

STORAGE NAME: h0253a.sa.doc
DATE: January 8, 2002

**HOUSE OF REPRESENTATIVES
AS REVISED BY THE COMMITTEE ON
STATE ADMINISTRATION
ANALYSIS**

BILL #: HB 253
RELATING TO: Educational benefits for children of slain law enforcement officers and firefighters
SPONSOR(S): Representative Gibson and others
TIED BILL(S): None

ORIGINATING COMMITTEE(S)/COUNCIL(S)/COMMITTEE(S) OF REFERENCE:

- (1) COLLEGES & UNIVERSITIES YEAS 11 NAYS 0
 - (2) STATE ADMINISTRATION YEAS 4 NAYS 0
 - (3) EDUCATION APPROPRIATIONS
 - (4) COUNCIL FOR LIFELONG LEARNING
 - (5)
-

I. SUMMARY:

Currently, the state waives tuition, matriculation, and other registration fees for 120 hours of baccalaureate (i.e., undergraduate) study undertaken by the children of law enforcement officers, correctional officers, correctional probation officers, or firefighters killed in the line of duty. This study must be done at a state (rather than a private) school.

The children of any such officers or firefighters *intentionally* killed since 1980 are eligible for the benefits. Beginning in 1990, the children of officers or firefighters *accidentally* killed were also made eligible. To be eligible, the killing may not be a suicide or the result of a self-inflicted wound.

HB 253 expands these educational benefits beyond baccalaureate study, to additionally include waivers for studies toward a graduate degree (a Masters or Ph.D.), or a postbaccalaureate professional degree (e.g., a medical, dental, or veterinary degree). In order to be eligible for the waivers for graduate or postbaccalaureate professional degree study, the child must be determined to be, *at the time of application*, a resident of the state for tuition purposes. Eligibility for waivers for graduate and postbaccalaureate professional degree study continues until the child's 29th birthday.

As of 2000, according to the Florida Department of Law Enforcement (FDLE) and the State Fire College, there have been a total of 103 law enforcement officers, correctional officers, correctional probation officers, and firefighters killed in the line of duty under the circumstances and within the time frames that make their children eligible for the educational waivers. According to Florida Department of Education (DOE), the current, one-year (2000-2001) benefit for baccalaureate fee waivers for children of officers or firefighters killed in the line of duty totals \$15,812. Cumulatively, since 1996, the state has granted 27 waivers for 13 students, for a total of \$23,809.

The amount of fees which would need to be waived in pursuit of a graduate or professional degree varies from just over \$4,000 per year (graduate study in any of several academic areas), to almost \$13,000 per year (medical). The number of eligible persons who may take advantage of the benefits provided for in this bill, and the degree they might pursue, is unknown. Consequently, the fiscal impact on the state universities in terms of the loss of fee revenues is indeterminate.

The effective date of the bill is July 1, 2002.

II. SUBSTANTIVE ANALYSIS:

A. DOES THE BILL SUPPORT THE FOLLOWING PRINCIPLES:

- | | | | |
|-----------------------------------|---|-----------------------------|---|
| 1. <u>Less Government</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 2. <u>Lower Taxes</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 3. <u>Individual Freedom</u> | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> | N/A <input type="checkbox"/> |
| 4. <u>Personal Responsibility</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 5. <u>Family Empowerment</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |

For any principle that received a "no" above, please explain:

B. PRESENT SITUATION:

Sections 112.19 and 112.191, F.S., provide for certain death benefits to the beneficiaries or to the estate of a law enforcement, correctional, or correctional probation officer or firefighter killed in the line of duty. The benefits apply to officers or firefighters *intentionally* killed since 1980, and beginning in 1990, the benefits also apply to officers or firefighters *accidentally* killed. The killing may not be a result of a suicide or the result of a self-inflicted wound.

Under the aforementioned circumstances, the state waives the cost of tuition¹ and matriculation² and registration³ fees at a Florida public postsecondary institution⁴ for a total of 120 credit hours for the child of a deceased officer or firefighter. The child must comply with the ordinary and minimum requirements of the institution attended, both as to discipline and scholarship. Benefits continue until a child's 25th birthday. The State University System (SUS) reports that for 2000-2001, 12 waivers valued at \$9,939 were provided to 5 undergraduate students, and the Community College System reports waivers valued at \$5,873 for 2000-2001.

Data from the Florida Department of Law Enforcement indicate that 78 municipal, county, state, and university officers were killed in the line of duty from 1980-2000. Representatives with the Division of State Fire Marshall indicate that 20 firefighters were killed in the line of duty from 1990-2000. Representatives of the Department of Corrections report five correctional and correctional probation officers having been killed in the line of duty since 1980.

In addition to the fees described as "registration fees" for purposes of the Florida Prepaid College Program, s. 240.235, F.S, authorizes each university to establish and collect separate activity and service, health, and athletic fees⁵ as component parts of the registration and tuition fees. The Division of Colleges & Universities staff reports that matriculation and required fees (building, student financial aid, and capital improvement) for a resident full-time graduate or professional

¹ Section 228.041(33), F.S., defines "tuition" as the *additional* fee for instruction provided by a Florida public postsecondary education institution, which fee is charged to non-Florida students.

² Section 228.041(32), F.S., defines "matriculation fee" as the basic fee charged to a student for instruction provided by a Florida public postsecondary education institution.

³ Section 240.551(2), F.S., defines "registration fee" for purposes of the Florida Prepaid College Program as the matriculation fee, the financial aid fee, the building fee, and the Capital Improvement Trust Fund fee.

⁴ A state vocational-technical school, state community college, or state university

⁵ Sometimes termed "local" fees.

school student (24 credit hours) for 2001-2002 by level and program at a state university are as follows:

Level/Program

Graduate	\$ 4,041.56
Law	\$ 4,416.12
Medical	\$12,375.31
Dental	\$10,901.48
Vet. Medicine	\$ 9,304.54

In addition, each individual institution in the SUS levies certain statutorily authorized fees, the amount of which varies from institution to institution. The *average* for these local fees, across the SUS, per credit hour, are:

- Activity & Service Fee - \$8.96
- Athletic Fee - \$7.52
- Health Fee - \$5.06

C. EFFECT OF PROPOSED CHANGES:

The bill expands the current educational benefits (fee waivers for baccalaureate study) available to the children of officers or firefighters killed in the line of duty, to additionally include fee waivers for studies toward a graduate degree (Masters or Ph.D.), or a postbaccalaureate professional degree (e.g., medical, dental, veterinary).

Specifically, the bill provides for the waiver of tuition,⁶ matriculation, and other statutorily authorized fees incurred while the child continues to fulfill the professional requirements associated with the graduate or postbaccalaureate professional degree program. The applicant child must be determined to be, *at the time of application*, a resident of the state for tuition purposes. Eligibility for these benefits continues until the child's 29th birthday.

D. SECTION-BY-SECTION ANALYSIS:

See above.

III. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

State universities will not receive revenue (tuition and fees normally paid by the student) that they otherwise might receive for these students' enrollment.

⁶ Since under this bill, eligibility for fee waivers for graduate or professional studies is conditioned upon the applicant being a state resident, tuition fees would not be assessed against anyone eligible for this benefit, in the first place. "Tuition" is only assessed against out-of-state students.

2. Expenditures:

Division of Colleges & Universities indicates that any expenditures necessary to update the data collection systems at each university and at the Division of Colleges & Universities will be minimal.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

Children of officers or firefighters who are killed in the line of duty who choose to pursue a graduate or post-baccalaureate professional degree will not be required to pay tuition, matriculation, or other statutorily authorized fees.

D. FISCAL COMMENTS:

The number of eligible persons who may take advantage of the fee waivers to pursue graduate or professional degrees is unknown. Consequently, the fiscal impact on the state universities in terms of the loss of fee revenues is indeterminate. Undergraduate waivers for children of officers or firefighters killed in the line of duty totaled \$15,812 for 2000-2001. The State University System (SUS) reports that 12 waivers valued at \$9,939 were provided to 5 undergraduate students, and the Community College System reports waivers valued at \$5,873 for 2000-2001. Cumulatively, since 1996, the state has granted 27 waivers for 13 students, for a total of \$23,809.

The Division of Colleges & Universities staff reports that tuition and required fees (building, student financial aid, and capital improvement) for a resident full-time graduate or professional school student (24 credit hours) for 2001-2002 by level and program at a state university are as follows:

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Graduate	\$ 4,041.56
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Data from the FDLE indicate that 78 municipal, county, state, and university officers were killed in the line of duty from 1980-2000. Representatives with the Division of State Fire Marshall state that 20 firefighters were killed in the line of duty from 1990-2000. Representatives of the Department of Corrections report that five correctional and correctional probation officers were killed in the line of duty since 1980. This equals a total of 103 deaths which have created eligibility for waivers.

IV. CONSEQUENCES OF ARTICLE VII, SECTION 18 OF THE FLORIDA CONSTITUTION:

A. APPLICABILITY OF THE MANDATES PROVISION:

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

B. REDUCTION OF REVENUE RAISING AUTHORITY:

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

C. REDUCTION OF STATE TAX SHARED WITH COUNTIES AND MUNICIPALITIES:

This bill does not reduce the percentage of a state tax shared with counties or municipalities.

V. COMMENTS:

A. CONSTITUTIONAL ISSUES:

None.

B. RULE-MAKING AUTHORITY:

None.

C. OTHER COMMENTS:

"STATUTORILY AUTHORIZED FEES"

The phrase "other statutorily authorized fees" is not a defined term. Therefore, it is not clear as to exactly what this will cover. However, the DOE reports that all required fees assessed by any state educational institution must be statutorily authorized.

POST-GRADUATE STUDY NOT RESULTING IN A DEGREE

Division of Colleges & Universities staff indicates that several state universities offer postbaccalaureate programs that are not degree programs and do not lead to a professional degree in law, medicine, dentistry or veterinary science. Specifically, some of the state-approved initial educator preparation programs are postbaccalaureate programs that do not culminate in a master's degree. If it is the sponsor's intent, or the Legislature's will, that such scenarios be eligible for fee waivers, an amendment would be needed to include these programs in the eligible programs.

"CHILDREN"

"Children" is not defined in the current statutes providing for fee waivers for the "children of the deceased..."⁷ This leaves as an open question whether adopted children, step-children, or unrelated children living under the same roof and being supported by the officer or firefighter,

⁷ s. 112.19(3), F.S., and s. 112.191(3), F.S.

should be considered "children" for the purposes of determining eligibility for the waivers. Inquiries made to the DOE, selected state universities, and the Comptrollers' office appear to indicate that they deal with the question by treating the phrase "children" as if it read: "dependent children." This means that they view anyone listed as a dependent child on the slain officer's or firefighter's federal tax returns as eligible. *There could be some benefit in amending the statute to conform to that practice.*

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

The House Committee on State Administration passed HB 253 with two amendments. The amendments corrected two minor (non-substantive) errors, occurring in two places in the bill. Specifically, the amendments removed reference to tuition as something that will be waived (since the bill requires the benefit recipients to be state residents, and state residents get charged only matriculation fees, and NOT tuition fees), and also corrected a terminology error.

VII. SIGNATURES:

COMMITTEE ON COLLEGES & UNIVERSITIES:

Prepared by:

Maria L. Eckard

Staff Director:

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AS REVISED BY THE COMMITTEE ON STATE ADMINISTRATION:

Prepared by:

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