

By Senator Detert

28-01254-14

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1 A bill to be entitled
2 An act relating to resident status for tuition
3 purposes; amending s. 1009.21, F.S.; providing
4 criteria for a dependent child of a deceased parent to
5 qualify as a resident for tuition purposes; providing
6 an effective date.

7
8 Be It Enacted by the Legislature of the State of Florida:

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

12 1009.21 Determination of resident status for tuition
13 purposes.—Students shall be classified as residents or
14 nonresidents for the purpose of assessing tuition in
15 postsecondary educational programs offered by charter technical
16 career centers or career centers operated by school districts,
17 in Florida College System institutions, and in state
18 universities.

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

20 1. A person or, if that person is a dependent child, his or
21 her parent or parents must have established legal residence in
22 this state and must have maintained legal residence in this
23 state for at least 12 consecutive months immediately before
24 ~~prior to~~ his or her initial enrollment in an institution of
25 higher education.

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

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30 dependent child, the presence of his or her parent or parents in
31 the state currently is, and during the requisite 12-month
32 qualifying period was, for the purpose of maintaining a bona
33 fide domicile, rather than for the purpose of maintaining a mere
34 temporary residence or abode incident to enrollment in an
35 institution of higher education.

36 (b) ~~However, with respect to~~ A dependent child living with
37 an adult relative other than the child's parent qualifies, ~~such~~
38 ~~child may qualify~~ as a resident for tuition purposes if:

39 1. The adult relative is a legal resident who has
40 maintained legal residence in this state for at least 12
41 consecutive months immediately before ~~prior to~~ the child's
42 initial enrollment in an institution of higher education; and

43 2. ~~provided~~ The child has resided continuously with such
44 relative for the 5 years immediately before ~~prior to~~ the child's
45 initial enrollment in an institution of higher education, during
46 which time the adult relative has exercised day-to-day care,
47 supervision, and control of the child.

48 (c) ~~The legal residence of~~ A dependent child whose parents
49 are divorced, separated, or otherwise living apart qualifies as
50 a resident for tuition purposes ~~will be deemed to be this state~~
51 if either parent is a legal resident of this state, regardless
52 of which parent is entitled to claim, and does in fact claim,
53 the minor as a dependent pursuant to federal individual income
54 tax provisions.

55 (d) A dependent child whose parent is deceased qualifies as
56 a resident for tuition purposes if the parent was a legal
57 resident of this state at the time of death and the child has
58 lived in this state since the death of the parent. The child

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59 shall submit a copy of the deceased parent's death certificate
60 to the institution along with any other documentation required
61 under subsection (3) to determine the deceased parent's
62 residency.

63 (3) (a) An individual may ~~shall~~ not be classified as a
64 resident for tuition purposes and, thus, may ~~shall~~ not be
65 eligible to receive the in-state tuition rate until he or she
66 has provided such evidence related to legal residence and its
67 duration or, if that individual is a dependent child, evidence
68 of his or her parent's legal residence and its duration, as may
69 be required by law and by officials of the institution of higher
70 education from which he or she seeks the in-state tuition rate.

71 (b) Except as otherwise provided in this section, evidence
72 of legal residence and its duration must ~~shall~~ include clear and
73 convincing documentation that residency in this state was for a
74 minimum of 12 consecutive months before ~~prior to~~ a student's
75 initial enrollment in an institution of higher education.

76 (c) Each institution of higher education shall
77 affirmatively determine that an applicant who has been granted
78 admission to that institution as a Florida resident meets the
79 residency requirements of this section at the time of initial
80 enrollment. The residency determination must be documented by
81 the submission of written or electronic verification that
82 includes two or more of the documents identified in this
83 paragraph. A ~~No~~ single piece of evidence is not ~~shall be~~
84 conclusive.

85 1. The documents must include at least one of the
86 following:

87 a. A Florida voter information ~~voter's registration~~ card.

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- 88 b. A Florida driver ~~driver's~~ license.
- 89 c. A ~~State of~~ Florida identification card.
- 90 d. A Florida vehicle registration.
- 91 e. Proof of a permanent home in Florida which is occupied
- 92 as a primary residence by the individual or by the individual's
- 93 parent if the individual is a dependent child.
- 94 f. Proof of a homestead exemption in Florida.
- 95 g. Transcripts from a Florida high school for multiple
- 96 years if the Florida high school diploma or GED was earned
- 97 within the last 12 months.
- 98 h. Proof of permanent full-time employment in Florida for
- 99 at least 30 hours per week for a 12-month period.
- 100 2. The documents may include one or more of the following:
- 101 a. A declaration of domicile in Florida.
- 102 b. A Florida professional or occupational license.
- 103 c. Florida incorporation.
- 104 d. A document evidencing family ties in Florida.
- 105 e. Proof of membership in a Florida-based charitable or
- 106 professional organization.
- 107 f. Any other documentation that supports the student's
- 108 request for resident status, including, but not limited to,
- 109 utility bills and proof of 12 consecutive months of payments; a
- 110 lease agreement and proof of 12 consecutive months of payments;
- 111 or an official state, federal, or court document evidencing
- 112 legal ties to this state ~~Florida~~.

113 Section 2. This act shall take effect July 1, 2014.