

STORAGE NAME: h0487s1z.cu.doc
DATE: May 14, 2001

****FAILED TO PASS THE LEGISLATURE****

**HOUSE OF REPRESENTATIVES
COMMITTEE ON
COLLEGES & UNIVERSITIES
FINAL ANALYSIS**

BILL #: CS/HB 487
RELATING TO: Law Officers/Firefighters/Child/Education
SPONSOR(S): Representative Gibson

TIED BILL(S):

ORIGINATING COMMITTEE(S)/COUNCIL(S)/COMMITTEE(S) OF REFERENCE:

- (1) COLLEGES & UNIVERSITIES YEAS 10 NAYS 0
 - (2) STATE ADMINISTRATION
 - (3) EDUCATION APPROPRIATIONS
 - (4) COUNCIL FOR LIFELONG LEARNING
 - (5)
-

I. SUMMARY:

CS/HB 487 expands the educational benefits currently available to the children of law enforcement, correctional, or correctional probation officers or firefighters killed in the line of duty by providing for the waiver of the student's tuition, matriculation, and other statutorily authorized fees while the student pursues a graduate or post-baccalaureate professional degree. Unlike the provisions governing benefits to children of officers or firefighters killed in the line of duty who are pursuing a vocational-technical certificate or an undergraduate degree, there is no age restriction or credit-hour limit.

The number of eligible persons who may take advantage of the fee waivers to pursue graduate or professional degrees is unknown. Consequently, the fiscal impact on the state universities in terms of the loss of fee revenues is indeterminate. However, in FY 1999-2000, \$23,627 in undergraduate fees was waived for children of officers or firefighters killed in the line of duty, pursuant to ss. 112.19 and 112.191, F.S. The State University System (SUS) reports that for 1999-2000, 17 waivers valued at \$16,138 were provided to 9 undergraduate students pursuant to ss. 112.19 and 112.191, F.S. The State Community College System reports that for 1999-2000, 11 waivers valued at \$7,489 were provided to students pursuant to ss. 112.19 and 112.191, F.S.

The effective date of the bill is July 1, 2001.

On May 4, 2001, the bill died in the Committee on State Administration.

SUBSTANTIVE ANALYSIS:

A. DOES THE BILL SUPPORT THE FOLLOWING PRINCIPLES:

- | | | | |
|-----------------------------------|------------------------------|-----------------------------|---|
| 1. <u>Less Government</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 2. <u>Lower Taxes</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 3. <u>Individual Freedom</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 4. <u>Personal Responsibility</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 5. <u>Family Empowerment</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |

For any principle that received a "no" above, please explain:

B. PRESENT SITUATION:

Sections 112.19 and 112.191, F.S., provide for certain death benefits to the beneficiaries or estate of a law enforcement, correctional, or correctional probation officer or firefighter killed in the line of duty. The officer or firefighter must have been accidentally killed on or after June 22, 1990, as a result of response to fresh pursuit or what is reasonably believed to be an emergency or the officer or firefighter must have been unlawfully or intentionally killed on or after July 1, 1980. Under the aforementioned circumstances, the state waives the cost of tuition and matriculation and registration fees at a Florida public postsecondary institution for a total of 120 credit hours for the child of a deceased officer or firefighter. The child must comply with the ordinary and minimum requirements of the institution attended, both as to discipline and scholarship. Benefits continue until a child's 25th birthday. The SUS reports that for 1999-2000, 17 waivers valued at \$16,138 were provided to 9 undergraduate students pursuant to ss. 112.19 and 112.191, F.S. The State Community College System reports that for 1999-2000, 11 waivers valued at \$7,489 were provided to students pursuant to ss. 112.19 and 112.191, F.S.

According to the Senate bill analysis for SB 264, the companion to HB 487, data from the Florida Department of Law Enforcement indicate that 35 municipal, county, state, and university officers have been accidentally killed in the line of duty since 1991, and 77 municipal, county, state and university officers have been intentionally killed in the line of duty since 1980. Data from the Department of Corrections indicate that a total of 2 correctional and correctional probation officers have been accidentally killed in the line of duty since 1990, and 4 correctional and correctional probation officers have been intentionally killed in the line of duty since 1980. Data from the Fire Marshall's Office indicate that 50 firefighters have been killed in the line of duty since 1980, with 19 of those deaths occurring since 1990. Information regarding the accidental or intentional nature of the firefighters' deaths is unavailable.

Section 228.041(33), F.S., defines "tuition" as the additional fee for instruction provided by a Florida public postsecondary education institution, which fee is charged to non-Florida students. Section 228.041(32), F.S., defines "matriculation fee" as the basic fee charged to a student for instruction provided by a Florida public postsecondary education institution. Section 240.551(2), F.S., defines "registration fee" for purposes of the Florida Prepaid College Program as the matriculation fee, the financial aid fee, the building fee, and the Capital Improvement Trust Fund fee. In addition to the fees described as "registration fees" for purposes of the Florida Prepaid College Program,

s. 240.235, F.S, authorizes each university to establish and collect separate activity and service, health, and athletic fees as component parts of the registration and tuition fees. The average tuition and required fees for a full-time student for 2000-2001 by level and program are:

<u>Level/Program</u>	<u>Resident</u>	<u>Nonresident</u>
Undergraduate	\$2,347	\$9,685
Graduate	\$3,721	\$12,811
Law	\$4,083	\$13,552
Medical	\$11,602	\$31,062
Dental	\$10,117	\$27,039
Vet. Medicine	\$8,631	\$22,846

The FY 2000-2001 General Appropriations Act provides the following funds for the SUS to support fee waivers: Specific Appropriation 9A includes an increase above the recurring FY 1999-2000 appropriation of \$5,030,000 for graduate assistant and fellowship fee waivers; and funds in Specific Appropriations 161, 163, and 164 include \$49,624,101 for fee waivers. Representatives of the SUS indicate that the funds are primarily used to provide graduate assistant matriculation waivers and out-of-state tuition waivers.

C. EFFECT OF PROPOSED CHANGES:

The bill expands the educational benefits currently available to the children of officers or firefighters killed in the line of duty by providing for the waiver of tuition, matriculation, and other statutorily authorized fees for a child pursuing a graduate or post-baccalaureate professional degree. Unlike the provisions governing benefits to children who are pursuing a vocational-technical certificate or an undergraduate degree, there is no age restriction or credit-hour limit.

D. SECTION-BY-SECTION ANALYSIS:

See above.

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:

Children of officers or firefighters who are killed in the line of duty who choose to pursue a graduate or post-baccalaureate professional degree will not be required to pay tuition, matriculation, or other statutorily authorized fees.

D. FISCAL COMMENTS:

The number of eligible persons who may take advantage of the fee waivers to pursue graduate or professional degrees is unknown. Consequently, the fiscal impact on the state universities in terms of the loss of fee revenues is indeterminate. However, in FY 1999-2000, \$23,627 in undergraduate fees was waived pursuant to ss. 112.19 and 112.191, F.S. The SUS reports that for 1999-2000, 17 waivers valued at \$16,138 were provided to 9 undergraduate students pursuant to ss. 112.19 and 112.191, F.S. The State Community College System reports that for 1999-2000, 11 waivers valued at \$7,489 were provided to students pursuant to ss. 112.19 and 112.191, F.S.

III. CONSEQUENCES OF ARTICLE VII, SECTION 18 OF THE FLORIDA CONSTITUTION:

A. APPLICABILITY OF THE MANDATES PROVISION:

The bill does not require counties or municipalities to spend funds or take an action requiring the expenditure of funds.

B. REDUCTION OF REVENUE RAISING AUTHORITY:

This bill does not reduce the authority that municipalities or counties have to raise revenues in the aggregate.

C. REDUCTION OF STATE TAX SHARED WITH COUNTIES AND MUNICIPALITIES:

This bill does not reduce the percentage of a state tax shared with counties or municipalities.

IV. COMMENTS:

A. CONSTITUTIONAL ISSUES:

None

B. RULE-MAKING AUTHORITY:

None

C. OTHER COMMENTS:

The phrase "other statutorily authorized fees" in CS/HB 487 is not a defined term. Therefore, it is not clear as to exactly what this will cover.

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V. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

On March 19, 2001, the Committee on Colleges and Universities adopted, without objection, two amendments. Both amendments served to conform HB 487 to its Senate Companion, SB 264 by replacing the phrase "registration fees" with the phrase "other statutorily authorized fees."

The bill, as amended, was adopted as a committee substitute.

VI. SIGNATURES:

COMMITTEE ON COLLEGES & UNIVERSITIES:

Prepared by:

Anitere Flores

Staff Director:

Betty Tilton

FINAL ANALYSIS PREPARED BY THE COMMITTEE ON COLLEGES & UNIVERSITIES:

Prepared by:

Anitere Flores

Staff Director:

Dr. Betty Tilton