



State Universities and Private Colleges Appropriations Committee

**March 26, 2010
9:00 a.m. – 10:00 a.m.
12 House Office Building**

Meeting Packet

**Larry Cretul
Speaker**

**William Proctor
Chair**



The Florida House of Representatives

State Universities and Private Colleges Appropriations Committee

Larry Cretul
Speaker

William Proctor
Chair

Meeting Agenda
Friday, March 26, 2010
12 House Office Building
9:00 a.m. – 10:00 a.m.

I. Call to Order

II. Roll Call

III. Consideration of the following bills:

HB 743 – Postsecondary Education Fee Waivers by State Universities & Private Colleges Policy Committee and Sachs

IV. Consideration of the following proposed committee substitute:

PCS for HB 1243 – Determination of Resident Status for Tuition Purposes by State Universities & Private Colleges Appropriations Committee

V. Adjournment

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/HB 723 Postsecondary Education Fee Waivers
SPONSOR(S): State Universities & Private Colleges Policy Committee and Sachs
TIED BILLS: **IDEN./SIM. BILLS:** SB 2102

| REFERENCE | ACTION | ANALYST | STAFF DIRECTOR |
|-------------------------------------------------------------------|------------------|-----------------|-------------------|
| 1) State Universities & Private Colleges Policy Committee | 11 Y, 0 N, As CS | Valenstein | Tilton |
| 2) State Universities & Private Colleges Appropriations Committee | | Smith <i>OS</i> | Trexler <i>AT</i> |
| 3) Education Policy Council | | | |
| 4) | | | |
| 5) | | | |

SUMMARY ANALYSIS

Current law authorizes state universities, community colleges and school districts to waive tuition and fees under various circumstances.

CS/HB 723 authorizes a state university or community college to waive tuition and fees for full-time public school classroom teachers for six credit hours per term in undergraduate courses, as space is available. These fee waivers are only available for undergraduate courses that are approved by the Department of Education and relate to special education, mathematics or science. Additionally, a public school teacher must meet any academic requirements established by the state university or community college and cannot use the fee waiver for courses scheduled during the school district's regular school day.

The fiscal impact of the bill is indeterminate. (See FISCAL COMMENTS)

The effective date provided is July 1, 2010.

HOUSE PRINCIPLES

Members are encouraged to evaluate proposed legislation in light of the following guiding principles of the House of Representatives

- Balance the state budget.
- Create a legal and regulatory environment that fosters economic growth and job creation.
- Lower the tax burden on families and businesses.
- Reverse or restrain the growth of government.
- Promote public safety.
- Promote educational accountability, excellence, and choice.
- Foster respect for the family and for innocent human life.
- Protect Florida's natural beauty.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Background

Currently, school districts, community colleges and state universities are authorized to grant fee waivers under various circumstances.¹ Section 1009.26, F.S., authorizes fee waivers for: supervisors of university student interns; full-time university employees for up to 6 credit hours per term, as space is available; state residents 60 years or older, as space is available; graduate students in a psychology training program for specified internships; certain nondegree-seeking students; the spouse of a deceased state employee; recipients of a Purple Heart; and for other such purposes that support the mission of a state university.² Additionally, section 1009.26, F.S., authorizes school districts and community colleges to waive fees for any fee-nonexempt student, up to the amount established annually in the General Appropriations Act. Section 1009.265, F.S., requires state universities and community colleges to waive tuition and fees for approved state employees to take up to six credit hours per term, as space is available.³ There is no specific statutory authority to waive tuition and fees for public school classroom teachers; however, some of these individuals may be eligible for an existing fee waiver such as one granted under the general authority provided to state universities to waive tuition and out-of-state fees for any purpose that supports the mission of the university.

According to the State University System Fee Waiver Summary report for 2007-2008⁴, there were 30,064 students enrolled using a fee waiver. This resulted in the universities forgoing approximately \$77,194,555 in revenues.⁵

According to the Department of Education Summary of Student Fee Exemptions and Waivers report for 2008-2009⁶, there were 8,115 students enrolled using a fee waiver. This resulted in the community colleges forgoing approximately \$4,473,638 in revenues.⁷

¹ Sections 1009.26 and 1009.265, F.S.

² Section 1009.26(1)-(9), F.S.

³ Section 1009.265(1), F.S.

⁴ Fee Waiver summary created from Student Data Course File Edit Reports – Summer 2007, Fall 2007, and Spring 2008.

⁵ State University System of Florida, Fee Waiver Summary 2007-08, State University System of Florida Fact Book, Table 37, available at <http://www.flbog.org/resources/factbooks/factbooks.php> (last visited March 12, 2010).

⁶ Report created from data reported on an academic year basis including, Summer 2008, Fall 2008, and Spring 2009.

⁷ Department of Education, Summary of Student Fee Exemptions and Waivers, FY 2008-2009, Schedule 4.

The Education Information & Accountability Services Data Report states there were 166,724 teachers in the fall of 2009.⁸ These teachers typically continue to take academic course work at community colleges and state universities during their careers to maintain licensure, participate in professional development and seek additional academic credentials and degrees.⁹

Effect of Proposed Changes

CS/HB 723 authorizes, but does not require, a state university or community college to waive tuition and fees for full-time public school classroom teachers for six credit hours per term in undergraduate courses, as space is available. These fee waivers are only available for undergraduate courses that are approved by the Department of Education and relate to special education, mathematics or science. Additionally, a public school teacher must meet any academic requirements established by the state university or community college and cannot use the fee waiver for courses scheduled during the school day.

CS/HB 723 authorizes the State Board of Education to adopt a rule that prescribes the process for the approval of courses by the Department of Education.

B. SECTION DIRECTORY:

Section 1. Amends s. 1009.26, F.S., authorizing a state university or community college to waive tuition and fees for certain public school teachers for certain undergraduate courses.

Section 2. Provides an effective date of July 1, 2010.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

Fee waivers would benefit K-12 instructional personnel who currently pay to take academic course work during their careers for the purpose of maintaining certification, professional development, or to seek additional credentialing.¹⁰

D. FISCAL COMMENTS:

⁸ Available at <http://www.fldoe.org/eias/eiaspubs/default.asp> (Last visited March 12, 2010).

⁹ Florida Department of Education Analysis of HB 723, February 2, 2010.

¹⁰ *Id.*

Public school classroom teachers continue to take academic course work during their careers to maintain licensure, participate in professional development and seek additional academic credentials and degrees. The universities and community colleges may lose revenues from existing fee paying students who will qualify for the fee waiver.¹¹ Universities are allocated a specific amount of money to use at their discretion in awarding fee waivers and financial assistance to students; it is unlikely that the institutions would offer waivers exceeding this amount.

The fiscal impact is indeterminate at this time. The impact will depend on numerous factors, including the number of institutions which grant the fee waivers, the number of eligible personnel that participate in the fee waiver program, and whether there are any administrative costs to the institutions as a result of this legislation. Specific information regarding these variables is unavailable at this time. Additionally, the fiscal impact could be negligible, as nothing in this bill requires an institution to waive fees.

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:

None.

B. RULE-MAKING AUTHORITY:

The State Board of Education is granted the authority to adopt a rule that prescribes the process for the approval of courses by the Department of Education.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COUNCIL OR COMMITTEE SUBSTITUTE CHANGES

On March 17, 2010, the State Universities and Private Colleges Policy Committee adopted one amendment to HB 723 and reported the bill favorably as a Committee Substitute (CS). The amendment limits the use of the fee waivers to full-time public school classroom teachers for six credit hours per term in undergraduate courses, as space is available. The amendment clarifies that fee waivers are only available for undergraduate courses approved by the Department of Education. The courses must relate to special education, mathematics or science. Additionally, the amendment requires public school teachers to meet any academic requirements established by the state university or community college and prohibits the use of the fee waiver for courses scheduled during the school district's regular school day. The amendment also grants rulemaking authority to the State Board of Education. This analysis is drafted to the CS.

¹¹ Florida Department of Education Analysis of HB 723, February 2, 2010.

1 A bill to be entitled
 2 An act relating to postsecondary education fee waivers;
 3 amending s. 1009.26, F.S.; authorizing state universities
 4 and community colleges to waive tuition and fees for
 5 certain public school classroom teachers for undergraduate
 6 courses approved by the Department of Education; requiring
 7 State Board of Education rulemaking; providing an
 8 effective date.

9
 10 Be It Enacted by the Legislature of the State of Florida:

11
 12 Section 1. Subsection (10) is added to section 1009.26,
 13 Florida Statutes, to read:

14 1009.26 Fee waivers.—

15 (10) A state university or community college may waive
 16 tuition and fees for a classroom teacher, as defined in s.
 17 1012.01(2)(a), who is employed full-time by a school district
 18 and who meets the academic requirements established by the
 19 community college or state university for up to 6 credit hours
 20 per term on a space-available basis in undergraduate courses
 21 approved by the Department of Education. Such courses shall be
 22 limited to undergraduate courses related to special education,
 23 mathematics, or science. The waiver may not be used for courses
 24 scheduled during the school district's regular school day. The
 25 State Board of Education shall adopt a rule that prescribes the
 26 process for the approval of courses by the department.

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

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: PCS for HB 1243 Determination of Resident Status for Tuition Purposes
SPONSOR(S): State Universities & Private Colleges Appropriations Committee
TIED BILLS: **IDEN./SIM. BILLS:**

| | REFERENCE | ACTION | ANALYST | STAFF DIRECTOR |
|--------------|-------------------------------------------------------------------|--------|---------|----------------|
| Orig. Comm.: | State Universities & Private Colleges Appropriations Committee | | Howell | Trexler |
| 1) | | | | |
| 2) | | | | |
| 3) | | | | |
| 4) | | | | |
| 5) | | | | |

SUMMARY ANALYSIS

The Proposed Committee Substitute for HB 1243 revises provisions relating to the determination of resident status for tuition purposes.

The bill makes a technical change in nomenclature, changing “community colleges and state universities” to “the Florida College System and State University System.”

The bill changes the requirement that, for tuition purposes, a child living with an adult relative, other than a parent, who is a Florida resident must have lived with that relative for five years to qualify for resident status. The requirement is reduced to four years.

The bill allows students who have been classified as residents at an institution of higher education to maintain resident status upon transfer to another institution within 12 months of attendance at the prior institution.

The bill provides an effective date of July 1, 2010.

HOUSE PRINCIPLES

Members are encouraged to evaluate proposed legislation in light of the following guiding principles of the House of Representatives

- Balance the state budget.
- Create a legal and regulatory environment that fosters economic growth and job creation.
- Lower the tax burden on families and businesses.
- Reverse or restrain the growth of government.
- Promote public safety.
- Promote educational accountability, excellence, and choice.
- Foster respect for the family and for innocent human life.
- Protect Florida's natural beauty.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Current Situation

Florida Statutes provide for the assessment of tuition and fees for college credit instruction and specify out-of-state fees for nonresident students.¹ Statute also provides guidelines for the determination of residency for tuition purposes in Florida colleges and state universities.²

Institutions within the Florida College System have traditionally been referenced as community colleges or junior colleges.³ With the addition of baccalaureate instruction at certain institutions within the system, Florida Statutes have been amended to reflect this expanded mission with the name Florida College System.⁴

Current law allows for a child to be classified as a resident for tuition purposes if the child has lived for five years with an adult relative who is not the child's parent, provided that the adult relative has maintained legal residence in Florida for at least twelve months prior to the child enrolling in an institution of higher education.⁵

Current law also requires that each institution of higher education shall affirmatively determine that an applicant who has been granted admission to that institution as a Florida resident meets the residency requirements at the time of initial enrollment.⁶

While law provides for the establishment of residency for tuition purposes, currently there is no provision for residency established at one institution of higher education to carry over to another.

¹ Sections 1009.23 and 1009.24, F.S.

² Section 1009.21, F.S.

³ Section 1004.66, F.S.

⁴ Sections 1000.21 and 1001.60(2), F.S.

⁵ Section 1009.21(2)(b), F.S.

⁶ Section 1009.21(3)(c), F.S.

Effect of Proposed Changes

PCS for HB 1243 changes the terminology used in current statute to “the Florida College System and the State University System,” conforming to section 1001.60(2), Florida Statutes.

The bill changes the requirement that, for tuition purposes, a child living with an adult relative, other than a parent, who is a Florida resident must have lived with that relative for five years to qualify for resident status. The requirement is reduced to four years, and maintains the provision that the adult relative has maintained legal residence in Florida for at least twelve months prior to the child enrolling in an institution of higher education.

The bill allows a student who has already established residency at one institution to maintain residency status upon transfer to another institution within twelve months of having attended the prior school. This removes from both students and institutions the burden of reestablishing residency and conforms to current Board of Governors regulation⁷ and State Board of Education rule.⁸

B. SECTION DIRECTORY:

Section 1. Amends s. 1009.21, F.S., revising provisions relating to the establishment residency for tuition purposes; conforming terminology; reducing the five-year requirement for children living with resident, non-parent relatives; allowing students to maintain established resident status upon transfer.

Section 2. Provides an effective date of July 1, 2010.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

⁷ Board of Governors Regulation 7.005.

⁸ State Board of Education Rule 6A-10.044.

D. FISCAL COMMENTS:

The fiscal impact of the bill is insignificant. Streamlining the process for establishing or maintaining resident status might lead to the collection of less out-of-state fee revenue. It may also lead to more resident students enrolling in classes and, therefore, collection of more tuition and fees. To the extent the changes result in more students being classified as residents, there may be a future cost of an indeterminate amount to the state. Streamlining the process should also eliminate unnecessary costs associated with documentation and classification of residency for schools and students.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

This bill does not appear to require counties or municipalities to take an action requiring the expenditure of funds, reduce the authority that counties or municipalities have to raise revenue in the aggregate, nor reduce the percentage of state tax shared with counties or municipalities.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COUNCIL OR COMMITTEE SUBSTITUTE CHANGES

1 A bill to be entitled
 2 An act relating to determination of resident status for
 3 tuition purposes; amending s. 1009.21, F.S.; conforming
 4 terms to match official names of Florida's higher
 5 education systems; revising a residency requirement for
 6 certain dependent children; providing requirements for
 7 recognition of the classification of a student as a
 8 resident for tuition purposes by an institution of higher
 9 education to which a student transfers; providing an
 10 effective date.

11
 12 Be It Enacted by the Legislature of the State of Florida:

13
 14 Section 1. Section 1009.21, Florida Statutes, is amended
 15 to read:

16 1009.21 Determination of resident status for tuition
 17 purposes.—Students shall be classified as residents or
 18 nonresidents for the purpose of assessing tuition in the Florida
 19 College System ~~community colleges~~ and the State University
 20 System ~~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.

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

28 (c) "Institution of higher education" means any community

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29 college as defined in s. 1000.21(3) or state university as
30 defined in s. 1000.21(6).

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

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

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

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

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

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

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

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

60 (b) However, with respect to a dependent child living with
 61 an adult relative other than the child's parent, such child may
 62 qualify as a resident for tuition purposes if the adult relative
 63 is a legal resident who has maintained legal residence in this
 64 state for at least 12 consecutive months immediately prior to
 65 the child's initial enrollment in an institution of higher
 66 education, provided the child has resided continuously with such
 67 relative for the 4 ~~5~~ years immediately prior to the child's
 68 initial enrollment in an institution of higher education, during
 69 which time the adult relative has exercised day-to-day care,
 70 supervision, and control of the child.

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

77 (3) (a) An individual shall not be classified as a resident
 78 for tuition purposes and, thus, shall not be eligible to receive
 79 the in-state tuition rate until he or she has provided such
 80 evidence related to legal residence and its duration or, if that
 81 individual is a dependent child, evidence of his or her parent's
 82 legal residence and its duration, as may be required by law and
 83 by officials of the institution of higher education from which
 84 he or she seeks the in-state tuition rate.

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

90 (c) Each institution of higher education shall
 91 affirmatively determine that an applicant who has been granted
 92 admission to that institution as a Florida resident meets the
 93 residency requirements of this section at the time of initial
 94 enrollment. The residency determination must be documented by
 95 the submission of written or electronic verification that
 96 includes two or more of the documents identified in this
 97 paragraph. No single piece of evidence shall be conclusive.

98 1. The documents must include at least one of the
 99 following:

- 100 a. A Florida voter's registration card.
- 101 b. A Florida driver's license.
- 102 c. A State of Florida identification card.
- 103 d. A Florida vehicle registration.
- 104 e. Proof of a permanent home in Florida which is occupied
 105 as a primary residence by the individual or by the individual's
 106 parent if the individual is a dependent child.
- 107 f. Proof of a homestead exemption in Florida.
- 108 g. Transcripts from a Florida high school for multiple
 109 years if the Florida high school diploma or GED was earned
 110 within the last 12 months.
- 111 h. Proof of permanent full-time employment in Florida for
 112 at least 30 hours per week for a 12-month period.

- 113 2. The documents may include one or more of the following:
 114 a. A declaration of domicile in Florida.
 115 b. A Florida professional or occupational license.
 116 c. Florida incorporation.
 117 d. A document evidencing family ties in Florida.
 118 e. Proof of membership in a Florida-based charitable or
 119 professional organization.
 120 f. Any other documentation that supports the student's
 121 request for resident status, including, but not limited to,
 122 utility bills and proof of 12 consecutive months of payments; a
 123 lease agreement and proof of 12 consecutive months of payments;
 124 or an official state, federal, or court document evidencing
 125 legal ties to Florida.

126 (4) With respect to a dependent child, the legal residence
 127 of the dependent child's parent or parents is prima facie
 128 evidence of the dependent child's legal residence, which
 129 evidence may be reinforced or rebutted, relative to the age and
 130 general circumstances of the dependent child, by the other
 131 evidence of legal residence required of or presented by the
 132 dependent child. However, the legal residence of a dependent
 133 child's parent or parents who are domiciled outside this state
 134 is not prima facie evidence of the dependent child's legal
 135 residence if that dependent child has lived in this state for 5
 136 consecutive years prior to enrolling or reregistering at the
 137 institution of higher education at which resident status for
 138 tuition purposes is sought.

139 (5) In making a domiciliary determination related to the
 140 classification of a person as a resident or nonresident for

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141 tuition purposes, the domicile of a married person, irrespective
142 of sex, shall be determined, as in the case of an unmarried
143 person, by reference to all relevant evidence of domiciliary
144 intent. For the purposes of this section:

145 (a) A person shall not be precluded from establishing or
146 maintaining legal residence in this state and subsequently
147 qualifying or continuing to qualify as a resident for tuition
148 purposes solely by reason of marriage to a person domiciled
149 outside this state, even when that person's spouse continues to
150 be domiciled outside of this state, provided such person
151 maintains his or her legal residence in this state.

152 (b) A person shall not be deemed to have established or
153 maintained a legal residence in this state and subsequently to
154 have qualified or continued to qualify as a resident for tuition
155 purposes solely by reason of marriage to a person domiciled in
156 this state.

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

161 (6)(a) Except as otherwise provided in this section, a
162 person who is classified as a nonresident for tuition purposes
163 may become eligible for reclassification as a resident for
164 tuition purposes if that person or, if that person is a
165 dependent child, his or her parent presents clear and convincing
166 documentation that supports permanent legal residency in this
167 state for at least 12 consecutive months rather than temporary
168 residency for the purpose of pursuing an education, such as

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169 documentation of full-time permanent employment for the prior 12
170 months or the purchase of a home in this state and residence
171 therein for the prior 12 months while not enrolled in an
172 institution of higher education.

173 (b) If a person who is a dependent child and his or her
174 parent move to this state while such child is a high school
175 student and the child graduates from a high school in this
176 state, the child may become eligible for reclassification as a
177 resident for tuition purposes when the parent submits evidence
178 that the parent qualifies for permanent residency.

179 (c) If a person who is a dependent child and his or her
180 parent move to this state after such child graduates from high
181 school, the child may become eligible for reclassification as a
182 resident for tuition purposes after the parent submits evidence
183 that he or she has established legal residence in the state and
184 has maintained legal residence in the state for at least 12
185 consecutive months.

186 (d) A person who is classified as a nonresident for
187 tuition purposes and who marries a legal resident of the state
188 or marries a person who becomes a legal resident of the state
189 may, upon becoming a legal resident of the state, become
190 eligible for reclassification as a resident for tuition purposes
191 upon submitting evidence of his or her own legal residency in
192 the state, evidence of his or her marriage to a person who is a
193 legal resident of the state, and evidence of the spouse's legal
194 residence in the state for at least 12 consecutive months
195 immediately preceding the application for reclassification.

196 (7) A person shall not lose his or her resident status for

197 | tuition purposes solely by reason of serving, or, if such person
 198 | is a dependent child, by reason of his or her parent's or
 199 | parents' serving, in the Armed Forces outside this state.

200 | (8) A person who has been properly classified as a
 201 | resident for tuition purposes but who, while enrolled in an
 202 | institution of higher education in this state, loses his or her
 203 | resident tuition status because the person or, if he or she is a
 204 | dependent child, the person's parent or parents establish
 205 | domicile or legal residence elsewhere shall continue to enjoy
 206 | the in-state tuition rate for a statutory grace period, which
 207 | period shall be measured from the date on which the
 208 | circumstances arose that culminated in the loss of resident
 209 | tuition status and shall continue for 12 months. However, if the
 210 | 12-month grace period ends during a semester or academic term
 211 | for which such former resident is enrolled, such grace period
 212 | shall be extended to the end of that semester or academic term.

213 | (9) Any person who ceases to be enrolled at or who
 214 | graduates from an institution of higher education while
 215 | classified as a resident for tuition purposes and who
 216 | subsequently abandons his or her domicile in this state shall be
 217 | permitted to reenroll at an institution of higher education in
 218 | this state as a resident for tuition purposes without the
 219 | necessity of meeting the 12-month durational requirement of this
 220 | section if that person has reestablished his or her domicile in
 221 | this state within 12 months of such abandonment and continuously
 222 | maintains the reestablished domicile during the period of
 223 | enrollment. The benefit of this subsection shall not be accorded
 224 | more than once to any one person.

225 (10) The following persons shall be classified as
 226 residents for tuition purposes:

227 (a) Active duty members of the Armed Services of the
 228 United States residing or stationed in this state, their
 229 spouses, and dependent children, and active drilling members of
 230 the Florida National Guard.

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

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

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

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

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

249 (g) Full-time employees of state agencies or political
 250 subdivisions of the state when the student fees are paid by the
 251 state agency or political subdivision for the purpose of job-
 252 related law enforcement or corrections training.

253 (h) McKnight Doctoral Fellows and Finalists who are United
 254 States citizens.

255 (i) United States citizens living outside the United
 256 States who are teaching at a Department of Defense Dependent
 257 School or in an American International School and who enroll in
 258 a graduate level education program which leads to a Florida
 259 teaching certificate.

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

265 (k) Active duty members of a foreign nation's military who
 266 are serving as liaison officers and are residing or stationed in
 267 this state, and their spouses and dependent children, attending
 268 a community college or state university within 50 miles of the
 269 military establishment where the foreign liaison officer is
 270 stationed.

271 (11) Once a student has been classified as a resident for
 272 tuition purposes, an institution of higher education to which
 273 the student transfers is not required to reevaluate the
 274 classification unless inconsistent information suggests that an
 275 erroneous classification was made or the student's situation has
 276 changed; however, the student must have attended the institution
 277 making the initial classification within the last 12 months and
 278 the residency classification must be noted on the student's
 279 transcript.

280 (12)~~(11)~~ Each institution of higher education shall

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281 establish a residency appeal committee comprised of at least
 282 three members to consider student appeals of residency
 283 determinations, in accordance with the institution's official
 284 appeal process. The residency appeal committee must render to
 285 the student the final residency determination in writing. The
 286 institution must advise the student of the reasons for the
 287 determination.

288 (13)~~(12)~~ The State Board of Education and the Board of
 289 Governors shall adopt rules to implement this section.

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

