

HB 7051

2013

1 A bill to be entitled  
2 An act relating to resident status for tuition  
3 purposes; amending s. 1009.21, F.S.; revising the  
4 definitions of the terms "dependent child" and  
5 "parent"; revising certain residency requirements for  
6 a dependent child; prohibiting denial of  
7 classification as a resident for tuition purposes  
8 based on certain immigration status; revising  
9 provisions relating to required documentation as  
10 evidence of residency; revising requirements relating  
11 to classification or reclassification as a resident  
12 for tuition purposes based on marriage; revising  
13 requirements relating to reevaluation of  
14 classification as a resident for tuition purposes;  
15 providing that certain veterans of the Armed Services  
16 of the United States and persons who receive certain  
17 tuition exemptions or waivers shall be classified as  
18 residents for tuition purposes; providing for the  
19 adoption of rules and regulations; providing an  
20 effective date.

21  
22 Be It Enacted by the Legislature of the State of Florida:

23  
24 Section 1. Paragraphs (a) and (f) of subsection (1),  
25 paragraph (b) of subsection (2), subsections (4) and (5),  
26 paragraph (d) of subsection (6), and subsections (8), (10), and  
27 (13) of section 1009.21, Florida Statutes, are amended,  
28 paragraph (d) is added to subsection (2), and paragraph (d) is

29 added to subsection (3) of that section, to read:

30 1009.21 Determination of resident status for tuition  
 31 purposes.—Students shall be classified as residents or  
 32 nonresidents for the purpose of assessing tuition in  
 33 postsecondary educational programs offered by charter technical  
 34 career centers or career centers operated by school districts,  
 35 in Florida College System institutions, and in state  
 36 universities.

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

38 (a) "Dependent child" means any person, whether or not  
 39 living with his or her parent, who is eligible to be claimed by  
 40 his or her parent as a dependent under the federal income tax  
 41 code or who is not deemed independent for federal financial aid  
 42 purposes.

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

45 (2)

46 (b) However, with respect to a dependent child living with  
 47 an adult relative other than the child's parent, such child may  
 48 qualify as a resident for tuition purposes if the adult relative  
 49 is a legal resident who has maintained legal residence in this  
 50 state for at least 12 consecutive months immediately before  
 51 ~~prior to~~ the child's initial enrollment in an institution of  
 52 higher education, provided the child has resided continuously  
 53 with such relative for the 3 5 years immediately before ~~prior to~~  
 54 the child's initial enrollment in an institution of higher  
 55 education, during which time the adult relative has exercised  
 56 day-to-day care, supervision, and control of the child.

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57 | (d) A dependent child who is a United States citizen may  
58 | not be denied classification as a resident for tuition purposes  
59 | based solely upon the immigration status of his or her parent.

60 | (3)

61 | (d) Regardless of dependency status, an applicant who is a  
62 | United States citizen, has attended high school in Florida for  
63 | at least 3 consecutive years, applies for enrollment within 12  
64 | months after graduating from high school, and submits an  
65 | official Florida high school transcript as one piece of required  
66 | documentation evidencing his or her residence in Florida  
67 | pursuant to paragraph (c) may submit as the second piece of  
68 | required documentation evidencing residency any item listed  
69 | under subparagraph (c)1. or subparagraph (c)2., whether the item  
70 | pertains to residency of the applicant or to residency of the  
71 | applicant's parent.

72 | (4) With respect to a dependent child, the legal residence  
73 | of the dependent child's parent or parents is prima facie  
74 | evidence of the dependent child's legal residence, which  
75 | evidence may be reinforced or rebutted, relative to the age and  
76 | general circumstances of the dependent child, by the other  
77 | evidence of legal residence required of or presented by the  
78 | dependent child. However, the legal residence of a dependent  
79 | child's parent or parents who are domiciled outside this state  
80 | is not prima facie evidence of the dependent child's legal  
81 | residence if that dependent child has lived in this state for 3  
82 | 5 consecutive years before ~~prior to~~ enrolling or reregistering  
83 | at the institution of higher education at which resident status  
84 | for tuition purposes is sought.

85           (5) A person who physically resides in this state may be  
 86 classified as a resident for tuition purposes if he or she  
 87 marries a person who meets the 12-month residency requirement  
 88 under subsection (2) and otherwise qualifies as a resident for  
 89 tuition purposes under this section ~~In making a domiciliary~~  
 90 ~~determination related to the classification of a person as a~~  
 91 ~~resident or nonresident for tuition purposes, the domicile of a~~  
 92 ~~married person, irrespective of sex, shall be determined, as in~~  
 93 ~~the case of an unmarried person, by reference to all relevant~~  
 94 ~~evidence of domiciliary intent. For the purposes of this~~  
 95 ~~section:~~

96           ~~(a) A person shall not be precluded from establishing or~~  
 97 ~~maintaining legal residence in this state and subsequently~~  
 98 ~~qualifying or continuing to qualify as a resident for tuition~~  
 99 ~~purposes solely by reason of marriage to a person domiciled~~  
 100 ~~outside this state, even when that person's spouse continues to~~  
 101 ~~be domiciled outside of this state, provided such person~~  
 102 ~~maintains his or her legal residence in this state.~~

103           ~~(b) A person shall not be deemed to have established or~~  
 104 ~~maintained a legal residence in this state and subsequently to~~  
 105 ~~have qualified or continued to qualify as a resident for tuition~~  
 106 ~~purposes solely by reason of marriage to a person domiciled in~~  
 107 ~~this state.~~

108           ~~(c) In determining the domicile of a married person,~~  
 109 ~~irrespective of sex, the fact of the marriage and the place of~~  
 110 ~~domicile of such person's spouse shall be deemed relevant~~  
 111 ~~evidence to be considered in ascertaining domiciliary intent.~~

112           (6)

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113           (d) A person classified as a nonresident for tuition  
114 purposes may be reclassified as a resident by subsequently  
115 marrying a person who meets the criteria to establish residency  
116 for tuition purposes. In order to be reclassified, a person must  
117 submit all of the following:

118           1. Evidence of his or her own physical residence in this  
119 state.

120           2. Evidence of marriage to a person who qualifies as a  
121 resident for tuition purposes under this section.

122           3. Documentation to support his or her spouse's residency  
123 classification. A person who is classified as a nonresident for  
124 tuition purposes and who marries a legal resident of the state  
125 or marries a person who becomes a legal resident of the state  
126 may, upon becoming a legal resident of the state, become  
127 eligible for reclassification as a resident for tuition purposes  
128 upon submitting evidence of his or her own legal residency in  
129 the state, evidence of his or her marriage to a person who is a  
130 legal resident of the state, and evidence of the spouse's legal  
131 residence in the state for at least 12 consecutive months  
132 immediately preceding the application for reclassification.

133           (8) After a student has been classified as a resident for  
134 tuition purposes, an institution of higher education is not  
135 required to reevaluate the classification unless inconsistent  
136 information suggests that an erroneous classification was made  
137 or the student breaks enrollment from the institution for a  
138 period of 12 months or longer. A person who has been properly  
139 classified as a resident for tuition purposes but who, while  
140 enrolled in an institution of higher education in this state,

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141 ~~loses his or her resident tuition status because the person or,~~  
142 ~~if he or she is a dependent child, the person's parent or~~  
143 ~~parents establish domicile or legal residence elsewhere shall~~  
144 ~~continue to enjoy the in-state tuition rate for a statutory~~  
145 ~~grace period, which period shall be measured from the date on~~  
146 ~~which the circumstances arose that culminated in the loss of~~  
147 ~~resident tuition status and shall continue for 12 months.~~  
148 ~~However, if the 12-month grace period ends during a semester or~~  
149 ~~academic term for which such former resident is enrolled, such~~  
150 ~~grace period shall be extended to the end of that semester or~~  
151 ~~academic term.~~

152 (10) The following persons shall be classified as  
153 residents for tuition purposes:

154 (a) Active duty members of the Armed Services of the  
155 United States residing or stationed in this state, their  
156 spouses, and dependent children, and active drilling members of  
157 the Florida National Guard.

158 (b) Active duty members of the Armed Services of the  
159 United States and their spouses and dependents attending a  
160 Florida College System institution or state university within 50  
161 miles of the military establishment where they are stationed, if  
162 such military establishment is within a county contiguous to  
163 Florida.

164 (c) Veterans of the Armed Services of the United States,  
165 including reserve components thereof, who physically reside in  
166 this state while enrolled in an institution of higher education.

167 (d) ~~(e)~~ United States citizens living on the Isthmus of  
168 Panama, who have completed 12 consecutive months of college work

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169 at the Florida State University Panama Canal Branch, and their  
170 spouses and dependent children.

171 (e)~~(d)~~ Full-time instructional and administrative  
172 personnel employed by state public schools and institutions of  
173 higher education and their spouses and dependent children.

174 (f)~~(e)~~ Students from Latin America and the Caribbean who  
175 receive scholarships from the federal or state government. Any  
176 student classified pursuant to this paragraph shall attend, on a  
177 full-time basis, a Florida institution of higher education.

178 (g)~~(f)~~ Southern Regional Education Board's Academic Common  
179 Market graduate students attending Florida's state universities.

180 (h)~~(g)~~ Full-time employees of state agencies or political  
181 subdivisions of the state when the student fees are paid by the  
182 state agency or political subdivision for the purpose of job-  
183 related law enforcement or corrections training.

184 (i)~~(h)~~ McKnight Doctoral Fellows and Finalists who are  
185 United States citizens.

186 (j)~~(i)~~ United States citizens living outside the United  
187 States who are teaching at a Department of Defense Dependent  
188 School or in an American International School and who enroll in  
189 a graduate level education program which leads to a Florida  
190 teaching certificate.

191 (k)~~(j)~~ Active duty members of the Canadian military  
192 residing or stationed in this state under the North American Air  
193 Defense (NORAD) agreement, and their spouses and dependent  
194 children, attending a Florida College System institution or  
195 state university within 50 miles of the military establishment  
196 where they are stationed.

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197        (1) (k) Active duty members of a foreign nation's military  
198 who are serving as liaison officers and are residing or  
199 stationed in this state, and their spouses and dependent  
200 children, attending a Florida College System institution or  
201 state university within 50 miles of the military establishment  
202 where the foreign liaison officer is stationed.

203        (m) Persons who receive a tuition exemption or waiver  
204 under s. 112.19(3), s. 112.191(3), s. 961.06(1)(b), s.  
205 1009.25(1)(c), (d), or (f), or s. 1009.26(8) or (10).

206        (13) The State Board of Education shall adopt rules, and  
207 the Board of Governors shall adopt regulations, ~~rules~~ to  
208 implement this section.

209        Section 2. This act shall take effect July 1, 2013.