

1 A bill to be entitled

2 An act relating to postsecondary education tuition and
3 fees; amending s. 1009.21, F.S., relating to the
4 determination of resident status for tuition purposes;
5 revising the definitions of the terms "dependent
6 child" and "parent"; revising certain residency
7 requirements for a dependent child; prohibiting denial
8 of classification as a resident for tuition purposes
9 based on certain immigration status; revising
10 requirements for documentation of residency; revising
11 requirements relating to classification or
12 reclassification as a resident for tuition purposes
13 based on marriage; revising requirements relating to
14 reevaluation of classification as a resident for
15 tuition purposes; classifying persons who receive
16 certain tuition exemptions or waivers as residents for
17 tuition purposes; providing that certain veterans of
18 the Armed Services of the United States and students
19 who meet certain attendance, graduation, and
20 enrollment requirements are not classified as
21 residents for tuition purposes but are exempt from
22 payment of out-of-state fees; authorizing the
23 reporting of such persons for purposes of state
24 funding; providing for the adoption of rules and
25 regulations; amending s. 1009.22, F.S.; revising
26 provisions relating to workforce education

Page 1 of 19

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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27 postsecondary tuition and out-of-state fees; amending
28 s. 1009.23, F.S.; revising provisions relating to
29 Florida College System institution tuition and out-of-
30 state fees; amending s. 1009.24, F.S.; revising
31 provisions relating to state university resident
32 undergraduate tuition; revising the annual percentage
33 increase allowed in the aggregate sum of tuition and
34 the tuition differential at state universities;
35 providing an effective date.

36
37 Be It Enacted by the Legislature of the State of Florida:

38
39 Section 1. Section 1009.21, Florida Statutes, is amended
40 to read:

41 1009.21 Determination of resident status for tuition
42 purposes and exemption from payment of out-of-state fees.-
43 Students shall be classified as residents or nonresidents for
44 the purpose of assessing tuition in postsecondary educational
45 programs offered by charter technical career centers or career
46 centers operated by school districts, in Florida College System
47 institutions, and in state universities.

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

49 (a) "Dependent child" means any person, whether or not
50 living with his or her parent, who is eligible to be claimed by
51 his or her parent as a dependent under the federal income tax
52 code or who is not deemed independent for federal financial aid

53 purposes.

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

56 (c) "Institution of higher education" means any charter
57 technical career center as defined in s. 1002.34, career center
58 operated by a school district as defined in s. 1001.44, Florida
59 College System institution as defined in s. 1000.21(3), or state
60 university as defined in s. 1000.21(6).

61 (d) "Legal resident" or "resident" means a person who has
62 maintained his or her residence in this state for the preceding
63 year, has purchased a home which is occupied by him or her as
64 his or her residence, or has established a domicile in this
65 state pursuant to s. 222.17.

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

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

70 (g) "Resident for tuition purposes" means a person who
71 qualifies as provided in this section for the in-state tuition
72 rate.

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

74 1. A person or, if that person is a dependent child, his
75 or her parent or parents must have established legal residence
76 in this state and must have maintained legal residence in this
77 state for at least 12 consecutive months immediately before
78 ~~prior to~~ his or her initial enrollment in an institution of

79 higher education.

80 2. Every applicant for admission to an institution of
81 higher education shall be required to make a statement as to his
82 or her length of residence in the state and, further, shall
83 establish that his or her presence or, if the applicant is a
84 dependent child, the presence of his or her parent or parents in
85 the state currently is, and during the requisite 12-month
86 qualifying period was, for the purpose of maintaining a bona
87 fide domicile, rather than for the purpose of maintaining a mere
88 temporary residence or abode incident to enrollment in an
89 institution of higher education.

90 (b) However, with respect to a dependent child living with
91 an adult relative other than the child's parent, such child may
92 qualify as a resident for tuition purposes if the adult relative
93 is a legal resident who has maintained legal residence in this
94 state for at least 12 consecutive months immediately before
95 ~~prior to~~ the child's initial enrollment in an institution of
96 higher education, provided the child has resided continuously
97 with such relative for the 3 5 years immediately before ~~prior to~~
98 the child's initial enrollment in an institution of higher
99 education, during which time the adult relative has exercised
100 day-to-day care, supervision, and control of the child.

101 (c) The legal residence of a dependent child whose parents
102 are divorced, separated, or otherwise living apart will be
103 deemed to be this state if either parent is a legal resident of
104 this state, regardless of which parent is entitled to claim, and

105 does in fact claim, the minor as a dependent pursuant to federal
106 individual income tax provisions.

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

110 (3) (a) An individual shall not be classified as a resident
111 for tuition purposes and, thus, shall not be eligible to receive
112 the in-state tuition rate until he or she has provided such
113 evidence related to legal residence and its duration or, if that
114 individual is a dependent child, evidence of his or her parent's
115 legal residence and its duration, as may be required by law and
116 by officials of the institution of higher education from which
117 he or she seeks the in-state tuition rate.

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

123 (c) Each institution of higher education shall
124 affirmatively determine that an applicant who has been granted
125 admission to that institution as a Florida resident meets the
126 residency requirements of this section at the time of initial
127 enrollment. The residency determination must be documented by
128 the submission of written or electronic verification that
129 includes two or more of the documents identified in this
130 paragraph. Verification of the documents listed in sub-

131 subparagraphs 1.a.-d. may be satisfied by submission of an
 132 affidavit by the person claiming residency. No single piece of
 133 evidence shall be conclusive.

134 1. The documents must include at least one of the
 135 following:

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

137 b. A Florida driver ~~driver's~~ license.

138 c. A State of Florida identification card.

139 d. A Florida vehicle registration.

140 e. Proof of a permanent home in Florida which is occupied
 141 as a primary residence by the individual or by the individual's
 142 parent if the individual is a dependent child.

143 f. Proof of a homestead exemption in Florida.

144 g. Transcripts from a Florida high school for multiple
 145 years if the Florida high school diploma or GED was earned
 146 within the last 12 months.

147 h. Proof of permanent full-time employment in Florida for
 148 at least 30 hours per week for a 12-month period.

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

150 a. A declaration of domicile in Florida.

151 b. A Florida professional or occupational license.

152 c. Florida incorporation.

153 d. A document evidencing family ties in Florida.

154 e. Proof of membership in a Florida-based charitable or
 155 professional organization.

156 f. Any other documentation that supports the student's

157 request for resident status, including, but not limited to,
158 utility bills and proof of 12 consecutive months of payments; a
159 lease agreement and proof of 12 consecutive months of payments;
160 or an official state, federal, or court document evidencing
161 legal ties to Florida.

162 (4) With respect to a dependent child, the legal residence
163 of the dependent child's parent or parents is prima facie
164 evidence of the dependent child's legal residence, which
165 evidence may be reinforced or rebutted, relative to the age and
166 general circumstances of the dependent child, by the other
167 evidence of legal residence required of or presented by the
168 dependent child. However, the legal residence of a dependent
169 child's parent or parents who are domiciled outside this state
170 is not prima facie evidence of the dependent child's legal
171 residence if that dependent child has lived in this state for 3
172 5 consecutive years before ~~prior to~~ enrolling or reregistering
173 at the institution of higher education at which resident status
174 for tuition purposes is sought.

175 (5) A person who physically resides in this state may be
176 classified as a resident for tuition purposes if he or she
177 marries a person who meets the 12-month residency requirement
178 under subsection (2) and otherwise qualifies as a resident for
179 tuition purposes under this section ~~In making a domiciliary~~
180 ~~determination related to the classification of a person as a~~
181 ~~resident or nonresident for tuition purposes, the domicile of a~~
182 ~~married person, irrespective of sex, shall be determined, as in~~

183 ~~the case of an unmarried person, by reference to all relevant~~
184 ~~evidence of domiciliary intent. For the purposes of this~~
185 ~~section:~~

186 ~~(a) A person shall not be precluded from establishing or~~
187 ~~maintaining legal residence in this state and subsequently~~
188 ~~qualifying or continuing to qualify as a resident for tuition~~
189 ~~purposes solely by reason of marriage to a person domiciled~~
190 ~~outside this state, even when that person's spouse continues to~~
191 ~~be domiciled outside of this state, provided such person~~
192 ~~maintains his or her legal residence in this state.~~

193 ~~(b) A person shall not be deemed to have established or~~
194 ~~maintained a legal residence in this state and subsequently to~~
195 ~~have qualified or continued to qualify as a resident for tuition~~
196 ~~purposes solely by reason of marriage to a person domiciled in~~
197 ~~this state.~~

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

202 (6) (a) Except as otherwise provided in this section, a
203 person who is classified as a nonresident for tuition purposes
204 may become eligible for reclassification as a resident for
205 tuition purposes if that person or, if that person is a
206 dependent child, his or her parent presents clear and convincing
207 documentation that supports permanent legal residency in this
208 state for at least 12 consecutive months rather than temporary

209 residency for the purpose of pursuing an education, such as
210 documentation of full-time permanent employment for the prior 12
211 months or the purchase of a home in this state and residence
212 therein for the prior 12 months while not enrolled in an
213 institution of higher education.

214 (b) If a person who is a dependent child and his or her
215 parent move to this state while such child is a high school
216 student and the child graduates from a high school in this
217 state, the child may become eligible for reclassification as a
218 resident for tuition purposes when the parent submits evidence
219 that the parent qualifies for permanent residency.

220 (c) If a person who is a dependent child and his or her
221 parent move to this state after such child graduates from high
222 school, the child may become eligible for reclassification as a
223 resident for tuition purposes after the parent submits evidence
224 that he or she has established legal residence in the state and
225 has maintained legal residence in the state for at least 12
226 consecutive months.

227 (d) A person classified as a nonresident for tuition
228 purposes may be reclassified as a resident by subsequently
229 marrying a person who meets the criteria to establish residency
230 for tuition purposes. In order to be reclassified, a person must
231 submit all of the following:

232 1. Evidence of his or her own physical residence in this
233 state.

234 2. Evidence of marriage to a person who qualifies as a

235 resident for tuition purposes under this section.

236 3. Documentation to support his or her spouse's residency
 237 classification. ~~A person who is classified as a nonresident for~~
 238 ~~tuition purposes and who marries a legal resident of the state~~
 239 ~~or marries a person who becomes a legal resident of the state~~
 240 ~~may, upon becoming a legal resident of the state, become~~
 241 ~~eligible for reclassification as a resident for tuition purposes~~
 242 ~~upon submitting evidence of his or her own legal residency in~~
 243 ~~the state, evidence of his or her marriage to a person who is a~~
 244 ~~legal resident of the state, and evidence of the spouse's legal~~
 245 ~~residence in the state for at least 12 consecutive months~~
 246 ~~immediately preceding the application for reclassification.~~

247 (7) A person shall not lose his or her resident status for
 248 tuition purposes solely by reason of serving, or, if such person
 249 is a dependent child, by reason of his or her parent's or
 250 parents' serving, in the Armed Forces outside this state.

251 (8) Once any institution of higher education in the state
 252 classifies a student as a resident for tuition purposes or
 253 verifies that a student meets the criteria under subsection
 254 (11), an institution of higher education is not required to
 255 reevaluate the classification unless inconsistent information
 256 suggests that an erroneous classification was made or the
 257 student breaks enrollment from the institution for a period of
 258 12 months or longer. ~~A person who has been properly classified~~
 259 ~~as a resident for tuition purposes but who, while enrolled in an~~
 260 ~~institution of higher education in this state, loses his or her~~

261 ~~resident tuition status because the person or, if he or she is a~~
262 ~~dependent child, the person's parent or parents establish~~
263 ~~domicile or legal residence elsewhere shall continue to enjoy~~
264 ~~the in-state tuition rate for a statutory grace period, which~~
265 ~~period shall be measured from the date on which the~~
266 ~~circumstances arose that culminated in the loss of resident~~
267 ~~tuition status and shall continue for 12 months. However, if the~~
268 ~~12-month grace period ends during a semester or academic term~~
269 ~~for which such former resident is enrolled, such grace period~~
270 ~~shall be extended to the end of that semester or academic term.~~

271 (9) Any person who ceases to be enrolled at or who
272 graduates from an institution of higher education while
273 classified as a resident for tuition purposes and who
274 subsequently abandons his or her domicile in this state shall be
275 permitted to reenroll at an institution of higher education in
276 this state as a resident for tuition purposes without the
277 necessity of meeting the 12-month durational requirement of this
278 section if that person has reestablished his or her domicile in
279 this state within 12 months after ~~of~~ such abandonment and
280 continuously maintains the reestablished domicile during the
281 period of enrollment. The benefit of this subsection shall not
282 be accorded more than once to any one person.

283 (10) The following persons shall be classified as
284 residents for tuition purposes:

285 (a) Active duty members of the Armed Services of the
286 United States residing or stationed in this state, their

287 spouses, and dependent children, and active drilling members of
 288 the Florida National Guard.

289 (b) Active duty members of the Armed Services of the
 290 United States and their spouses and dependents attending a
 291 Florida College System institution or state university within 50
 292 miles of the military establishment where they are stationed, if
 293 such military establishment is within a county contiguous to
 294 Florida.

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

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

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

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

308 (g) Full-time employees of state agencies or political
 309 subdivisions of the state when the student fees are paid by the
 310 state agency or political subdivision for the purpose of job-
 311 related law enforcement or corrections training.

312 (h) McKnight Doctoral Fellows and Finalists who are United

313 States citizens.

314 (i) United States citizens living outside the United
315 States who are teaching at a Department of Defense Dependent
316 School or in an American International School and who enroll in
317 a graduate level education program which leads to a Florida
318 teaching certificate.

319 (j) Active duty members of the Canadian military residing
320 or stationed in this state under the North American Air Defense
321 (NORAD) agreement, and their spouses and dependent children,
322 attending a Florida College System institution or state
323 university within 50 miles of the military establishment where
324 they are stationed.

325 (k) Active duty members of a foreign nation's military who
326 are serving as liaison officers and are residing or stationed in
327 this state, and their spouses and dependent children, attending
328 a Florida College System institution or state university within
329 50 miles of the military establishment where the foreign liaison
330 officer is stationed.

331 (l) Persons who receive a tuition exemption or waiver
332 under s. 112.19(3), s. 112.191(3), s. 961.06(1)(b), s.
333 1009.25(1)(c), (d), or (f), or s. 1009.26(8) or (10).

334 (11) The following persons are not classified as residents
335 for tuition purposes but are exempt from the payment of out-of-
336 state fees:

337 (a) Veterans of the Armed Services of the United States,
338 including reserve components thereof, who were honorably

339 discharged and who physically reside in this state while
340 enrolled in an institution of higher education.

341 (b) Students, regardless of immigration status, who attend
342 a secondary school in this state for 3 consecutive years
343 immediately before high school graduation, apply for enrollment
344 in an institution of higher education within 24 months after
345 graduation, and submit an official Florida high school
346 transcript as documentary evidence of attendance and graduation.

347
348 Persons who are exempt from the payment of out-of-state fees
349 under this subsection may be reported for purposes of state
350 funding.

351 ~~(12) (11) Once a student has been classified as a resident~~
352 ~~for tuition purposes, an institution of higher education to~~
353 ~~which the student transfers is not required to reevaluate the~~
354 ~~classification unless inconsistent information suggests that an~~
355 ~~erroneous classification was made or the student's situation has~~
356 ~~changed. However, the student must have attended the institution~~
357 ~~making the initial classification within the prior 12 months,~~
358 ~~and the residency classification must be noted on the student's~~
359 ~~transcript.~~ The Higher Education Coordinating Council shall
360 consider issues related to residency determinations and make
361 recommendations relating to efficiency and effectiveness of
362 current law.

363 ~~(13) (12)~~ Each institution of higher education shall
364 establish a residency appeal committee comprised of at least

365 three members to consider student appeals of residency
 366 determinations, in accordance with the institution's official
 367 appeal process. The residency appeal committee must render to
 368 the student the final residency determination in writing. The
 369 institution must advise the student of the reasons for the
 370 determination.

371 (14)~~(13)~~ The State Board of Education shall adopt rules,
 372 and the Board of Governors shall adopt regulations, ~~rules~~ to
 373 implement this section.

374 Section 2. Paragraph (d) of subsection (3) of section
 375 1009.22, Florida Statutes, is amended to read:

376 1009.22 Workforce education postsecondary student fees.—

377 (3)

378 ~~(d) Beginning with the 2008-2009 fiscal year and each year~~
 379 ~~thereafter,~~ The tuition and the out-of-state fee per contact
 380 hour shall increase at the beginning of each fall semester at a
 381 rate ~~equal to inflation, unless otherwise~~ provided in the
 382 General Appropriations Act. If the rate is not provided in the
 383 General Appropriations Act ~~The Office of Economic and~~
 384 ~~Demographic Research shall report the rate of inflation to the~~
 385 ~~President of the Senate, the Speaker of the House of~~
 386 ~~Representatives, the Governor, and the State Board of Education~~
 387 ~~each year prior to March 1. For purposes of this paragraph, the~~
 388 ~~rate of inflation shall be defined as the rate of the 12-month~~
 389 ~~percentage change in the Consumer Price Index for All Urban~~
 390 ~~Consumers, U.S. City Average, All Items, or successor reports as~~

391 ~~reported by the United States Department of Labor, Bureau of~~
392 ~~Labor Statistics, or its successor for December of the previous~~
393 ~~year. In the event the percentage change is negative, the~~
394 tuition and out-of-state fee shall remain at the same level as
395 the prior fiscal year.

396 Section 3. Paragraph (c) of subsection (3) of section
397 1009.23, Florida Statutes, is amended to read:

398 1009.23 Florida College System institution student fees.-
399 (3)

400 ~~(c) Beginning with the 2008-2009 fiscal year and each year~~
401 ~~thereafter,~~ The tuition and the out-of-state fee shall increase
402 at the beginning of each fall semester at a rate ~~equal to~~
403 ~~inflation, unless otherwise provided in the General~~
404 ~~Appropriations Act. If the rate is not provided in the General~~
405 ~~Appropriations Act The Office of Economic and Demographic~~
406 ~~Research shall report the rate of inflation to the President of~~
407 ~~the Senate, the Speaker of the House of Representatives, the~~
408 ~~Governor, and the State Board of Education each year prior to~~
409 ~~March 1. For purposes of this paragraph, the rate of inflation~~
410 ~~shall be defined as the rate of the 12-month percentage change~~
411 ~~in the Consumer Price Index for All Urban Consumers, U.S. City~~
412 ~~Average, All Items, or successor reports as reported by the~~
413 ~~United States Department of Labor, Bureau of Labor Statistics,~~
414 ~~or its successor for December of the previous year. In the event~~
415 ~~the percentage change is negative, the tuition and the out-of-~~
416 state fee per credit hour shall remain at the same levels as the

417 prior fiscal year.

418 Section 4. Paragraph (b) of subsection (4) and paragraph
419 (b) of subsection (16) of section 1009.24, Florida Statutes, are
420 amended to read:

421 1009.24 State university student fees.—

422 (4)

423 (b) ~~Beginning with the 2008-2009 fiscal year and each year~~
424 ~~thereafter,~~ The resident undergraduate tuition per credit hour
425 shall increase at the beginning of each fall semester at a rate
426 ~~equal to inflation, unless otherwise~~ provided in the General
427 Appropriations Act. If the rate is not provided in the General
428 Appropriations Act ~~The Office of Economic and Demographic~~
429 ~~Research shall report the rate of inflation to the President of~~
430 ~~the Senate, the Speaker of the House of Representatives, the~~
431 ~~Governor, and the Board of Governors each year prior to March 1.~~
432 ~~For purposes of this paragraph, the rate of inflation shall be~~
433 ~~defined as the rate of the 12-month percentage change in the~~
434 ~~Consumer Price Index for All Urban Consumers, U.S. City Average,~~
435 ~~All Items, or successor reports as reported by the United States~~
436 ~~Department of Labor, Bureau of Labor Statistics, or its~~
437 ~~successor for December of the previous year. In the event the~~
438 ~~percentage change is negative,~~ the resident undergraduate
439 tuition shall remain at the same level as the prior fiscal year.

440 (16) Each university board of trustees may establish a
441 tuition differential for undergraduate courses upon receipt of
442 approval from the Board of Governors. The tuition differential

443 shall promote improvements in the quality of undergraduate
444 education and shall provide financial aid to undergraduate
445 students who exhibit financial need.

446 (b) Each tuition differential is subject to the following
447 conditions:

448 1. The tuition differential may be assessed on one or more
449 undergraduate courses or on all undergraduate courses at a state
450 university.

451 2. The tuition differential may vary by course or courses,
452 campus or center location, and by institution. Each university
453 board of trustees shall strive to maintain and increase
454 enrollment in degree programs related to math, science, high
455 technology, and other state or regional high-need fields when
456 establishing tuition differentials by course.

457 3. For each state university ~~that has total research and~~
458 ~~development expenditures for all fields of at least \$100 million~~
459 ~~per year as reported annually to the National Science~~
460 ~~Foundation,~~ the aggregate sum of tuition and the tuition
461 differential may not be increased by more than 6 ~~15~~ percent of
462 the total charged for the aggregate sum of these fees in the
463 preceding fiscal year. ~~For each state university that has total~~
464 ~~research and development expenditures for all fields of less~~
465 ~~than \$100 million per year as reported annually to the National~~
466 ~~Science Foundation,~~ the aggregate sum of tuition and the tuition
467 differential may not be increased by more than 15 percent of the
468 total charged for the aggregate sum of these fees in the

469 ~~preceding fiscal year.~~

470 4. The aggregate sum of undergraduate tuition and fees per
471 credit hour, including the tuition differential, may not exceed
472 the national average of undergraduate tuition and fees at 4-year
473 degree-granting public postsecondary educational institutions.

474 5. The tuition differential shall not be included in any
475 award under the Florida Bright Futures Scholarship Program
476 established pursuant to ss. 1009.53-1009.538.

477 6. Beneficiaries having prepaid tuition contracts pursuant
478 to s. 1009.98(2)(b) which were in effect on July 1, 2007, and
479 which remain in effect, are exempt from the payment of the
480 tuition differential.

481 7. The tuition differential may not be charged to any
482 student who was in attendance at the university before July 1,
483 2007, and who maintains continuous enrollment.

484 8. The tuition differential may be waived by the
485 university for students who meet the eligibility requirements
486 for the Florida public student assistance grant established in
487 s. 1009.50.

488 9. Subject to approval by the Board of Governors, the
489 tuition differential authorized pursuant to this subsection may
490 take effect with the 2009 fall term.

491 Section 5. This act shall take effect July 1, 2014.