

Bill No. SB 2698

Barcode 164414

CHAMBER ACTION

Senate

House

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The Committee on Higher Education (Ring) recommended the following amendment:

Senate Amendment (with title amendment)

On page 3, lines 1 through 27, delete those lines

and insert:

(b) The primary purpose of this grant is to serve students who are not receiving state or federal grants. Therefore, a student applying for a grant under this section must also complete the application for federal financial aid, so that access to federal and state grants is the first avenue of support. For community college students, Pell Grant entitlements shall be considered in the award, but may not be required as a condition of award. The institutional assessment of financial resources available to the student may consider issues beyond that identified in the Free Application for Federal Student Aid (FAFSA) calculations to determine the unmet need of the student. Such issues include, but are not limited to:

- 1. The inability of family members to contribute to

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1 the educational expenses of those under age 24 who must report
2 family income on the Free Application for Federal Student Aid
3 (FAFSA) application.

4 2. Independent or dependent students whose income and
5 expenses only qualify the student for loan programs, but for
6 whom loan debt will be an unreasonable burden.

7 (c) Institutions shall prioritize awards to students
8 having the greatest need and may require students to meet
9 additional criteria for eligibility.

10 (3) The Department of Education shall develop a method
11 to distribute funds to community colleges and career centers
12 and adopt rules necessary to administer this section, and
13 shall require annual reports of such colleges and centers.
14 Community college boards of trustees and school boards shall
15 adopt rules to administer this section locally.

16 Section 2. Section 1009.21, Florida Statutes, is
17 amended to read:

18 1009.21 Determination of resident status for tuition
19 purposes.--Students shall be classified as residents or
20 nonresidents for the purpose of assessing tuition in community
21 colleges and state universities.

22 (1) As used in this section:

23 (a) The term "dependent person ~~child~~" means any
24 person, whether or not living with his or her parent, who is
25 eligible to be claimed by his or her parent as a dependent
26 under the federal income tax code.

27 (b) The term "independent person" means any person who
28 meets the criteria for independence as specified for federal
29 financial aid purposes in Title IV of the Higher Education Act
30 of 1965, as amended, or who provides 50 percent or more of his
31 or her own support as defined by rules and guidelines of the

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1 State Board of Education and the Board of Governors of the
2 State University System.

3 (c) The term "initial enrollment" means the first day
4 of class at an institution of higher education.

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

7 (e)(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 under ~~pursuant to~~ s. 222.17.

12 (f)(d) The term "parent" means the natural or adoptive
13 parent, stepparent, or legal guardian of a dependent person
14 for whom the natural or adoptive parent, stepparent, or legal
15 guardian has provided housing or more than 50 percent of the
16 person's financial support for at least 12 consecutive months
17 immediately before initial enrollment ~~child.~~

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

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

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

29 2. Every applicant for admission to an institution of
30 higher education is ~~shall be~~ required to make a statement as
31 to his or her length of residence in the state and, further,

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1 shall establish that his or her presence or, if the applicant
 2 is a dependent person ~~child~~, the presence of his or her parent
 3 or parents in the state currently is, and during the requisite
 4 12-month qualifying period was, for the purpose of maintaining
 5 a bona fide domicile, rather than for the purpose of
 6 maintaining a mere temporary residence or abode incident to
 7 enrollment in an institution of higher education.

8 3. Each institution of higher education must
 9 affirmatively determine that an applicant who has been granted
 10 admission to that institution as a resident of this state
 11 meets the residency requirements of this section at the time
 12 of initial enrollment.

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

26 (c) The legal residence of a dependent person ~~child~~
 27 whose parents are divorced, separated, or otherwise living
 28 apart will be deemed to be this state if either parent is a
 29 legal resident of this state, regardless of which parent is
 30 entitled to claim, and does in fact claim, the person ~~minor~~ as
 31 a dependent under ~~pursuant to~~ federal individual income tax

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1 provisions.

2 (d) A person who is classified as a nonresident for
3 tuition purposes may become eligible for reclassification as a
4 resident for tuition purposes only if that person, or his or
5 her parent if the person is a dependent person, provides
6 evidence of permanent residency for 12 consecutive months in
7 this state and provides evidence that residency in this state
8 is not merely temporary for the purpose of enrolling in an
9 institution of higher education in this state.

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

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

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

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

12 (b) A person is ~~shall~~ not ~~be~~ deemed to have
13 established or maintained a legal residence in this state and
14 subsequently to have qualified or continued to qualify as a
15 resident for tuition purposes solely by reason of marriage to
16 a person 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 does ~~shall~~ not lose his or her resident
29 status for tuition purposes solely by reason of serving, or,
30 if such person is a dependent child, by reason of his or her
31 parent's or parents' serving, in the Armed Forces outside this

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1 state.

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

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

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

30 (a) Active duty members of the Armed Services of the
31 United States residing or stationed in this state, their

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1 spouses, and dependent children, and active members of the
2 Florida National Guard who qualify under s. 250.10(7) and (8)
3 for the tuition assistance program.

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

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

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

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

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

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

30 (h) McKnight Doctoral Fellows and Finalists who are
31 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 (l) A person who has attended a public high school in
 19 this state for at least 2 years immediately before graduation
 20 and who enrolls in an institution of higher education in this
 21 state within 12 months after graduation from a public high
 22 school in this state if that person:

23 1. Is a United States citizen or is in another
 24 category of eligible non-United States citizens as specified
 25 in residency rules of the State Board of Education and
 26 residency regulations of the Board of Governors; and

27 2. Submits the high school transcript before initial
 28 enrollment.

29
 30 This subsection does not prohibit a student at a private or
 31 public high school who does not meet these criteria from

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1 otherwise qualifying for residency for tuition purposes.

2 (11) The State Board of Education shall by rule
3 designate classifications of students as residents or
4 nonresidents for tuition purposes at community colleges and
5 private institutions of higher education governed by s.
6 1009.40 ~~state universities.~~ The Board of Governors shall adopt
7 a rule to classify students as residents or nonresidents for
8 tuition purposes at state universities.

9 (12) The classification of a student as a resident of
10 this state for tuition purposes by an institution of higher
11 education in this state shall be recognized by all other
12 institutions of higher education in this state to which the
13 student may later seek admission if:

14 1. The student has attended the institution making the
15 classification within the last 12 months;

16 2. The residency is noted on the student's transcript;
17 and

18 3. There is no information in the student's
19 application which suggests an erroneous classification was
20 made or the student's situation has changed.

21
22 (Redesignate subsequent sections.)

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25 ===== T I T L E A M E N D M E N T =====

26 And the title is amended as follows:

27 On page 1, line 7, after the first semicolon,

28
29 insert:

30 amending s. 1009.21, F.S.; defining terms
31 relating to residency status for tuition

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1 purposes at colleges and universities in this
2 state; requiring that a person maintain
3 residency in this state for a specified period
4 in order to qualify as a resident; providing
5 criteria for other persons to be considered a
6 resident; requiring institutions of higher
7 education to ensure that a person is a resident
8 at the time of enrollment; providing that a
9 person who has attended a public high school in
10 this state for at least 2 years immediately
11 before graduation and enrolls in an institution
12 of higher education in this state within 12
13 months after graduation from a public high
14 school in this state is a resident under
15 certain circumstances; requiring the Board of
16 Governors to adopt a rule to designate
17 classifications of students as residents or
18 nonresidents for tuition purposes at state
19 universities; directing that the
20 classification of a student as a resident of
21 this state for tuition purposes by an
22 institution of higher education in this state
23 be recognized by all other institutions of
24 higher education in this state to which the
25 student may later seek admission;

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