

By Senator Osgood

32-00091-24

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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 that an  
4           individual who has been incarcerated or released from  
5           incarceration within a specified 12-month period may  
6           use expired documentation to establish residency for  
7           tuition purposes; providing that a person may not lose  
8           his or her resident status for tuition purposes due to  
9           incarceration; providing that the legal residence of  
10          an individual before incarceration is prima facie  
11          evidence of the individual's legal residence;  
12          providing an effective date.

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

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16           Section 1. Present subsections (4) through (13) of section  
17   1009.21, Florida Statutes, are redesignated as subsections (6)  
18   through (15), respectively, new subsections (4) and (5) are  
19   added to that section, and paragraph (c) of subsection (3) of  
20   that section is amended, to read:

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

28           (3)

29           (c) Each institution of higher education shall

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30 affirmatively determine that an applicant who has been granted  
31 admission to that institution as a Florida resident meets the  
32 residency requirements of this section at the time of initial  
33 enrollment. The residency determination must be documented by  
34 the submission of written or electronic verification that  
35 includes two or more of the documents identified in this  
36 paragraph. No single piece of evidence shall be conclusive.

37 1. The documents must include at least one of the  
38 following:

- 39 a. A Florida voter's registration card.
- 40 b. A Florida driver license.
- 41 c. A State of Florida identification card.
- 42 d. A Florida vehicle registration.
- 43 e. Proof of a permanent home in Florida which is occupied  
44 as a primary residence by the individual or by the individual's  
45 parent if the individual is a dependent child.
- 46 f. Proof of a homestead exemption in Florida.
- 47 g. Transcripts from a Florida high school for multiple  
48 years if the Florida high school diploma or high school  
49 equivalency diploma was earned within the last 12 months.
- 50 h. Proof of permanent full-time employment in Florida for  
51 at least 30 hours per week for a 12-month period.

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

- 53 a. A declaration of domicile in Florida.
- 54 b. A Florida professional or occupational license.
- 55 c. Florida incorporation.
- 56 d. A document evidencing family ties in Florida.
- 57 e. Proof of membership in a Florida-based charitable or  
58 professional organization.

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59 f. Any other documentation that supports the student's  
60 request for resident status, including, but not limited to,  
61 utility bills and proof of 12 consecutive months of payments; a  
62 lease agreement and proof of 12 consecutive months of payments;  
63 or an official state, federal, or court document evidencing  
64 legal ties to Florida.

65 3. With respect to an individual who is currently  
66 incarcerated in a state or federal correctional facility in this  
67 state or who has been released from such facility within the 12  
68 months preceding the individual's residency determination,  
69 documentation that is provided to support the individual's  
70 request for resident status may be expired if he or she also  
71 provides evidence of such incarceration within the last 12  
72 months in this state.

73 (4) An individual may not lose his or her resident status  
74 for tuition purposes solely by reason of incarceration in a  
75 state or federal correctional facility in this state.

76 (5) The legal residence of an individual before his or her  
77 incarceration in a state or federal correctional facility in  
78 this state is prima facie evidence of the individual's legal  
79 residence, which evidence may be reinforced or rebutted by the  
80 other evidence of legal residence required of or presented by  
81 the individual pursuant to this section. With respect to an  
82 individual who did not have legal residence in this state before  
83 his or her incarceration in a state or federal correctional  
84 facility in this state, legal residence may be established if  
85 all of the following conditions are met:

86 (a) The individual was sentenced to a period of  
87 incarceration of at least 3 years.

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88           (b) The individual has served at least 18 months of the  
89 sentence before his or her initial enrollment in an institution  
90 of higher education.

91           (c) The individual provides documentation evidencing ties  
92 to Florida.

93           Section 2. This act shall take effect July 1, 2024.