

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: PCS for HB 767 Resident Status for Tuition Purposes

SPONSOR(S): Postsecondary Education & Workforce Subcommittee

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

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
Orig. Comm.: Postsecondary Education & Workforce Subcommittee		Kiner	Kiner

SUMMARY ANALYSIS

The PCS provides that an individual who has met the requirements to be 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 PCS's fiscal impact is indeterminate.

The PCS is effective July 1, 2024.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Current 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 student who is classified as a 'resident for tuition purposes' is a student who qualifies for the in-state tuition rate.² The resident undergraduate tuition rate for the 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

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 tuition and out-of-state fees was \$570.01, per credit hour. Across the Florida College System, for the 2022-23 academic year, the weighted average of out-of-state fees for lower level credit programs is \$240.24, per credit hour. 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.

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.⁶ To be clear, 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 documented by at least one of the following: voter registration card; driver license/identification card; vehicle registration; proof of homestead exemption or permanent residence; high school transcript (multiple years; diploma earned w/in last 12 months); or proof of permanent employment (30+ hours/week for 12+ months). Additionally, one of the following must also be evidenced: 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 (utility bills, etc.).

Effect of Proposed Changes

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 s. 1009.21(1)(d), F.S.

The PCS provides that an individual who has met the requirements to be 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.

B. SECTION DIRECTORY:

Section 1: Provides that a person may not lose his or her resident status for tuition purposes due to incarceration

Section 2: Provides an effective date.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

See fiscal comments.

2. Expenditures:

See fiscal comments.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

See fiscal comments.

2. Expenditures:

See fiscal comments.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

See fiscal comments.

D. FISCAL COMMENTS:

The PCS's fiscal impact is indeterminate.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

N/A.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES

Not applicable.

