Compact between the Seminole Tribe of Florida and the state, slot machine revenues, and cardroom taxes—to be deposited in the endowment funds. The bill directs 1.5 percent of the gambling proceeds to the Educational Excellence Endowment Enhancement Fund to be administered by the Department of Education's DSO and .5 percent of the proceeds to the Juvenile Justice Education and Training Endowment Fund to be administered by the Juvenile Justice System DSO.

This bill amends s. 24.121, 285.710, 551.106, and 849.086, Florida Statutes.

II. Present Situation:

The Florida Education Foundation

The Florida Education Foundation is the Department of Education's DSO, authorized by s. 1001.24, F.S. The primary purpose of the foundation is to encourage collaboration among parents, business people, community members and Florida's public schools to improve student performance.¹ The foundation is a not for profit corporation incorporated under the provisions of chapter 617, F.S., and approved by the Florida Department of State. The foundation is led by an eleven-member Board of Directors appointed by the Commissioner of Education.

The Foundation is involved in several statewide initiatives, including Macy's Florida Teacher of the Year, Sunshine State Scholars, the Commissioner's Business Recognition Awards, District Data Leader of the Year, and Principals' Summit.

In addition, the Foundation serves as fiscal agent for several statewide grants, including:

- AT&T K-2 Reading Assessments Grant;
- AT&T Career & Technical Training Grant;
- The Bill & Melinda Gates Foundation National Student Clearinghouse Student Data for High Schools Pilot; and
- The Bill & Melinda Gates Foundation Teacher Student Data Link.²

The Florida Juvenile Justice Foundation (FJJF)

The Florida Juvenile Justice Foundation (FJJF) is authorized by s. 985.672, F.S., to conduct programs and activities; raise funds; request and receive grants, gifts, and bequests of moneys; acquire, receive, hold, invest, and administer securities; and to make expenditures to or for the direct or indirect benefit of the Department of Juvenile Justice or the juvenile justice system operated by a county commission or a circuit juvenile justice board. The foundation is administered by a board of directors appointed by the Secretary of Juvenile Justice and is housed within the Department of Juvenile Justice. Through a grant by the Eckerd Foundation, the foundation created the Youth Investment Award Program (YIA) in 2008. The YIA Program is a youth-in-transition initiative to assist youth, ages 15 to 22 years, who are or were served by the Florida Department of Juvenile Justice. The program funds the next step in a youth's transition to achieve success – whether that be paying the fee for the youth to acquire an identification card to assist in employment application, assisting in expenses related to a vocational program, or covering a portion of tuition and book expenses for a youth to pursue a certification, associate's degree or bachelor's degree.

The FJJF provided assistance to 135 youth funding \$75,000 in requests during the 2010-2011 fiscal year.³ According to the Department of Juvenile Justice, the FJJF continues to have an ongoing waiting list for funding of approximately 100 youth and anticipates, due to limited revenue, an increase in the number of youth on the wait list.⁴

¹ Florida Education Foundation website, readable at: <http://www.floridaeducationfoundation.org/about-us>.

² *Id.*

³ Department of Juvenile Justice 2012 bill analysis, on file with the committee.

⁴ *Id.*

Gambling Revenues

Section 24.121(2), F.S., requires the Department of Lottery to transfer variable percentages of the gross revenue from the sale of online and instant lottery tickets and other revenue to the Educational Enhancement Trust Fund (EETF), which is administered by the Department of Education. Funds in the EETF must be used to benefit public education, as provided in s. 24.121, F.S. Allowable uses include endowment, scholarship, matching funds, direct grants, research and economic development related to education, salary enhancement, and other educational purposes approved by the Legislature.

Section 285.710(9), F.S., requires the moneys paid by the Seminole Tribe to the State of Florida for the exclusivity under the Compact to be deposited into the General Revenue Fund.

Section 551.106(2), F.S., requires that all slot tax revenue be deposited into the Pari-Mutuel Wagering Trust Fund for immediate transfer by the Chief Financial Officer for deposit into the Educational Enhancement Trust Fund (EETF) of the Department of Education.

Section 849.086, F.S., requires that payment from cardroom licenses for cardroom admission and gross receipts tax be deposited as follows:

- One-half percent to credit the Pari-Mutuel Wagering Trust Fund; and
- One-half percent to credit the General Revenue Fund.

One-quarter of the moneys deposited into the Pari-Mutuel Wagering Trust Fund from cardroom taxes shall, by October 1 of each year, be distributed to the local government that approved the cardroom.

III. Effect of Proposed Changes:

This bill creates two endowment funds to enhance education and training programs in public schools and juvenile justice programs. The Educational Excellence Endowment Enhancement Fund would be administered by the Department of Education's DSO⁵ to support education programs. The Juvenile Justice Education and Training Endowment Fund would be administered by the DSO that supports the juvenile justice system⁶ to enhance programs related to employment by providing programs for job certification, trade and college degree programs, and community reentry programs.

The bill requires portions of specified gambling revenues—lottery revenues, proceeds from the Gaming compact between the Seminole Tribe of Florida and the State of Florida, slot machine revenues, and cardroom taxes—to be deposited in the endowment funds. The endowment funds may only use the interest accrued on the investment of the funds.

IV. Constitutional Issues:**A. Municipality/County Mandates Restrictions:**

None.

⁵ s. 1001.24, F.S.

⁶ s. 985.672, F.S.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Students in K-12 public schools and in the Juvenile Justice System could benefit from the educational programs supported by the endowments created in this bill.

C. Government Sector Impact:

Based on the December 5, 2011 Revenue Estimating Conference, for FY 2011-12, the estimated revenues from slot machine revenue taxes to be deposited in the EETF are \$144.8 million; the estimated Indian Gaming revenues are \$150 million; cardroom revenues are estimated to be \$15 million; and the amount of Lottery funds to be deposited into the EETF is \$1,264, 400,000.⁷ Two percent of these amounts would total \$31,496,000. Of that amount, \$23,622,000 would be transferred to the Educational Excellence Endowment Enhancement Fund and \$7,874,000 would be transferred to the Juvenile Justice Education and Training Endowment Fund.

According to the Department of Business and Professional Regulation (DBPR), all unappropriated funds in excess of \$1.5 million, and those necessary for incurred obligations and subsequent year positive cash flow for slot machine regulation in the Pari-Mutuel Wagering Trust Fund, are transferred to the General Revenue Fund annually. Therefore, any fluctuations in expenditures or revenue will impact General Revenue.

Currently, 50 percent of the cardroom gross receipt tax and admission tax from cardroom activity are deposited into the Pari-Mutuel Wagering Trust Fund. Under the proposed bill, only 49 percent of those revenues will be deposited into the Pari-Mutuel Wagering Trust Fund, reducing the revenue by approximately \$150,000 in FY 2012-13.⁸ According to DBPR, due to the reduction in revenue the expenditures for the 8-percent General Revenue service charge will also decrease.⁹

⁷November 30, 2011 Revenue Estimating Conference, Lottery Sales, Readable at: <http://edr.state.fl.us/Content/conferences/lottery/lotterysummary.pdf>.

⁸ Department of Business and Professional Regulation 2012 bill analysis, on file with the committee.

⁹ *Id.*

The bill requires a four-way split on the payment of admission tax and gross receipts. According to DBPR, modifications will be required to the programs used to split the funds from the current two-way to four-way for crediting to the proper accounts. This will require a one-time, 120-hour workload increase. The department anticipates that the workload increase can be absorbed within existing resources.

According to DOE, the bill may reduce revenues available to public schools, school district workforce programs, Florida College System institutions, and state universities. Currently, each of the delivery systems receives operational funding from the EETF. If Lottery proceeds do not increase from year to year, the funding required to be deposited in the endowment funds pursuant to this bill would have to be transferred from other programs receiving funding from the trust fund. However, public school programs may receive additional funding from the Florida Education Foundation.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by the Committee on Higher Education on January 12, 2012:

- The name of the Educational Excellence Endowment Fund is changed to the Educational Excellence Endowment Enhancement Fund;
- Rather than being administered by the Florida College System direct support organization to enhance postsecondary programs, the fund is changed to one administered by the Department of Education's direct support organization which supports K-12 programs only; and
- The purpose of the fund is no longer strictly employment-focused but more broadly focused on education programs and activities.

B. Amendments:

None.



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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/13/2012	.	
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The Committee on Higher Education (Siplin) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. The Educational Excellence Endowment Enhancement Fund is created within and shall be administered by the Department of Education's direct-support organization established in s. 1001.24, Florida Statutes. The purpose of the endowment enhancement fund is to support education programs and activities from the interest generated by the endowment. The direct-support organization shall deposit revenues received from gaming taxes and fees and other grants, gifts, and bequests of



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13 money into the endowment enhancement fund. The direct-support
14 organization shall invest the funds and shall use only the
15 interest accrued on the investment of the funds for the purposes
16 provided in this section.

17 Section 2. The Juvenile Justice Education and Training
18 Endowment Fund is created within and shall be administered by
19 the direct-support organization established in s. 985.672,
20 Florida Statutes. The purpose of the endowment fund is to
21 enhance education programs and activities related to employment
22 by providing programs for job certification, trade and college
23 programs, and community reentry training. The direct-support
24 organization shall deposit revenues received from gaming taxes
25 and fees and other grants, gifts, and bequests of money into the
26 endowment fund. The direct-support organization shall invest the
27 funds and shall use only the interest accrued on the investment
28 of the funds for the purposes provided in this section.

29 Section 3. Subsection (2) of section 24.121, Florida
30 Statutes, is amended to read:

31 24.121 Allocation of revenues and expenditure of funds for
32 public education.—

33 (2) Each fiscal year, variable percentages of the gross
34 revenue from the sale of online and instant lottery tickets as
35 determined by the department consistent with subsection (1), and
36 other earned revenue, excluding application processing fees,
37 shall be deposited in the Educational Enhancement Trust Fund,
38 which is ~~hereby~~ created in the State Treasury to be administered
39 by the Department of Education. The Department of Education
40 shall transfer 1.5 percent of the funds deposited in the
41 Educational Enhancement Trust Fund to the Department of



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Education's direct-support organization established in s.
1001.24, and that amount shall be used to fund the Educational
Excellence Endowment Enhancement Fund. The Department of
Education shall also transfer 0.5 percent of the funds deposited
in the Educational Enhancement Trust Fund to the direct-support
organization established in s. 985.672, and that amount shall be
used to fund the Juvenile Justice Education and Training
Endowment Fund. The Department of the Lottery shall transfer
moneys to the Educational Enhancement Trust Fund at least once
each quarter. Funds in the Educational Enhancement Trust Fund
shall be used to the benefit of public education in accordance
with the provisions of this act. Notwithstanding any other
provision of law, lottery revenues transferred to the
Educational Enhancement Trust Fund shall be reserved as needed
and used to meet the requirements of the documents authorizing
the bonds issued by the state pursuant to s. 1013.68, s.
1013.70, or s. 1013.737 or distributed to school districts for
the Classrooms First Program as provided in s. 1013.68. Such
lottery revenues are hereby pledged to the payment of debt
service on bonds issued by the state pursuant to s. 1013.68, s.
1013.70, or s. 1013.737. Debt service payable on bonds issued by
the state pursuant to s. 1013.68, s. 1013.70, or s. 1013.737
shall be payable from, and is secured by a first lien on, the
first lottery revenues transferred to the Educational
Enhancement Trust Fund in each fiscal year. Amounts
distributable to school districts that request the issuance of
bonds pursuant to s. 1013.68(3) are hereby pledged to such bonds
pursuant to s. 11(d), Art. VII of the State Constitution.

Section 4. Subsection (9) of section 285.710, Florida



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Statutes, is amended to read:

285.710 Compact authorization.—

(9) The moneys paid by the Tribe to the state for the benefit of exclusivity under the compact ratified by this section shall be deposited into the General Revenue Fund. The moneys shall be distributed as follows:

(a) One and one-half percent shall be transferred to the Department of Education's direct-support organization established in s. 1001.24 and used to fund the Educational Excellence Endowment Enhancement Fund.

(b) One-half percent shall be transferred to the direct-support organization established in s. 985.672 and used to fund the Juvenile Justice Education and Training Endowment Fund.

(c) Three percent of the amount paid by the Tribe to the state shall be designated as the local government share and shall be distributed as provided in subsections (10) and (11).

Section 5. Paragraph (b) of subsection (2) of section 551.106, Florida Statutes, is amended to read:

551.106 License fee; tax rate; penalties.—

(2) TAX ON SLOT MACHINE REVENUES.—

(b) The slot machine revenue tax imposed by this section shall be paid to the division for deposit into the Pari-mutuel Wagering Trust Fund for immediate transfer by the Chief Financial Officer for deposit as follows:

1. Ninety-eight percent of the funds shall be deposited into the Educational Enhancement Trust Fund of the Department of Education. Any interest earnings on the tax revenues shall also be transferred to the Educational Enhancement Trust Fund.

2. One and one-half percent of the funds shall be



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transferred to the Department of Education's direct-support organization established in s. 1001.24 and used to fund the Educational Excellence Endowment Enhancement Fund.

3. One-half percent of the funds shall be transferred to the direct-support organization established in s. 985.672 and used to fund the Juvenile Justice Education and Training Endowment Fund.

Section 6. Paragraph (c) of subsection (13) of section 849.086, Florida Statutes, is amended to read:

849.086 Cardrooms authorized.—

(13) TAXES AND OTHER PAYMENTS.—

(c) Payment of the admission tax and gross receipts tax imposed by this section shall be paid to the division. The division shall deposit these sums with the Chief Financial Officer, 49 percent of which shall be ~~one-half being~~ credited to the Pari-mutuel Wagering Trust Fund, 49 percent of which shall be and one-half being credited to the General Revenue Fund, 1.5 percent of which shall be transferred to the Department of Education's direct-support organization established in s. 1001.24 and used to fund the Educational Excellence Endowment Enhancement Fund, and 0.5 percent of which shall be transferred to the direct-support organization established in s. 985.672 and used to fund the Juvenile Justice Education and Training Endowment Fund. The cardroom licensee shall remit to the division payment for the admission tax, the gross receipts tax, and the licensee fees. The ~~Such~~ payments shall be remitted to the division on the fifth day of each calendar month for taxes and fees imposed for the preceding month's cardroom activities. Licensees shall file a report under oath by the fifth day of



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each calendar month for all taxes remitted during the preceding calendar month. The ~~Such~~ report shall, under oath, indicate the total of all admissions, the cardroom activities for the preceding calendar month, and ~~such~~ other information as may be prescribed by the division.

Section 7. This act shall take effect July 1, 2012.

===== T I T L E A M E N D M E N T =====

And the title is amended as follows:

Delete everything before the enacting clause
and insert:

A bill to be entitled

An act relating to educational enhancement; creating the Educational Excellence Endowment Enhancement Fund within the Department of Education's direct-support organization; requiring that the direct-support organization administer the endowment enhancement fund; providing purposes; requiring that the direct-support organization deposit revenues from gaming taxes and fees and other grants, gifts, and bequests of money into the endowment enhancement fund; requiring that the direct-support organization invest the funds and use only the interest accrued; creating the Juvenile Justice Education and Training Endowment Fund within the direct-support organization for the Department of Juvenile Justice; requiring that the direct-support organization administer the endowment fund; providing purposes; requiring that the direct-support organization deposit revenues from gaming



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taxes and fees and other grants, gifts, and bequests of money into the endowment fund; requiring that the direct-support organization invest the funds and use only the interest accrued; amending s. 24.121, F.S.; revising provisions relating to the allocation of revenues and the expenditure of funds deposited into the Educational Enhancement Trust Fund; requiring that the Department of Education transfer a specified percentage of the funds to the Department of Education's direct-support organization and the direct-support organization for the Department of Juvenile Justice for the purpose of funding the Educational Excellence Endowment Enhancement Fund and the Juvenile Justice Education and Training Endowment Fund; amending s. 285.710, F.S.; revising provisions relating to the Gaming Compact between the Seminole Tribe of Florida and the state; requiring that a specified percentage of the moneys paid by the Tribe be transferred from the General Revenue Fund to the Department of Education's direct-support organization and the direct-support organization for the Department of Juvenile Justice for the purpose of funding the Educational Excellence Endowment Enhancement Fund and the Juvenile Justice Education and Training Endowment Fund; amending s. 551.106, F.S.; revising provisions relating to the deposit and distribution of the slot machine revenue tax; requiring that the Chief Financial Officer transfer a specified percentage of the funds collected from the Pari-mutuel Wagering



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Trust Fund to the Department of Education's direct-support organization and the direct-support organization for the Department of Juvenile Justice for the purpose of funding the Educational Excellence Endowment Enhancement Fund and the Juvenile Justice Education and Training Endowment Fund; amending s. 849.086, F.S.; revising provisions relating to the taxes imposed on cardrooms; requiring that the Chief Financial Officer transfer a specified percentage of the funds to the Department of Education's direct-support organization and the direct-support organization for the Department of Juvenile Justice for the purpose of funding the Educational Excellence Endowment Enhancement Fund and the Juvenile Justice Education and Training Endowment Fund; providing an effective date.

WHEREAS, the Legislature finds that if an endowment fund had been created in which 2 percent of all lottery revenues generated from 1987 to 2011 were placed, the present value of the endowment fund would be worth over \$320 million, and

WHEREAS, the Legislature intends to establish endowment funds within the Department of Education's direct-support organization and the direct-support organization for the Department of Juvenile Justice for the purpose of providing additional financial support to enhance public education, and

WHEREAS, the Legislature intends for the state's gaming revenue and gifts and bequests from corporations, private foundations, and individuals to be deposited into the endowment



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216 funds and invested for the purpose of generating interest, and
217 WHEREAS, only the interest from the endowment funds may be
218 used to support education program enhancements and activities
219 related to employment and obtaining additional education
220 opportunities, such as job certifications, college degrees, and
221 reentry activities, NOW, THEREFORE,

By Senator Wise

5-00640-12

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1 A bill to be entitled
 2 An act relating to educational enhancement; creating
 3 the Educational Excellence Endowment Fund within the
 4 Statewide Florida College System institution direct-
 5 support organization; requiring that the Statewide
 6 Florida College System institution direct-support
 7 organization administer the endowment fund; providing
 8 purposes; requiring that the direct-support
 9 organization deposit revenues from gaming taxes and
 10 fees and other grants, gifts, and bequests of money
 11 into the endowment fund; requiring that the direct-
 12 support organization invest the funds and use only the
 13 interest accrued; creating the Juvenile Justice
 14 Education and Training Endowment Fund within the
 15 direct-support organization for the Department of
 16 Juvenile Justice; requiring that the direct-support
 17 organization administer the endowment fund; providing
 18 purposes; requiring that the direct-support
 19 organization deposit revenues from gaming taxes and
 20 fees and other grants, gifts, and bequests of money
 21 into the endowment fund; requiring that the direct-
 22 support organization invest the funds and use only the
 23 interest accrued; amending s. 24.121, F.S.; revising
 24 provisions relating to the allocation of revenues and
 25 the expenditure of funds deposited into the
 26 Educational Enhancement Trust Fund; requiring that the
 27 Department of Education transfer a specified
 28 percentage of the funds to the Statewide Florida
 29 College System institution direct-support organization

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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30 and the direct-support organization for the Department
 31 of Juvenile Justice for the purpose of funding the
 32 Educational Excellence Endowment Fund and the Juvenile
 33 Justice Education and Training Endowment Fund;
 34 amending s. 285.710, F.S.; revising provisions
 35 relating to the Gaming Compact between the Seminole
 36 Tribe of Florida and the state; requiring that a
 37 specified percentage of the moneys paid by the Tribe
 38 be transferred from the General Revenue Fund to the
 39 Statewide Florida College System institution direct-
 40 support organization and the direct-support
 41 organization for the Department of Juvenile Justice
 42 for the purpose of funding the Educational Excellence
 43 Endowment Fund and the Juvenile Justice Education and
 44 Training Endowment Fund; amending s. 551.106, F.S.;
 45 revising provisions relating to the deposit and
 46 distribution of the slot machine revenue tax;
 47 requiring that the Chief Financial Officer transfer a
 48 specified percentage of the funds collected from the
 49 Pari-mutuel Wagering Trust Fund to the Statewide
 50 Florida College System institution direct-support
 51 organization and the direct-support organization for
 52 the Department of Juvenile Justice for the purpose of
 53 funding the Educational Excellence Endowment Fund and
 54 the Juvenile Justice Education and Training Endowment
 55 Fund; amending s. 849.086, F.S.; revising provisions
 56 relating to the taxes imposed on cardrooms; requiring
 57 that the Chief Financial Officer transfer a specified
 58 percentage of the funds to the Statewide Florida

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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College System institution direct-support organization and the direct-support organization for the Department of Juvenile Justice for the purpose of funding the Educational Excellence Endowment Fund and the Juvenile Justice Education and Training Endowment Fund; providing an effective date.

WHEREAS, the Legislature finds that if an endowment fund had been created in which 2 percent of all lottery revenue generated from 1987 to 2011 were placed, the present value of the endowment fund would be worth over \$320 million, and

WHEREAS, the Legislature intends to establish endowment funds within the Statewide Florida College System institution direct-support organization and the direct-support organization for the Department of Juvenile Justice for the purpose of providing additional financial support to enhance public education, and

WHEREAS, the Legislature intends for the state's gaming revenue and gifts and bequests from corporations, private foundations, and individuals to be deposited into the endowment funds and invested for the purpose of generating interest, and

WHEREAS, only the interest from the endowment funds may be used to support education program enhancements and activities related to employment and obtaining additional education opportunities, such as job certifications, college degrees, and reentry activities, NOW, THEREFORE,

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

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Section 1. The Educational Excellence Endowment Fund is created within and shall be administered by the Statewide Florida College System institution direct-support organization established in s. 1004.71, Florida Statutes. The purpose of the endowment fund is to enhance education programs and activities related to employment by providing opportunities and programs, training for specialized job certifications, and specialized degree programs. The direct-support organization shall deposit revenues received from gaming taxes and fees and other grants, gifts, and bequests of money into the endowment fund. The direct-support organization shall invest the funds and shall use only the interest accrued on the investment of the funds for the purposes provided in this section.

Section 2. The Juvenile Justice Education and Training Endowment Fund is created within and shall be administered by the direct-support organization established in s. 985.672, Florida Statutes. The purpose of the endowment fund is to enhance education programs and activities related to employment by providing programs for job certification, trade and college degree programs, and community reentry training. The direct-support organization shall deposit revenues received from gaming taxes and fees and other grants, gifts, and bequests of money into the endowment fund. The direct-support organization shall invest the funds and shall use only the interest accrued on the investment of the funds for the purposes provided in this section.

Section 3. Subsection (2) of section 24.121, Florida Statutes, is amended to read:

24.121 Allocation of revenues and expenditure of funds for

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public education.—

(2) Each fiscal year, variable percentages of the gross revenue from the sale of online and instant lottery tickets as determined by the department consistent with subsection (1), and other earned revenue, excluding application processing fees, shall be deposited in the Educational Enhancement Trust Fund, which is ~~hereby~~ created in the State Treasury to be administered by the Department of Education. The Department of Education shall transfer 1.5 percent of the funds deposited in the Educational Enhancement Trust Fund to the Statewide Florida College System institution direct-support organization established in s. 1004.71, and that amount shall be used to fund the Educational Excellence Endowment Fund. The Department of Education shall also transfer 0.5 percent of the funds deposited in the Educational Enhancement Trust Fund to the direct-support organization established in s. 985.672, and that amount shall be used to fund the Juvenile Justice Education and Training Endowment Fund. The Department of the Lottery shall transfer moneys to the Educational Enhancement Trust Fund at least once each quarter. Funds in the Educational Enhancement Trust Fund shall be used to the benefit of public education in accordance with the provisions of this act. Notwithstanding any other provision of law, lottery revenues transferred to the Educational Enhancement Trust Fund shall be reserved as needed and used to meet the requirements of the documents authorizing the bonds issued by the state pursuant to s. 1013.68, s. 1013.70, or s. 1013.737 or distributed to school districts for the Classrooms First Program as provided in s. 1013.68. ~~The such~~ lottery revenues are ~~hereby~~ pledged to the payment of debt

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service on bonds issued by the state pursuant to s. 1013.68, s. 1013.70, or s. 1013.737. Debt service payable on bonds issued by the state pursuant to s. 1013.68, s. 1013.70, or s. 1013.737 shall be payable from, and is secured by a first lien on, the first lottery revenues transferred to the Educational Enhancement Trust Fund in each fiscal year. Amounts distributable to school districts that request the issuance of bonds pursuant to s. 1013.68(3) are ~~hereby~~ pledged to ~~the such~~ bonds pursuant to s. 11(d), Art. VII of the State Constitution.

Section 4. Subsection (9) of section 285.710, Florida Statutes, is amended to read:

285.710 Compact authorization.—

(9) The moneys paid by the Tribe to the state for the benefit of exclusivity under the compact ratified by this section shall be deposited into the General Revenue Fund. The moneys shall be distributed as follows:

(a) One and one-half percent shall be transferred to the Statewide Florida College System institution direct-support organization established in s. 1004.71 and used to fund the Educational Excellence Endowment Fund.

(b) One-half percent shall be transferred to the direct-support organization established in s. 985.672 and used to fund the Juvenile Justice Education and Training Endowment Fund.

(c) Three percent of the amount paid by the Tribe to the ~~state~~ shall be designated as the local government share and shall be distributed as provided in subsections (10) and (11).

Section 5. Paragraph (b) of subsection (2) of section 551.106, Florida Statutes, is amended to read:

551.106 License fee; tax rate; penalties.—

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(2) TAX ON SLOT MACHINE REVENUES.—

(b) The slot machine revenue tax imposed by this section shall be paid to the division for deposit into the Pari-mutuel Wagering Trust Fund for immediate transfer by the Chief Financial Officer for deposit as follows:

1. Ninety-eight percent of the funds shall be deposited into the Educational Enhancement Trust Fund of the Department of Education. Any interest earnings on the tax revenues shall also be transferred to the Educational Enhancement Trust Fund.

2. One and one-half percent of the funds shall be transferred to the Statewide Florida College System institution direct-support organization established in s. 1004.71 and used to fund the Educational Excellence Endowment Fund.

3. One-half percent of the funds shall be transferred to the direct-support organization established in s. 985.672 and used to fund the Juvenile Justice Education and Training Endowment Fund.

Section 6. Paragraph (c) of subsection (13) of section 849.086, Florida Statutes, is amended to read:

849.086 Cardrooms authorized.—

(13) TAXES AND OTHER PAYMENTS.—

(c) Payment of the admission tax and gross receipts tax imposed by this section shall be paid to the division. The division shall deposit these sums with the Chief Financial Officer, 49 percent shall be ~~one-half being~~ credited to the Pari-mutuel Wagering Trust Fund, 49 percent shall be ~~and one-half being~~ credited to the General Revenue Fund, 1.5 percent shall be transferred to the Statewide Florida College System institution direct-support organization established in s.

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1004.71 and used to fund the Educational Excellence Endowment Fund, and 0.5 percent shall be transferred to the direct-support organization established in s. 985.672 and used to fund the Juvenile Justice Education and Training Endowment Fund. The cardroom licensee shall remit to the division payment for the admission tax, the gross receipts tax, and the licensee fees. The ~~Such~~ payments shall be remitted to the division on the fifth day of each calendar month for taxes and fees imposed for the preceding month's cardroom activities. Licensees shall file a report under oath by the fifth day of each calendar month for all taxes remitted during the preceding calendar month. The ~~Such~~ report shall, under oath, indicate the total of all admissions, the cardroom activities for the preceding calendar month, and ~~such~~ other information as may be prescribed by the division.

Section 7. This act shall take effect July 1, 2012.

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Higher Education Committee

BILL: SB 828

INTRODUCER: Senator Wise

SUBJECT: Faith-based Postsecondary Institutions

DATE: January 11, 2012

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Harkey	deMarsh-Mathues	HE	Pre-meeting
2.			BC	
3.				
4.				
5.				
6.				

I. Summary:

Under the provisions of this bill, faith-based postsecondary institutions that are currently exempt from licensure by the Commission for Independent Education would no longer be exempt, but would not be required to be licensed. Rather, postsecondary, faith-based institutions whose students do not receive federal or state financial aid, except for veterans benefits, and institutions accredited by an agency that is not recognized by the United States Department of Education (U.S. DOE) could operate outside the scheme of licensure if they provided a sworn compliance statement to the Office of Independent Education and Parental Choice within the Florida Department of Education (DOE). Thus faith-based postsecondary institutions would report to a K-12 office instead of a postsecondary office. The bill requires the DOE to post the affidavit and a list of institutions on the Internet.

This bill amends ss. 1005.03, 1005.04, 1005.06, and 1005.21, of the Florida Statutes. The bill creates s. 1002.47, of the Florida Statutes.

II. Present Situation:

The Commission for Independent Education (CIE)

Chapter 1005, F.S., governs nonpublic postsecondary education, which include for-profit and non-profit institutions and degree-granting and non-degree-granting institutions. Under s. 1005.31, F.S., every college or postsecondary school operating in Florida must be licensed by the CIE unless the institution is exempt from licensure under s. 1005.06, F.S.¹ Many of these

¹ Postsecondary educational institutions that are not under the jurisdiction of the CIE and are not required to obtain licensure include: a state or federal institution; colleges, schools, or courses for professions requiring licensure such as nursing, dental

institutions are exempt from licensure because another oversight body is responsible for them or because they meet minimum requirements that, if followed, qualify them for exemption from licensure. Consumer protection is emphasized in Florida's governance structure for private postsecondary institutions. The CIE maintains on its website a list of licensed institutions showing the enrollment, graduation, and employment rates of students who attended the institution. The CIE investigates complaints against licensed institutions and produces findings of its investigation.

A religious college may operate without governmental oversight if it annually verifies to the CIE by sworn affidavit that:

- The name of the institution includes a religious modifier;
- The institution offers only educational programs that prepare students for religious vocations;
- The titles of the degrees issued include a religious modifier and cannot be confused with secular degree titles;
- The duration of the degree programs is consistent with the standards of the CIE; and
- The institution's consumer practices are consistent with those required of licensed institutions.

The Office of Independent Education and Parental Choice

Florida affords students in grades K-12 a variety of options for meeting the compulsory attendance requirements. Options outside of traditional public schools include:

- John M. McKay Scholarships for students with disabilities;
- Florida Tax Credit Scholarships for low-income students;
- Opportunity Scholarships for students in struggling public schools;
- Public charter schools;
- Virtual education;
- Magnet schools and career academies; and
- Home education.

All of the programs which fall under the purview of the DOE's Office of Independent Education and Parental Choice involve K-12 education. The office provides varying levels of oversight and information for three scholarship programs.² It administers the Charter School Program Grant and provides training and technical assistance to both charter schools and their sponsoring school districts. The office also provides general information to students, parents, school districts and other stakeholders regarding home education and magnet school options.

hygiene, or real estate brokers; private, non-profit colleges or universities located and chartered in Florida that are accredited by the Southern Association of Colleges and Schools to grant baccalaureate degrees and whose students are eligible to participate in the William L. Boyd, IV, Florida Resident Access Grant Program; any institution that offers only avocational programs or courses, continuing education, or examination preparation programs or courses; any institution that was exempt from licensure prior to July 1, 1982 and was extended exemption in 2001, provided it maintains the original qualifying criteria; a religious college that offers only educational programs that prepare students for religious vocations; and any institution that is regulated by the Federal Aviation Administration, another agency of the Federal Government, or an agency of the state whose regulatory laws are similar in nature and purpose to those of the CIE.

² See ss. 1002.38, 1002.39, 1002.395, and 1002.421, F.S.

Private K-12 schools must register with the DOE by completing an annual survey each year.³ The law explicitly provides that submitting annual survey data and being listed in the directory of private schools should not be used by any private school to imply approval or accreditation by the state.⁴ The Office of Independent Education and Parental Choice receives the annual statements of compliance with these requirements and posts the names of the private schools on its website.⁵ The office is not required to verify the statements of compliance for private schools that are not involved in a scholarship program and it does not do so.⁶

The law also requires owners of private K-12 schools to undergo a criminal background check and makes it unlawful for a person convicted of a crime of moral turpitude to own or operate a private school.⁷ Additionally, a private school that becomes defunct must make provision for the transfer of students' permanent records to the district school board or a private school system or association of which the school was a member.⁸

The Attorney General

The State Constitution establishes the Attorney General as the chief legal officer of the state,⁹ and, as such, the Attorney General pursues legal matters that are of statewide importance. The State Constitution creates the Office of the Statewide Prosecutor in the Office of the Attorney General to prosecute violations of criminal laws occurring in two or more judicial circuits.¹⁰ The Attorney General does not oversee individual, private entities such as educational institutions.

III. Effect of Proposed Changes:

The faith-based postsecondary institutions that are currently exempt from licensure by the CIE would no longer be exempt, but would not be required to be licensed. Rather, postsecondary, faith-based institutions whose students do not receive federal or state financial aid, other than veteran's benefits, and institutions accredited by an agency that is not recognized by the U.S. DOE could operate outside the scheme of licensure if they provided a sworn compliance statement to the DOE's Office of Independent Education and Parental Choice by April 1 of each year. An institution may contract with an education association or certification agency to certify compliance with the requirements of the bill or submit the affidavit on its own. The bill requires the office, which currently administers K-12 choice programs only, to post the affidavit and a list of institutions on the Internet. The office must issue a letter of acknowledgement to an institution that has submitted an affidavit. The wording of the letter is established in the bill.

³ s. 1002.42, F.S. Private schools participating in scholarship programs are subject to the provisions of s. 1002.42, F.S., as well as s. 1002.421, F.S. See also ss. 1002.38, 1002.39, and 1002.395, F.S.

⁴ s. 1002.42(2)(h), F.S.

⁵ See <http://www.floridaschoolchoice.org/Information/PrivateSchoolDirectory/>. Additionally, the DOE is required to maintain and annually update a database of private K-12 schools which includes each school's name, address, and telephone number; the type of school; the names of administrative officers; enrollment by grade or special group (e.g., career education and exceptional child education); number of graduates; number of instructional and administrative personnel; number of days the school is in session; and such data as may be needed to meet the provisions of ss. 1002.42 and 1003.23(2), F.S., related to attendance and enrollment.

⁶ s. 1002.42(2)(h), F.S. E-mail, DOE, January 10, 2012, on file with the Senate Committee on Education Pre-K – 12.

⁷ s. 1002.42(2)(c), F.S.

⁸ s. 1002.42(3)(b), F.S.

⁹ Fla. Const., art. IV, s. 4(b).

¹⁰ *Id.*

The bill requires faith-based postsecondary institutions whose students receive state or federal financial aid, except for veteran's benefits, and institutions accredited by an accrediting agency recognized by the U.S. DOE to seek licensure. The bill does not, however, indicate whether licensure would be sought from the CIE or another licensing body.

The bill prescribes prerequisites for entering degree programs and establishes minimum numbers of credit hours for academic degrees. The bill does not restrict degree titles to those containing a religious modifier but makes provision for associate, bachelor's, master's, and doctoral degree programs. The bill establishes 14 titles that may be used for traditional seminary degrees. While most of the seminary degrees have religious modifiers, such as Master of Divinity and Doctor of Theology, some of the titles, such as Doctor of Education and Doctor of Philosophy are the same as secular degree titles.

The bill requires institutions that offer distance learning programs to approve all instructional materials provided to the students and to make the program available to students who require a nontraditional classroom-based education. The bill authorizes the academic year for distance learning to extend throughout the calendar year.

The bill requires an institution that is accredited by an agency that is not recognized by the United States Department of Education to include a disclaimer to that effect on its publications and website. An institution that issues a license must include on the license a disclaimer stating that the license is not issued by the state or a governmental entity.

Institutions must have policies for nondiscrimination, transfer of credit, and refund of tuition. The bill limits the refund period to 5 business days after the date of first payment and requires all other fees and charges to be listed as non-refundable.

The bill requires the Attorney General to investigate any complaint filed against a faith-based institution and to require the institution to comply with the affidavit required in s. 1002.47(1), F.S., which is created in the bill. The Attorney General is required to prohibit the institution from operating in Florida if it fails to comply with the affidavit.

The bill repeals s. 1005.06(1)(f), F.S., which exempts faith-based institutions from licensure by the CIE and deletes cross-references to such faith-based institutions in chapter 1005, F.S. The effect of the statutory changes to chapter 1005, F.S., is to:

- Remove faith-based postsecondary institutions from the CIE's jurisdiction;
- Remove faith-based postsecondary institutions from the restrictions on the use of the terms "college" and "university" to those that offer degrees;
- Delete the requirement that the faith-based postsecondary educational institutions must follow the CIE's Fair Consumer Practices; and
- Remove from the CIE membership a representative of an exempt, faith-based postsecondary institution and require instead a representative of a faith-based independent college or university licensed by the CIE.

IV. Constitutional Issues:**A. Municipality/County Mandates Restrictions:**

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

Private, faith-based postsecondary education institutions which currently submit an affidavit to the CIE would submit an affidavit to a different office within the DOE. Any cost for revisions to the affidavit likely would be minimal.

C. Government Sector Impact:

The DOE's Office of Independent Education and Parental Choice would incur the cost of overseeing postsecondary institutions, for which the office currently does not have responsibility. The costs would be associated with monitoring the affidavits submitted by institutions and developing and maintaining a website as required by the bill.

The Attorney General would incur the cost of responding to individual complaints about faith-based postsecondary education institutions, which currently is not one of the Attorney General's responsibilities.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Additional Information:

- A. **Committee Substitute – Statement of Substantial Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

- B. **Amendments:**

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.



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LEGISLATIVE ACTION

Senate

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House

The Committee on Higher Education (Siplin) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

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

1002.47 Faith-based postsecondary education institutions.-

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



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13 However, the institution must apply for a license to operate if
14 any student attending the institution is a Florida resident who
15 receives state or federal financial aid for education, excluding
16 students who receive compensation or pension benefits from the
17 Veterans Administration. A new institution may submit its
18 initial affidavit any time during the year, except that
19 subsequent affidavits must be submitted by April 1 of each
20 calendar year.

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

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

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

28
29 LETTER OF ACKNOWLEDGEMENT

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

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



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

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

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

57 1. For an associate degree, 60 semester hours or 90 quarter
58 hours.

59 2. For a graduate of theology degree, 90 semester hours or
60 135 quarter hours.

61 3. For a bachelor's degree, 120 semester hours or 180
62 quarter hours.

63 4. For a master's degree, 30 semester hours or 45 quarter
64 hours above the minimum credit hours required for a bachelor's
65 degree, including a research thesis or project of 6 additional
66 semester hours or 9 quarter hours.

67 5. For a doctorate degree, 30 semester hours or 45 quarter
68 hours above the credit hours required for a master's degree,
69 including a stringent research dissertation of 6 or more
70 additional semester hours or 9 or more quarter hours.



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71 (b) The degree programs offered by a faith-based
72 postsecondary education institution under subparagraphs (a)1.,
73 2., and 3. must include liberal arts and general education
74 courses that include humanities or fine arts, social and
75 behavioral sciences, English or communications, history,
76 philosophy, science or mathematics, and computer literacy when a
77 student lacks computer proficiency.

78 (c) An institution offering college and university degree
79 titles under subparagraphs (a)1.-5. which use the word "in"
80 instead of "of," such as "Associate in Bible," "Bachelor's in
81 Theology," or "Master's in Pastoral Studies," without the terms
82 "Arts," "Science," or "Doctor in Biblical Studies," and degrees
83 without the terms "Philosophy," "Theology," or "Education," are
84 not required to include the liberal arts or general education
85 course requirements under paragraph (b) and may not use the
86 seminary degree titles listed under paragraph (7)(b).

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

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

93 2. For a seminary doctorate degree, 60 to 90 or more
94 semester hours or 90 to 120 or more quarter hours, including a
95 stringent research dissertation or project, above the minimum
96 credit hours for a seminary master's degree.

97 (b) The titles of traditional seminary graduate degrees
98 are:

99 1. Master of Divinity;



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- 100 2. Master of Religious Education;
101 3. Master of Arts in Counseling, Pastoral Studies,
102 Religion, Religious Education;
103 4. Master of Sacred Music;
104 5. Master of Church Music;
105 6. Master of Theological Studies;
106 7. Master of Theology;
107 8. Master of Sacred Theology;
108 9. Doctor of Ministry;
109 10. Doctor of Missiology;
110 11. Doctor of Education;
111 12. Doctor of Musical Arts;
112 13. Doctor of Philosophy; and
113 14. Doctor of Theology.
114 (8) If a faith-based postsecondary education institution
115 offers a distance learning program, it must make the program
116 available to students who require a nontraditional classroom-
117 based education, including digital learning or any type of
118 learning that is facilitated by technology. The institution
119 shall evaluate and approve all instructional materials provided
120 to students through various modalities, along with structured
121 units of information, assigned exercises for practice, and
122 examinations to measure achievement. The academic year for
123 distance learning may be continuous throughout the calendar
124 year.
125 (9) A faith-based postsecondary education institution shall
126 include a disclaimer on its publications and Internet website if
127 the institution is accredited by an agency that is not
128 recognized by the United States Department of Education.



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

(11) Each institution shall have a:

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

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

(c) Written refund policy stating that an enrolled student may receive a full refund of paid tuition only if the student notifies the institution within 5 business days after the date upon which the first payment receipt is issued by the institution. All other fees and charges must be listed as nonrefundable.

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



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postsecondary education institutions that fail to provide the
proof of compliance as required in this subsection.

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

1005.03 Designation "college" or "university".—

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

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

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

1005.04 Fair consumer practices.—

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

(a) Disclose to each prospective student a statement of the
purpose of the ~~such~~ institution, its educational programs and
curricula, a description of its physical facilities, its status
regarding licensure, its fee schedule and policies regarding
retaining student fees if a student withdraws, and a statement
regarding the transferability of credits to and from other
institutions. The institution shall make the required
disclosures in writing at least 1 week prior to enrollment or
collection of any tuition from the prospective student. The



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required disclosures may be made in the institution's current catalog;

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

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

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

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

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

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

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

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



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

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

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

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

(c) Any institution that is under the jurisdiction of the
Department of Education, eligible to participate in the William
L. Boyd, IV, Florida Resident Access Grant Program and that is a
nonprofit independent college or university located and
chartered in this state and accredited by the Commission on
Colleges of the Southern Association of Colleges and Schools to
grant baccalaureate degrees.

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

(e) Any institution that was exempt from licensure in 2001
under s. 246.085(1)(b), Florida Statutes 2001, as long as it
maintains these qualifying criteria: the institution is
incorporated in this state, the institution's credits or degrees
are accepted for credit by at least three colleges that are



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fully accredited by an agency recognized by the United States Department of Education, the institution was exempt under that category prior to July 1, 1982, and the institution does not enroll any students who receive state or federal financial aid for education. Such an institution shall notify the commission and apply for licensure if it no longer meets these criteria.

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

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

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

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

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



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

276
277 ~~The commission may provide such a religious institution a letter~~
278 ~~stating that the institution has met the requirements of state~~
279 ~~law and is not subject to governmental oversight.~~

280 (f)~~(g)~~ Any institution that is regulated by the Federal
281 Aviation Administration, another agency of the Federal
282 Government, or an agency of the state whose regulatory laws are
283 similar in nature and purpose to those of the commission and
284 require minimum educational standards, for at least curriculum,
285 instructors, and academic progress and provide protection
286 against fraudulent, deceptive, and substandard education
287 practices.

288 Section 5. Subsection (2) of section 1005.21, Florida
289 Statutes, is amended to read:

290 1005.21 Commission for Independent Education.—

291 (2) The Commission for Independent Education shall consist
292 of seven members who are residents of this state. The commission
293 shall function in matters concerning independent postsecondary
294 educational institutions in consumer protection, program
295 improvement, and licensure for institutions under its purview.
296 The Governor shall appoint the members of the commission who are
297 subject to confirmation by the Senate. The membership of the
298 commission shall consist of:

299 (a) Two representatives of independent colleges or
300 universities licensed by the commission.

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



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

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

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

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

===== T I T L E A M E N D M E N T =====

And the title is amended as follows:

Delete everything before the enacting clause and insert:

A bill to be entitled
An act relating to faith-based postsecondary institutions; creating s. 1002.47, F.S.; authorizing a faith-based postsecondary education institution to operate without obtaining a license if it submits an affidavit of statutory compliance oversight to the Office of Independent Education and Parental Choice within the Department of Education by a specified date each year; providing an exception; authorizing a new institution to submit its initial affidavit any time during the year; requiring that the Office of Independent Education and Parental Choice or its contracted agent publish the affidavit form and a list of all faith-based postsecondary education institutions that have submitted the affidavit on its



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Internet website; requiring that the office issue a letter of acknowledgement; authorizing an institution to enter into a contract with or designate an education association, certification agency, or an individual agent to submit the affidavit; providing prerequisites for entering a degree program at a faith-based postsecondary education institution; providing an exception if the institution has a written ability-to-benefit admissions policy; providing minimum credit hour requirements for certain degrees; providing that if an institution offers a distance learning program, it must make the program available to certain students; requiring that each institution include a disclaimer on its publications and Internet website if the institution is accredited by an agency that is not recognized by the United States Department of Education; requiring that any license issued by a faith-based postsecondary education institution for the purpose of counseling, preaching, or teaching include a disclaimer stating that the license is ecclesiastical and not state-issued or government-issued; requiring that each institution adopt certain policies regarding nondiscrimination, transferability of credits, and refunds; requiring that the Office of Independent Education and Parental Choice issue a notice requiring that an institution provide proof of compliance with the affidavit of statutory compliance oversight within a specified period if documentation is filed which



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states that the institution has not complied;
requiring that an institution cease operating in the
state if it does not provide proof of compliance
within the required period; requiring that the Office
of Independent Education and Parental Choice post on
its Internet website a list of faith-based
postsecondary education institutions that fail to
provide proof of compliance; amending ss. 1005.03 and
1005.04, F.S.; conforming cross-references to changes
made by the act; amending s. 1005.06, F.S.; deleting
provisions that authorize a religious college to
operate without governmental oversight under certain
circumstances; amending s. 1005.21, F.S., relating to
the Commission for Independent Education; conforming
terminology and a cross-reference; providing an
effective date.

By Senator Wise

5-00481A-12

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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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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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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 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 to
 56 read:

57 1002.47 Faith-based postsecondary education institutions.—
 58 (1) A faith-based postsecondary education institution may

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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 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 receives state or federal
 65 financial aid for education, excluding students who receive
 66 compensation or pension benefits from the Veterans
 67 Administration and institutions that are accredited by an
 68 accrediting agency recognized by the United States Department of
 69 Education. A new institution may submit its initial affidavit
 70 any time during the year, except that subsequent affidavits must
 71 be submitted by April 1 of each calendar year.

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

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

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

79
 80 LETTER OF ACKNOWLEDGEMENT

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

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

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

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

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

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

111 2. For a graduate of theology degree, 90 semester hours or
 112 135 quarter hours.

113 3. For a bachelor's degree, 120 semester hours or 180
 114 quarter hours.

115 4. For a master's degree, 30 semester hours or 45 quarter
 116 hours above the minimum credit hours required for a bachelor's

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degree, including a research thesis or project of 6 additional semester hours or 9 quarter hours.

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

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

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

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

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

2. For a seminary doctorate degree, 60 to 90 or more

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semester hours or 90 to 120 or more quarter hours, including a stringent research dissertation or project, above the minimum credit hours for a seminary master's degree.

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

1. Master of Divinity;

2. Master of Religious Education;

3. Master of Arts in Counseling, Pastoral Studies, Religion, Religious Education;

4. Master of Sacred Music;

5. Master of Church Music;

6. Master of Theological Studies;

7. Master of Theology;

8. Master of Sacred Theology;

9. Doctor of Ministry;

10. Doctor of Missiology;

11. Doctor of Education;

12. Doctor of Musical Arts;

13. Doctor of Philosophy; and

14. Doctor of Theology.

(8) If a faith-based postsecondary education institution offers a distance learning program, it must make the program available to students who require a nontraditional classroom-based education, including digital learning or any type of learning that is facilitated by technology. The institution shall evaluate and approve all instructional materials provided to the students through various modalities, along with structured units of information, assigned exercises for practice, and examinations to measure achievement. The academic

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year for distance learning may be continuous throughout the calendar year.

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

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

(11) Each institution shall have a:

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

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

(c) Written refund policy stating that an enrolled student may receive a full refund of paid tuition only if the student notifies the institution within 5 business days after the date upon which the first payment receipt is issued by the institution. All other fees and charges must be listed as nonrefundable.

(12) If a complaint is filed against any faith-based postsecondary education institution for failure to comply with this section, the Attorney General shall investigate the complaint and require that the institution comply with the affidavit of statutory compliance oversight or prohibit the

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institution from operating in the state.

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

1005.03 Designation "college" or "university".-

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

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

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

1005.04 Fair consumer practices.-

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

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

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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

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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 for
270 establishment and operation under part I of chapter 464, chapter
271 466, 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

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Department of Education, the institution was exempt under that category prior to July 1, 1982, and the institution does not enroll any students who receive state or federal financial aid for education. Such an institution shall notify the commission and apply for licensure if it no longer meets these criteria.

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

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

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

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

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

5. ~~The institution's consumer practices are consistent with~~

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~~those required by s. 1005.04.~~

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

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

Section 5. Subsection (2) of section 1005.21, Florida Statutes, is amended to read:

1005.21 Commission for Independent Education.—

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

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

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

(c) One member from a public school district or Florida

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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.

THE FLORIDA SENATE
APPEARANCE RECORD

Spoke

Jan 12, 2012
Meeting Date

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

Topic Faith-based postsecondary

Bill Number SB 828
(if applicable)

Name Dr. Earle E. Lee

Amendment Barcode _____
(if applicable)

Job Title President

Address 41 N. 20th Street, #17
Street
Haines City FL 33844
City State Zip

Phone 863-422-7650

E-mail eelee@verizon.net

Speaking: ☒ For ☐ Against ☐ Information

Representing Florida Council of Private Colleges

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/20/11)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Higher Education Committee

BILL: SB 832

INTRODUCER: Higher Education Committee

SUBJECT: Open Government Sunset Review/Direct Support Organization/University of Florida

DATE: January 4, 2012

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Harkey	deMarsh-Mathues	HE	Favorable
2.			GO	
3.				
4.				
5.				
6.				

I. Summary:

Section 267.1736(9), F.S., provides a public records disclosure exemption for certain information held by the University of Florida's direct support organization that supports the university's historic preservation and historic preservation education responsibilities for the City of St. Augustine. The exemption applies to the identities of donors or prospective donors who wish to remain anonymous. The exemption is subject to the Open Government Sunset Review Act and will sunset on October 2, 2012, unless reenacted by the Legislature. This bill reenacts the exemption.

This bill amends section 267.1736, Florida Statutes.

II. Present Situation:

Public Records

Article I, s. 24 of the State Constitution, provides that:

Every person has the right to inspect or copy any public record made or received in connection with the official business of any public body, officer, or employee of the state, or persons acting on their behalf, except with respect to records exempted pursuant to this section or specifically made confidential by this Constitution.

The Public Records Law specifies conditions under which public access must be provided to records of the executive branch and other agencies. Section 119.07(1)(a), F.S., states:

Every person who has custody of a public record shall permit the record to be inspected and copied by any person desiring to do so, at any reasonable time, under reasonable conditions, and under supervision by the custodian of the public records.

Unless specifically exempted, all agency records are available for public inspection. The term “public record” is broadly defined to mean:

All documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software, or other material, regardless of the physical form, characteristics, or means of transmission, made or received pursuant to law or ordinance or in connection with the transaction of official business by any agency.

The Florida Supreme Court has interpreted this definition to encompass all materials made or received by an agency in connection with official business, which are used to perpetuate, communicate, or formalize knowledge. All such materials, regardless of whether they are in final form, are open for public inspection unless made exempt.

Only the Legislature is authorized to create exemptions to open government requirements. Exemptions must be created by general law and such law must specifically state the public necessity justifying the exemption. Further, the exemption must be no broader than necessary to accomplish the stated purpose of the law. A bill enacting an exemption may not contain other substantive provisions, although it may contain multiple exemptions that relate to one subject.

The Open Government Sunset Review Act of 1995 establishes a review process for public records exemptions. In the fifth year after enactment of a new exemption or the substantial amendment of an existing exemption, the exemption is repealed on October 2, unless the Legislature reenacts the exemption.

An exemption may be created or expanded only if it serves an identifiable public purpose and is no broader than necessary to meet that purpose. An identifiable public purpose is served if the exemption meets one of the following purposes, and the Legislature finds that the purpose is sufficiently compelling to override the strong public policy of open government and cannot be accomplished without the exemption:

- The exemption allows the state or its political subdivisions to effectively and efficiently administer a governmental program, which administration would be significantly impaired without the exemption;
- The exemption protects information of a sensitive personal nature concerning individuals, the release of which would be defamatory or cause unwarranted damage to the good name or reputation of such individuals, or would jeopardize their safety; or
- The exemption protects information of a confidential nature concerning entities, including, but not limited to, a formula, pattern, device, combination of devices, or compilation of information that is used to protect or further a business advantage over those who do not know or use it, the disclosure of which would injure the affected entity in the marketplace.

The act also requires consideration of the following:

- What specific records or meetings are affected by the exemption?
- Whom does the exemption uniquely affect, as opposed to the general public?
- What is the identifiable public purpose or goal of the exemption?
- Can the information contained in the records or discussed in the meeting be readily obtained by alternative means? If so, how?
- Is the record or meeting protected by another exemption?
- Are there multiple exemptions for the same type of record or meeting that it would be appropriate to merge?

Finally, there is a difference between records that the Legislature has made exempt from public inspection and those that are confidential and exempt. If the Legislature makes a record confidential and exempt, such information may not be released by an agency to anyone other than to the persons or entities designated in the statute. If a record is simply made exempt from disclosure requirements, an agency is not prohibited from disclosing the record in all circumstances.

UF Historic St. Augustine, Inc. (UFHSA)

The 2007 Legislature authorized a direct support organization to assist the University of Florida in carrying out its responsibilities for historic preservation and historic preservation education for the City of St. Augustine and the state. In carrying out its purposes related to historic preservation of state owned historic properties in St. Augustine, the direct support organization is authorized to raise money; apply for and receive grants from federal, state and local governments and private sources; receive, hold, invest, and administer property; and make expenditures to or on behalf of the university. Following the development of a strategic plan for the historic area, the direct support organization was incorporated on June 28, 2010, as UF Historic St. Augustine, Inc. The UFHSA held its first board meeting on February 11, 2011.

According to the university, UFHSA has the following duties for historic preservation and historic preservation education:

- Responding to the state's needs for professionals in historic preservation, archaeology, cultural resources management, cultural tourism, and museum administration;
- Preserving, maintaining, and exhibiting ancient or historical landmarks within the City of St. Augustine, or surrounding areas;
- Assisting, establishing, or operating museums or other places for exhibits of documents and artifacts of historical interest;
- Promoting research, education, and publishing in science, history, literature, music and art relating to historic sites and persons in Florida history;
- To the extent permitted by law, soliciting, and receiving grants, gifts and bequests of money or property from the federal government, state government, foundations, business entities and individuals and holding or disposing of, and investing and reinvesting the same; and
- Acquiring, holding, managing, administering, selling, or in any manner, disposing of, dealing or trading in property of any kind.

Public Records Exemption

Under s. 267.1736(9), F.S., the following information held by UFHSA is exempt from the provisions of s. 119.07(1), F.S., and s. 24(a), Art. I of the State Constitution:

- The identity of a donor or prospective donor to UFHSA who wishes to remain anonymous; and
- All information identifying such donor or prospective donor.

As of June 2011, no funds from the UFHSA have supported preservation activities, and no donors or prospective donors have requested anonymity. Thus, the public records exemption has not been used.

The Open Government Sunset Review of s. 267.1736(9), F.S.

Senate Higher Education Committee professional staff has reviewed the exemption in s. 267.1736(9), F.S., and finds that the exemption meets the requirements for reenactment. The exemption, viewed against the Open Government Sunset Review criteria, protects information concerning individuals and is no broader than is necessary to allow UF Historic St. Augustine, Inc., to carry out its responsibilities for historic preservation and historic preservation education. While UFHSA has not used the public records exemption thus far, if a donor or potential donor to the organization requested anonymity, the exemption would be necessary to protect the information from public disclosure. Given the extensive duties of the organization for historic preservation and historic preservation education, it is likely that UFHSA will have occasion to use the exemption in the future. Accordingly, professional staff recommends that the public records and public meetings exemptions in s. 267.1736(9), F.S., be reenacted.

III. Effect of Proposed Changes:

This bill reenacts and saves from repeal the public records exemption for information held by the University of Florida's direct support organization that supports the university's historic preservation and historic preservation education responsibilities for the City of St. Augustine.

IV. Constitutional Issues:**A. Municipality/County Mandates Restrictions:**

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Additional Information:**A. Committee Substitute – Statement of Substantial Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

By the Committee on Higher Education

589-00846-12

2012832__

1 A bill to be entitled
 2 An act relating to a review under the Open Government
 3 Sunset Review Act; amending s. 267.1736, F.S.;
 4 deleting the repeal of an exemption from public
 5 records requirements for information identifying a
 6 donor or prospective donor to the direct-support
 7 organization established to assist the University of
 8 Florida in the historic preservation of the City of
 9 St. Augustine; saving the exemption from repeal under
 10 the Open Government Sunset Review Act; providing an
 11 effective date.
 12
 13 Be It Enacted by the Legislature of the State of Florida:
 14
 15 Section 1. Subsection (9) of section 267.1736, Florida
 16 Statutes, is amended to read:
 17 267.1736 Direct-support organization.—
 18 (9)(a) The identity of a donor or prospective donor to the
 19 direct-support organization who desires to remain anonymous, and
 20 all information identifying such donor or prospective donor, is
 21 confidential and exempt from the provisions of s. 119.07(1) and
 22 s. 24(a), Art. I of the State Constitution; and that anonymity
 23 must be maintained in the auditor's report. The university and
 24 the Auditor General shall have access to all records of the
 25 direct-support organization upon request.
 26 ~~(b) This subsection is subject to the Open Government~~
 27 ~~Sunset Review Act in accordance with s. 119.15 and shall stand~~
 28 ~~repealed on October 2, 2012, unless reviewed and saved from~~
 29 ~~repeal through reenactment by the Legislature.~~

Page 1 of 2

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

589-00846-12

2012832__

30 Section 2. This act shall take effect October 1, 2012.

Page 2 of 2

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

Speak

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1/12/2012

Meeting Date

Topic NCAA Discussion

Bill Number _____
(if applicable)

Name Dr. Eric Barron

Amendment Barcode _____
(if applicable)

Job Title President

Address Westcott

Phone _____

Street

Tallahassee, FL

City

State

Zip

E-mail _____

Speaking: ☐ For ☐ Against ☒ Information

Representing

Florida State University

Appearing at request of Chair: ☒ Yes ☐ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/20/11)

Spetke

THE FLORIDA SENATE

APPEARANCE RECORD

JAN-12, 2012

Meeting Date

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

Topic NCAA Discussion

Bill Number
(if applicable)

Name Randy Spetman

Amendment Barcode
(if applicable)

Job Title Athletic Director

Address Moore Athletic

Phone

Street

Tallahassee, FL

E-mail

City

State

Zip

Speaking: ☐ For ☐ Against ☒ Information

Representing Florida State University

Appearing at request of Chair: ☒ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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S-001 (10/20/11)