

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.)

Prepared By: The Professional Staff of the Committee on Education

BILL: CS/SB 84

INTRODUCER: Military and Veterans Affairs, Space, and Domestic Security Committee and Senator Latvala

SUBJECT: Resident Status for Tuition Purposes

DATE: December 9, 2013 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Ryon/Spaulding</u>	<u>Ryon</u>	<u>MS</u>	<u>Fav/CS</u>
2.	<u>Letarte</u>	<u>Klebacha</u>	<u>ED</u>	<u>Pre-meeting</u>
3.	_____	_____	<u>AED</u>	_____
4.	_____	_____	<u>AP</u>	_____

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 84 allows honorably discharged veterans of the U.S. Armed Forces, the National Guard and reserve components thereof to be automatically classified as residents of the state for tuition purposes at state universities and Florida College System institutions. The bill essentially waives the current one-year requirement for veterans to establish residency in the state before they may qualify for in-state tuition rates.

The bill takes effect July 1, 2014.

II. Present Situation:

Tuition and Residency for Tuition Purposes

Under Florida law, "tuition" is defined as "the basic fee charged to a student for instruction provided by a public postsecondary educational institution in this state."¹ A student who is classified as a "resident for tuition purposes" is a student who qualifies for this in-state tuition rate.²

¹ 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.*

² Section 1009.21(1)(g), F.S.

An “out-of-state fee” is “the additional fee for instruction provided by a public postsecondary education institution in this state, which fee is charged to a student who does not qualify for the in-state tuition rate.”³ A “non-resident for tuition purposes” is defined as a “person who does not qualify for the in-state tuition rate,”⁴ and pays the out-of-state fee in addition to tuition.

To be considered a resident for tuition purposes, a student, or a student’s parent or parents if the student is a dependent,⁵ must:

- Have established and maintained in-state legal residence for a minimum of 12 consecutive months immediately prior to the student’s initial enrollment;⁶ and
- Make a statement that residency was established to maintain a bona fide domicile rather than to set up a temporary residence just to establish in-state residency status to qualify for in-state tuition.⁷

In addition to a student (or a dependent student’s parent or parents) establishing and maintaining in-state legal residence for a minimum of 12 consecutive months and providing a statement of residency, an applicant must also provide two or more of the following documents to show in-state residency:⁸

At least one of the following must be provided:⁹

- A state voter’s registration card;
- A state driver’s license;
- A state identification card;
- A state vehicle registration;
- Proof of a permanent home in Florida occupied as a primary residence by the student;
- Proof of homestead exemption in Florida;
- Transcripts from a Florida high school for multiple years if the Florida high school diploma or GED was earned within the last 12 months; or
- Proof of permanent full-time employment in Florida for a duration of 12 months for a minimum of 30 hours per week.

One or more of the following documents may be provided to assist in showing in-state residency:¹⁰

- A declaration of Florida domicile;
- A state professional or occupational license;
- State incorporation;

³ Section 1009.01(2), F.S. Adding that “[a] charge for any other purpose shall not be included within this fee.” *Id.*

⁴ Section 1009.21(1)(e), F.S.

⁵ Section 1009.21(1)(a), F.S. (defining a “dependent child” as “any person, whether or not living with his or her parent, who is eligible to be claimed by his or her parent as a dependent under the federal income tax code”).

⁶ Section 1009.21(2)(a)1., F.S.

⁷ Section 1009.21(2)(a)2., F.S.

⁸ Section 1009.21(3)(c), F.S. (stating that no single document is conclusive).

⁹ Section 1009.21(3)(c)1.a.-h., F.S.

¹⁰ Section 1009.21(3)(c)2.a.-f., F.S.

- A document evidencing family ties in the state;
- Evidence of membership in a state-based charity or professional organization;
- Other documentation that evidences residency, such as energy bills or a lease agreement with 12 consecutive monthly payments; or
- An official state, federal, or court document showing legal ties to the state.

Section 1009.21(10), F.S., provides eleven categories that automatically consider qualifying individuals as residents of the state for tuition purposes, thereby exempting them from the 12-month residency requirement.¹¹ Regarding active duty military personnel, the following are considered residents for tuition purposes in Florida:

- Active duty members “residing or stationed in this state, their spouses, and dependent children, and active drilling members of the Florida National Guard”;¹²
- Active duty members “and their spouses and dependents attending a Florida College System institution or state university within 50 miles of the military establishment where they are stationed, if such military establishment is within a county contiguous to Florida”;¹³
- “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 Florida College System institution or state university within 50 miles of the military establishment where they are stationed”;¹⁴ and
- “Active duty members of a foreign nation’s military who are serving as liaison officers and are residing or stationed in this state, and their spouses and dependent children, attending a Florida College System institution or state university within 50 miles of the military establishment where the foreign liaison officer is stationed.”¹⁵

Florida law also provides fee exemptions¹⁶ and fee waivers¹⁷ to certain students. Regarding military personnel, there is a mandatory undergraduate fee waiver for “each recipient of a Purple Heart or another combat decoration superior in precedence” at a state university or Florida College System institution.¹⁸ The statute requires that the recipient:¹⁹

- (1) be in an undergraduate program that results in a certificate or degree;
- (2) is currently a resident of the state and was a resident at the time of the action that resulted in the awarding of the applicable combat decoration; and
- (3) provide the institution with appropriate documentation of the separation from service and receipt of the combat decoration.

¹¹ Section 1009.21(10)(a)-(k), F.S.

¹² Section 1009.21(10)(a), F.S.

¹³ Section 1009.21(10)(b), F.S.

¹⁴ Section 1009.21(10)(j), F.S.

¹⁵ Section 1009.21(10)(k), F.S.

¹⁶ Section 1009.25, F.S.

¹⁷ Section 1009.26, F.S.

¹⁸ Section 1009.26(8), F.S.

¹⁹ Section 1009.26(8)(a)-(c), F.S.

The fee waiver for Purple Heart recipients, and recipients of superior combat decorations, covers 110 percent of the credit hours the recipient needs to complete the applicable degree or certificate program.²⁰

Additionally, the board of trustees at each university, as well as school districts, and Florida College System institutions are authorized to waive fees under certain conditions. The board of trustees of each university is able “waive tuition and out-of-state fees for purposes that support and enhance the mission of the university.”²¹ Similarly, “[s]chool districts and Florida College System institutions may waive fees for any fee-nonexempt student.”²²

Resident Status for Tuition Purposes for Veterans

Currently, the standard document review process outlined in s. 1009.21, F.S. is used to determine residency status for tuition purposes for veterans and all other students who are not otherwise considered eligible under the previously mentioned categories.

States and institutions of higher education across the nation use an array of options and criteria to apply in-state tuition rates to veterans. The differing means of granting in-state tuition to veterans that currently exist, through state law or institutional policy, and the varying eligibility requirements to receive the benefit, create a range of options when providing tuition assistance to veterans. For example, some states:

- Provide for veterans to be charged in-state tuition without a residency requirement.²³
- Require that a veteran be permanently stationed in the state²⁴ or be a resident of the state and meet an additional requirement to be a resident for admission and tuition purposes.²⁵

²⁰ Section 1009.26(8), F.S.

²¹ Section 1009.26(9), F.S. (noting that fee waivers under this section must be grounded in policies adopted by the university board of trustees under regulations adopted by the Board of Governors).

²² Section 1009.26(1), F.S.

²³ *E.g.*, MISS. CODE ANN. §37-103-25(2)(b) (requiring that the student need only be a veteran of the Armed Forces); MISS. CODE ANN. §37-103-25(2)(c) (assessing an in-state tuition fee to a nonresident student who is “domiciled in Mississippi no later than six (6) months after . . . separation from service . . . for the purpose of enrolling in a state institution of higher learning or a community or junior college”); *see also* VA. CODE ANN. §23-7.4(B) (waiving the one year residency requirement for “retired military personnel residing in the Commonwealth at the time of their retirement, or veterans, or the domiciliary intent of their dependent spouse or children who claim domicile through them, who voluntarily elect to establish Virginia as their permanent residence for domiciliary purposes”).

²⁴ *E.g.*, LA. REV. STAT. ANN. §17:2137(D) (establishing that honorably discharged veterans (and their dependents) who were permanently stationed in the state as members of the Armed Forces and continuously reside in the state upon discharge qualify for resident tuition fees).

²⁵ *E.g.*, ALA. CODE §16-64-2(b)(1)c. (providing residency status for admission and tuition purposes to a veteran who “has become a resident of Alabama and satisfies at least one of the following conditions,” where the veteran has: served on active duty for two or more years with an honorable discharge within five years of attending a public school in Alabama; is currently serving in a reserve component of the Armed Forces; or has a service-related disability as determined by the USDVA); LA. REV. STAT. ANN. §17:2137(E) (granting residency for tuition purposes to a veteran of the Armed Forces who resides in the state for the duration of enrollment in a public college or university, except for tuition fees of a veteran who is eligible for the Yellow Ribbon Program; has served for two or more years and was honorably discharged one year prior to enrollment; is in a Reserve Component of the Armed Forces; or has a service-related disability as documented by the USDVA).

- Do not require that residency be demonstrated but may require continuous enrollment and some form of documentation that is relevant to state residency.²⁶
- Provide a specific waiver of the in-state residency requirement for residents living out-of-state but within a certain radius of the institution being attended.²⁷

Additionally, some laws authorize institutions of higher education to develop policies and criteria that provide fee waivers to eligible veterans.²⁸

U.S. Department of Veterans Affairs Education Benefit Programs

The U.S. Department of Veterans Affairs (USDVA) provides financial assistance programs to eligible veterans and dependents pursuing postsecondary education. The USDVA currently administers the following federal educational assistance programs:

- **Montgomery GI Bill – Active Duty Educational Assistance Program (MGIB-AD)**²⁹
 - The MGIB-AD provides educational assistance to persons who served on active duty in the Armed Forces.³⁰ Active duty members make an initial contribution³¹ and are

²⁶ ARIZ. REV. STAT. §15-1802(G) (giving automatic in-state student classification to honorably discharged veterans who are continuously enrolled and have: (1) registered to vote in Arizona, and (2) shown intent to become an Arizona resident through: an Arizona driver’s license, vehicle registration, employment history, movement of significant banking services to the state, providing a permanent state address on “pertinent documents,” or through other documents relevant to residency status); TEX. EDUC. CODE ANN. §54.241(i) (granting an honorably discharged veteran (and the veteran’s spouse and dependent children) with in-state costs at a state institution “for any term or semester at a state institution of higher education that begins before the first anniversary of the member’s separation from the Armed Forces” and provided that subsection (d) requirements relating to residency are also met); *see also* TEX. EDUC. CODE ANN. §54.241(k) (stating that a person is entitled to in-state tuition rates, regardless of residency, if the individual is eligible for federal veteran education benefits and files a letter of intent with the institution to establish residency in Texas).

²⁷ *E.g.*, ALA. CODE §16-64-62(b)(1)d. (stating that “an out-of-state veteran who resides within 90 miles of a campus located in Alabama and has enrolled at an institution whose board of trustees has voted to allow nonresident in-state tuition for active and retired military” shall be considered a resident student).

²⁸ *E.g.*, GA. CONST. art. 8, §7, ¶ IV (authorizing the Board of Regents of the University System of Georgia “to establish programs allowing attendance at units of the University System of Georgia without payment of tuition or other fees”); MISS. CODE ANN. §37-103-25(3)-(4); WASH. REV. CODE §23B.15.621(2) and (3) (providing that the governing boards of universities and colleges “may waive all or a portion of tuition and fees” for national guard members and eligible veterans); University System of Georgia, *Board of Regents Policy Manual*, <http://www.usg.edu/policymanual/section7/C453/>, §7.3.4.1 (last visited Dec. 8, 2013) (creating an out-of-state tuition waiver for recently separated members of the military, and their spouses and dependent children, who enroll and show an intent to become a Georgia resident within 12 months of separation from the military); University of Washington, Veterans Center, Division of Student Life, *Tuition Waivers*, <http://www.washington.edu/students/veteran/waiver.shtml> (last visited Dec. 8, 2013) (giving a waiver of 50 percent of the in-state tuition and fee rate to an honorably discharged veteran, seeking a first baccalaureate degree, for up to 225 college-level credits, who is a “Washington domiciliary,” served in a “war or conflict on foreign soil or in international waters[,] or in another location in support of those serving on foreign soil or in international waters,” and providing a similar waiver at the graduate and professional level if the individual has not previously received a tuition waiver for veterans from the University of Washington).

²⁹ 38 U.S.C. §§3001-3035.

³⁰ 38 U.S.C. §3011(a).

³¹ 38 U.S.C. §3011(b)(1) (stating that “the basic pay of any individual described in subsection (a)(1)(A) of this section who does not make an election under (c)(1) of this section shall be reduced by \$100 for each of the first 12 months that such individual is entitled to such pay”).

- subsequently entitled to receive a monthly education benefit³² once they have completed a minimum service obligation.³³
- **Montgomery GI Bill – Selected Reserve Educational Assistance Program (MGIB-SR)**³⁴
 - The MGIB-SR provides educational assistance to members of the reserve components of the Armed Forces. Reservists must be actively drilling and have a 6-year obligation in the reserves to be eligible.³⁵
 - **Educational Assistance Survivors’ and Dependents’ Program (DEA)**³⁶
 - DEA is a monetary educational benefit payable to eligible dependents and survivors of certain veterans.³⁷
 - **Veterans Educational Assistance Program (VEAP)**³⁸
 - VEAP is an education benefit for veterans who entered service for the first time between December 31, 1976 and July 1, 1985. Although there are still some veterans who use this program, it ended for new enrollees June 30, 1985.³⁹
 - **Reserve Educational Assistance Program (REAP)**⁴⁰
 - REAP provides educational assistance to National Guard members and reservists who are called to active duty in response to a war, national emergency, or contingency operation as declared by the President or Congress on or after September 11, 2001.⁴¹
 - **Post-9/11 GI Bill Program**⁴²
 - The Post-9/11 GI Bill is the newest educational assistance program that provides financial support for education and housing to individuals with at least 90 days of aggregate service on or after September 11, 2001,⁴³ or individuals discharged with a service-connected disability after 30 continuous days of active duty service.⁴⁴

³² 38 U.S.C. §3014 (providing that the educational assistance is to help meet the costs of an individual’s “subsistence, tuition, fees, supplies, books, equipment, and other educational costs” and that the maximum duration of benefits is 36 months); Department of Veterans Affairs, *The Montgomery GI Bill- Active Duty: Summary of Educational Benefits Under the Montgomery GI Bill – Active Duty Educational Assistance Program*, http://www.gibill.va.gov/documents/pamphlets/ch30_pamphlet.pdf, 17.

³³ 38 U.S.C. §3011(a)(1) (outlining the minimum service obligations depending upon when an individual began active duty).

³⁴ 10 U.S.C. §§16131-16136.

³⁵ 10 U.S.C. §§16131(a), 16132(a); Department of Veterans Affairs, *The Montgomery GI Bill-Selected Reserve*, http://gibill.va.gov/documents/pamphlets/ch1606_pamphlet.pdf.

³⁶ 38 U.S.C. §§3500-3566.

³⁷ 38 U.S.C. §3501(a)(1) (defining an “eligible person” as: the child of an individual who died or has a permanent and total disability as a result of service; the spouse of an individual who died due to service-related disability; the spouse or child of an individual who, for 90 days, is missing in action, captured, or forcibly detained in the line of duty, or who is receiving certain medical care and may be released or discharged due to a service-related disability); Department of Veterans Affairs, *Dependents’ Educational Assistance Program (DEA)*, [http://www.gibill.va.gov/documents/pamphlets/ch35_pamphlet\(2\).pdf](http://www.gibill.va.gov/documents/pamphlets/ch35_pamphlet(2).pdf), 3.

³⁸ 38 U.S.C. §§3201-3243.

³⁹ 38 U.S.C. §§3201, 3202(1)(A).

⁴⁰ 10 U.S.C. §§16161-16166.

⁴¹ 10 U.S.C. §16163(a).

⁴² 38 U.S.C. §§3301-3325.

⁴³ 38 U.S.C. §3311(b)(8).

⁴⁴ 38 U.S.C. §3311(b)(2)(B). The Post-9/11 GI Bill, which became effective on August 1, 2009, provides the most comprehensive set of education benefits since the original GI Bill of 1944. USDVA Veterans Benefits Administration, *Annual Benefits Report: Fiscal Year 2011*, http://www.vba.va.gov/REPORTS/abr/2011_abr.pdf, 37. It is also the most widely utilized of all USDVA education programs. *Id.* at 40 (providing programmatic statistics from 2007-2011 and demonstrating that the Post-9/11 GI Bill program had more beneficiaries than any other program in 2010 and 2011).

- Individuals may be eligible for up to 36 months of education benefits and eligibility generally expires 15 years from the date of the last discharge or release from active duty service.⁴⁵
- The Post-9/11 GI Bill provides beneficiaries the cost of tuition and fees, not to exceed the most expensive in-state undergraduate tuition at a public higher education institution in the state in which the individual is attending school.⁴⁶
- An individual is eligible for a fixed percentage of the payments authorized under the Post-9/11 GI Bill based on an individual's amount of creditable active duty service since September 11, 2001.⁴⁷
- **Yellow Ribbon GI Education Enhancement Program (Yellow Ribbon Program)**
 - The Yellow Ribbon Program was created within the Post-9/11 GI Bill program as a means to partially or fully fund tuition and fee expenses that exceed the established thresholds under the Post-9/11 GI Bill.⁴⁸
 - Participation in the Yellow Ribbon Program is limited to veterans entitled to the maximum Post-9/11 GI Bill benefit rate (based on service requirements) or their designated transferees.⁴⁹
 - Both public and private colleges and universities are able to voluntarily participate in the Yellow Ribbon Program through an agreement with the USDVA.⁵⁰
 - The USDVA will match an institution's contributions, not to exceed 50 percent of the difference.⁵¹
 - Currently, two Florida College System institutions and four State University System institutions are listed as Yellow Ribbon Program participants.⁵²

⁴⁵ 38 U.S.C. §3321(a).

⁴⁶ USDVA, *Yellow Ribbon Program*, http://www.gibill.va.gov/School_Info/yellow_ribbon/ (last visited Dec. 8, 2013). The Post-9/11 GI Bill also provides a monthly housing allowance and a yearly stipend for books and supplies. USDVA, *Post-9/11 GI Bill (Chapter 33) Payment Rates for 2012 Academic Year (August 1, 2012-July 31, 2013)*, http://www.gibill.va.gov/resources/benefits_resources/rates/CH33/Ch33rates080112.html#MHA (last visited Dec. 8, 2013). Post-9/11 GI Bill benefits are allowed to be used for approved training, which includes: graduate and undergraduate degrees, non-college degree programs for vocational and technical training, apprenticeship and on-the-job training, flight training, correspondence training, certification and licensing, national testing programs, entrepreneurship training, and a tutorial assistance program. USDVA, *The Post-9/11 GI-Bill*, http://www.gibill.va.gov/benefits/post_911_gibill/index.html (last visited Dec. 8, 2013).

⁴⁷ 38 U.S.C. §3313(c)(1)-(7); USDVA, *Post 9/11 GI Bill: It's Your Future*, http://gibill.va.gov/documents/pamphlets/ch33_pamphlet.pdf, 2.

⁴⁸ 38 U.S.C. §3317(a) (defining the purpose of the Yellow Ribbon GI Educational Enhancement Program as a means of covering a portion of the expenses not covered by 38 U.S.C. §3313).

⁴⁹ USDVA, *Post 9/11 GI Bill: It's Your Future*, http://gibill.va.gov/documents/pamphlets/ch33_pamphlet.pdf, 2. Veterans entitled to less than the maximum benefit rate and active duty servicemembers and their spouses are not eligible for this program. USDVA, *Benefits of the Yellow Ribbon Program*, http://www.gibill.va.gov/benefits/post_911_gibill/yellow_ribbon_program.html (last visited Dec. 8, 2013).

⁵⁰ 38 U.S.C. §3317(a), (c); *see* USDVA, *Yellow Ribbon Program Information 2012-2013 School Year* http://www.gibill.va.gov/gi_bill_info/ch33/yrp/yrp_list_2012.htm (select "Florida" in the state list) (last visited Dec. 8, 2013) (providing a list of participating institutions by state, which includes public and private institutions). To participate in the Yellow Ribbon Program, an institution must enter into an official agreement with the USDVA 38 U.S.C. §3317(c). The agreement specifies the maximum amount an institution will contribute per academic year toward each qualified student's tuition and fee expenses that exceed the amount payable under the Post-9/11 GI Bill. 38 U.S.C. §3317(c)(2). The agreement also indicates the maximum number of individuals for whom contributions will be made in any given academic year. 38 U.S.C. §3317(c)(3).

⁵¹ 38 U.S.C. §3317(d)(1).

⁵² USDVA, *Florida State Yellow Ribbon Program Information 2013-2014*, http://www.gibill.va.gov/gi_bill_info/ch33/yrp/2013/states/fl.htm (last visited Dec. 8, 2013). The Florida College System

According to the USDVA, for fiscal year 2011,⁵³ the state of Florida had the third highest number of USDVA education beneficiaries (using one or more of the federal education assistance programs described above) in the nation with 68,133 beneficiaries, behind Texas (76,878) and California (88,420).⁵⁴ The number of USDVA education program beneficiaries in Florida has steadily increased since fiscal year 2000 (see Figure One below).⁵⁵ Total USDVA education program payments to Florida beneficiaries for fiscal year 2012 was \$702,492,751.⁵⁶

Figure One USDVA Education Beneficiaries in Florida	
Fiscal Year	Total Florida Beneficiaries
2000	25,556
2001	26,598
2002	28,394
2003	29,551
2004	31,815
2005	31,791
2006	32,193
2007	33,963
2008	36,088
2009	36,394
2010	59,519
2011	68,133

For fiscal year 2011, there were 42,607 Post-9/11 GI Bill beneficiaries in Florida.⁵⁷ Currently in Florida, a veteran who is a non-resident and wishes to apply the Post-9/11 GI Bill benefits toward a degree program at a public institution will be billed as a non-resident student. Because

institutions listed as participants are: the State College of Florida, Manatee-Sarasota (providing \$4,320.00 per student per year for a maximum of 20 students) and Gulf Coast State College, which is currently noted as providing \$0.00 per student per year for zero students. *Id.* The State University System Institutions listed as participants are: Florida State University (providing an unlimited amount per student per year for an unlimited amount of students); University of Central Florida (providing \$6,000.00 per student per year for 30 undergraduate students; \$6,800.00 per student per year for 10 graduate students; and \$20,000 per student per year for 10 medical students); University of South Florida (providing \$6,000.00 per student per year for 24 undergraduate students; \$6,500.00 per student per year for 10 masters students; and \$2,100.00 per student per year for 4 medicine students); and University of West Florida (providing an unlimited amount per student per year for 250 students from all degree levels). *Id.*

⁵³ Fiscal year 2011 is the most recent year for which data are currently available regarding the number of USDVA education beneficiaries. USDVA, *Department of Veterans Affairs Education Program Beneficiaries by Geography: FY2000 to FY2011*, <http://www.va.gov/vetdata/Utilization.asp> (select “Benefit Programs” tab; then follow the hyperlink titled “Department of Veterans Affairs Education Program Beneficiaries by Geography: FY2000 to FY2011”) (last visited Dec. 8, 2013).

⁵⁴ *Id.*

⁵⁵ *Id.*

⁵⁶ E-mail from the National Center for Veterans Analysis and Statistics (Sept. 23, 2013) (on file with Senate Committee on Education).

⁵⁷ USDVA, *Department of Veterans Affairs Education Program Beneficiaries by Geography: FY2000 to FY2011*, <http://www.va.gov/vetdata/Utilization.asp> (select “Benefit Programs” tab; then follow the hyperlink titled “Department of Veterans Affairs Education Program Beneficiaries by Geography: FY2000 to FY2011”) (last visited Dec. 8, 2013).

the Post-9/11 GI Bill only covers the highest in-state undergraduate tuition,⁵⁸ a non-resident veteran would be responsible for the total costs that exceed the in-state tuition amount, unless the veteran attends an institution that has an agreement with the Yellow Ribbon Program.

III. Effect of Proposed Changes:

The bill amends s. 1009.21, F.S., to allow an honorably discharged veteran of the U.S. Armed Forces, the National Guard or a reserve component thereof, to be automatically classified as a resident of the state for tuition purposes at state universities and Florida College System institutions. To be eligible for automatic in-state residency, a veteran must physically reside in the state while enrolled in the institution.

The bill provides an effective date of July 1, 2014.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Veterans who would qualify for automatic residency for tuition purposes under the bill would be classified as residents for tuition purposes and therefore exempt from paying out-of-state tuition fees. This would provide a considerable savings to student veterans each semester.

⁵⁸ USDVA, *Yellow Ribbon Program* http://www.gibill.va.gov/School_Info/yellow_ribbon/ (last visited Dec. 8, 2013).

For the 2013-2014 academic year, the average State University System undergraduate cost for tuition and fees for two semesters is \$6,155 for residents and \$21,434 for non-residents.⁵⁹ At the graduate level, the average cost for two semesters is \$10,262 for residents and \$25,138 for non-residents.⁶⁰ For the same period, the Florida College System reports the average cost for two semesters is approximately \$3,124 for residents enrolled in lower-level credit programs and \$11,531 for non-residents. For residents enrolled in the upper-level credit programs the cost for two semesters is \$3,585 and \$15,400 for non-residents.⁶¹

C. Government Sector Impact:

The Florida Department of Education has stated that the fiscal impact of the bill cannot be determined.⁶² The Board of Governors, under current enrollment data of non-resident veterans, estimated an unrealized tuition revenue for the State University System in one year would be \$8,196,185 for undergraduate and graduate students.⁶³

Additionally, s. 1009.40(1)(a)2., F.S. provides that “[r]esident status for purposes of receiving state financial aid awards shall be determined in the same manner as resident status for tuition purposes pursuant to s. 1009.21,” F.S.⁶⁴ Under this bill, eligible students would be residents for tuition purposes under s. 1009.21, F.S. and, therefore, would be eligible to receive state financial aid awards and tuition assistance grants under s. 1009.40, F.S.⁶⁵ An increased number of students would be eligible for certain state financial aid, which may create a need for increased funding to maintain awards at the current rate or a reduction in award amounts given to current recipients.⁶⁶

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

The bill substantially amends section 1009.21 of the Florida Statutes.

⁵⁹ State University System of Florida, *Public Colleges and Universities of Florida, Tuition and Required Fees, 2013-14 for New Students in Main Campus*, <http://www.flbog.edu/about/budget/current.php> (select the Excel link for “2013-2014 Fees”) (last visited Dec. 8, 2013) (noting that the calculation is for students who are full-time with 30 credit hours).

⁶⁰ *Id.* (providing that the calculation is for full-time graduate students with 24 credit hours).

⁶¹ E-mail from the Florida College System (Dec. 4, 2013) (on file with Senate Committee on Education).

⁶² Florida Department of Education, Agency Legislative Bill Analysis for CS for SB 84 (Oct. 9, 2013) (on file with the Senate Committee on Education).

⁶³ State University System of Florida, Senate Bill 84 Agency Legislative Bill Analysis (Sept. 19, 2013) (on file with the Senate Committee on Education).

⁶⁴ Section 1009.40(1)(a)2., F.S.

⁶⁵ Florida Department of Education, Agency Legislative Bill Analysis for CS for SB 84 (Oct. 9, 2013) (on file with the Senate Committee on Education).

⁶⁶ *Id.*

IX. Additional Information:

- A. **Committee Substitute – Statement of Substantial Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Military and Veterans Affairs, Space, and Domestic Security on September 24, 2013:

The committee substitute:

- Makes a technical change to replace the term “Armed Services” with “Armed Forces.”
- Clarifies that a veteran must be honorably discharged to qualify for in-state residency.
- Clarifies that veterans of the reserve components and the National Guard are eligible for in-state residency.
- Requires a veteran to physically reside in the state while enrolled in an institution of higher education.

- B. **Amendments:**

None.