

By Senator Wilson

33-1-06

1 A bill to be entitled

2 An act relating to resident status for purposes

3 of postsecondary tuition; amending s. 1009.21,

4 F.S.; providing an exemption from payment of

5 nonresident tuition at community colleges and

6 state universities for certain students meeting

7 eligibility criteria; amending s. 1009.40,

8 F.S., relating to general requirements for

9 eligibility for state financial aid; specifying

10 procedures for determining resident status for

11 purposes of receiving such awards; providing an

12 effective date.

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

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16 Section 1. Section 1009.21, Florida Statutes, is

17 amended to read:

18 1009.21 Determination of resident status for tuition

19 purposes; exemption.--Students shall be classified as

20 residents or nonresidents for the purpose of assessing tuition

21 in community colleges and state universities.

22 (1) As used in this section:

23 (a) The term "dependent child" means any person,

24 whether or not living with his or her parent, who is eligible

25 to be claimed by his or her parent as a dependent under the

26 federal income tax code.

27 (b) The term "institution of higher education" means

28 any public community college or state university.

29 (c) A "legal resident" or "resident" is a person who

30 has maintained his or her residence in this state for the

31 preceding year, has purchased a home which is occupied by him

1 or her as his or her residence, or has established a domicile
2 in this state pursuant to s. 222.17.

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

5 (e) A "resident for tuition purposes" is a person who
6 qualifies as provided in subsection (2) for the in-state
7 tuition rate; a "nonresident for tuition purposes" is a person
8 who does not qualify for the in-state tuition rate.

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

10 1. A person or, if that person is a dependent child,
11 his or her parent or parents must have established legal
12 residence in this state and must have maintained legal
13 residence in this state for at least 12 months immediately
14 prior to his or her qualification.

15 2. Every applicant for admission to an institution of
16 higher education shall be required to make a statement as to
17 his or her length of residence in the state and, further,
18 shall establish that his or her presence or, if the applicant
19 is a dependent child, the presence of his or her parent or
20 parents in the state currently is, and during the requisite
21 12-month qualifying period was, for the purpose of maintaining
22 a bona fide domicile, rather than for the purpose of
23 maintaining a mere temporary residence or abode incident to
24 enrollment in an institution of higher education.

25 (b) However, with respect to a dependent child living
26 with an adult relative other than the child's parent, such
27 child may qualify as a resident for tuition purposes if the
28 adult relative is a legal resident who has maintained legal
29 residence in this state for at least 12 months immediately
30 prior to the child's qualification, provided the child has
31 resided continuously with such relative for the 5 years

1 immediately prior to the child's qualification, during which
2 time the adult relative has exercised day-to-day care,
3 supervision, and control of the child.

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

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

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

30 (5) In making a domiciliary determination related to
31 the classification of a person as a resident or nonresident

1 for tuition purposes, the domicile of a married person,
2 irrespective of sex, shall be determined, as in the case of an
3 unmarried person, by reference to all relevant evidence of
4 domiciliary intent. For the purposes of this section:

5 (a) A person shall not be precluded from establishing
6 or maintaining legal residence in this state and subsequently
7 qualifying or continuing to qualify as a resident for tuition
8 purposes solely by reason of marriage to a person domiciled
9 outside this state, even when that person's spouse continues
10 to be domiciled outside of this state, provided such person
11 maintains his or her legal residence in this state.

12 (b) A person shall not be deemed to have established
13 or maintained a legal residence in this state and subsequently
14 to have qualified or continued to qualify as a resident for
15 tuition purposes solely by reason of marriage to a person
16 domiciled in this state.

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

21 (6) Any nonresident person, irrespective of sex, who
22 marries a legal resident of this state or marries a person who
23 later becomes a legal resident may, upon becoming a legal
24 resident of this state, accede to the benefit of the spouse's
25 immediately precedent duration as a legal resident for
26 purposes of satisfying the 12-month durational requirement of
27 this section.

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

1 (8) A person who has been properly classified as a
2 resident for tuition purposes but who, while enrolled in an
3 institution of higher education in this state, loses his or
4 her resident tuition status because the person or, if he or
5 she is a dependent child, the person's parent or parents
6 establish domicile or legal residence elsewhere shall continue
7 to enjoy the in-state tuition rate for a statutory grace
8 period, which period shall be measured from the date on which
9 the circumstances arose that culminated in the loss of
10 resident tuition status and shall continue for 12 months.
11 However, if the 12-month grace period ends during a semester
12 or academic term for which such former resident is enrolled,
13 such grace period shall be extended to the end of that
14 semester or academic term.

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

27 (10) The following persons shall be classified as
28 residents for tuition purposes:

29 (a) Active duty members of the Armed Services of the
30 United States residing or stationed in this state, their
31 spouses, ~~and~~ and dependent children, and active members of the

1 Florida National Guard who qualify under s. 250.10(7) and (8)
2 for the tuition assistance program.

3 (b) Active duty members of the Armed Services of the
4 United States and their spouses and dependents attending a
5 public community college or state university within 50 miles
6 of the military establishment where the member of the Armed
7 Forces is ~~they are~~ stationed, if such military establishment
8 is within a county contiguous to Florida.

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

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

17 (e) Students from Latin America and the Caribbean who
18 receive scholarships from the federal or state government.
19 Any student classified pursuant to this paragraph shall
20 attend, on a full-time basis, a Florida institution of higher
21 education.

22 (f) Southern Regional Education Board's Academic
23 Common Market graduate students attending Florida's state
24 universities.

25 (g) Full-time employees of state agencies or political
26 subdivisions of the state when the student fees are paid by
27 the state agency or political subdivision for the purpose of
28 job-related law enforcement or corrections training.

29 (h) McKnight Doctoral Fellows and Finalists who are
30 United States citizens.

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1 (i) United States citizens living outside the United
2 States who are teaching at a Department of Defense Dependent
3 School or in an American International School and who enroll
4 in a graduate level education program which leads to a Florida
5 teaching certificate.

6 (j) Active duty members of the Canadian military
7 residing or stationed in this state under the North American
8 Air Defense (NORAD) agreement, and their spouses and dependent
9 children, attending a community college or state university
10 within 50 miles of the military establishment where they are
11 stationed.

12 (k) Active duty members of a foreign nation's military
13 who are serving as liaison officers and are residing or
14 stationed in this state, and their spouses and dependent
15 children, attending a community college or state university
16 within 50 miles of the military establishment where the
17 foreign liaison officer is stationed.

18 (11) A student, other than a nonimmigrant alien within
19 the meaning of 8 U.S.C. s. 1101(a)(15), shall be exempt from
20 paying nonresident tuition at a community college or state
21 university if the student:

22 (a) Has resided in this state with a parent as defined
23 in paragraph (1)(d) for at least 3 consecutive years
24 immediately preceding the date the student received a high
25 school diploma or its equivalent and has attended a high
26 school in this state for at least 3 consecutive school years
27 during that time; and

28 (b) Has provided to a community college or a state
29 university an affidavit stating that the student will file an
30 application to become a permanent resident of the United
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1 States at the earliest opportunity he or she is eligible to do
2 so.

3 ~~(12)~~~~(11)~~ The State Board of Education shall by rule
4 designate classifications of students as residents or
5 nonresidents for tuition purposes at community colleges and
6 state universities.

7 Section 2. Paragraph (a) of subsection (1) of section
8 1009.40, Florida Statutes, is amended to read:

9 1009.40 General requirements for student eligibility
10 for state financial aid.--

11 (1)(a) The general requirements for eligibility of
12 students for state financial aid awards consist of the
13 following:

14 1. Achievement of the academic requirements of and
15 acceptance at a state university or community college; a
16 nursing diploma school approved by the Florida Board of
17 Nursing; a Florida college, university, or community college
18 which is accredited by an accrediting agency recognized by the
19 State Board of Education; any Florida institution the credits
20 of which are acceptable for transfer to state universities;
21 any career center; or any private career institution
22 accredited by an accrediting agency recognized by the State
23 Board of Education.

24 2. Residency in this state for no less than 1 year
25 preceding the award of aid for a program established pursuant
26 to s. 1009.50, s. 1009.51, s. 1009.52, s. 1009.53, s. 1009.54,
27 s. 1009.56, s. 1009.57, s. 1009.60, s. 1009.62, s. 1009.63, s.
28 1009.68, s. 1009.72, s. 1009.73, s. 1009.76, s. 1009.77, or s.
29 1009.89. Residency in this state must be for purposes other
30 than to obtain an education. Resident status for purposes of
31 receiving state financial aid awards shall be determined in

1 | the same manner as resident status for tuition purposes
2 | pursuant to s. 1009.21(1)-(10) ~~s. 1009.21~~ and rules of the
3 | State Board of Education.

4 | 3. Submission of certification attesting to the
5 | accuracy, completeness, and correctness of information
6 | provided to demonstrate a student's eligibility to receive
7 | state financial aid awards. Falsification of such information
8 | shall result in the denial of any pending application and
9 | revocation of any award currently held to the extent that no
10 | further payments shall be made. Additionally, students who
11 | knowingly make false statements in order to receive state
12 | financial aid awards shall be guilty of a misdemeanor of the
13 | second degree subject to the provisions of s. 837.06 and shall
14 | be required to return all state financial aid awards
15 | wrongfully obtained.

16 | Section 3. This act shall take effect upon becoming a
17 | law.

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20 | SENATE SUMMARY

21 | Provides an exemption from payment of nonresident tuition
22 | at community colleges and state universities for certain
23 | students who meet eligibility criteria. Specifies
24 | procedures for determining residential status for
25 | purposes of receiving state financial aid awards.
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