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## CHAMBER ACTION

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1 The Education Appropriations Committee recommends the following:

2 **Council/Committee Substitute**

3 Remove the entire bill and insert:

4 A bill to be entitled

5 An act relating to postsecondary student fees; amending s.  
6 1009.21, F.S., relating to determination of resident  
7 status for tuition purposes; revising definitions;  
8 providing conditions for reclassification as a resident  
9 for tuition purposes; requiring that evidence be provided  
10 relating to legal residency and dependent status;  
11 providing duties of institutions of higher education;  
12 updating obsolete terminology; classifying as residents  
13 for tuition purposes certain employees of international  
14 multilateral organizations; creating s. 1009.255, F.S.;  
15 providing an out-of-state fee exemption; providing  
16 eligibility criteria; providing for distribution of the  
17 exemption; limiting participation in the program;  
18 requiring the Department of Education to administer the  
19 exemption program; prohibiting use of the exemption for  
20 certain purposes; providing an effective date.

21  
22 Be It Enacted by the Legislature of the State of Florida:

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

hb0119-02-c2

23  
24 Section 1. Subsections (1), (2), and (3) and paragraphs  
25 (b) and (j) of subsection (10) of section 1009.21, Florida  
26 Statutes, are amended, and paragraph (l) is added to subsection  
27 (10) of that section, to read:

28 1009.21 Determination of resident status for tuition  
29 purposes.--Students shall be classified as residents or  
30 nonresidents for the purpose of assessing tuition in community  
31 colleges and state universities.

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

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

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

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

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

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

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

52        ~~(g)(e)~~ A "Resident for tuition purposes" means ~~is~~ a person  
53 who qualifies as provided in subsection (2) for the in-state  
54 tuition rate; ~~a "nonresident for tuition purposes" is a person~~  
55 ~~who does not qualify for the in-state tuition rate.~~

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

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

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

73        (b) However, with respect to a dependent child living with  
74 an adult relative other than the child's parent, such child may  
75 qualify as a resident for tuition purposes if the adult relative  
76 is a legal resident who has maintained legal residence in this  
77 state for at least 12 consecutive months immediately prior to

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78 | the child's initial enrollment in an institution of higher  
79 | education ~~qualification~~, provided the child has resided  
80 | continuously with such relative for the 5 years immediately  
81 | prior to the child's initial enrollment ~~qualification~~, during  
82 | which time the adult relative has exercised day-to-day care,  
83 | supervision, and control of the child.

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

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

104 | (3) (a) An individual shall not be classified as a resident  
105 | for tuition purposes and, thus, shall not be eligible to receive

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106 the in-state tuition rate until he or she has provided such  
107 evidence related to legal residence and its duration or, if that  
108 individual is a dependent child, documentation of his or her  
109 parent's legal residence and its duration, as well as  
110 documentation confirming his or her status as a dependent child,  
111 as ~~may be~~ required by law and by officials of the institution of  
112 higher education from which he or she seeks the in-state tuition  
113 rate.

114 (b) Each institution of higher education must:

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

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

121 (10) The following persons shall be classified as  
122 residents for tuition purposes:

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

129 (j) Active duty members of the Canadian military residing  
130 or stationed in this state under the North American Aerospace  
131 Defense Command ~~Air Defense~~ (NORAD) agreement, and their spouses  
132 and dependent children, attending a community college or state

133 university within 50 miles of the military establishment where  
134 they are stationed.

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

139 Section 2. Section 1009.255, Florida Statutes, is created  
140 to read:

141 1009.255 Out-of-state fee exemption.--

142 (1) A student who meets all of the following requirements  
143 may be eligible for an exemption from paying out-of-state fees  
144 assessed pursuant to s. 1009.22, s. 1009.23, or s. 1009.24:

145 (a) The student resided in Florida with a parent for at  
146 least 3 consecutive years immediately preceding the date the  
147 student received a high school diploma, or its equivalent, and  
148 attended a Florida public high school for at least 3 consecutive  
149 school years during such time.

150 (b) The student is accepted by and enrolls in a community  
151 college or state university within 12 months after receiving a  
152 high school diploma or its equivalent.

153 (c) The student submits an application for the exemption  
154 to the Department of Education in the manner prescribed by the  
155 department and by the deadline established by the department.

156 (2) (a) For the 2006-2007 academic year, the Department of  
157 Education shall distribute the exemptions in the following  
158 manner:

159 1. To the first 1,500 students currently enrolled in a  
160 community college or state university who have a cumulative

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161 grade point average of at least 2.0 and who submit an  
162 application to the department and meet the criteria in  
163 subsection (1).

164 2. To the top 500 students in academic performance in  
165 Florida public high schools who submit an application to the  
166 department and meet the criteria in subsection (1).

167 (b) Beginning with the 2007-2008 academic year, the  
168 Department of Education shall issue no more than 500 new  
169 exemptions per year to the top 500 students in academic  
170 performance in Florida public high schools who submit an  
171 application to the department and meet the criteria in  
172 subsection (1).

173 (c) In order to retain the exemption, a student must have  
174 completed at least 12 semester credit hours or the equivalent in  
175 the previous academic year and maintain at least a 2.0  
176 cumulative grade point average.

177 (3) (a) The Department of Education shall administer the  
178 exemption program, develop an application form, and establish  
179 deadlines and guidelines for student participation.

180 (b) The department shall issue the exemptions by August 31  
181 of each year and shall notify the student and the community  
182 college or state university in which the student is enrolled.

183 (4) The exemption may not be used for remedial courses,  
184 graduate-level courses, or professional-level courses.

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