

## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** CS/HB 767 Resident Status for Tuition Purposes

**SPONSOR(S):** Postsecondary Education & Workforce Subcommittee, Edmonds and others

**TIED BILLS:** None. **IDEN./SIM. BILLS:** SB 62

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Postsecondary Education & Workforce Subcommittee	15 Y, 1 N, As CS	Kiner	Kiner
2) Higher Education Appropriations Subcommittee	13 Y, 1 N	Smith	Smith
3) Education & Employment Committee	16 Y, 1 N	Kiner	Hassell

### SUMMARY ANALYSIS

In-state tuition rates for Florida public postsecondary education institutions are set in statute. A student classified as a 'resident for tuition purposes' qualifies to pay in-state tuition. Any student classified as a 'nonresident for tuition purposes' is charged an additional fee for instruction provided by a public postsecondary education institution in the state. To be classified as a resident for tuition purposes, a person must have maintained legal residence in the state for 12 consecutive months and provide documentation of his or her residence as outlined in statute.

The bill provides that an individual classified as a resident for tuition purposes may not lose his or her resident status for tuition purposes solely by reason of incarceration in a state or federal correctional facility in this state.

The bill has an indeterminate fiscal impact on state revenues. See fiscal comments.

The bill is effective July 1, 2024.

# FULL ANALYSIS

## I. SUBSTANTIVE ANALYSIS

### A. EFFECT OF PROPOSED CHANGES:

#### Current Situation

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

Under Florida law, 'tuition' is defined as the basic fee charged to a student for instruction provided by a public postsecondary educational institution in the state.<sup>1</sup> A 'resident for tuition purposes' is a student who qualifies for the in-state tuition rate.<sup>2</sup> The resident undergraduate tuition rate for the State University System (SUS) is currently set in statute at \$105.07 per credit hour.<sup>3</sup> For baccalaureate degree programs offered at a Florida College System institution, the statutory resident tuition rate is \$91.79 per credit hour.<sup>4</sup>

Residents for tuition purposes are charged the statutory rates for tuition while non-residents pay out-of-state fees in addition to tuition, unless these costs are exempted or waived. An 'out-of-state fee' is the additional fee for instruction provided by a public postsecondary education institution in the state, and is charged to a student who does not qualify for the in-state tuition rate.<sup>5</sup> Across the State University System, for the 2023-24 academic year, the average out-of-state fee was \$464.94 per credit hour.<sup>6</sup> Across the Florida College System, for the 2022-23 academic year, the weighted average of out-of-state fee for baccalaureate degree programs was \$318.63 per credit hour.<sup>7</sup>

##### *Establishing Residency Status for Tuition Purposes*

With respect to tuition and fees at public postsecondary institutions, a legal Florida resident is someone who has maintained his or her residence in the state for the preceding year, has purchased a home which is occupied by him or her as his or her residence, or has established a domicile in this state.<sup>8</sup> Such residency must be bona fide and not for the sole purpose of enrollment at the institution. If the person is a dependent child, his or her parent (or guardian) must meet this requirement.

Currently, residency must be proven by two or more documents, including at least one of the following:<sup>9</sup>

- A voter registration card.
- A driver license/identification card.
- A vehicle registration.
- Proof of a permanent home in Florida occupied as a primary residence.
- Proof of a homestead exemption.
- High school transcripts from a Florida high school for multiple years if the diploma was earned within the last 12 months.
- Proof of permanent employment (30 or more hours per week for a 12-month period).

Additionally, one or more of the following may also be evidenced:<sup>10</sup>

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

<sup>2</sup> s. 1009.21(1)(g), F.S.

<sup>3</sup> s. 1009.24(4)(a), F.S.

<sup>4</sup> s. 1009.23(3)(b), F.S.

<sup>5</sup> s. 1009.01(2), F.S.

<sup>6</sup> Florida Board of Governors, *Tuition & Fees*, <https://www.flbog.edu/universities/parents-students/tuition-fees/> (last visited Feb. 1, 2024).

<sup>7</sup> Florida Department of Education, Florida College System, *Accountability – Data Systems*, <https://www.fldoe.org/accountability/data-sys/CCTCMIS/reports.stml>, (link to 2023 Fact Book, worksheet FB 7.12T within the Excel file) (last visited Feb. 1, 2024).

<sup>8</sup> s. 1009.21(1)(d), F.S.

<sup>9</sup> s. 1009.21(3)(c)1., F.S.

<sup>10</sup> s. 1009.21(3)(c)2., F.S.

- Declaration of domicile.
- Professional or occupational license.
- Business incorporation.
- Documentation of family ties.
- Membership in Florida-based charitable or professional organization.
- Any other supporting documentation supporting residency (lease agreement, utility bills, etc.).

A person loses his or her classification as a resident for tuition purposes if:<sup>11</sup>

- The person or, if he or she is a dependent child, the person's parent or parents establish domicile or legal residence outside of the state. The person's resident status will continue for a 12-month statutory grace period.
- The person ceases to be enrolled at or graduates from an institution of higher education while classified as a resident for tuition purposes, subsequently abandons their domicile in Florida, and fails to reestablish his or her domicile in the state within 12 months.

### Effect of Proposed Changes

The bill provides that an individual classified as a resident for tuition purposes may not lose his or her resident status for tuition purposes solely by reason of incarceration in a state or federal correctional facility in this state.

#### B. SECTION DIRECTORY:

**Section 1:** Provides that a person may not lose his or her resident status for tuition purposes due to incarceration.

**Section 2:** Provides an effective date.

## II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

#### A. FISCAL IMPACT ON STATE GOVERNMENT:

##### 1. Revenues:

See fiscal comments.

##### 2. Expenditures:

None.

#### B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

##### 1. Revenues:

None.

##### 2. Expenditures:

None.

#### C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

See fiscal comments.

#### D. FISCAL COMMENTS:

The bill has an indeterminate fiscal impact on Florida College System and State University System revenues. An out-of-state fee would no longer be collected from students that would not qualify for in-state tuition rates solely by reason of incarceration. However, colleges and universities may see an

<sup>11</sup> s. 1009.21(8)-(9), F.S.  
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increase in enrollment, and therefore revenues, as the bill removes a barrier to access for the formerly incarcerated student population.

The formerly incarcerated students impacted by this bill would save an average of \$318.63 per credit hour for baccalaureate programs at Florida College System institutions and an average of \$464.94 per credit hour at State University System institutions.

### **III. COMMENTS**

#### **A. CONSTITUTIONAL ISSUES:**

1. Applicability of Municipality/County Mandates Provision:

None.

2. Other:

None.

#### **B. RULE-MAKING AUTHORITY:**

None.

#### **C. DRAFTING ISSUES OR OTHER COMMENTS:**

None.

### **IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES**

On January 25, 2024, the Postsecondary Education & Workforce Subcommittee considered a Proposed Committee Substitute (PCS) and subsequently reported the PCS favorably as a committee substitute. The PCS differed from the original bill in the following ways:

- Removed a provision allowing an individual who is currently incarcerated or who has been released within the 12 months preceding their residency determination to provide expired documentation to support their request for resident status; and
- Removed a provision allowing a non-resident to earn residency for tuition purposes by virtue of being incarcerated in Florida for at least 18 months of a sentence of three years or longer and by evidencing ties to Florida.

The bill analysis is drafted to the committee substitute adopted by the Postsecondary Education & Workforce Subcommittee.