

1 A bill to be entitled

2 An act relating to resident status for tuition
3 purposes; amending s. 1009.21, F.S.; revising the
4 definitions of the terms "dependent child" and
5 "parent"; revising certain residency requirements for
6 a dependent child; prohibiting denial of
7 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 veterans of
15 the Armed Services of the United States, persons who
16 receive certain tuition exemptions or waivers, and
17 students who meet certain graduation, enrollment, and
18 residency documentation requirements shall be
19 classified as residents for tuition purposes;
20 providing for the adoption of rules and regulations;
21 providing an effective date.

22
23 Be It Enacted by the Legislature of the State of Florida:

24
25 Section 1. Paragraphs (a) and (f) of subsection (1),
26 paragraph (b) of subsection (2), paragraph (c) of subsection

27 (3), subsections (4) and (5), paragraph (d) of subsection (6),
 28 and subsections (8), (10), and (13) of section 1009.21, Florida
 29 Statutes, are amended, and paragraph (d) is added to subsection
 30 (2) of that section, to read:

31 1009.21 Determination of resident status for tuition
 32 purposes.—Students shall be classified as residents or
 33 nonresidents for the purpose of assessing tuition in
 34 postsecondary educational programs offered by charter technical
 35 career centers or career centers operated by school districts,
 36 in Florida College System institutions, and in state
 37 universities.

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

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

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

46 (2)

47 (b) However, with respect to a dependent child living with
 48 an adult relative other than the child's parent, such child may
 49 qualify as a resident for tuition purposes if the adult relative
 50 is a legal resident who has maintained legal residence in this
 51 state for at least 12 consecutive months immediately before
 52 ~~prior to~~ the child's initial enrollment in an institution of

53 higher education, provided the child has resided continuously
54 with such relative for the 3 ~~5~~ years immediately before ~~prior to~~
55 the child's initial enrollment in an institution of higher
56 education, during which time the adult relative has exercised
57 day-to-day care, supervision, and control of the child.

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

61 (3)

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

73 1. The documents must include at least one of the
74 following:

- 75 a. A Florida voter information ~~voter's registration~~ card.
76 b. A Florida driver ~~driver's~~ license.
77 c. A State of Florida identification card.
78 d. A Florida vehicle registration.

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

82 f. Proof of a homestead exemption in Florida.

83 g. Transcripts from a Florida high school for multiple
 84 years if the Florida high school diploma or GED was earned
 85 within the last 12 months.

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

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

89 a. A declaration of domicile in Florida.

90 b. A Florida professional or occupational license.

91 c. Florida incorporation.

92 d. A document evidencing family ties in Florida.

93 e. Proof of membership in a Florida-based charitable or
 94 professional organization.

95 f. Any other documentation that supports the student's
 96 request for resident status, including, but not limited to,
 97 utility bills and proof of 12 consecutive months of payments; a
 98 lease agreement and proof of 12 consecutive months of payments;
 99 or an official state, federal, or court document evidencing
 100 legal ties to Florida.

101 (4) With respect to a dependent child, the legal residence
 102 of the dependent child's parent or parents is prima facie
 103 evidence of the dependent child's legal residence, which
 104 evidence may be reinforced or rebutted, relative to the age and

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

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

125 ~~(a) A person shall not be precluded from establishing or~~
126 ~~maintaining legal residence in this state and subsequently~~
127 ~~qualifying or continuing to qualify as a resident for tuition~~
128 ~~purposes solely by reason of marriage to a person domiciled~~
129 ~~outside this state, even when that person's spouse continues to~~
130 ~~be domiciled outside of this state, provided such person~~

131 ~~maintains his or her legal residence in this state.~~

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

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

141 (6)

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

147 1. Evidence of his or her own physical residence in this
148 state.

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

151 3. Documentation to support his or her spouse's residency
152 classification. A person who is classified as a nonresident for
153 tuition purposes and who marries a legal resident of the state
154 or marries a person who becomes a legal resident of the state
155 may, upon becoming a legal resident of the state, become
156 eligible for reclassification as a resident for tuition purposes

157 ~~upon submitting evidence of his or her own legal residency in~~
158 ~~the state, evidence of his or her marriage to a person who is a~~
159 ~~legal resident of the state, and evidence of the spouse's legal~~
160 ~~residence in the state for at least 12 consecutive months~~
161 ~~immediately preceding the application for reclassification.~~

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

181 (10) The following persons shall be classified as
182 residents for tuition purposes:

183 (a) Active duty members of the Armed Services of the
 184 United States residing or stationed in this state, their
 185 spouses, and dependent children, and active drilling members of
 186 the Florida National Guard.

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

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

197 (d)-(e) United States citizens living on the Isthmus of
 198 Panama, who have completed 12 consecutive months of college work
 199 at the Florida State University Panama Canal Branch, and their
 200 spouses and dependent children.

201 (e)-(d) Full-time instructional and administrative
 202 personnel employed by state public schools and institutions of
 203 higher education and their spouses and dependent children.

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

208 (g)-(f) Southern Regional Education Board's Academic Common

209 Market graduate students attending Florida's state universities.

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

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

216 (j)~~(i)~~ United States citizens living outside the United
 217 States who are teaching at a Department of Defense Dependent
 218 School or in an American International School and who enroll in
 219 a graduate level education program which leads to a Florida
 220 teaching certificate.

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

227 (l)(k) Active duty members of a foreign nation's military
 228 who are serving as liaison officers and are residing or
 229 stationed in this state, and their spouses and dependent
 230 children, attending a Florida College System institution or
 231 state university within 50 miles of the military establishment
 232 where the foreign liaison officer is stationed.

233 (m) Persons who receive a tuition exemption or waiver
 234 under s. 112.19(3), s. 112.191(3), s. 961.06(1)(b), s.

235 1009.25(1)(c), (d), or (f), or s. 1009.26(8) or (10).

236 (n) Students who attend a secondary school in this state
237 for 3 consecutive years immediately before high school
238 graduation, apply for enrollment in an institution of higher
239 education within 24 months after graduation, and submit an
240 official Florida high school transcript as documentary evidence
241 of residence in this state. Students who are classified as
242 residents for tuition purposes under this paragraph must also
243 provide proof of United States citizenship to be eligible for
244 state financial aid pursuant to s. 1009.40.

245 (13) The State Board of Education shall adopt rules, and
246 the Board of Governors shall adopt regulations, ~~rules~~ to
247 implement this section.

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