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The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT
(This document is based on the provisions contained in the legislation as of the latest date listed below.)

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Prepared By: The Professional Staff of the Children, Families, and Elder Affairs Committee

BILL: SB 1148

INTRODUCER: Senator Rich

SUBJECT: Postsecondary student fees

DATE: March 3, 2010   REVISED: 03/04/10

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Preston	Walsh	CF	**Fav/1 Amendment**
2.			HE	
3.				
4.				
5.				
6.				

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Please see Section VIII. for Additional Information:

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A. COMMITTEE SUBSTITUTE.....   [ ] Statement of Substantial Changes
B. AMENDMENTS.......................   [ ] Technical amendments were recommended
                                       [x] Amendments were recommended
                                       [ ] Significant amendments were recommended

I.   Summary:

The bill clarifies time limitations on postsecondary fee exemptions for eligible students who were in the custody of the Department of Children and Family Services (DCF or department):

- A student who was in the custody of the department at the time he or she reached 18 years of age, or a student, who after spending at least 6 months in the custody of the department after reaching 16 years of age, was placed in a guardianship by the court, is exempt from payment of postsecondary fees with no time limitation;
- A student who was in the custody of a relative under the Relative Caregiver Program at the time he or she reached 18 years of age or a student who is adopted from the department after May 5, 1997[1], is exempt from payment of postsecondary fees for a period of four years after the date of graduation from high school.

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[1] After the 1997 Legislature authorized the fee exemption for a student who was adopted from the department after December 31, 1997, the question continued to be raised as to why the Legislature did not start the authority on the effective date of the bill. About 430 children were adopted between the close of the Legislative Session in 1997 and December 31, 1997. The date was changed from December 31, 1997 to December 5, 1997 during the 1999 legislative session. CS/SB 1924, Senate Staff Analysis and Economic Impact Statement, Governmental Oversight and Productivity Committee, April 12, 1999.

This bill substantially amends: s. 1009.25, F.S.

II.   Present Situation:

Current Florida law [2] provides exemptions for the payment of tuition and fees, including lab fees, for adult basic, adult secondary, or career-preparatory instruction for a number of categories of students, including a student:

- Who is or was, at the time he or she reached 18 years of age, in the custody of the department;
- Who, after spending at least 6 months in the custody of the department after reaching 16 years of age, was placed in a guardianship by the court;
- Who is or was at the time he or she reached 18 years of age, in the custody of a relative under s. 39.5085, F.S.; or
- Who is adopted from DCF after May 5, 1997.

While there is no time limitation on the exemption for students in the first two categories above, the exemption for students in the latter two categories is four years after the date of graduation from high school.[3] Community based care lead agencies have reported that some schools are interpreting the law to mean that the four year time limitation applies to all four of the above categories of eligible students.[4]

III.   Effect of Proposed Changes:

The bill clarifies the time limitations on post secondary fee exemptions for eligible students who were in the custody of the department.

Students eligible for fee exemptions, but only for a period of four years after the date of graduation from high school include:

- A student who was in the custody of a relative under the Relative Caregiver Program at the time he or she reached 18 years of age; and
- A student who was adopted from the department after May 5, 1997.

IV.   Constitutional Issues:

A.   Municipality/County Mandates Restrictions:

None.

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[2] s. 1009.25, F.S.

[3] It is believed that a student in either of these latter two categories is more likely to have an adult in his or her life who will provide the guidance and support necessary for the student to complete postsecondary education within four years after the date of graduation from high school.

[4] SB 1148, Staff Analysis and Economic Impact, Department of Children and Family Services, January 27, 2010.

B.   Public Records/Open Meetings Issues:

None.

C.   Trust Funds Restrictions:

None.

D.   Other Constitutional Issues:

None.

V.   Fiscal Impact Statement:

A.   Tax/Fee Issues:

None.

B.   Private Sector Impact:

None.

C.   Government Sector Impact:

DCF reports that the bill will have no fiscal impact on the department.

While there may be a fiscal impact on the Department of Education (DOE), the agency has not completed a bill analysis.

VI.   Technical Deficiencies:

The bill creates a new paragraph (d) to s. 1009.25(2), F.S., which limits the time period for the postsecondary fee exemption for a student who was either in the custody of a relative under the Relative Caregiver program at time he or she reached 18 years of age or who was adopted from the department after May 5, 1997. Accordingly, the reference to these two categories on lines 32-35 of the bill should also be deleted.

VII.   Related Issues:

None.

VIII.   Additional Information:

A.   Committee Substitute – Statement of Substantial Changes:
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

Barcode 585472 by Children, Families, and Elder Affairs on March 4, 2010:
The amendment removes redundant language in order to clarify that children in the custody of a relative under the Relative Caregiver Program (s. 39.5085, F.S.) and children who were adopted from the Department of Children and Family Services after May 5, 1997, are exempt from the payment of postsecondary fees for a period of 4 years after the date of graduation from high school.

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