

# Overview of Residency for Tuition Purposes, s. 1009.21, F.S.

Division of Career and Adult Education



# 2011 Statutory Changes

- All non-fee exempt adult general education students must be assessed tuition.
- Determination of whether the resident or non-resident rates apply must be based on s. 1009.21, F.S.
- See Senate Bill 2150 for details.

# Residency Resources

- s. 1009.21, F.S., *Determination of Resident Status for Tuition Purposes*
- State Board Rule 6A-10.044, F.A.C., and Board of Governors Regulation 7.005 *Residency for Tuition Purposes*
- *Guidelines for Florida Residency for Tuition Purposes*

# s. 1009.21, F.S.

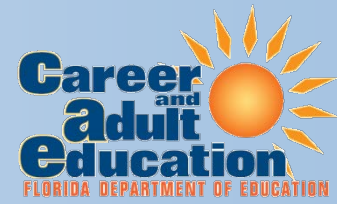
- Subsection (1)(d) - “Legal resident” or “resident” means a person who has maintained his or her residence **in this state for the preceding year**, has purchased a home which is occupied by him or her as his or her residence, or has established a domicile in this state pursuant to s. 222.17.
- Subsection (3)(a) - 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 or, if that individual is a dependent child, evidence of his or her parent’s legal residence and its duration**, as may be required by law and by officials of the institution of higher education from which he or she seeks the in-state tuition rate.

# Who makes the determination?

## **Residency for tuition purposes**

- Charter Technical Career Centers/Career Centers
- Adult General Education programs
- The Florida College System
- The State University System of Florida
- Final determination is always made by the institution, center, or adult general education program

Whose responsibility is it to provide documentation?



**The Student**

# How is eligibility determined?

- Step 1: Have the student complete a residency affidavit
- Step 2: Determine whether the student is dependent or independent
- Step 3: Request acceptable documentation from claimant
- Step 4: Verify that the documentation provides proof of residency for a minimum of 12 months prior to start of classes
- Step 5: Provide a Determination

# Dependent or Independent

- s. 1009.21, F.S., defines dependent students as 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.

## Guidelines

### *3.2 Process/Standards for Proving Independent Status*

- 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...The college, university or adult general education program is not required to collect tax returns for those students who are under the age of 24 and claim to be dependent on the Residency Statement.

# Dependent or Independent

- Students who are under 24 can claim independent status if they meet one of the following categories:
  - Married
  - Veteran
  - Active duty military
  - Have dependents for which the student provides financial support
  - Orphan or ward of the court
  - Unaccompanied homeless youth
  - Provides more than 50% of one's own financial support

# Documentation

Each institution shall affirmatively determine...by the submission of written or electronic verification that includes **two or more** of the following documents:

**Tier 1. The documents must include at least one of the following (one must be from Tier 1):**

- a. A Florida voter's registration card.
- b. A Florida driver's license.
- c. A State of Florida identification card.
- d. A Florida vehicle registration.
- e. Proof of a permanent home in Florida...
- f. Proof of a homestead exemption in Florida.
- g. Transcripts from a Florida high school for multiple years if the Florida high school diploma or GED was earned within the last 12 months.
- h. Proof of permanent full-time employment in Florida for at least 30 hours per week for a 12-month period.

# Additional Documentation

**Tier 2. The documents **may include one or more** of the following:**

- a. A declaration of domicile in Florida (1 year after date filed).
- b. A Florida professional or occupational license.
- c. Florida incorporation.
- d. A document evidencing family ties in Florida.
- e. Proof of membership in a Florida-based charitable or professional organization.
- f. Any other documentation that supports the student's request for resident status, including, but not limited to, utility bills and proof of 12 consecutive months of payments; a lease agreement and proof of 12 consecutive months of payments; or an official state, federal, or court document evidencing legal ties to Florida.

# Examples of documents NOT allowed

- See the Residency guidelines for details
  - Hunting/fishing licenses
  - Library cards
  - Shopping club/rental cards
  - Birth certificate
  - Passport
  - Cellular telephone bills

# Exceptions

- s. 1009.21(10) identifies the following as residents for tuition purposes (These individuals are considered automatic residents and do not need to provide proof of residency evidencing 12 months in Florida):
- Active duty military and Florida National Guard, includes spouses and dependents
  - Instructional and administrative personnel employed by Florida school district or higher education, includes spouses and dependents
  - Students from Latin America/Caribbean who receive federal/state scholarships
  - Active duty members of the Canadian military under certain circumstances
  - Active duty members of a foreign nation's military under certain circumstances
  - And others...

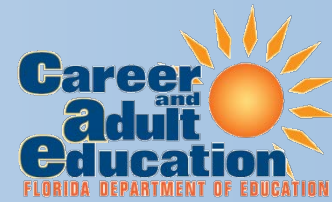
# Previous Residency Classifications

- s. 1009.21(11), F.S. 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 prior 12 months, and the residency classification must be noted on the student's transcript.

# Residency Appeal Committee

- Each **adult education program** must have an official residency appeal process in writing prominently displayed on the institution's web site
- Each **adult education program** must establish a residency appeal committee comprised of at least 3 members
- Residency appeal committee's final determination with reasons must be rendered to the student in writing

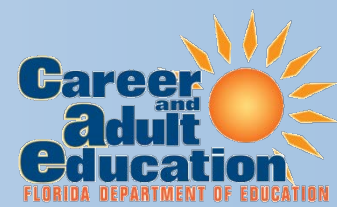
# Residency Reclassification Determination



- A student who has been classified as a nonresident for tuition purposes may become eligible for reclassification. s. 1009.21(6), F.S.
- Documentation of eligibility for reclassification as a resident for tuition purposes requires **3 documents** demonstrating at least 12 months of consecutive legal residence in Florida. **Two of the three documents should be Tier I documents.**

6A-10.044(2), F.A.C.

# A non-U.S. Citizen may be eligible for residency for tuition purposes



- A foreign national in a nonimmigrant Visa classification eligible for study within the enrollment period (For a list of those eligible visa categories, please see Residency Guidelines, Appendix C)
  - A foreign national
    - Permanent resident alien
    - Parolee
    - Asylee
    - Cuban-Haitian Entrants
    - Other legal aliens granted indefinite stay
- 6A-10.044(4), F.A.C., Residency for Tuition Purposes

# Resources

## Department of Highway Safety and Motor Vehicles - Driver and Vehicle Exchange (DAVE) program

- System allows approved users to view driver and vehicle information
- In the driver record section, it will reflect an original issue date in conjunction with any renewal date to determine how long a person has been in Florida.
- Vehicle information provides an original registration date as well.
- Web-based program accessed by a user ID and password.
- The DMVHS/MV requires a Memorandum of Understanding (MOU) with each respective education center in regards to usage and protection of the data that is accessed.
  - MOU will need to be in place prior to setting up access to the program
  - Will also need to be a person designated as the Point of Contact in each respective center who would grant access to their employees
- Requests for this access can be directed to Larry Bilbo at [LarryBilbo@flhsmv.gov](mailto:LarryBilbo@flhsmv.gov) or Warren Whittaker at [WarrenWhittaker@flhsmv.gov](mailto:WarrenWhittaker@flhsmv.gov).