

HOUSE OF REPRESENTATIVES STAFF FINAL BILL ANALYSIS

BILL #: CS/HB 767 Resident Status for Tuition Purposes

SPONSOR(S): Postsecondary Education & Workforce Subcommittee, Edmonds and others

TIED BILLS: None. **IDEN./SIM. BILLS:** CS/SB 62

FINAL HOUSE FLOOR ACTION: 109 Y's

5 N's

GOVERNOR'S ACTION: Vetoed

SUMMARY ANALYSIS

CS/HB 767 passed the House on March 6, 2024, as CS/SB 62.

The bill provides that an individual classified as a resident for tuition purposes may not lose his or her resident status for tuition purposes solely by reason of incarceration in a state or federal correctional facility in this state.

The bill has an indeterminate fiscal impact on state revenues. See fiscal comments.

The effective date of this bill was July 1, 2024; however, this bill was vetoed by the Governor on June 25, 2024.

I. SUBSTANTIVE INFORMATION

A. EFFECT OF CHANGES:

Present Situation

Tuition and Out-of-State Fees

Under Florida law, 'tuition' is defined as the basic fee charged to a student for instruction provided by a public postsecondary educational institution in the state.¹ A 'resident for tuition purposes' is a student who qualifies for the in-state tuition rate.² The resident undergraduate tuition rate for the State University System (SUS) is currently set in statute at \$105.07 per credit hour.³ For baccalaureate degree programs offered at a Florida College System institution, the statutory resident tuition rate is \$91.79 per credit hour.⁴

Residents for tuition purposes are charged the statutory rates for tuition while non-residents pay out-of-state fees in addition to tuition, unless these costs are exempted or waived. An 'out-of-state fee' is the additional fee for instruction provided by a public postsecondary education institution in the state, and is charged to a student who does not qualify for the in-state tuition rate.⁵ Across the State University System, for the 2023-24 academic year, the average out-of-state fee was \$464.94 per credit hour.⁶ Across the Florida College System, for the 2022-23 academic year, the weighted average of out-of-state fee for baccalaureate degree programs was \$318.63 per credit hour.⁷

Establishing Residency Status for Tuition Purposes

With respect to tuition and fees at public postsecondary institutions, a legal Florida resident is someone who has maintained his or her residence in the state for the preceding year, has purchased a home which is occupied by him or her as his or her residence, or has established a domicile in this state.⁸ Such residency must be bona fide and not for the sole purpose of enrollment at the institution. If the person is a dependent child, his or her parent (or guardian) must meet this requirement.

Currently, residency must be proven by two or more documents, including at least one of the following:⁹

- A voter registration card.
- A driver license/identification card.
- A vehicle registration.
- Proof of a permanent home in Florida occupied as a primary residence.
- Proof of a homestead exemption.
- High school transcripts from a Florida high school for multiple years if the diploma was earned within the last 12 months.
- Proof of permanent employment (30 or more hours per week for a 12-month period).

¹ s. 1009.01(1), F.S.

² s. 1009.21(1)(g), F.S.

³ s. 1009.24(4)(a), F.S.

⁴ s. 1009.23(3)(b), F.S.

⁵ s. 1009.01(2), F.S.

⁶ Florida Board of Governors, *Tuition & Fees*, <https://www.flbog.edu/universities/parents-students/tuition-fees/> (last visited March 6, 2024).

⁷ Florida Department of Education, Florida College System, *Accountability – Data Systems*, <https://www.fldoe.org/accountability/data-sys/CCTCMIS/reports.stml>, (link to 2023 Fact Book, worksheet FB 7.12T within the Excel file) (last visited March 6, 2024).

⁸ s. 1009.21(1)(d), F.S.

⁹ s. 1009.21(3)(c)1., F.S.

Additionally, one or more of the following may also be evidenced:¹⁰

- Declaration of domicile.
- Professional or occupational license.
- Business incorporation.
- Documentation of family ties.
- Membership in Florida-based charitable or professional organization.
- Any other supporting documentation supporting residency (lease agreement, utility bills, etc.).

A person loses his or her classification as a resident for tuition purposes if:¹¹

- The person or, if he or she is a dependent child, the person's parent or parents establish domicile or legal residence outside of the state. The person's resident status will continue for a 12-month statutory grace period.
- The person ceases to be enrolled at or graduates from an institution of higher education while classified as a resident for tuition purposes, subsequently abandons their domicile in Florida, and fails to reestablish his or her domicile in the state within 12 months.

Effect of the Bill

The bill provides that an individual classified as a resident for tuition purposes may not lose his or her resident status for tuition purposes solely by reason of incarceration in a state or federal correctional facility in this state.

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:

See fiscal comments.

D. FISCAL COMMENTS:

The bill has an indeterminate fiscal impact on Florida College System and State University System revenues. An out-of-state fee would no longer be collected from students that would not qualify for in-state tuition rates solely by reason of incarceration. However, colleges and universities may see an

¹⁰ s. 1009.21(3)(c)2., F.S.

¹¹ s. 1009.21(8)-(9), F.S.

increase in enrollment, and therefore revenues, as the bill removes a barrier to access for the formerly incarcerated student population.

The formerly incarcerated students impacted by this bill would save an average of \$318.63 per credit hour for baccalaureate programs at Florida College System institutions and an average of \$464.94 per credit hour at State University System institutions.