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2006

1 A bill to be entitled

2 An act relating to higher education finance; amending s.  
3 1009.21, F.S.; revising provisions relating to  
4 determination of resident status for tuition purposes;  
5 revising definitions; providing conditions for  
6 reclassification as a resident for tuition purposes;  
7 requiring that evidence be provided relating to legal  
8 residency and dependent status; providing duties of  
9 institutions of higher education; updating obsolete  
10 terminology; classifying as residents for tuition purposes  
11 certain employees of international multilateral  
12 organizations; classifying as residents for tuition  
13 purposes certain students who are not permanent residents  
14 of the United States; amending s. 1009.40, F.S.; providing  
15 general requirements for student eligibility for state  
16 financial aid awards and tuition assistance grants;  
17 including the Access to Better Learning and Education  
18 Grant Program as an eligible tuition assistance program;  
19 providing penalties for false statements; providing that  
20 certain students are ineligible to receive more than one  
21 state-funded tuition assistance grant; providing an  
22 effective date.

23  
24 Be It Enacted by the Legislature of the State of Florida:

25  
26 Section 1. Subsections (1), (2), and (3) and paragraphs  
27 (b) and (j) of subsection (10) of section 1009.21, Florida  
28 Statutes, are amended, and paragraphs (l) and (m) are added to

29 subsection (10) of that section, to read:

30       1009.21 Determination of resident status for tuition  
 31 purposes; exemption.--Students shall be classified as residents  
 32 or nonresidents for the purpose of assessing tuition in  
 33 community colleges and state universities.

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

35       (a) ~~The term~~ "Dependent child" means any person, whether  
 36 or not living with his or her parent, who is eligible to be  
 37 claimed by his or her parent as a dependent under the federal  
 38 income tax code and who receives at least 51 percent of the true  
 39 cost-of-living expenses from his or her parent, as further  
 40 defined in rules of the State Board of Education.

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

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

45       (d) ~~(e)~~ A "Legal resident" or "resident" means is a person  
 46 who has maintained his or her residence in this state for the  
 47 preceding year, has purchased a home which is occupied by him or  
 48 her as his or her residence, or has established a domicile in  
 49 this state pursuant to s. 222.17.

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

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

54       (g) ~~(e)~~ A "Resident for tuition purposes" means is a person  
 55 who qualifies as provided in subsection (2) for the in-state  
 56 tuition rate; ~~a "nonresident for tuition purposes" is a person~~

57 ~~who does not qualify for the in state tuition rate.~~

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

59 1. A person or, if that person is a dependent child, his  
 60 or her parent or parents must have established legal residence  
 61 in this state and must have maintained legal residence in this  
 62 state for at least 12 consecutive months immediately prior to  
 63 his or her initial enrollment in an institution of higher  
 64 education ~~qualification~~.

65 2. Every applicant for admission to an institution of  
 66 higher education shall be required to make a statement as to his  
 67 or her length of residence in the state and, further, shall  
 68 establish that his or her presence or, if the applicant is a  
 69 dependent child, the presence of his or her parent or parents in  
 70 the state currently is, and during the requisite 12-month  
 71 ~~qualifying~~ period was, for the purpose of maintaining a bona  
 72 fide domicile, rather than for the purpose of maintaining a mere  
 73 temporary residence or abode incident to enrollment in an  
 74 institution of higher education.

75 (b) However, with respect to a dependent child living with  
 76 an adult relative other than the child's parent, such child may  
 77 qualify as a resident for tuition purposes if the adult relative  
 78 is a legal resident who has maintained legal residence in this  
 79 state for at least 12 consecutive months immediately prior to  
 80 the child's initial enrollment in an institution of higher  
 81 education ~~qualification~~, provided the child has resided  
 82 continuously with such relative for the 5 years immediately  
 83 prior to the child's initial enrollment ~~qualification~~, during  
 84 which time the adult relative has exercised day-to-day care,

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85 supervision, and control of the child.

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

92 (d) A person who is classified as a nonresident for  
93 tuition purposes may become eligible for reclassification as a  
94 resident for tuition purposes if that person or, if that person  
95 is a dependent child, his or her parent presents documentation  
96 that supports permanent residency in this state rather than  
97 temporary residency for the purpose of pursuing an education,  
98 such as documentation of full-time permanent employment for the  
99 previous 12 months or the purchase of a home in this state and  
100 residence therein for the prior 12 months. If a person who is a  
101 dependent child and his or her parent move to this state while  
102 such child is a high school student and the child graduates from  
103 a high school in this state, the child may become eligible for  
104 reclassification as a resident for tuition purposes when the  
105 parent qualifies for permanent residency.

106 (3)(a) An individual shall not be classified as a resident  
107 for tuition purposes and, thus, shall not be eligible to receive  
108 the in-state tuition rate until he or she has provided such  
109 evidence related to legal residence and its duration or, if that  
110 individual is a dependent child, documentation of his or her  
111 parent's legal residence and its duration, as well as  
112 documentation confirming his or her status as a dependent child,

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113 as ~~may be~~ required by law and by officials of the institution of  
114 higher education from which he or she seeks the in-state tuition  
115 rate.

116 (b) Each institution of higher education must:

117 1. Determine whether an applicant who has been granted  
118 admission to that institution is a dependent child.

119 2. Affirmatively determine that an applicant who has been  
120 granted admission to that institution as a Florida resident  
121 meets the residency requirements of this section at the time of  
122 initial enrollment.

123 (10) The following persons shall be classified as  
124 residents for tuition purposes:

125 (b) Active duty members of the Armed Services of the  
126 United States, and their spouses and dependent children,  
127 ~~dependents~~ attending a public community college or state  
128 university within 50 miles of the military establishment where  
129 they are stationed, if such military establishment is within a  
130 county contiguous to Florida.

131 (j) Active duty members of the Canadian military residing  
132 or stationed in this state under the North American Aerospace  
133 Defense Command Air Defense (NORAD) agreement, and their spouses  
134 and dependent children, attending a community college or state  
135 university within 50 miles of the military establishment where  
136 they are stationed.

137 (l) Full-time employees of international multilateral  
138 organizations based in Florida that are recognized by the United  
139 States Department of State and their spouses and dependent  
140 children.

141       (m) A student, other than a nonimmigrant alien within the  
 142 meaning of 8 U.S.C. s. 1101(a)(15), who has resided in Florida  
 143 with a parent for at least 3 consecutive years immediately  
 144 preceding the date the student received a Florida high school  
 145 diploma or its equivalent and, for at least 3 consecutive school  
 146 years during such time, has attended a Florida high school  
 147 recognized by the Department of Education.

148       Section 2. Paragraph (a) of subsection (1) of section  
 149 1009.40, Florida Statutes, is amended, and subsection (5) is  
 150 added to that section, to read:

151       1009.40 General requirements for student eligibility for  
 152 state financial aid awards and tuition assistance grants.--

153       (1) (a) The general requirements for eligibility of  
 154 students for state financial aid awards and tuition assistance  
 155 grants consist of the following:

156       1. Achievement of the academic requirements of and  
 157 acceptance at a state university or community college; a nursing  
 158 diploma school approved by the Florida Board of Nursing; a  
 159 Florida college, university, or community college which is  
 160 accredited by an accrediting agency recognized by the State  
 161 Board of Education; any Florida institution the credits of which  
 162 are acceptable for transfer to state universities; any career  
 163 center; or any private career institution accredited by an  
 164 accrediting agency recognized by the State Board of Education.

165       2. Residency in this state for no less than 1 year  
 166 preceding the award of aid or a tuition assistance grant for a  
 167 program established pursuant to s. 1009.50, s. 1009.51, s.  
 168 1009.52, s. 1009.53, s. 1009.54, s. 1009.56, s. 1009.57, s.

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169 1009.60, s. 1009.62, s. 1009.63, s. 1009.68, s. 1009.72, s.  
170 1009.73, s. 1009.76, s. 1009.77, ~~s. 1009.89~~, or s. 1009.891.  
171 Residency in this state must be for purposes other than to  
172 obtain an education. Resident status for purposes of receiving  
173 state financial aid awards or tuition assistance grants shall be  
174 determined in the same manner as resident status for tuition  
175 purposes pursuant to s. 1009.21 and rules of the State Board of  
176 Education.

177 3. Submission of certification attesting to the accuracy,  
178 completeness, and correctness of information provided to  
179 demonstrate a student's eligibility to receive state financial  
180 aid awards or tuition assistance grants. Falsification of such  
181 information shall result in the denial of any pending  
182 application and revocation of any award or grant currently held  
183 to the extent that no further payments shall be made.  
184 Additionally, students who knowingly make false statements in  
185 order to receive state financial aid awards or tuition  
186 assistance grants shall be guilty of a misdemeanor of the second  
187 degree subject to the provisions of s. 837.06 and shall be  
188 required to return all state financial aid awards or tuition  
189 assistance grants wrongfully obtained.

190 (5) A student who is attending a nonpublic for-profit or  
191 nonprofit institution is ineligible to receive more than one  
192 state award that is a tuition assistance grant during a single  
193 semester.

194 Section 3. This act shall take effect July 1, 2006.