

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 the  
 4           definitions of "dependent child" and "parent"; revising  
 5           residency requirements for certain dependent children;  
 6           authorizing an institution of higher education to verify  
 7           documentation of residency through electronic means under  
 8           certain conditions; revising requirements relating to  
 9           proof of employment in the state; providing for  
 10          classification as residents for tuition purposes of  
 11          certain individuals who have attended a Florida public  
 12          high school and individuals who receive certain tuition  
 13          exemptions or waivers; providing requirements for  
 14          recognition of the classification of a student as a  
 15          resident for tuition purposes by an institution to which a  
 16          student may transfer; providing an effective date.

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

19  
 20           Section 1. Section 1009.21, Florida Statutes, is amended  
 21           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 the Florida  
 25           College System ~~community colleges~~ and the State University  
 26           System ~~universities~~.

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

28           (a) "Dependent child" means any person, whether or not

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29 | living with his or her parent, who is eligible to be claimed by  
30 | his or her parent as a dependent under the federal income tax  
31 | code. If a child provides more than 50 percent of the  
32 | institutionally defined cost of attendance or if a child meets  
33 | the criteria for independent status as established for federal  
34 | financial aid purposes, the child may not be considered a  
35 | dependent child.

36 | (b) "Initial enrollment" means the first day of class at  
37 | an institution of higher education.

38 | (c) "Institution of higher education" means any community  
39 | college as defined in s. 1000.21(3) or state university as  
40 | defined in s. 1000.21(6).

41 | (d) "Legal resident" or "resident" means a person who has  
42 | maintained his or her residence in this state for the preceding  
43 | year, has purchased a home which is occupied by him or her as  
44 | his or her residence, or has established a domicile in this  
45 | state pursuant to s. 222.17.

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

48 | (f) "Parent" means the natural or adoptive parent,  
49 | stepparent, or legal guardian of a dependent child.

50 | (g) "Resident for tuition purposes" means a person who  
51 | qualifies as provided in this section for the in-state tuition  
52 | rate.

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

54 | 1. A person or, if that person is a dependent child, his  
55 | or her parent or parents must have established legal residence  
56 | in this state and must have maintained legal residence in this

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57 | state for at least 12 consecutive months immediately prior to  
58 | his or her initial enrollment in an institution of higher  
59 | education.

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

70 |       (b) However, with respect to a dependent child living with  
71 | an adult relative other than the child's parent, such child may  
72 | qualify as a resident for tuition purposes if the adult relative  
73 | is a legal resident who has maintained legal residence in this  
74 | state for at least 12 consecutive months immediately prior to  
75 | the child's initial enrollment in an institution of higher  
76 | education, provided the child has resided continuously with such  
77 | relative for the 4 ~~5~~ years immediately prior to the child's  
78 | initial enrollment in an institution of higher education, during  
79 | which time the adult relative has exercised day-to-day care,  
80 | supervision, and control of the child.

81 |       (c) The legal residence of a dependent child whose parents  
82 | are divorced, separated, or otherwise living apart will be  
83 | deemed to be this state if either parent is a legal resident of  
84 | this state, regardless of which parent is entitled to claim, and

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85 | does in fact claim, the minor as a dependent pursuant to federal  
86 | individual income tax provisions.

87 |       (3) (a) An individual shall not be classified as a resident  
88 | for tuition purposes and, thus, shall not be eligible to receive  
89 | the in-state tuition rate until he or she has provided such  
90 | evidence related to legal residence and its duration or, if that  
91 | individual is a dependent child, evidence of his or her parent's  
92 | legal residence and its duration, as may be required by law and  
93 | by officials of the institution of higher education from which  
94 | he or she seeks the in-state tuition rate.

95 |       (b) Except as otherwise provided in this section, evidence  
96 | of legal residence and its duration shall include clear and  
97 | convincing documentation that residency in this state was for a  
98 | minimum of 12 consecutive months prior to a student's initial  
99 | enrollment in an institution of higher education.

100 |       (c) Each institution of higher education shall  
101 | affirmatively determine that an applicant who has been granted  
102 | admission to that institution as a Florida resident meets the  
103 | residency requirements of this section at the time of initial  
104 | enrollment. The residency determination must be documented by  
105 | the submission of written or electronic verification that  
106 | includes two or more of the documents identified in this  
107 | paragraph. No single piece of evidence shall be conclusive for  
108 | purposes of this paragraph. Where appropriate, an institution of  
109 | higher education may verify documentation through electronic  
110 | means if available state-maintained databases exist.

111 |       1. The documents must include at least one of the  
112 | following:

- 113 a. A Florida voter's registration card.
- 114 b. A Florida driver's license.
- 115 c. A State of Florida identification card.
- 116 d. A Florida vehicle registration.
- 117 e. Proof of a permanent home in Florida which is occupied
- 118 as a primary residence by the individual or by the individual's
- 119 parent if the individual is a dependent child.
- 120 f. Proof of a homestead exemption in Florida.
- 121 g. Transcripts from a Florida high school for multiple
- 122 years if the Florida high school diploma or GED was earned
- 123 within the last 12 months.
- 124 h. Proof of ~~permanent full-time~~ employment in Florida ~~for~~
- 125 ~~at least 30 hours per week~~ for a 12-month period.
- 126 2. The documents may include one or more of the following:
- 127 a. A declaration of domicile in Florida.
- 128 b. A Florida professional or occupational license.
- 129 c. Florida incorporation.
- 130 d. A document evidencing family ties in Florida.
- 131 e. Proof of membership in a Florida-based charitable or
- 132 professional organization.
- 133 f. Any other documentation that supports the student's
- 134 request for resident status, including, but not limited to,
- 135 utility bills and proof of 12 consecutive months of payments; a
- 136 lease agreement and proof of 12 consecutive months of payments;
- 137 or an official state, federal, or court document evidencing
- 138 legal ties to Florida.
- 139 (4) With respect to a dependent child, the legal residence
- 140 of the dependent child's parent or parents is prima facie

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141 evidence of the dependent child's legal residence, which  
142 evidence may be reinforced or rebutted, relative to the age and  
143 general circumstances of the dependent child, by the other  
144 evidence of legal residence required of or presented by the  
145 dependent child. However, the legal residence of a dependent  
146 child's parent or parents who are domiciled outside this state  
147 is not prima facie evidence of the dependent child's legal  
148 residence if that dependent child has lived in this state for 4  
149 ~~5~~ consecutive years prior to enrolling or reregistering at the  
150 institution of higher education at which resident status for  
151 tuition purposes is sought.

152 (5) In making a domiciliary determination related to the  
153 classification of a person as a resident or nonresident for  
154 tuition purposes, the domicile of a married person, irrespective  
155 of sex, shall be determined, as in the case of an unmarried  
156 person, by reference to all relevant evidence of domiciliary  
157 intent. For the purposes of this section:

158 (a) A person shall not be precluded from establishing or  
159 maintaining legal residence in this state and subsequently  
160 qualifying or continuing to qualify as a resident for tuition  
161 purposes solely by reason of marriage to a person domiciled  
162 outside this state, even when that person's spouse continues to  
163 be domiciled outside of this state, provided such person  
164 maintains his or her legal residence in this state.

165 (b) A person shall not be deemed to have established or  
166 maintained a legal residence in this state and subsequently to  
167 have qualified or continued to qualify as a resident for tuition  
168 purposes solely by reason of marriage to a person domiciled in

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169 | this state.

170 |       (c) In determining the domicile of a married person,  
171 | irrespective of sex, the fact of the marriage and the place of  
172 | domicile of such person's spouse shall be deemed relevant  
173 | evidence to be considered in ascertaining domiciliary intent.

174 |       (6) (a) Except as otherwise provided in this section, a  
175 | person who is classified as a nonresident for tuition purposes  
176 | may become eligible for reclassification as a resident for  
177 | tuition purposes if that person or, if that person is a  
178 | dependent child, his or her parent presents clear and convincing  
179 | documentation that supports permanent legal residency in this  
180 | state for at least 12 consecutive months rather than temporary  
181 | residency for the purpose of pursuing an education, such as  
182 | documentation of ~~full-time permanent~~ employment for the prior 12  
183 | months or the purchase of a home in this state and residence  
184 | therein for the prior 12 months ~~while not enrolled in an~~  
185 | ~~institution of higher education.~~

186 |       (b) If a person who is a dependent child and his or her  
187 | parent move to this state while such child is a high school  
188 | student and the child graduates from a high school in this  
189 | state, the child may become eligible for reclassification as a  
190 | resident for tuition purposes when the parent submits evidence  
191 | that the parent qualifies for permanent residency.

192 |       (c) If a person who is a dependent child and his or her  
193 | parent move to this state after such child graduates from high  
194 | school, the child may become eligible for reclassification as a  
195 | resident for tuition purposes after the parent submits evidence  
196 | that he or she has established legal residence in the state and

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197 has maintained legal residence in the state for at least 12  
198 consecutive months.

199 (d) A person who is classified as a nonresident for  
200 tuition purposes and who marries a legal resident of the state  
201 or marries a person who becomes a legal resident of the state  
202 may, upon becoming a legal resident of the state, become  
203 eligible for reclassification as a resident for tuition purposes  
204 upon submitting evidence of his or her own legal residency in  
205 the state, evidence of his or her marriage to a person who is a  
206 legal resident of the state, and evidence of the spouse's legal  
207 residence in the state for at least 12 consecutive months  
208 immediately preceding the application for reclassification.

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

213 (8) A person who has been properly classified as a  
214 resident for tuition purposes but who, while enrolled in an  
215 institution of higher education in this state, loses his or her  
216 resident tuition status because the person or, if he or she is a  
217 dependent child, the person's parent or parents establish  
218 domicile or legal residence elsewhere shall continue to enjoy  
219 the in-state tuition rate for a statutory grace period, which  
220 period shall be measured from the date on which the  
221 circumstances arose that culminated in the loss of resident  
222 tuition status and shall continue for 12 months. However, if the  
223 12-month grace period ends during a semester or academic term  
224 for which such former resident is enrolled, such grace period



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225 shall be extended to the end of that semester or academic term.

226 (9) Any person who ceases to be enrolled at or who  
227 graduates from an institution of higher education while  
228 classified as a resident for tuition purposes and who  
229 subsequently abandons his or her domicile in this state shall be  
230 permitted to reenroll at an institution of higher education in  
231 this state as a resident for tuition purposes without the  
232 necessity of meeting the 12-month durational requirement of this  
233 section if that person has reestablished his or her domicile in  
234 this state within 12 months of such abandonment and continuously  
235 maintains the reestablished domicile during the period of  
236 enrollment. The benefit of this subsection shall not be accorded  
237 more than once to any one person.

238 (10) The following persons shall be classified as  
239 residents for tuition purposes:

240 (a) Active duty members of the Armed Services of the  
241 United States residing or stationed in this state, their  
242 spouses, and dependent children, and active drilling members of  
243 the Florida National Guard.

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

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

253 (d) Full-time instructional and administrative personnel  
 254 employed by state public schools and institutions of higher  
 255 education and their spouses and dependent children.

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

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

262 (g) Full-time employees of state agencies or political  
 263 subdivisions of the state when the student fees are paid by the  
 264 state agency or political subdivision for the purpose of job-  
 265 related law enforcement or corrections training.

266 (h) McKnight Doctoral Fellows and Finalists who are United  
 267 States citizens.

268 (i) United States citizens living outside the United  
 269 States who are teaching at a Department of Defense Dependent  
 270 School or in an American International School and who enroll in  
 271 a graduate level education program which leads to a Florida  
 272 teaching certificate.

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

278 (k) Active duty members of a foreign nation's military who  
 279 are serving as liaison officers and are residing or stationed in  
 280 this state, and their spouses and dependent children, attending

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281 a community college or state university within 50 miles of the  
282 military establishment where the foreign liaison officer is  
283 stationed.

284 (1) Individuals who have attended a Florida public high  
285 school for 2 consecutive years immediately prior to high school  
286 graduation and who enroll in an institution of higher education  
287 within 12 months after graduating from a Florida public high  
288 school, if the individual:

- 289 1. Is a United States citizen or an eligible alien; and  
290 2. Submits his or her high school transcript prior to  
291 initial enrollment.

292  
293 Nothing in this paragraph shall be construed to prohibit a  
294 public or private high school graduate who does not meet the  
295 criteria of this paragraph from otherwise qualifying as a  
296 resident for tuition purposes under this section.

297 (m) Individuals who receive a tuition exemption or waiver  
298 under s. 961.06(1)(b), s. 1009.25, or s. 1009.26.

299 (11) The classification of a student as a resident for  
300 tuition purposes by an institution of higher education shall be  
301 recognized by other institutions of higher education to which  
302 the student may later seek admission if the student has attended  
303 the institution making the initial classification within the  
304 last 12 months and the residency classification is noted on the  
305 student's transcript. Once a student has been classified as a  
306 resident for tuition purposes, institutions to which the student  
307 may transfer are not required to reevaluate the classification  
308 unless inconsistent information suggests that an erroneous

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309 | classification was made or the student's situation has changed.

310 |     (12)~~(11)~~ Each institution of higher education shall  
311 | establish a residency appeal committee comprised of at least  
312 | three members to consider student appeals of residency  
313 | determinations, in accordance with the institution's official  
314 | appeal process. The residency appeal committee must render to  
315 | the student the final residency determination in writing. The  
316 | institution must advise the student of the reasons for the  
317 | determination.

318 |     (13)~~(12)~~ The State Board of Education and the Board of  
319 | Governors shall adopt rules to implement this section.

320 |     Section 2. This act shall take effect July 1, 2010.