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1                   A bill to be entitled  
2           An act relating to determination of resident status for  
3           tuition purposes; amending s. 1009.21, F.S.; revising  
4           definitions; revising provisions relating to qualification  
5           as a resident for tuition purposes; providing for  
6           reclassification of status; providing duties of  
7           institutions of higher education; providing an effective  
8           date.

9

10 Be It Enacted by the Legislature of the State of Florida:

11

12           Section 1. Section 1009.21, Florida Statutes, is amended  
13 to read:

14           1009.21 Determination of resident status for tuition  
15 purposes.-- Students shall be classified as residents or  
16 nonresidents for the purpose of assessing tuition in community  
17 colleges and state universities.

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

19           (a) ~~The term~~ "Dependent child" means any person, whether  
20 or not living with his or her parent, who is eligible to be  
21 claimed by his or her parent as a dependent under the federal  
22 income tax code.

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

25           (c) ~~(b)~~ ~~The term~~ "Institution of higher education" means  
26 any ~~public~~ community college as defined in s. 1000.21(3) or  
27 state university as defined in s.1000.21(6).

28        ~~(d)~~ (e) A "Legal resident" or "resident" means ~~is~~ a person  
 29 who has maintained his or her residence in this state for the  
 30 preceding year, has purchased a home which is occupied by him or  
 31 her as his or her residence, or has established a domicile in  
 32 this state pursuant to s. 222.17.

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

35        ~~(f)~~ (d) ~~The term~~ "Parent" means the natural or adoptive  
 36 parent or legal guardian of a dependent child.

37        ~~(g)~~ (e) A "Resident for tuition purposes" means ~~is~~ a person  
 38 who qualifies as provided in subsection (2) for the in-state  
 39 tuition rate; ~~a "nonresident for tuition purposes" is a person~~  
 40 ~~who does not qualify for the in-state tuition rate.~~

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

42        1. A person or, if that person is a dependent child, his  
 43 or her parent or parents must have established legal residence  
 44 in this state and must have maintained legal residence in this  
 45 state for at least 12 consecutive months immediately prior to  
 46 his or her initial enrollment in an institution of higher  
 47 education qualification. Legal residence must be established by  
 48 written or electronic verification that includes two or more of  
 49 the following Florida documents that demonstrate clear and  
 50 convincing evidence of continuous residence in the state for at  
 51 least 12 consecutive months prior to the student's initial  
 52 enrollment in an institution of higher education: a voter  
 53 information card pursuant to s. 97.071; a driver's license; an  
 54 identification card issued by the State of Florida; a vehicle

55 registration; a declaration of domicile; proof of purchase of a  
 56 permanent home; proof of a homestead exemption in Florida; a  
 57 transcript from a Florida high school; a Florida high school  
 58 equivalency diploma and transcript; proof of permanent full-time  
 59 employment; proof of 12 consecutive months of payment of utility  
 60 bills; a domicile lease and proof of 12 consecutive months of  
 61 payments; or other official state or court documents evidencing  
 62 legal ties to Florida. No single piece of evidence shall be  
 63 conclusive.

64       2. Every applicant for admission to an institution of  
 65 higher education shall be required to make a statement as to his  
 66 or her length of residence in the state and, further, shall  
 67 establish that his or her presence or, if the applicant is a  
 68 dependent child, the presence of his or her parent or parents in  
 69 the state currently is, and during the requisite 12-month  
 70 qualifying period was, for the purpose of maintaining a bona  
 71 fide domicile, rather than for the purpose of maintaining a mere  
 72 temporary residence or abode incident to enrollment in an  
 73 institution of higher education.

74       (b) However, with respect to a dependent child living with  
 75 an adult relative other than the child's parent, such child may  
 76 qualify as a resident for tuition purposes if the adult relative  
 77 is a legal resident who has maintained legal residence in this  
 78 state for at least 12 consecutive months immediately prior to  
 79 the child's initial enrollment in an institution of higher  
 80 education ~~qualification~~, provided the child has resided  
 81 continuously with such relative for the 5 years immediately

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82 prior to the child's initial enrollment in an institution of  
83 higher education ~~qualification~~, during which time the adult  
84 relative has exercised day-to-day care, supervision, and control  
85 of the child.

86 (c) The legal residence of a dependent child whose parents  
87 are divorced, separated, or otherwise living apart will be  
88 deemed to be this state if either parent is a legal resident of  
89 this state, regardless of which parent is entitled to claim, and  
90 does in fact claim, the minor as a dependent pursuant to federal  
91 individual income tax provisions.

92 (d) A person who is classified as a nonresident for  
93 tuition purposes may become eligible for reclassification as a  
94 resident for tuition purposes if that person or, if that person  
95 is a dependent child, his or her parent presents clear and  
96 convincing evidence that supports permanent residency in this  
97 state rather than temporary residency for the purpose of  
98 pursuing an education, such as documentation of full-time  
99 permanent employment for the prior 12 months or the purchase of  
100 a home in this state and residence therein for the prior 12  
101 months while not enrolled in an institution of higher education.  
102 If a person who is a dependent child and his or her parent move  
103 to this state while such child is a high school student and the  
104 child graduates from a high school in this state, the child may  
105 become eligible for reclassification as a resident for tuition  
106 purposes when the parent qualifies for permanent residency.

107 (3) (a) An individual shall not be classified as a resident  
108 for tuition purposes and, thus, shall not be eligible to receive

109 the in-state tuition rate until he or she has provided such  
 110 evidence related to legal residence and its duration or, if that  
 111 individual is a dependent child, documentation of his or her  
 112 parent's legal residence and its duration, as well as  
 113 documentation confirming his or her status as a dependent child,  
 114 as may be required by law and by officials of the institution of  
 115 higher education from which he or she seeks the in-state tuition  
 116 rate. The documentation shall provide clear and convincing  
 117 evidence that residency in this state was for a minimum of 12  
 118 consecutive months prior to the student's initial enrollment in  
 119 an institution of higher education. No single piece of evidence  
 120 shall be conclusive.

121 (b) Each institution of higher learning shall:

122 1. Determine whether an applicant who has been granted  
 123 admission to that institution is a dependent child.

124 2. Affirmatively determine that an applicant who has been  
 125 granted admission to that institution as a Florida resident  
 126 meets the residency requirements of this section at the time of  
 127 initial enrollment.

128 (4) With respect to a dependent child, the legal residence  
 129 of the dependent child's ~~such individual's~~ parent or parents is  
 130 prima facie evidence of the dependent child's ~~individual's~~ legal  
 131 residence, which evidence may be reinforced or rebutted,  
 132 relative to the age and general circumstances of the dependent  
 133 child ~~individual~~, by the other evidence of legal residence  
 134 required of or presented by the dependent child ~~individual~~.  
 135 However, the legal residence of a dependent child's ~~an~~

136 ~~individual whose~~ parent or parents who are domiciled outside  
 137 this state is not prima facie evidence of the dependent child's  
 138 ~~individual's~~ legal residence if that dependent child ~~individual~~  
 139 has lived in this state for 5 consecutive years prior to  
 140 enrolling or reregistering at the institution of higher  
 141 education at which resident status for tuition purposes is  
 142 sought.

143 (5) In making a domiciliary determination related to the  
 144 classification of a person as a resident or nonresident for  
 145 tuition purposes, the domicile of a married person, irrespective  
 146 of sex, shall be determined, as in the case of an unmarried  
 147 person, by reference to all relevant evidence of domiciliary  
 148 intent. For the purposes of this section:

149 (a) A person shall not be precluded from establishing or  
 150 maintaining legal residence in this state and subsequently  
 151 qualifying or continuing to qualify as a resident for tuition  
 152 purposes solely by reason of marriage to a person domiciled  
 153 outside this state, even when that person's spouse continues to  
 154 be domiciled outside of this state, provided such person  
 155 maintains his or her legal residence in this state.

156 (b) A person shall not be deemed to have established or  
 157 maintained a legal residence in this state and subsequently to  
 158 have qualified or continued to qualify as a resident for tuition  
 159 purposes solely by reason of marriage to a person domiciled in  
 160 this state.

161 (c) In determining the domicile of a married person,  
 162 irrespective of sex, the fact of the marriage and the place of

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163 domicile of such person's spouse shall be deemed relevant  
164 evidence to be considered in ascertaining domiciliary intent.

165 (6) Any nonresident person, irrespective of sex, who  
166 marries a legal resident of this state or marries a person who  
167 later becomes a legal resident may, upon becoming a legal  
168 resident of this state, accede to the benefit of the spouse's  
169 immediately precedent duration as a legal resident for purposes  
170 of satisfying the 12-month durational requirement of this  
171 section.

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

176 (8) A person who has been properly classified as a  
177 resident for tuition purposes but who, while enrolled in an  
178 institution of higher education in this state, loses his or her  
179 resident tuition status because the person or, if he or she is a  
180 dependent child, the person's parent or parents establish  
181 domicile or legal residence elsewhere shall continue to enjoy  
182 the in-state tuition rate for a statutory grace period, which  
183 period shall be measured from the date on which the  
184 circumstances arose that culminated in the loss of resident  
185 tuition status and shall continue for 12 months. However, if the  
186 12-month grace period ends during a semester or academic term  
187 for which such former resident is enrolled, such grace period  
188 shall be extended to the end of that semester or academic term.

189 (9) Any person who ceases to be enrolled at or who

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190 graduates from an institution of higher education while  
191 classified as a resident for tuition purposes and who  
192 subsequently abandons his or her domicile in this state shall be  
193 permitted to reenroll at an institution of higher education in  
194 this state as a resident for tuition purposes without the  
195 necessity of meeting the 12-month durational requirement of this  
196 section if that person has reestablished his or her domicile in  
197 this state within 12 months of such abandonment and continuously  
198 maintains the reestablished domicile during the period of  
199 enrollment. The benefit of this subsection shall not be accorded  
200 more than once to any one person.

201 (10) The following persons shall be classified as  
202 residents for tuition purposes:

203 (a) Active duty members of the Armed Services of the  
204 United States residing or stationed in this state, their  
205 spouses, and dependent children, and active members of the  
206 Florida National Guard who qualify under s. 250.10(7) and (8)  
207 for the tuition assistance program.

208 (b) Active duty members of the Armed Services of the  
209 United States and their spouses and dependents attending a  
210 public community college or state university within 50 miles of  
211 the military establishment where they are stationed, if such  
212 military establishment is within a county contiguous to Florida.

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



217 (d) Full-time instructional and administrative personnel  
 218 employed by state public schools, ~~community colleges,~~ and  
 219 institutions of higher education, ~~as defined in s. 1000.04,~~ and  
 220 their spouses and dependent children.

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

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

227 (g) Full-time employees of state agencies or political  
 228 subdivisions of the state when the student fees are paid by the  
 229 state agency or political subdivision for the purpose of job-  
 230 related law enforcement or corrections training.

231 (h) McKnight Doctoral Fellows and Finalists who are United  
 232 States citizens.

233 (i) United States citizens living outside the United  
 234 States who are teaching at a Department of Defense Dependent  
 235 School or in an American International School and who enroll in  
 236 a graduate level education program which leads to a Florida  
 237 teaching certificate.

238 (j) Active duty members of the Canadian military residing  
 239 or stationed in this state under the North American Air Defense  
 240 (NORAD) agreement, and their spouses and dependent children,  
 241 attending a community college or state university within 50  
 242 miles of the military establishment where they are stationed.

243 (k) Active duty members of a foreign nation's military who

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244 are serving as liaison officers and are residing or stationed in  
245 this state, and their spouses and dependent children, attending  
246 a community college or state university within 50 miles of the  
247 military establishment where the foreign liaison officer is  
248 stationed.

249 (11) The State Board of Education and the Board of  
250 Governors shall adopt rules to implement this section.

251 Section 2. This act shall take effect July 1, 2009.