

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 Committee

BILL: SB 122

INTRODUCER: Senator Fasano

SUBJECT: Tuition Waivers/Purple Heart

DATE: November 4, 2005

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Brown</u>	<u>Matthews</u>	<u>ED</u>	Favorable
2.	_____	_____	<u>CA</u>	_____
3.	_____	_____	<u>EA</u>	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

This bill grants fee waivers to recipients of Purple Hearts, 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.

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.¹

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.² Section 1009.26, F.S., specifically provides fee waivers for universities and community colleges for the following:

- Full-time university employees;

¹ s. 1009.01(1), F.S.

² s. 1009.26(1), F.S.

- 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.³

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.⁴ State employees are defined as employees of the executive, legislative, and judicial branches of the state, excluding state university employees.⁵ Administrative costs only are reimbursed on a pro rata basis from funds appropriated by the Legislature.⁶

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

Chapter 295, F.S.

Chapter 295, F.S., provides educational benefits for children of certain deceased or disabled military personnel. Children of service members who died or became disabled in the following conflicts or military-related situations are eligible for education benefits:

- Operation Eagle Claw (Iranian rescue);
- Lebanon (Multinational Peace Keeping Force) and Grenada (Operation Urgent Fury) operations;
- Newfoundland military transport crash;
- Operation Enduring Freedom or Operation Iraqi Freedom;
- U.S.S. Stark attack in the Persian Gulf; and
- Mideast Persian Gulf conflict or Operation Just Cause in Panama.⁸

Funds are authorized to be used to pay for tuition, registration fees, board, rent, and book and supply purchases.⁹ This benefit is funded through legislative appropriation on an annual basis.¹⁰ To be eligible, children are required to be between 16 and 22 years old,¹¹ in good standing at the student's educational institution, and in attendance within a period of 12 quarters, 8 semesters, or 8 trimesters.¹²

³ s. 1009.26, F.S.

⁴ s. 1009.265(1), F.S.

⁵ s. 1009.265(5), F.S.

⁶ s. 1009.265(3), F.S.

⁷ Sections 1009.23(1) and (2) and 1009.24(1) and (2), F.S.

⁸ Sections 295.016, 295.017, 295.018, 295.0185, 295.019, and 295.0195, F.S.

⁹ s. 295.02, F.S.

¹⁰ s. 295.04, F.S.

¹¹ s. 295.02, F.S.

¹² s. 295.04, F.S.

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.¹³ 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.¹⁴

III. Effect of Proposed Changes:

This bill requires state universities and community colleges to waive undergraduate tuition for any Purple Heart recipient 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 award; and
- Provides the community college or university with documentation verifying the Purple Heart award.

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.

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.¹⁵ The outcome is unknown, but it may impact this bill.

¹³ Chapter 2005-70, GAA (SB 2600).

¹⁴ *Id.*

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

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

None.

B. Private Sector Impact:

Certain Purple Heart recipients will not be required to pay tuition for undergraduate coursework.

C. Government Sector Impact:

Since the university or community college will potentially lose income from paying students, this bill has an indeterminate fiscal impact, particularly as the application of this bill is not contingent upon space availability. It is difficult to estimate how many Purple Heart recipients will apply for this benefit, as recipients from all conflicts are eligible.

Current tuition costs for lower level classes at a state university are approximately \$1073.55 per semester, based on a 15 hour courseload.¹⁶ Current tuition costs for lower level classes at a community college are about \$715.80 per semester, based on a 15 hour courseload.¹⁷

VI. Technical Deficiencies:

None.

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.

¹⁶ See Fiscal Year 2005-2006 General Appropriations Act and Implementing Bill, Chapter 2005-70, FAA (SB 2600); this estimate is based on the current \$71.57 per credit hour authorized by the Legislature as the maximum resident undergraduate tuition amount.

¹⁷ This estimate is based on the current \$47.72 authorized by the Legislature in the GAA. Additionally, section 1009.23(4), F.S., provides that each community college board of trustees has the flexibility to establish tuition and out-of-state fees of no greater than 10 percent below and 15 percent above the combined total of the fee schedule adopted by the State Board of Education and the technology fee adopted by a board of trustees, where it is only used for safety and security purposes. Separate fees for other delineated purposes are also authorized (Sections 1009.23(7), (8), (10), (11), and (12), F.S.).

VIII. Summary of Amendments:

None.

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