

**FLORIDA BOARD OF GOVERNORS
NOTICE OF PROPOSED AMENDED REGULATION**

DATE: September 11, 2025

REGULATION NUMBER AND TITLE: 7.005, Residency for Tuition Purposes

SUMMARY: Board of Governors Regulation 7.005, Residency for Tuition Purposes, establishes consistent policies for the classification of students as residents for tuition purposes in accordance with the criteria set forth in section 1009.21, Florida Statutes. Florida Statute requires each university to determine a student's residency status for tuition purposes.

Board staff proposes a strike-all amendment to Regulation 7.005 to clarify definitions and responsibilities. The proposed amendment makes the following substantive changes, highlighted below.

- Clarifies that responsibility for determining a student's residency status for tuition purposes rests with the universities.
- Defines an independent student.
- Clarifies issues related to reclassification.
- Requires the universities to adopt a regulation for determining a student's residency status for tuition purposes consistent with section 1009.21, Florida Statutes.

FULL TEXT OF THE REGULATION IS INCLUDED WITH THIS NOTICE.

AUTHORITY TO PROPOSE REGULATION(S): Section 7(d), Art. IX, Fla. Const.; BOG Regulation Development Procedure dated March 23, 2006.

THE BOARD OF GOVERNORS' OFFICIAL INITIATING THE PROPOSED REGULATION: Emily Sikes, Vice Chancellor of Academic and Student Affairs

COMMENTS REGARDING THE PROPOSED REGULATION SHOULD BE SUBMITTED WITHIN 14 DAYS OF THE DATE OF THIS NOTICE TO THE CONTACT PERSON IDENTIFIED BELOW. The comments must identify the regulation on which you are commenting:

General Counsel, Board of Governors, State University System, 325 W. Gaines St., Suite 1614, Tallahassee, Florida 32399, (850) 245-0466 (phone), (850) 245-9685 (fax), or generalcounsel@flbog.edu.

7.005 Residency for Tuition Purposes.

~~(1) The purpose of this regulation is to establish consistent policies for the classification of students as residents for tuition purposes in accordance with the criteria set forth in section 1009.21, Florida Statutes.~~

~~(2) For Initial Determination of Residency: Each student shall submit a Florida Residency Declaration, electronically or in other form, and the documentation required by the institution to establish Florida residency for tuition purposes. Verification of whether the student is a dependent child as defined in section 1009.21(1)(a), shall be satisfied if the parent declares on the Florida Residency Declaration that the student is eligible to be claimed as a dependent by the parent under the federal income tax code. The Florida Residency Declaration is incorporated by reference and made a part of this regulation. The Residency Declaration is available at www.flbog.edu and the effective date is September 3, 2015.~~

~~—(a) A dependent student who attended a Florida high school for a minimum of two (2) academic years immediately preceding the student's initial enrollment in an institution of higher education and graduated from a Florida high school or earned a Florida General Educational Development (GED) within the last twelve (12) months may use the high school transcript or GED certificate as evidence of Florida residency. At least one (1) additional document identified in sections 1009.21(3)(c)1. or 1009.21(3)(c)2., must be presented evidencing the parent's legal residency in Florida.~~

~~—(b) If a declaration of domicile, pursuant to section 222.17, Florida Statutes, is being used as one of the documents to establish residency for tuition purposes, the date that an applicant shall be deemed as establishing residency for tuition purposes shall be twelve (12) months hence from the date that the Clerk of Circuit Court notes the declaration was sworn and subscribed to the Clerk. Nothing in this subsection shall prevent the use of additional documentation as evidence that legal residency was established by other means pursuant to section 1009.21(3)(c), as of a date earlier than that established by the declaration of domicile.~~

~~(3) For Residency Reclassification Determination. A student who is classified as a nonresident for tuition purposes may become eligible for reclassification as a resident for tuition purposes by presenting a minimum of three (3) documents identified in sections 1009.21(3)(c)1. or 1009.21(3)(c)2., that convincingly demonstrate the establishment of permanent legal residence in Florida other than for the sole purpose of pursuing a postsecondary education. Documentation must demonstrate that the student or, if the student is a dependent, the student's parent has maintained legal residence in Florida for at least twelve (12) consecutive months immediately prior to the first day of classes for the term for which~~

~~residency reclassification is sought except as otherwise provided in section 1009.21(6).~~

~~(4) The burden of providing clear and convincing documentation that justifies the university's classification of a student as a resident for tuition purposes rests with the applicant. For documentation to be "clear and convincing," it must be credible, trustworthy, and sufficient to persuade the university that the applicant has established legal residency in Florida that is not solely for the purpose of pursuing an education and has relinquished legal residency in any other state for at least twelve (12) months prior to classification. Each university may establish submission deadlines for all documentation that will be used to determine residency for tuition purposes.~~

~~(5) A non United States citizen may be eligible to establish residency for tuition purposes if evidence is presented verifying that the student has legal status in the United States, has met the residency requirements of section 1009.21, and the person is one of the following:~~

~~(a) A foreign national in a non-immigrant visa classification that grants the person the legal ability to establish and maintain a bona fide domicile in the United States:~~

- ~~1. The following visa categories grant the person the legal ability to establish and maintain a bona fide domicile in the United States: A, E, G, H 1B, H 1C, I, K, L, N, NATO 1 7, O 1, R, S, T, U, and V.~~
- ~~2. The following visa categories do not grant the person the legal ability to establish and maintain a bona fide domicile in the United States: B, C, D, F, H 2, H 3, M, P, Q, and TN. J visa holders are not eligible to establish residency for tuition purposes except as provided in section 1009.21(10).~~

~~(b) A permanent resident alien, parolee, asylee, Cuban-Haitian entrant, or other legal alien granted an indefinite stay, or other qualified alien as defined under federal law.~~

~~_____ (c) Pursuant to section 1009.21(2)(d), a dependent student who is a _____
_____ U.S. citizen may not be denied classification as a resident for tuition _____
_____ purposes based solely upon the immigration status of the student's _____
_____ parent.~~

~~(6) Each university's residency appeal process established pursuant to section 1009.21(12), shall be in writing and displayed prominently on the university's web site website.~~

~~Authority: Section 7(d), Art. IX, Fla. Const., History — Formerly 6C 2.51, 11-18-70, 8-20-71, 6-5-73, 3-4-74, 12-17-74, 1-13-76, 12-13-77, 8-11-81, 6-21-83, 12-14-83, 6-10-84, 10-7-85, 12-31-85, Formerly 6C 7.05, 11-9-92, 4-16-96, Amended and Renumbered 4-21-05. Amended 03-24-11, Amended 9-3-15.~~

7.005 Determination of Residency Status for Tuition Purposes

(1) The purpose of this regulation is to establish consistent policies to determine a student's residency status for tuition purposes after the student has been admitted to a state university in accordance with the criteria set forth in Federal law and section 1009.21, Florida Statutes.

(2) Definitions:

- a. "Dependent student" has the same meaning as "dependent child" as defined in section 1009.21, Florida Statutes.
- b. "Independent student" for the purposes of residency determination shall be defined as a student meeting one of the following criteria:
 1. The student is 24 years old or older by the first day of classes of the term for which residency status is sought at the institution.
 2. The student is married.
 3. The student has dependents that live with him or her, and the student provides more than half of the income to support those dependents.
 4. The student is a graduate or professional student.
 5. The student is actively serving in the United States Armed Forces, the National Guard, or is a veteran.
 6. The student is not eligible to be claimed as a dependent by his or her parent or legal guardian for federal income tax purposes according to the rules and regulations established by the United States Internal Revenue Service.
 7. The student can demonstrate that he or she pays more than half of his or her annual tuition and required fees for a non-resident student pursuant to section 1009.24, Florida Statutes.
 8. Both parents of the student are deceased.
- c. "Resident student" means an admitted or currently enrolled student who meets the requirements in section 1009.21, Florida Statutes, and the provisions of this regulation, and is therefore eligible to pay the resident tuition and fee rate as described in section 1009.24, Florida Statutes. Students meeting this definition shall be reported as residents of Florida for data reporting purposes.
- d. "Non-resident student" means an admitted or currently enrolled student who does not meet the requirements in section 1009.21, Florida Statutes, and the provisions of this regulation, and must therefore be charged the non-resident tuition and fee rate. Students meeting this definition shall be reported as non-resident students for data reporting purposes.

- (3) If a declaration of domicile, pursuant to section 222.17, Florida Statutes, is being used as one of the documents to establish residency for tuition purposes, the date that an applicant shall be deemed as establishing residency for tuition purposes shall be twelve (12) months after the date that the Clerk of the Circuit Court notes the declaration was sworn and subscribed to them. Nothing in this paragraph shall prevent the use of additional documentation as evidence that legal residency was established by other means pursuant to section 1009.21(3)(c), Florida Statutes, as of a date earlier than that established by the declaration of domicile.
- (4) A currently enrolled student who is classified as a non-resident for tuition purposes must be allowed to apply for reclassification as a resident for tuition purposes if the student, or their parent or legal guardian in the case of a dependent student, is able to meet the requirements set forth in section 1009.21, Florida Statutes to be considered a resident of Florida for tuition purposes.
- a. Reclassified students are not entitled to reimbursement of any non-resident tuition or fees properly assessed prior to reclassification.
 - b. Reclassified students shall be assessed the resident tuition and fee rate at the start of the next academic term after the reclassification occurs based on the deadlines established by the institution.
 - c. Nothing in this regulation precludes an institution from requesting additional documentation as defined in section 1009.21(3), Florida Statutes, to support a student's request for reclassification of residency status.
- (5) Each state university shall develop regulations and policies for determining each admitted student's Florida residency status for tuition purposes. Regulations and policies shall be consistent with the criteria set forth in section 1009.21, Florida Statutes. Each institution's residency appeal process and reclassification process established pursuant to section 1009.21(12), Florida Statutes, shall be in the institution's catalog and prominently displayed on the institution's website. Such regulations and policies shall address, at a minimum:
- a. The requirement for each admitted student seeking to declare residency for tuition purposes to submit a residency declaration, as prescribed by the institution, and the documentation required by the institution to establish Florida residency for tuition purposes.
 - b. The right of the university to establish submission deadlines for all documentation used to determine residency for tuition purposes.
 - c. A requirement for written notice to admitted students that the burden of providing clear and convincing documentation to justify the institution's classification of a student's residency status for tuition purposes rests with the student or, if the student is a dependent, with the student's parent or legal guardian. For documentation to be "clear and convincing," it must be

credible, precise, and compelling enough to persuade the institution that the student or, if that student is a dependent, the student's legal guardian has established legal residency in Florida.

- d. The right for the university to request additional documentation to affirmatively determine residency for tuition purposes, including documentation required to review an admitted student's citizenship status for the purposes of determining residency in accordance with section 1009.21 (2)(d), Florida Statutes.
- e. The requirement for the university to ensure that the student, parent or legal guardian has resided in Florida for at least twelve (12) consecutive months immediately preceding the term in which the student is seeking residency classification, and their purpose for residence in the State shall not be solely for the purpose of pursuing an education, except as otherwise provided in section 1009.21, Florida Statutes.
- f. A requirement for written notice disclosing the penalties for intentional fraud or misrepresentation of the student's residency status, or if that student is a dependent, the student's parent or legal guardian's residency status.

Authority: Section 7(d), Art. IX, Fla. Const., s. 1009.21, F.S., History - Amended and Renumbered 4-21-05. Amended 03-24-11, Amended 9-3-15, Amended XX-XX-2025.