

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

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

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Prepared By: The Professional Staff of the Committee on Higher Education

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BILL: SB 216

INTRODUCER: Senators Detert and Gaetz

SUBJECT: Tuition and Fee Exemptions

DATE: February 5, 2016      REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Graf	Klebacha	HE	<b>Pre-meeting</b>
2.	_____	_____	AED	_____
3.	_____	_____	AP	_____

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**I. Summary:**

SB 216 clarifies for certain students (e.g., foster care children), and establishes for all students provisions relating to exemptions from the payment of tuition and fees at public postsecondary education institutions and for workforce education programs provided by school districts.

Specifically, the bill:

- Exempts students who were adopted from the Department of Children and Families or who were in the custody of the department under specified circumstances from the payment of tuition and fees.
- Provides for the adoption of rules and regulations and the application of such rules and regulations to all students who are granted tuition and fee exemptions, which:
  - Prohibit or eliminate restrictions on courses that such students may take, and
  - Expand student access to tuition and fee exemption eligibility information.

The bill takes effect July 1, 2016.

**II. Present Situation:**

The Legislature has enacted laws to make higher education affordable to students in Florida.

**Tuition and Fees**

The term “tuition” is defined as “the basic fee charged to a student for instruction provided by a public postsecondary educational institution in this state.”<sup>1</sup> An “out-of-state fee” is the additional

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<sup>1</sup> Section 1009.01(1), F.S. Additionally, the definition states that “[a] charge for any other purpose shall not be included within this fee.” *Id.*

fee for instruction provided by a public postsecondary educational institution charged to a student who does not qualify for the in-state tuition rate.”<sup>2</sup>

A student who is classified as a “resident for tuition purposes” is a student who qualifies for the in-state tuition rate.<sup>3</sup> A “non-resident for tuition purposes” is defined as a “person who does not qualify for the in-state tuition rate,”<sup>4</sup> and pays the out-of-state fee in addition to tuition.

Florida law affords exemptions<sup>5</sup> and waivers<sup>6</sup> from fees for students who meet specified criteria.

### **Fee Exemptions**

The following students are exempt from the payment of tuition and fees, including lab fees, at a school district that provides workforce education programs, Florida College System (FCS) institution, or state university:<sup>7</sup>

- A student enrolled in a dual enrollment or early admission program.
- A student enrolled in an approved apprenticeship program.
- A student who is or was at the time he or she reached 18 years of age in the custody of the Department of Children and Families (DCF or department) or who, after spending 6 months in the custody of the department after reaching 16 years of age, was placed in a guardianship by the court. The exemption remains valid until the student reaches 28 years of age.
- A student who is or was at the time he or she reached 18 years of age in the custody of a relative or a nonrelative or who was adopted from the DCF after May 5, 1997. The exemption remains valid until the student reaches 28 years of age.
- A student who enrolled in an employment and training program under the welfare transition program.
- A student who lacks a fixed, regular, and adequate nighttime residence or whose primary nighttime residence is a public or private shelter designed to provide temporary residence for individuals intended to be institutionalized, or a public or private place not designed for, or ordinarily used as, a regular accommodation for human beings.
- A student who is a proprietor, owner, or worker of a company whose business has been at least 50 percent negatively financially impacted by the buyout of property around Lake Apopka by the State of Florida. The exemption is valid for a period of 4 years after the date that the postsecondary education institution confirms that the conditions of this paragraph have been met.
- Child protection and child welfare personnel who are enrolled in an accredited bachelor’s degree or master’s degree in social work program, provided that the student attains at least a grade of “B” in all courses for which tuition and fees are exempted.

The law authorizes each FCS institution to grant student fee exemptions from all fees adopted by the State Board of Education (SBE or state board) and the FCS institution board of trustees for up to 54 full-time equivalent (FTE) students or 1 percent of the institution’s total FTE

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<sup>2</sup> Section 1009.01(2), F.S. Adding that “[a] charge for any other purpose shall not be included within this fee.” *Id.*

<sup>3</sup> Section 1009.21(1)(g), F.S.

<sup>4</sup> Section 1009.21(1)(e), F.S.

<sup>5</sup> Section 1009.25, F.S.

<sup>6</sup> Section 1009.26, F.S.

<sup>7</sup> Section 1009.25(1), F.S.

enrollment, whichever is greater, at each institution.<sup>8</sup> During the 2013-2014 academic year, FCS institutions provided fee exemptions to more than 72,740 students, which amounted to \$94 million in tuition exemptions.<sup>9</sup> Students who lived as foster children, lived with a relative or nonrelative, or were adopted after being wards of the State accounted for 3,142 of these exemptions, which amounted to \$5,570,487.78 in tuition and fee exemptions.<sup>10</sup> Additionally, school districts granted 226 fee exemptions to such students enrolled in postsecondary career and technical education programs and 441 fee exemptions to such students enrolled in adult education programs.<sup>11</sup>

Except in the case of dual enrollment students and early admit students, a regulation adopted by the Board of Governors of the State University System of Florida (BOG) limits the fee exemption benefits to apply only to undergraduate degree programs, not exceeding 120 credit hours,<sup>12</sup> unless the program requirements exceed 120 credit hours for a degree.<sup>13</sup> For students who are or were in the custody of the DCF, as specified, the regulation requires students to provide a certification of eligibility from the DCF to the state university in which such students seek to enroll.<sup>14</sup> Such students<sup>15</sup> received 548 fee exemptions granted by the state universities during the 2013-2014 academic year, which amounted to a \$2,849,049 in fee exemptions.<sup>16</sup> Additionally, 37 undergraduate students enrolled at state universities received a homeless student tuition and fee waiver during the 2013-2014 academic year.<sup>17</sup>

### III. Effect of Proposed Changes:

SB 216 clarifies for certain students (e.g., foster care children), and establishes for all students provisions relating to exemptions from the payment of tuition and fees at a school district that provides workforce education programs, Florida College System (FCS) institution, or state university; and requires each FCS institution and state university to adopt rules and regulations, respectively, to administer tuition and fee exemptions.

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<sup>8</sup> Section 1009.25(2), F.S.

<sup>9</sup> Florida Department of Education, 2016 Agency Legislative Bill Analysis for SB 216 (Oct. 13, 2015), at 2, on file with the Committee on Higher Education staff; Telephone interview with staff, Division of Florida Colleges (Feb. 5, 2016).

<sup>10</sup> Email, Florida Department of Education, Division of Florida Colleges (Feb. 5, 2016), on file with the Committee on Higher Education staff.

<sup>11</sup> Email, Florida Department of Education, Division of Florida Colleges (Feb. 5, 2016), on file with the Committee on Higher Education staff.

<sup>12</sup> Board of Governors Regulation 7.008(7).

<sup>13</sup> Board of Governors Regulation 8.014; *see also* Board of Governors, 2016 Agency Legislative Bill Analysis for SB 216 (Dec. 16, 2015), at 1, on file with the Committee on Higher Education staff.

<sup>14</sup> Board of Governors Regulation 7.008(7); *see also* Board of Governors, 2016 Agency Legislative Bill Analysis for SB 216 (Dec. 16, 2015), at 2, on file with the Committee on Higher Education staff.

<sup>15</sup> Students include the students who were adopted from the Department of Children and Families as well as youth who participated in the Road-to-Independence Program. Board of Governors, 2016 Agency Legislative Bill Analysis for SB 216 (Dec. 16, 2015), at 2, on file with the Committee on Higher Education staff. Certain young adults may receive postsecondary education services and support and aftercare services through the Road-to-Independence Program. Section 409.1451(1),(2), and (3), F.S. During the 2009-2010 fiscal year, 5,797 youth were eligible to receive the Road-to-Independence Program services but only 3,698 youth received the services. Additionally, 1,142 youth “aged out” of the foster care system during the 2009-2010 fiscal year. Department of Children and Families, *Child and Family Services Annual Progress and Services Report* (June 2011), available at <http://www.dcf.state.fl.us/admin/publications/docs/FFY09-10APSR.pdf>, at 38-39 and 117.

<sup>16</sup> Board of Governors, 2016 Agency Legislative Bill Analysis for SB 216 (Dec. 16, 2015), at 2, on file with the Committee on Higher Education staff.

<sup>17</sup> *Id.*

## Student Eligibility for Tuition and Fee Exemptions

The bill removes the age requirement for a child who, after spending six months in the custody of the DCF, is placed in a guardianship by the court.<sup>18</sup> Current law provides for tuition and fee exemptions for a student who is or was at the time he or she reached 18 years of age in the custody of the DCF or who, after spending at least six months in the department's custody after reaching 16 years of age, was placed in a guardianship by the court.<sup>19</sup> In effect, the bill extends eligibility for tuition and fee exemptions to a student who has spent at least six months in the custody of the DCF before placement in a guardianship by the court, regardless of the student's age at the time of the custody.

Additionally, the bill removes current restrictions on student eligibility for such exemptions by:

- Expanding tuition and fee exemption benefits to any student who is or was adopted from the DCF and who has not reached 28 years of age,<sup>20</sup> and eliminating an existing eligibility criteria that extends tuition and fee exemption benefits to students who were adopted from the DCF after May 5, 1997.
- Clarifying that a student who is or was at the time he or she reached 18 years of age in the custody of the DCF and is or was placed with a nonrelative in a shelter<sup>21</sup> is eligible for tuition and fee exemptions until the student reaches 28 years of age. Current law limits the provision regarding a student's placement with nonrelatives to apply to "nonrelatives who are willing to assume the custody and care of a dependent child in the role of a substitute parent as a result of a court's determination of child abuse, neglect, or abandonment and subsequent placement with the nonrelative caregiver."<sup>22</sup>
- Clarifying existing tuition and fee exemption provision concerning a student's placement with a relative to also apply to a relative who is not or was not a participant in the Relative Caregiver Program. Current law limits the provision regarding a student's placement with relatives to apply to the relatives who qualify for and participate in the Relative Caregiver Program.<sup>23</sup>

## Applicability of Tuition and Fee Exemptions

The bill requires each FCS institution and state university to adopt rules and regulations, respectively, to administer tuition and fee exemptions, and requires such rules and regulations to apply to all students who qualify for tuition and fee exemptions including, but not limited to, the students who are or were in the custody of the DCF.<sup>24</sup>:

- Prohibit a restriction on the number of credit hours that may be earned by a student;

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<sup>18</sup> Florida Department of Children and Families, 2016 Agency Legislative Bill Analysis for SB 216 (Oct. 1, 2015), at 2, on file with the Committee on Higher Education staff.

<sup>19</sup> Section 1009.25(1)(c), F.S.

<sup>20</sup> Board of Governors, 2016 Agency Legislative Bill Analysis for SB 216 (Dec. 16, 2015), at 2, on file with the Committee on Higher Education staff; Florida Department of Children and Families, 2016 Agency Legislative Bill Analysis for SB 216 (Oct. 1, 2015), at 2, on file with the Committee on Higher Education staff.

<sup>21</sup> Florida Department of Children and Families, 2016 Agency Legislative Bill Analysis for SB 216 (Oct. 1, 2015), at 2, on file with the Committee on Higher Education staff.

<sup>22</sup> Section 39.5085(2)(a)3., F.S.

<sup>23</sup> Section 39.5085, F.S.

<sup>24</sup> Board of Governors, 2016 Agency Legislative Bill Analysis for SB 216 (Dec. 16, 2015), at 2-3, on file with the Committee on Higher Education staff.

- Allow a student to enroll in remedial courses;
- Eliminate limitations on the type of courses in which a student may enroll;
- Eliminate limitations on the number of times that a student may enroll in a course;
- Require the Department of Education, and each FCS institution, and state university to post tuition and fee exemption information on their respective websites; and
- Require financial aid officers at the FCS institutions and state universities to contact and advise students who indicate their eligibility for a tuition and fee exemptions on a financial aid form. The bill does not specify if the financial aid form must be the Free Application for Federal Student Aid (FAFSA).<sup>25</sup>

As a result, the rules and regulations will increase transparency regarding tuition and fee exemptions including, but not limited to, eligibility requirements for such exemptions, and expand benefits for all students who are exempt from the payment of tuition and fees.

The bill takes effect July 1, 2016.

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

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

#### **V. Fiscal Impact Statement:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

SB 216 expands benefits for all students who are exempt from the payment of tuition and fees.

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<sup>25</sup> Florida Department of Education, 2016 Agency Legislative Bill Analysis for SB 216 (Oct. 13, 2015), at 7, on file with the Committee on Higher Education staff.

C. **Government Sector Impact:**

School districts that provide workforce education programs, Florida College System institutions, and state universities will need to forgo tuition and fee revenue for the specified students.<sup>26</sup>

VI. **Technical Deficiencies:**

None.

VII. **Related Issues:**

None.

VIII. **Statutes Affected:**

This bill substantially amends section 1009.25 of the Florida Statutes.

IX. **Additional Information:**

A. **Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. **Amendments:**

None.

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This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

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<sup>26</sup> Board of Governors, 2016 Agency Legislative Bill Analysis for SB 216 (Dec. 16, 2015), at 4, on file with the Committee on Higher Education staff; Florida Department of Education, 2016 Agency Legislative Bill Analysis for SB 216 (Oct. 13, 2015), at 5-6, on file with the Committee on Higher Education staff; and Florida Department of Children and Families, 2016 Agency Legislative Bill Analysis for SB 216 (Oct. 1, 2015), at 4, on file with the Committee on Higher Education staff.