

1                           A bill to be entitled  
2           An act relating to determination of resident  
3           status for tuition purposes; amending s.  
4           1009.21, F.S.; classifying specified students  
5           as residents for tuition purposes; providing an  
6           effective date.

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

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10           Section 1. Section 1009.21, Florida Statutes, is  
11   amended to read:

12           1009.21 Determination of resident status for tuition  
13   purposes; exemption.--Students shall be classified as  
14   residents or nonresidents for the purpose of assessing tuition  
15   in community colleges and state universities.

16           (1) As used in this section:

17           (a) The term "dependent child" means any person,  
18   whether or not living with his or her parent, who is eligible  
19   to be claimed by his or her parent as a dependent under the  
20   federal income tax code.

21           (b) The term "institution of higher education" means  
22   any public community college or state university.

23           (c) A "legal resident" or "resident" is a person who  
24   has maintained his or her residence in this state for the  
25   preceding year, has purchased a home which is occupied by him  
26   or her as his or her residence, or has established a domicile  
27   in this state pursuant to s. 222.17.

28           (d) The term "parent" means the natural or adoptive  
29   parent or legal guardian of a dependent child.

30           (e) A "resident for tuition purposes" is a person who  
31   qualifies as provided in subsection (2) for the in-state

1 tuition rate; a "nonresident for tuition purposes" is a person  
2 who does not qualify for the in-state tuition rate.

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

4 1. A person or, if that person is a dependent child,  
5 his or her parent or parents must have established legal  
6 residence in this state and must have maintained legal  
7 residence in this state for at least 12 months immediately  
8 prior to his or her qualification.

9 2. Every applicant for admission to an institution of  
10 higher education shall be required to make a statement as to  
11 his or her length of residence in the state and, further,  
12 shall establish that his or her presence or, if the applicant  
13 is a dependent child, the presence of his or her parent or  
14 parents in the state currently is, and during the requisite  
15 12-month qualifying period was, for the purpose of maintaining  
16 a bona fide domicile, rather than for the purpose of  
17 maintaining a mere temporary residence or abode incident to  
18 enrollment in an institution of higher education.

19 (b) However, with respect to a dependent child living  
20 with an adult relative other than the child's parent, such  
21 child may qualify as a resident for tuition purposes if the  
22 adult relative is a legal resident who has maintained legal  
23 residence in this state for at least 12 months immediately  
24 prior to the child's qualification, provided the child has  
25 resided continuously with such relative for the 5 years  
26 immediately prior to the child's qualification, during which  
27 time the adult relative has exercised day-to-day care,  
28 supervision, and control of the child.

29 (c) The legal residence of a dependent child whose  
30 parents are divorced, separated, or otherwise living apart  
31 will be deemed to be this state if either parent is a legal

1 resident of this state, regardless of which parent is entitled  
2 to claim, and does in fact claim, the minor as a dependent  
3 pursuant to federal individual income tax provisions.

4 (3) An individual shall not be classified as a  
5 resident for tuition purposes and, thus, shall not be eligible  
6 to receive the in-state tuition rate until he or she has  
7 provided such evidence related to legal residence and its  
8 duration as may be required by officials of the institution of  
9 higher education from which he or she seeks the in-state  
10 tuition rate.

11 (4) With respect to a dependent child, the legal  
12 residence of such individual's parent or parents is prima  
13 facie evidence of the individual's legal residence, which  
14 evidence may be reinforced or rebutted, relative to the age  
15 and general circumstances of the individual, by the other  
16 evidence of legal residence required of or presented by the  
17 individual. However, the legal residence of an individual  
18 whose parent or parents are domiciled outside this state is  
19 not prima facie evidence of the individual's legal residence  
20 if that individual has lived in this state for 5 consecutive  
21 years prior to enrolling or reregistering at the institution  
22 of higher education at which resident status for tuition  
23 purposes is sought.

24 (5) In making a domiciliary determination related to  
25 the classification of a person as a resident or nonresident  
26 for tuition purposes, the domicile of a married person,  
27 irrespective of sex, shall be determined, as in the case of an  
28 unmarried person, by reference to all relevant evidence of  
29 domiciliary intent. For the purposes of this section:

30 (a) A person shall not be precluded from establishing  
31 or maintaining legal residence in this state and subsequently

1 qualifying or continuing to qualify as a resident for tuition  
2 purposes solely by reason of marriage to a person domiciled  
3 outside this state, even when that person's spouse continues  
4 to be domiciled outside of this state, provided such person  
5 maintains his or her legal residence in this state.

6 (b) A person shall not be deemed to have established  
7 or maintained a legal residence in this state and subsequently  
8 to have qualified or continued to qualify as a resident for  
9 tuition purposes solely by reason of marriage to a person  
10 domiciled in this state.

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

15 (6) Any nonresident person, irrespective of sex, who  
16 marries a legal resident of this state or marries a person who  
17 later becomes a legal resident may, upon becoming a legal  
18 resident of this state, accede to the benefit of the spouse's  
19 immediately precedent duration as a legal resident for  
20 purposes of satisfying the 12-month durational requirement of  
21 this section.

22 (7) A person shall not lose his or her resident status  
23 for tuition purposes solely by reason of serving, or, if such  
24 person is a dependent child, by reason of his or her parent's  
25 or parents' serving, in the Armed Forces outside this state.

26 (8) A person who has been properly classified as a  
27 resident for tuition purposes but who, while enrolled in an  
28 institution of higher education in this state, loses his or  
29 her resident tuition status because the person or, if he or  
30 she is a dependent child, the person's parent or parents  
31 establish domicile or legal residence elsewhere shall continue

1 to enjoy the in-state tuition rate for a statutory grace  
2 period, which period shall be measured from the date on which  
3 the circumstances arose that culminated in the loss of  
4 resident tuition status and shall continue for 12 months.  
5 However, if the 12-month grace period ends during a semester  
6 or academic term for which such former resident is enrolled,  
7 such grace period shall be extended to the end of that  
8 semester or academic term.

9 (9) Any person who ceases to be enrolled at or who  
10 graduates from an institution of higher education while  
11 classified as a resident for tuition purposes and who  
12 subsequently abandons his or her domicile in this state shall  
13 be permitted to reenroll at an institution of higher education  
14 in this state as a resident for tuition purposes without the  
15 necessity of meeting the 12-month durational requirement of  
16 this section if that person has reestablished his or her  
17 domicile in this state within 12 months of such abandonment  
18 and continuously maintains the reestablished domicile during  
19 the period of enrollment. The benefit of this subsection shall  
20 not be accorded more than once to any one person.

21 (10) The following persons shall be classified as  
22 residents for tuition purposes:

23 (a) Active duty members of the Armed Services of the  
24 United States residing or stationed in this state, their  
25 spouses, and dependent children, and active members of the  
26 Florida National Guard who qualify under s. 250.10(7) and (8)  
27 for the tuition assistance program.

28 (b) Active duty members of the Armed Services of the  
29 United States and their spouses attending a public community  
30 college or state university within 50 miles of the military  
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1 establishment where they are stationed, if such military  
2 establishment is within a county contiguous to Florida.

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

7 (d) Full-time instructional and administrative  
8 personnel employed by state public schools, community  
9 colleges, and institutions of higher education, as defined in  
10 s. 1000.04, and their spouses and dependent children.

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

16 (f) Southern Regional Education Board's Academic  
17 Common Market graduate students attending Florida's state  
18 universities.

19 (g) Full-time employees of state agencies or political  
20 subdivisions of the state when the student fees are paid by  
21 the state agency or political subdivision for the purpose of  
22 job-related law enforcement or corrections training.

23 (h) McKnight Doctoral Fellows and Finalists who are  
24 United States citizens.

25 (i) United States citizens living outside the United  
26 States who are teaching at a Department of Defense Dependent  
27 School or in an American International School and who enroll  
28 in a graduate level education program which leads to a Florida  
29 teaching certificate.

30 (j) Active duty members of the Canadian military  
31 residing or stationed in this state under the North American

1 Air Defense (NORAD) agreement, and their spouses and dependent  
2 children, attending a community college or state university  
3 within 50 miles of the military establishment where they are  
4 stationed.

5 (k) Students, other than nonimmigrant aliens within  
6 the meaning of 8 U.S.C. s. 1101(a)(15), who meet the following  
7 requirements:

8 1. Have resided in this state with a parent as defined  
9 in paragraph (1)(d) for at least 3 consecutive years  
10 immediately preceding the date the student received a high  
11 school diploma or its equivalent and have attended a high  
12 school in this state for at least 3 consecutive school years  
13 during such time.

14 2. Have provided to a public community college or a  
15 state university an affidavit stating that the student will  
16 file an application to become a permanent resident of the  
17 United States at the earliest opportunity he or she is  
18 eligible to do so.

19 (11) The State Board of Education shall by rule  
20 designate classifications of students as residents or  
21 nonresidents for tuition purposes at community colleges and  
22 state universities.

23 Section 2. This act shall take effect July 1, 2003.  
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