

NORTHWEST FLORIDA STATE COLLEGE
Policy Number 6Hx17-4.50

TITLE:	FLORIDA STUDENT DEFINITION
REFERENCE:	FS 1009.21
HISTORY:	Florida Statute Revised in 2007

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

(1) As defined in this section:

(a) The term "**dependent child**" means any person, whether or not living with his or her parent, who is eligible to be claimed by his or her parent as a dependent under the Federal Income Tax Code.

(b) The term "**institution of higher education**" means any public community college or state university.

(c) A "**legal resident**" or "**resident**" is a person who has maintained his or her residence in this state for the preceding year, has purchased a home which is occupied by him or her as his or her residence, or has established a domicile in this state pursuant to s. 222.17.

(d) The term "**parent**" means the natural or adoptive parent or legal guardian of a dependent child.

(e) A "**resident for tuition purposes**" is a person who qualifies as provided in subsection (2) for the in-state tuition rate; a "**nonresident for tuition purposes**" is a person who does not qualify for the in-state tuition rate.

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

1. A person or, if that person is a dependent child, his or 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 months immediately prior to his or her qualification.

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

for the purpose of maintaining a mere 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 a least 12 months immediately prior to the child's qualification, provided the child has resided continuously with such relative for the 5 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.

(3) 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 or 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 or she seeks the in-state tuition rate.

(4) 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 5 consecutive years prior to enrolling or reregistering at the institution of higher education at which resident status for tuition purposes is sought.

(5) 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 that person's spouse continues to be domiciled outside of this state, provided such person maintains his or her 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.

(6) Any nonresident 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 purposes of satisfying the 12-month durational requirement of this section.

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

(8) 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 or her resident tuition status because the person or, if he or she is a dependent child, the person's 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.

(9) 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 or her domicile in this state shall be permitted to reenroll 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 this section if that person has reestablished his or her domicile in this state within 12 months of such abandonment and continuously maintains the reestablishment domicile during the period of enrollment. The benefit of this subsection shall not be accorded more than once to any one person.

(10) 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, and active members of the Florida National Guard who qualify under s. 250.10(7) and (8) for the tuition assistance program..

(b) Active duty members of the Armed Services of the United States and their spouses and dependents attending a public community college or state 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 s. 1004.04, 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 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 spouses and dependent children, attending a community college or state university within 50 miles of the military establishment where they are stationed.
- (k) Active duty members of a foreign nation's military who are serving as liaison officers residing or stationed in this state, and their spouses and dependent children, attending a community college or state university within 50 miles of the military establishment where the foreign liaison officer is stationed.

11. The State Board of Education and the Board of Governors shall by rules to implement this section.

History – s.2, ch. 2002-270; s. 400, ch. 2002-387; s. 14, 2004-230; s. 132, ch. 2007-217