

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. DOES THE BILL:

- | | | | |
|--------------------------------------|---|--|------------------------------|
| 1. Reduce government? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> | N/A <input type="checkbox"/> |
| 2. Lower taxes? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input type="checkbox"/> |
| 3. Expand individual freedom? | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> | N/A <input type="checkbox"/> |
| 4. Increase personal responsibility? | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> | N/A <input type="checkbox"/> |
| 5. Empower families? | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> | N/A <input type="checkbox"/> |

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

Increased administrative costs may be incurred in determining whether or not a student meets the criteria and is eligible to receive the exemption provided by the bill.

B. EFFECT OF PROPOSED CHANGES:

Current law requires students to be classified as residents or nonresidents for the purpose of assessing tuition in community colleges and state universities. Classification as a resident for tuition purposes is also an eligibility criteria for participation in certain financial assistance programs such as the Florida Bright Futures Scholarship Program, the Florida Student Assistance Grant (FSAG) program, and the Florida Resident Access Grant (FRAG) Program.

HB 119 amends section 1009.21, Florida Statutes, relating to determination of residency for tuition purposes to expand the categories of students classified as residents for tuition purposes to include:

1. certain active duty members of a foreign nation’s military and their spouses and dependent children; and
2. full-time employees of specified international multilateral organizations based in Florida and their spouses and dependent children.

The bill also provides an exemption from paying nonresident tuition at public postsecondary institutions to any student, other than a nonimmigrant alien within the meaning of Title 8 U.S.C. § 1101(a)(15), who meets the following requirements:

1. The student has resided in Florida with a parent for at least three consecutive years immediately preceding the date the student received a high school diploma or its equivalent and has attended a Florida high school for at least three consecutive school years during such time.
2. The student has provided the community college or state university an affidavit stating that the student will file an application to become a permanent resident of the United States at the earliest opportunity the student is eligible to do so.

Section 1101 of Title 8 U.S. Code provides definitions for terms relating to aliens and nationality and defines the term “immigrant” to mean every alien except an alien who falls into one of a series of classes described as nonimmigrant aliens.¹

Pursuant to a 1990 consent decree, public schools in Florida are specifically prohibited from inquiring, recording, and maintaining information on the immigration status of foreign-born students. There is

¹ These classes include, for instance, foreign diplomats and their dependents, temporary business or tourist visitors, crew of merchant vessels and civil aircraft, and foreign students having *bona fide* residences abroad that they do not intend to abandon, among others. See 8 U.S.C. § 1101(a)(15).

also no estimate of the number of students who have graduated from Florida high schools in the past and would now meet the requirements of this bill. Consequently, complete information on the number of individuals who may be covered by the provisions of this bill is not available.

The bill also reenacts section 1009.40, Florida Statutes, relating to general requirements for eligibility for state financial aid awards.

C. SECTION DIRECTORY:

Section 1. Amends s. 1009.21, F.S., to classify certain foreign military personnel and multilateral organization employees and their families as residents for tuition purposes; provides certain students an exemption from paying nonresident tuition.

Section 2. Reenacts paragraph (a) of subsection (1) of s. 1009.40, F.S., regarding general requirements for student eligibility for state financial aid, for the purposes of incorporating the amendment to s. 1009.21, F.S., in a reference thereto.

Section 3. Provides an effective date upon becoming law.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

To the extent that new students enroll in state universities and public community colleges because of the reduced cost to such students, public institutions may experience an increase in fee revenues.

2. Expenditures:

The extent to which new students who choose to enroll represent a workload increase for public postsecondary institutions is indeterminate. The impact of such students on funding required or award amount for programs such as Bright Futures, FSAG, and FRAG is also indeterminate.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

2. Expenditures:

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

Students who, in the past, may have been unable to afford a postsecondary education will have expanded educational opportunities.

D. FISCAL COMMENTS:

The fiscal impact of the bill is indeterminate.

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, does not appear to reduce the authority that counties or municipalities have to raise revenue in the aggregate, and does not appear to reduce the percentage of state tax shared with counties or municipalities.

2. Other:

B. RULE-MAKING AUTHORITY:

C. DRAFTING ISSUES OR OTHER COMMENTS:

IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES

On April 16, 2004, the Subcommittee on Education Appropriations recommended HB 119 with two amendments. Amendment one deletes the word "exemption" from the subsection title in section 1009.21, Florida Statutes, because amendment number two removes that provision. Amendment two creates a new subsection in section 1009.25, Florida Statutes, to provide an exemption from paying nonresident tuition at public postsecondary institutions to any student, other than a nonimmigrant alien within the meaning of federal law, who meets certain requirements. Amendment two also deletes the original bill language that reenacts section 1009.40, Florida Statutes, relating to general requirements for eligibility for state financial aid awards.