

# SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

---

Prepared By: Education Appropriations Committee

---

BILL: CS/SB 122

INTRODUCER: Education Appropriations Committee, Senators Fasano and Lynn

SUBJECT: Tuition Waivers/Purple Heart and Superior Combat Decorations

DATE: March 14, 2006

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Brown</u>	<u>Matthews</u>	<u>ED</u>	<u>Favorable</u>
2.	<u>Vickers</u>	<u>Yeatman</u>	<u>CA</u>	<u>Favorable</u>
3.	<u>Riti</u>	<u>Newman</u>	<u>EA</u>	<u>Fav/CS</u>
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

---

## I. Summary:

This bill grants fee waivers to recipients of the Purple Heart or combat decorations superior to the Purple Heart, provided that certain conditions are met, including state residency and admission to a state university or community college on a full-time, part-time, or summer-school basis. It also provides for a percentage cap on the number of credit hours the tuition waiver may be applied.

This bill substantially amends section 1009.26 of the Florida Statutes.

## II. Present Situation:

### Chapter 1009, F.S.

Chapter 1009, F.S., addresses educational scholarships, fees, and financial assistance for attendance to public postsecondary educational institutions. The term "tuition" is defined as:

The basic fee charged to a student for instruction provided by a public postsecondary educational institution in this state.<sup>1</sup>

School districts and community colleges are authorized to waive fees for any student, provided that the school district or community college does not exceed the amount authorized annually in the General Appropriations Act.<sup>2</sup> Section 1009.26, F.S., specifically provides fee waivers for universities and community colleges for the following:

---

<sup>1</sup> s. 1009.01(1), F.S.

<sup>2</sup> s. 1009.26(1), F.S.

- Persons who supervise student interns for a state university;
- Full-time university employees;
- Persons who are at least 60 years old;
- Graduate students enrolled in certain psychology programs,
- Students subject to out-of-state fees in certain conditions;
- Certain spouses of deceased state employees; and
- Certain members of the active Florida National Guard.<sup>3</sup>

Separate legislative authority exists for fee waivers for state employees, subject to an employee's agency head or equivalent approval, as well as space availability.<sup>4</sup> State employees are defined as employees of the executive, legislative, and judicial branches of the state, excluding state university employees.<sup>5</sup> Administrative costs only are reimbursed on a pro rata basis from funds appropriated by the Legislature.<sup>6</sup>

All students enrolled in vocational certificate programs or college credit programs at community colleges or state universities are charged fees except for those students who receive fee exemptions or waivers.<sup>7</sup>

In addition, section 1009.25(2), F.S., specifically provides fee exemptions for school districts that provide postsecondary career programs, universities, and community colleges for the following:

- Students enrolled in dual enrollment or early admission programs;
- Students enrolled in approved apprenticeship programs;
- Students who have been determined eligible for the Road-to-Independence Scholarship;
- Students enrolled under the welfare transition program;
- Students who lack a fixed, regular, and adequate nighttime residence; and
- Students who are proprietors, owners, or workers of companies impacted by the buy-out of property around Lake Apopka by the State of Florida;<sup>8</sup>

### **Chapter 295, F.S.**

Chapter 295, F.S., provides educational benefits for children of certain deceased or disabled military personnel.

Funds are authorized to be used to pay for tuition, registration fees, board, rent, and book and supply purchases.<sup>9</sup> This benefit is funded through legislative appropriation on an annual basis.<sup>10</sup>

<sup>3</sup> s. 1009.26, F.S.

<sup>4</sup> s. 1009.265(1), F.S.

<sup>5</sup> s. 1009.265(5), F.S.

<sup>6</sup> s. 1009.265(3), F.S.

<sup>7</sup> Sections 1009.23(1) and (2) and 1009.24(1) and (2), F.S.

<sup>8</sup> s. 1009.25(2), F.S.

<sup>9</sup> s. 295.02, F.S.

<sup>10</sup> s. 295.04, F.S.

To be eligible, children are required to be between 16 and 22 years old,<sup>11</sup> in good standing at the student's educational institution, and in attendance within a period of 12 quarters, 8 semesters, or 8 trimesters.<sup>12</sup>

### **General Appropriations Act**

Proviso language in the General Appropriations Act for Fiscal Year 2005-2006 authorizes each university board of trustees to waive tuition and out-of-state fees to further the university's mission.<sup>13</sup> These fee waivers must comply with policies adopted by the board of trustees, and each university is required to report the purpose, number, and value of all fee waivers granted annually.<sup>14</sup>

### **III. Effect of Proposed Changes:**

This bill requires state universities and community colleges to waive undergraduate tuition for any Purple Heart recipient and any recipient of a combat decoration superior to a Purple Heart who meets the following:

- Is admitted as a full-time, part-time, or summer-school student in an undergraduate program of study which culminates in a degree or certificate;
- Is now a state resident, and was at the time of the military action that resulted in the Purple Heart or other combat decoration award superior to the Purple Heart; and
- Provides the community college or university with DD-214 documentation verifying the Purple Heart or other combat decoration award superior to the Purple Heart.

It also caps the number of credit hours for which the tuition waiver may be applied at 110 percent of the required course hours for a degree or certificate program.

This bill takes effect July 1, 2006, so that the benefit starts in the 2007-2008 academic year.

### **IV. Constitutional Issues:**

#### **A. Municipality/County Mandates Restrictions:**

None.

#### **B. Public Records/Open Meetings Issues:**

None.

#### **C. Trust Funds Restrictions:**

None.

---

<sup>11</sup> s. 295.02, F.S.

<sup>12</sup> s. 295.04, F.S.

<sup>13</sup> Chapter 2005-70, GAA.

<sup>14</sup> *Id.*

**D. Other Constitutional Issues:**

A court case is pending before the Second Judicial Circuit of Florida which challenges the authority of the State Board of Education and the Board of Governors regarding the management of the state university system.<sup>15</sup> The outcome is unknown, but it may impact this bill.

**V. Economic Impact and Fiscal Note:****A. Tax/Fee Issues:**

None.

**B. Private Sector Impact:**

Certain Purple Heart and superior combat decoration recipients will not be required to pay tuition for undergraduate coursework.

**C. Government Sector Impact:**

The number of Purple Heart recipients from all conflicts residing in Florida at the time of receipt of such award is unknown. Whereas, the Purple Heart Association of Florida has approximately 2,400 registered members, this membership count includes veterans from all conflicts, some dating back fifty years. Taking into account the age and previous education level of some of these members, this count is probably not indicative of the number of recipients that would apply for a tuition waiver. Furthermore, it does not include those recipients that are not registered as members of the Purple Heart Association of Florida.

Current tuition costs for undergraduate college credit or vocational certificate courses at a community college and state university amount to \$715.80 and \$1,073.55 per semester, respectively, based on a 15 hour workload.<sup>16</sup> Florida's Department of Veteran's Affairs reported an estimated 31 wounded in action soldiers for Operation Enduring Freedom, and an additional 703 wounded in action soldiers for Operation Iraqi Freedom for a total of 734 soldiers. Assuming that these soldiers of recent conflicts are those most likely to participate in a tuition waiver program and based on that count and full-time attendance, the estimated cost to community colleges and state universities is between \$1,050,800 and \$1,576,400 annually; the impact is likely to be somewhere in that cost range.

The number of recipients of other combat decorations superior to the Purple Heart for Florida is not known.

**VI. Technical Deficiencies:**

None.

---

<sup>15</sup> See *Floridians for Constitutional Integrity v. State Board of Education, et al.*, No. 37 2004 CA 003040 (2<sup>nd</sup> Cir. 2004).

<sup>16</sup> Estimates derived from Fiscal Year 2005-2006 GAA.

**VII. Related Issues:**

None.

---

This Senate staff analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

---



## **VIII. Summary of Amendments:**

None.

---

This Senate staff analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

---