

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. DOES THE BILL:

- | | | | |
|--------------------------------------|---|--|---|
| 1. Reduce government? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 2. Lower taxes? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" 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 type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 5. Empower families? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |

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

To the extent that the bill increases the number of eligible institutions and students who may receive tuition assistance under FRAG or ABLE, it may require additional state spending, which cannot be said to be a reduction in government. However, the additional spending may provide additional opportunities for Florida citizens to obtain baccalaureate degrees.

B. EFFECT OF PROPOSED CHANGES:

FRAG:

- The William L. Boyd, IV, Florida Resident Access Grant Program (FRAG) is not related to a student’s financial need or other criteria upon which financial aid programs are based. Therefore, the Florida Legislature does not consider FRAG to be a financial aid program but rather a tuition assistance program for citizens.
- FRAG is administered through the Department of Education and the State Board of Education adopts rules for the administration of the program.
- A person is eligible to receive a FRAG if:
 - They meet the general requirements, including residency, for student eligibility as provided in s. 1009.40, except as otherwise provided in this section; and
 - They are enrolled as a full-time undergraduate student at an eligible college or university; not enrolled in a program of study leading to a degree in theology or divinity; and are making satisfactory academic progress as defined by the college or university in which they are enrolled.
- The amount each eligible student receives is determined by the General Appropriations Act.
- Section 1009.89(3), F.S., provides guidelines for receiving Florida resident access grants (FRAG). An eligible FRAG institution must be an independent, nonprofit college or university located and chartered in Florida; be accredited by the Southern Association of Colleges and Schools (SACS); grant baccalaureate degrees; be other than a state university or state community college; and have a secular purpose.
- This bill removes the “secular purpose” limitation, expanding current institutional eligibility to 3 additional universities identified by the Office of Student Financial Assistance and the Commission for Independent Education.
- They are Florida Christian College, The Baptist College of Florida, and St. John Vianney College Seminary. Self-reported institutional enrollment of full-time, baccalaureate degree-seeking resident undergraduates was 190, 454, and 59 students, respectively.

ABLE:

- The Access to Better Learning and Education Grant Program (ABLE) is not related to a student’s financial need or other criteria upon which financial aid programs are based. Therefore, the Florida Legislature does not consider ABLE to be a financial aid program but rather a tuition assistance program for citizens.

- ABLE is administered by the Department of Education and the State Board of Education adopts rules for the administration of the program.
- A person is eligible to receive a ABLE if:
 - They meet the general requirements, including residency, for student eligibility as provided in s. 1009.40, except as otherwise provided in this section; and
 - They are enrolled as a full-time undergraduate student at an eligible college or university in a program of study leading to a baccalaureate degree; not enrolled in a program of study leading to a degree in theology or divinity; and are making satisfactory academic progress as defined by the college or university in which they are enrolled.
- Section 1009.891(3), F.S., provides guidelines for receiving the Access to Better Learning and Education grants (ABLE). An eligible ABLE institution must be a for-profit college or university located in and chartered by Florida; be accredited by SACS; or be a nonprofit college or university that is chartered out of state but has been located in Florida for at least 10 years and that is accredited either by SACS, the Middle States Association of Colleges and Schools, the North Central Association of Colleges and Schools, or the New England Association of Colleges and Schools. These institutions cannot not be a state university or community college; must grant baccalaureate degrees; and must have a secular purpose.
- ABLE became law in 2003, but the Legislature has not appropriated funding to the program in the General Appropriations Act. If funding were appropriated, the statute makes only for profit-colleges or universities eligible for funding in the first year. Nonprofit colleges or universities are eligible for financial support in the second year of funding.
- This bill removes the “secular purpose” limitation, expanding the number of second year eligible postsecondary institutions from 9, eligible in 2003, to 10.
- Based on 2003-04 institutional self-reported information, there would be no additional institutions eligible to participate in ABLE in the first year of funding under the bill.
- Removing “secular purpose” for the second year of funding for institutional participation would expand eligibility to one additional institution, Trinity International University. The ten identified nonprofit institutions that would be eligible to participate in the second year implementation of the ABLE grant program are:

1. Carlos Albizu University
2. Columbia College
3. Johnson and Wales University
4. National Louis University
5. New York Institute of Technology
6. Northwood University
7. Union Institute and University
8. University of St. Francis
9. Webster University
10. Trinity International University

The bill reenacts ss. 282.105(4), 1009.57(2), and 1009.765, F.S., incorporating the amendment to s. 1009.89, F.S.

C. SECTION DIRECTORY:

Section 1: Amends subsection (3) of s. 1009.89, F.S., removing the secular purpose limitation on FRAG.

Section 2: Amends subsection (3) of s. 1009.891, F.S., removing the secular purpose limitation on ABLE.

Section 3: Reenacts ss. 282.105(4), 1009.57(2), and 1009.765, F.S., incorporating the amendment to s. 1009.89, F.S.

Section 4: Provides that the act shall take effect upon becoming law.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

This bill does not appear to have a fiscal impact on state revenues.

2. Expenditures:

This bill expands eligibility to additional universities, resulting in a possible need for additional funding. Please see Fiscal Comments.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

This bill does not appear to have a fiscal impact on local revenues.

2. Expenditures:

This bill does not appear to have a fiscal impact on local expenditures.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None

D. FISCAL COMMENTS:

FRAG: Removing the secular purpose limitation from FRAG would expand eligibility to 3 additional universities. Currently there are 28 eligible participating institutions in the FRAG program. These three additional universities are Florida Christian College, The Baptist College of Florida, and St. John Vianney College Seminary. Assuming funding at the current 2003-2004 level of \$2,251 per student, these institutions with a total of 703 resident students would require additional FRAG funds of \$1,582,453.

ABLE: If the Legislature decides to appropriate funds for ABLE, the first year of funding only includes for-profit colleges or universities that meet the requirements of 1009.891(3), F.S., and would allow 3 schools to receive funding. In the second year of appropriating funds to ABLE institutional eligibility is expanded to include nonprofit colleges or universities, with 9 schools eligible to receive funding. The removal of the secular purpose limitation would result in 1 additional institution in the second year, Trinity International University, which has 126 students eligible for an ABLE grant.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

The bill does not require a city or county to spend funds or to take any action requiring the expenditure of funds.

2. Other:

The bill appears to be consistent with United States Supreme Court precedent stated in *Zelman v. Simmons-Harris*, 122 S.Ct. 2460 (2002) and *Locke v. Davey*, 2004 WL 344123. The bill is subject to review under the provisions of the State Constitution and may be affected by the precedent to be established by the First District Court of Appeal in the pending case of *Bush v. Holmes*, Case No. 1D02-3160. The court has not issued an opinion in the case as of the date of this analysis.

B. RULE-MAKING AUTHORITY:

None

C. DRAFTING ISSUES OR OTHER COMMENTS:

None

IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES