

1 higher education in this state to which the
2 student may later seek admission; amending s.
3 1009.50, F.S.; providing additional elements to
4 be considered in awards of grants to community
5 college students under the Florida Public
6 Student Assistance Grant Program; providing an
7 effective date.

8
9 WHEREAS, the primary motive of federal student aid has
10 been to further the country's economic health and
11 competitiveness, and

12 WHEREAS, the investment made in grant aid would be
13 offset by the students' future contribution to the economic
14 development of the community, and

15 WHEREAS, unmet needs of students have forced a reliance
16 on loans, NOW, THEREFORE,

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

19
20 Section 1. Florida Public Community College and Career
21 Center Working Student Assistance Program.--

22 (1)(a) The Legislature recognizes the importance of
23 the role of financial aid in ensuring access to postsecondary
24 education and for student success. It is the intent of the
25 Legislature that every student enrolled in a public community
26 college have the resources necessary for graduation. The
27 Legislature further recognizes that the financial consequence
28 of repaying loans, on which graduates have placed high
29 reliance, negatively influences these graduates' ability to
30 provide positive reinforcement for the state's economy.

1 (b) It is the purpose of this act to promote
2 successful student participation in the economic development
3 of their communities and the state by:

4 1. Providing financial support that will enable
5 working students to achieve their degrees and increase their
6 earning and spending potential.

7 2. Offering grant assistance to working students to
8 minimize the use of loans for entry-level training. Student
9 loans are more appropriate for students who have already moved
10 beyond entry-level jobs and have the income that will allow
11 repayment of loans.

12 (c) There is created the Florida Public Community
13 College and Career Center Working Student Assistance Program
14 to provide financial support for working students in this
15 state. This program will provide assistance to students whose
16 employment income makes them ineligible for federal and state
17 grant assistance and for whom their income is insufficient to
18 commit to long-term debt through any financial assistance
19 through federal or other loans.

20 (2)(a) Student grants through the program may be made
21 to students who enroll in at least 6 semester hours, or the
22 equivalent, or 10 hours per week of adult vocational training
23 per term and who meet other requirements for student
24 eligibility provided in this section or by rule. The grants
25 shall be awarded annually for an amount of need determined by
26 the institution but may not exceed an amount specified in the
27 General Appropriations Act.

28 (b) The primary purpose of this grant is to serve
29 students who are not receiving state or federal grants.
30 Therefore, a student applying for a grant under this section
31 must also complete the application for federal financial aid,

1 so that access to federal and state grants is the first avenue
2 of support. For community college students, Pell Grant
3 entitlements shall be considered in the award, but may not be
4 required as a condition of award. The institutional assessment
5 of financial resources available to the student may consider
6 issues beyond that identified in the Free Application for
7 Federal Student Aid (FAFSA) calculations to determine the
8 unmet need of the student. Such issues include, but are not
9 limited to:

10 1. The inability of family members to contribute to
11 the educational expenses of those under age 24 who must report
12 family income on the Free Application for Federal Student Aid
13 (FAFSA) application.

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

17 (c) Institutions shall prioritize awards to students
18 having the greatest need and may require students to meet
19 additional criteria for eligibility.

20 (3) The Department of Education shall develop a method
21 to distribute funds to community colleges and career centers
22 and adopt rules necessary to administer this section, and
23 shall require annual reports of such colleges and centers.
24 Community college boards of trustees and school boards shall
25 adopt rules to administer this section locally.

26 Section 2. Section 1009.21, Florida Statutes, is
27 amended 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.

1 (1) As used in this section:

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

6 (b) The term "independent person" means any person who
7 meets the criteria for independence as specified for federal
8 financial aid purposes in Title IV of the Higher Education Act
9 of 1965, as amended, or who provides 50 percent or more of his
10 or her own support as defined by rules and guidelines of the
11 State Board of Education and the Board of Governors of the
12 State University System.

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

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

17 (e)~~(c)~~ A "legal resident" or "resident" means ~~is~~ a
18 person who has maintained his or her residence in this state
19 for the preceding year, has purchased a home which is occupied
20 by him or her as his or her residence, or has established a
21 domicile in this state under ~~pursuant to~~ s. 222.17.

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

28 (g)~~(e)~~ A "resident for tuition purposes" means ~~is~~ a
29 person who qualifies as provided in subsection (2) for the
30 in-state tuition rate; a "nonresident for tuition purposes" is
31 a person who does not qualify for the in-state tuition rate.

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

2 1. A person or, if that person is a dependent person
3 ~~child~~, his or her parent or parents must have established
4 legal residence in this state and must have maintained legal
5 residence in this state for at least 12 consecutive months
6 immediately before ~~prior to~~ his or her initial enrollment at
7 an institution of higher education ~~qualification~~.

8 2. Every applicant for admission to an institution of
9 higher education ~~is shall be~~ required to make a statement as
10 to his or her length of residence in the state and, further,
11 shall establish that his or her presence or, if the applicant
12 is a dependent person ~~child~~, the presence of his or her parent
13 or parents in the state currently is, and during the requisite
14 12-month qualifying period was, for the purpose of maintaining
15 a bona fide domicile, rather than for the purpose of
16 maintaining a mere temporary residence or abode incident to
17 enrollment in an institution of higher education.

18 3. Each institution of higher education must
19 affirmatively determine that an applicant who has been granted
20 admission to that institution as a resident of this state
21 meets the residency requirements of this section at the time
22 of initial enrollment.

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

1 before the person's initial enrollment at an institution of
2 higher education ~~prior to the child's qualification~~, during
3 which time the adult relative has exercised day-to-day care,
4 supervision, and control of the person ~~child~~.

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

12 (d) A person who is classified as a nonresident for
13 tuition purposes may become eligible for reclassification as a
14 resident for tuition purposes only if that person, or his or
15 her parent if the person is a dependent person, provides
16 evidence of permanent residency for 12 consecutive months in
17 this state and provides evidence that residency in this state
18 is not merely temporary for the purpose of enrolling in an
19 institution of higher education in this state.

20 (3) An individual ~~may shall~~ not be classified as a
21 resident for tuition purposes and, thus, ~~may shall~~ not be
22 eligible to receive the in-state tuition rate until he or she
23 has provided such evidence related to legal residence and its
24 duration as may be required by law and by officials of the
25 institution of higher education from which he or she seeks the
26 in-state tuition rate.

27 (4) With respect to a dependent person ~~child~~, the
28 legal residence of such person's ~~individual's~~ parent or
29 parents is prima facie evidence of the individual's legal
30 residence, which evidence may be reinforced or rebutted,
31 relative to the age and general circumstances of the

1 individual, by the other evidence of legal residence required
2 of or presented by the individual. However, the legal
3 residence of an individual whose parent or parents are
4 domiciled outside this state is not prima facie evidence of
5 the individual's legal residence if that individual has lived
6 in this state for 5 consecutive years prior to enrolling or
7 reregistering at the institution of higher education at which
8 resident status for tuition purposes is sought.

9 (5) In making a domiciliary determination related to
10 the classification of a person as a resident or nonresident
11 for tuition purposes, the domicile of a married person,
12 irrespective of sex, shall be determined, as in the case of an
13 unmarried person, by reference to all relevant evidence of
14 domiciliary intent. For the purposes of this section:

15 (a) A person is ~~shall~~ not ~~be~~ precluded from
16 establishing or maintaining legal residence in this state and
17 subsequently qualifying or continuing to qualify as a resident
18 for tuition purposes solely by reason of marriage to a person
19 domiciled outside this state, even when that person's spouse
20 continues to be domiciled outside of this state, provided such
21 person maintains his or her legal residence in this state.

22 (b) A person is ~~shall~~ not ~~be~~ deemed to have
23 established or maintained a legal residence in this state and
24 subsequently to have qualified or continued to qualify as a
25 resident for tuition purposes solely by reason of marriage to
26 a person domiciled in this state.

27 (c) In determining the domicile of a married person,
28 irrespective of sex, the fact of the marriage and the place of
29 domicile of such person's spouse shall be deemed relevant
30 evidence to be considered in ascertaining domiciliary intent.
31

1 (6) Any nonresident person, irrespective of sex, who
2 marries a legal resident of this state or marries a person who
3 later becomes a legal resident may, upon becoming a legal
4 resident of this state, accede to the benefit of the spouse's
5 immediately precedent duration as a legal resident for
6 purposes of satisfying the 12-month durational requirement of
7 this section.

8 (7) A person does ~~shall~~ not lose his or her resident
9 status for tuition purposes solely by reason of serving, or,
10 if such person is a dependent child, by reason of his or her
11 parent's or parents' serving, in the Armed Forces outside this
12 state.

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

27 (9) Any person who ceases to be enrolled at or who
28 graduates from an institution of higher education while
29 classified as a resident for tuition purposes and who
30 subsequently abandons his or her domicile in this state shall
31 be permitted to reenroll at an institution of higher education

1 | in this state as a resident for tuition purposes without the
2 | necessity of meeting the 12-month durational requirement of
3 | this section if that person has reestablished his or her
4 | domicile in this state within 12 months of such abandonment
5 | and continuously maintains the reestablished domicile during
6 | the period of enrollment. The benefit of this subsection shall
7 | not be accorded more than once to any one person.

8 | (10) The following persons shall be classified as
9 | residents for tuition purposes:

10 | (a) Active duty members of the Armed Services of the
11 | United States residing or stationed in this state, their
12 | spouses, and dependent children, and active members of the
13 | Florida National Guard who qualify under s. 250.10(7) and (8)
14 | for the tuition assistance program.

15 | (b) Active duty members of the Armed Services of the
16 | United States and their spouses and dependents attending a
17 | public community college or state university within 50 miles
18 | of the military establishment where they are stationed, if
19 | such military establishment is within a county contiguous to
20 | Florida.

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

25 | (d) Full-time instructional and administrative
26 | personnel employed by state public schools, community
27 | colleges, and institutions of higher education, as defined in
28 | s. 1000.04, and their spouses and dependent children.

29 | (e) Students from Latin America and the Caribbean who
30 | receive scholarships from the federal or state government.
31 | Any student classified pursuant to this paragraph shall

1 attend, on a full-time basis, a Florida institution of higher
2 education.

3 (f) Southern Regional Education Board's Academic
4 Common Market graduate students attending Florida's state
5 universities.

6 (g) Full-time employees of state agencies or political
7 subdivisions of the state when the student fees are paid by
8 the state agency or political subdivision for the purpose of
9 job-related law enforcement or corrections training.

10 (h) McKnight Doctoral Fellows and Finalists who are
11 United States citizens.

12 (i) United States citizens living outside the United
13 States who are teaching at a Department of Defense Dependent
14 School or in an American International School and who enroll
15 in a graduate level education program which leads to a Florida
16 teaching certificate.

17 (j) Active duty members of the Canadian military
18 residing or stationed in this state under the North American
19 Air Defense (NORAD) agreement, and their spouses and dependent
20 children, attending a community college or state university
21 within 50 miles of the military establishment where they are
22 stationed.

23 (k) Active duty members of a foreign nation's military
24 who are serving as liaison officers and are residing or
25 stationed in this state, and their spouses and dependent
26 children, attending a community college or state university
27 within 50 miles of the military establishment where the
28 foreign liaison officer is stationed.

29 (l) A person who has attended a public high school in
30 this state for at least 2 years immediately before graduation
31 and who enrolls in an institution of higher education in this

1 state within 12 months after graduation from a public high
2 school in this state if that person:

3 1. Is a United States citizen or is in another
4 category of eligible non-United States citizens as specified
5 in residency rules of the State Board of Education and
6 residency regulations of the Board of Governors; and

7 2. Submits the high school transcript before initial
8 enrollment.

9
10 This subsection does not prohibit a student at a private or
11 public high school who does not meet these criteria from
12 otherwise qualifying for residency for tuition purposes.

13 (11) The State Board of Education shall by rule
14 designate classifications of students as residents or
15 nonresidents for tuition purposes at community colleges and
16 private institutions of higher education governed by s.
17 1009.40 ~~state universities.~~ The Board of Governors shall adopt
18 a rule to classify students as residents or nonresidents for
19 tuition purposes at state universities.

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

25 1. The student has attended the institution making the
26 classification within the last 12 months;

27 2. The residency is noted on the student's transcript;
28 and

29 3. There is no information in the student's
30 application which suggests an erroneous classification was
31 made or the student's situation has changed.

1 Section 3. Paragraph (e) is added to subsection (2) of
2 section 1009.50, Florida Statutes, to read:

3 1009.50 Florida Public Student Assistance Grant
4 Program; eligibility for grants.--

5 (2)

6 (e) For community college students, Pell Grant
7 entitlements shall be considered in the award, but may not be
8 required as a condition of award.

9 Section 4. This act shall take effect upon becoming a
10 law.

1 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
2 COMMITTEE SUBSTITUTE FOR
3 Senate Bill 2698

4 The committee substitute:

5 Provides that Pell Grant entitlements are not a condition
6 prerequisite for an award under the program for community
7 college students;

8 Revises the determination of resident status for tuition
9 purposes by providing:

- 10 - A definition of independent person to mean any person who
11 meets the criteria for independence as specified under
12 federal law or who provides at least 50 percent of his or
13 her own support;
- 14 - A definition of initial enrollment;
- 15 - A definition of a parent for purposes of using the
16 residency of the parent to establish residency, to
17 require the parent to provide housing to the student or
18 at least 50 percent of financial support to the student;
- 19 - A requirement that an individual must have maintained
20 residency in the state for at least 12 consecutive months
21 immediately preceding the initial enrollment;
- 22 - A procedure for reclassification of residency if the
23 person provides evidence of permanent residency for 12
24 consecutive months in the state and that the residency
25 was not for the purposes of enrolling in an institution
26 of higher education;
- 27 - A new procedure for qualifying as a resident if the
28 person is a U.S. citizen or other eligible non-U.S.
29 citizen who attended a Florida public high school for at
30 least 2 years before graduation and who enrolls within 12
31 months following graduation in a Florida institution of
32 higher education; and
- 33 - A new requirement for residency determination to be
34 binding upon subsequent institutions of higher education
35 under certain conditions.