

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/HB 1243 Determination of Resident Status for Tuition Purposes
SPONSOR(S): State Universities & Private Colleges Appropriations Committee and Tobia
TIED BILLS: **IDEN./SIM. BILLS:** SB 2398

	REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1)	State Universities & Private Colleges Appropriations Committee	13 Y, 0 N, As CS	Howell	Trexler
2)	State Universities & Private Colleges Policy Committee			
3)	Full Appropriations Council on Education & Economic Development			
4)				
5)				

SUMMARY ANALYSIS

The Committee Substitute for HB 1243 revises provisions relating to the determination of resident status for tuition purposes.

The bill makes a technical change in nomenclature, changing “community colleges and state universities” to “the Florida College System and State University System.”

The bill changes the requirement that, for tuition purposes, a child living with an adult relative, other than a parent, who is a Florida resident must have lived with that relative for five years to qualify for resident status. The requirement is reduced to four years.

The bill allows students who have been classified as residents at an institution of higher education to maintain resident status upon transfer to another institution within 12 months of attendance at the prior institution.

The bill provides an effective date of July 1, 2010.

HOUSE PRINCIPLES

Members are encouraged to evaluate proposed legislation in light of the following guiding principles of the House of Representatives

- Balance the state budget.
- Create a legal and regulatory environment that fosters economic growth and job creation.
- Lower the tax burden on families and businesses.
- Reverse or restrain the growth of government.
- Promote public safety.
- Promote educational accountability, excellence, and choice.
- Foster respect for the family and for innocent human life.
- Protect Florida's natural beauty.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Current Situation

Florida Statutes provide for the assessment of tuition and fees for college credit instruction and specify out-of-state fees for nonresident students.¹ Statute also provides guidelines for the determination of residency for tuition purposes in Florida colleges and state universities.²

Institutions within the Florida College System have traditionally been referenced as community colleges or junior colleges.³ With the addition of baccalaureate instruction at certain institutions within the system, Florida Statutes have been amended to reflect this expanded mission with the name Florida College System.⁴

Current law allows for a child to be classified as a resident for tuition purposes if the child has lived for five years with an adult relative who is not the child's parent, provided that the adult relative has maintained legal residence in Florida for at least twelve months prior to the child enrolling in an institution of higher education.⁵

Current law also requires that each institution of higher education shall affirmatively determine that an applicant who has been granted admission to that institution as a Florida resident meets the residency requirements at the time of initial enrollment.⁶

While law provides for the establishment of residency for tuition purposes, currently there is no provision for residency established at one institution of higher education to carry over to another.

¹ Sections 1009.23 and 1009.24, F.S.

² Section 1009.21, F.S.

³ Section 1004.66, F.S.

⁴ Sections 1000.21 and 1001.60(2), F.S.

⁵ Section 1009.21(2)(b), F.S.

⁶ Section 1009.21(3)(c), F.S.

Effect of Proposed Changes

CS for HB 1243 changes the terminology used in current statute to “the Florida College System and the State University System,” conforming to section 1001.60(2), Florida Statutes.

The bill changes the requirement that, for tuition purposes, a child living with an adult relative, other than a parent, who is a Florida resident must have lived with that relative for five years to qualify for resident status. The requirement is reduced to four years, and maintains the provision that the adult relative has maintained legal residence in Florida for at least twelve months prior to the child enrolling in an institution of higher education.

The bill allows a student who has already established residency at one institution to maintain residency status upon transfer to another institution within twelve months of having attended the prior school. This removes from both students and institutions the burden of reestablishing residency and conforms to current Board of Governors regulation⁷ and State Board of Education rule.⁸

B. SECTION DIRECTORY:

Section 1. Amends s. 1009.21, F.S., revising provisions relating to the establishment residency for tuition purposes; conforming terminology; reducing the five-year requirement for children living with resident, non-parent relatives; allowing students to maintain established resident status upon transfer.

Section 2. Provides an effective date of July 1, 2010.

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.

⁷ Board of Governors Regulation 7.005.

⁸ State Board of Education Rule 6A-10.044.

D. FISCAL COMMENTS:

The fiscal impact of the bill is insignificant. Streamlining the process for establishing or maintaining resident status might lead to the collection of less out-of-state fee revenue. It may also lead to more resident students enrolling in classes and, therefore, collection of more tuition and fees. To the extent the changes result in more students being classified as residents, there may be a future cost of an indeterminate amount to the state. Streamlining the process should also eliminate unnecessary costs associated with documentation and classification of residency for schools and students.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

This bill does not appear to require counties or municipalities to take an action requiring the expenditure of funds, reduce the authority that counties or municipalities have to raise revenue in the aggregate, nor reduce the percentage of state tax shared with counties or municipalities.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COUNCIL OR COMMITTEE SUBSTITUTE CHANGES

On March 26, 2010, the State Universities & Private Colleges Appropriations Committee reported Proposed Committee Substitute for HB 1243 favorably with no amendments.