

By Senator Wilson

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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 definitions; providing conditions for
5 reclassification as a resident for tuition purposes;
6 requiring that evidence be provided relating to
7 dependent status; revising obsolete provisions;
8 providing additional categories within which students
9 may be classified as residents for tuition purposes;
10 limiting eligibility for state financial aid;
11 providing an effective date.

12
13 Be It Enacted by the Legislature of the State of Florida:

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15 Section 1. Subsections (1), (2), (3), and (10) of section
16 1009.21, Florida Statutes, are amended to read:

17 1009.21 Determination of resident status for tuition
18 purposes.—Students shall be classified as residents or
19 nonresidents for the purpose of assessing tuition in community
20 colleges and state universities.

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

22 (a) "Dependent child" means any person, whether or not
23 living with his or her parent, who is eligible to be claimed by
24 his or her parent as a dependent under the federal income tax
25 code and who receives at least 51 percent of the true cost-of-
26 living expenses from his or her parent, as defined by rules of
27 the State Board of Education.

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

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30 (c) "Institution of higher education" means any community
31 college as defined in s. 1000.21(3) or state university as
32 defined in s. 1000.21(6).

33 (d) "Legal resident" or "resident" means a person who has
34 maintained his or her residence in this state for the preceding
35 year, has purchased a home which is occupied by him or her as
36 his or her residence, or has established a domicile in this
37 state pursuant to s. 222.17.

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

40 (f) "Parent" means the natural or adoptive parent or legal
41 guardian of a dependent child.

42 (g) "Resident for tuition purposes" means a person who
43 qualifies as provided in this section for the in-state tuition
44 rate.

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

46 1. A person or, if that person is a dependent child, his or
47 her parent or parents must have established legal residence in
48 this state and must have maintained legal residence in this
49 state for at least 12 consecutive months immediately before
50 ~~prior to~~ his or her initial enrollment in an institution of
51 higher education.

52 2. Every applicant for admission to an institution of
53 higher education shall be required to make a statement as to his
54 or her length of residence in the state and, further, shall
55 establish that his or her presence or, if the applicant is a
56 dependent child, the presence of his or her parent or parents in
57 the state currently is, and during the requisite 12-month
58 ~~qualifying~~ period was, for the purpose of maintaining a bona

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59 fide domicile, rather than for the purpose of maintaining a mere
60 temporary residence or abode incident to enrollment in an
61 institution of higher education.

62 (b) However, with respect to a dependent child living with
63 an adult relative other than the child's parent, such child may
64 qualify as a resident for tuition purposes if the adult relative
65 is a legal resident who has maintained legal residence in this
66 state for at least 12 consecutive months immediately before
67 ~~prior to~~ the child's initial enrollment in an institution of
68 higher education and if, provided the child has resided
69 continuously with the ~~such~~ relative for the 5 years immediately
70 before ~~prior to~~ the child's initial enrollment in an institution
71 of higher education, during which time the adult relative has
72 exercised day-to-day care, supervision, and control of the
73 child.

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

80 (d) A person who is classified as a nonresident for tuition
81 purposes may become eligible for reclassification as a resident
82 for tuition purposes if that person or, if that person is a
83 dependent child, his or her parent presents evidence that
84 supports permanent residency in this state rather than temporary
85 residency for the purpose of pursuing an education, such as
86 documentation of full-time permanent employment for the previous
87 12 months or the purchase of a home in this state and residence

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88 therein during the previous 12 months. If a person who is a
89 dependent child and his or her parent move to this state while
90 the child is a high school student and the child graduates from
91 a high school in this state, the child may become eligible for
92 reclassification as a resident for tuition purposes when the
93 parent qualifies for permanent residency. However, an illegal
94 immigrant who qualifies as a resident for tuition purposes under
95 this paragraph is not eligible for state financial aid.

96 (3) (a) A person may ~~An individual shall~~ not be classified
97 as a resident for tuition purposes and ~~is, thus, shall~~ not be
98 eligible to receive the in-state tuition rate until he or she
99 has provided such evidence related to legal residence and its
100 duration or, if the person ~~that individual~~ is a dependent child,
101 evidence of his or her parent's legal residence and its
102 duration, as well as evidence confirming his or her status as a
103 dependent child, as may be required by law and by ~~officials of~~
104 the institution of higher education from which he or she seeks
105 the in-state tuition rate.

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

111 (c) Each institution of higher education shall
112 affirmatively determine that an applicant who has been granted
113 admission to that institution as a Florida resident meets the
114 residency requirements of this section at the time of initial
115 enrollment. The residency determination must be documented by
116 the submission of written or electronic verification that

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117 includes two or more of the documents identified in this
118 paragraph. No single piece of evidence shall be conclusive.

119 1. The documents must include at least one of the
120 following:

121 a. A Florida voter's registration card.

122 b. A Florida driver's license.

123 c. A State of Florida identification card.

124 d. A Florida vehicle registration.

125 e. Proof of a permanent home in Florida which is occupied
126 as a primary residence by the individual or by the individual's
127 parent if the individual is a dependent child.

128 f. Proof of a homestead exemption in Florida.

129 g. Transcripts from a Florida high school for multiple
130 years if the Florida high school diploma or GED was earned
131 within the last 12 months.

132 h. Proof of permanent full-time employment in Florida for
133 at least 30 hours per week for a 12-month period.

134 2. The documents may include one or more of the following:

135 a. A declaration of domicile in Florida.

136 b. A Florida professional or occupational license.

137 c. Florida incorporation.

138 d. A document evidencing family ties in Florida.

139 e. Proof of membership in a Florida-based charitable or
140 professional organization.

141 f. Any other documentation that supports the student's
142 request for resident status, including, but not limited to,
143 utility bills and proof of 12 consecutive months of payments; a
144 lease agreement and proof of 12 consecutive months of payments;
145 or an official state, federal, or court document evidencing

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146 legal ties to Florida.

147 (10) The following persons shall be classified as residents
148 for tuition purposes:

149 (a) Active duty members of the Armed Services of the United
150 States residing or stationed in this state, their spouses, and
151 dependent children, and active drilling members of the Florida
152 National Guard.

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

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

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

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

169 (f) Southern Regional Education Board's Academic Common
170 Market graduate students attending Florida's state universities.

171 (g) Full-time employees of state agencies or political
172 subdivisions of the state when the student fees are paid by the
173 state agency or political subdivision for the purpose of job-
174 related law enforcement or corrections training.

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175 (h) McKnight Doctoral Fellows and Finalists who are United
176 States citizens.

177 (i) United States citizens living outside the United States
178 who are teaching at a Department of Defense Dependent School or
179 in an American International School and who enroll in a graduate
180 level education program which leads to a Florida teaching
181 certificate.

182 (j) Active duty members of the Canadian military residing
183 or stationed in this state under the North American Aerospace
184 Defense Command ~~Air Defense~~ (NORAD) agreement, and their spouses
185 and dependent children, attending a community college or state
186 university within 50 miles of the military establishment where
187 they are stationed.

188 (k) Active duty members of a foreign nation's military who
189 are serving as liaison officers and are residing or stationed in
190 this state, and their spouses and dependent children, attending
191 a community college or state university within 50 miles of the
192 military establishment where the foreign liaison officer is
193 stationed.

194 (l) Full-time employees of international multilateral
195 organizations based in this state which are recognized by the
196 United States Department of State and their spouses and
197 dependent children.

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

201 1. Has resided in this state with a parent for at least 3
202 consecutive years immediately preceding the date the student
203 received a high school diploma or its equivalent.

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204 2. Has attended a high school in this state for at least 3
205 consecutive school years during such time.

206 3. Has filed an affidavit with the institution of higher
207 education stating that the student has filed an application to
208 legalize his or her immigration status or will file such
209 application as soon as he or she is eligible to do so.

210

211 However, students who qualify under this paragraph are not
212 eligible for state financial aid.

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