

By Senator Bullard

39-00518-14

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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.; redefining the  
4           terms "dependent child" and "parent"; revising certain  
5           residency requirements for a dependent child;  
6           prohibiting denial of classification as a resident for  
7           tuition purposes based on certain immigration status;  
8           revising provisions relating to required documentation  
9           as evidence of residency; revising requirements  
10          relating to classification or reclassification as a  
11          resident for tuition purposes based on marriage;  
12          revising requirements relating to reevaluation of  
13          classification as a resident for tuition purposes;  
14          providing that certain veterans of the Armed Services  
15          of the United States and persons who receive certain  
16          tuition exemptions or waivers are classified as  
17          residents for tuition purposes; providing for the  
18          adoption of rules and regulations; amending s.  
19          1009.25, F.S.; providing a fee exemption for students  
20          with certain immigration status who meet specified  
21          requirements; amending s. 1009.26, F.S.; authorizing  
22          state universities and Florida College System  
23          institutions to adopt fee and tuition waivers based on  
24          certain student eligibility; providing an effective  
25          date.

26  
27   Be It Enacted by the Legislature of the State of Florida:

28  
29          Section 1. Paragraphs (a) and (f) of subsection (1),

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30 paragraph (b) of subsection (2), subsections (4) and (5),  
31 paragraph (d) of subsection (6), and subsections (8), (10), and  
32 (13) of section 1009.21, Florida Statutes, are amended,  
33 paragraph (d) is added to subsection (2), and paragraph (d) is  
34 added to subsection (3) of that section, to read:

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

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

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

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

50 (2)

51 (b) However, with respect to a dependent child living with  
52 an adult relative other than the child's parent, such child may  
53 qualify as a resident for tuition purposes if the adult relative  
54 is a legal resident who has maintained legal residence in this  
55 state for at least 12 consecutive months immediately before  
56 ~~prior to~~ the child's initial enrollment in an institution of  
57 higher education, provided the child has resided continuously  
58 with such relative for the 3 ~~5~~ years immediately before ~~prior to~~

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59 the child's initial enrollment in an institution of higher  
60 education, during which time the adult relative has exercised  
61 day-to-day care, supervision, and control of the child.

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

65 (3)

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

77 (4) With respect to a dependent child, the legal residence  
78 of the dependent child's parent or parents is prima facie  
79 evidence of the dependent child's legal residence, which  
80 evidence may be reinforced or rebutted, relative to the age and  
81 general circumstances of the dependent child, by the other  
82 evidence of legal residence required of or presented by the  
83 dependent child. However, the legal residence of a dependent  
84 child's parent or parents who are domiciled outside this state  
85 is not prima facie evidence of the dependent child's legal  
86 residence if that dependent child has lived in this state for 3  
87 5 consecutive years before ~~prior to~~ enrolling or reregistering

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88 at the institution of higher education at which resident status  
89 for tuition purposes is sought.

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

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

108 ~~(b) A person shall not be deemed to have established or~~  
109 ~~maintained a legal residence in this state and subsequently to~~  
110 ~~have qualified or continued to qualify as a resident for tuition~~  
111 ~~purposes solely by reason of marriage to a person domiciled in~~  
112 ~~this state.~~

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

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

122           1. Evidence of his or her own physical residence in this  
123 state.

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

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

137           (8) After a person has been classified as a resident for  
138 tuition purposes, an institution of higher education is not  
139 required to reevaluate the classification unless inconsistent  
140 information suggests that an erroneous classification was made  
141 or the student breaks enrollment from the institution for a  
142 period of 12 months or longer ~~A person who has been properly~~  
143 ~~classified as a resident for tuition purposes but who, while~~  
144 ~~enrolled in an institution of higher education in this state,~~  
145 ~~loses his or her resident tuition status because the person or,~~

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

156 (10) The following persons shall be classified as residents  
157 for tuition purposes:

158 (a) Active duty members of the Armed Services of the United  
159 States residing or stationed in this state, their spouses, and  
160 dependent children, and active drilling members of the Florida  
161 National Guard.

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

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

172 (d) ~~(e)~~ United States citizens living on the Isthmus of  
173 Panama, who have completed 12 consecutive months of college work  
174 at the Florida State University Panama Canal Branch, and their

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175 spouses and dependent children.

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

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

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

185 (h)~~(g)~~ Full-time employees of state agencies or political  
186 subdivisions of the state whose ~~when the~~ student fees are paid  
187 by the state agency or political subdivision for the purpose of  
188 job-related law enforcement or corrections training.

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

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

196 (k)~~(j)~~ Active duty members of the Canadian military  
197 residing or stationed in this state under the North American Air  
198 Defense (NORAD) agreement, and their spouses and dependent  
199 children, attending a Florida College System institution or  
200 state university within 50 miles of the military establishment  
201 where they are stationed.

202 (l)~~(k)~~ Active duty members of a foreign nation's military  
203 who are serving as liaison officers and are residing or

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204 stationed in this state, and their spouses and dependent  
205 children, attending a Florida College System institution or  
206 state university within 50 miles of the military establishment  
207 where the foreign liaison officer is stationed.

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

211 (13) The State Board of Education shall adopt rules, and  
212 the Board of Governors shall adopt regulations, ~~rules~~ to  
213 implement this section.

214 Section 2. Subsection (3) is added to section 1009.25,  
215 Florida Statutes, to read:

216 1009.25 Fee exemptions.—

217 (3) A student, other than a nonimmigrant alien within the  
218 meaning of 8 U.S.C. s. 1101(a)(15), is exempt from paying  
219 nonresident tuition at Florida College System institutions and  
220 state universities if the student:

221 (a) Resided in Florida with a parent as defined in s.  
222 1009.21(1) for at least 3 consecutive years immediately before  
223 the date that the student received a high school diploma or its  
224 equivalent and attended a Florida high school for at least 3  
225 consecutive school years during such time; and

226 (b) Provides to a Florida College System institution or a  
227 state university an affidavit stating that the student will file  
228 an application to become a permanent resident of the United  
229 States at the earliest opportunity he or she is eligible to do  
230 so.

231 Section 3. Subsection (9) of section 1009.26, Florida  
232 Statutes, is amended to read:



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233 1009.26 Fee waivers.—

234 (9) Each state university board of trustees and Florida  
235 College System institution board of trustees is authorized to  
236 waive tuition and out-of-state fees for purposes that support  
237 and enhance the mission of the respective institution  
238 university. Such waivers ~~All fees waived~~ must be based on  
239 policies that are adopted by the state university or  
240 institution's board ~~university boards~~ of trustees ~~pursuant to~~  
241 ~~regulations adopted by the Board of Governors~~. Such policies may  
242 base eligibility upon several years of attendance at a Florida  
243 high school and graduation, or its equivalent, from a Florida  
244 high school or upon other criteria that do not explicitly rely  
245 upon state residency in compliance with 8 U.S.C. s. 1623. As  
246 required by the Board of Governors or the State Board of  
247 Education, as applicable, each institution ~~university~~ shall  
248 annually report the purpose, number, and value of all fee  
249 waivers granted ~~annually in a format prescribed by the Board of~~  
250 ~~Governors~~.

251 Section 4. This act shall take effect July 1, 2014.