

Bill No. SB 366

Barcode 483314

CHAMBER ACTION

Senate

House

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The Committee on Education (Wilson) recommended the following amendment:

Senate Amendment (with title amendment)

Delete everything after the enacting clause

and insert:

Section 1. Subsections (1), (2), and (3) and paragraphs (b) and (j) of subsection (10) of section 1009.21, Florida Statutes, are amended, and paragraphs (l) and (m) are added to subsection (10) of that section, to read:

1009.21 Determination of resident status for tuition purposes.--Students shall be classified as residents or nonresidents for the purpose of assessing tuition in community colleges and state universities.

(1) As used in this section, the term:

(a) ~~The term~~ "Dependent child" means 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 and who receives at least 51 percent of the true cost-of-living expenses from his or her parent, as

Bill No. SB 366

Barcode 483314

1 further defined in rules of the State Board of Education.

2 (b) "Initial enrollment" means the first day of class
3 at an institution of higher education.

4 (c)(b) ~~The term~~ "Institution of higher education"
5 means any public community college or state university.

6 (d)(c) ~~A~~ "Legal resident" or "resident" means is a
7 person who has maintained his or her residence in this state
8 for the preceding year, has purchased a home which is occupied
9 by him or her as his or her residence, or has established a
10 domicile in this state pursuant to s. 222.17.

11 (e) "Nonresident for tuition purposes" means a person
12 who does not qualify for the in-state tuition rate.

13 (f)(d) ~~The term~~ "Parent" means the natural or adoptive
14 parent or legal guardian of a dependent child.

15 (g)(e) ~~A~~ "Resident for tuition purposes" means is a
16 person who qualifies as provided in subsection (2) for the
17 in-state tuition rate; ~~a "nonresident for tuition purposes" is~~
18 ~~a person who does not qualify for the in-state tuition rate.~~

19 (2)(a) To qualify as a resident for tuition purposes:

20 1. A person or, if that person is a dependent child,
21 his or her parent or parents must have established legal
22 residence in this state and must have maintained legal
23 residence in this state for at least 12 consecutive months
24 immediately prior to his or her initial enrollment in an
25 institution of higher education qualification.

26 2. Every applicant for admission to an institution of
27 higher education shall be required to make a statement as to
28 his or her length of residence in the state and, further,
29 shall establish that his or her presence or, if the applicant
30 is a dependent child, the presence of his or her parent or
31 parents in the state currently is, and during the requisite

Bill No. SB 366

Barcode 483314

1 12-month ~~qualifying~~ period was, for the purpose of maintaining
 2 a bona fide domicile, rather than for the purpose of
 3 maintaining a mere temporary residence or abode incident to
 4 enrollment in an institution of higher education.

5 (b) However, with respect to a dependent child living
 6 with an adult relative other than the child's parent, such
 7 child may qualify as a resident for tuition purposes if the
 8 adult relative is a legal resident who has maintained legal
 9 residence in this state for at least 12 consecutive months
 10 immediately prior to the child's initial enrollment in an
 11 institution of higher education ~~qualification~~, provided the
 12 child has resided continuously with such relative for the 5
 13 years immediately prior to the child's initial enrollment
 14 ~~qualification~~, during which time the adult relative has
 15 exercised day-to-day care, supervision, and control of the
 16 child.

17 (c) The legal residence of a dependent child whose
 18 parents are divorced, separated, or otherwise living apart
 19 will be deemed to be this state if either parent is a legal
 20 resident of this state, regardless of which parent is entitled
 21 to claim, and does in fact claim, the minor as a dependent
 22 pursuant to federal individual income tax provisions.

23 (d) A person who is classified as a nonresident for
 24 tuition purposes may become eligible for reclassification as a
 25 resident for tuition purposes if that person or, if that
 26 person is a dependent child, his or her parent presents
 27 documentation that supports permanent residency in this state
 28 rather than temporary residency for the purpose of pursuing an
 29 education, such as documentation of full-time permanent
 30 employment for the previous 12 months or the purchase of a
 31 home in this state and residence therein for the prior 12

Bill No. SB 366

Barcode 483314

1 months. If a person who is a dependent child and his or her
 2 parent move to this state while such child is a high school
 3 student and the child graduates from a high school in this
 4 state, the child may become eligible for reclassification as a
 5 resident for tuition purposes when the parent qualifies for
 6 permanent residency.

7 (3)(a) An individual shall not be classified as a
 8 resident for tuition purposes and, thus, shall not be eligible
 9 to receive the in-state tuition rate until he or she has
 10 provided such evidence related to legal residence and its
 11 duration or, if that individual is a dependent child,
 12 documentation of his or her parent's legal residence and its
 13 duration, as well as documentation confirming his or her
 14 status as a dependent child, as may be required by law and by
 15 officials of the institution of higher education from which he
 16 or she seeks the in-state tuition rate.

17 (b) Each institution of higher education must:

18 1. Determine whether an applicant who has been granted
 19 admission to that institution is a dependent child.

20 2. Affirmatively determine that an applicant who has
 21 been granted admission to that institution as a Florida
 22 resident meets the residency requirements of this section at
 23 the time of initial enrollment.

24 (10) The following persons shall be classified as
 25 residents for tuition purposes:

26 (b) Active duty members of the Armed Services of the
 27 United States, and their spouses and dependent children,
 28 ~~dependents~~ attending a public community college or state
 29 university within 50 miles of the military establishment where
 30 they are stationed, if such military establishment is within a
 31 county contiguous to Florida.

Bill No. SB 366

Barcode 483314

1 (j) Active duty members of the Canadian military
 2 residing or stationed in this state under the North American
 3 Aerospace Defense Command ~~Air Defense~~ (NORAD) agreement, and
 4 their spouses and dependent children, attending a community
 5 college or state university within 50 miles of the military
 6 establishment where they are stationed.

7 (1) Full-time employees of international multilateral
 8 organizations based in Florida that are recognized by the
 9 United States Department of State and their spouses and
 10 dependent children.

11 (m) A student, other than a nonimmigrant alien within
 12 the meaning of 8 U.S.C. s. 1001(a)(15), who meets the
 13 following criteria:

14 1. Has resided in Florida with a parent for at least 3
 15 consecutive years immediately preceding the date the student
 16 received a high school diploma or its equivalent.

17 2. Has attended a Florida high school for at least 3
 18 consecutive school years during such time.

19 3. Has filed an affidavit with the institution of
 20 higher education stating that the student has filed an
 21 application to legalize his or her immigration status or will
 22 file such application as soon as he or she is eligible to do
 23 so.

24 Section 2. This act shall take effect July 1, 2006.

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

28 And the title is amended as follows:

29 Delete everything before the enacting clause

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 31 and insert:

Bill No. SB 366

Barcode 483314

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A bill to be entitled
An act relating to determination of resident
status for tuition purposes; amending s.
1009.21, F.S.; revising definitions; providing
conditions for reclassification as a resident
for tuition purposes; requiring that evidence
be provided relating to legal residency and
dependent status; providing duties of
institutions of higher education; updating
obsolete terminology; providing additional
categories within which students may be
classified as residents for tuition purposes;
providing an effective date.