

## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** PCB KINS 11-01 Education Law Repeals

**SPONSOR(S):** K-20 Innovation Subcommittee

**TIED BILLS:**           **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
Orig. Comm.: K-20 Innovation Subcommittee	14 Y, 0 N	Fudge	Sherry

### SUMMARY ANALYSIS

The bill repeals sections of law that were never implemented or are no longer funded. The programs include: the Digital Divide Council and the associated Pilot Project for Discounted Computers and Internet Access for Low-Income Students; the Institute on Urban Policy and Commerce; Adult Literacy Centers; and the Florida Literacy Corps.

The bill also repeals a section of law, found unconstitutional, that prohibits any person in the state of Florida from falsely claiming to possess an academic degree, or the title associated with said degree, unless the person has been awarded said degree from an accredited institution.

The bill does not have a fiscal impact on state or local governments.

The bill takes effect upon becoming law.

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. EFFECT OF PROPOSED CHANGES:

The bill repeals sections of law that were never implemented or are no longer funded.

##### Digital Divide Council<sup>1</sup>

The Digital Divide Council was established in 2001 to facilitate the design and implementation of programs to help at-risk families bridge the digital divide. This program is no longer operational. The last annual report produced by the Digital Divide Council occurred in 2008, and the requirement for such report has been repealed. The Department of Education supports repeal of this section.

The bill repeals s. 445.049, F.S., creating the Digital Divide Council.

##### Discounted Computers and Internet Access for Low-Income Students; Pilot Project<sup>2</sup>

This program was enacted in 2006 to assist low-income students in purchasing discounted computers and internet access services. The last appropriation to the pilot project received was in 2006-2007. The Department of Education supports repeal of this section.

The bill repeals s. 1001.291, F.S., which implemented the pilot program for discounted computers and internet access for low-income students.

##### Institute on Urban Policy and Commerce<sup>3</sup>

The Institute on Urban Policy and Commerce was established in 1999 to improve the quality of life in urban communities through research, teaching, and outreach activities. The institute is no longer operational. The last appropriation provided to the institute occurred in 1999-2000. The Florida Agricultural and Mechanical University supports repeal of this section.

The bill repeals s. 1004.50, F.S., creating the Institute on Urban Policy and Commerce at Florida Agricultural and Mechanical University, and makes conforming changes to ss. 1004.51, by repealing the Community and Faith-Based Initiative which was administered by the Institute. The bill makes conforming changes to s. 1004.52, F.S., by removing the role of the Institute to administer the Community computer access grant program pursuant to a performance-based contract with the Division of Library and Information Services of the Department of State. The Division will now administer the program.

##### Adult Literacy Centers<sup>4</sup>

The Adult Literacy Centers were enacted in 1992, to establish and operate Adult Literacy Centers, with the assistance of community colleges and public school districts. The centers were required to identify, contact, counsel, and refer persons considered to be lacking in basic or functional literacy skills or competencies related to prose, document, and quantitative literacy skills to the appropriate private and public agencies. The last appropriation was provided in FY 1999-00, and the statutorily-defined adult literacy centers are no longer in operation. The Department of Education supports repeal of this section.

The bill repeals s. 1004.95, F.S., relating to Adult Literacy Centers.

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<sup>1</sup> Section 445.049, F.S.

<sup>2</sup> Section 1001.291, F.S.

<sup>3</sup> Section 1004.50, F.S.

<sup>4</sup> Section 1004.95, F.S.

## Florida Literacy Corps<sup>5</sup>

The Florida Literacy Corps was enacted in 1992 to offer eligible postsecondary students the opportunity to perform a public service while earning college credit as volunteer tutors for adults who do not possess basic or functional literacy skills. No appropriation has been provided to the Florida Literacy Corps. The Department of Education has not received an annual report, since the Florida Literacy Corps was enacted. The Department of Education supports repeal of this section.

The bill repeals s. 1004.97, F.S., relating to the Florida Literacy Corps.

## Making False Claims of Academic Degree or Title<sup>6</sup>

In 1989, legislation was enacted to prohibit any person in the state of Florida from falsely claiming to possess an academic degree, or the title associated with said degree, unless the person has been awarded said degree from an accredited institution. Florida law specified that a person who violates the law commits a misdemeanor of the first degree and is subject to suspension or revocation of their license or certification to practice an occupation or profession.

In 1995, this provision was found unconstitutional. The court held that prohibiting people from claiming to hold academic degrees or titles unless such degrees or titles had been conferred by accredited institutions violated the First Amendment. A state may not place an absolute prohibition on certain types of misleading information if the information may also be presented in a way that is not deceptive. "A state may consider 'requiring a disclaimer about the certifying organization or the standards of a specialty."<sup>7</sup>

The bill repeals s. 817.567, F.S., relating to Making False Claims of Academic Degree or Title.

### B. SECTION DIRECTORY:

**Section 1:** Repealing s. 445.049, F.S.; relating to the Digital Divide Council.

**Section 2:** Repealing s. 817.567, F.S.; relating to Making False Claims of Academic Degree or Title.

**Section 3:** Repealing s. 1001.291, F.S.; relating to Discounted Computers and Internet Access for Low-Income Students; Pilot Project.

**Section 4:** Repealing s. 1004.50, F.S.; relating to the Institute on Urban Policy and Commerce.

**Section 5:** Conforming s. 1004.51, F.S.; reflecting repeal of s. 1004.50, F.S.

**Section 6:** Conforming s. 1004.52, F.S.; reflecting repeal of s. 1004.50, F.S.

**Section 7:** Repealing s. 1004.95, F.S.; relating to Adult Literacy Centers.

**Section 8:** Repealing s. 1004.97, F.S.; relating to Florida Literacy Corps.

**Section 9:** Providing an effective date of upon becoming law.

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<sup>5</sup> Section 1004.97, F.S.

<sup>6</sup> Section 817.567, F.S.

<sup>7</sup> *See Strang v. Satz*, 884 F.Supp. 504, 510 (U.S. S.D. Fla. 1995).

## II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

### A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

### B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

### C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

### D. FISCAL COMMENTS:

None.

## III. COMMENTS

### A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

The bill does not appear to require counties or municipalities to spend funds or take an action requiring the expenditure of funds.

The bill does not reduce the authority that counties or municipalities have to raise revenues in the aggregate.

The bill does not reduce the percentage of a state tax sharing with counties or municipalities.

2. Other:

None.

### B. RULE-MAKING AUTHORITY:

None.

### C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

#### IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

Not applicable.