

By the Committee on Education; and Senator Wilson  
581-1867-06

1                                   A bill to be entitled  
2           An act relating to determination of resident  
3           status for tuition purposes; amending s.  
4           1009.21, F.S.; revising definitions; providing  
5           conditions for reclassification as a resident  
6           for tuition purposes; requiring that evidence  
7           be provided relating to legal residency and  
8           dependent status; providing duties of  
9           institutions of higher education; updating  
10          obsolete terminology; providing additional  
11          categories within which students may be  
12          classified as residents for tuition purposes;  
13          limiting eligibility for an award of state  
14          financial aid; providing an effective date.

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

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18           Section 1. Subsections (1), (2), and (3) and  
19 paragraphs (b) and (j) of subsection (10) of section 1009.21,  
20 Florida Statutes, are amended, and paragraphs (l) and (m) are  
21 added to subsection (10) of that section, to read:

22           1009.21 Determination of resident status for tuition  
23 purposes.--Students shall be classified as residents or  
24 nonresidents for the purpose of assessing tuition in community  
25 colleges and state universities.

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

27           (a) ~~The term~~ "Dependent child" means any person,  
28 whether or not living with his or her parent, who is eligible  
29 to be claimed by his or her parent as a dependent under the  
30 federal income tax code and who receives at least 51 percent

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1 of the true cost-of-living expenses from his or her parent, as  
2 further defined in rules of the State Board of Education.

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

5 (c) ~~(b)~~ The term "Institution of higher education"  
6 means any public community college or state university.

7 (d) ~~(c)~~ A "Legal resident" or "resident" means is a  
8 person who has maintained his or her residence in this state  
9 for the preceding year, has purchased a home which is occupied  
10 by him or her as his or her residence, or has established a  
11 domicile in this state pursuant to s. 222.17.

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

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

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

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

21 1. A person or, if that person is a dependent child,  
22 his or her parent or parents must have established legal  
23 residence in this state and must have maintained legal  
24 residence in this state for at least 12 consecutive months  
25 immediately prior to his or her initial enrollment in an  
26 institution of higher education ~~qualification.~~

27 2. Every applicant for admission to an institution of  
28 higher education shall be required to make a statement as to  
29 his or her length of residence in the state and, further,  
30 shall establish that his or her presence or, if the applicant  
31 is a dependent child, the presence of his or her parent or

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1 parents in the state currently is, and during the requisite  
2 12-month ~~qualifying~~ period was, for the purpose of maintaining  
3 a bona fide domicile, rather than for the purpose of  
4 maintaining a mere temporary residence or abode incident to  
5 enrollment in an institution of higher education.

6 (b) However, with respect to a dependent child living  
7 with an adult relative other than the child's parent, such  
8 child may qualify as a resident for tuition purposes if the  
9 adult relative is a legal resident who has maintained legal  
10 residence in this state for at least 12 consecutive months  
11 immediately prior to the child's initial enrollment in an  
12 institution of higher education ~~qualification~~, provided the  
13 child has resided continuously with such relative for the 5  
14 years immediately prior to the child's initial enrollment  
15 ~~qualification~~, during which time the adult relative has  
16 exercised day-to-day care, supervision, and control of the  
17 child.

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

24 (d) A person who is classified as a nonresident for  
25 tuition purposes may become eligible for reclassification as a  
26 resident for tuition purposes if that person or, if that  
27 person is a dependent child, his or her parent presents  
28 documentation that supports permanent residency in this state  
29 rather than temporary residency for the purpose of pursuing an  
30 education, such as documentation of full-time permanent  
31 employment for the previous 12 months or the purchase of a

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1 home in this state and residence therein for the prior 12  
2 months. If a person who is a dependent child and his or her  
3 parent move to this state while such child is a high school  
4 student and the child graduates from a high school in this  
5 state, the child may become eligible for reclassification as a  
6 resident for tuition purposes when the parent qualifies for  
7 permanent residency. However, an illegal immigrant is not  
8 eligible for state financial aid under this paragraph.

9 (3) (a) An individual shall not be classified as a  
10 resident for tuition purposes and, thus, shall not be eligible  
11 to receive the in-state tuition rate until he or she has  
12 provided such evidence related to legal residence and its  
13 duration or, if that individual is a dependent child,  
14 documentation of his or her parent's legal residence and its  
15 duration, as well as documentation confirming his or her  
16 status as a dependent child, as ~~may be~~ required by law and by  
17 officials of the institution of higher education from which he  
18 or she seeks the in-state tuition rate.

19 (b) Each institution of higher education must:

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

22 2. Affirmatively determine that an applicant who has  
23 been granted admission to that institution as a Florida  
24 resident meets the residency requirements of this section at  
25 the time of initial enrollment.

26 (10) The following persons shall be classified as  
27 residents for tuition purposes:

28 (b) Active duty members of the Armed Services of the  
29 United States, and their spouses and dependent children,  
30 ~~dependents~~ attending a public community college or state  
31 university within 50 miles of the military establishment where

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1 they are stationed, if such military establishment is within a  
2 county contiguous to Florida.

3 (j) Active duty members of the Canadian military  
4 residing or stationed in this state under the North American  
5 Aerospace Defense Command ~~Air Defense~~ (NORAD) agreement, and  
6 their spouses and dependent children, attending a community  
7 college or state university within 50 miles of the military  
8 establishment where they are stationed.

9 (l) Full-time employees of international multilateral  
10 organizations based in Florida that are recognized by the  
11 United States Department of State and their spouses and  
12 dependent children.

13 (m) A student, other than a nonimmigrant alien within  
14 the meaning of 8 U.S.C. s. 1001(a)(15), who meets the  
15 following criteria:

16 1. Has resided in Florida with a parent for at least 3  
17 consecutive years immediately preceding the date the student  
18 received a high school diploma or its equivalent.

19 2. Has attended a Florida high school for at least 3  
20 consecutive school years during such time.

21 3. Has filed an affidavit with the institution of  
22 higher education stating that the student has filed an  
23 application to legalize his or her immigration status or will  
24 file such application as soon as he or she is eligible to do  
25 so.

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27 However, students who qualify under this paragraph are not  
28 eligible for state financial aid.

29 Section 2. This act shall take effect July 1, 2006.

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1                   STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
2                   COMMITTEE SUBSTITUTE FOR  
3                   Senate Bill 366

4 This committee substitute:

5 Provides new categories of persons who can become eligible as  
6 residents for tuition purposes, to include those who are  
7 eligible for reclassification based on documentation of  
8 permanent residency, and employees and their families of  
9 international, multilateral companies based in-state and  
10 recognized by the U.S. Department of State;

11 Stipulates that illegal immigrants are not authorized to  
12 receive state financial aid;

13 Amends definition of "dependent child" to include requirement  
14 that the child receive at least 51 percent of the true  
15 cost-of-living expenses from a parent;

16 Defines "initial enrollment" as the first day of class at an  
17 institute of higher education, such that the end date of the  
18 12 month legal residency requirement is extended to the first  
19 day of class; and

20 Requires institutes of higher education to affirmatively  
21 determine whether an admitted applicant is a dependent child  
22 and meets the requirement for residency.

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