

HB 119

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CHAMBER ACTION

1 The Colleges & Universities Committee recommends the following:

2  
3 **Council/Committee Substitute**

4 Remove the entire bill and insert:

5 A bill to be entitled

6 An act relating to determination of resident status for  
7 tuition purposes; amending s. 1009.21, F.S.; revising  
8 definitions; providing conditions for reclassification as  
9 a resident for tuition purposes; requiring that evidence  
10 be provided relating to legal residency and dependent  
11 status; providing duties of institutions of higher  
12 education; updating obsolete terminology; providing  
13 additional categories within which students may be  
14 classified as residents for tuition purposes; providing an  
15 effective date.

16  
17 Be It Enacted by the Legislature of the State of Florida:

18  
19 Section 1. Subsections (1), (2), and (3) and paragraphs  
20 (b) and (j) of subsection (10) of section 1009.21, Florida  
21 Statutes, are amended, and paragraphs (l) and (m) are added to  
22 subsection (10) of that section, to read:

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23 | 1009.21 Determination of resident status for tuition  
24 | purposes.--Students shall be classified as residents or  
25 | nonresidents for the purpose of assessing tuition in community  
26 | colleges and state universities.

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

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

34 | (b) "Initial enrollment" means the first day of class at  
35 | an institution of higher education.

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

38 | (d) ~~(e)~~ A "Legal resident" or "resident" means is a person  
39 | who has maintained his or her residence in this state for the  
40 | preceding year, has purchased a home which is occupied by him or  
41 | her as his or her residence, or has established a domicile in  
42 | this state pursuant to s. 222.17.

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

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

47 | (g) ~~(e)~~ A "Resident for tuition purposes" means is a person  
48 | who qualifies as provided in subsection (2) for the in-state  
49 | tuition rate, ~~a "nonresident for tuition purposes" is a person~~  
50 | ~~who does not qualify for the in-state tuition rate.~~

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

52 1. A person or, if that person is a dependent child, his  
53 or her parent or parents must have established legal residence  
54 in this state and must have maintained legal residence in this  
55 state for at least 12 consecutive months immediately prior to  
56 his or her initial enrollment in an institution of higher  
57 education ~~qualification~~.

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

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

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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

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

99 (3) (a) An individual shall not be classified as a resident  
100 for tuition purposes and, thus, shall not be eligible to receive  
101 the in-state tuition rate until he or she has provided such  
102 evidence related to legal residence and its duration or, if that  
103 individual is a dependent child, documentation of his or her  
104 parent's legal residence and its duration, as well as  
105 documentation confirming his or her status as a dependent child,  
106 as ~~may be~~ required by law and by officials of the institution of

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107 higher education from which he or she seeks the in-state tuition  
108 rate.

109 (b) Each institution of higher education must:

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

112 2. Affirmatively determine that an applicant who has been  
113 granted admission to that institution as a Florida resident  
114 meets the residency requirements of this section at the time of  
115 initial enrollment.

116 (10) The following persons shall be classified as  
117 residents for tuition purposes:

118 (b) Active duty members of the Armed Services of the  
119 United States, and their spouses and dependent children,  
120 ~~dependents~~ attending a public community college or state  
121 university within 50 miles of the military establishment where  
122 they are stationed, if such military establishment is within a  
123 county contiguous to Florida.

124 (j) Active duty members of the Canadian military residing  
125 or stationed in this state under the North American Aerospace  
126 Defense Command ~~Air Defense~~ (NORAD) agreement, and their spouses  
127 and dependent children, attending a community college or state  
128 university within 50 miles of the military establishment where  
129 they are stationed.

130 (l) Full-time employees of international multilateral  
131 organizations based in Florida that are recognized by the United  
132 States Department of State and their spouses and dependent  
133 children.

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134        (m) A student, other than a nonimmigrant alien within the  
135 meaning of 8 U.S.C. s. 1001(a)(15), who meets the following  
136 criteria:

137            1. Has resided in Florida with a parent for at least 3  
138 consecutive years immediately preceding the date the student  
139 received a high school diploma or its equivalent.

140            2. Has attended a Florida high school for at least 3  
141 consecutive school years during such time.

142            3. Has filed an affidavit with the institution of higher  
143 education stating that the student has filed an application to  
144 legalize his or her immigration status or will file such  
145 application as soon as he or she is eligible to do so.

146            Section 2. This act shall take effect July 1, 2006.