

By Senator Wilson

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1 A bill to be entitled
2 An act relating to determination of resident status
3 for tuition purposes; amending s. 1009.21, F.S.;
4 revising definitions; providing conditions for
5 reclassification as a resident for tuition purposes;
6 requiring that evidence be provided relating to legal
7 residency and dependent status; requiring institutions
8 of higher education to determine an applicant's
9 dependent status and residency under certain
10 circumstances; revising obsolete provisions; providing
11 additional categories within which students may be
12 classified as residents for tuition purposes; limiting
13 eligibility for state financial aid; providing an
14 effective date.

15
16 Be It Enacted by the Legislature of the State of Florida:

17
18 Section 1. Subsections (1), (2), (3), and (10) of section
19 1009.21, Florida Statutes, are amended to read:

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

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

25 (a) ~~The term~~ "Dependent child" means any person, whether or
26 not living with his or her parent, who is eligible to be claimed
27 by his or her parent as a dependent under the federal income tax
28 code and who receives at least 51 percent of the true cost-of-
29 living expenses from his or her parent, as defined by rules of

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30 the State Board of Education.

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

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

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

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

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

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

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

49 1. A person or, if that person is a dependent child, his or
50 her parent or parents must have established legal residence in
51 this state and must have maintained legal residence in this
52 state for at least 12 consecutive months immediately before
53 ~~prior to~~ his or her initial enrollment in an institution of
54 higher education ~~qualification.~~

55 2. Every applicant for admission to an institution of
56 higher education shall be required to make a statement as to his
57 or her length of residence in the state and, further, shall
58 establish that his or her presence or, if the applicant is a

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59 dependent child, the presence of his or her parent or parents in
60 the state currently is, and during the requisite 12-month
61 ~~qualifying~~ period was, for the purpose of maintaining a bona
62 fide domicile, rather than for the purpose of maintaining a mere
63 temporary residence or abode incident to enrollment in an
64 institution of higher education.

65 (b) However, with respect to a dependent child living with
66 an adult relative other than the child's parent, such child may
67 qualify as a resident for tuition purposes if the adult relative
68 is a legal resident who has maintained legal residence in this
69 state for at least 12 consecutive months immediately before
70 ~~prior to~~ the child's initial enrollment in an institution of
71 higher education and if ~~qualification, provided~~ the child has
72 resided continuously with the ~~such~~ relative for the 5 years
73 immediately before ~~prior to~~ the child's initial enrollment
74 ~~qualification~~, during which time the adult relative has
75 exercised day-to-day care, supervision, and control of the
76 child.

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

83 (d) A person who is classified as a nonresident for tuition
84 purposes may become eligible for reclassification as a resident
85 for tuition purposes if that person or, if that person is a
86 dependent child, his or her parent presents documentation that
87 supports permanent residency in this state rather than temporary

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88 residency for the purpose of pursuing an education, such as
89 documentation of full-time permanent employment for the previous
90 12 months or the purchase of a home in this state and residence
91 therein during the previous 12 months. If a person who is a
92 dependent child and his or her parent move to this state while
93 the child is a high school student and the child graduates from
94 a high school in this state, the child may become eligible for
95 reclassification as a resident for tuition purposes when the
96 parent qualifies for permanent residency. However, an illegal
97 immigrant who qualifies as a resident for tuition purposes under
98 this paragraph is not eligible for state financial aid.

99 (3) (a) A person may ~~An individual shall~~ not be classified
100 as a resident for tuition purposes and is, ~~thus,~~ ~~shall~~ not be
101 eligible to receive the in-state tuition rate until he or she
102 has provided such evidence related to legal residence and its
103 duration or, if the person is a dependent child, documentation
104 of his or her parent's legal residence and its duration, as well
105 as documentation confirming his or her status as a dependent
106 child, as may be required by law and by officials of the
107 institution of higher education from which he or she seeks the
108 in-state tuition rate.

109 (b) Each institution of higher education must:

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

112 2. Affirmatively determine that an applicant who has been
113 granted admission to that institution as a resident of this
114 state meets the residency requirements of this section at the
115 time of initial enrollment.

116 (10) The following persons shall be classified as residents

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117 for tuition purposes:

118 (a) Active duty members of the Armed Services of the United
119 States residing or stationed in this state, their spouses, and
120 dependent children, and active members of the Florida National
121 Guard who qualify under s. 250.10(7) and (8) for the tuition
122 assistance program.

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

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

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

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

140 (f) Southern Regional Education Board's Academic Common
141 Market graduate students attending Florida's state universities.

142 (g) Full-time employees of state agencies or political
143 subdivisions of the state when the student fees are paid by the
144 state agency or political subdivision for the purpose of job-
145 related law enforcement or corrections training.

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146 (h) McKnight Doctoral Fellows and Finalists who are United
147 States citizens.

148 (i) United States citizens living outside the United States
149 who are teaching at a Department of Defense Dependent School or
150 in an American International School and who enroll in a graduate
151 level education program which leads to a Florida teaching
152 certificate.

153 (j) Active duty members of the Canadian military residing
154 or stationed in this state under the North American Aerospace
155 Defense Command ~~Air Defense~~ (NORAD) agreement, and their spouses
156 and dependent children, attending a community college or state
157 university within 50 miles of the military establishment where
158 they are stationed.

159 (k) Active duty members of a foreign nation's military who
160 are serving as liaison officers and are residing or stationed in
161 this state, and their spouses and dependent children, attending
162 a community college or state university within 50 miles of the
163 military establishment where the foreign liaison officer is
164 stationed.

165 (l) Full-time employees of international multilateral
166 organizations based in this state which are recognized by the
167 United States Department of State and their spouses and
168 dependent children.

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

172 1. Has resided in this state with a parent for at least 3
173 consecutive years immediately preceding the date the student
174 received a high school diploma or its equivalent.

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175 2. Has attended a high school in this state for at least 3
176 consecutive school years during such time.

177 3. Has filed an affidavit with the institution of higher
178 education stating that the student has filed an application to
179 legalize his or her immigration status or will file such
180 application as soon as he or she is eligible to do so.

181
182 However, students who qualify under this paragraph are not
183 eligible for state financial aid.

184 Section 2. This act shall take effect July 1, 2009.