

1 A bill to be entitled

2 An act relating to determination of resident status
3 for tuition purposes; amending s. 1009.21, F.S.;
4 revising the definitions of the terms "dependent
5 child" and "parent"; revising certain residency
6 requirements for a dependent child; prohibiting denial
7 of classification as a resident for tuition purposes
8 based on certain immigration status; revising
9 requirements for documentation of residency; revising
10 requirements relating to classification or
11 reclassification as a resident for tuition purposes
12 based on marriage; revising requirements relating to
13 reevaluation of classification as a resident for
14 tuition purposes; providing that certain persons are
15 not classified as residents for tuition purposes but
16 are not required to pay out-of-state fees; including
17 certain veterans of the Armed Services of the United
18 States, persons who receive certain tuition exemptions
19 or waivers, and students who meet certain attendance,
20 graduation, and enrollment requirements; providing
21 requirements for receipt of state financial aid awards
22 or tuition assistance grants; providing for the
23 adoption of rules and regulations; providing an
24 effective date.

25
26 Be It Enacted by the Legislature of the State of Florida:

27
28 Section 1. Paragraphs (a) and (f) of subsection (1),
29 paragraph (b) of subsection (2), paragraph (c) of subsection
30 (3), subsections (4) and (5), paragraph (d) of subsection (6),
31 and subsections (8), (10), and (13) of section 1009.21, Florida
32 Statutes, are amended, and paragraph (d) is added to subsection
33 (2) of that section, to read:

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

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

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

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

49 (2)

50 (b) However, with respect to a dependent child living with
51 an adult relative other than the child's parent, such child may
52 qualify as a resident for tuition purposes if the adult relative

53 is a legal resident who has maintained legal residence in this
54 state for at least 12 consecutive months immediately before
55 ~~prior to~~ the child's initial enrollment in an institution of
56 higher education, provided the child has resided continuously
57 with such relative for the 3 ~~5~~ years immediately before ~~prior to~~
58 the child's initial enrollment in an institution of higher
59 education, during which time the adult relative has exercised
60 day-to-day care, supervision, and control of the child.

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

64 (3)

65 (c) Each institution of higher education shall
66 affirmatively determine that an applicant who has been granted
67 admission to that institution as a Florida resident meets the
68 residency requirements of this section at the time of initial
69 enrollment. The residency determination must be documented by
70 the submission of written or electronic verification that
71 includes two or more of the documents identified in this
72 paragraph. Verification of the documents listed in sub-
73 subparagraphs 1.a.-d. may be satisfied by submission of an
74 affidavit by the person claiming residency. No single piece of
75 evidence shall be conclusive.

76 1. The documents must include at least one of the
77 following:

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

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

105 of the dependent child's parent or parents is prima facie
 106 evidence of the dependent child's legal residence, which
 107 evidence may be reinforced or rebutted, relative to the age and
 108 general circumstances of the dependent child, by the other
 109 evidence of legal residence required of or presented by the
 110 dependent child. However, the legal residence of a dependent
 111 child's parent or parents who are domiciled outside this state
 112 is not prima facie evidence of the dependent child's legal
 113 residence if that dependent child has lived in this state for 3
 114 ~~5~~ consecutive years before ~~prior to~~ enrolling or reregistering
 115 at the institution of higher education at which resident status
 116 for tuition purposes is sought.

117 (5) A person who physically resides in this state may be
 118 classified as a resident for tuition purposes if he or she
 119 marries a person who meets the 12-month residency requirement
 120 under subsection (2) and otherwise qualifies as a resident for
 121 tuition purposes under this section ~~In making a domiciliary~~
 122 ~~determination related to the classification of a person as a~~
 123 ~~resident or nonresident for tuition purposes, the domicile of a~~
 124 ~~married person, irrespective of sex, shall be determined, as in~~
 125 ~~the case of an unmarried person, by reference to all relevant~~
 126 ~~evidence of domiciliary intent. For the purposes of this~~
 127 ~~section:~~

128 ~~(a) A person shall not be precluded from establishing or~~
 129 ~~maintaining legal residence in this state and subsequently~~
 130 ~~qualifying or continuing to qualify as a resident for tuition~~

131 ~~purposes solely by reason of marriage to a person domiciled~~
132 ~~outside this state, even when that person's spouse continues to~~
133 ~~be domiciled outside of this state, provided such person~~
134 ~~maintains his or her legal residence in this state.~~

135 ~~(b) A person shall not be deemed to have established or~~
136 ~~maintained a legal residence in this state and subsequently to~~
137 ~~have qualified or continued to qualify as a resident for tuition~~
138 ~~purposes solely by reason of marriage to a person domiciled in~~
139 ~~this state.~~

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

144 (6)

145 (d) A person classified as a nonresident for tuition
146 purposes may be reclassified as a resident by subsequently
147 marrying a person who meets the criteria to establish residency
148 for tuition purposes. In order to be reclassified, a person must
149 submit all of the following:

150 1. Evidence of his or her own physical residence in this
151 state.

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

154 3. Documentation to support his or her spouse's residency
155 classification. A person who is classified as a nonresident for
156 tuition purposes and who marries a legal resident of the state

157 ~~or marries a person who becomes a legal resident of the state~~
158 ~~may, upon becoming a legal resident of the state, become~~
159 ~~eligible for reclassification as a resident for tuition purposes~~
160 ~~upon submitting evidence of his or her own legal residency in~~
161 ~~the state, evidence of his or her marriage to a person who is a~~
162 ~~legal resident of the state, and evidence of the spouse's legal~~
163 ~~residence in the state for at least 12 consecutive months~~
164 ~~immediately preceding the application for reclassification.~~

165 (8) Once any institution of higher education in the state
166 classifies a student as a resident for tuition purposes or
167 verifies that a student meets the criteria under subsection
168 (10), an institution of higher education is not required to
169 reevaluate the classification unless inconsistent information
170 suggests that an erroneous classification was made or the
171 student breaks enrollment from the institution for a period of
172 12 months or longer. A person who has been properly classified
173 ~~as a resident for tuition purposes but who, while enrolled in an~~
174 ~~institution of higher education in this state, loses his or her~~
175 ~~resident tuition status because the person or, if he or she is a~~
176 ~~dependent child, the person's parent or parents establish~~
177 ~~domicile or legal residence elsewhere shall continue to enjoy~~
178 ~~the in-state tuition rate for a statutory grace period, which~~
179 ~~period shall be measured from the date on which the~~
180 ~~circumstances arose that culminated in the loss of resident~~
181 ~~tuition status and shall continue for 12 months. However, if the~~
182 ~~12-month grace period ends during a semester or academic term~~

183 ~~for which such former resident is enrolled, such grace period~~
 184 ~~shall be extended to the end of that semester or academic term.~~

185 (10) The following persons are not ~~shall be~~ classified as
 186 residents for tuition purposes but may be reported for purposes
 187 of state funding and are not required to pay out-of-state fees:

188 (a) Active duty members of the Armed Services of the
 189 United States residing or stationed in this state, their
 190 spouses, and dependent children, and active drilling members of
 191 the Florida National Guard.

192 (b) Active duty members of the Armed Services of the
 193 United States and their spouses and dependents attending a
 194 Florida College System institution or state university within 50
 195 miles of the military establishment where they are stationed, if
 196 such military establishment is within a county contiguous to
 197 Florida.

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

202 (d) ~~(e)~~ United States citizens living on the Isthmus of
 203 Panama, who have completed 12 consecutive months of college work
 204 at the Florida State University Panama Canal Branch, and their
 205 spouses and dependent children.

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

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

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

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

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

221 (j)~~(i)~~ United States citizens living outside the United
222 States who are teaching at a Department of Defense Dependent
223 School or in an American International School and who enroll in
224 a graduate level education program which leads to a Florida
225 teaching certificate.

226 (k)~~(j)~~ Active duty members of the Canadian military
227 residing or stationed in this state under the North American Air
228 Defense (NORAD) agreement, and their spouses and dependent
229 children, attending a Florida College System institution or
230 state university within 50 miles of the military establishment
231 where they are stationed.

232 (l) (k) Active duty members of a foreign nation's military
233 who are serving as liaison officers and are residing or
234 stationed in this state, and their spouses and dependent

235 children, attending a Florida College System institution or
236 state university within 50 miles of the military establishment
237 where the foreign liaison officer is stationed.

238 (m) Persons who receive a tuition exemption or waiver
239 under s. 112.19(3), s. 112.191(3), s. 961.06(1)(b), s.
240 1009.25(1)(c), (d), or (f), or s. 1009.26(8) or (10).

241 (n) Students who attend a secondary school in this state
242 for 3 consecutive years immediately before high school
243 graduation, apply for enrollment in an institution of higher
244 education within 24 months after graduation, and submit an
245 official Florida high school transcript as documentary evidence
246 of attendance and graduation.

247
248 Notwithstanding s. 1009.40(1)(a)2., a person who is not required
249 to pay out-of-state fees pursuant to this subsection may be
250 eligible for state financial aid awards or tuition assistance
251 grants upon submission of proof of United States citizenship,
252 permanent resident status, or other immigration status that
253 permits receipt of federal financial aid.

254 (13) The State Board of Education shall adopt rules, and
255 the Board of Governors shall adopt regulations, ~~rules~~ to
256 implement this section.

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