

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.)

Prepared By: The Professional Staff of the Military Affairs, Space, and Domestic Security Committee

BILL: SB 826
 INTRODUCER: Senator Fasano
 SUBJECT: Resident status for tuition purposes
 DATE: March 16, 2011 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Fleming	Carter	MS	Favorable
2.	_____	_____	HE	_____
3.	_____	_____	BC	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

The bill provides that veterans of the U.S. Armed Services, including reserve components thereof, who attend a public college, university, or institution of higher learning, shall be classified as a resident of this state for tuition purposes. This bill would essentially waive the current one year requirement for veterans to establish residency in the state of Florida before they can qualify for in-state tuition rates.

The bill substantially amends section 1009.21 of the Florida Statutes.

The bill provides an effective date of July 1, 2011.

II. Present Situation:

Public Higher Education Institutions

The State University System of Florida and the Florida College System provide public higher education opportunities in Florida. The Florida College System is made up of 28 public postsecondary institutions¹ that grant two- and four-year degrees. Some of these institutions have more than one campus, resulting in 182 sites throughout the state. The Florida College System institutions have an open door admissions policy allowing any person with a Florida high school diploma or GED to enroll at the associate degree level. The State University System consists of 11 public universities that provide undergraduate and graduate level instruction leading to

¹ Section 1000.21(3), F.S., lists the 28 public postsecondary institutions in the Florida College System that qualify as a “Florida college” or “community college.”

baccalaureate, master's, doctoral, and professional degrees.² The Board of Governors³ is the governing body of the State University System.

Residency for Tuition Purposes

Section 1009.21, F.S., provides that a student must be classified as a resident or nonresident for the purpose of assessing tuition fees in state universities and colleges. A student classified as a "resident for tuition purposes" qualifies for the in-state tuition rate. This section of law establishes a standard document review process in which applicants must demonstrate residency in the state in order to qualify for the in-state tuition rate.

In order to be classified as a resident for tuition purposes, an individual applying for admission into an institution of higher education must provide documentation demonstrating the individual has established and maintained residence in the state for least 12 consecutive months immediately prior to his or her initial enrollment. Further, the individual must establish that his or her presence during the 12-month qualifying period was, for the purpose of maintaining a bona fide domicile, rather than for the purpose of maintaining a mere temporary residence incident to enrollment in an institution of higher education.⁴

Section 1009.21(10) F.S., provides eleven categories in which individuals who meet certain criteria are automatically considered residents of the state for tuition purposes and are exempt from the 12-month residency requirement. Currently, the following categories exist as it relates to service in the U.S. Armed Services:

- active duty members of the U.S. Armed Services residing or stationed in Florida and their spouses and dependent children, and active drilling members of the Florida National Guard; and
- active duty members of the U.S. Armed Services and their spouses and dependents attending a public college or state university within 50 miles of the military establishment where they are stationed, if such military establishment is within a county contiguous to Florida.

Currently, veterans of the U.S. Armed Services are not included in the categories that provide automatic residency status for tuition purpose. Veterans qualify as residents for tuition purposes through the standard document review process as other students.

Veterans in Florida

Florida has the third largest population of veterans in the nation with more than 1.6 million. Only California and Texas have larger populations of veterans.⁵ Section 1.01(14), F.S., defines the term "veteran" as a person who served in the active military, naval, or air service and who was

² Section 1000.21(6), F.S., lists the following 11 state universities: Florida Agricultural and Mechanical University; Florida Atlantic University; Florida Gulf Coast University; Florida International University; Florida State University; New College of Florida; University of Central Florida; University of Florida; University of North Florida; University of South Florida; University of West Florida.

³ The Board of Governors has 17 members, 14 appointed by the Governor with the consent of the Senate plus the Commissioner of Education, the chair of the Advisory Council of Faculty Senates, and the president of the Florida Student Association.

⁴ s. 1009.21(2)(a)1.-2., F.S.

⁵ Florida Department of Veterans' Affairs. 2009-10 Annual Report. Available at: http://www.floridavets.org/pdf/ann_rprt_10.pdf

discharged or released therefrom under honorable conditions only or who later received an upgraded discharge under honorable conditions, notwithstanding any action by the United States Department of Veterans Affairs on individuals discharged or released with other than honorable discharges. The Florida Department of Veterans' Affairs estimates that there are roughly 200,000 Operation Enduring Freedom, Operation Iraqi Freedom, and Operation New Dawn service members and veterans who claim Florida as their home of record. The proportion of veterans and active duty service members that constitute the 200,000 estimate cannot be determined.

Federal Education Assistance to Veterans

The United States Department of Veteran Affairs provides financial assistance programs to eligible veterans pursuing a post-secondary degree. The Post-9/11 GI Bill⁶ provides qualified veterans⁷ with the cost of tuition and fees, not to exceed the most expensive in-state undergraduate tuition at a public institution in the state in which a servicemember is attending school.⁸ Currently in Florida, a veteran who is not classified as a resident for tuition purposes and wishes to apply the Post-9/11 GI Bill benefits towards a degree program at a public higher education institution in Florida, will be billed as a non-resident student. Since the Post-9/11 GI Bill only covers the highest in-state undergraduate tuition, the veteran would be responsible for the costs that exceed the in-state tuition amount.

III. Effect of Proposed Changes:

This bill would allow veterans of the U.S. Armed Services, including reserve components thereof, who attend a public college, university, or institution of higher learning, to be automatically classified as a resident of this state for tuition purposes.

Veterans who do not meet the standard Florida residency requirements for tuition purposes would be immediately classified as a resident for tuition purposes and therefore, would be entitled to the in-state tuition rate at all public colleges and universities in Florida.

This bill provides an effective date of July 1, 2011.

Other Potential Implications:

The State University System notes that this bill would enable veterans to enroll in distance learning courses and programs as residents for tuition purposes without ever moving to Florida.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

⁶ United States Department of Veteran Affairs. *The Post-9/11 GI Bill*. <http://www.gibill.va.gov/post-911/post-911-gi-bill-summary/>. Site last visited March 16, 2011.

⁷ To qualify for the maximum Post-9/11 GI Bill benefit, an individual must have served an aggregate of 36 months of active duty service after September 10, 2001, or must have been honorably discharged with a service-connected disability after 30 days of continuous service. The period of eligibility ends 15 years from the date of the last discharge or release from active duty service.

⁸ The Post-9/11 GI Bill also provides a monthly housing allowance and a yearly stipend for books and supplies.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Veterans who do not meet the standard Florida residency requirements for tuition purposes would pay less in tuition with the immediate entitlement to in-state tuition rates. In addition, veterans who utilize the Post-9/11 GI Bill and are not considered residents of Florida for tuition purposes would not be liable for the excess tuition costs and fees that would otherwise not be covered by the federal benefit.

The 2010-2011 average annual total full-time resident cost of tuition and fees in the State University System is \$4,936 and \$19,707 for non-residents.⁹ As of Fall 2010, the average annual full-time costs of tuition and fees in the Florida College System is \$2,765 for residents and \$10,202 for non-residents.¹⁰

C. Government Sector Impact:

The State University System and the Florida College System report that both systems would likely experience a decrease in out-of-state fee revenues as a result of this bill. The financial impact cannot be estimated due to the limited statewide data on the enrollment of veterans in higher education institutions.

The State University System also reports that the demand for additional state financial aid dollars would most likely increase significantly which may challenge state legislators to seek additional financial aid funding from other revenue streams or require students currently classified as resident students to seek other funding alternatives.

The Florida College System anticipates enrollment growth to occur as a result of veterans, typically considered non-residents, taking advantage of the reduced educational expense proposed in this bill. Any such growth would result in an increase in incremental costs and expenditures by the Florida College System to support the growth. This would likely be a concern to the State University System as well.

⁹State University System of Florida. Tuition and Fees. Available at: <http://www.flbog.org/about/budget/current.php>. Site last visited March 15, 2011.

¹⁰ Correspondence with Florida College System staff. March 15, 2011.

VI. Technical Deficiencies:

None.

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:

None.

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