

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

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

Date: January 6, 1998 Revised: _____

Subject: Unrecognized Academic Degrees

	<u>Analyst</u>	<u>Staff Director</u>	<u>Reference</u>	<u>Action</u>
1.	<u>White</u>	<u>O'Farrell</u>	<u>ED</u>	<u>Fav/CS</u>
2.	_____	_____	_____	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____

I. Summary:

This committee substitute would authorize a person to use the title "Dr." or its synonyms even if the person earned a doctorate from an institution that was not licensed, accredited, or recognized by the state. However, the person wishing to use the degree would have to disclose the fact that it was obtained by such an institution.

This bill amends the following section of the Florida Statutes: 817.567.

II. Present Situation:

Section 817.567, F.S., "Making false claims of academic degree or title," provides that it is a second degree misdemeanor to use titles that are generally taken to signify satisfactory completion of the requirements of an academic, educational, or professional program of study without completing such a program of study. The statute lists characteristics of institutions that are qualified to conduct such programs of study and grant degrees. In general, those characteristics are similar to those that would authorize a college to obtain a license from the State Board of Independent Colleges and Universities.

On April 28, 1995, the U.S. District Court for the Southern District of Florida held in Strang v. Satz that s. 817.567, F.S. was unconstitutional under the First Amendment as an unlawful prohibition of truthful speech.

Additionally, the Florida 13th Circuit Court, on September 19, 1996, found in Saavedra v. State of Florida, Case no. 95-7194, that this statute is unconstitutional. Mr. Thomas R. Saavedra, a licensed mental health counselor, obtained a Ph.D. from International College, formerly located in

Los Angeles, an institution that is not recognized or accredited as required in s. 817.567(1)(a)-(e).

The Strang court suggested that the statute would not be unconstitutional if it allowed the speech but required that it disclose the fact that an academic credential was not recognized as valid by the state.

III. Effect of Proposed Changes:

This bill would amend s. 817.567, F.S., to authorize a person to use the title “Dr.” or its synonyms even if the person earned a doctorate from a non-licensed and unaccredited institution. However, the person wishing to use the degree would have to disclose the fact that it was obtained from such an institution. The disclosure would be required to be immediately in conjunction with and to the same level of prominence as the claim.

It would delete the degree title, “D.Th.” from the list of degrees that could be fraudulently used. Under s. 246.083, F.S., a Doctorate in Theology degree may be obtained legally in Florida from colleges in the category of “Authorized to operate” without licensure or accreditation.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. Other Constitutional Issues:

The bill would bring s. 817.567, F.S., into compliance with the First and Fourteenth Amendments of the United States Constitution, in the opinion of the Florida 13th Circuit Court in Strang v. Satz, 884 F.Supp. 504 (S.D. Fla. 1995).

V. Economic Impact and Fiscal Note:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

A person wishing to use a degree title obtained from an institution not recognized by the United States Department of Education or the State of Florida would incur the expense of disclosing that fact either orally or in writing.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Amendments:

None.