

College Operating Procedures (COP)



Procedure Title: Residency for Tuition Purposes
Procedure Number: 06-0102
Originating Department: Student Services

Specific Authority:

Board Policy
Florida Statute 1009.21
Florida Administrative Code 6A-10.044

Procedure Actions: Adopted: 04/12/10; 9/01/10

Purpose Statement: This policy is intended to ensure that the admissions and registration staff is implementing the most current interpretation of state legislation as it pertains to the classification of students as Florida residents and non-residents for tuition purposes.

Guidelines:

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Procedures:

Note Regarding Updates

Because the Section 1009.21, F.S. is amended frequently, the Registrar routinely refers to the updated residency guidelines available through FACTS. These guidelines and their relevant laws can be found at <https://www.flvc.org/apply/residency-guidelines>

I. Residency Rules/Guidelines

All documents supporting the establishment of legal residency must be dated, issued, or filed 12 months prior to the last day to apply for change of residency for tuition purposes for the term for which a Florida resident classification is sought and submitted to the Office of the Registrar by the deadline published in the official College Calendar. Students are required to submit an affidavit of residency; this affidavit must be signed by the person claiming residency and should be accompanied by supporting documentation. A copy of your most recent tax return and/or your parent's or legal guardian's tax return may be required to establish dependence/independence. Please note that a step-parent cannot be the claimant unless he or she has legally adopted or has legal guardianship of the student (copy of court papers required).

To qualify as a resident for tuition purposes, you must be a U.S. citizen, legal Permanent Resident, or hold a visa status approved by the Florida Legislature. Living on or attending school in Florida does not, in itself, establish legal residence. Students who depend on out-of-state parents for support are presumed to be legal residents of the same state as their parents.

A Florida resident for tuition purposes is a person who, or a dependent person whose parent or legal guardian, has established and maintained legal residence in Florida for at least 12 consecutive months immediately preceding their first enrollment at Florida SouthWestern State College (College). If the student was initially classified as a non-Florida resident for tuition purposes (for example: the student was previously enrolled in a Florida institution of higher education as a non-Florida resident and paid non-Florida resident tuition and fees; or, upon admission to the College, the student signed the residency affidavit stating they were not a Florida resident) the student, or a dependent student's parent or legal guardian, must have established and maintained legal residence in Florida for at least 12 consecutive months immediately preceding the proof of Florida residency deadline of the term for which reclassification to Florida resident for tuition purposes is sought. Students who have not been enrolled for the past year will need to readmit and will be required to submit new documentation to prove Florida residency.

II. Dependent versus Independent Student:

1. **DEPENDENT STUDENT:** If you are under age 24 and 50% or more of your support is provided by another as defined by the Internal Revenue Service, you will be classified as a dependent student. In this case, your parent will
2. **INDEPENDENT STUDENT:** If you meet any one of the following criteria, you will be classified as an independent student:
 - a. You are 24 years of age or older prior to the Proof of Florida Residency Deadline
 - b. You are married (copy of marriage certificate required).
 - c. You have a child or other dependent who lives with you and receives their support from you (copy of most recent federal tax return listing the child as your dependent required)
 - d. You are a veteran of the United States Armed Forces (copies of DD214 or military orders required)
 - e. Your parents are deceased and you are, or were until age 18, a ward of the court (copies of court documents required)
 - f. You can provide documentation that you are not claimed by your parent/legal guardian as a dependent under the federal tax code and can document that you provide at least 51% of your own support for the cost of attendance as defined by the the College Financial Aid Office (copy of your most recent federal income tax return and W2 form(s) required)

III. Initial Classification Requirements

The claimant must provide two forms of evidence from the following lists: at least one document **MUST** be from Tier One; ONE document from Tier Two may be used in conjunction with one document from Tier one. **ALL** documents supporting the establishment of legal residence (whether from Tier One and/or Tier Two) must be dated, issued, or filed 12 consecutive months

before the last day to apply for change of residency for tuition purposes for the term for which Florida Resident classification is sought

1. **TIER ONE Documentation** (at least ONE document MUST be from the following list)
 - a. Florida Driver's License or Florida Identification Card
 - b. Florida Voter Registration
 - c. Florida Vehicle Registration
 - d. Declaration of Domicile (must be certified by a Clerk of the Court at least 12 consecutive months prior to last day to apply for change of residency for tuition purposes)
 - e. Proof of purchase of a permanent home that is occupied as a primary residence of the claimant (Homestead Exemption; contracts/agreements must be dated 12 consecutive months prior to the last day to apply for change of residency for tuition purposes).
 - f. Transcript from a Florida high school for multiple years or a Florida GED and score report (only if high school diploma or GED was earned within the last 12 consecutive months); if transcript or Florida GED is the student's the claimant must be listed as the student's parent or legal guardian
 - g. Proof of permanent full-time employment (letters from current and past employers must be on company letterhead stating the date of hire and that claimant has been employed as a permanent full-time employee for the last 12 consecutive months)
 - h. Benefit histories from Florida agencies or public assistance programs

2. **TIER TWO Documentation** (ONE document from the following list may be used if claimant has only one document from Tier One):
 - a. A Florida professional or occupational license (must be current and show at least 12 consecutive months)
 - b. Utility bill and proof of 12 consecutive months of payments (electric, gas water, cable/satellite TV; service must be current and only one utility may be used). Cell/mobile phones cannot be used
 - c. Documents evidencing family ties (Example: adoption or legal guardianship papers or other official court documents)
 - d. Lease agreement and proof of 12 consecutive months of payments (lease must be current; copies of prior leases may be used to establish 12 consecutive months)
 - e. Proof of membership in Florida-based charitable or professional organizations (NOTE: membership in a church does not constitute membership in a Florida-based charitable organization).

III. Reclassification to Florida Resident

An individual who is initially classified as a nonresident for tuition purposes (you were previously enrolled in a Florida institution of higher education as a non-Florida Resident and paid non-Florida Resident tuition and fees; or upon admission to the College you signed the residency affidavit stating you were a non-Florida resident) may become eligible for reclassification to a Florida Resident for Tuition Purposes only if that individual, or his or her parent or legal guardian if that individual is a dependent, supports permanent residency in

Florida by presenting documentation of establishment of bona fide domicile in this state for at least 12 consecutive months. The burden of proof is on the student and/or the claimant to show both of the following:

1. Proof of residency in Florida for the required 12 month period; and
2. That residency in the state of Florida is/was not merely temporary or incident to enrolling in a college or university located in Florida; the claimant's signature on the Statement of Florida Residency certifies that the claimant satisfies this requirement in one of the eight ways listed below; additional evidence or documentation may be required.

Required Documentation

To satisfy item number 1 above (Proof of residency), the student, or his or her parent if that student is a dependent, must provide two (2) of the following three(3) documents dated at least 12 consecutive months prior to the Proof of Florida Residency deadline:

1. Florida Driver's License or Florida Identification Card (required)
2. Florida Vehicle Registration (must show proof of 12 consecutive months, 2 years of vehicle registrations may be required)
3. Florida Voter Registration

If the claimant does not have two of the three above documents, consideration may be given on a case-by-case basis for utilizing other documents that prove Florida residency; however, **in all cases** the claimant must have a Florida Driver's License or Identification Card.

To satisfy item number 2 above (Residency is not temporary or incident to enrolling in a Florida college), the student, or his or her parent if that student is a dependent child, certifies with their signature on the Residency Affidavit form that they meet at least one of the following criteria (additional evidence or documentation may be required for meeting the requirement of reclassification):

1. The claimant was not enrolled full time in a Florida higher education institution during the previous 12 months (Full-time during the fall, spring and summer terms as defined as 12 credits per term).
2. The claimant has maintained a full-time permanent job in Florida during the previous 12 months. Full-time employment is considered one or more permanent jobs for a minimum of 30 hours a week.
3. The claimant was transferred to a full-time permanent job in Florida prior to initial enrollment as confirmed on corporate or organizational letterhead.
4. The claimant has an immediate relative (i.e. parent or child) who is currently living in Florida and who has resided in this state for the previous 12 months.
5. The claimant has purchased a home in Florida as primary residence (evidenced by a homestead exemption) prior to initial enrollment.
6. The claimant has received a military discharge and established residency in Florida prior to initial enrollment.
7. The claimant received social service benefits (i.e. disability) from the State of Florida during the previous 12 months.

8. The claimant lost their house or other domicile in another state due to a severe natural disaster or crisis resulting in a state of emergency (i.e. hurricane or earthquake) that occurred prior to initial enrollment.

IV. Statutory Exceptions and Qualifications.

Section 1009.21, Florida Statutes, permits certain applicants who do not meet the 12-month legal residence requirement to be classified as Florida residents or “temporary residents” for tuition purposes. The College will require documentation in support of the following exceptions; however, the student does not have to show 12 months of residence in Florida prior to qualifying. These exceptions and qualifications categories are as follows:

1. Dependent children residing continuously with a legal resident adult relative other than the parent for at least 5 years immediately prior to the first day of classes of the term which Florida residency is sought
2. Persons married to legal Florida residents and who intend to make Florida their permanent home, and who relinquish their legal ties to any other state.
3. Persons who were enrolled as Florida residents for tuition purposes at a Florida public institution of higher education, but who abandon Florida residency and then re-enroll in Florida within 12 months of the abandonment – provided that he/she continuously maintains the re-established domicile during the period of enrollment. (This benefit only applies one time.)
4. Active duty members of the Armed Services of the United States residing or stationed in Florida (and spouse/dependent children); active duty members of the Florida National Guard (and spouse/dependent children) who qualify under 250.10(7) and (8); 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).
5. Active duty members of the Armed Services of the United States and their spouses/dependent children 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.
6. 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
7. Full time instructional and administrative personnel employed by the State public school system, community colleges and institutions of higher education (and spouse/dependent children)
8. 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
9. 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
10. 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 public community college or university within 50 miles of the military establishment where they are stationed

11. 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 community college or state university within 50 miles of the military establishment where the foreign liaison officer is stationed
12. Qualified beneficiaries under the Florida Pre-Paid Postsecondary Expense Program per s. 1009.988(2). (Pre-Paid ID Card Required)
13. 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. See Section 7.0, Immigration and International Student Issues, for more information on Linkage Institutes.

V. Residency Classification Appeals

Students wishing to appeal their initial residency classification must submit an Appeal of Resident Status within 10 calendar days prior to the first day of class to the Office of the Registrar on their campus.

<http://www.fsw.edu/admissions/residency>

1. The student must complete the College-wide Appeal for Florida Residency Classification for Tuition Purposes Form and state the reason(s) for appealing the original decision. The explanation should address any information that was not previously submitted or considered by the campus.
2. A copy of all new and previously submitted documents supporting the Florida residency claim must be attached to the form.
3. The form must be signed by the student and submitted with required documents to the Campus Registrar's Office where the process was initiated.
4. The residency committee, which is composed of the Registrar and the Lee, Collier and Charlotte Associate Deans of Enrollment Management, will review the appeals submitted on an as needed basis. The committee may request additional information from the student in order to make its decision.
5. Upon review, the Residency Appeal Committee will inform the student of its decision in writing.