

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 Committee on Military Affairs, Space, and Domestic Security

BILL: SB 260

INTRODUCER: Senators Latvala and Dean

SUBJECT: Resident Status for Tuition Purposes

DATE: February 5, 2013 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Spaulding	Ryon	MS	Pre-meeting
2.			ED	
3.			AED	
4.			AP	
5.				
6.				

I. Summary:

Senate Bill 260 allows a veteran of the U.S. Armed Services who physically attends a public college, university or institution of higher learning in Florida, to be automatically classified as a resident of the state for tuition purposes. This bill essentially waives the current one year requirement for veterans to establish residency in the state before they can qualify for in-state tuition rates.

The bill substantially amends section 1009.21 of the Florida Statutes.

II. Present Situation:

Florida Law on Resident for Tuition Purposes Status

Florida law classifies postsecondary students as residents or nonresidents to determine the applicable tuition rate at higher education institutions within the Florida College System and the State University System of Florida (SUS). A “resident for tuition purposes” is a student who qualifies for in-state tuition.¹

A student who is not a dependent qualifies for in-state tuition if the following requirements are met:

- The student must have established and maintained in-state legal residence for a minimum of 12 consecutive months immediately prior to the student’s initial enrollment; and
- The student must make a statement that residency was established to maintain a bona fide domicile rather than to set up a temporary residence just to qualify for in-state tuition to establish in-state status, non-dependent applicants must produce at least two documents evidencing residency, including at least one of the following:

¹ s. 1009.21(1)(g), F.S.

- A voter's registration card;
- A driver's license;
- An identification card;
- A vehicle registration;
- Proof of a permanent home occupied as a primary residence by the student;
- Proof of homestead exemption;
- High school transcripts if the diploma or GED is from the last 12 months; or
- Proof of permanent full-time employment for a duration of 12 months.²

To show in-state residency, the applicant may produce:

- A declaration of domicile;
- A state professional or occupational license;
- State incorporation;
- A document evidencing family ties in the state;
- Evidence of membership in state-based charity or professional organization;
- Other documentation that evidences residency, such as energy bills or a lease agreement with demonstrated 12-month payments; or
- An official state, federal, or court document showing legal ties to the state.³

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. As it relates to service in the U.S. Armed Services, persons who qualify as the following are considered residents for tuition purposes in Florida:

- 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 eligible to obtain resident status for tuition purposes based on their status as a veteran. Veterans qualify as residents for tuition purposes through the standard document review process outlined in s. 1009.21, F.S.

Veterans in Florida

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 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.”

² s. 1009.21(2)(c)1., F.S.

³ s. 1009.21(2)(c)2., F.S.

Florida is tied with Texas for the second largest population of veterans in the nation at 1.6 million. Only California has a larger population of veterans at 2 million.⁴

GI Bill Education Programs

The U.S. Department of Veterans Affairs (USDVA) provides financial assistance programs to eligible veterans pursuing a post-secondary degree. The USDVA currently administers the following five separate GI Bill programs.⁵

Veterans Educational Assistance Program

The Veterans Educational Assistance Program (VEAP)⁶ is for military veterans who entered service for the first time between January 1, 1977 and June 30, 1985. Although there are still some veterans who use this program, it ended for new enrollees June 30, 1985. While this program existed, the government matched the veteran's contributions on a \$2 for \$1 basis.⁷

Reserve Education Assistance Program

The Reserve Education Assistance Program (REAP)⁸ is designed for National Guard members and reservists called or ordered to active duty in response to a war, a national emergency or contingency operation as declared by the President or Congress.⁹

Vocational Rehabilitation and Employment VetSuccess Program

The Vocational Rehabilitation and Employment (VR&E) VetSuccess program¹⁰ offers disabled veterans various services including financial assistance for post-secondary training at a college, vocational, technical or business school.¹¹

Montgomery GI Bill

The Montgomery GI Bill (MGIB) is available under Chapter 30, Title 38 of the U.S. Code.¹² Active duty members make an initial contribution and are subsequently entitled to receive a monthly education benefit once they have completed a minimum service obligation. Under this law, National Guard members, and reservists can be eligible.¹³

Post-9/11 GI Bill

The Post-9/11 GI Bill is the most recent version of the GI Bill and provides qualified veterans¹⁴

⁴ United States Census Bureau. A Snapshot of Our Nation's Veterans. Available at:

<http://www.census.gov/how/infographics/veterans.html>. (last viewed February 4, 2013).

⁵ U.S. Department of Veteran Affairs. *Welcome to the GI Bill Web Site*, <http://gibill.va.gov/>, (last viewed February 1, 2013).

⁶ 38 U.S.C., Chapter 32, § 3201

⁷ *Id.*

⁸ 38 U.S.C., Chapter 30, § 3012

⁹ *Id.*

¹⁰ 38 U.S.C., Chapter 31, § 3100

¹¹ *Id.*

¹² 38 U.S.C., Chapter 30, § 3001

¹³ *Id.*

¹⁴ To qualify for the Post-9/11 GI Bill benefit, an individual must have served an aggregate 90 days 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.

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 the veteran is attending school.¹⁵ 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.¹⁶

The Yellow Ribbon G.I. Education Enhancement Program (YRP) is designed to help students avoid some or all of the out-of-pocket tuition and fee expenses associated with education programs that may exceed the Post-9/11 GI Bill tuition benefit. The YRP is not automatic; it allows institutions of higher learning in the U.S. to voluntarily enter into an agreement with the USDVA to fund tuition expenses that exceed these amounts for veterans who attend a private school or a public school as a nonresident student. Participating schools and the USDVA can match funds to help waive a portion of those expenses.¹⁷

Post-9/11 GI Bill Benefit Tiers

Post-9/11 GI Bill payments are based on the amount of creditable active-duty service each veteran has since September 10, 2001. This benefit applies to current and former active-duty service members and current and former National Guard members and reservists who have served on active-duty for 90 days or more since September 10, 2001. The table below illustrates a veteran’s benefit level based on a veteran’s active duty service.

POST-9/11 GI BILL BENEFIT TIERS¹⁸	
Post-9/11 Service	Percentage of Maximum Amount Payable
At least 36 cumulative months	100%
At least 30 continuous days on active duty and discharged due to service-connected disability	100%
At least 30 cumulative months	90%
At least 24 cumulative months	80%
At least 18 cumulative months	70%
At least 12 cumulative months	60%
At least 6 cumulative months	50%
90 aggregate days	40%

III. Effect of Proposed Changes:

This bill amends s. 1009.21, F.S., to allow a veteran of the U.S. Armed Services that physically attends a Florida institution of higher learning, or resides in Florida while enrolled in an online

¹⁵ The Post-9/11 GI Bill also provides a monthly housing allowance and a yearly stipend for books and supplies.

¹⁶ The Post-9/11 GI Bill can also be applied to vocational/technical training, on-the-job training, flight training, correspondence training, licensing and national testing programs, and tutorial assistance.

¹⁷ 38 U.S.C., Chapter 33, § 3317

¹⁸ U.S. Department of Veteran Affairs, Post-9/11 GI Bill Pamphlet, http://gibill.va.gov/documents/pamphlets/ch33_pamphlet.pdf, (last viewed February 1, 2013).

course offered by an institution of higher learning, to be automatically classified as a resident of the state for tuition purposes.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

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.

For the 2012-13 academic year, the average State University System undergraduate cost for tuition and fees for two semesters is \$6,069 for residents and \$20,590 for non-residents. At the graduate level, the average cost for two semesters is \$10,118 for residents and \$24,910 for non-residents.¹⁹ For the same period, the Florida College System reports the average cost for two semesters is \$3,090 for residents enrolled in non-baccalaureate degree programs and \$11,455 for non-residents. For residents enrolled in the baccalaureate degree programs the cost for two semesters is \$3,541, and \$15,741 non-residents.²⁰

C. Government Sector Impact:

The total estimated annual unrealized tuition revenue for the State University System as a result of this bill, using 2011-12 enrollment information, is 8,127,334.²¹ The Florida College System acknowledges that Florida colleges would experience a potential funding loss due to the reclassification of non-resident student veterans to resident status, but lacked the data needed to provide an estimate of the fiscal impact.

¹⁹ State University System of Florida, 2013 Legislative Bill Analysis of SB 260.

²⁰ E-mail correspondence with Florida College System staff. January 31, 2013.

²¹ State University System of Florida, 2013 Legislative Bill Analysis of SB 260.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Additional Information

None.

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