

By the Committee on Education; and Senator Wilson

581-1867-06

1 A bill to be entitled
2 An act relating to determination of resident
3 status for tuition purposes; amending s.
4 1009.21, F.S.; revising definitions; providing
5 conditions for reclassification as a resident
6 for tuition purposes; requiring that evidence
7 be provided relating to legal residency and
8 dependent status; providing duties of
9 institutions of higher education; updating
10 obsolete terminology; providing additional
11 categories within which students may be
12 classified as residents for tuition purposes;
13 limiting eligibility for an award of state
14 financial aid; providing an effective date.
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16 Be It Enacted by the Legislature of the State of Florida:
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18 Section 1. Subsections (1), (2), and (3) and
19 paragraphs (b) and (j) of subsection (10) of section 1009.21,
20 Florida Statutes, are amended, and paragraphs (l) and (m) are
21 added to subsection (10) of that section, to read:
22 1009.21 Determination of resident status for tuition
23 purposes.--Students shall be classified as residents or
24 nonresidents for the purpose of assessing tuition in community
25 colleges and state universities.
26 (1) As used in this section, the term:
27 (a) ~~The term~~ "Dependent child" means any person,
28 whether or not living with his or her parent, who is eligible
29 to be claimed by his or her parent as a dependent under the
30 federal income tax code and who receives at least 51 percent
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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

1 of the true cost-of-living expenses from his or her parent, as
2 further defined in rules of the State Board of Education.

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

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

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

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

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

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

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

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

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

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

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

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

24 | (d) A person who is classified as a nonresident for
25 | tuition purposes may become eligible for reclassification as a
26 | resident for tuition purposes if that person or, if that
27 | person is a dependent child, his or her parent presents
28 | documentation that supports permanent residency in this state
29 | rather than temporary residency for the purpose of pursuing an
30 | education, such as documentation of full-time permanent
31 | employment for the previous 12 months or the purchase of a

1 home in this state and residence therein for the prior 12
2 months. If a person who is a dependent child and his or her
3 parent move to this state while such child is a high school
4 student and the child graduates from a high school in this
5 state, the child may become eligible for reclassification as a
6 resident for tuition purposes when the parent qualifies for
7 permanent residency. However, an illegal immigrant is not
8 eligible for state financial aid under this paragraph.

9 (3)(a) An individual shall not be classified as a
10 resident for tuition purposes and, thus, shall not be eligible
11 to receive the in-state tuition rate until he or she has
12 provided such evidence related to legal residence and its
13 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 (b) Each institution of higher education must:

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

22 2. Affirmatively determine that an applicant who has
23 been granted admission to that institution as a Florida
24 resident meets the residency requirements of this section at
25 the time of initial enrollment.

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

28 (b) Active duty members of the Armed Services of the
29 United States, and their spouses and dependent children,
30 ~~dependents~~ attending a public community college or state
31 university within 50 miles of the military establishment where

1 they are stationed, if such military establishment is within a
2 county contiguous to Florida.

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

9 (l) Full-time employees of international multilateral
10 organizations based in Florida that are recognized by the
11 United States Department of State and their spouses and
12 dependent children.

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

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

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

21 3. Has filed an affidavit with the institution of
22 higher education stating that the student has filed an
23 application to legalize his or her immigration status or will
24 file such application as soon as he or she is eligible to do
25 so.

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27 However, students who qualify under this paragraph are not
28 eligible for state financial aid.

29 Section 2. This act shall take effect July 1, 2006.
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1 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
2 COMMITTEE SUBSTITUTE FOR
3 Senate Bill 366

4 This committee substitute:

5 Provides new categories of persons who can become eligible as
6 residents for tuition purposes, to include those who are
7 eligible for reclassification based on documentation of
8 permanent residency, and employees and their families of
9 international, multilateral companies based in-state and
10 recognized by the U.S. Department of State;

11 Stipulates that illegal immigrants are not authorized to
12 receive state financial aid;

13 Amends definition of "dependent child" to include requirement
14 that the child receive at least 51 percent of the true
15 cost-of-living expenses from a parent;

16 Defines "initial enrollment" as the first day of class at an
17 institute of higher education, such that the end date of the
18 12 month legal residency requirement is extended to the first
19 day of class; and

20 Requires institutes of higher education to affirmatively
21 determine whether an admitted applicant is a dependent child
22 and meets the requirement for residency.
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