

**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 Education Postsecondary

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BILL: CS/SB 62

INTRODUCER: Education Postsecondary Committee and Senator Osgood

SUBJECT: Resident Status for Tuition Purposes

DATE: February 7, 2024

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Jahnke	Bouck	HE	Fav/CS
2.			AED	
3.			FP	

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**Please see Section IX. for Additional Information:**

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

CS/SB 62 provides that an individual may not lose his or her resident status for tuition purposes due to incarceration in a state or federal correctional facility in this state.

The bill is effective July 1, 2024.

**II. Present Situation:**

**Residency Status for Tuition Purposes**

Students must be classified as residents or nonresidents for the purpose of assessing tuition in postsecondary educational programs offered by charter technical career centers, career centers operated by school districts, Florida College System (FCS) institutions, and state universities. Students pay differing tuition rates based on their status as a resident or nonresident of Florida.<sup>1</sup>

Specifically, to qualify as a resident for tuition purposes:

- A person or, if that person is a dependent child, his or her parent or parents must have established legal residence in Florida and must have maintained legal residence for at least 12 consecutive months immediately prior to his or her initial enrollment in an institution of higher education.

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<sup>1</sup> Section 1009.21, F.S.

- Every applicant for admission to an institution of higher education must make a statement as to his or her length of residence and establish that his or her presence or, if the applicant is a dependent child, the presence of his or her parent or parents in Florida currently is, and during the requisite 12-month qualifying period was, for the purpose of maintaining a bona fide domicile.<sup>2</sup>

A person must show certain proof that he or she should be classified as a resident for tuition purposes and may not receive the in-state tuition rate until clear and convincing evidence related to legal residence and its duration has been provided.<sup>3</sup> Each institution of higher education must make a residency determination that is documented by the submission of written or electronic verification that includes two or more specified documents that:<sup>4</sup>

- Must include at least one of the following (“Tier 1”):
  - A Florida voter’s registration card.
  - A Florida driver license.
  - A State of Florida identification card.
  - A Florida vehicle registration.
  - Proof of a permanent home in Florida which is occupied as a primary residence by the individual or by the individual’s parent if the individual is a dependent child.
  - Proof of a homestead exemption in Florida.
  - Transcripts from a Florida high school for multiple years if the Florida high school diploma or high school equivalency diploma was earned within the last 12 months.
  - Proof of permanent full-time employment in Florida for at least 30 hours per week for a 12-month period.
- May include one or more of the following (“Tier 2”):
  - A declaration of domicile in Florida.
  - A Florida professional or occupational license.
  - Florida incorporation.
  - A document evidencing family ties in Florida.
  - Proof of membership in a Florida-based charitable or professional organization.
  - Any other documentation that supports the student’s request for resident status, including, but not limited to, utility bills and proof of 12 consecutive months of payments; a lease agreement and proof of 12 consecutive months of payments; or an official state, federal, or court document evidencing legal ties to Florida.

### **Guidelines for Residency for Tuition Purposes**

The Articulation Coordinating Committee (ACC) Statewide Residency Committee reviews statutes and rules relating to residency for tuition purposes and drafts and revises statewide residency guidelines that provide further clarification of statutes and rules.<sup>5</sup> The ACC statewide residency guidelines provide that prison inmates are not precluded from establishing residency for tuition purposes in Florida. However, they may not establish residency for tuition purposes

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<sup>2</sup> Section 1009.21(2)(a), F.S.

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

<sup>4</sup> Section 1009.21(3)(c), F.S.

<sup>5</sup> Florida Department of Education, Articulation Coordinating Committee – Statewide Residency Committee, *Purpose*, <https://www.fldoe.org/policy/articulation/committees/articulation-coordinating-committee-st.stml> (last visited Jan. 31, 2024).

by virtue of their incarceration in Florida and evidence must be provided for the 12-month period prior to incarceration.<sup>6</sup>

Each institution of higher education must make a residency determination and can establish policies regarding incarcerated individuals. For example, Tallahassee Community College and St. Petersburg College both require an incarcerated individual to provide documentation that he or she lived in Florida for 12 months before incarceration and requires Tier 1 and Tier 2 documentation to prove his or her physical presence in Florida for 12 months before being incarcerated. If the individual has been released for a year or longer, he or she must provide documentation for the most recent 12 months.<sup>7</sup>

Florida law does not specifically authorize or prohibit time incarcerated in a Florida prison to count toward the 12-month legal residency requirements.

**Tuition and Out-of-State Fees**

Florida law defines “tuition” as the basic fee charged to a student for instruction provided by a public postsecondary educational institution in the state.<sup>8</sup> A student who is classified as a “resident for tuition purposes” qualifies for the in-state tuition rate.<sup>9</sup> 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.<sup>10</sup>

Residents for tuition purposes are charged in-state rates for tuition while non-residents pay out-of-state fees in addition to tuition, unless these costs are exempted or waived.<sup>11</sup> The resident undergraduate tuition rate for the State University System (SUS) is currently set in statute at \$105.07 per credit hour.<sup>12</sup> The SUS average cost of resident and nonresident tuition and fees per credit hour is shown below:<sup>13</sup>

State University System Tuition & Fees				
Undergraduate Baccalaureate	Standard Tuition (Per Credit Hour)	Average Tuition & Fees (Per Credit Hour)	Standard Tuition (Per 30 Credit Hours)	Average Tuition & Fees (Per 30 Credit Hours)
Resident	\$105.07	\$199.72	\$3,152.10	\$5,991.79
Non-Resident	\$105.07	\$690.63	\$3,152.10	\$20,719.07
Difference	-	\$490.91	-	\$14,727.28

<sup>6</sup> Articulation Coordinating Committee, *Guidelines on Florida Residency for Tuition Purposes*, at A-1 (Oct. 28, 2015), available at, <https://www.fldoe.org/core/fileparse.php/7671/urlt/RTPMACC.pdf>.

<sup>7</sup> Tallahassee Community College, *Residency FAQs*, <https://www.tcc.fl.edu/media/divisions/admissions-and-recruiting/forms/Residency-FAQs.pdf> and St. Petersburg College, *Residency FAQs*, <https://www.spcollege.edu/future-students/admissions/residency/residency-faqs> (last visited Jan. 31, 2024).

<sup>8</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.”

<sup>9</sup> Section. 1009.21(1)(g), F.S.

<sup>10</sup> Section. 1009.01(2), F.S. Adding that “[a] charge for any other purpose shall not be included within this fee.”

<sup>11</sup> Section. 1009.24(2), F.S.

<sup>12</sup> Section. 1009.24(4)(a), F.S.

<sup>13</sup> Florida Board of Governors, *State University System of Florida, Tuition and Required Fees, 2023-2024*, available at, <https://www.flbog.edu/wp-content/uploads/2023/07/2023-2024-SUS-Tuition-and-Fees-Report-PDF-1.pdf>.

Within the Florida College System (FCS), for college credit courses in advanced and professional, postsecondary vocational, developmental education, and educator preparation institute programs, the standard tuition is \$71.98 per credit hour for residents and nonresidents, and the out-of-state fee is \$215.94 per credit hour.<sup>14</sup> Baccalaureate degree program tuition is \$91.79 per credit hour for students who are residents for tuition purposes. The sum of the tuition and the out-of-state fee per credit hour for students who are nonresidents for tuition purposes can be no more than 85 percent of the sum of the tuition and the out-of-state fee at the state university nearest the FCS institution.<sup>15</sup>

### **III. Effect of Proposed Changes:**

SB 62 modifies s. 1009.21, F.S., by providing 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 because of incarceration in a state or federal correctional facility in Florida.

The bill is effective July 1, 2024.

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

#### **A. Municipality/County Mandates Restrictions:**

None.

#### **B. Public Records/Open Meetings Issues:**

None.

#### **C. Trust Funds Restrictions:**

None.

#### **D. State Tax or Fee Increases:**

None.

#### **E. Other Constitutional Issues:**

None.

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

#### **A. Tax/Fee Issues:**

None.

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<sup>14</sup> Section 1009.23(3)(a), F.S.

<sup>15</sup> Section 1009.23(3)(b), F.S.

**B. Private Sector Impact:**

None.

**C. Government Sector Impact:**

None.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends section 1009.21 of the Florida Statutes.

**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 Education Postsecondary on February 6, 2023:**

The committee substitute retains the bill provision that an individual may not lose his or her resident status for tuition purposes due to incarceration in a state or federal correctional facility in this state and makes the following modifications:

- Removes the provision allowing an individual who is currently incarcerated or who has been released within the 12 months preceding their residency determination to provide expired documentation to support his or her request for resident status.
- Removes the provision allowing a non-resident to earn residency for tuition purposes by virtue of being incarcerated in Florida for at least 18 months of a sentence of three years or longer and by evidencing ties to Florida.

**B. Amendments:**

None.