

1989

Session Law 89-040

Florida Senate & House of Representatives

Follow this and additional works at: <https://ir.law.fsu.edu/staff-analysis>



Part of the Legislation Commons

Recommended Citation

House of Representatives, Florida Senate &, "Session Law 89-040" (1989). *Staff Analysis*. 825.
<https://ir.law.fsu.edu/staff-analysis/825>

This Article is brought to you for free and open access by the Florida Legislative Documents at Scholarship Repository. It has been accepted for inclusion in Staff Analysis by an authorized administrator of Scholarship Repository. For more information, please contact efarrell@law.fsu.edu.

B
I
L
L

H
I
S
T
O
R
Y

**H 1575 GENERAL BILL/CS by Higher Education; Graber; Young
(Identical CS/S 874, Similar H 977)**

Academics/False Representation; prohibits misrepresentation of association with, or academic standing at, any postsecondary educational institution through use of false documentation; prohibits persons from making false claims of academic degrees or titles; provides penalties. Amends 817.566, creates 817.567. Effective Date: 10/01/89.

03/29/89 HOUSE Prefiled
04/04/89 HOUSE Introduced, referred to Higher Education -HJ 149
04/20/89 HOUSE On Committee agenda—Higher Education, 04/24/89, 1:30 pm, 214-C—For referral to subcommittee
04/24/89 HOUSE Subreferred to Subcommittee on Planning and Programs; On subcommittee agenda—Higher Education, 04/24/89, 1:45 pm, 214-C; Subcommittee Recommendation: Favorable as a proposed CS; On Committee agenda—Higher Education, 04/26/89, 4:45 pm, 214-C
04/26/89 HOUSE Preliminary Committee Action by Higher Education: Favorable as a CS
04/28/89 HOUSE Comm. Report: CS by Higher Education, placed on Calendar -HJ 310; CS read first time -HJ 310
05/03/89 HOUSE Placed on Special Order Calendar; Read second time -HJ 345
05/04/89 HOUSE Read third time; CS passed; YEAS 113 NAYS 0 -HJ 374
05/09/89 SENATE In Messages
05/16/89 SENATE Received, referred to Judiciary-Criminal -SJ 363; Withdrawn from Judiciary-Criminal; Substituted for CS/SB 874; CS passed; YEAS 39 NAYS 0 -SJ 374
05/18/89 Ordered enrolled
05/25/89 Signed by Officers and presented to Governor -HJ 657
06/01/89 Approved by Governor; Chapter No. 89-40 -HJ 1123

NOTES: Above bill history from Division of Legislative Information's *FINAL LEGISLATIVE BILL INFORMATION, 1989 SESSIONS*. Staff Analyses for bills amended beyond final committee action may not be in accordance with the enacted law. Journal page numbers (HJ & SJ) refer to daily Journals and may not be the same as final bound Journals.

STORAGE NAME: h1575-f.he
DATE: July 13, 1989

HOUSE OF REPRESENTATIVES
COMMITTEE ON HIGHER EDUCATION
FINAL STAFF ANALYSIS & ECONOMIC IMPACT STATEMENT

BILL #: CS/HB 1575

RELATING TO: fraudulent practices: prohibiting misrepresentation of association with, or academic standing at, any postsecondary institution; prohibiting false claims of academic degree or title by an individual

SPONSOR(S): Rep. Graber

EFFECTIVE DATE: October 1, 1989

DATE BECAME LAW: June 1, 1939

CHAPTER #: 89-40, Laws of Florida

COMPANION BILL(S): Identical CS/SB 374

OTHER COMMITTEES OF REFERENCE: (1) None
(2)

I. SUMMARY:

A. PRESENT SITUATION:

Last year the Legislature passed ch. 88-407, prohibiting misrepresentation of association with, or academic standing at, "a state institution of higher education or community college." The statute that was created, s. 817.566, makes it illegal to claim falsely to possess a degree from one of the state universities or community colleges, but does not prohibit such a claim concerning a private institution within the state.

Last year the Legislature passed ch. 88-236, requiring the licensure of dieticians and nutritionists "to ensure that every person who practices dietetics and nutrition in this state meets minimum requirements for safe practice." Florida had previously been fertile ground for anyone who wanted to go into the business of counseling on matters of diet and nutrition.

Now that Florida licenses dieticians and nutritionists, there are those who are attempting to circumvent the law's intent by making use of the exception provided in s. 468.505 (1)(g), which exempts:

A person who markets or distributes food, food materials, or dietary supplements, or any person who engages in the explanation of the use and benefits of those products or the preparation of those products, if that person does not engage

for a fee in dietetics and nutrition practice as defined in this act;

Some of these salespersons call themselves "nutrition consultants" rather than the restricted "nutrition counselor," a practice which arguably could be considered illegal under existing statute. Some are attempting to enhance their credibility and professional stature by claiming academic credentials such as "Doctor of Nutripathy," as well as conventional doctoral titles, obtained through mail-order "diploma mills." Florida has outlawed such institutions within its borders, but does not prevent the recipients of these bogus credentials from coming into the state and claiming these academic titles.

B. EFFECT OF PROPOSED CHANGES:

Committee Substitute for House Bill 1575 would amend the language of s. 817.566 to include "any postsecondary educational institution" within the bounds of the prohibition concerning misrepresentation. The bill also would remove the harsher penalties associated with "habitual misdemeanants," as contained in s. 775.084, for violators of the statute.

CS/HB 1575 would create s. 817.567, making it illegal for an individual to claim an academic degree or title from an institution that is not accredited by an accrediting agency recognized either by the Council on Postsecondary Accreditation or the United States Department of Education (exceptions being made for religious institutions and also those institutions licensed by the State Board of Independent Colleges and Universities). Specifically, it would prohibit an individual awarded a doctoral degree from an institution which does not meet the specified criteria from claiming the title "Dr.," etc.

CS/HB 1575 addresses not only the problem of fraudulent practices within the field of dietetics and nutrition, but addresses more generally the problem of fraudulent claims of academic degree or title.

C. SECTION-BY-SECTION ANALYSIS:

None

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE AGENCIES/STATE FUNDS:

1. Non-recurring or First Year Start-Up Effects:

None

2. Recurring or Annualized Continuation Effects:

None

STORAGE NAME: h1575-f.he

DATE: July 13, 1989

PAGE: 3

3. Long Run Effects Other Than Normal Growth:

None

4. Appropriations Consequences:

None

B. FISCAL IMPACT ON LOCAL GOVERNMENTS AS A WHOLE:

1. Non-recurring or First Year Start-Up Effects:

None

2. Recurring or Annualized Continuation Effects:

None

3. Long Run Effects Other Than Normal Growth:

None

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

1. Direct Private Sector Costs:

None

2. Direct Private Sector Benefits:

None

3. Effects on Competition, Private Enterprise, and Employment Markets:

Enforcement of the proposed legislation would allow for fairer competition within employment markets, while protecting the interests of the public, as well as the interests of private enterprise.

D. FISCAL COMMENTS:

None

III. LONG RANGE CONSEQUENCES:

Committee Substitute for House Bill 1575 is consistent with the State Comprehensive Plan, s. 187.201 (1)(b)2., which states, "Develop effective mechanisms to assess achievement levels."

IV. COMMENTS:

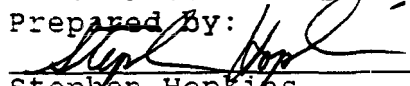
None

STORAGE NAME: h1575-f.he
DATE: July 13, 1989
PAGE: 4

V. SIGNATURES:

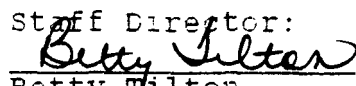
SUBSTANTIVE COMMITTEE:

Prepared by:



Stephen Hopkins

Staff Director:



Betty Tilton

SECOND COMMITTEE OF REFERENCE:

Prepared by:

Staff Director:

APPROPRIATIONS:

Prepared by:

Staff Director:

REVISED: _____

BILL NO. CS/SB 874

DATE: May 1, 1989

Page 1

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

	<u>ANALYST</u>	<u>STAFF DIRECTOR</u>	<u>REFERENCE</u>	<u>ACTION</u>
1.	Rudolph <i>RHP</i>	Liepshutz <i>MLP</i>	JCR _____	FAV/CS _____
2.	_____	_____	_____	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____

SUBJECT: **Fraudulent Practices**

BILL NO. AND SPONSOR:
 CS/SB 874 by Committee on
 Judiciary-Criminal and
 Senator Weinstein

I. SUMMARY:

A. Present Situation:

The 1988 Legislature created a law to penalize misrepresentation of one's association with or academic standing at a state institution of higher education or a community college. ch. 88-407, 1988 Fla. Laws 1712 (codified at s. 817.566, F.S.). Forging, altering or uttering certain academic documents and records from these state schools constitutes a first degree misdemeanor.

Currently, however, this prohibition does not apply to acts of misrepresentation relating to private postsecondary schools.

B. Effect of Proposed Changes:

CS/SB 874 would amend section 817.566, F.S., to penalize acts of misrepresentation of association with or academic standing at any postsecondary educational institution, instead of a state institution of higher learning or community college.

According to the Department of Education, "postsecondary educational institution" would include public and private vocational, technical, trade and business schools, as well as community colleges, colleges and state universities.

Further, CS/SB 874 would delete an obsolete reference to s. 775.084, F.S., relating to habitual misdemeanants.

CS/SB 874 also would create s. 817.567, F.S. prohibiting an individual from claiming, orally or in writing, an academic degree or title from an institution that does not meet certain criteria, such as: (1) accreditation by the United States Department of Education or the Council on Postsecondary Accreditation, (2) operation and support by a state government or the federal government, (3) licensing by the State Board of Independent Colleges and Universities or (4) meeting the statutorily prescribed characteristics of a religious institution.

In addition, the bill would prohibit a person awarded a doctorate degree from an institution which does not meet the specified criteria from claiming, orally or in writing, the title "Dr.," "Ph.D.," or other title which indicates completion of the requirements of a doctorate degree.

These offenses would constitute first degree misdemeanors, punishable by imprisonment of up to one year and a fine of up to \$1,000.

II. ECONOMIC IMPACT AND FISCAL NOTE:

A. Public:

None.

B. Government:

According to the Department of Corrections, the provisions of CS/SB 874 will not produce an impact on the offender population of the department.

To the extent that persons convicted of these offenses are incarcerated in local detention facilities, CS/SB 874 will produce a fiscal impact at the local level. It is suggested, however, that such impact will be minimal.

III. COMMENTS:

None.

IV. AMENDMENTS:

None.