

NORTHWEST FLORIDA STATE COLLEGE

Classification as a Resident for Tuition Purposes

Read this important information – Your tuition assessment depends on it!

This information summarizes Northwest Florida State College's procedure for verification of Florida residency for tuition purposes in compliance with the provisions of Florida Statute 1009.21, State Board of Education Rule 6A.10.044, (Revised Oct. 27, 2010) and the Board of Governors Residency Regulation. NWF State College will abide by the laws of the state and the regulations established by the Board of Education. Any questions about classification should be directed to the Office of Enrollment Services at (850) 729-4901. Please note: *The staff should not be expected to debate the fairness or equity of the Florida Statutes or State Board Rules but rather assist the student (and their parents, if applicable) in interpreting the statute and rule.*

A copy of the state-wide residency guidelines can be obtained at <https://www.flrules.org/gateway/RuleNo.asp?ID=6A-10.044>. A Request for In-State Tuition Consideration form is available at all NWF State College locations for students wishing to file a written appeal for Florida residency for tuition purposes. All residency appeals are reviewed by the Residency Appeal Committee who will render the final residency determination in writing to the student.

RESIDENCE CLASSIFICATION FOR TUITION PURPOSES

State Law and State Board Rule provide two distinct definitions: (1) Resident and (2) Resident for Tuition Purposes. To be eligible for Florida residency for tuition purposes, a student (or a dependent student's mother, father, or legal guardian) must be a United States citizen or a Legal Permanent Resident Alien and must have established and maintained legal Florida residence for at least 12 months prior to the first day of classes of the term for which Florida residency status is requested. For late starting, fast-track, mini-session or week-end classes, the first day of class for the main term or semester will be the determining date.

1. ESTABLISHMENT OF LEGAL FLORIDA RESIDENCY – PHYSICAL PRESENCE VERSUS FLORIDA RESIDENCE FOR TUITION PURPOSES

Living or attending school in the State of Florida is not tantamount to establishing a legal residence for tuition purposes. In this regard, documentation must be provided to support permanent, legal residency over and above mere physical presence to attend school. Such documentation must reflect and support a claim to maintaining twelve continuous months of residency.

DOCUMENTARY EVIDENCE

To be in compliance with Florida Law and State Board of Education Rule, documentation dated or issued at least 12 months prior to the first day of classes for the term in which residency is requested is REQUIRED. Possession of a legal tie to any other state (i.e. driver's license, vehicle registration, voter registration) negates the ability to be classified as a Florida resident for tuition purposes. At least two (2) of the following documents belonging to the claimant must be submitted **with dates that evidence the 12-month qualifying period. At least one of the documents must be from the First Tier. A FL driver's license and a FL ID card are considered to be one item. Re-classification from out-of-state to in-state requires verification from three (3) of the following documents.**

FIRST TIER – At least one of the two documents submitted must be from this list and must verify Florida residency for the preceding 12 consecutive months prior to the first day of classes for the term of enrollment:

- FL Drivers license (if from another state other than Florida, must relinquish)
- State of Florida Identification Card – must be accompanied by statement or documentation indicating student does not drive a motor vehicle
- FL Voter registration card
- FL Vehicle registration
- Proof of purchase of a permanent home that is occupied as a primary residence of the claimant (Copy of mortgage documents are required)
- Proof of a Florida Homestead Exemption for the current year (copy of Homestead Exemption certificate is required)
- Transcript from a Florida high school showing 2 or more years of enrollment if the FL high school diploma or GED was earned within last 12 months (copies of transcript required along with GED certificate, if applicable.)
- Proof of **permanent** employment for the previous consecutive 12-month period in job(s) totaling 30 hours/week. (Letter from employer(s) required)

SECOND TIER – (may be used in conjunction with one document from First Tier). Copies of all documents must be submitted.

- Declaration of domicile (attach copy; must be dated one year prior to first day of term of enrollment)
- A Florida professional or occupational license (copy required) Concealed weapon permit is not included.
- Florida incorporation (copy required)
- Documents evidencing family ties in Florida (Contact Admissions Office for acceptable documentation)
- Proof of membership in Florida-based charitable or professional organizations (copy required)
- Utility bills and proof of 12 consecutive months of payments (documentation for previous 12 months required)
- Lease agreement and proof of 12 consecutive months of payments (copy of lease required)
- Official State, federal, or court documents evidencing legal ties to Florida. Documents related to incarceration cannot be used.

IF YOU ARE UNABLE TO PROVIDE TWO DOCUMENTS AS LISTED ABOVE, THEN YOU MOST LIKELY WILL BE CONSIDERED AN OUT-OF-STATE RESIDENT. A "REQUEST FOR IN-STATE TUITION CONSIDERATION" FORM IS AVAILABLE AT ALL NWF STATE COLLEGE CAMPUS LOCATIONS FOR INDIVIDUALS WITH CIRCUMSTANCES OR OTHER DOCUMENTATION THAT THEY BELIEVE MAY QUALIFY FOR IN-STATE TUITION CONSIDERATION. THIS APPEAL WILL BE REVIEWED BY THE RESIDENCY APPEAL COMMITTEE WHO WILL RENDER THE FINAL RESIDENCY DETERMINATION IN WRITING TO THE STUDENT.

DEPENDENT VS. INDEPENDENT STUDENT

The determination of dependent or independent status is the basis for whether the student has to submit his/her own documentation of residency (as an independent) or his/her parent's/guardian's documentation of residency (as a dependent). **Dependent or independent status will be based on a copy of a student's or his/her parent's most recent tax return or other documentation as appropriate.** Other documentation includes information submitted on or in conjunction with the Admissions application, on the Residency Classification form, or other supporting evidence collected by the institution. When tax returns are collected for the purpose of proving independent status, the social security numbers should be blackened out. Some people cannot be claimed as dependent. See IRS Publication 501, Exemptions, Standard Deduction, and Filing Information for additional tests to determine who can be claimed as a dependent.

DEPENDENT STUDENT – Students who are claimed on their parent's tax return as a dependent for the previous calendar year shall be considered to be dependent. In addition, a student, whether or not living with his/her parent, who is eligible to be claimed by his/her parent as a dependent under the federal income tax code shall be classified as dependent. In general, the IRS requires that a "qualifying child" or "dependent" meet six (6) tests:

1. The child must be your son, daughter, or stepchild.
2. The child must be: (a) under age 19 at end of the year; (b) under age 24 at end of the year AND a full-time student; or (c) any age if permanently disabled.
3. The child must have lived with you for more than half of the year subject to IRS exceptions.
4. The child must have NOT provided more than half of his/her own support for the year.
5. The child is NOT filing a joint return for the year (unless that joint return is filed only as a claim for refund).
6. If the child meets the rules to be a qualifying child of more than one person, you must be the person entitled to claim the child as a qualifying child.

STATUTORY EXCEPTIONS/QUALIFICATIONS – In certain circumstances Florida Statutes provides an avenue for students who have lived in Florida for five (5) or more years to submit documentation requesting in-state tuition consideration. In most cases, residency determinations for dependent students are based on the legal residence of the parent or legal guardian. However, Section 1009.21(4), Florida Statutes allows dependent students to establish Florida residency using their own documentation provided certain criteria are met. **Students meeting the following situations will be required to submit a Residency Addendum Form and provide documentation verifying Florida residency for all five (5) consecutive years:**

1. Individuals who have parents domiciled outside Florida provided student has maintained legal Florida residency for the preceding five (5) years.
2. Individuals who have parents currently serving as active duty members of the Armed Services stationed outside of Florida
3. Individuals who have lived for a minimum of five (5) years with an adult relative who has appropriate documentation verifying legal residency in Florida for the preceding consecutive 12-months. Both the dependent child and adult relative must meet the consecutive 12 month legal residence requirement.
4. Individuals providing documentation proving they have lived in Florida for five (5) or more consecutive years.

INDEPENDENT STUDENT – A student who meets any one of the following criteria shall be classified as an independent student for the determination of residency for tuition purposes. Evidence that the student meets one of these criteria will be requested by the higher education institution.

1. The student is 24 years of age or older by the first day of classes of the term for which residency status is sought at a Florida institution
2. The student is married. (Attach copy of marriage certificate, insurance info showing marital status, or most recent tax return showing marital status)
3. The student has children who receive more than half of their support from the student. (Attach copy of tax return)
4. The student has other dependents that live with and receive more than half of their support from the student. (Attach copy of tax return)
5. The student is a veteran of the U.S. Armed Forces or is currently serving on active duty in the U.S. Armed Forces for purposes other than training. (Attach copy of military orders or DD214)
6. Both of the student's parents are deceased or the student is or was (until age 18) a ward/dependent of the court or in foster care. (Attach documentation)
7. The student is determined an unaccompanied homeless by a school district homeless liaison, emergency shelter or transitional housing program (Attach documentation)
8. Documentation is provided showing the student provides more than 50% of his/her support for the year (examples may include: tax return, W-2 form, pay stubs, employer earnings verification)

RE-CLASSIFICATION

A student who previously paid out-of-state tuition for previous enrollment may become eligible for reclassification as a resident for tuition purposes by presenting a minimum of three (3) documents identified in section 1009.21(3)(c)1 that convincingly demonstrate the establishment of permanent legal residence in Florida other than for the sole purpose of pursuing a postsecondary education. In addition to providing 3 documents, all students will be required to submit new residency classification info to the Admissions office via online admissions process. The new classification shall take effect at the start of the next semester.

TRANSFERS FROM FLORIDA PUBLIC HIGHER EDUCATION INSTITUTIONS

Once a student has been classified as a resident for tuition purposes, an institution of higher education to which the student transfers is NOT required to reevaluate the classification unless inconsistent information suggests that an erroneous classification was made or the student's situation has changed. However, the student must have attended the institution making the initial classification within the last 12 months and the residency classification must be noted on the transcript and submitted at the time of admission to NWFSC. (Ref. S.1009.21(11))

TRANSIENT STUDENTS

Residency status for Transient students should be determined by the home institution as shown on the Transient Student form. Additional documentation is NOT required unless evidence which contradicts the residency status is submitted.

NON-U. S. CITIZENS

Non-U.S. citizens who are lawfully present in the U.S. such as lawful permanent residents, persons in temporary visa categories, asylees, parolees, and refugees who meet the consecutive 12 month legal residence requirements, are eligible to establish FL residency for tuition purposes. Individuals with non-immigrant visas must provide evidence that: (1) he/she is in an eligible visa category with a departure date that does not fall during the enrollment term; (2) if dependent, parent must also be in an eligible visa category; (3) student or parent (if dependent) must prove Florida residency for 12 month qualifying period. Eligible non-immigrant visas include: A, E, G, H-1B, I, K, L, N, O-1, R, S, NATO-1-7, T, U, V. Certain other non-U.S. citizens meeting certain categories may be eligible to establish Florida residency for tuition purposes. A foreign national (unauthorized alien) who lives in the U.S. without the required documentation is NOT eligible to establish residency for tuition purposes in Florida..

EXCEPTIONS

1. An applicant who intends to make Florida his/her permanent and legal home but has not resided in the State of Florida for the 12-month period and is married to an individual who meets the requirements for classification as a resident for tuition purposes.
Documentation required: Residence Statement completed by spouse, Copy of marriage license, Establishment of legal ties to the State of Florida (see Documents List) by both applicant and applicant's spouse.
2. Active duty service members of the United States stationed in Florida (spouse and dependent children included) who attend a public institution within 50 miles of the military establishment where stationed
Documentation required: Photocopy of military orders or and marriage certificate or dependent ID Card as appropriate required

3. Active duty service members of the United States not stationed in Florida but whose Leave and Earnings Statement or DD2058 lists Florida as his/her legal state of residence.
Documentation required: Photocopy of DD2058 or recent Leave/Earnings Statement
4. Active drilling members of the Florida National Guard
Documentation required: Photocopy of orders
5. Full-time instructional and administrative personnel employed by the state public school system, community college system, or university system (spouse and dependent children included)
Documentation required: Verification on employer letterhead regarding full-time employment status
6. A dependent child who has lived with an adult relative (not a parent or legal guardian) for five years preceding the first day of classes for the term in which residence classification is requested.
Documentation required: Notarized Residence Statement Addendum affirming the relationship of the adult relative to the applicant and the residence of the applicant with the adult relative for the five-year period (Form is available at all NWF State College locations)
7. Persons who were enrolled as Florida residents at a state institution of higher learning but who abandoned Florida residency for less than one year and are now re-enrolling in Florida.
Documentation required: Verification of classification as a Florida resident for tuition purposes at a state institution of higher learning to include the period of time of that classification, verification that legal ties to the State of Florida were not surrendered or that the legal ties have been resumed within the one-year time frame established by exception
8. Latin American/Caribbean Scholars
Documentation required: Verification of participation in the Latin American/Caribbean Scholarship Program.
9. United States citizens living on the Isthmus of Panama who have completed 12 consecutive months of college-level course work at the Florida State University Panama Canal Branch (spouse and dependent children included)
Documentation required: Verification from Florida State University that course work at the Panama Canal Branch has met the requirements of this exceptional clause
10. Full-time employees of state agencies or political subdivisions of the state when the student fees are paid by the agency or subdivision for the purpose of job-related law enforcement or corrections training.
Documentation required: Training authorization form
10. Qualified beneficiaries under the Florida Pre-Paid Postsecondary Expense Program
Documentation required: Copy of Florida Prepaid Card for current term