

6Hx19-6.04 FLORIDA RESIDENTS FOR PURPOSES OF ASSESSING STUDENT FEES

The purpose of this Board Rule is to establish Board policy relating to residency for purposes of assessing student fees.

For the purpose of assessing registration fees, the following provisions of Florida Statute 1009.21 will govern actions by the College:

Students shall be classified as residents or nonresidents for the purpose of assessing tuition fees in public community colleges and universities.

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

(1) A person or, if that person is a dependent child, his/her parent or parents must have established legal residence in this state and must have maintained legal residence in this state for at least 12 consecutive months immediately prior to his/her qualification.

(2) Every applicant for admission to an institution of higher education shall be required to make a statement as to his/her length of residence in the state and, further, shall establish that his/her presence or, if he/she is a dependent child, the presence of his/her parent or parents in the state currently is, and during the requisite 12 consecutive month qualifying period was, for the purpose of maintaining a bona fide domicile, rather than for the purpose of maintaining a more temporary residence or abode incident to enrollment in an institution of higher education.

(b) However, with respect to a dependent child living with an adult relative other than the child's parent, such child may qualify as a resident for tuition purposes if the adult relative is a legal resident who has maintained legal residence in this state for at least 12 consecutive months immediately prior to the child's qualification, provided the child has resided continuously with such relative for the three (3) years immediately prior to the child's qualification, during which time the adult relative has exercised day-to-day care, supervision, and control of the child.

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

(d) An individual that is considered independent per the Florida Residency Guidelines for Tuition Purposes (1009.21), but cannot provide two documents to prove their twelve-month residency in Florida can petition the Registrar to utilize a Family Ties Affidavit. The individual must be able to prove that they have lived in the State of Florida for 12 consecutive months or more through traditional documentation. An independent individual can prove residency through an immediate verifiable relative (mother, father, grandparent, etc.). The Family Ties Affidavit must be completed filled out, notarized, and include appropriate documentation that ties them to the person that is proving Florida residency for them (birth certificate, marriage certificate, etc.). Upon presentation of the Family Ties Affidavit and documents evidencing legal residence in Florida the individual shall be granted in-state tuition at the Registrar's discretion.

An individual shall not be classified as a resident for tuition purposes and, thus, shall not be eligible to receive the in-state tuition rate until he/she has provided such evidence related to legal residence and its duration as may be required by officials of the institution of higher education from which he/she seeks the in-state tuition rate.

With respect to a dependent child, the legal residence of such individual's parent or parents is prima facie evidence of the individual's legal residence, which evidence may be reinforced or rebutted, relative to the age and general circumstances of the individual, by the other evidence of legal residence required of or presented by the individual. However, the legal residence of an individual whose parent or parents are domiciled outside this state is not prima facie evidence of the individual's legal residence if that individual has lived in this state for five (5) consecutive years prior to enrolling or re-registering at the institution of higher education at which residence status for tuition purposes is sought.

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

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

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

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

Any non-residence person, irrespective of sex, who marries a legal resident of this state or marries a person who later becomes a legal resident may, upon becoming a legal resident of this state, accede to the benefit of the spouse's immediately precedent duration as a legal resident for purpose of satisfying the 12-month durational requirement of this section. A person shall not lose his resident status for tuition purposes solely by reason of serving, or, if such person is a dependent child, by reason of his parent's or parents' serving, in the Armed Forces outside this state.

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

Any person who ceases to be enrolled at or who graduates from an institution of higher education while classified as a resident for tuition purposes and who subsequently abandons his domicile in this state shall be permitted to re-enroll at an institution of higher education in this state as a resident for tuition purposes without the necessity of meeting the 12-month durational requirement of the section if that person has reestablished his/her domicile in this state within 12 months of such abandonment and continuously maintains the reestablished domicile during the period of enrollment. The benefit of this subsection shall not be accorded more than once to any one person.

The following persons shall be classified as residents for tuition purposes:

(a) Active duty members of the Armed Services of the United States residing or stationed in this state, their spouses and dependent children.

- (b) Active duty members of the Armed Services of the United States and their spouses attending a public community college or university within 50 miles of the military establishment where they are stationed, if such military establishment is within a county contiguous to Florida.
- (c) United States citizens living on the Isthmus of Panama, who have completed 12 consecutive months of college work at the Florida State University Panama Canal Branch, and their spouses and dependent children.
- (d) Full-time instructional and administrative personnel employed by state public schools, community colleges, and institutions of higher education, as defined in Florida Statute, 1001.01 and their spouses and dependent children.
- (e) Students from Latin America and the Caribbean who receive scholarships from the federal or state government. Any student classified pursuant to this paragraph shall attend, on a full-time basis, a Florida institution of higher education.
- (f) Southern Regional Education Board's Academic Common Market graduate students attending Florida's state universities.
- (g) Full-time employees of state agencies or political subdivisions of the state when the student fees are paid by the state agency or political subdivision for the purpose of job related law enforcement or corrections training.
- (h) McKnight Doctoral Fellows and Finalists who are United States citizens.
- (i) United States citizens living outside the United States who are teaching at a Department of Defense Dependent School or in an American International School and who enroll in a Board of Regents-approved graduate level education program which leads to a Florida teaching certificate.
- (j) Active duty members of the Canadian military residing or stationed in this state under the North American Air Defense (NORAD) agreement, and their spouse and dependent children, attending a Florida College System institution or state university within 50 miles of the military establishment where the foreign liaison officer is stationed.
- (k) Active duty members of a foreign nation's military who are serving as liaison officers and are residing or stationed in this state, and their spouses and dependent children, attending a Florida College System institution or state

university within 50 miles of the military establishment where the foreign liaison officer is stationed.

If the applicant qualifies as a bona fide Florida resident, proof in the form of a notarized residency affidavit must be submitted as part of the admission requirements along with appropriate documentation. Proof of guardianship is required when applicable.

Application for changing Florida resident status must be made to the Admissions and Student Records Office. If application, including all supporting materials, is made after the last day of drop/add registration in a full term, it will not become effective until the following term. A new affidavit must be filed with any renewal application.

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Legal Authority:

General Authority: Florida Statutes: 1001.64; 1001.65; 1009

Other References: Florida Administrative Code: 6A-10.44; 6A-14.054

Law Implemented: Florida Statutes: 1001.64(1)(2)(4)(8)(43)(44);
1001.65(1)(4)(16)(24); 1009.21

Proposer: Timothy L. Beard, President
■President's Cabinet Approval – Non-Substantive/Editorial