

Applicants for admission are classified as Florida resident (in-state) or non-Florida resident (out-of-state) for tuition and fees assessment purposes based on Florida Statutes 1009.21. The law allows U.S. Citizens and Lawful Permanent residents to be classified as Florida residents for tuition and fees purposes if the independent applicant or the dependent applicant's parent/legal guardian has been a legal permanent resident of the state for at least 12 continuous months preceding the first day of classes of the term for which Florida residency is sought.

## **Determination of Dependency Status for Florida Resident Tuition Rates**

To be considered independent for the purpose of tuition and fees the following criteria will be considered:

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.
3. The student has children who receive more than half of their support from the student.
4. The student has other dependents who live with and receive more than half of their support from the student.
5. The student is a veteran of the United States Armed Forces or is currently serving on active duty in the United States Armed Forces for purposes other than training.
6. Both of the student's parents are deceased, or the student is or was (until age 18) one of the following: a. a ward/dependent of the court, or b. in foster care.
7. The student is determined to be an unaccompanied homeless by a school district homeless liaison, emergency shelter, or transitional housing program.

Evidence that the student meets one of these criteria will be requested.

A student who does not meet any of the criteria outlined above may be classified as an independent student by submitting supportive financial documentation that he or she provides 50 percent or more of his/her support for the year (exclusive of federal, state, and institutional aid or scholarships).

All other students who do not meet the above outlined definition of an independent student shall be classified as dependent students for the determination of residency for tuition and fees purposes. A student, whether or not living with his or her parent, who is eligible to be claimed by his or her parent under the federal income tax code shall be classified as a dependent student.

## **Exceptions/Qualifications**

Section 1009.21, Florida Statutes, permits certain applicants who do not meet residency requirements to be classified as Florida residents for tuition and fees purposes. If an applicant qualifies for a residency exception or qualification, appropriate documentation must be submitted to evidence entitlement to

that exception or qualification. Such evidence is generally specific to the type of residency exception or qualification being claimed by the applicant. These exceptional categories are as follows:

1. Persons who were enrolled as Florida residents for tuition and fees purposes at a Florida public institution of higher education, but who abandon Florida domicile and then re-enroll in Florida within 12 months of the abandonment.
2. Active duty members of the Armed Services of the United States residing or stationed in Florida (and spouse/dependent children); active drilling members of the Florida National Guard; or military personnel not stationed in Florida whose home of record or state of legal residence certificate, DD Form 2058, is Florida (and spouse/dependent children).

3. Active duty members of the Armed Services of the United States (and spouse/dependent children) attending a public 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.
4. 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 spouse/dependent children).
5. Full time instructional and administrative personnel employed by the State public school system and institutions of higher education as defined in s. 1009.21(c) (and spouse/dependent children).
6. Students from Latin America and the Caribbean who receive scholarships from the federal or state government. The student must attend, on a full-time basis, a Florida institution of higher education
7. Southern Regional Education Board's Academic Common Market graduate students attending Florida's state universities.
8. 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.
9. McKnight Doctoral Fellows and Finalists who are United States citizens.
10. 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.
11. Active duty members of the Canadian military residing or stationed in this state under the North American Air Defense (NORAD) agreement (and spouse/dependent children) attending a community college or university within 50 miles of the military establishment where they are stationed.
12. Active duty members of a foreign nation's military who are serving as liaison officers and are residing or stationed in this state (and spouse/dependent children) attending a community college or state university within 50 miles of the military establishment where the foreign liaison officer is stationed.
13. Qualified beneficiaries under the Stanley G. Tate Florida Pre-Paid College Program per s. 1009.98.
14. Linkage Institute participants receiving partial or full exemptions from S. 1009.21, FS, based on criteria approved by the Florida Department of Education per s. 288.8175, FS, which establishes linkage institutes between postsecondary institutions in this state and foreign countries.

A person who physically resides in this state may be classified as a resident for tuition purposes if he or she marries a person who meets the 12-month residency requirement and who is a legal resident of this state. Documentation is required to support this claim.

If a dependent child has been residing continuously with a legal resident adult relative other than the parent for at least three years immediately prior to the first day of classes of the term which Florida residency is sought, the dependent child may provide documentation from the adult relative or from the parent. Both the dependent child and the adult relative or the parent must meet the consecutive 12- month legal residence requirement.

### **Initial Residency Classification**

If a student does not qualify for a statutory residency exception or qualification, they will have to submit documentation that they (or a parent or legal guardian if a dependent) have been a Florida resident for at least 12 months prior to the first day of classes for which the student is enrolling. At least two documents must be submitted with dates that evidence the 12-month qualifying period. At least one of the documents must be from the First Tier as noted on the Residency Declaration Statement. As some evidence is more persuasive than others, more than two may be requested. No single piece of documentation will be considered conclusive. Additionally, there must be an absence of information that contradicts the applicant's claim of residency.

The law allows non-U.S. citizens who are lawfully present in the United States, such as permanent residents, temporary permanent resident, asylees, parolees, refugees and Cuban/Haitian entrants, who have applied for and been approved for such status and who otherwise meet the 12month legal residence requirements, to be eligible to establish Florida residency for tuition and fees purposes.

Provided that the non-U.S. citizen has proof of his or her permanent immigration status, he or she may be classified as a Florida Resident 12 months from the time he or she establishes legal Florida residence for tuition and fees purposes. The following is a list of non-immigrant categories eligible to establish Florida residency for tuition and fees purposes.

Visa Categories are: A, E, G, H-1C, I, K, L, N, O-1, R, NATO-I-7, S, T, U, V.

Non-U.S. citizens in the following categories shall also be considered eligible to establish Florida residency for tuition and fees purposes:

- A. Citizens of Micronesia
- B. Citizens of the Marshall Islands
- C. Individuals granted:
  - 1. Withholding of removal status
  - 2. Suspension of deportation status or cancellation of removal
  - 3. Asylum
  - 4. Refugee status
  - 5. Parolee status
- D. Applicants for adjustment of status
- E. Individuals defined as Cuban or Haitian entrants under the Refugee Education Assistance Act

Applicants should be aware that a false statement regarding residency status is punishable as a misdemeanor under Florida Statutes, Section 837.06. If a statement is determined to be false, student will be subject to discipline by the District Board of Trustees, which may include expulsion and the withholding of credit. Applicants who do not qualify as Florida students under these provisions will pay the non-resident tuition and fees, and other charges required of non-Florida students.

## **Residency Reclassification**

A student who is classified as a non-Florida resident (out-of-state) and seeks reclassification as a Florida resident (in-state) must complete the Residency Declaration form and provide supporting documentation prior to the first day of the first term in which residency is sought. All documents supporting the residency reclassification must show evidence that the student (or if a minor, his/her parent or legal guardian) has resided in Florida for 12 consecutive months. Three documents are required and may include: a valid Florida driver's license, a current voter's registration card, a valid Florida vehicle registration, or a Declaration of Domicile.

### **Residency Declarations forms will be processed within 10 business days.**

The student who comes to Florida to enroll full-time in a Florida postsecondary educational institution as an out-of-state resident and continuously enrolls in a Florida institution will not normally meet the Florida residency requirement for in-state tuition and fees regardless of the length of time enrolled.

## **Guidelines for Appeal of Florida Residency Classification**

### **Step 1. Student's Submission of the Request**

The student initiates the appeals process in the Campus Student Success Office or the authorized center administrator's office no later than the A16 Session withdrawal deadline of the following term. The student submits the completed appeal form and supporting documentation to the Campus Dean Office or to the authorized center administrator. The campus or center representative for the Campus Student Success Office then forwards the appeal to the Residency Appeals Committee.

### **Step 2. Collegewide Residency Appeal Committee Review**

During its regularly scheduled meetings, the committee will review the appeals submitted for that month. The committee may request additional information from the student or the campus in order to make its decision.

Students should expect a response to their appeal within 4-6 weeks.

### **Step 3. Final Residency Determination**

Upon review, the Residency Committee will inform the student of its decision in writing. The committee's decision is final and may not be appealed. The postsecondary institution makes all residency determination. Note: Residency requirements are subject to change pending the decisions of

the Florida Legislature. To view any changes to the residency requirements, consult [floridashines.org](http://floridashines.org).