

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

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

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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

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

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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.