

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; amending s.  
20 1009.25, F.S.; providing a fee exemption for students  
21 with certain immigration status who meet specified  
22 requirements; amending s. 1009.26, F.S.; authorizing  
23 state universities and Florida College System  
24 institutions to adopt fee and tuition waivers based on  
25 certain student eligibility; providing an effective  
26 date.

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

Section 1. Paragraphs (a) and (f) of subsection (1), paragraph (b) of subsection (2), subsections (4) and (5), paragraph (d) of subsection (6), and subsections (8), (10), and (13) of section 1009.21, Florida Statutes, are amended, paragraph (d) is added to subsection (2), and paragraph (d) is added to subsection (3) of that section, to read:

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

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

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

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

(2)

(b) However, with respect to a dependent child living with

53 an adult relative other than the child's parent, such child may  
54 qualify as a resident for tuition purposes if the adult relative  
55 is a legal resident who has maintained legal residence in this  
56 state for at least 12 consecutive months immediately before  
57 ~~prior to~~ the child's initial enrollment in an institution of  
58 higher education, provided the child has resided continuously  
59 with such relative for the 3 ~~5~~ years immediately before ~~prior to~~  
60 the child's initial enrollment in an institution of higher  
61 education, during which time the adult relative has exercised  
62 day-to-day care, supervision, and control of the child.

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

66 (3)

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

78 (4) With respect to a dependent child, the legal residence

79 of the dependent child's parent or parents is prima facie  
80 evidence of the dependent child's legal residence, which  
81 evidence may be reinforced or rebutted, relative to the age and  
82 general circumstances of the dependent child, by the other  
83 evidence of legal residence required of or presented by the  
84 dependent child. However, the legal residence of a dependent  
85 child's parent or parents who are domiciled outside this state  
86 is not prima facie evidence of the dependent child's legal  
87 residence if that dependent child has lived in this state for 3  
88 ~~5~~ consecutive years before ~~prior to~~ enrolling or reregistering  
89 at the institution of higher education at which resident status  
90 for tuition purposes is sought.

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

102 ~~(a) A person shall not be precluded from establishing or~~  
103 ~~maintaining legal residence in this state and subsequently~~  
104 ~~qualifying or continuing to qualify as a resident for tuition~~

105 ~~purposes solely by reason of marriage to a person domiciled~~  
106 ~~outside this state, even when that person's spouse continues to~~  
107 ~~be domiciled outside of this state, provided such person~~  
108 ~~maintains his or her legal residence in this state.~~

109 ~~(b) A person shall not be deemed to have established or~~  
110 ~~maintained a legal residence in this state and subsequently to~~  
111 ~~have qualified or continued to qualify as a resident for tuition~~  
112 ~~purposes solely by reason of marriage to a person domiciled in~~  
113 ~~this state.~~

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

118 (6)

119 (d) A person classified as a nonresident for tuition  
120 purposes may be reclassified as a resident by subsequently  
121 marrying a person who meets the criteria to establish residency  
122 for tuition purposes. In order to be reclassified, a person must  
123 submit all of the following:

124 1. Evidence of his or her own physical residence in this  
125 state.

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

128 3. Documentation to support his or her spouse's residency  
129 classification. A person who is classified as a nonresident for  
130 tuition purposes and who marries a legal resident of the state

131 ~~or marries a person who becomes a legal resident of the state~~  
132 ~~may, upon becoming a legal resident of the state, become~~  
133 ~~eligible for reclassification as a resident for tuition purposes~~  
134 ~~upon submitting evidence of his or her own legal residency in~~  
135 ~~the state, evidence of his or her marriage to a person who is a~~  
136 ~~legal resident of the state, and evidence of the spouse's legal~~  
137 ~~residence in the state for at least 12 consecutive months~~  
138 ~~immediately preceding the application for reclassification.~~

139 (8) After a student has been classified as a resident for  
140 tuition purposes, an institution of higher education is not  
141 required to reevaluate the classification unless inconsistent  
142 information suggests that an erroneous classification was made  
143 or the student breaks enrollment from the institution for a  
144 period of 12 months or longer. ~~A person who has been properly~~  
145 ~~classified as a resident for tuition purposes but who, while~~  
146 ~~enrolled in an institution of higher education in this state,~~  
147 ~~loses his or her resident tuition status because the person or,~~  
148 ~~if he or she is a dependent child, the person's parent or~~  
149 ~~parents establish domicile or legal residence elsewhere shall~~  
150 ~~continue to enjoy the in-state tuition rate for a statutory~~  
151 ~~grace period, which period shall be measured from the date on~~  
152 ~~which the circumstances arose that culminated in the loss of~~  
153 ~~resident tuition status and shall continue for 12 months.~~  
154 ~~However, if the 12-month grace period ends during a semester or~~  
155 ~~academic term for which such former resident is enrolled, such~~  
156 ~~grace period shall be extended to the end of that semester or~~

157 ~~academic term.~~

158 (10) The following persons shall be classified as  
 159 residents for tuition purposes:

160 (a) Active duty members of the Armed Services of the  
 161 United States residing or stationed in this state, their  
 162 spouses, and dependent children, and active drilling members of  
 163 the Florida National Guard.

164 (b) Active duty members of the Armed Services of the  
 165 United States and their spouses and dependents attending a  
 166 Florida College System institution or state university within 50  
 167 miles of the military establishment where they are stationed, if  
 168 such military establishment is within a county contiguous to  
 169 Florida.

170 (c) Veterans of the Armed Services of the United States,  
 171 including reserve components thereof, who were honorably  
 172 discharged and who physically reside in this state while  
 173 enrolled in an institution of higher education.

174 (d)~~(e)~~ United States citizens living on the Isthmus of  
 175 Panama, who have completed 12 consecutive months of college work  
 176 at the Florida State University Panama Canal Branch, and their  
 177 spouses and dependent children.

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

181 (f)~~(e)~~ Students from Latin America and the Caribbean who  
 182 receive scholarships from the federal or state government. Any

183 student classified pursuant to this paragraph shall attend, on a  
184 full-time basis, a Florida institution of higher education.

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

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

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

193 (j)~~(i)~~ United States citizens living outside the United  
194 States who are teaching at a Department of Defense Dependent  
195 School or in an American International School and who enroll in  
196 a graduate level education program which leads to a Florida  
197 teaching certificate.

198 (k)~~(j)~~ Active duty members of the Canadian military  
199 residing or stationed in this state under the North American Air  
200 Defense (NORAD) agreement, and their spouses and dependent  
201 children, attending a Florida College System institution or  
202 state university within 50 miles of the military establishment  
203 where they are stationed.

204 (l)~~(k)~~ Active duty members of a foreign nation's military  
205 who are serving as liaison officers and are residing or  
206 stationed in this state, and their spouses and dependent  
207 children, attending a Florida College System institution or  
208 state university within 50 miles of the military establishment



209 where the foreign liaison officer is stationed.

210 (m) Persons who receive a tuition exemption or waiver  
 211 under s. 112.19(3), s. 112.191(3), s. 961.06(1)(b), s.  
 212 1009.25(1)(c), (d), or (f), or s. 1009.26(8) or (10).

213 (13) The State Board of Education shall adopt rules, and  
 214 the Board of Governors shall adopt regulations, ~~rules~~ to  
 215 implement this section.

216 Section 2. Subsection (3) is added to section 1009.25,  
 217 Florida Statutes, to read:

218 1009.25 Fee exemptions.—

219 (3) A student, other than a nonimmigrant alien within the  
 220 meaning of 8 U.S.C. s. 1101(a)(15), who meets all of the  
 221 following requirements is exempt from paying nonresident tuition  
 222 at Florida College System institutions and state universities:

223 (a) Has resided in Florida with a parent as defined in s.  
 224 1009.21(1) for at least 3 consecutive years immediately before  
 225 the date that the student received a high school diploma or its  
 226 equivalent and attended a Florida high school for at least 3  
 227 consecutive school years during such time.

228 (b) Has provided to a Florida College System institution  
 229 or a state university an affidavit stating that the student will  
 230 file an application to become a permanent resident of the United  
 231 States at the earliest opportunity he or she is eligible to do  
 232 so.

233 Section 3. Subsection (9) of section 1009.26, Florida  
 234 Statutes, is amended to read:

235 1009.26 Fee waivers.—

236 (9) Each university and Florida College System institution  
237 board of trustees is authorized to waive tuition and out-of-  
238 state fees for purposes that support and enhance the mission of  
239 the respective institution university. Such waiver ~~All fees~~  
240 ~~waived~~ must be based on policies that are adopted by the  
241 institution's board ~~university boards~~ of trustees ~~pursuant to~~  
242 ~~regulations adopted by the Board of Governors~~. Such policies may  
243 base eligibility upon several years of attendance at a Florida  
244 high school and graduation, or its equivalent, from a Florida  
245 high school or upon other criteria that do not explicitly rely  
246 upon state residency in compliance with 8 U.S.C. s. 1623. As  
247 required by the Board of Governors or the State Board of  
248 Education, as applicable, each institution university shall  
249 report the purpose, number, and value of all fee waivers granted  
250 annually ~~in a format prescribed by the Board of Governors~~.

251 Section 4. This act shall take effect July 1, 2014.