

# SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

BILL: SB 1090  
 SPONSOR: Senator Meek  
 SUBJECT: Student Military Service  
 DATE: January 29, 2002      REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Gordon	O'Farrell	ED	Favorable
2.	_____	_____	_____	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

**I. Summary:**

This bill requires district school boards, community college boards of trustees and university boards of trustees to draft rules permitting area technical center, community college, public college or state university students who enlist or are called to military service to avoid academic or financial penalties.

This bill would create an unnumbered section of the Florida Statutes.

**II. Present Situation:**

The Florida Administrative Code contains two provisions that require universities and community colleges to establish rules and procedures for the refund of tuition to students. However, no statutory provision exists that specifically addresses this issue. Rule 6A-14.0541, F.A.C., states, in pertinent part: "Each community college board of trustees shall establish a rule for the refund of matriculation, tuition, and other fees. . .". Subsection (2) of that rule directs the schools to establish rules for one hundred percent refunds due to exceptional circumstances including: (1) serious illness; (2) death of a student or relative of his or her immediate family; (3) *involuntary* call to active military duty, or (4) or other emergency circumstance as identified by community college rule.

Rule 6C-7(9), F.A.C., contains the tuition refund directive for the universities. As does the community college provision, subsection 9(d) allows for tuition refunds for the same circumstances outlined in the community college rule summarized above except that the last reason allows for refunds where the university has overcharged the student.

The number of students that would be affected by this legislation is unclear. Although specific totals for the Army, Airforce, and Navy were unavailable, the National Guard did report that thirty-five of its members in Florida withdrew from classes during the fall of 2001 in order to assist with military operations at airports and seaports.<sup>1</sup> All of those students have had their tuition payments either refunded or credited to their school accounts. One student is currently being academically penalized by a professor who refuses to release a grade for that student because he or she dropped out of class after the school's official drop date. This bill would directly prohibit such action by a professor.

The Airforce office based at Florida State University reported that none of its students are eligible to actively participate in military operations because they are not yet commissioned officers.

The Department of Education does not track the number of students who are also members of the military.

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

This bill would directly affect students at an area technical center, a public community college, a public college, or a state university. This bill would require district school boards, community college boards of trustees and university boards of trustees to draft rules permitting students at the aforementioned institutions who voluntarily enlist or are called to military service to avoid academic or financial penalties. The bill would allow students to either re-enroll in the courses from which they were forced to withdraw or receive refunds for tuition paid without being penalized. If the student decides not to re-enroll in the course, the bill would require that a student's records reflect that his or her withdrawal was due to active military service.

Florida's Administrative Code currently only permits refunds for one-hundred percent of tuition if the military participation was involuntary. This bill would expand the code's application to voluntary military service as well.

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

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

None.

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

None.

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<sup>1</sup> Students were attending the following schools: Community Colleges—Edison, Gulf Coast, Palm Beach, Tallahassee and Valencia; Universities—Florida A&M, Gulf Coast, Florida State, Central Florida, North Florida and South Florida.

C. Trust Funds Restrictions:

None.

D. Other Constitutional Issues:

**V. Economic Impact and Fiscal Note:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

Florida's state universities, colleges, and community colleges would be required to refund tuition to its students who voluntarily enlist or are involuntarily called into military service. The dollar amounts of the refunds would vary from case to case depending on the number of credits for which the students were enrolled and the price charged per credit at each institution.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Amendments:**

None.

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This Senate staff analysis does not reflect the intent or official position of the bill's sponsor or the Florida Senate.

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