

By Senator Rodriguez

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1 A bill to be entitled
2 An act relating to postsecondary education tuition and
3 fees; amending s. 1009.21, F.S.; providing that
4 certain individuals may not be denied classification
5 as residents for tuition purposes if certain criteria
6 are met; amending s. 1009.26, F.S.; providing that
7 out-of-state fees for certain individuals who are
8 undocumented for federal immigration purposes shall be
9 waived if certain criteria are met; providing for a
10 uniform out-of-state fee waiver form; providing an
11 effective date.

12
13 Be It Enacted by the Legislature of the State of Florida:

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15 Section 1. Paragraph (e) is added to subsection (2) of
16 section 1009.21, Florida Statutes, to read:

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

24 (2)

25 (e) An individual may not be denied classification as a
26 resident for tuition purposes based solely upon his or her
27 immigration status if he or she:

- 28 1. Is a beneficiary under the federal Family Unity Program;
29 2. Has been granted temporary protected status by the

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30 United States Department of Homeland Security;

31 3. Has been granted a stay of deportation or removal status
32 by the United States Department of Homeland Security or by an
33 administrative or federal court;

34 4. Has been granted deferred enforced departure status by
35 the United States Department of Homeland Security; or

36 5. Has been granted deferred action for childhood arrivals
37 status or another form of prosecutorial discretion by the United
38 States Department of Homeland Security.

39 Section 2. Paragraphs (b) through (d) of subsection (12) of
40 section 1009.26, Florida Statutes, are redesignated as
41 paragraphs (c) through (e), respectively, and a new paragraph
42 (b) and paragraph (f) are added to that subsection to read:

43 1009.26 Fee waivers.—

44 (12)

45 (b) A state university shall waive out-of-state fees for
46 students, including, but not limited to, students who are
47 undocumented for federal immigration purposes, who meet the
48 following requirements:

49 1. Attended and graduated from a postsecondary institution
50 in this state;

51 2. Apply for enrollment in or are currently enrolled in a
52 graduate or professional program at an institution of higher
53 education in this state;

54 3. Submit an official postsecondary transcript as evidence
55 of attendance and graduation; and

56 4. File with the institution of higher education an
57 affidavit stating that the student will file an application to
58 become a permanent resident of the United States at the earliest

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59 opportunity he or she is eligible to do so.

60 (f) The Board of Governors and the State Board of Education

61 shall create a uniform out-of-state fee waiver form.

62 Section 3. This act shall take effect July 1, 2017.