

STORAGE NAME: h0037Ba.cu.doc
DATE: October 24, 2001

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

BILL #: HB 37-B
RELATING TO: Determination of resident status for tuition purposes
SPONSOR(S): Representative(s) Baxley
TIED BILL(S): None

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

- (1) COMMITTEE ON COLLEGES & UNIVERSITIES YEAS 11 NAYS 0
 - (2)
 - (3)
 - (4)
 - (5)
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I. SUMMARY:

HB 37-B provides that dependents of active duty members of the Armed Services of the United States attending a public community college or university within 50 miles of the military establishment where they are stationed, if such military establishment is within a county contiguous to Florida, be treated as residents for tuition purposes. The bill provides for consistency in the treatment of dependents among active duty members of the Armed Forces who are given resident status for tuition purposes.

Currently law provides that the following categories of students must be classified as a "resident for tuition purposes":

- Active duty members of the Armed Services of the United States residing or stationed in this state, **their spouses, and dependent children.**
- Active duty members of the Armed Services of the United States **and their spouses** attending a public community college or university within 50 miles of the military establishment where they are stationed, if such military establishment is within a county contiguous to Florida.
- Active duty members of the Canadian military residing or stationed in this state under the North American Air Defense (NORAD) agreement, **and their spouses and dependent children,** attending a public community college or university within 50 miles of the military establishment where they are stationed.

In every category where spouses of the primary beneficiary are permitted to obtain resident status for tuition purposes, dependents are also given resident status, *except* in the case of an active duty member of the armed forces attending a public community college or state university within 50 of the base where the active duty member is stationed, if the military establishment is within a county contiguous to Florida.

An estimated number of individuals that would be eligible for in-state tuition under this provision is not known. However, it is not expected that the impact would be great. There is currently only one military base in a county contiguous to Florida and within 50 miles of a public community college or state university. The fiscal impact is expected to be minimal.

The effective date of the bill is July 1, 2002.

II. 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 checked="" type="checkbox"/> | No <input type="checkbox"/> | N/A <input type="checkbox"/> |
| 4. <u>Personal Responsibility</u> | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> | N/A <input 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:

Section 240.1201, F.S., provides that students must be classified as residents or nonresidents for the purpose of assessing tuition fees in state universities and public community colleges. A student classified as a "resident for tuition purposes" qualifies for the in-state tuition rate. Section 240.1201, F.S., establishes general residency requirements and establishes separate categories of persons who must be classified as a "resident for tuition purposes". Section 240.1201(10), F.S., provides that the following categories of students must be classified as a "resident for tuition purposes":

- Active duty members of the Armed Services of the United States residing or stationed in this state, **their spouses, and dependent children.**
- Active duty members of the Armed Services of the United States **and their spouses** attending a public community college or university within 50 miles of the military establishment where they are stationed, if such military establishment is within a county contiguous to Florida.
- Active duty members of the Canadian military residing or stationed in this state under the North American Air Defense (NORAD) agreement, **and their spouses and dependent children**, attending a public community college or university within 50 miles of the military establishment where they are stationed.
- United States citizens living on the Isthmus of Panama, who have completed 12 consecutive months of college work at the Florida State University Panama Canal Branch, **and their spouses and dependent children.**
- Full-time instructional and administrative personnel employed by state public schools, community colleges, and institutions of higher education, as defined in s. 228.041, F.S, **and their spouses and dependent children.**
- Students from Latin America and the Caribbean who receive scholarships from the federal or state government. Any student classified pursuant to this paragraph shall attend, on a full-time basis, a Florida institution of higher education.

- Southern Regional Education Board's Academic Common Market graduate students attending Florida's state universities.
- Full-time employees of state agencies or political subdivisions of the state when the student fees are paid by the state agency or political subdivision for the purpose of job-related law enforcement or corrections training.
- McKnight Doctoral Fellows and Finalists who are United States citizens.
- United States citizens living outside the United States who are teaching at a Department of Defense Dependent School or in an American International School and who enroll in a Board of Regents-approved graduate level education program which leads to a Florida teaching certificate.

In every category where spouses of the primary beneficiary are permitted to obtain resident status for tuition purposes, dependents are also given resident status, *except* in the case of an active duty member of the armed forces attending a public community college or state university within 50 of the base where the active duty member is stationed, if the military establishment is within a county contiguous to Florida.

A residency sub-group of the Articulation Coordinating Committee recommends that dependents of active duty members of the Armed Services of the United States attending a public community college or university within 50 miles of the military establishment where they are stationed, if such military establishment is within a county contiguous to Florida, be treated as residents for tuition purposes. The group recommends that the law be amended to make the treatment of dependents among the various categories consistent.

C. EFFECT OF PROPOSED CHANGES:

The bill provides that dependents of active duty members of the Armed Services of the United States attending a public community college or university within 50 miles of the military establishment where they are stationed, if such military establishment is within a county contiguous to Florida, be treated as residents for tuition purposes.

The bill provides for consistency in the treatment of dependents among categories of active duty members of the Armed Forces who are given resident status for the tuition purposes.

D. SECTION-BY-SECTION ANALYSIS:

See sections above.

III. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

See Fiscal Comments.

2. Expenditures:

See Fiscal Comments.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

See Fiscal Comments.

2. Expenditures:

See Fiscal Comments.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

See Fiscal Comments.

D. FISCAL COMMENTS:

To the extent that the provision brings more students into the state for higher education, colleges and communities may benefit from tuition dollars and private spending that may not otherwise manifest.

An estimated number of individuals that would be eligible for in-state tuition under this provision is not known. However, it is not expected that the impact would be great. There is currently only one military base in a county contiguous to Florida and within 50 miles of a public community college or state university. The fiscal impact is expected to be minimal.

IV. 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 take action requiring the expenditure of funds.

B. REDUCTION OF REVENUE RAISING AUTHORITY:

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

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

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

V. COMMENTS:

A. CONSTITUTIONAL ISSUES:

None

B. RULE-MAKING AUTHORITY:

None

C. OTHER COMMENTS:

None

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PAGE: 5

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

N/A

VII. SIGNATURES:

COMMITTEE ON COMMITTEE ON COLLEGES & UNIVERSITIES:

Prepared by:

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