

**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 Committee on Education

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BILL: SB 1728

INTRODUCER: Senator Baxley

SUBJECT: Out-of-state Fee Waiver for Nonresident Students

DATE: March 22, 2021

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

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Westmark	Bouck	ED	<b>Pre-meeting</b>
2.			AED	
3.			AP	

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**I. Summary:**

SB 1728 provides an out-of-state fee waiver, applicable for up to 110 percent of the number of required credit hours of the enrolled degree program, for a nonresident student who meets specified criteria, as follows:

- Is a United States citizen.
- Has a grandparent who is a legal resident.
- Earns the equivalent of a standard Florida high school diploma.
- Achieves an SAT combined score no lower than the 89th national percentile or appropriate concordant score on the ACT or the Classic Learning Test.
- Enrolls as a full-time undergraduate student at a state university in the fall academic term immediately following high school graduation.

In addition, the bill requires each university to annually report to the Board of Governors (BOG) the number and amount of fee waivers, and the BOG to adopt appropriate regulations to implement the waiver.

The bill has an indeterminate fiscal impact.

The bill takes effect July 1, 2021.

**II. Present Situation:**

**Tuition and Out-of-State Fees**

Tuition is the basic fee a student is charged for instruction provided by a public postsecondary educational institution in Florida.<sup>1</sup> An out-of-state fee is charged as an additional fee for a student who does not qualify for the in-state tuition rate.<sup>2</sup>

***Residency for Tuition Purposes***

A legal resident of Florida for tuition purposes means one who has maintained his or her residence in this state for the preceding year, has purchased and occupies a home as primary residence, or has established a domicile in this state.<sup>3</sup> For tuition purposes, a person who does not qualify for the in-state tuition rate is considered a nonresident.<sup>4</sup>

Unless costs are exempted or waived, residents for tuition purposes are charged the in-state rate for tuition while nonresident students pay the out-of-state fees in addition to tuition.<sup>5</sup> The in-state tuition rate for Florida residents for the State University System (SUS) is currently set at \$105.07 per credit hour.<sup>6</sup> The average cost of resident and nonresident tuition and fees per credit is shown in the table below.<sup>7</sup>

<b>State University Tuition &amp; Fees<sup>8</sup></b>				
<b>Undergraduate Baccalaureate</b>	<b>Standard Tuition (Per Credit Hour)</b>	<b>Average Tuition &amp; Fees (Per Credit Hour)</b>	<b>Standard Tuition (Per 30 Credit Hours)</b>	<b>Average Tuition &amp; Fees (Per 30 Credit Hours)</b>
<b>Resident</b>	\$105.07	\$199.72	\$3,152.10	\$5,991.79
<b>Nonresident<sup>9</sup></b>	\$105.07	\$690.63	\$3,152.10	\$20,719.07
<b>Difference</b>	-	\$490.91	-	\$14,727.28

The Board of Governors (BOG) of the SUS currently limits the systemwide enrollment of out-of-state students to ten percent.<sup>10</sup>

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

<sup>2</sup> Section 1009.01(2), F.S. The in-state tuition rate is described in s. 1009.21(1)(g), F.S.

<sup>3</sup> Section. 1009.21(1)(d), F.S. To qualify as a resident for tuition purposes, a person or, if that person is a dependent child, his or her parent or parents, must have established legal residence in this state and must have maintained legal residence in this state for at least 12 consecutive months immediately prior to his or her initial enrollment in an institution of higher education. Section 1009.21(2)(a)1., F.S.

<sup>4</sup> Section 1009.21(1)(e), F.S. In general, nonresidents are ineligible for state merit- and need-based financial aid and tuition assistance. Section 1009.40(1)(a)2., F.S. However, specified nonresident students may be eligible for a Benacquisto Scholarship. Section 1009.893(4)(b), F.S.

<sup>5</sup> Section 1009.24(2), F.S.

<sup>6</sup> Section 1009.24(4)(a), F.S.

<sup>7</sup> State University System of Florida, *Tuition and Required Fees, 2020-2021*, available at <https://www.flbog.edu/wp-content/uploads/2020-2021-SUS-Tuition-and-Fees-Report-1.pdf>, at 4.

<sup>8</sup> *Id.*

<sup>9</sup> The BOG may establish out-of-state fees. Section 1009.24(4)(b), F.S.

<sup>10</sup> BOG Regulation 7.006.

## **Fee Waivers**

Florida law provides for waivers from specified fees to certain students who meet identified criteria.<sup>11</sup> Some waivers are mandatory,<sup>12</sup> while others are permissive.<sup>13</sup> Each university board of trustees is authorized to waive tuition and out-of-state fees for purposes that support and enhance the mission of the university. All fees waived must be based on policies that are adopted by the university board of trustees pursuant to BOG regulations.<sup>14</sup> Each state university is required to report the purpose, number, authority, and value of all fee waivers and exemptions granted annually in a format prescribed by the BOG.<sup>15</sup>

## **High School Graduation and College Entrance Requirements**

### ***High School Diploma Requirements***

Receipt of a standard high school diploma requires successful completion of 24 credits, an International Baccalaureate curriculum, or an Advanced International Certificate of Education curriculum.<sup>16</sup> In order to graduate from a Florida high school with a standard high school diploma under a 24-credit option, a student must complete:<sup>17</sup>

- Four credits in English Language Arts;
- Four credits in mathematics, including one credit in Algebra I and one credit in Geometry;
- Three credits in science, of which two credits must have a laboratory component;
- Three credits in social studies, comprised of one credit in United States History, one credit in World History, one-half credit in economics, and one-half credit in United States Government;
- One credit in fine or performing arts, speech and debate, or practical arts;
- One credit in physical education; and
- Eight credits in electives.

### ***Home Education Program***

A home education program in Florida means the sequentially progressive instruction of a student directed by his or her parent in order to satisfy attendance requirements specified in law.<sup>18</sup> Students completing a home education program satisfy the state university admissions requirement that a student earn a high school diploma or equivalent, but each university may require additional documentation to verify eligibility.<sup>19</sup>

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<sup>11</sup> Section 1009.26, F.S.

<sup>12</sup> Section 1009.26 (5), (7)-(8), (12)-(14), F.S.

<sup>13</sup> Section 1009.26 (1)-(4), (6), (9)-(11), (15)-(16), F.S.

<sup>14</sup> Section 1009.26(9), F.S.

<sup>15</sup> Board of Governors Regulation 7.008(5).

<sup>16</sup> Section 1003.4282(1)(a), F.S.

<sup>17</sup> Section 1003.4282(3), F.S. A student who completes the Career and Technical Education Pathway is not required to complete one credit in fine or performing arts, speech and debate, or practical arts; one credit in physical education, and eight credits in electives. Section 1002.4282(11), F.S. A student who completes the 18-credit Academically Challenging Curriculum to Enhance Learning (ACCEL) option under s. 1002.3105, F.S., is not required to complete the physical education or elective requirements. A student with a disability may satisfy standard high school diploma options as specified in the student's individual education plan. Section 1003.4282(10), F.S.

<sup>18</sup> Section 1002.01(1), F.S.

<sup>19</sup> Board of Governors Regulation 6.002(1)(d).

### *College Entrance Exams*

College entrance exams accepted by institutions of higher education in Florida include the SAT, the ACT, and the Classic Learning Test (CLT).

The SAT is comprised of sections that assess skills in reading, writing and language, math, and analysis in science.<sup>20</sup> Income-eligible SAT takers receive college application fee waivers and all students can select to receive free information about admission and financial aid from colleges, universities, and scholarship programs.<sup>21</sup> Nationally, close to 2.2 million students in the class of 2020 took the SAT.<sup>22</sup>

The ACT contains multiple-choice tests in four areas: English, mathematics, reading, and science.<sup>23</sup> Nearly 1.8 million graduates in the United States took the ACT during high school.<sup>24</sup>

The CLT is an online college entrance exam that assesses English, mathematical, and critical reasoning skills.<sup>25</sup> The CLT is taken online and offers scoring within 24 hours.<sup>26</sup> As of 2019, about 21,000 students took the CLT.<sup>27</sup>

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

SB 1728 modifies s. 1009.26, F.S., to specify that a state university must waive the out-of-state fee for a nonresident student who meets the following criteria:

- Is a United States citizen.
- Has a grandparent who is a legal resident.
- Earns a high school diploma comparable to a standard Florida high school diploma, or its equivalency, or completes a home education program.
- Achieves an SAT combined score no lower than the 89th national percentile on the SAT; achieves an ACT score concordant to the required SAT score as specified, using the latest published national concordance table developed jointly by the College Board and ACT, Inc.; or if a state university accepts the Classic Learning Test (CLT) for admission purposes, achieves a CLT score concordant to the required SAT score as specified, using the latest published scoring comparison developed by Classic Learning Initiatives.<sup>28</sup>

<sup>20</sup> CollegeBoard, *SAT Test Description*, <https://collegereadiness.collegeboard.org/sat/inside-the-test/sat-test-description> (last visited March 10, 2021).

<sup>21</sup> CollegeBoard, *Benefits*, <https://collegereadiness.collegeboard.org/about/benefits> (last visited March 10, 2021).

<sup>22</sup> CollegeBoard *SAT Suite of Assessments Annual Report (2020)*, available at <https://reports.collegeboard.org/pdf/2020-total-group-sat-suite-assessments-annual-report.pdf>, at 3.

<sup>23</sup> ACT, *The ACT Test*, <http://www.act.org/content/act/en/products-and-services/the-act.html> (last visited March 10, 2021).

<sup>24</sup> ACT, *About ACT*, <https://www.act.org/content/act/en/about-act.html> (last visited March 10, 2021).

<sup>25</sup> CLT, *Products*, <https://www.cltxam.com/products> (last visited March 10, 2021).

<sup>26</sup> CLT, *CLT vs. SAT vs. ACT*, <https://www.cltxam.com/comparison> (last visited March 19, 2021).

<sup>27</sup> Scott Jaschik, *The Classical Alternative to the SAT*, Inside Higher Ed, Oct. 21, 2019, available at <https://www.insidehighered.com/admissions/article/2019/10/21/classic-learning-test-aims-challenge-sat#:~:text=The%20test%20had%20more%20than.the%20same%20took%20the%20ACT..>

<sup>28</sup> The 89<sup>th</sup> percentile for the SAT is 1330. CollegeBoard, *SAT: Understanding Scores (2020)*, available at <https://collegereadiness.collegeboard.org/pdf/understanding-sat-scores.pdf>, at 5. This could be compared with the grade of 85 on the CLT. CLT, *CLT vs. SAT vs. ACT*, <https://www.cltxam.com/comparison> (last visited March 19, 2021). The ACT concordant score to an SAT score of 1330 is 29. CollegeBoard, ACT, *Guide to the 2018 ACT/SAT Concordance*, available at <https://collegereadiness.collegeboard.org/pdf/guide-2018-act-sat-concordance.pdf>.

- Enrolls as a full-time undergraduate student at a state university in the fall academic term immediately following high school graduation.

In addition, the bill specifies that:

- This waiver is applicable for up to 110 percent of the number of required credit hours of the degree program for which the student is enrolled. Most SUS baccalaureate degree programs are set at 120 credit hours, which would authorize the tuition discount for up to 132 credit hours.
- Prior to waiving the out-of-state fee, the state university must require the student, or the student's parent if the student is a dependent child, to provide a written declaration pursuant to law<sup>29</sup> verifying the student's familial relationship to a grandparent who is a legal resident.
- Each state university must report to the Board of Governors (BOG) the number and value of all fee waivers granted annually.
- A nonresident student granted an out-of-state fee waiver under this subsection must be excluded from the limitation on systemwide total enrollment of nonresident students established by regulation of the BOG, currently set at 10 percent.

The bill requires the BOG to adopt regulations to implement this waiver.

The bill takes effect July 1, 2021.

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

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

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<sup>29</sup> A written declaration is a statement declaring, under penalty of perjury, that one has read and verifies the specified document, followed by the signature of the person making the declaration, except when a verification on information or belief is permitted by law. Section 92.525(2), F.S.

**V. Fiscal Impact Statement:****A. Tax/Fee Issues:**

None.

**B. Private Sector Impact:**

Providing in-state tuition for out-of-state high-school graduates who meet specified criteria, including having a grandparent who is a Florida resident, may increase the number of students residing and enrolled in postsecondary institutions in Florida.

**C. Government Sector Impact:**

The number of students who will qualify for and make use of the out-of-state fee waiver is unknown. For each student who makes use of the waiver, a state university would collect only the resident undergraduate tuition and fees, which systemwide averages \$199.72 per credit hour, instead of nonresident undergraduate tuition and fees, which systemwide averages \$690.63 per credit hour.<sup>30</sup>

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends section 1009.26 of the Florida Statutes.

**IX. Additional Information:****A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

**B. Amendments:**

None.

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

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<sup>30</sup> State University System of Florida, *Tuition and Required Fees, 2020-2021*, available at <https://www.flbog.edu/wp-content/uploads/2020-2021-SUS-Tuition-and-Fees-Report-1.pdf>, at 1.