

**HOUSE OF REPRESENTATIVES STAFF ANALYSIS**

**BILL #:** HB 5007 PCB SCCW 09-01 Postsecondary Education  
**SPONSOR(S):** State & Community Colleges & Workforce Appropriations Committee; Weatherford  
**TIED BILLS:** **IDEN./SIM. BILLS:**

	<b>REFERENCE</b>	<b>ACTION</b>	<b>ANALYST</b>	<b>STAFF DIRECTOR</b>
Orig. Comm.:	State & Community Colleges & Workforce Appropriations Committee	7 Y, 0 N	Eggers	Eggers
1)	Full Appropriations Council on Education & Economic Development		Eggers	Martin
2)				
3)				
4)				
5)				

**SUMMARY ANALYSIS**

The Legislature establishes each year in the General Appropriations Act (GAA) the sum of the standard tuition and the technology fee that a community college may charge. Each community college board of trustees then establishes the sum of the tuition and the technology fee, which may vary from 10 percent below to 15 percent above the amount in the GAA. The revenue generated by any amount from 10 percent to 15 percent above the amount in the GAA must be used for safety and security purposes.

The proposed committee bill:

- Deletes the requirement that community colleges shall use the amount from 10 to 15 percent above the sum of the tuition and the technology fee established in the GAA solely for safety and security purposes.

The bill does not have a fiscal impact on local governments.

The bill takes effect on July 1, 2009.

## HOUSE PRINCIPLES

Members are encouraged to evaluate proposed legislation in light of the following guiding principles of the House of Representatives

- Balance the state budget.
- Create a legal and regulatory environment that fosters economic growth and job creation.
- Lower the tax burden on families and businesses.
- Reverse or restrain the growth of government.
- Promote public safety.
- Promote educational accountability, excellence, and choice.
- Foster respect for the family and for innocent human life.
- Protect Florida's natural beauty.

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. EFFECT OF PROPOSED CHANGES:

##### **Background:**

Florida law provides that the tuition and out-of-state fee will be indexed to the rate of inflation as determined by the Consumer Price Index, unless otherwise provided in the General Appropriations Act (GAA).<sup>1</sup> The 2008-2009 GAA set the standard tuition and the technology fee at \$54.43 per credit hour for residents who enroll in advanced and professional, postsecondary vocational, college preparatory, and educator preparation institute programs.<sup>2</sup> The nonresident fee of \$163.39 is in addition to the tuition amount for nonresident students.

Each community college board of trustees establishes tuition and out-of-state fees that may vary no more than 10 percent below and 15 percent above the amount set in the GAA. Any amount from 10 to 15 percent above the amount set in the GAA must be used only to support safety and security purposes.<sup>3</sup> Prior to 1999, 10 percent was the maximum authorized increase over the amount set in the GAA. The authority to increase tuition from 10 percent to 15 percent above the amount set in the GAA for safety and security purposes became effective in the 1999-2000 fiscal year.<sup>4</sup>

Statute authorizes community colleges to assess the additional amount for safety and security purposes with written justification to the State Board of Education. Justification would be based on, but not limited to, criteria approved by the board of trustees such as local crime data and information, and strategies for the implementation of local safety plans.<sup>5</sup>

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

<sup>2</sup> Pursuant to the footnote at the end of §1009.23(10), F.S., current law removes the technology fee as a component part of tuition for college credit programs effective July 1, 2009 and is applicable beginning with the fall term of the 2009-2010 academic year. In 2008-09, Gulf Coast Community College generated \$199,482 and Pasco-Hernando generated \$476,927 from the technology fee. The remaining 26 community colleges did not have a technology fee. Email from the Department of Education (Mar. 25, 2009).

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

<sup>4</sup> Section 4, ch. 99-249, L.O.F.

<sup>5</sup> *Id.*

**Effect of Proposed Changes:**

PCB SCCW 09-01 deletes the provision that requires the amount between 10 and 15 percent above the amount established in the GAA be used only to support safety and security purposes. The increase above 10% of the amount set in the GAA and its use are at the discretion of the community college. In the 2008-09 fiscal year, 10 community colleges were at 15 percent above and 6 community colleges were between 10 percent and 15 percent above the amount set in the GAA. The bill does not generate additional revenue for these 16 community colleges; however, they may use the funds for other than safety and security purposes. The amount of \$17,803,088 in tuition revenue was generated by the 16 community colleges for safety and security purposes. The remaining 12 community colleges established a standard tuition and technology fee amount that is below 10 percent above the amount set in the GAA.<sup>6</sup>

College	2008-09	2008-09	Per Credit Hour	
	FTE	Tuition	Amount Above 10%	Amount Above 10%
<b>Community College Tuition 2008-09</b>				
<b>(1 FTE equals 30 Credit Hours)</b>				
		<b>Std Tuition</b>	<b>\$54.43</b>	
		<b>10% Above Std</b>	<b>\$59.87</b>	
		<b>15% Above Std</b>	<b>\$62.59</b>	
Brevard Community College	11,764	\$62.59	\$2.72	\$959,942
Broward College	24,887	\$59.87	-	-
Central Florida Community College	5,421	\$61.88	\$2.01	\$326,886
Chipola College	1,630	\$59.87	-	-
Daytona State College	13,161	\$62.59	\$2.72	\$1,073,938
Edison State College	9,072	\$62.59	\$2.72	\$740,275
Florida Community College at Jacksonville	24,104	\$62.59	\$2.72	\$1,966,886
Florida Keys Community College	936	\$62.59	\$2.72	\$76,378
Gulf Coast Community College	4,972	\$57.89	-	-
Hillsborough Community College	18,725	\$62.59	\$2.72	\$1,527,960
Indian River State College	12,725	\$60.87	\$1.00	\$381,750
Lake City Community College	2,173	\$59.68	-	-
Lake Sumter Community College	2,835	\$61.93	\$2.06	\$175,203
Manatee Community College	8,533	\$62.59	\$2.72	\$696,293
Miami Dade College	57,203	\$62.59	\$2.72	\$4,667,765
North Florida Community College	889	\$57.80	-	-
Northwest Florida State College	5,434	\$58.07	-	-
Palm Beach Community College	18,494	\$60.85	\$0.98	\$543,724
Pasco-Hernando Community College	6,081	\$57.89	-	-
Pensacola Junior College	8,677	\$59.87	-	-
Polk College	6,050	\$59.87	-	-
St. Johns River Community College	4,555	\$62.59	\$2.72	\$371,688
St. Petersburg College	17,013	\$62.59	\$2.72	\$1,388,261
Santa Fe College	12,039	\$59.87	-	-
Seminole Community College	12,003	\$62.31	\$2.44	\$878,620
South Florida Community College	2,831	\$59.87	-	-
Tallahassee Community College	12,212	\$57.55	-	-
Valencia Community College	26,400	\$62.43	\$2.56	\$2,027,520
<b>Total</b>	<b>330,819</b>			<b>\$17,803,088</b>

<sup>6</sup> Email from Department of Education (Feb. 6, 2009).

**B. SECTION DIRECTORY:**

**Section 1.** Amends s. 1009.23, F.S.; deletes the requirement that community colleges use funds between 10 and 15 percent above the combined tuition and fees for safety and security purposes; deletes the provision that with written justification the community college may assess a fee with funds received to be expended on additional safety and security purposes.

**Section 2.** Provides an effective date of July 1, 2009.

**II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT**

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

1. Revenues:

None.

2. Expenditures:

None.

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

1. Revenues:

None.

2. Expenditures:

None.

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

The bill does not have a direct impact on the private sector.

**D. FISCAL COMMENTS:**

In the 2008-09 fiscal year, 10 community colleges were at 15 percent above and 6 community colleges were between 10 percent and 15 percent above the amount set in the GAA. The bill does not generate additional revenue for these 16 community colleges; however, they may use the funds for other than safety and security purposes. The amount of \$17,803,088 in tuition revenue was generated by the 16 community colleges for safety and security purposes. The remaining 12 community colleges established a standard tuition and technology fee amount that is below 10 percent above the amount set in the GAA.<sup>7</sup>

**III. COMMENTS**

**A. CONSTITUTIONAL ISSUES:**

1. Applicability of Municipality/County Mandates Provision:

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<sup>7</sup> *Supra* note 6.

2. Other:

B. RULE-MAKING AUTHORITY:

C. DRAFTING ISSUES OR OTHER COMMENTS:

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