

1 to be claimed by his or her parent as a dependent under the
2 federal income tax code and who receives at least 51 percent
3 of the true cost-of-living expenses from his or her parent.

4 (b) ~~The term~~ "Institution of higher education" means
5 any public community college or state university.

6 (c) A "legal resident" or "resident" means is a person
7 who has maintained his or her residence in this state for the
8 preceding year, has purchased a home which is occupied by him
9 or her as his or her residence, or has established a domicile
10 in this state pursuant to s. 222.17.

11 (d) ~~The term~~ "Parent" means the natural or adoptive
12 parent or legal guardian of a dependent child.

13 (e) A "resident for tuition purposes" means is a
14 person who qualifies as provided in subsection (2) for the
15 in-state tuition rate; a "nonresident for tuition purposes" is
16 a person who does not qualify for the in-state tuition rate.

17 (f) "Initial undergraduate enrollment" means the first
18 day of class at an institution of higher education.

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

20 1. A person or, if that person is a dependent child,
21 his or her parent or parents must have established legal
22 residence in this state and must have maintained legal
23 residence in this state for at least 12 months immediately
24 prior to his or her initial undergraduate enrollment at an
25 institution of higher education ~~qualification.~~

26 2. Every applicant for admission to an institution of
27 higher education shall be required to make a statement as to
28 his or her length of residence in the state and, further,
29 shall establish that his or her presence or, if the applicant
30 is a dependent child, the presence of his or her parent or
31 parents in the state currently is, and during the requisite

1 12-month ~~qualifying~~ period was, for the purpose of maintaining
2 a bona fide domicile, rather than for the purpose of
3 maintaining a mere temporary residence or abode incident to
4 enrollment in an institution of higher education.

5 3. Each institution of higher education must determine
6 whether an applicant who has been granted admission to that
7 institution is a dependent child.

8 4. Each institution of higher education must
9 affirmatively determine that an applicant who has been granted
10 admission to that institution as a Florida resident meets the
11 residency requirements of this section at the time of initial
12 undergraduate enrollment.

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

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

1 (d) An undergraduate who is classified as a
2 nonresident for tuition purposes may become eligible for
3 reclassification as a resident for tuition purposes only if
4 that individual, or his or her parent if that individual is a
5 dependent child, supports permanent residency in this state by
6 presenting documentation of nontemporary, full-time employment
7 in this state and domicile in this state for 12 months while
8 not enrolled at an institution of higher education.

9 (3) An individual ~~may shall~~ not be classified as a
10 resident for tuition purposes and, thus, is ineligible shall
11 ~~not be eligible~~ to receive the in-state tuition rate until he
12 or she has provided such evidence related to legal residence
13 and its duration or, if that individual is a dependent child,
14 documentation of his or her parent's legal residence and its
15 duration, as well as documentation confirming his or her
16 status as a dependent child, as may be required by law and by
17 officials of the institution of higher education from which he
18 or she seeks the in-state tuition rate.

19 Section 2. Subsection (1) of section 1009.40, Florida
20 Statutes, is amended, and subsection (5) is added to that
21 section, to read:

22 1009.40 General requirements for student eligibility
23 for state financial aid.--

24 (1)(a) The general requirements for eligibility of
25 students for state financial aid awards consist of the
26 following:

27 1. Achievement of the academic requirements of and
28 acceptance at a state university or community college; a
29 nursing diploma school approved by the Florida Board of
30 Nursing; a Florida college, university, or community college
31 which is accredited by an accrediting agency recognized by the

1 State Board of Education; any Florida institution the credits
2 of which are acceptable for transfer to state universities;
3 any career center; or any private career institution
4 accredited by an accrediting agency recognized by the State
5 Board of Education.

6 2. Residency in this state for no less than 1 year
7 preceding the award of aid for a program established pursuant
8 to s. 1009.50, s. 1009.51, s. 1009.52, s. 1009.53, s. 1009.54,
9 s. 1009.56, s. 1009.57, s. 1009.60, s. 1009.62, s. 1009.63, s.
10 1009.68, s. 1009.72, s. 1009.73, s. 1009.76, s. 1009.77, ~~or~~ s.
11 1009.89, or s. 1009.891. Residency in this state must be for
12 purposes other than to obtain an education. Resident status
13 for purposes of receiving state financial aid awards or
14 tuition assistance grants shall be determined in the same
15 manner as resident status for tuition purposes pursuant to s.
16 1009.21 and rules of the State Board of Education implementing
17 s. 1009.21.

18 3. Submission of certification attesting to the
19 accuracy, completeness, and correctness of information
20 provided to demonstrate a student's eligibility to receive
21 state financial aid awards. Falsification of such information
22 shall result in the denial of any pending application and
23 revocation of any award currently held to the extent that no
24 further payments shall be made. Additionally, students who
25 knowingly make false statements in order to receive state
26 financial aid awards shall be guilty of a misdemeanor of the
27 second degree subject to the provisions of s. 837.06 and shall
28 be required to return all state financial aid awards
29 wrongfully obtained.

30 (b)1. Eligibility for the renewal of undergraduate
31 financial aid awards shall be evaluated at the end of the

1 second semester or third quarter of each academic year. As a
2 condition for renewal, a student shall:

3 a. Have earned a minimum cumulative grade point
4 average of 2.0 on a 4.0 scale; and

5 b. Have earned, for full-time study, 12 credits per
6 term or the equivalent for the number of terms for which aid
7 was received.

8 2. A student who earns the minimum number of credits
9 required for renewal, but who fails to meet the minimum 2.0
10 cumulative grade point average, may be granted a probationary
11 award for up to the equivalent of 1 academic year and shall be
12 required to earn a cumulative grade point average of 2.0 on a
13 4.0 scale by the end of the probationary period to be eligible
14 for subsequent renewal. A student who receives a probationary
15 award and who fails to meet the conditions for renewal by the
16 end of his or her probationary period shall be ineligible to
17 receive additional awards for the equivalent of 1 academic
18 year following his or her probationary period. Each such
19 student may, however, reapply for assistance during a
20 subsequent application period and may be eligible for an award
21 if he or she has earned a cumulative grade point average of
22 2.0 on a 4.0 scale.

23 3. A student who fails to earn the minimum number of
24 credits required for renewal shall lose his or her eligibility
25 for renewal for a period equivalent to 1 academic year.
26 However, the student may reapply during a subsequent
27 application period and may be eligible for an award if he or
28 she has earned a minimum cumulative grade point average of 2.0
29 on a 4.0 scale.

30 4. Students who receive state student aid and
31 subsequently fail to meet state academic progress requirements

1 due to verifiable illness or other emergencies may be granted
2 an exception from the academic requirements. Such students
3 shall make a written appeal to the institution. The appeal
4 shall include a description and verification of the
5 circumstances. Verification of illness or other emergencies
6 may include but not be limited to a physician's statement or
7 written statement of a parent or college official. The
8 institution shall recommend exceptions with necessary
9 documentation to the department. The department may accept or
10 deny such recommendations for exception from the institution.

11 (5) A student who is attending a nonpublic for-profit
12 or nonprofit institution is ineligible to receive more than
13 one state award that is a tuition assistance grant.

14 Section 3. This act shall take effect July 1, 2005.

15
16 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
17 COMMITTEE SUBSTITUTE FOR
18 Senate Bill 2264

19 The committee substitute eliminates provisions relating to the
20 cost of exceptional student education for nonresident students
21 as these provisions are the subject of another bill.
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