

1 A bill to be entitled
2 An act relating to resident status for tuition
3 purposes; amending s. 1009.21, F.S.; revising the
4 definitions of the terms "dependent child" and
5 "parent"; revising certain residency requirements for
6 a dependent child; prohibiting denial of
7 classification as a resident for tuition purposes
8 based on certain immigration status; revising
9 provisions relating to required documentation as
10 evidence of residency; revising requirements relating
11 to classification or reclassification as a resident
12 for tuition purposes based on marriage; revising
13 requirements relating to reevaluation of
14 classification as a resident for tuition purposes;
15 providing that certain veterans of the Armed Services
16 of the United States and persons who receive certain
17 tuition exemptions or waivers shall be classified as
18 residents for tuition purposes; providing for the
19 adoption of rules and regulations; providing an
20 effective date.

21
22 Be It Enacted by the Legislature of the State of Florida:

23
24 Section 1. Paragraphs (a) and (f) of subsection (1),
25 paragraph (b) of subsection (2), subsections (4) and (5),
26 paragraph (d) of subsection (6), and subsections (8), (10), and
27 (13) of section 1009.21, Florida Statutes, are amended,
28 paragraph (d) is added to subsection (2), and paragraph (d) is

29 added to subsection (3) of that section, to read:

30 1009.21 Determination of resident status for tuition
31 purposes.—Students shall be classified as residents or
32 nonresidents for the purpose of assessing tuition in
33 postsecondary educational programs offered by charter technical
34 career centers or career centers operated by school districts,
35 in Florida College System institutions, and in state
36 universities.

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

38 (a) "Dependent child" means any person, whether or not
39 living with his or her parent, who is eligible to be claimed by
40 his or her parent as a dependent under the federal income tax
41 code or who is not deemed independent for federal financial aid
42 purposes.

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

45 (2)

46 (b) However, with respect to a dependent child living with
47 an adult relative other than the child's parent, such child may
48 qualify as a resident for tuition purposes if the adult relative
49 is a legal resident who has maintained legal residence in this
50 state for at least 12 consecutive months immediately before
51 ~~prior to~~ the child's initial enrollment in an institution of
52 higher education, provided the child has resided continuously
53 with such relative for the 3 5 years immediately before ~~prior to~~
54 the child's initial enrollment in an institution of higher
55 education, during which time the adult relative has exercised
56 day-to-day care, supervision, and control of the child.

57 | (d) A dependent child who is a United States citizen may
58 | not be denied classification as a resident for tuition purposes
59 | based solely upon the immigration status of his or her parent.

60 | (3)

61 | (d) Regardless of dependency status, an applicant who is a
62 | United States citizen, has attended high school in Florida for
63 | at least 3 consecutive years, applies for enrollment within 12
64 | months after graduating from high school, and submits an
65 | official Florida high school transcript as one piece of required
66 | documentation evidencing his or her residence in Florida
67 | pursuant to paragraph (c) may submit as the second piece of
68 | required documentation evidencing residency any item listed
69 | under subparagraph (c)1. or subparagraph (c)2., whether the item
70 | pertains to residency of the applicant or to residency of the
71 | applicant's parent.

72 | (4) With respect to a dependent child, the legal residence
73 | of the dependent child's parent or parents is prima facie
74 | evidence of the dependent child's legal residence, which
75 | evidence may be reinforced or rebutted, relative to the age and
76 | general circumstances of the dependent child, by the other
77 | evidence of legal residence required of or presented by the
78 | dependent child. However, the legal residence of a dependent
79 | child's parent or parents who are domiciled outside this state
80 | is not prima facie evidence of the dependent child's legal
81 | residence if that dependent child has lived in this state for 3
82 | 5 consecutive years before ~~prior to~~ enrolling or reregistering
83 | at the institution of higher education at which resident status
84 | for tuition purposes is sought.

85 (5) A person who physically resides in this state may be
 86 classified as a resident for tuition purposes if he or she
 87 marries a person who meets the 12-month residency requirement
 88 under subsection (2) and otherwise qualifies as a resident for
 89 tuition purposes under this section ~~In making a domiciliary~~
 90 ~~determination related to the classification of a person as a~~
 91 ~~resident or nonresident for tuition purposes, the domicile of a~~
 92 ~~married person, irrespective of sex, shall be determined, as in~~
 93 ~~the case of an unmarried person, by reference to all relevant~~
 94 ~~evidence of domiciliary intent. For the purposes of this~~
 95 ~~section:~~

96 ~~(a) A person shall not be precluded from establishing or~~
 97 ~~maintaining legal residence in this state and subsequently~~
 98 ~~qualifying or continuing to qualify as a resident for tuition~~
 99 ~~purposes solely by reason of marriage to a person domiciled~~
 100 ~~outside this state, even when that person's spouse continues to~~
 101 ~~be domiciled outside of this state, provided such person~~
 102 ~~maintains his or her legal residence in this state.~~

103 ~~(b) A person shall not be deemed to have established or~~
 104 ~~maintained a legal residence in this state and subsequently to~~
 105 ~~have qualified or continued to qualify as a resident for tuition~~
 106 ~~purposes solely by reason of marriage to a person domiciled in~~
 107 ~~this state.~~

108 ~~(c) In determining the domicile of a married person,~~
 109 ~~irrespective of sex, the fact of the marriage and the place of~~
 110 ~~domicile of such person's spouse shall be deemed relevant~~
 111 ~~evidence to be considered in ascertaining domiciliary intent.~~

112 (6)

113 (d) A person classified as a nonresident for tuition
114 purposes may be reclassified as a resident by subsequently
115 marrying a person who meets the criteria to establish residency
116 for tuition purposes. In order to be reclassified, a person must
117 submit all of the following:

118 1. Evidence of his or her own physical residence in this
119 state.

120 2. Evidence of marriage to a person who qualifies as a
121 resident for tuition purposes under this section.

122 3. Documentation to support his or her spouse's residency
123 classification. A person who is classified as a nonresident for
124 tuition purposes and who marries a legal resident of the state
125 or marries a person who becomes a legal resident of the state
126 may, upon becoming a legal resident of the state, become
127 eligible for reclassification as a resident for tuition purposes
128 upon submitting evidence of his or her own legal residency in
129 the state, evidence of his or her marriage to a person who is a
130 legal resident of the state, and evidence of the spouse's legal
131 residence in the state for at least 12 consecutive months
132 immediately preceding the application for reclassification.

133 (8) After a student has been classified as a resident for
134 tuition purposes, an institution of higher education is not
135 required to reevaluate the classification unless inconsistent
136 information suggests that an erroneous classification was made
137 or the student breaks enrollment from the institution for a
138 period of 12 months or longer. A person who has been properly
139 classified as a resident for tuition purposes but who, while
140 enrolled in an institution of higher education in this state,

141 ~~loses his or her resident tuition status because the person or,~~
142 ~~if he or she is a dependent child, the person's parent or~~
143 ~~parents establish domicile or legal residence elsewhere shall~~
144 ~~continue to enjoy the in-state tuition rate for a statutory~~
145 ~~grace period, which period shall be measured from the date on~~
146 ~~which the circumstances arose that culminated in the loss of~~
147 ~~resident tuition status and shall continue for 12 months.~~
148 ~~However, if the 12-month grace period ends during a semester or~~
149 ~~academic term for which such former resident is enrolled, such~~
150 ~~grace period shall be extended to the end of that semester or~~
151 ~~academic term.~~

152 (10) The following persons shall be classified as
153 residents for tuition purposes:

154 (a) Active duty members of the Armed Services of the
155 United States residing or stationed in this state, their
156 spouses, and dependent children, and active drilling members of
157 the Florida National Guard.

158 (b) Active duty members of the Armed Services of the
159 United States and their spouses and dependents attending a
160 Florida College System institution or state university within 50
161 miles of the military establishment where they are stationed, if
162 such military establishment is within a county contiguous to
163 Florida.

164 (c) Veterans of the Armed Services of the United States,
165 including reserve components thereof, who were honorably
166 discharged and who physically reside in this state while
167 enrolled in an institution of higher education.

168 (d) ~~(e)~~ United States citizens living on the Isthmus of

169 Panama, who have completed 12 consecutive months of college work
170 at the Florida State University Panama Canal Branch, and their
171 spouses and dependent children.

172 (e)~~(d)~~ Full-time instructional and administrative
173 personnel employed by state public schools and institutions of
174 higher education and their spouses and dependent children.

175 (f)~~(e)~~ Students from Latin America and the Caribbean who
176 receive scholarships from the federal or state government. Any
177 student classified pursuant to this paragraph shall attend, on a
178 full-time basis, a Florida institution of higher education.

179 (g)~~(f)~~ Southern Regional Education Board's Academic Common
180 Market graduate students attending Florida's state universities.

181 (h)~~(g)~~ Full-time employees of state agencies or political
182 subdivisions of the state when the student fees are paid by the
183 state agency or political subdivision for the purpose of job-
184 related law enforcement or corrections training.

185 (i)~~(h)~~ McKnight Doctoral Fellows and Finalists who are
186 United States citizens.

187 (j)~~(i)~~ United States citizens living outside the United
188 States who are teaching at a Department of Defense Dependent
189 School or in an American International School and who enroll in
190 a graduate level education program which leads to a Florida
191 teaching certificate.

192 (k)~~(j)~~ Active duty members of the Canadian military
193 residing or stationed in this state under the North American Air
194 Defense (NORAD) agreement, and their spouses and dependent
195 children, attending a Florida College System institution or
196 state university within 50 miles of the military establishment

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197 | where they are stationed.

198 | (1)(k) Active duty members of a foreign nation's military
199 | who are serving as liaison officers and are residing or
200 | stationed in this state, and their spouses and dependent
201 | children, attending a Florida College System institution or
202 | state university within 50 miles of the military establishment
203 | where the foreign liaison officer is stationed.

204 | (m) Persons who receive a tuition exemption or waiver
205 | under s. 112.19(3), s. 112.191(3), s. 961.06(1)(b), s.
206 | 1009.25(1)(c), (d), or (f), or s. 1009.26(8) or (10).

207 | (13) The State Board of Education shall adopt rules, and
208 | the Board of Governors shall adopt regulations, ~~rules~~ to
209 | implement this section.

210 | Section 2. This act shall take effect July 1, 2013.