

1                   A bill to be entitled  
 2           An act relating to determination of resident status for  
 3           tuition purposes; amending s. 1009.21, F.S.; revising  
 4           definitions; revising provisions relating to qualification  
 5           as a resident for tuition purposes; providing for  
 6           reclassification of status; providing duties of  
 7           institutions of higher education; providing an effective  
 8           date.

9  
 10   Be It Enacted by the Legislature of the State of Florida:

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 12           Section 1.   Section 1009.21, Florida Statutes, is amended  
 13   to read:

14           1009.21   Determination of resident status for tuition  
 15   purposes.--Students shall be classified as residents or  
 16   nonresidents for the purpose of assessing tuition in community  
 17   colleges and state universities.

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

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

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

25           (c) ~~(b)~~ ~~The term~~ "Institution of higher education" means  
 26   any ~~public~~ community college as defined in s. 1000.21(3) or  
 27   state university as defined in s. 1000.21(6).

28           (d) ~~(c)~~ ~~A~~ "Legal resident" or "resident" means ~~is~~ a person

29 | who has maintained his or her residence in this state for the  
 30 | preceding year, has purchased a home which is occupied by him or  
 31 | her as his or her residence, or has established a domicile in  
 32 | this state pursuant to s. 222.17.

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

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

37 | ~~(g) (e)~~ A "Resident for tuition purposes" means is a person  
 38 | who qualifies as provided in subsection (2) for the in-state  
 39 | tuition rate; ~~a "nonresident for tuition purposes" is a person~~  
 40 | ~~who does not qualify for the in-state tuition rate.~~

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

- 42 | 1. A person or, if that person is a dependent child, his  
 43 | or her parent or parents must have established legal residence  
 44 | in this state and must have maintained legal residence in this  
 45 | state for at least 12 consecutive months immediately prior to  
 46 | his or her initial enrollment in an institution of higher  
 47 | education qualification. Legal residence must be established by  
 48 | written or electronic verification that includes two or more of  
 49 | the following Florida documents that demonstrate clear and  
 50 | convincing evidence of continuous residence in the state for at  
 51 | least 12 consecutive months prior to the student's initial  
 52 | enrollment in an institution of higher education: a voter  
 53 | information card pursuant to s. 97.071; a driver's license; an  
 54 | identification card issued by the state; a vehicle registration;  
 55 | a declaration of domicile; proof of purchase of a permanent  
 56 | home; proof of a homestead exemption in the state; a transcript

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57 from a Florida high school; a Florida high school equivalency  
58 diploma and transcript; proof of permanent full-time employment;  
59 proof of 12 consecutive months of payment of utility bills; a  
60 domicile lease and proof of 12 consecutive months of payments;  
61 or other official state or court documents evidencing legal ties  
62 to the state. No single piece of evidence shall be conclusive.

63 2. Every applicant for admission to an institution of  
64 higher education shall be required to make a statement as to his  
65 or her length of residence in the state and, further, shall  
66 establish that his or her presence or, if the applicant is a  
67 dependent child, the presence of his or her parent or parents in  
68 the state currently is, and during the requisite 12-month  
69 qualifying period was, for the purpose of maintaining a bona  
70 fide domicile, rather than for the purpose of maintaining a mere  
71 temporary residence or abode incident to enrollment in an  
72 institution of higher education.

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

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

91 (d) A person who is classified as a nonresident for  
92 tuition purposes may become eligible for reclassification as a  
93 resident for tuition purposes if that person or, if that person  
94 is a dependent child, his or her parent presents clear and  
95 convincing evidence that supports permanent residency in this  
96 state rather than temporary residency for the purpose of  
97 pursuing an education, such as documentation of full-time  
98 permanent employment for the prior 12 months or the purchase of  
99 a home in this state and residence therein for the prior 12  
100 months while not enrolled in an institution of higher education.  
101 If a person who is a dependent child and his or her parent move  
102 to this state while such child is a high school student and the  
103 child graduates from a high school in this state, the child may  
104 become eligible for reclassification as a resident for tuition  
105 purposes when the parent qualifies for permanent residency.

106 (3) (a) An individual shall not be classified as a resident  
107 for tuition purposes and, thus, shall not be eligible to receive  
108 the in-state tuition rate until he or she has provided such  
109 evidence related to legal residence and its duration or, if that  
110 individual is a dependent child, documentation of his or her  
111 parent's legal residence and its duration, as well as  
112 documentation confirming his or her status as a dependent child,

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113 as may be required by law and by officials of the institution of  
114 higher education from which he or she seeks the in-state tuition  
115 rate. The documentation shall provide clear and convincing  
116 evidence that residency in this state was for a minimum of 12  
117 consecutive months prior to the student's initial enrollment in  
118 an institution of higher education. No single piece of evidence  
119 shall be conclusive.

120 (b) Each institution of higher learning shall:

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

123 2. Affirmatively determine that an applicant who has been  
124 granted admission to that institution as a Florida resident  
125 meets the residency requirements of this section at the time of  
126 initial enrollment.

127 (4) With respect to a dependent child, the legal residence  
128 of the dependent child's ~~such individual's~~ parent or parents is  
129 prima facie evidence of the dependent child's ~~individual's~~ legal  
130 residence, which evidence may be reinforced or rebutted,  
131 relative to the age and general circumstances of the dependent  
132 child individual, by the other evidence of legal residence  
133 required of or presented by the dependent child ~~individual~~.  
134 However, the legal residence of a dependent child's ~~an~~  
135 ~~individual whose~~ parent or parents who are domiciled outside  
136 this state is not prima facie evidence of the dependent child's  
137 ~~individual's~~ legal residence if that dependent child ~~individual~~  
138 has lived in this state for 5 consecutive years prior to  
139 enrolling or reregistering at the institution of higher  
140 education at which resident status for tuition purposes is

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141 sought.

142 (5) In making a domiciliary determination related to the  
143 classification of a person as a resident or nonresident for  
144 tuition purposes, the domicile of a married person, irrespective  
145 of sex, shall be determined, as in the case of an unmarried  
146 person, by reference to all relevant evidence of domiciliary  
147 intent. For the purposes of this section:

148 (a) A person shall not be precluded from establishing or  
149 maintaining legal residence in this state and subsequently  
150 qualifying or continuing to qualify as a resident for tuition  
151 purposes solely by reason of marriage to a person domiciled  
152 outside this state, even when that person's spouse continues to  
153 be domiciled outside of this state, provided such person  
154 maintains his or her legal residence in this state.

155 (b) A person shall not be deemed to have established or  
156 maintained a legal residence in this state and subsequently to  
157 have qualified or continued to qualify as a resident for tuition  
158 purposes solely by reason of marriage to a person domiciled in  
159 this state.

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

164 (6) Any nonresident person, irrespective of sex, who  
165 marries a legal resident of this state or marries a person who  
166 later becomes a legal resident may, upon becoming a legal  
167 resident of this state, accede to the benefit of the spouse's  
168 immediately precedent duration as a legal resident for purposes

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169 of satisfying the 12-month durational requirement of this  
170 section.

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

175 (8) A person who has been properly classified as a  
176 resident for tuition purposes but who, while enrolled in an  
177 institution of higher education in this state, loses his or her  
178 resident tuition status because the person or, if he or she is a  
179 dependent child, the person's parent or parents establish  
180 domicile or legal residence elsewhere shall continue to enjoy  
181 the in-state tuition rate for a statutory grace period, which  
182 period shall be measured from the date on which the  
183 circumstances arose that culminated in the loss of resident  
184 tuition status and shall continue for 12 months. However, if the  
185 12-month grace period ends during a semester or academic term  
186 for which such former resident is enrolled, such grace period  
187 shall be extended to the end of that semester or academic term.

188 (9) Any person who ceases to be enrolled at or who  
189 graduates from an institution of higher education while  
190 classified as a resident for tuition purposes and who  
191 subsequently abandons his or her domicile in this state shall be  
192 permitted to reenroll at an institution of higher education in  
193 this state as a resident for tuition purposes without the  
194 necessity of meeting the 12-month durational requirement of this  
195 section if that person has reestablished his or her domicile in  
196 this state within 12 months of such abandonment and continuously

197 maintains the reestablished domicile during the period of  
 198 enrollment. The benefit of this subsection shall not be accorded  
 199 more than once to any one person.

200 (10) The following persons shall be classified as  
 201 residents for tuition purposes:

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

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

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

216 (d) Full-time instructional and administrative personnel  
 217 employed by state public schools, ~~community colleges,~~ and  
 218 institutions of higher education, ~~as defined in s. 1000.04,~~ and  
 219 their spouses and dependent children.

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

224 (f) Southern Regional Education Board's Academic Common



225 Market graduate students attending Florida's state universities.

226 (g) Full-time employees of state agencies or political  
 227 subdivisions of the state when the student fees are paid by the  
 228 state agency or political subdivision for the purpose of job-  
 229 related law enforcement or corrections training.

230 (h) McKnight Doctoral Fellows and Finalists who are United  
 231 States citizens.

232 (i) United States citizens living outside the United  
 233 States who are teaching at a Department of Defense Dependent  
 234 School or in an American International School and who enroll in  
 235 a graduate level education program which leads to a Florida  
 236 teaching certificate.

237 (j) Active duty members of the Canadian military residing  
 238 or stationed in this state under the North American Air Defense  
 239 (NORAD) agreement, and their spouses and dependent children,  
 240 attending a community college or state university within 50  
 241 miles of the military establishment where they are stationed.

242 (k) Active duty members of a foreign nation's military who  
 243 are serving as liaison officers and are residing or stationed in  
 244 this state, and their spouses and dependent children, attending  
 245 a community college or state university within 50 miles of the  
 246 military establishment where the foreign liaison officer is  
 247 stationed.

248 (11) The State Board of Education and the Board of  
 249 Governors shall adopt rules to implement this section.

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