

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.; conforming  
 4           terms to match official names of Florida's higher  
 5           education systems; revising a residency requirement for  
 6           certain dependent children; providing requirements for  
 7           recognition of the classification of a student as a  
 8           resident for tuition purposes by an institution of higher  
 9           education to which a student transfers; providing an  
 10          effective date.

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12 Be It Enacted by the Legislature of the State of Florida:

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14           Section 1. Section 1009.21, Florida Statutes, is amended  
 15          to read:

16           1009.21 Determination of resident status for tuition  
 17          purposes.—Students shall be classified as residents or  
 18          nonresidents for the purpose of assessing tuition in the Florida  
 19          College System ~~community colleges~~ and the State University  
 20          System ~~state universities~~.

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

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

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

28           (c) "Institution of higher education" means any community

29 college as defined in s. 1000.21(3) or state university as  
 30 defined in s. 1000.21(6).

31 (d) "Legal resident" or "resident" means a person who has  
 32 maintained his or her residence in this state for the preceding  
 33 year, has purchased a home which is occupied by him or her as  
 34 his or her residence, or has established a domicile in this  
 35 state pursuant to s. 222.17.

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

38 (f) "Parent" means the natural or adoptive parent or legal  
 39 guardian of a dependent child.

40 (g) "Resident for tuition purposes" means a person who  
 41 qualifies as provided in this section for the in-state tuition  
 42 rate.

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

44 1. A person or, if that person is a dependent child, his  
 45 or her parent or parents must have established legal residence  
 46 in this state and must have maintained legal residence in this  
 47 state for at least 12 consecutive months immediately prior to  
 48 his or her initial enrollment in an institution of higher  
 49 education.

50 2. Every applicant for admission to an institution of  
 51 higher education shall be required to make a statement as to his  
 52 or her length of residence in the state and, further, shall  
 53 establish that his or her presence or, if the applicant is a  
 54 dependent child, the presence of his or her parent or parents in  
 55 the state currently is, and during the requisite 12-month  
 56 qualifying period was, for the purpose of maintaining a bona

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57 | fide domicile, rather than for the purpose of maintaining a mere  
58 | temporary residence or abode incident to enrollment in an  
59 | institution of higher education.

60 |       (b) However, with respect to a dependent child living with  
61 | an adult relative other than the child's parent, such child may  
62 | qualify as a resident for tuition purposes if the adult relative  
63 | is a legal resident who has maintained legal residence in this  
64 | state for at least 12 consecutive months immediately prior to  
65 | the child's initial enrollment in an institution of higher  
66 | education, provided the child has resided continuously with such  
67 | relative for the 4 ~~5~~ years immediately prior to the child's  
68 | initial enrollment in an institution of higher education, during  
69 | which time the adult relative has exercised day-to-day care,  
70 | supervision, and control of the child.

71 |       (c) The legal residence of a dependent child whose parents  
72 | are divorced, separated, or otherwise living apart will be  
73 | deemed to be this state if either parent is a legal resident of  
74 | this state, regardless of which parent is entitled to claim, and  
75 | does in fact claim, the minor as a dependent pursuant to federal  
76 | individual income tax provisions.

77 |       (3) (a) An individual shall not be classified as a resident  
78 | for tuition purposes and, thus, shall not be eligible to receive  
79 | the in-state tuition rate until he or she has provided such  
80 | evidence related to legal residence and its duration or, if that  
81 | individual is a dependent child, evidence of his or her parent's  
82 | legal residence and its duration, as may be required by law and  
83 | by officials of the institution of higher education from which  
84 | he or she seeks the in-state tuition rate.

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

90 (c) Each institution of higher education shall  
91 affirmatively determine that an applicant who has been granted  
92 admission to that institution as a Florida resident meets the  
93 residency requirements of this section at the time of initial  
94 enrollment. The residency determination must be documented by  
95 the submission of written or electronic verification that  
96 includes two or more of the documents identified in this  
97 paragraph. No single piece of evidence shall be conclusive.

98 1. The documents must include at least one of the  
99 following:

- 100 a. A Florida voter's registration card.  
101 b. A Florida driver's license.  
102 c. A State of Florida identification card.  
103 d. A Florida vehicle registration.  
104 e. Proof of a permanent home in Florida which is occupied  
105 as a primary residence by the individual or by the individual's  
106 parent if the individual is a dependent child.  
107 f. Proof of a homestead exemption in Florida.  
108 g. Transcripts from a Florida high school for multiple  
109 years if the Florida high school diploma or GED was earned  
110 within the last 12 months.  
111 h. Proof of permanent full-time employment in Florida for  
112 at least 30 hours per week for a 12-month period.

113 2. The documents may include one or more of the following:

114 a. A declaration of domicile in Florida.

115 b. A Florida professional or occupational license.

116 c. Florida incorporation.

117 d. A document evidencing family ties in Florida.

118 e. Proof of membership in a Florida-based charitable or  
119 professional organization.

120 f. Any other documentation that supports the student's  
121 request for resident status, including, but not limited to,  
122 utility bills and proof of 12 consecutive months of payments; a  
123 lease agreement and proof of 12 consecutive months of payments;  
124 or an official state, federal, or court document evidencing  
125 legal ties to Florida.

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

139 (5) In making a domiciliary determination related to the  
140 classification of a person as a resident or nonresident for

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141 tuition purposes, the domicile of a married person, irrespective  
142 of sex, shall be determined, as in the case of an unmarried  
143 person, by reference to all relevant evidence of domiciliary  
144 intent. For the purposes of this section:

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

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

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

161 (6) (a) Except as otherwise provided in this section, a  
162 person who is classified as a nonresident for tuition purposes  
163 may become eligible for reclassification as a resident for  
164 tuition purposes if that person or, if that person is a  
165 dependent child, his or her parent presents clear and convincing  
166 documentation that supports permanent legal residency in this  
167 state for at least 12 consecutive months rather than temporary  
168 residency for the purpose of pursuing an education, such as

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169 | documentation of full-time permanent employment for the prior 12  
170 | months or the purchase of a home in this state and residence  
171 | therein for the prior 12 months while not enrolled in an  
172 | institution of higher education.

173 |       (b) If a person who is a dependent child and his or her  
174 | parent move to this state while such child is a high school  
175 | student and the child graduates from a high school in this  
176 | state, the child may become eligible for reclassification as a  
177 | resident for tuition purposes when the parent submits evidence  
178 | that the parent qualifies for permanent residency.

179 |       (c) If a person who is a dependent child and his or her  
180 | parent move to this state after such child graduates from high  
181 | school, the child may become eligible for reclassification as a  
182 | resident for tuition purposes after the parent submits evidence  
183 | that he or she has established legal residence in the state and  
184 | has maintained legal residence in the state for at least 12  
185 | consecutive months.

186 |       (d) A person who is classified as a nonresident for  
187 | tuition purposes and who marries a legal resident of the state  
188 | or marries a person who becomes a legal resident of the state  
189 | may, upon becoming a legal resident of the state, become  
190 | eligible for reclassification as a resident for tuition purposes  
191 | upon submitting evidence of his or her own legal residency in  
192 | the state, evidence of his or her marriage to a person who is a  
193 | legal resident of the state, and evidence of the spouse's legal  
194 | residence in the state for at least 12 consecutive months  
195 | immediately preceding the application for reclassification.

196 |       (7) A person shall not lose his or her resident status for

197 | tuition purposes solely by reason of serving, or, if such person  
198 | is a dependent child, by reason of his or her parent's or  
199 | parents' serving, in the Armed Forces outside this state.

200 |       (8) A person who has been properly classified as a  
201 | resident for tuition purposes but who, while enrolled in an  
202 | institution of higher education in this state, loses his or her  
203 | resident tuition status because the person or, if he or she is a  
204 | dependent child, the person's parent or parents establish  
205 | domicile or legal residence elsewhere shall continue to enjoy  
206 | the in-state tuition rate for a statutory grace period, which  
207 | period shall be measured from the date on which the  
208 | circumstances arose that culminated in the loss of resident  
209 | tuition status and shall continue for 12 months. However, if the  
210 | 12-month grace period ends during a semester or academic term  
211 | for which such former resident is enrolled, such grace period  
212 | shall be extended to the end of that semester or academic term.

213 |       (9) Any person who ceases to be enrolled at or who  
214 | graduates from an institution of higher education while  
215 | classified as a resident for tuition purposes and who  
216 | subsequently abandons his or her domicile in this state shall be  
217 | permitted to reenroll at an institution of higher education in  
218 | this state as a resident for tuition purposes without the  
219 | necessity of meeting the 12-month durational requirement of this  
220 | section if that person has reestablished his or her domicile in  
221 | this state within 12 months of such abandonment and continuously  
222 | maintains the reestablished domicile during the period of  
223 | enrollment. The benefit of this subsection shall not be accorded  
224 | more than once to any one person.



225 (10) The following persons shall be classified as  
 226 residents for tuition purposes:

227 (a) Active duty members of the Armed Services of the  
 228 United States residing or stationed in this state, their  
 229 spouses, and dependent children, and active drilling members of  
 230 the Florida National Guard.

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

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

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

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

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

249 (g) Full-time employees of state agencies or political  
 250 subdivisions of the state when the student fees are paid by the  
 251 state agency or political subdivision for the purpose of job-  
 252 related law enforcement or corrections training.

253 (h) McKnight Doctoral Fellows and Finalists who are United  
 254 States citizens.

255 (i) United States citizens living outside the United  
 256 States who are teaching at a Department of Defense Dependent  
 257 School or in an American International School and who enroll in  
 258 a graduate level education program which leads to a Florida  
 259 teaching certificate.

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

265 (k) Active duty members of a foreign nation's military who  
 266 are serving as liaison officers and are residing or stationed in  
 267 this state, and their spouses and dependent children, attending  
 268 a community college or state university within 50 miles of the  
 269 military establishment where the foreign liaison officer is  
 270 stationed.

271 (11) Once a student has been classified as a resident for  
 272 tuition purposes, an institution of higher education to which  
 273 the student transfers is not required to reevaluate the  
 274 classification unless inconsistent information suggests that an  
 275 erroneous classification was made or the student's situation has  
 276 changed; however, the student must have attended the institution  
 277 making the initial classification within the last 12 months and  
 278 the residency classification must be noted on the student's  
 279 transcript.

280 (12)~~(11)~~ Each institution of higher education shall

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281 establish a residency appeal committee comprised of at least  
282 three members to consider student appeals of residency  
283 determinations, in accordance with the institution's official  
284 appeal process. The residency appeal committee must render to  
285 the student the final residency determination in writing. The  
286 institution must advise the student of the reasons for the  
287 determination.

288 (13)~~(12)~~ The State Board of Education and the Board of  
289 Governors shall adopt rules to implement this section.

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