

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/HB 747 Resident Status for Tuition Purposes for Persons Serving Outside the State

SPONSOR(S): Post-Secondary Education & Lifelong Learning Subcommittee, McFarland, Harding and others

TIED BILLS: None **IDEN./SIM. BILLS:** SB 1714

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Post-Secondary Education & Lifelong Learning Subcommittee	17 Y, 0 N, As CS	Kiner	Kiner
2) Higher Education Appropriations Subcommittee	13 Y, 0 N	Crowley	Smith
3) Education & Employment Committee			

SUMMARY ANALYSIS

The bill prohibits a person from losing his or her resident status for tuition purposes solely by reason of serving out-of-state as civilian personnel on assignment for the United States Department of State, United States Department of Homeland Security, United States Department of Defense, or while teaching at a United States Department of Defense Dependent School. If such person is a dependent child, he or she would not lose his or her resident status for tuition purposes solely by reason of his or her parents serving in such capacities.

The bill applies to students enrolling at charter technical career centers, career centers operated by school districts, Florida College System institutions, and state universities.

The bill's fiscal impact is negative, but indeterminate. See Fiscal Comments.

The bill is effective July 1, 2021.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Tuition and Out-of-State Fees

Under Florida law, 'tuition' is defined as the basic fee charged to a student for instruction provided by a public postsecondary educational institution in the state.¹ A student who is classified as a 'resident for tuition purposes' is a student who qualifies for the in-state tuition rate.²

An 'out-of-state fee' is the additional fee for instruction provided by a public postsecondary education institution in the state, and is charged to a student who does not qualify for the in-state tuition rate.³

Residents for tuition purposes are charged in-state rates for tuition while non-residents pay out-of-state fees in addition to tuition, unless these costs are exempted or waived.⁴

The resident undergraduate tuition rate for the State University System (SUS) is currently set in statute at \$105.07 per credit hour.⁵ The average cost of resident and nonresident tuition and fees per credit hour is shown below⁶:

State University Tuition & Fees⁷				
Undergraduate Baccalaureate	Standard Tuition (Per Credit Hour)	Average Tuition & Fees (Per Credit Hour)	Standard Tuition (Per 30 Credit Hours)	Average Tuition & Fees (Per 30 Credit Hours)
Resident	\$105.07	\$199.72	\$3,152.10	\$5,991.79
Non-Resident	\$105.07	\$690.63	\$3,152.10	\$20,719.07
Difference	-	\$490.91	-	\$14,727.28

Residency Status for Tuition Purposes

Current law requires students to be classified as residents or nonresidents for the purpose of assessing tuition in postsecondary educational programs offered by charter technical career centers, career centers operated by school districts, Florida College System (FCS) institutions, and state universities. Students pay differing tuition rates based on their status as a resident or nonresident of Florida.⁸

Applicants to a postsecondary institution must meet certain qualifying standards in order to be classified as a resident of Florida for tuition purposes. The applicant, or in the case of a dependent child, his or her parents,⁹ must establish legal residence in Florida and must have maintained legal residence for at

¹ s. 1009.01(1), F.S. Additionally, the definition states that "[a] charge for any other purpose shall not be included within this fee."

² s. 1009.21(1)(g), F.S.

³ s. 1009.01(2), F.S. Adding that "[a] charge for any other purpose shall not be included within this fee."

⁴ s. 1009.24(2), F.S.

⁵ s. 1009.24(4)(a), F.S.

⁶ See State University System of Florida, Tuition and Required Fees, 2020-211.

⁷ *Id.*

⁸ See ss. 1009.22, 1009.23, and 1009.24, F.S. Out-of-state tuition is established by each university board of trustees, subject to the approval of the BOG. Section 1009.24(4)(c), F.S.

⁹ s. 1009.21(1)(f), F.S., defines the term, 'parent' to mean "either or both parents of a student, any guardian of a student, or any person in a parental relationship to a student." The legal residence of a dependent child's parents is prima facie evidence of the dependent child's residence. Section 1009.21(4), F.S.

least 12 consecutive months immediately prior to the applicant's enrollment in a postsecondary institution.¹⁰

Each postsecondary institution determines the residency status of the students who apply for admission to the institution.¹¹ Each applicant must provide to the institution a statement of length of residence and establish that his or her presence in the state is for the purpose of maintaining a bona fide domicile and not as a temporary residence or residence incident to enrollment.¹²

Residency for Tuition Purposes for Active Duty Military Servicemembers

Florida law prohibits a person from losing his or her resident status for tuition purposes solely by reason of serving, or, if such person is a dependent child, by reason of his or her parent or parents serving, in the United States Armed Forces out-of-state.¹³

Florida law also classifies active duty members of the United States Armed Services, their spouses, and their dependent children residing or stationed in Florida at the time of acceptance to a Florida College System institution or state university, as residents for tuition purposes.¹⁴ Such individuals are also classified as residents for tuition purposes if they attend a Florida College System institution or state university within 50 miles of the military establishment where they are stationed at the time of acceptance or if such military establishment is within a county contiguous to Florida.¹⁵ Florida Active drilling members of the Florida National Guard are also classified as residents for tuition purposes.¹⁶

Federal Veteran Education Benefits

Post-9/11 Veterans Educational Assistance Act of 2008

Congress enacted the Post-9/11 Veterans Educational Assistance Act (Act) of 2008, also known as the Post-9/11 GI Bill (GI Bill), which took effect August 1, 2009.¹⁷ The Act provides up to 36 months of educational benefits to veterans and servicemembers and their dependent children.¹⁸

State Veteran Education Benefits and Residency

Florida law requires a state university, Florida College System institution, or a career center to waive out-of-state fees for an honorably discharged veteran of the United States Armed Forces, the United States Reserve Forces, or the National Guard who physically resides in the state while enrolled in the institution, or who uses education assistance provided by the United States Department of Veterans Affairs who physically resides in this state while enrolled in the institution.¹⁹

Florida law waives undergraduate-level tuition and career certificate programs at state universities, Florida College System institutions, and career centers for Florida recipients of the Purple Heart and other combat-related decorations superior in precedence to the Purple Heart, under certain conditions.²⁰

¹⁰ s. 1009.21(2)(a)1., F.S. A legal resident, for purposes of tuition, is a person who has maintained his or her residence in Florida for the preceding year, has purchased a home which is occupied by him or her as his or her residence, or has established a domicile in Florida pursuant to s. 222.17, F.S. Section 1009.21(1)(d), F.S.

¹¹ *Id.*

¹² s. 1009.21(3)(c), F.S.

¹³ s. 1009.21(7), F.S.

¹⁴ s. 1009.21(10), F.S.

¹⁵ *Id.*

¹⁶ *Id.*

¹⁷ Pub. L. No. 110-252, 122 STAT. 2323. The GI Bill has since been amended.

¹⁸ In addition to tuition and fees, educational benefits include payment for housing, books, and supplies.

¹⁹ s. 1009.26(13), F.S.

²⁰ s. 1009.26(8), F.S.

Dependent children and spouses of veterans who died from a service-connected disability or who are 100-percent service-connected permanently and totally disabled may receive scholarships through the Scholarships for Children and Spouses of Deceased or Disabled Veterans program.²¹

Residency Status for Tuition Purposes for U.S. Citizens Outside of the U.S. Department of Defense Dependent School or American International School

Florida law classifies U.S. citizens living outside the United States who are teaching at a Department of Defense Dependent School or in an American International School and who enroll in a graduate level education program which leads to a Florida teaching certificate as residents for tuition purposes.²²

Effect of Proposed Changes

The bill prohibits a person from losing his or her resident status for tuition purposes solely by reason of serving out-of-state as civilian personnel on assignment for the United States Department of State, United States Department of Homeland Security, United States Department of Defense, or while teaching at a United States Department of Defense Dependent School. If such person is a dependent child, he or she would not lose his or her resident status for tuition purposes solely by reason of his or her parents serving in such capacities.

The bill applies to students enrolling at charter technical career centers, career centers operated by school districts, Florida College System institutions, and state universities.

B. SECTION DIRECTORY:

Section 1. Amends s. 1009.21, F.S.; prohibiting the loss of resident status for tuition purposes solely by reason of certain service.

Section 2. Provides an effective date of July 1, 2021.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

See Fiscal Comments.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

See Fiscal Comments.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

The bill prevents a person, or his or her dependent child, from losing his or her classification as a resident for tuition purposes solely by reason of serving outside of the state as civilian personnel on assignment for the United States Department of State, United States Department of Homeland

²¹ s. 295.01, F.S.

²² s. 1009.21(10), F.S.

Security, United States Department of Defense, or while teaching at a United States Department of Defense Dependent School.

D. FISCAL COMMENTS:

The bill has an indeterminate fiscal impact due to the unknown number of students that will qualify for in-state tuition because of this bill. However, for each student that receives the in-state rate, a state university would receive an average of \$199.72 per credit hour in tuition and fees, in lieu of the out-of-state tuition and fee amount, which on average is \$690.63 per credit hour. At a state college, each student that receives the in-state rate, the college would receive an average of \$106.90 per credit hour in tuition and fees, in lieu of the out-of-state tuition and fee amount, which on average is \$389.12 per credit hour. For a career center operated by a school district, each student that receives the in-state rate, the center would receive an average of \$82.87 per hour in tuition and fees, in lieu of the out-of-state tuition and fee amount, which on average is \$334.61 per hour.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable. This bill does not appear to impact county or municipal governments.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

On April 1, 2021, the Post-Secondary Education & Lifelong Learning Subcommittee adopted a proposed committee substitute (PCS) and reported the bill favorably as a committee substitute. The PCS differed from HB 747 in the following ways:

- Placed the bill's proposed changes in a new paragraph (b) of subsection (7); and
- Removed language referencing political appointees.

The bill analysis is drafted to the committee substitute adopted by the Post-Secondary Education & Lifelong Learning Subcommittee.