

**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 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.

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

(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.

(2) The Department of Education may contract with the Commission on Independent Education to provide services for independent postsecondary educational institutions not under the jurisdiction of the commission relating to licensure of postsecondary career certificate and diploma programs that such institutions may wish to offer and preliminary review of programs such institutions may wish to offer which are beyond the scope of the institutions' current accreditation status. Upon completion of its review, the commission shall forward its recommendation to the department for final action. The department shall assess the institution seeking such services the cost to the commission of providing such services. Revenues collected pursuant to this provision shall be deposited in the Institutional Assessment Trust Fund.

**History.**--s. 249, ch. 2002-387; s. 98, ch. 2004-357; s. 103, ch. 2007-217