

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

Ensure Lower Taxes – The bill waives a portion of the in-state tuition for veterans who enroll as full-time, part-time, or summer-school students in any vocational or career education course, undergraduate course, or graduate course at a state university or community college. This would provide an education at a reduced cost to the veterans.

Empower Families – The bill increases the opportunities for veterans who currently serve, or who have served and were discharged under honorable conditions, to learn a new skill if necessary.

B. EFFECT OF PROPOSED CHANGES:

Background

Fee waivers

Section 1009.26, F.S., authorizes school districts, community colleges, and state universities to provide a number of different fee waivers. Persons who may be eligible for fee waivers under this section include: persons who supervise student interns for a state university; full-time university employees; Florida residents 60 years of age or older; graduate students enrolled in certain state-approved school psychology training programs; certain out-of-state nondegree-seeking students; certain spouses of deceased state employees; and some active members of the Florida National Guard and recipients of the Purple Heart.

Tuition Assistance for Veterans

The 2006 Legislature authorized state universities and community colleges to waive undergraduate tuition for recipients of the Purple Heart or other combat decoration superior in precedence. In order to receive an undergraduate tuition waiver, a recipient of the Purple Heart or other qualified combat decoration must:

- Enroll as a full-time, part-time, or summer-school student in an undergraduate program of study leading to a degree or certification.
- Reside currently in the State of Florida, and have been a Florida resident at the time of the military action that resulted in them receiving the award.
- Submit to the state university or community college the DD-214 form issued at the time of separation from service as documentation verifying that they are a recipient of an award.

The waiver cover 110 percent of the number of required credit hours of the degree or certificate program in which the student is enrolled.

Montgomery G.I Bill

The Montgomery G.I. bill allows enlistees to buy into an educational plan that could pay up to \$1,075¹ a month and can be used for a number of educational programs. Veterans have up to 10 years after they leave active duty to use their GI bill.

National Guard

In Florida, certain active members² of the National Guard qualify for a 100-percent tuition waiver under s. 1009.26(8), F.S. Once a person leaves the National Guard due to separation or retirement, they no longer qualify for the waiver.

¹ Montgomery GI Bill (Chapter 30) Increased Educational Assistance Allowance. United States Department of Veterans Affairs.

Accessed: February 27, 2007. Available at: http://www.gibill.va.gov/GI_Bill_Info/rates/CH30/ch30rates100106.htm.

United States Department of Veterans Affairs

Veterans of the United States Armed Forces may be eligible for a broad range of programs and services provided by the federal Department of Veterans Affairs (VA). In order to qualify for certain VA benefits, service during wartime may be required. In order to determine eligibility for certain federal benefits, Congress and the President define service during periods of wartime in Title 38 of the United States Code.³ The latest available figures by the VA and the US census estimate that 296,000 veterans lived in Florida in 2004,⁴

Effect of Proposed Changes

HB 491 creates the “Veterans’ Tuition Assistance Act”.

The bill requires state universities and community colleges to waive 50 percent of the in-state tuition rate for veterans who enroll as full-time, part-time, or summer-school students in any vocational or career course, undergraduate course, or graduate course.

The bill also defines a “veteran” for the purposes of the Act as a person who currently serves, or who has served and was discharged under honorable conditions, in active military service during one of the periods of wartime service as defined by the United States Department of Veterans Affairs.

The effective date provided is July 1, 2007.

C. SECTION DIRECTORY:

Section 1. Provides a short title.

Section 2. Amends s. 1009.26, F.S., requiring state universities and community colleges to waive a percentage of the in-state tuition rate for veterans; providing a definition.

Section 3. Provides an effective date of July 1, 2007.

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:

None

² The phrase “active members of the National Guard” is not to be confused with active duty member of US Armed Forces. Active duty generally means federal active duty. A member of the National Guard is typically called to state active duty, such as natural disaster missions, but in times of war, the federal government may call the National Guard up for federal active duty.

³ 5 U.S.C.A. § 2108

⁴ U.S. Census Bureau. Statistical Abstract of the United States, National Security and Veterans Affairs, 2007. Table 507. Accessed February 27, 2007. Available at: <http://www.census.gov/compendia/statab/tables/07s0507.xls>.

2. Expenditures:

None

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

The waivers will provide eligible veterans opportunities for a postsecondary education at a reduced cost.

D. FISCAL COMMENTS:

The fiscal impact is indeterminate due to the uncertainty of the number veterans who would take advantage of the 50 percent fee waiver. The Florida Department of Veterans Affairs estimates that there are 975,000 veterans in Florida between the ages of 18-and 64.⁵

According to the Department of Education veterans typically enroll in the summer term and complete at least 36 credit hours per year. The following fiscal estimate is based upon 36 credit hours and tuition of \$73.71 per credit hour at state universities and \$54.24 per credit hour at community colleges.⁶

2006-2007: 50 percent of cost of tuition for full-time student (36 semester credit hours per year)⁷

	In-State Tuition Only	Number of Potentially Eligible Veterans	Estimated System Cost
Community College	\$976	9,382	\$9,156,832
State University	\$1,326	2,360	\$3,129,360

According to the Board of Governors, community colleges and state universities would face a loss of revenue because the bill does not provide a funding source or specific appropriation to offset the fees waived.⁸

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

This bill does not appear to require a city or county to expend funds or to take any action requiring the expenditure of funds

The bill does not appear to reduce the authority that municipalities or counties have to raise revenues in the aggregate.

This bill does not appear to reduce the percentage of state tax shared with counties or municipalities

2. Other:

B. RULE-MAKING AUTHORITY:

C. DRAFTING ISSUES OR OTHER COMMENTS:

⁵ Conversation with Florida Department of Veterans Affairs, March 14, 2007.

⁶ Department of Education Analysis of House Bill 491.

⁷ Id.

⁸ Board of Governors Analysis of House Bill 491

The bill provides a definition of “veteran” as one who currently serves or has served and been discharged under honorable conditions in active military service during one of the periods of wartime service defined by the United States Department of Veterans Affairs. An identical definition already exists in the Florida Statutes. For consistency with other educational programs affecting Florida veterans, the bill could provide a cross reference to the existing definition of *veteran* in section 1.01(14), Florida Statutes.⁹

The bill does not require Florida residency for eligibility for this waiver.¹⁰

The sponsor of the bill has filled a strike all amendment with committee staff. The strike all amendment:

- Requires state universities and community colleges to waive 50 percent of the in-state tuition rate for a veteran who:
 - Is a wartime veteran as defined in s.101(14), F.S.;
 - Received an honorable discharge;
 - Is enrolled as full-time, part-time, or summer-school student in any vocational or career course, undergraduate course, or graduate course that terminates in a degree or certificate;
 - Is a resident of Florida at the time he or she applies for the waiver and was a Florida resident for one year prior to such application; and
 - Submits to the state university and community college the DD-214 form issued at the time of separation from service or military order or other documentation issued regarding return from active duty as defined in 250.01(1), F.S.
- Sets the waiver to cover 110 percent of the number of required credit hours of the degree or certificate program in which the student is enrolled.

D. STATEMENT OF THE SPONSOR

IV. AMENDMENTS/COUNCIL SUBSTITUTE CHANGES

⁹ Department of Education Analysis of House Bill 491.

¹⁰ Id.