

**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 1122

INTRODUCER: Senator Gainer

SUBJECT: Student Fees

DATE: January 24, 2022

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

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

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**I. Summary:**

SB 1122 authorizes a district school board or a Florida College System (FCS) institution board of trustees (BOT), in consultation with regional workforce and economic development organizations, to implement a plan for a differential out-of-state fee for the purpose of recruiting students into postsecondary programs of study identified as necessary to address unmet current and future workforce needs in the region.

The bill has no impact on state revenues or expenditures. However, FCS institutions and school districts that choose to implement the differential out-of-state fee for the purposes of recruiting students could experience a loss of fee revenues from students who are charged the differential out-of-state fee.

The bill takes effect July 1, 2022.

**II. Present Situation:**

**Florida College System (FCS)**

The FCS is established to, among other duties, provide access to undergraduate education to the students of this state, and to respond quickly and efficiently to meet the demand of communities by aligning certificate and degree programs with local and regional workforce needs.<sup>1</sup> The FCS is comprised of 28 institutions.<sup>2</sup> FCS institutions provide associate, baccalaureate degrees, and

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<sup>1</sup> Art. IX, s. 8(a), Fla. Const.

<sup>2</sup> Section 1000.21(3), F.S. The FCS institutions are Eastern Florida State College; Broward College; College of Central Florida; Chipola College; Daytona State College; Florida SouthWestern State College; Florida State College at Jacksonville; The College of the Florida Keys; Gulf Coast State College; Hillsborough Community College; Indian River State College; Florida Gateway College; Lake-Sumter State College; State College of Florida, Manatee-Sarasota; Miami Dade College; North Florida College; Northwest Florida State College; Palm Beach State College; Pasco-Hernando State College;

postsecondary workforce education programs at a savings to the student and to the state over the cost of providing the degree at a state university.<sup>3</sup> Each FCS institution is governed by a local board of trustees (BOT).<sup>4</sup> The FCS BOT members are appointed by the Governor to staggered four-year terms, and confirmed by the Senate.<sup>5</sup>

The mission of FCS institutions reflects a commitment to be responsive to local educational needs and challenges. In 2019-2020, the FCS had approximately 715,044 students enrolled in degree and certificate programs.<sup>6</sup> The table below provides a breakdown of student enrollment in the various educational programs offered by FCS institutions:<sup>7</sup>

<b>Programs (2019-2020)*</b>	<b>Enrollment</b>	<b>Degrees/Certificates Awarded</b>
Unduplicated Total Enrollment and Degrees/Certificates Awarded	715,044	113,212
Bachelor’s Degree Program	45,943	9,477
Associate in Arts Degree (AA)	307,158	58,420
Associate in Science Degree (AS)	102,451	14,743
College Credit Certificates (CCC)	44,907	31,514
Postsecondary CTE (PSAV-ATD)	17,632	7,482
Advanced Technical Certificate (ATC)	700	420
Educator Preparation Institute (EPI)	1,147	403
Certificate of Professional Prep	132	104
Apprenticeship	3,016	126
College and Vocational Preparatory	47,657	N/A
Adult Education and Basic Secondary	22,285	N/A
Continuing Workforce Education	55,977	N/A
Life Long Learning	823	N/A
Recreation and Leisure	21,450	N/A

\*Students may enroll in more than one program.

***Florida College System Tuition and Fees***

Each FCS BOT is required to establish tuition and out-of-state fees, which may vary no more than 10 percent below and 15 percent above the standard tuition rate and out-of-state fees

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Pensacola State College; Polk State College; St. Johns River State College; St. Petersburg College; Santa Fe College; Seminole State College of Florida; South Florida State College; Tallahassee Community College; and Valencia College.

<sup>3</sup> Section 1001.60(2)(a), F.S.

<sup>4</sup> Art. IX, s. 8, Fla. Const. *See also* sections 1001.60(3), 1001.61(1), and 1004.65(1), F.S. FCS institutions are statutorily designated as political subdivisions of the state. Section 1004.67, F.S.

<sup>5</sup> Section 1001.61(2), F.S.

<sup>6</sup> Florida Department of Education, Florida College System, *2021 Fact Book*, <https://www.fldoe.org/accountability/data-sys/CCTCMIS/reports.stml>, (last visited Jan. 11, 2021).

<sup>7</sup> *Id.*

determined by the Legislature.<sup>8</sup> An FCS BOT may also establish additional fees to support activities such as capital improvements, student activities and services, and technology.<sup>9</sup>

Since July 1, 2014, the standard tuition for advanced and professional, postsecondary vocational, developmental education, and educator preparation institute programs is \$71.98 per credit hour for residents and nonresidents, and the out-of-state fee is \$215.94 per credit hour.<sup>10</sup> Since July 1, 2014, for baccalaureate degree programs the tuition is \$91.79 per credit hour for students who are residents for tuition purposes.<sup>11</sup> For students who are nonresidents for tuition purposes, the tuition and out-of-state fee cannot be more than 85 percent of the sum of the tuition and the out-of-state fee at the state university nearest the FCS institution.<sup>12</sup>

An FCS BOT may establish differential out-of-state fees:<sup>13</sup>

- For an FCS institution that has a service area that borders another state.
- For a student who has been determined to be a nonresident for tuition purposes pursuant to s. 1009.21, F.S.,<sup>14</sup> and is enrolled in a distance learning course offered by the institution.<sup>15</sup>

### **Postsecondary Workforce Education**

FCS institutions and school district career centers may offer postsecondary workforce education programs.

#### ***School District Career Centers***

District school boards operate, control, and supervise public schools in the school district.<sup>16</sup> Any district school board, after first obtaining the approval of the Department of Education (DOE), may, as a part of the district school system, organize, establish and operate a career center.<sup>17</sup> A school district career center may offer terminal courses of a technical nature, and courses for out-of-school youth and adults, and is directed by a director responsible through the district school superintendent to the district school board.<sup>18</sup> In 2019-20, approximately 179,112 students were served by Florida's career centers.<sup>19</sup>

#### ***Postsecondary Workforce Education Programs***

Workforce education programs at district technical centers and FCS institutions include:

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<sup>8</sup> Section 1009.23(4), F.S.

<sup>9</sup> *Id.*

<sup>10</sup> Section 1009.23(3)(a), F.S.

<sup>11</sup> Section 1009.23(3)(b)(1.), F.S.

<sup>12</sup> Section 1009.23(3)(b)(2.), F.S.

<sup>13</sup> Section 1009.23(6)(a)-(b), F.S.

<sup>14</sup> Section 1009.21, F.S., delineates the requirements for resident status for tuition purposes.

<sup>15</sup> A differential out-of-state fee established must be applicable only to distance learning courses and must be established such that the sum of tuition and the differential out-of-state fee is sufficient to defray the full cost of instruction. Section 1009.23(6)(b), F.S.

<sup>16</sup> Art. IX, s. 4(b), Fla. Const.

<sup>17</sup> Section 1001.44(1), F.S.

<sup>18</sup> Section 1001.44(3)(a), F.S.

<sup>19</sup> Get There, Florida's Workforce Education Initiative, *Area Technical Centers: Supporting Postsecondary Skill and Credential Attainment in Florida*, at 2(2020) available at <https://areatechnicalcenters.org/wp-content/uploads/2021/02/ATC-StateProfile-Florida.pdf>.

- Adult general education programs.
- Career certificate programs.
- Applied technology diploma (ATD) programs.<sup>20</sup>
- Continuing workforce education courses.
- Degree career education programs (at FCS institutions only).
- Apprenticeship and preapprenticeship programs.

### ***Postsecondary Workforce Education Tuition and Fees***

For workforce education programs at an FCS institution or district career center that lead to a career certificate or an ATD, the standard tuition is \$2.33 per contact hour for residents and nonresidents and the out-of-state fee is \$6.99 per contact hour.<sup>21</sup> District school boards and FCS institutions may adopt tuition and out-of-state fees that vary no more than 5 percent below or 5 percent above the combined total of the standard tuition and out-of-state fees.<sup>22</sup> Similar to the authorization for an FCS institution, a district school board for a school district that borders another state may implement a plan for a differential out-of-state fee.<sup>23</sup>

### **Determination of resident status for tuition purposes**

To qualify as a resident, a student or, if that student is a dependent, their 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 enrolling in a postsecondary institution.<sup>24</sup> Each postsecondary institution is required to determine whether an applicant meets the residency requirements.<sup>25</sup> The documentation needed for determining residency must be submitted to the postsecondary institution by the student.<sup>26</sup>

### **Comprehensive Local Needs Assessments**

In 2018, The Strengthening Career and Technical Education for the 21st Century Act reauthorized the Carl D. Perkins Career and Technical Education Act of 2006.<sup>27</sup> As part of the act, eligible recipient<sup>28</sup> (institutions) receiving Perkins V funding have to conduct a comprehensive local needs assessment related to career and technical education.<sup>29</sup> In the comprehensive local needs assessment, the eligible entity must describe how the career and technical programs offered are aligned to the in-demand industry identified by the state

<sup>20</sup> An ATD may be offered by either a career center or FCS institution, but a career center may offer an ATD only for non-degree career credit. Section 1004.02(7), F.S.

<sup>21</sup> Section 1009.22(3)(c), F.S.

<sup>22</sup> Section 1009.22(3)(d), F.S.

<sup>23</sup> Section 1009.22(4), F.S.

<sup>24</sup> Section 1009.21(2)(a)1., F.S.

<sup>25</sup> Section 1009.21(3)(c) F.S.

<sup>26</sup> *Id.* The documentation required to determine residency status are listed in Section 1009.21(3)(c)1.a-h, F.S. and 1009.21(3)(c)1.a-h, F.S 2.a-f, F.S.

<sup>27</sup> Pub. L. No. 107-110

<sup>28</sup> 20 U.S.C. s 2302(21) defines an eligible recipient as a local educational agency (including a public charter school that operates as a local educational agency), an area career and technical education school, an educational service agency, an Indian Tribe, Tribal organization, or Tribal educational agency or a consortium.

<sup>29</sup> 20 U.S.C. s 2354 (C).

workforce development board<sup>30</sup> and the programs that are designed to meet local education or economic needs not identified by the state and local workforce boards.<sup>31</sup> In conducting the local comprehensive needs assessment an institution is required to involve a diverse body of stakeholders:<sup>32</sup>

- Representatives of career and technical education programs in a local educational agency or educational service agency.
- Representatives of career and technical education programs at postsecondary educational institutions, including faculty and administrators.
- Representatives of the State board or local workforce development boards and a range of local or regional businesses or industries.
- Parents and students.
- Representatives of special populations.
- Representatives of regional or local agencies serving out-of-school youth, homeless children and youth, and at-risk youth.
- Representatives of Indian Tribes and Tribal organizations in the State, where applicable.
- Other stakeholders that the eligible agency may require the eligible recipient to consult.

### III. Effect of Proposed Changes:

The bill adds additional flexibility in the establishment of differential out-of-state fees by authorizing a district school board or Florida College System (FCS) board of trustees (BOT) to implement a plan for a differential out-of-state fee for the purpose of recruiting students into postsecondary programs of study identified as necessary to address unmet current and future workforce needs in the region. The bill requires that a district school board or FCS institution BOT consult with regional workforce and economic development organizations when implementing the plan.

### IV. Constitutional Issues:

#### A. Municipality/County Mandates Restrictions:

None.

#### B. Public Records/Open Meetings Issues:

None.

#### C. Trust Funds Restrictions:

None.

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<sup>30</sup> Federal law requires states to identify regional planning areas for workforce development strategies. 29 U.S.C. s. 3121. Within each area, a local workforce development board (LWBD) must be established. *Id.* Each of Florida's 24 LWDBs formulates a local budget and oversees the delivery of workforce services within its local area. Section 445.007(12), F.S.

<sup>31</sup> 20 U.S.C. s 2354 (2)(B)(I)(II).

<sup>32</sup> 20 U.S.C. s 2354 (2)(d)1-8.

**D. State Tax or Fee Increases:**

None.

**E. Other Constitutional Issues:**

None.

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

None.

**B. Private Sector Impact:**

None.

**C. Government Sector Impact:**

The bill has no impact on state revenues or expenditures. However, FCS institutions and school districts that choose to implement the differential out-of-state fee for the purposes of recruiting students could experience a loss of fee revenues from students who are charged the differential out-of-state fee.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends sections 1009.22 and 1009.23 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.