

By Senator Ring

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1 A bill to be entitled
2 An act relating to determination of resident status
3 for tuition purposes; amending s. 1009.21, F.S.;
4 revising the definitions of "dependent child" and
5 "parent"; revising residency requirements for certain
6 dependent children; authorizing an institution of
7 higher education to verify documentation of residency
8 through electronic means under certain conditions;
9 revising requirements relating to proof of employment
10 in the state; providing for classification as
11 residents for tuition purposes of certain individuals
12 who have attended a Florida public high school and
13 individuals who receive certain tuition exemptions or
14 waivers; providing requirements for recognition of the
15 classification of a student as a resident for tuition
16 purposes by an institution to which a student may
17 transfer; providing an effective date.

18
19 Be It Enacted by the Legislature of the State of Florida:

20
21 Section 1. Section 1009.21, Florida Statutes, is amended to
22 read:

23 1009.21 Determination of resident status for tuition
24 purposes.—Students shall be classified as residents or
25 nonresidents for the purpose of assessing tuition in the Florida
26 College System ~~community colleges~~ and the State University
27 System ~~universities~~.

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

29 (a) "Dependent child" means any person, whether or not

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30 living with his or her parent, who is eligible to be claimed by
31 his or her parent as a dependent under the federal income tax
32 code. If a child provides more than 50 percent of the
33 institutionally defined cost of attendance or if a child meets
34 the criteria for independent status as established for federal
35 financial aid purposes, the child may not be considered a
36 dependent child.

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

39 (c) "Institution of higher education" means any community
40 college as defined in s. 1000.21(3) or state university as
41 defined in s. 1000.21(6).

42 (d) "Legal resident" or "resident" means a person who has
43 maintained his or her residence in this state for the preceding
44 year, has purchased a home which is occupied by him or her as
45 his or her residence, or has established a domicile in this
46 state pursuant to s. 222.17.

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

49 (f) "Parent" means the natural or adoptive parent,
50 stepparent, or legal guardian of a dependent child.

51 (g) "Resident for tuition purposes" means a person who
52 qualifies as provided in this section for the in-state tuition
53 rate.

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

55 1. A person or, if that person is a dependent child, his or
56 her parent or parents must have established legal residence in
57 this state and must have maintained legal residence in this
58 state for at least 12 consecutive months immediately prior to

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59 his or her initial enrollment in an institution of higher
60 education.

61 2. Every applicant for admission to an institution of
62 higher education shall be required to make a statement as to his
63 or her length of residence in the state and, further, shall
64 establish that his or her presence or, if the applicant is a
65 dependent child, the presence of his or her parent or parents in
66 the state currently is, and during the requisite 12-month
67 qualifying period was, for the purpose of maintaining a bona
68 fide domicile, rather than for the purpose of maintaining a mere
69 temporary residence or abode incident to enrollment in an
70 institution of higher education.

71 (b) However, with respect to a dependent child living with
72 an adult relative other than the child's parent, such child may
73 qualify as a resident for tuition purposes if the adult relative
74 is a legal resident who has maintained legal residence in this
75 state for at least 12 consecutive months immediately prior to
76 the child's initial enrollment in an institution of higher
77 education, provided the child has resided continuously with such
78 relative for the 4 ~~5~~ years immediately prior to the child's
79 initial enrollment in an institution of higher education, during
80 which time the adult relative has exercised day-to-day care,
81 supervision, and control of the child.

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

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88 (3) (a) An individual shall not be classified as a resident
89 for tuition purposes and, thus, shall not be eligible to receive
90 the in-state tuition rate until he or she has provided such
91 evidence related to legal residence and its duration or, if that
92 individual is a dependent child, evidence of his or her parent's
93 legal residence and its duration, as may be required by law and
94 by officials of the institution of higher education from which
95 he or she seeks the in-state tuition rate.

96 (b) Except as otherwise provided in this section, evidence
97 of legal residence and its duration shall include clear and
98 convincing documentation that residency in this state was for a
99 minimum of 12 consecutive months prior to a student's initial
100 enrollment in an institution of higher education.

101 (c) Each institution of higher education shall
102 affirmatively determine that an applicant who has been granted
103 admission to that institution as a Florida resident meets the
104 residency requirements of this section at the time of initial
105 enrollment. The residency determination must be documented by
106 the submission of written or electronic verification that
107 includes two or more of the documents identified in this
108 paragraph. No single piece of evidence shall be conclusive for
109 purposes of this paragraph. Where appropriate, an institution of
110 higher education may verify documentation through electronic
111 means if available state-maintained databases exist.

112 1. The documents must include at least one of the
113 following:

- 114 a. A Florida voter's registration card.
115 b. A Florida driver's license.
116 c. A State of Florida identification card.

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- 117 d. A Florida vehicle registration.
- 118 e. Proof of a permanent home in Florida which is occupied
119 as a primary residence by the individual or by the individual's
120 parent if the individual is a dependent child.
- 121 f. Proof of a homestead exemption in Florida.
- 122 g. Transcripts from a Florida high school for multiple
123 years if the Florida high school diploma or GED was earned
124 within the last 12 months.
- 125 h. Proof of ~~permanent full-time~~ employment in Florida ~~for~~
126 ~~at least 30 hours per week~~ for a 12-month period.
- 127 2. The documents may include one or more of the following:
- 128 a. A declaration of domicile in Florida.
- 129 b. A Florida professional or occupational license.
- 130 c. Florida incorporation.
- 131 d. A document evidencing family ties in Florida.
- 132 e. Proof of membership in a Florida-based charitable or
133 professional organization.
- 134 f. Any other documentation that supports the student's
135 request for resident status, including, but not limited to,
136 utility bills and proof of 12 consecutive months of payments; a
137 lease agreement and proof of 12 consecutive months of payments;
138 or an official state, federal, or court document evidencing
139 legal ties to Florida.
- 140 (4) With respect to a dependent child, the legal residence
141 of the dependent child's parent or parents is prima facie
142 evidence of the dependent child's legal residence, which
143 evidence may be reinforced or rebutted, relative to the age and
144 general circumstances of the dependent child, by the other
145 evidence of legal residence required of or presented by the

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146 dependent child. However, the legal residence of a dependent
147 child's parent or parents who are domiciled outside this state
148 is not prima facie evidence of the dependent child's legal
149 residence if that dependent child has lived in this state for 4
150 ~~5~~ consecutive years prior to enrolling or reregistering at the
151 institution of higher education at which resident status for
152 tuition purposes is sought.

153 (5) In making a domiciliary determination related to the
154 classification of a person as a resident or nonresident for
155 tuition purposes, the domicile of a married person, irrespective
156 of sex, shall be determined, as in the case of an unmarried
157 person, by reference to all relevant evidence of domiciliary
158 intent. For the purposes of this section:

159 (a) A person shall not be precluded from establishing or
160 maintaining legal residence in this state and subsequently
161 qualifying or continuing to qualify as a resident for tuition
162 purposes solely by reason of marriage to a person domiciled
163 outside this state, even when that person's spouse continues to
164 be domiciled outside of this state, provided such person
165 maintains his or her legal residence in this state.

166 (b) A person shall not be deemed to have established or
167 maintained a legal residence in this state and subsequently to
168 have qualified or continued to qualify as a resident for tuition
169 purposes solely by reason of marriage to a person domiciled in
170 this state.

171 (c) In determining the domicile of a married person,
172 irrespective of sex, the fact of the marriage and the place of
173 domicile of such person's spouse shall be deemed relevant
174 evidence to be considered in ascertaining domiciliary intent.

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175 (6) (a) Except as otherwise provided in this section, a
176 person who is classified as a nonresident for tuition purposes
177 may become eligible for reclassification as a resident for
178 tuition purposes if that person or, if that person is a
179 dependent child, his or her parent presents clear and convincing
180 documentation that supports permanent legal residency in this
181 state for at least 12 consecutive months rather than temporary
182 residency for the purpose of pursuing an education, such as
183 documentation of ~~full-time permanent~~ employment for the prior 12
184 months or the purchase of a home in this state and residence
185 therein for the prior 12 months ~~while not enrolled in an~~
186 ~~institution of higher education.~~

187 (b) If a person who is a dependent child and his or her
188 parent move to this state while such child is a high school
189 student and the child graduates from a high school in this
190 state, the child may become eligible for reclassification as a
191 resident for tuition purposes when the parent submits evidence
192 that the parent qualifies for permanent residency.

193 (c) If a person who is a dependent child and his or her
194 parent move to this state after such child graduates from high
195 school, the child may become eligible for reclassification as a
196 resident for tuition purposes after the parent submits evidence
197 that he or she has established legal residence in the state and
198 has maintained legal residence in the state for at least 12
199 consecutive months.

200 (d) A person who is classified as a nonresident for tuition
201 purposes and who marries a legal resident of the state or
202 marries a person who becomes a legal resident of the state may,
203 upon becoming a legal resident of the state, become eligible for

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204 reclassification as a resident for tuition purposes upon
205 submitting evidence of his or her own legal residency in the
206 state, evidence of his or her marriage to a person who is a
207 legal resident of the state, and evidence of the spouse's legal
208 residence in the state for at least 12 consecutive months
209 immediately preceding the application for reclassification.

210 (7) A person shall not lose his or her resident status for
211 tuition purposes solely by reason of serving, or, if such person
212 is a dependent child, by reason of his or her parent's or
213 parents' serving, in the Armed Forces outside this state.

214 (8) A person who has been properly classified as a resident
215 for tuition purposes but who, while enrolled in an institution
216 of higher education in this state, loses his or her resident
217 tuition status because the person or, if he or she is a
218 dependent child, the person's parent or parents establish
219 domicile or legal residence elsewhere shall continue to enjoy
220 the in-state tuition rate for a statutory grace period, which
221 period shall be measured from the date on which the
222 circumstances arose that culminated in the loss of resident
223 tuition status and shall continue for 12 months. However, if the
224 12-month grace period ends during a semester or academic term
225 for which such former resident is enrolled, such grace period
226 shall be extended to the end of that semester or academic term.

227 (9) Any person who ceases to be enrolled at or who
228 graduates from an institution of higher education while
229 classified as a resident for tuition purposes and who
230 subsequently abandons his or her domicile in this state shall be
231 permitted to reenroll at an institution of higher education in
232 this state as a resident for tuition purposes without the

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233 necessity of meeting the 12-month durational requirement of this
234 section if that person has reestablished his or her domicile in
235 this state within 12 months of such abandonment and continuously
236 maintains the reestablished domicile during the period of
237 enrollment. The benefit of this subsection shall not be accorded
238 more than once to any one person.

239 (10) The following persons shall be classified as residents
240 for tuition purposes:

241 (a) Active duty members of the Armed Services of the United
242 States residing or stationed in this state, their spouses, and
243 dependent children, and active drilling members of the Florida
244 National Guard.

245 (b) Active duty members of the Armed Services of the United
246 States and their spouses and dependents attending a public
247 community college or state university within 50 miles of the
248 military establishment where they are stationed, if such
249 military establishment is within a county contiguous to Florida.

250 (c) United States citizens living on the Isthmus of Panama,
251 who have completed 12 consecutive months of college work at the
252 Florida State University Panama Canal Branch, and their spouses
253 and dependent children.

254 (d) Full-time instructional and administrative personnel
255 employed by state public schools and institutions of higher
256 education and their spouses and dependent children.

257 (e) Students from Latin America and the Caribbean who
258 receive scholarships from the federal or state government. Any
259 student classified pursuant to this paragraph shall attend, on a
260 full-time basis, a Florida institution of higher education.

261 (f) Southern Regional Education Board's Academic Common

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262 Market graduate students attending Florida's state universities.

263 (g) Full-time employees of state agencies or political
264 subdivisions of the state when the student fees are paid by the
265 state agency or political subdivision for the purpose of job-
266 related law enforcement or corrections training.

267 (h) McKnight Doctoral Fellows and Finalists who are United
268 States citizens.

269 (i) United States citizens living outside the United States
270 who are teaching at a Department of Defense Dependent School or
271 in an American International School and who enroll in a graduate
272 level education program which leads to a Florida teaching
273 certificate.

274 (j) Active duty members of the Canadian military residing
275 or stationed in this state under the North American Air Defense
276 (NORAD) agreement, and their spouses and dependent children,
277 attending a community college or state university within 50
278 miles of the military establishment where they are stationed.

279 (k) Active duty members of a foreign nation's military who
280 are serving as liaison officers and are residing or stationed in
281 this state, and their spouses and dependent children, attending
282 a community college or state university within 50 miles of the
283 military establishment where the foreign liaison officer is
284 stationed.

285 (l) Individuals who have attended a Florida public high
286 school for 2 consecutive years immediately prior to high school
287 graduation and who enroll in an institution of higher education
288 within 12 months after graduating from a Florida public high
289 school, if the individual:

290 1. Is a United States citizen or an eligible alien; and

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291 2. Submits his or her high school transcript prior to
292 initial enrollment.

293

294 Nothing in this paragraph shall be construed to prohibit a
295 public or private high school graduate who does not meet the
296 criteria of this paragraph from otherwise qualifying as a
297 resident for tuition purposes under this section.

298 (m) Individuals who receive a tuition exemption or waiver
299 under s. 961.06(1)(b), s. 1009.25, or s. 1009.26.

300 (11) The classification of a student as a resident for
301 tuition purposes by an institution of higher education shall be
302 recognized by other institutions of higher education to which
303 the student may later seek admission if the student has attended
304 the institution making the initial classification within the
305 last 12 months and the residency classification is noted on the
306 student's transcript. Once a student has been classified as a
307 resident for tuition purposes, institutions to which the student
308 may transfer are not required to reevaluate the classification
309 unless inconsistent information suggests that an erroneous
310 classification was made or the student's situation has changed.

311 (12) ~~(11)~~ Each institution of higher education shall
312 establish a residency appeal committee comprised of at least
313 three members to consider student appeals of residency
314 determinations, in accordance with the institution's official
315 appeal process. The residency appeal committee must render to
316 the student the final residency determination in writing. The
317 institution must advise the student of the reasons for the
318 determination.

319 (13) ~~(12)~~ The State Board of Education and the Board of

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320 Governors shall adopt rules to implement this section.

321 Section 2. This act shall take effect July 1, 2010.