



Committee:

HIGHER EDUCATION APPROPRIATIONS

Senator Lynn, Chair
Senator Gelber, Vice Chair

Meeting Packet
Monday, April 19, 2010
10:30—11:30 p.m.
117 Knott Building

The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA

HIGHER EDUCATION APPROPRIATIONS

Senator Lynn, Chair
 Senator Gelber, Vice Chair

MEETING DATE: Monday, April 19, 2010

TIME: 10:30—11:30 a.m.

PLACE: 117 Knott Building

MEMBERS: Senator Lynn, Chair; Senator Gelber, Vice Chair; Senators Constantine and Thrasher

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	CS/SB 1148 Higher Education / Rich (Similar CS/H 1363)	Postsecondary Student Fees [SPSC]; Clarifies an exemption from fee requirements provided for a student who is or was at the time he or she reached 18 years of age in the custody of a relative under the Relative Caregiver Program or who was adopted from the DCFS after a specified date. Provides that the exemption remains valid for 4 years after the date of graduation from high school, etc.	CF 03/04/2010 Fav/1 Amendment HE 04/13/2010 Fav/CS HI 04/19/2010
2	CS/SB 2102 Education Pre-K - 12 / Wise (Compare CS/H 723)	Postsecondary Education Fee Waivers [SPSC]; Authorizes state universities and community colleges to waive tuition and fees for certain public school teachers for certain courses.	ED 04/06/2010 Fav/CS HE 04/13/2010 Favorable HI 04/19/2010 WPSC

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 Higher Education Appropriations Committee

BILL: CS/SB 1148

INTRODUCER: Higher Education committee and Senator Rich

SUBJECT: Postsecondary student fees

DATE: April 13, 2010

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Preston	Walsh	CF	Fav/1 Amendment
2.	Harkey <i>PHB</i>	Matthews	HE	Fav/CS
3.	Bryant <i>PHB</i>	Hamon <i>K.W.H.</i>	HI	Pre-meeting
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

Please see Section VIII. for Additional Information:

- | | | |
|------------------------------|-------------------------------------|---|
| A. COMMITTEE SUBSTITUTE..... | <input checked="" type="checkbox"/> | Statement of Substantial Changes |
| B. AMENDMENTS..... | <input type="checkbox"/> | Technical amendments were recommended |
| | <input type="checkbox"/> | Amendments were recommended |
| | <input type="checkbox"/> | Significant amendments were recommended |

I. Summary:

The bill clarifies time limitations on postsecondary fee exemptions for eligible students who are or were in the custody of the Department of Children and Family Services (DCF or department):

- A student who was in the custody of the department at the time he or she reached 18 years of age, or a student, who after spending at least six months in the custody of the department after reaching 16 years of age, was placed in a guardianship by the court, is exempt from payment of postsecondary fees with no time limitation;
- A student who was in the custody of a relative under the Relative Caregiver Program at the time he or she reached 18 years of age or a student who is adopted from the department after May 5, 1997,¹ is exempt from the payment of postsecondary fees for a period of four years after the date of graduation from high school.

¹ After the 1997 Legislature authorized the fee exemption for a student who was adopted from the department after December 31, 1997, the question continued to be raised as to why the Legislature did not start the authority on the effective date of the bill. About 430 children were adopted between the close of the Legislative Session in 1997 and December 31, 1997. The date was changed from December 31, 1997 to December 5, 1997 during the 1999 legislative session. CS/SB 1924, Senate Staff Analysis and Economic Impact Statement, Governmental Oversight and Productivity Committee, April 12, 1999.

This bill substantially amends section 1009.25, Florida Statutes.

II. Present Situation:

Current Florida law² provides exemptions for the payment of tuition and fees, including lab fees, for adult basic, adult secondary, or career-preparatory instruction for a number of categories of students, including a student:

- Who is or was at the time he or she reached 18 years of age, in the custody of the department;
- Who, after spending at least six months in the custody of the department after reaching 16 years of age, was placed in a guardianship by the court;
- Who is or was at the time he or she reached 18 years of age, in the custody of a relative under s. 39.5085, F.S.; or
- Who is adopted from DCF after May 5, 1997.

While there is no time limitation on the exemption for students in the first two categories above, the exemption for students in the latter two categories is four years after the date of graduation from high school.³ Community based care lead agencies have reported that some schools are interpreting the law to mean that the 4-year time limitation applies to all four of the above categories of eligible students.⁴

III. Effect of Proposed Changes:

The bill clarifies the time limitations on postsecondary fee exemptions for eligible students who are or were in the custody of the department.

Students eligible for fee exemptions, but only for a period of four years after the date of graduation from high school include:

- A student who was in the custody of a relative under the Relative Caregiver Program at the time he or she reached 18 years of age; and
- A student who was adopted from the department after May 5, 1997.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

² s. 1009.25, F.S.

³ It is believed that a student in either of these latter two categories is more likely to have an adult in his or her life who will provide the guidance and support necessary for the student to complete postsecondary education within four years after the date of graduation from high school.

⁴ SB 1148, Staff Analysis and Economic Impact, Department of Children and Family Services, January 27, 2010.

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:

None.

C. Government Sector Impact:

DCF reports that the bill will have no fiscal impact on the department.

The Department of Education reports that the bill would not change the existing fiscal impact of the fee waivers.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Additional Information:**A. Committee Substitute – Statement of Substantial Changes:**

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

CS by Higher Education Committee on April 13, 2010:

The committee substitute removes redundant language in order to clarify that children in the custody of a relative under the Relative Caregiver Program (s. 39.5085, F.S.) and children who were adopted from the Department of Children and Family Services after May 5, 1997, are exempt from the payment of postsecondary fees for a period of 4 years after the date of graduation from high school.

B. Amendments:

None.

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

II. Present Situation:

School districts and community colleges are provided fee waiver authority, provided that it does not exceed the legislatively-set amount determined annually in the General Appropriations Act.¹

Fee or tuition waivers, variably for use at career centers, community colleges, and state universities, are provided to specific persons:

- Wrongfully incarcerated persons, who are eligible for a tuition and fee waiver of up to 120 credit hours;²
- State employees, working for the executive, legislative, and judicial branches of government, and full-time university employees, who are eligible for a tuition and fee waiver of up to six credit hours per semester, subject to space availability;³
- Students who do not possess high school diplomas or have diplomas but have not tested beyond eighth-grade level academics; dual enrollment or early admission program students; approved apprenticeship program students; welfare transition program students; students who were in state protective services custody; and students who lacks regular shelter, who are provided an exemption from tuition and fees, including lab fees;⁴
- Supervisors of state university student interns, and persons at least 60 years old, who are eligible for an application, tuition and fee waiver;⁵ and
- Purple Heart recipients and certain other military personnel, who are eligible for a waiver of undergraduate tuition.⁶

Some authority provides for state payment of tuition but imposes conditions for repayment in particular circumstances, such as where the attendee leaves employment or fails to satisfactorily perform during a specified time period.⁷

As instructional personnel, classroom teachers are defined as providing, at the kindergarten through grade 12 level, basic instruction, exceptional student education, career education, and adult education, including substitute teachers.⁸

¹ s. 1009.26(1), F.S.

² s. 961.06(1)(b), F.S.

³ ss. 1009.265(1) and 1009.26(3), F.S.

⁴ s. 1009.25, F.S.

⁵ s. 1009.26, F.S.

⁶ s. 1009.26(8), F.S.; See, i.e., s. 250.10, F.S., which authorizes the Department of Military Affairs to pay the full cost of tuition and fees for required courses of the Florida National Guard, and s. 295.02, F.S., which provides for payment of tuition and registration fees, rent and books and supplies for children of deceased or disabled veteran, subject to appropriation.

⁷ s. 110.1099, F.S., provides authority for state employees to receive a voucher or grant to attend work-related courses at community colleges, career centers, or state universities, and authorizes the agency or judicial branch to enter into an agreement with the employee requiring reimbursement of costs if the employee voluntarily terminates or is terminated for cause within a four-year period after training; s. 250.10, F.S., authorizes tuition and fee payment for National Guard members but requires reimbursement if the member fails to maintain satisfactory participation in the Florida National Guard; and s. 943.16, F.S., provides for law enforcement agencies to pay trainee costs of tuition, but requires reimbursement if the trainee leaves or is terminated from employment within two years of graduation.

⁸ s. 1012.01(2)(a), F.S.

III. Effect of Proposed Changes:

The bill authorizes a state university or community college to waive tuition and fees for up to six credit hours per semester of courses taken at postsecondary institutions by classroom teachers. Although substitute teachers are included in the definition of classroom teachers, this bill requires full-time employment, so that substitute teachers probably will not qualify.

Qualifying personnel may have the option to take these courses as part of a non-degree seeking, or degree seeking undergraduate sequence.

This bill restricts the ability to take courses to classes that are space-available; thus, personnel granted the waiver will not be in direct competition for courses with students paying tuition and fees.

Although direction is given to the State Board of Education to limit approved courses to undergraduate courses in the areas of special education, math and science, specific rulemaking authority is not granted.

Teachers are prohibited from taking tuition- and fee-free courses during the school day.

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:

This bill authorizes a state university or community college to allow full-time classroom teachers to take public postsecondary undergraduate-level courses without paying tuition or fees, which in addition to representing an immediate cost-saving, could provide a long-term financial benefit to participants regarding professional career advancement. As of fall 2009, the population of Florida public school classroom teachers is approximately

166,700 teachers.⁹ It is unknown how many teachers would participate, based on interest, academic qualifications, and space-availability.

C. **Government Sector Impact:**

Since the authority to take courses is subject to space-availability, a fiscal impact is not expected.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. 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 Pre-K – 12 Committee on April 6, 2010:

This committee substitute:

- Limits application to classroom teachers;
- Provides that authorized courses are subject to space availability;
- Limits courses to undergraduate classes in special education, math and science; and
- Precludes classroom teachers from taking courses during the school day.

B. **Amendments:**

None.

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

⁹ Website: <http://www.fldoe.org/eias/eiaspubs/word/psstf0910.doc>. Last checked April 7, 2010.



281048

LEGISLATIVE ACTION

Senate

House

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HIGHER EDUCATION APPROPRIATIONS

DATE: 4/16/10
TIME: 9:11 a.m.

The Committee on Higher Education Appropriations (Lynn)
recommended the following:

Senate Amendment (with title amendment)

Delete line 22

and insert:

scheduled during the school day. The State Board of Education
shall adopt a rule that prescribes the process for the approval
of courses by the Department of Education.

===== T I T L E A M E N D M E N T =====

And the title is amended as follows:

Delete line 6

and insert:



281048

13 certain courses; requiring that the State Board of
14 Education adopt a rule that prescribes the process for
15 the approval of courses by the Department of
16 Education; providing an effective date.



760196

LEGISLATIVE ACTION

Senate	.	House
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HIGHER EDUCATION APPROPRIATIONS

DATE: 4/16/10
TIME: 8.30 a.m.

The Committee on Higher Education Appropriations (Gelber) recommended the following:

Senate Amendment (with title amendment)

Before line 10

insert:

Section 1. Subsection (5) is added to section 1004.26, Florida Statutes, to read:

1004.26 University student governments.—

(5) There shall be no cause of action against a state university for the actions or decisions of the student government of the state university unless such actions or decisions are made final by the state university and constitute a violation of state or federal law.



760196

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===== T I T L E A M E N D M E N T =====

And the title is amended as follows:

Delete lines 2 - 3

and insert:

An act relating to postsecondary education; amending
s. 1004.26, F.S.; prohibiting a cause of action
against a state university for the actions or
decisions of a state university student government;
amending s. 1009.26, F.S.; authorizing state



Committee:

HIGHER EDUCATION APPROPRIATIONS

Senator Lynn, Chair
Senator Gelber, Vice Chair

Supplemental Meeting Packet

Late-Filed Amendment

Monday, April 19, 2010
10:30 a.m. – 11:30 a.m.
117 Knott Building



236508

LEGISLATIVE ACTION

Senate

House

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LATE FILED

HIGHER EDUCATION APPROPRIATIONS

DATE: 4/16/10

TIME: 5:00 pm

The Committee on Higher Education Appropriations (Gelber) recommended the following:

Senate Amendment (with title amendment)

Between lines 22 and 23

insert:

Section 2. Subsection (1) of section 501.0117, Florida Statutes, is amended to read:

501.0117 Credit cards; transactions in which seller or lessor prohibited from imposing surcharge; penalty.-

(1) A seller or lessor in a sales or lease transaction may not impose a surcharge on the buyer or lessee for electing to use a credit card in lieu of payment by cash, check, or similar means, if the seller or lessor accepts payment by credit card. A



13 surcharge is any additional amount imposed at the time of a sale
14 or lease transaction by the seller or lessor that increases the
15 charge to the buyer or lessee for the privilege of using a
16 credit card to make payment. Charges imposed pursuant to
17 approved state or federal tariffs are not considered to be a
18 surcharge, and charges made under such tariffs are exempt from
19 this section. A convenience fee imposed upon a student or family
20 paying tuition, fees, and other student account charges by
21 credit card to an institution that is eligible to participate in
22 the William L. Boyd, IV, Florida Resident Access Grant Program
23 under s. 1009.89 is not considered to be a surcharge and is
24 exempt from this section only if the amount of the convenience
25 fee does not exceed the total cost charged by the credit card
26 company to the institution. The term "credit card" includes
27 those cards for which unpaid balances are payable on demand.
28 This section does not apply to the offering of a discount for
29 the purpose of inducing payment by cash, check, or other means
30 not involving the use of a credit card, if the discount is
31 offered to all prospective customers.

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33 ===== T I T L E A M E N D M E N T =====

34 And the title is amended as follows:

35 Delete line 6

36 and insert:

37 certain courses; amending s. 501.0117, F.S.; providing
38 that a convenience fee imposed upon a student or
39 family paying tuition, fees, and other student account
40 charges by credit card to an institution that is
41 eligible to participate in the William L. Boyd, IV,



236508

42 Florida Resident Access Grant Program is not
43 considered to be a surcharge under certain
44 circumstances; providing an effective date.